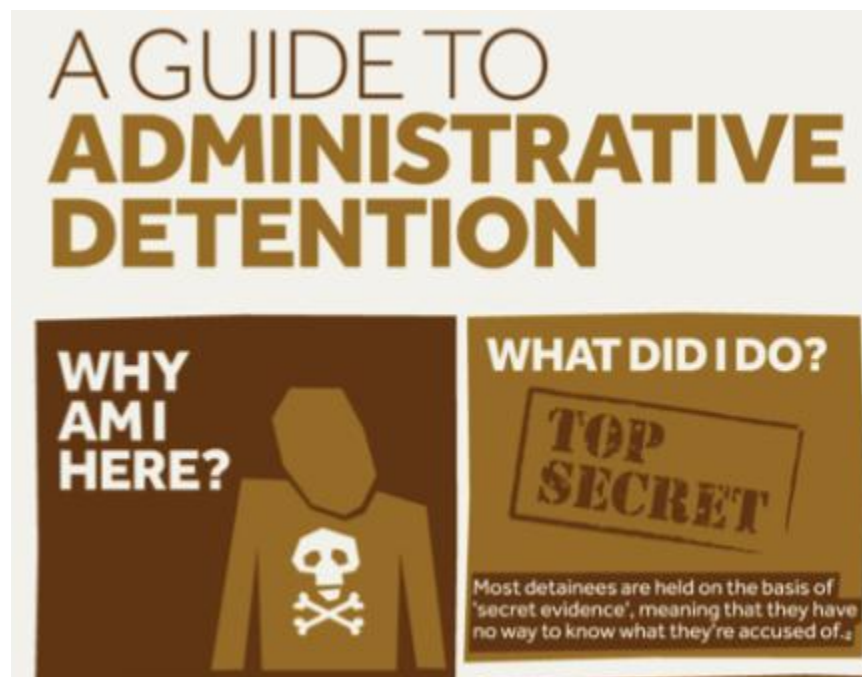


“Administrative Detention of Palestinian Journalists”

With the Israeli authorities resorting to administrative detention, arrests of Palestinian journalists have dramatically risen and escalated during 2016 and early 2017. Administrative detention is not based on charges and thus detainees are not given a trial. It can also be extended and/or renewed for indefinite periods which often last for years.

Administrative detention is the result of the arrest of a person without a charge or indictment, usually based on “intelligence or secret information” or because of a lack of evidence against the accused. Such detention both violate the presumption of innocence and takes the ‘accused’ into court only to have his detention extended. In other words, the Israeli Shin Bet security service is the body ordering arrests and not the court, thus violating the right to a just and fair trial.



Administrative detention is arbitrary and is also contrary to the most basic standards of international human rights, being carried out without a charge and without a trial for the detainee.

The administrative authorities resort to administrative detentions on a routine basis, with detainees held from one to six months, and their detention subject to renewal for several times and without a definite period. The only justification for such orders is “secret information.” Such information are not disclosed neither to the detainees themselves nor to their lawyers, giving vent to the Israeli authorities to continue to detain Palestinian citizens, including journalists, for as long as they please.

Addameer Prisoner Support and Human Rights Association states that the longest period of administrative detention was for 8 years, endured by a Palestinian detainee in Israeli jails without being charged.¹

Many Palestinian citizens have been subjected to administrative detention since the beginning of the 1967 Israeli occupation, including journalists. The Palestinian Center for Development and Media Freedoms (MADA) observed a total of 93 cases of detentions and arrests of journalists and media workers² since the beginning of 2014 until the middle of 2017 (three years and a half).

15 journalists have been administratively detained during the three-and-a-half years covered by this report. Three of them were detained twice, making a total of 18 cases of administrative detention out of a total of 93 arrests and detentions of journalists and media workers by the Israeli army and authorities since the

¹ A position paper on administrative detention, <https://goo.gl/iL6uLH>

² 13 journalists were arrested in 2014, 20 in 2015. However, the number doubled in 2016 with 46 journalists and media workers detained. In the first half of 2017, 14 journalists were arrested by the Israeli occupation forces.

beginning of 2014 up until mid-2017, some of them are still in administrative detention (see attached list of administrative detainees).

While international law allows in very exceptional cases administrative detention, it restricts the use of such measures on very strict terms. That is to say, it can only be used as a last resort to prevent a danger that cannot be thwarted by means that are less harmful to the rights of persons. The Israeli occupation forces arrested several such journalists during the period covered by this report, renewing the detention of most of them more than once, and re-arresting some of them after months of their release (in addition to the administrative arrest of hundreds of other Palestinian citizens).³ It is clear that the occupation authorities routinely use this kind of detention, which is contrary to international conventions and international law. It further undermines the basic principles of justice with regards to the detainees' right to a fair trial, and their right to "be informed, at the time of arrest, of the reasons for [their] arrest and ... informed of any charges against [them]." As dictated by the International Covenant on Civil and Political Rights.

