

SALEH MOHAMMAD SULEIMAN AL-‘AROURI

Date of birth: 19 August 1966

Date of arrest: 22 June 2007

Date of release: 17 March 2010

Previous place of residence: ‘Aroura, West Bank

Place of exile: Damascus, Syria

Residency status: Refugee

Since 1990, when he was just 24 years old, Saleh Mohammad Suleiman Al-‘Arouri has spent a total of almost eighteen years in Israeli detention. These detention periods have been imposed through a combination of 20 administrative detention orders and two prison sentences, measures that each time were taken in relation to his alleged affiliation with Hamas, which along with all other Palestinian political parties including Fatah are illegal under Israeli law.¹



DETENTION TIMELINE

1990	Six months in administrative detention
1992	Six months in administrative detention, which began 15 consecutive years in detention
1992 – 1997	Immediately after the expiration of his administrative detention order, issued with a five-year prison sentence
1997	Issued with a six-month administrative detention order shortly before his scheduled release, having served out his prison sentence
1997	Administrative detention order renewed twice (each time for six months)
1998	Two months into his third consecutive administrative detention period, he was tried and sentenced to five years imprisonment
2003	Due to be released following the completion of his sentence, but again immediately detained under a six-month administrative detention order
2003 – 2007	Administrative detention orders renewed (each time for six months) until his eventual release on 11 March 2007
2007	Re-arrested on 22 June 2007 and detained under an administrative detention order
2007 – 2010	Administrative detention under seven administrative detention orders

¹ Hamas was declared an unlawful association by Israel on 15 September 1989.



March 2010 Released from detention on 17 March 2010 after 33 consecutive months in administrative detention

Total number of administrative orders since first arrest: 20

ADMINISTRATIVE DETENTION SINCE JUNE 2007

Number of orders: Seven

Expiry date of last administrative detention order: 17 March 2010

Release date: 17 March 2010, made conditional on his leaving Palestine for three years

On 22 June 2007, Israeli soldiers surrounded Saleh's family home in the village of 'Aroura, near the West Bank city of Ramallah. They stormed Saleh's brother's apartment, and instructed the brother to bring Saleh out and to tell the rest of the family to leave the house immediately. Once in the street, Saleh was arrested, blindfolded and shackled. He was placed in a military jeep and taken to Ofer Detention Center near Ramallah for interrogation.

First administrative detention order

Saleh was interrogated for two days following his arrest, after which a six-month administrative detention order was issued against him.

At the judicial review of the order, the Israeli military prosecution alleged that its "secret information" suggested that Saleh is a leading figure in the Hamas movement and is involved in the movement's organizational activities and activities "supporting terrorism". The court was told that the secret information was collected immediately before Saleh's arrest.

In response, Saleh's attorney submitted that it is highly doubtful that any compelling evidence could have been obtained in the three months between Saleh's release from detention in March 2007 and his subsequent arrest and administrative detention in June 2007. In the three months before he was re-arrested, Saleh finally had the opportunity to marry his fiancée of 13 years and to spend time with family and friends in his village of 'Aroura. In any event, whatever 'evidence' the prosecution claimed to have collected was not required to be disclosed to Saleh or his legal counsel since administrative detention orders are made on the basis of 'secret information', making the claim of new information particularly dubious.²

² Administrative detention is a procedure that allows the Israeli military to hold detainees indefinitely on secret information without charging them or allowing them to stand trial. In the occupied Palestinian West Bank, the Israeli army is authorized to issue administrative detention orders against Palestinian civilians on the basis of Military Order 1591. This order empowers military commanders to detain an individual for up to six month renewable periods if they have "reasonable grounds to presume that the security of the area or public security require the detention." On or just before the expiry date, the detention order is frequently renewed. This process can be continued indefinitely.



Military judge Adrian Agassi nevertheless confirmed the order. An appeal lodged by Saleh's defense counsel against the decision at the Administrative Detainees Appeals Court in Ofer was denied.

By this point, Saleh's alleged affiliation with Hamas had already been used as a pretext to detain him for 15 consecutive years under a combination of 15 administrative detention orders and two prison sentences.

Second administrative detention order

The administrative detention order against Saleh was renewed in December 2007 for an additional six months. At the judicial review for the renewed order on 25 December 2007 at the Court of Administrative Detainees in Ofer, military prosecutors reiterated their allegations as to Saleh's prominence in the Hamas movement. Prosecutors further submitted that their initial suspicions were borne out by new secret information. None of this alleged information was ever disclosed to Saleh or his defense counsel.

