

February 27, 1991

## **REUTERS' GAZA CORRESPONDENT ENTERS FIFTH WEEK IN INVESTIGATIVE DETENTION**

### **CASE BELIES ISRAEL'S CLAIM PALESTINIAN JOURNALISTS ARRESTED ONLY FOR UNDERGROUND ACTIVITIES**

Middle East Watch today called on Israeli military authorities to release immediately journalist Taher Shriteh, whom they have held in investigative detention since January 28 without filing charges against him.

The case of Shriteh, who is the Gaza correspondent of the Reuters news agency and a contract employee of the *New York Times*, the *Times* of London, BBC, CBS News and Voice of America, is of particular interest because it sheds light on the motives of military authorities in arresting Palestinian journalists. The case also provides disturbing evidence of two other pervasive human rights violations in the West Bank and Gaza Strip: the mistreatment of detainees during interrogation, and the propensity of military judges to refuse bail to suspects in what are deemed to be security cases, regardless of the circumstances of the case.

At the time of Shriteh's arrest, military authorities explained that he was seized on suspicion of possessing an unregistered fax machine and using it to transmit to Reuters a leaflet issued by the underground Islamic organization, Hamas.<sup>1</sup> On February 10, Shriteh's interrogators obtained a military judge's approval to prolong his investigative detention for 30 more days. On February 18, Shriteh was denied bail,<sup>2</sup> and four days later was transferred from Gaza Central Prison, where he had been held since his arrest, to the Beach Camp military detention center near Gaza City, also known as "Ansar II."

Authorities may now continue to hold Shriteh without charge until March 10, by which date they must charge or release him, or bring him before a judge to seek another extension of his investigative detention.<sup>3</sup>

Israel has long insisted that Palestinian journalists are never arrested for being journalists, but only for subversive activities unrelated to their profession.<sup>4</sup> The evidence that would support this claim is rarely revealed,

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<sup>1</sup> Hamas, an acronym for the Islamic Resistance Movement, was declared an illegal organization in Israel, the West Bank and the Gaza Strip in September 1989. A person who belongs or renders a service to an illegal organization is subject to detention or prosecution. See Michal Sela, "Defence Ministry Outlaws Islamic Movement Hamas," *Jerusalem Post*, September 29, 1989.

<sup>2</sup> See Joel Brinkley, "Israeli Court Extends Gaza Journalist's Detention without Charges," *New York Times*, February 19, 1991.

<sup>3</sup> In the occupied territories, authorities may hold a detainee for investigation for up to 18 days without bringing him before a military judge. After this time, investigative detention can be extended for up to six months by a military judge. This procedure is not to be confused with administrative detention (see page 2).

<sup>4</sup> A typical formulation of this nature appeared in the *New York Times* of June 5, 1988:

A senior Israeli official said: "No [journalist] was arrested [during the uprising] for what he wrote, intended to write or said

however, since the majority of journalists who are arrested are placed in administrative detention,<sup>5</sup> a procedure in which there are no formal charges or trial, and authorities refuse to disclose specific evidence, usually on the grounds that disclosure would compromise methods of gathering information.

Scores of Palestinian journalists have been placed in detention without charge since the start of the Palestinian uprising in December 1987; over 15 are currently being held without trial. In other measures against journalists last week, military authorities issued closure orders for up to two years to four small press offices in the West Bank. The Bethlehem office of *Jawdat Mana'*, a stringer for the Agence France-Presse, was closed on February 19. Also shut were the offices of three other Palestinian journalists who are currently in administrative detention: the Qalqilya correspondent of the East Jerusalem-based Arabic daily *al-Shaab*, Rafiq Mara'beh; Na'if Sweitat of Jenin; and Muhammad Amireh of Nablus.

The case of Shriteh stands out because of the amount of information that has been revealed about the motives for the arrest and continued detention. That information makes clear that Israeli authorities are holding the journalist at least partly for activities that could be part of any reporter's routine.

### **Middle East Watch's Concerns**

Middle East Watch is concerned that:

\* The imprisonment of Taher Shriteh for faxing an underground political leaflet to Reuters, or for possessing an unregistered fax machine, is a gross infringement of his right to gather and disseminate legitimate news material.

\* Any attempt to coerce Shriteh to furnish information about professional contacts would violate the privileged nature of a journalist's relationship with his sources of information.

\* Shriteh reported that, for long periods during his interrogation, he was hooded, tied to a chair, denied food and kept in a 60-inch by 30-inch cell. The abuses, if verified, are deplorable in their own right and also cast doubt on the legality of statements Shriteh may have made to interrogators.

\* The decision against releasing Shriteh on bail after three weeks unjustifiably deprives him of his freedom. The judge based his ruling not on claims that Shriteh might endanger others or attempt to abscond if released -- which are commonly accepted grounds for refusing bail in many countries -- but rather on the grounds that releasing him "might cause real harm to the investigation." This is not an acceptable justification for such a prolonged detention. Nor is the desire to obtain information about others. Yet, based on the prosecutor's arguments against bail and Shriteh's account of his interrogators' questions, it seems that authorities may be using the accusations against him, whether true or false, as a pretext to continue holding him in order to pressure him to talk about his

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he was going to publish." Most of these people, he said, are terrorists who, after they were released from prison, took newspaper jobs as a cover for work on behalf of the PLO.

<sup>5</sup> Some 14,000 Palestinians have been placed in administrative detention during the intifada, according to a statement made on December 20, 1990 by Brig. Gen. Amnon Strashnow, the retiring Judge Advocate-General of the IDF. (*Haaretz*, December 21, 1990, as reported in Foreign Broadcast Information Service, Near East and South Asia report, December 28, 1990.)

