



14 February 2012

Mr. Ehud Barak
Minister of Defense

Re: ***Urgent Request to Release or Try Khader Adnan Mohammad Musa***

Dear Mr. Minister:

I am writing to ask for your urgent intervention to ensure the immediate release of Khader Adnan, currently in administrative detention, who has been on a hunger strike for 60 days; or alternatively – if the evidence so warrants – to put him on trial.

Mr. Adnan was arrested on 17 December 2011 and has been in administrative detention since 8 January 2012; to this day, no charges have been filed against him and he has not been given the opportunity to address any claims in a fair trial. To protest the abuse and brutal treatment that Mr. Adnan says he experienced during his arrest and interrogation, and to protest his continued detention without trial, Mr. Adnan began a hunger strike. According to Israeli human rights organization Physicians for Human Rights – Israel (PHR-Israel), Mr. Adnan's health has seriously deteriorated as a result of the hunger strike, and continuing it will endanger his life. Under these circumstances, denying Mr. Adnan his freedom without trial is particularly grave, and immediate measures should be taken to release him or give him a fair trial.

Administrative detention, which allows the denial of a person's freedom for months without trial, severely harms basic human rights, above all the right to freedom and dignity. Although administrative detainees are brought before a judge for review of their detention, the preponderance of material on which the detention is based remains classified – hidden from the suspect and his attorney – hence the detainee has no real opportunity to defend himself or refute the accusations against him. Under these circumstances, judicial oversight is no real guarantee of the lawfulness of the detention, and even the fairest of judges cannot administer justice. Judicial oversight in this context lacks the minimal assurance of a proper judicial process, and can doubtfully be regarded as a fair judicial procedure.

Beyond the injury of administrative detention to a person's elementary right to due process, such detention is not limited in time (since it can be extended indefinitely). Therefore the detainee is in an untenable situation of ongoing uncertainty about his future and the length of his incarceration. This can be a source of severe emotional strain and constitutes additional humiliation, as the individual lacks all tools to defend himself.

Despite the extreme nature of administrative detention, Israeli security forces have over the years made routine use of it in the Occupied Territories. On 31 December 2011, according to B'Tselem data, no fewer than 307 Palestinians were being held in administrative detention – and this number has shown a worrisome increase recently. Mr. Adnan's hunger strike is yet another reminder of the severe violation of human rights caused by isolating someone from his environment and family with no manifest reason or proven basis.

According to the ruling by the Military Court of Appeals on 13 February 2012, the detention order against Mr. Adnan was issued because of "organizational activity" attributed to him in the Islamic Jihad organization. Clearly terrorist activity is completely unacceptable, and is itself a fatal blow to the most fundamental human rights, including the right to life. However, if a claim is being made that Mr. Adnan is involved in any unlawful activity, there is a basic obligation to inform him of the nature of the specific accusations against him, and to conduct a fair proceeding that allows for investigation of his guilt.

This case is particularly grave in light of the shocking reports of Mr. Adnan's detention conditions. According to Physicians for Human Rights, he is handcuffed to his bed on both sides in Sieff Hospital in Safed – in contravention of procedures concerning the shackling of a detainee in a public place, medical ethics, and logic, as this would not be necessary to prevent the escape of someone in such poor physical health.

In light of the above, and considering the deteriorating state of Mr. Adnan's health, I urgently appeal to you to ensure Mr. Adnan's immediate release from administrative detention or that he be put on trial. Human morality, rational thinking, and concern for the democratic character of Israel obligate us to bring this terrible affair to an end.

Sami Michael

Sami Michael, President
The Association for Civil Rights in Israel (ACRI)