In his testimony before military judge Rafael Yamini, Saleh confirmed that he had been in contact with various Palestinian political leaders, though not in the context prosecutors may have alleged in the secret file. In the four months following his release Saleh had finally been able to marry his long-term fiancée, Hana, to whom he had been engaged for the previous 13 years. As a resident of a small town in which he has a wide social circle, Saleh received visits from many friends and acquaintances – some of whom, Saleh thought, may have been affiliated to Hamas – who came to congratulate him in the usual Palestinian manner on his marriage and to spend time with him for the first time in fifteen years. However, Saleh repeatedly denied any involvement in political or military activities during the three months in question.

Following this testimony and his examination of the secret information presented by the prosecution, **military judge Rafael Yamini stated that he was not convinced that Saleh posed a “security threat” to “the area”**. However, Judge Yamini did not dismiss the order in accordance with this finding, despite the fact that it meant that the criteria for holding Saleh under administrative detention were not met. Instead – and, in Addameer's view, unlawfully – the judge upheld the order but reduced the detention period to four months, stating that a shortened period was sufficient to “review the case” despite the fact that administrative detention may not be used as a substitute for pressing charges or formal interrogation, or to give the military prosecution further opportunity to find ‘secret information’ to justify an allegation that the person in question is a “security threat”.

Administrative detention orders three through seven

Despite Judge Yamini's finding that Saleh posed no security threat and therefore did not fall within the ambit of who may be subjected to detention under Israel's administrative detention regime, Saleh's detention without charge or trial continued.

Saleh's detention order was subsequently renewed a further three times, on each occasion for a four month period.

Then, on 19 February 2009, Saleh's administrative detention order was renewed for an additional period of six months, set to expire on 18 August 2009. The review of this order, Saleh's sixth, was again heard before Judge Yamini. On the basis of the same secret information presented to him in December 2007 which had previously led him to the finding that Saleh was not a security threat, as no new material or even claims of 'developments in the case' had been presented to the court in the interim period, Judge Yamini was this time "convinced" that Saleh posed a "threat to the security of the area".

The judge upheld the detention order, but shortened Saleh's order to four months, reasoning that Saleh had already spent 14 months in administrative detention.

Saleh's attorney appealed the decision from the judicial review to the Israeli High Court. The appeal, heard on 11 August 2009, was rejected on the grounds that Saleh was a "known leader" in the Hamas movement.

On 17 December 2009, Saleh received his seventh administrative detention order, this time for a period of three months. At the judicial review on 31 December 2009, military judge Tzvi Hiilbron confirmed the order for the entire three-month period, holding, despite the ongoing lack of publicly disclosed evidence, that Saleh was still active in the Hamas movement and had continued to be active during his fifteen year detention.



Saleh Suleiman, c. 2007

Saleh testified at the review that he acted as his prison section's representative in Ketziot Prison, a position which Israeli prison administrations recognize and with whom they routinely engage. In this capacity, Saleh was responsible for lodging complaints with the prison administration on behalf of other detainees regarding any ill-treatment and for coordinating official communication between the



prison administration and the section. Saleh also acknowledged being vocal in the Palestinian national reconciliation movement following the Palestinian National Authority's collapse in Gaza and West Bank factional *de facto* governance.

Saleh consistently maintained that he was not involved in any activities that might threaten the security of the state or that constituted an offense under the military court system.

RELEASE AND EXILE

On 17 March 2010, Saleh's seventh consecutive administrative detention order expired, and he was released on the condition that he leave Palestine for a period of three years. On 30 March 2010, Saleh arrived in Syria after having his refugee application rejected by Jordan. His wife, who is now pregnant, joined him two weeks later. Saleh and Hana now live in Damascus as refugees. Saleh's mother remains in 'Aroua.

Under the Syrian constitution, all Arabs have the right to enter Syria without a visa, live in the country indefinitely, send their children to Syrian schools and use the public health system, although the right to work is less liberal. Addameer fears that, in a foreign country and unable to visit his family, Saleh's adjustment to his release from prison will be made more difficult and his prospects for employment sufficient to provide for his young family may be poor.

Addameer has observed that, on numerous occasions, individuals expelled from Palestine in this way have been refused re-entry even after the expulsion period has ended. For this reason, Addameer remains very concerned about Saleh's case and fears he will be barred from returning home at the end of his expulsion period.

