

Date: 08.10.2018
Reference: 82096

Via fax: 5305741

To
Major General Nadav Padan
Head of the Central Command
Commander of the military forces in the West Bank
Central Command
IDF



Dear Sir,

Re: Demand for the immediate release of _____ Aruj from prolonged and arbitrary administrative detention

4 Abu Obeidah St.
Jerusalem 97200
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شارع أبو عبيده ٤
ألقدس ٩٧٢٠٠
هاتف. ٠٢. ٦٢٨٣٥٥٥
فاكس. ٠٢. ٦٢٧٦٣١٧

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www.hamoked.org.il

1. HaMoked is a human rights organization that, among other things, defends the rights of Palestinian prisoners and detainees in Israeli detention.
2. For the past two years and ten months Mr. _____ Aruj has been held in Israeli prisons under administrative detention. His arrest is periodically extended based on classified information, without granting him any opportunity to contest the suspicions against him.
3. It is to be emphasized that this is not Mr. Aruj's first administrative detention. He has previously been held for approximately three and a half years under administrative detention, meaning cumulatively he has been detained for six years **without trial!**
4. It is self-evident that administrative detention seriously harms a person's liberty and right to due process.
5. According to the International Committee of the Red Cross's Commentary to Article 78 of the 4th Geneva Convention, which relates to administrative detention, and the framework of international humanitarian law to which you are subject, the exceptional nature of using this means is emphasized. It is to be utilized only in the face of a genuine security threat that cannot be prevented in any other way. **The exceptional nature of this means must be maintained.**
6. There are currently some 465 Palestinians in administrative detention in Israel, including minors and women, held for months and even years, indicating that

Founded by Dr. Lotte Salzberger
Registered Association
מיסודה של ד"ר לוטה זלצברגר
עמותה רשומה
استته دولطة زلتسبرغر -
مكتب الشكاوي - جمعية مسجلة

- the exceptional nature of this means is not being upheld at all.** It seems that this means is commonly used, providing a convenient and easy substitute for criminal proceedings.
7. Furthermore, the almost total reliance on classified information to justify administrative detention prevents any effective judicial review, making the detention arbitrary at its core.
 8. Denying a person's liberty for long periods of time without defining the period of arrest in advance, and leaving the detainee in a state of total uncertainty regarding his/her fate, constitutes **inhuman treatment which is prohibited by the Convention Against Torture**, to which Israel is a party.
 9. In the matter of Mr. Aruj **whose freedom has been denied for two years and ten months** without having been granted the opportunity to contest the evidence against him in a hearing, the harm is even more serious, in light of the fact that he is currently held in solitary confinement and is precluded from receiving family visits.
 10. The longer the period of administrative detention is extended, the more the detainee's right to liberty should assume greater weight relative to the public interest, and the burden on the security forces to prove the necessity of his continued detention increases.
 11. It is unacceptable that for two years and ten months, his administrative detention order has been extended time and again, without any additional information being provided enabling the detainee to understand the allegations against him, which form the "justification" for his continued detention.
 12. We therefore demand the immediate release of Mr. Aruj from his arbitrary and prolonged detention, and at the very least demand that his administrative detention not be extended beyond its current period. If you believe Mr. Aruj poses a threat, you must deal with that threat using more proportionate means.

Respectfully,

Jessica Montell
Executive Director