

DECISION No. 16/1996 (ISRAEL)

Communication addressed to the Government of Israel  
on 7 February 1995.

Concerning: Ghassan Attamleh, on the one hand and the State  
of Israel, on the other.

1. The Working Group on Arbitrary Detention, in accordance with the revised methods of work adopted by it and in order to carry out its task with discretion, objectivity and independence, forwarded to the Government concerned the above-mentioned communication received by it and found to be admissible, in respect of allegations of arbitrary detention reported to have occurred.
2. The Working Group notes with concern that till date no information has been forwarded by the Government concerned in respect of the case in question. With the expiration of more than ninety (90) days of the transmittal of the letter by the Working Group, it is left with no option but to proceed to render its decision in respect of the case of alleged arbitrary detention brought to its knowledge.
3. (Same text as para. 3 of Decision No. 35/1995.)
4. In the light of the allegations made, the Working Group would have welcomed the cooperation of the Government of Israel. In the absence of any information from the Government, the Working Group believes that it is in a position to take a decision on the facts and circumstances of the case, especially since the facts and allegations contained in the communication have not been challenged by the Government although it was given the opportunity to do so.
5. According to the communication submitted by the source, a summary of which was forwarded to the Government, Ghassan Attamleh, born on 23 September 1963, resident of Reineh, near Nazareth, was reportedly arrested on 27 November 1994 at his house by a group of about 10 people combined of General Security Services (GSS), Police officers and IDF. Following a thorough search a warrant of arrest was produced and Mr. Attamleh was taken to the HaSharon prison, near Haifa, and then transferred to Nitzan prison, near Ramla, where he is still reportedly detained. According to the source, Mr. Attamleh has not been charged with any offence. On 18 December 1994, 21 days after his arrest, he was informed that he had been placed under administrative detention for three months. It was further reported that at a hearing before a district court judge, it was stated that Attamleh was suspected of membership of a terrorist organization. On order of the judge, the submission of evidence to support the allegation was done without the presence of the detainee or his legal counsel. The source added that the administrative detention order was reviewed by the President of the Nazareth District Court, who approved the order on 10 January 1995. An appeal to the Supreme Court was submitted by Mr. Attamleh's lawyer, but has reportedly not yet been considered. According to the source, if the authorities had substantial evidence that Mr. Attamleh had committed criminal offences, they should charge him and bring him to trial. The use of

administrative detention in this case allegedly aimed at denying Mr. Attamleh the guarantees contained in article 14 (3) of the International Covenant on Civil and Political Rights, to which Israel is a party.

6. It appears from the above allegations that the detention of Ghassan Attamleh during 21 days following his arrest and during the following three-month term of administrative detention, was approved by a judge. The Working Group further notes that since January 1995, date of the transmission of the case by the source, the Working Group has not received any further information concerning the case.

7. In the light of the above the Working Group decides:

The case of Ghassan Attamleh is maintained pending for further information, in keeping with paragraph 14.1 (c) of the revised methods of work of the Working Group.

Adopted on 23 May 1996.