Furthermore, Addameer submits that such "consensual exile" is in fact *arbitrary exile*, in violation of Article 9 of the Universal Declaration on Human Rights. Furthermore, according to the Human Rights Committee's authoritative interpretation of Article 12(4) of the International Covenant on Civil and Political Rights (ICCPR), which provides that "no one shall be arbitrarily deprived of the right to enter his own country", the right to enter one's country implies the right to remain in one's country.³

Addameer also notes that Palestinian administrative detainees are increasingly vulnerable to acceding to 'voluntary deportation'. Israeli military prosecutors are known to propose ultimatums to long-term administrative detainees, stating that their administrative detention will be indefinite unless they agree to leave Palestine.

³ The Human Rights Committee is the UN body of independent experts that monitors implementation of the ICCPR by its State parties. Human Rights Committee, General Comment No. 27: Article 12: Freedom of Movement, CCPR/C/21/Rev.1/Add.9, 2 November 1999, para 19.



PREVIOUS ARRESTS

Saleh was arrested on two occasions prior to his arrest in June 2007.

During the First Intifada (1987-1993), the incarceration rate in the occupied Palestinian territory was the highest in the world. In these six years, the Israeli authorities issued tens of thousands of administrative detention orders against Palestinians.

It was in this context that, in 1990, Saleh was arrested and spent six months in administrative detention. In 1992, as Israel's aggressive arrest and detention policies continued, Saleh was again arrested and placed in administrative detention for six months. After two months, he was transferred to Moskobiyyeh Interrogation Center (also known as the Russian Compound) in Jerusalem, an Israeli facility that is notorious for its use of unlawful interrogation techniques against Palestinian prisoners. Saleh remained under interrogation in Moskobiyyeh for six months.

This interrogation period led to Saleh being charged, tried and convicted to five years' imprisonment for "his leadership role in the Hamas movement".

Just prior to his scheduled release in 1997, Saleh was issued with a six month administrative detention order. The order was renewed twice, each time for six months.⁴

Two months after his administrative detention order was renewed for the second time, Saleh was charged with "conducting unlawful activities" from inside prison and making "illegal contact" with individuals outside the prison. He was convicted and sentenced to five years in prison.

As had happened previously in 1997, instead of being released in 2003 at the end of his sentence, another administrative detention order was issued against Saleh, to begin, as before, from the day of his scheduled release. This administrative detention order was subsequently renewed eight times, until he was finally released on 11 March 2007.

Three months after Saleh's release, during the night of 22 June 2007, Saleh was arrested again and held in administrative detention, where he remained without charge or trial for the next 999 days until his eventual release on 17 March 2010.

⁴ Six months is the maximum period permitted under Israeli military law for a single order, but military law does not prevent indefinite renewal of administrative detention orders.



DETENTION CONDITIONS

Furthermore, Addameer submits that Saleh was frequently exposed to punitive measures and psychological pressure by Israeli security and prison authorities during his many years in Israeli detention.

Because the IPS deemed that, as an imam, he had “too much influence” on other detainees, Saleh was frequently transferred between prisons during his years in detention, a method of punishment frequently employed to disorient prisoners and to isolate them from the community they developed while in detention. Twice during his period of administrative detention which ended in 2007, Saleh was told he was going to be released only to be re-arrested and issued with a new administrative detention order just as he was leaving the facility.

In addition, for the last three years of his detention leading up to his release in 2007, Saleh was held in isolation where he was prohibited from seeing or interacting with any other detainees. International law provides that prolonged periods of isolation may amount to torture or ill-treatment.⁵ Given that the general nature of Saleh’s administrative detention was punishment for his political membership, and in light of the other punitive measures to which he was subjected, Addameer contends that it is furthermore probable that the decision to institute isolation was the result of “arbitrary or vindictive behavior” by prison authorities. Taken together with the length of time Saleh spent in isolation, Addameer submits that Saleh’s isolation could amount to a breach of Article 7 of the ICCPR in that it constitutes “cruel, inhuman or degrading treatment or punishment”.⁶

LEGAL ANALYSIS

Addameer further submits that the many years that Saleh spent in various forms of Israeli detention as punishment for his alleged political affiliations – detention that was without charge or trial, or that followed military court legal procedures that fail to meet international standards – was in deliberate violation of a number of Saleh’s fundamental human rights, including his rights to freedom of expression and association and to due process and fair trial standards.