Whereas Israeli authorities invoke what they call "secret information" and stress the necessity for such arrests, a conspicuous look into this arbitrary practice reveals otherwise. An Israeli Hebrew-language site of mekomit.co.il, wrote an article titled, "Omar Nazzal no longer a security threat" two days after the release of Omar Nazzal, a member of the General Secretariat of the Palestinian Journalists Syndicate, criticizing administrative detention of Palestinian journalists. "The IDF spokesman goes out of the blue to say that journalist Omar Nazzal no longer poses

³ According to a statement issued by the Prisoners' Affairs Committee, the Palestinian Prisoner's Club and the Palestinian Statistics Bureau on April 13, 2017 (i.e., on the eve of the prisoner's day, which falls on April 17 of each year, the number of Palestinians administratively detained in Israeli jails reached about 500.) The number of administrative detention orders issued since the Al-Aqsa Intifada on 28 September 2000 amounted to 27,000 new administrative detention orders, and the renewal of a previous detention, equivalent to about 1588 administrative detention orders each year. For more details: <http://cutt.us/i50mz>

a threat to security. Nazzal is one of many who have been in administrative detention for months and even years in Israeli prisons. They are later released and named as no longer posing a threat to the Israeli security.”⁴

Although the number of journalists who have been administratively arrested appears relatively small compared to the total number of journalists arrested and detained during the period covered by this report (18 cases out of 93 arrests, i.e. 19% of the total number of arrested Journalists and media workers).

Regardless of their number, these administrative arrests targeting journalists are the most serious, arbitrary and severe for three main reasons:

- 1. The Israeli occupation authorities carry out these arbitrary arrests without charges.**

In a press statement before media workers and his fellow journalists, Omar Nazzal, a 54-year-old member of the General Secretariat of the Palestinian Journalists' Syndicate, who was released from Ofer Prison on February 20, 2017 said, “I spent 10 months in prison and was brought before the Israeli military court 13 times without knowing until this very moment what my charges were.”

- 2. Extension of detention period**

The occupation authorities usually resort to extending the period of arbitrary administrative detention more than once, often a few days before their detention is over. This policy causes tremendous psychological pressure on detainees and their

⁴ <https://goo.gl/WVYily>

families. It is shocking for a detainee waiting longingly to be released, to be informed a few days before that his detention is extended.

3. Rearrests

In many cases, the Israeli authorities re-arrest the person previously subjected to administrative detention sometime after his release. Incidents like this happened with Nidal Abu Akar, Muhammad al-Qaiq and Osama Shahin. They all were in administrative detention several months after their release, while two of them are still in detention as of the writing of this report (September 2017).

The occupation authorities arrested journalist al-Qaiq on 21st Nov. 2015 and turned him into administrative detention, which led to his protest and then his famous open hunger strike that lasted for 93 days. The hunger strike forced the occupation authorities to release him on 21st of May 2016, less than eight months, but he was arrested again on 15th January 2017 and was turned again into administrative detention. Three weeks after his detention (specifically on February 5, 2017) he started another open hunger strike that lasted for 33 days in protest of his re-arrest and transfer to administrative detention.

Previously, journalist Nidal Abu Akar was detained on 9th of August 2016, several months after his release from a 5th-time-renewed administrative detention. The total period he spent in Israeli prison was about a year and a half.

Only three journalists in administrative detention were excluded from re-arrest out of 15 during the period covered by this report. That is, the occupation authorities re-arrested and/or renewed the detention of 12 journalists who were administratively detained for more than once.

(This means that 80% of administrative detention cases were renewed more than once).

Three of the 15 journalists (Nidal Abu Aker, Osama Shaheen and Mohammed al-Qaiq) were administratively detained several months after their release. During their first detention, these 3 detainees did not have their detention renewed by the Israeli occupation authorities. But Israeli authorities renewed their administrative detention more than once in their second detention, which means that the renewal rate of administrative detention is over 83% of the total number of administrative detentions.

The number of times administrative arrests were renewed varies, but most of detentions were renewed three times in a row. Detention of journalist Nidal Abu Akar was renewed for five times.⁵ The detention of journalist Omar Nazzal was renewed four times in a row, Ahmed al-Khatib, Aziz Kayed, Adib al-Atrash, Hassan al-Safadi, Ali al-Aweiwi and Mohammed Qaddoumi were arrested three times in a row.

The arrests of the following journalists (*Osama Shaheen, Mohammed al-Qaiq, Ali al-'Uwawi and Muhammad Mona*) were renewed for two consecutive periods. However, the chances of renewing their detention for other times remain strong.

Previously, the detention of journalist Nidal Abu Aker was renewed five times in his first administrative detention, and another three times during the period covered by the report, while he remains under administrative detention until today.

In total, the 15 journalists who were subjected to administrative detention (some of whom were arrested twice) were subjected together to a total of 40 administrative detention and renewal periods (see attached table).

