

EXTERNAL

AI Index: MDE 15/13/92  
Distrib: PG/SC

Date: 2 June 1992

*@ ADMINISTRATIVE DETENTION*

**Dr Rabah Hasan 'Abd al-'Aziz Mohanna  
ISRAEL AND THE OCCUPIED TERRITORIES**

Dr Rabah Mohanna was arrested on 29 October 1991 and served with a six-month administrative detention order which expired at the end of April 1992. Amnesty International has now learned that this detention order has been extended for a further six months. Dr Mohanna is not now due for release until 26 October 1992. Dr Mohanna believes that he was arrested for having expressed reservations publicly about the Middle East Peace Conference which took place in Madrid at the end of October 1991. The Israeli authorities have stated that he was placed in detention because he was active within the Popular Front for the Liberation of Palestine (PFLP) in Gaza and that his detention order was extended because he remained active within the PFLP while imprisoned. Appeals against both orders were rejected. He is currently held in the Ketziot detention centre in southern Israel.

In a Fact Sheet dated 15 March 1992 (attached) the Israeli Ministry of Justice claims that Dr Mohanna is a senior member of the PFLP who was arrested for his activities in that organization and not for his opposition to the peace process. The Fact Sheet also suggests that Dr Mohanna was involved in violent activities.

Amnesty International is aware that various Palestinian groupings such as the PFLP do advocate violence against Israel and have carried out acts of violence, including arbitrary killings. However, it does not accept that active membership of or other forms of association with groups such as the PFLP necessarily constitute conclusive evidence that a certain individual has used or advocated violence. It looks at each individual case on its own merits.

Amnesty International notes in this case that the Israeli authorities have not provided any evidence to either Dr Mohanna or his lawyer about the activities he is alleged to have carried out on behalf of the PFLP nor even to prove his alleged membership. Dr Mohanna has denied both membership of and activities on behalf of the PFLP. Amnesty International also notes that at no point either in the non-classified evidence or in the judges' decisions at his appeals has Dr Mohanna been referred to as someone who used or advocated violence. Dr Mohanna claims that he is not opposed to peace negotiations *per se*, but only that he has been critical of the current negotiations in their present form.

According to Dr Mohanna's lawyer, when rejecting the first appeal the judge wrote the following:

"Membership and activity in a hostile organization is a criminal offence, and if the sources of information could have been revealed, it is not impossible that the appellant would have been brought to trial."

A trial would permit Dr Mohanna to challenge the accusations and evidence against him, an opportunity he has so far been denied. Administrative detention should not be used as a substitute for, and means of avoiding the safeguards of the criminal justice system. Amnesty International believes that Dr Rabah Mohanna should be released from detention unless he is charged with a recognizably criminal offence and given a fair trial without delay.

Amnesty International is also concerned that Dr Mohanna may be detained solely for his non-violent political opinions or activities. If so, he should be released immediately and unconditionally.

### Background

Dr Mohanna lives in the Gaza Strip. He graduated in medicine from al-Azhar University, Cairo, in 1973 and studied further in Egypt and Scotland before returning to Gaza. He worked at al-Shifa Hospital and was responsible for the diabetes program in the Gaza Strip. He is aged 42 and at the time of his arrest was Vice-President of the Arab Medical Association in Gaza.

Since the end of 1991, in the Occupied Territories (except for East Jerusalem), administrative detention orders can be issued by military commanders for a period of up to six months, after which they may be indefinitely renewed for further periods of up to six months. The detainee has no access to any judicial review until he has lodged an appeal and the appeal hearing begins; this often takes place several weeks or sometimes months after arrest. Even then, detainees and their lawyers are provided with insufficient information about the grounds for arrest to enable them to effectively challenge the detention order. The grounds for detention are generally formulated in a very broad manner and appeals against administrative detention orders are in the majority of cases rejected.

Administrative detention can and has been used by the Israeli authorities to detain prisoners of conscience. Amnesty International opposes the prolonged detention without fair trial of all political prisoners and holds such a system of administrative detention to be a serious violation of human rights. More than 15,000 Palestinians have been detained by administrative order since the outbreak of the Palestinian uprising in December 1987.

Dr Mohanna is reported to suffer from gallstones with inflammatory complications to his liver and pancreas. On 17 May 1992 he wrote to the commander of the Ketziot detention centre describing his medical problems and expressing concern that he was in need of hospital tests. In his letter he explained that he had been suffering from inflammatory complications, and said "I have begun to suffer from incessant pain, itching, weight loss, weakness... as well as repeated inflammations". Dr Mohanna had spoken earlier to a medical officer at the detention centre who had promised on 8 May that he would be referred to hospital for tests and to determine whether he should undergo surgery. His letter says, however, that on 13 May he was informed that the head doctor at the detention centre had refused permission to allow his referral to hospital. Dr Mohanna asked the commander of the detention centre to exercise his authority to allow him to undergo tests, writing that he feared the consequences if proper evaluation and surgery were unduly postponed.

Amnesty International is concerned about Dr Mohanna's state of health and is seeking information from the Israeli authorities about his present situation.

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To: Medical professionals  
From: Medical Office / Research Department - Middle East  
Date: 2 June 1992

*FOLLOW UP TO MEDICAL LETTER WRITING ACTION*

(See MDE 15/67/91 - 16 December 1991)

**Dr Rabah Hasan 'Abd al-'Aziz Mohanna  
ISRAEL AND THE OCCUPIED TERRITORIES**

**Keywords**

Theme: Administrative detention

Profession/association: Doctor/Arab Medical Association in Gaza

**Summary**

Dr Rabah Hasan 'Abd al-'Aziz Mohanna, from the Gaza Strip, was arrested on 29 October 1991 and placed under six months' administrative detention, due to expire at the end of April 1992. His detention order has now, however, been extended for a further six months. He is Vice-President of the Arab Medical Association in Gaza.

**Recommended Actions**

Letters are requested from medical professionals to the addresses below:

- expressing concern at the arrest of Dr Rabah Hasan 'Abd al-'Aziz Mohanna on 29 October 1991 and at the recent extension of his administrative detention order<sup>1</sup>
- seeking details of the reason for his arrest and the grounds on which his detention order has been extended for a further six months
- urging that, unless he is to be charged with a recognizably criminal offence and tried promptly, he be released from custody
- calling for his immediate and unconditional release if he is held solely because of his non-violent political opinions or activities
- noting that he is in need of medical care and appears to require referral for hospital tests, and seeking information on his present state and the medical attention he is receiving

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<sup>1</sup>(You should give Dr Mohanna's full name, identity number [927726125], occupation and place of residence [Rimal, Gaza City].)

**Addresses**

Yitzhak Shamir  
Prime Minister  
Office of the Prime Minister  
3 Kaplan Street  
Hakiryia  
67659  
Jerusalem 91919  
Israel

Moshe Arens  
Minister of Defence  
7 "A" Street  
Hakiryia  
Tel Aviv  
  
Israel

Commander Ze'ev Shaltiel  
Warden  
Ketziot Detention Centre  
Quseima  
Israel

**Copies should be sent to:**

Judge Yosef Harish  
Attorney General  
PO Box 1087  
Jerusalem  
Israel

**Copies may also be sent to any of the following addresses, marked 'for information only'**

The Arab Medical Association in Gaza  
PO Box 1048  
Gaza  
via Israel

The Association of Israeli-Palestinian Physicians for Human Rights  
PO Box 10235  
Tel Aviv 61101  
Israel

The Director  
al-Shifa Hospital  
Gaza  
via Israel

Gaza Community Mental Health Programme  
PO Box 1049  
Gaza  
via Israel