Nowhere in Saleh’s case history is the arbitrary nature of his prolonged detention more apparent than in the record of justifications military authorities used to detain Saleh under 20 administrative detention orders that totaled more than nine years in detention without charge or trial. Addameer contends that the vagueness of the generic allegation of being “a threat to the security of the area” that was used to justify his administrative detention orders, coupled with the

⁵ Mary Howells, “A Study of the Effects and Uses of Solitary Confinement in a Human Rights Perspective”, (August 1994), p.4 (available at: <http://www.hamoked.org.il/items/3614.pdf>)

⁶ Report of the Human Rights Committee, General Comment No. 07: Torture or cruel, inhuman or degrading treatment or punishment (Art. 7), 30/05/82, Sixteenth session (1982), para. 2.



use of secret information inaccessible to the defense and therefore unchallengeable, are symptoms of a system where no burden of proof whatsoever need be met by the prosecution. Such practices can only be interpreted as judicial “rubber stamping” of measures which are unlawful under international law.

International law permits administrative detention during armed conflict, but such detention is only permitted under very specific and narrowly defined circumstances: there must be a public emergency that threatens the life of the nation, and detention can only be ordered on an individual, case-by-case basis without discrimination of any kind.⁷ However, as Saleh’s case exhibits,⁸ administrative detention as used by Israel in the occupied Palestinian territory is ordered by a military commander and is used impermissibly as an alternative to prosecution or as a punitive measure, and is typically grounded on “security reasons” that, in practice, are broad enough to include virtually any act of political and civil activism or resistance against the ongoing belligerent Israeli occupation of Palestinian territory.

Addameer contends that Saleh’s case is a striking illustration of the political agenda that lies behind the Israeli administrative detention system: in Saleh’s case it appears to have been used as individual punishment for his alleged affiliation to a Palestinian political party which continues to vocally resist Israel’s violent occupation of Palestinian territory. Moreover, Addameer denounces the Israeli criminalization of mere membership in or affiliation with a political party, as it violates fundamental international tenets protecting such activities under the freedoms to belief and association, and as it allows Israeli military authorities to detain individuals without proving – or even alleging – any actual individual culpability for activities that could be deemed as legitimate offenses. In the context of administrative detention, the separation of political affiliation from individual culpability for specific actions means that alleging political affiliation automatically presumes that an individual is a “security threat”.

Thus, Addameer submits that Saleh’s conditional release, which required that he leave Palestine for three years, can only be seen as a continuation of the unlawful practice of silencing unwanted political beliefs and associations in an attempt to eliminate him from Palestinian political life altogether. The Israeli military judicial system has made Saleh’s life a mere symbol to discourage Palestinian civil and political activism – to demonstrate what political involvement in Palestinian organizations that do not accede to Israel’s demands will lead to. Addameer therefore strongly condemns Saleh’s protracted periods of politically-motivated punitive detention and his conditional release-based exile as gross abuses of power and severe violations of international law.

⁷ See International Covenant on Civil and Political Rights, article 9.

⁸ Recall that in Saleh’s case, Israeli military court judge Rafael Yamini upheld an order administrative detention order against Saleh in December 2007 despite explicitly stating that the secret information on which the order was ostensibly ‘justified’ did not establish that Saleh posed any threat to “security”.



PERSONAL INFORMATION

A few days after Saleh's release from Israeli detention on 16 March 2007, he married his long-time fiancée, Hana, a woman from his village of 'Aroura. The two had been engaged for 13 years.

Since Hana's applications for prison visit permits to visit Saleh were repeatedly refused on unexplained "security grounds", Saleh's wife was only able to visit Saleh twice during his 33 consecutive months of detention that began in June 2007. Other family members, including Saleh's elderly mother and his brothers and sisters, were also routinely been denied permits and had not seen Saleh since his arrest in 2007.

Saleh holds a B.A. in Shari'a Law from the University of Hebron. He reports that he endured his long years of detention by reading Arabic literature, philosophy and religious books.

ACT NOW!

Here is how you can help other Palestinian prisoners who have suffered or continue to suffer long periods of administrative detention:

- Write to the Israeli government, military and legal authorities and demand that—
 - all Palestinian political prisoners be released; and,
 - administrative detention never be used as punishment for legitimate human rights advocacy or participation in political life.
- Write to your own elected representatives urging them to—
 - pressure Israel to release Palestinian political prisoner and to put an end to such an unjust, arbitrary and cruel system of incarceration without trial;
 - comply with their own international law obligations to take action against Israel which will hold it accountable for its violations of international humanitarian and human rights law;
 - demand that the United States, European Union and United Nations end their economic and diplomatic policies of complicity with Israel's human rights violations.

For more information about Addameer's Campaign to Stop Administrative Detention, please visit our website at www.addameer.info, or contact us directly:



لا للإعتقال الإداري
Stop Administrative Detention



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Read Addameer's report on administrative detention:

[“Administrative Detention in the Occupied Palestinian Territory: A Legal Analysis Report,”](#)

November 2008.