⁵ He is still in prison until this time, though his detention was previously renewed for 5 times, he was then rearrested and his detention was renewed twice. same happened with both al-Qaiq and Osama Saheen, who were rearrested months after their release

A list with the names of journalists in administrative detention from 2014 up until mid-2017

No.	Name	Institution	Detention/Renewal Date	Notes
1.	Ahmed Al-Khateeb	Photographer for Al-Aqsa media outlet	From 6 th of July 2014, up to 4 months.	His detention was renewed 3 times, the last in 15 th Feb. 2015
2.	Aziz Haroon Kayed	Manager of Al-Aqsa media outlet in the West Bank	Detained on 17 th June 2014	His detention was renewed 3 times, the second in 30 th Nov., 2014 and the third in 23 rd Feb. 2015 – up to 4 months.
3.	Osama Hussein Shaheen	Correspondent for <i>You Free</i> and <i>In the Mind</i> British Associations	Arrested on 10 th Dec. 2014, then transferred to administrative detention for 4 months	
4.	Ameen Abdelaziz Abuwarda	Manager of Asdaa Office for Journalism and Media	Arrested on 6 th July 2015	On 21 st April 2015, he was transferred to administrative detention for 6 months
5.	Nidal Naeem	Program	Detained on 20 th	His detention was

	Abu Akar	broadcaster on Prisoners at Alwehda radio station	June 2014 and remained in administrative detention for a year and a half	renewed 5 times, the fifth on 10 th Sep. 2015, to be released in 10 th Dec. 2015.
6.	Nidal Naeem Abu Akar		Re-arrested in 9 th Aug. 2016	As of the publication of this report, his detention was renewed 3 times, each for 6 months of imprisonment. He still remains in prison.
7.	Mohammed Adib al-Qaiq	Correspondent for Al-Ikhbariya Saudi news agency	Arrested on 21 st Nov. 2015	He was transferred to administrative detention in 20 th Dec. 2015 for 6 months while on a hunger strike for 27 days in protest of his detention
8.	Mohammed Adib al-Qaiq		Re-arrested on 15 th Jan. 2017, months after his release	He is still in detention, while he was on a hunger strike which

				continued for 33 days. In 4 th April, his detention was extended before it was time for his initial supposed release on 14 th April. This time, he was charged with ‘joining a banned organization’
9.	Omar Naji Nazzal	Member of the General Secretariat of Journalists Syndicate	Arrested on 23 rd April 2016 during a travel to participate in European Journalists Conference which was held on 25 th and 26 th April	He was transferred to administrative detention on 1 st May 2016, his detention was renewed for 4 consecutive times.
10.	Malek Salah al-Kadi	Quds Open University	Arrested on 23 rd May and transferred to administrative detention for 6 months	The order for his administrative detention was issued a day before he was arrested, according to his mother.
11.	Osama	Correspondent	Re-arrested on 1 st	His administrative

	Shaheen	for Pelest News agency	Sep. 2016, then transferred to administrative detention for 4 months on 6 th Sep. 2016	detention was renewed for another 3 months on 28 th Dec. 2016
12.	Adib Barakat Al-Atrach	A Master's graduate in Media, he was persecuted once done with his studies.	Detained on 20 th June, 2016 and then transferred for administrative detention	His detention was renewed for 3 times consecutively, the third on 4 th Dec. 2016.
13.	Hassan Ghassan Al-Safadi	Media official for Addameer Association	Arrested on 1 st May 2016 upon return from travel and was transferred to administrative detention	He was rearrested for the second time on 8 th Dec. 2016 for 6 months. Then his detention was renewed for another 6 months on 8 th June 2017.
14.	Moss'ab Khamees Qfeesha	Media student working with local media sites	Arrested on 29 th March, and was transferred to administrative detention for 4 months on 6 th April	He was released on 28 th July 2016

			2016	
15.	Ali Abdelkareem Al'weiwi	Program broadcaster for Alkhaleel 4 th radio station	Arrested in March 2015, and was sentenced to 6 months in prison on charges of participating in political activities (which he covered as a journalist). He was released on 26 th Sep. 2015. He was then detained administratively on 21 st , Oct. 2015.	His administrative detention was renewed 3 times, and was released (from administrative detention) on 19 th Dec. 2016
16.	Mohammed Hassan Qaddoumi	Journalism graduate from Birzeit Univeristy	Arrested on 4 th Jan. 2016 and then transferred to administrative detention	His detention was renewed 3 times, each for 4 months. He was then released on 1 st Jan. 2017
17.	Mohammed Anwar Mona	Quds Press correspondent	Arrested on 7 th Aug. 2013. His detention was renewed the next year (2014), which	His arrest was renewed on 6 th Aug. 2014 for the third time. (He passed the sentence of

			is covered by the report	imprisonment on 31 st July 2014
18.	Hammam Mohammed Hantash	A Palestinian from Dora, Hebron	Arrested on 17 th Feb. 2017, and was sentenced for 6 months of administrative detention	His arrest was renewed on 5 th Aug. 2017 for a second time