An administrative-detention order can be for a maximum of one year, but is renewable upon expiration.

sources of information.

These concerns are detailed below.

## **Taher Shriteh**

Shriteh, a 30-year-old resident of Gaza City, is well known to Israeli and foreign journalists who cover the Gaza Strip. He has worked for numerous Western news organizations, filing his own stories and helping other reporters with appointments and logistics. Shriteh carries a government-issued press card, and has covered both local Palestinian affairs and visits by Israeli and foreign officials and delegations.

Jack Redden, the acting bureau chief of Reuters in Jerusalem, said of Shriteh, "He's the best journalist in Gaza. I've found him able to distance himself from any political groups and to present realistic appraisals of what's going on and who's doing what, much more than most others are able to do. You could always phone him up and ask what was going on, and he could always come up with information quickly."

On January 30, a joint statement calling for Shriteh's immediate release was issued by the local bureaus of Reuters, the *New York Times*, the British Broadcasting Corporation, CBS Television, Voice of America, and three London dailies: the *Times*, the *Financial Times*, and the *Independent*. The statement called Shriteh "an objective and accurate reporter of events in the Gaza Strip" and expressed concern that "he is being held because of his work as a journalist."

Shriteh has not been jailed or administratively detained before, although he has often been picked up for short periods and released without charge, after questioning.

## **The Accusations against Shriteh**

On January 28, the date of his arrest, the Israel Defense Force (IDF) issued a statement saying, "Taher Shriteh was arrested for questioning on suspicion that he used his office as a journalist to assist the Hamas organization in the distribution of leaflets and statements that Hamas activists wrote and wanted to distribute."

At the time of the arrest, the only specific charge that was made public was that Shriteh had faxed a Hamas leaflet to Reuters, a charge he does not deny. Shriteh, according to court records, told the military judge at the February 10 hearing on whether to extend his detention, "I am a journalist and I transmitted information I got from organizations to the Reuters news agency. This was not information on security matters, but only things which were written in the leaflets of the various organizations. I do not belong to any organization; I was fulfilling the *bona fide* duties of a journalist for the agencies to which I belong."

At the bail hearing on February 18, the military prosecutor, Lt. Oded Savoray, again charged that, while Shriteh did not belong to Hamas, he had "given aid to an hostile organization" by faxing the Hamas leaflet to Reuters. Lt. Savoray also accused Shriteh of possessing an unregistered fax machine that was given to him by a long-time friend who is allegedly a Hamas activist, Yusuf Haddad, shortly before Haddad was himself arrested.<sup>6</sup>

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<sup>6</sup> Haddad, an attorney, also remains in detention, along with hundreds of other suspected Hamas activists who have been rounded up in recent months. Israeli officials said that 350 Hamas activists have been arrested since December, according to a Reuters dispatch of February 18. Some estimates are higher. A figure of over 500 is given by Peter Waldman in "Islamic Holy War is

Shriteh has not denied possession of the fax machine. But he claimed that his interrogators had stopped questioning him about the machine and the faxed Hamas leaflet during the first week of detention, and had moved on to questioning him about his contacts. This point was apparently confirmed by the prosecutor, who argued at the hearing that Shriteh should be denied bail so that questioning could continue to ascertain who Shriteh's "sources and contacts are."

It is also noteworthy that in his argument against bail, the prosecutor accused Shriteh of publishing an "inciting" book without obtaining the required permit.<sup>7</sup> The book in question, *Martyrs from the Gaza Strip*, profiled 56 Palestinians who had been killed by the security forces during the intifada, and included interviews with relatives. It was published in Arabic and was compiled by Shriteh, with the assistance of others.

Although the book was raised by the prosecution only as a secondary issue, its mention reinforced the impression that Shriteh is being held for his work as a writer and reporter. His interrogation in prison over the last four weeks has apparently focused on three matters: the accusation that he knowingly accepted a fax machine from a Hamas activist and used it to transmit a Hamas leaflet to Reuters; and the desire of authorities to obtain information about Shriteh's contacts. At no time have authorities intimated publicly that Shriteh is being held on suspicion that he committed any other offenses.

In his decision to refuse bail, the judge, Maj. Moshe Knobler, made clear that he viewed the most serious allegation to be Shriteh's alleged acceptance of the fax machine from Haddad. Maj. Knobler suggested that this -- and not the faxing of the leaflet -- provided grounds for a possible charge of assisting a hostile organization:

By reading the investigation material, one gets the impression that this activist, Yusuf Haddad, used the petitioner because he was a journalist, in order to promote the objectives of the organization. This alone is not enough to put the petitioner under suspicion for the offense of assisting a hostile organization, since it is known that many terrorist organizations use journalists to disseminate their principles and activities to the broad public, since public opinion is their life-blood, and the journalist is doing his duty by transmitting the information to his readers, even though this information serves those organizations.

However, it seems that in this case the petitioner crossed the line from journalism to an activity that should be considered assisting a hostile organization when he concealed a fax machine suspected of having been used as a transmitting device between the local organization and various outside bodies....

[Shriteh] knew that Haddad belonged to Hamas, and he knew the objectives of the organization, and the

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Permeating Intifada," *Wall Street Journal*, January 3, 1991.

The crackdown on Hamas is partly in response to a wave of knifings by Palestinians that left seven Israelis dead and others wounded in the two months following the killings in the al-Aqsa mosque compound in Jerusalem. Hamas, in leaflets, has called for lethal attacks against Israelis and claimed responsibility for the fatal stabbings of three Israelis in Jaffa on December 14. On December 15, Defense Minister Moshe Arens ordered the expulsion to Lebanon of four Gazans accused of being active in Hamas, the first expulsions to be ordered since 1988.

<sup>7</sup> In the West Bank and Gaza Strip, a military order prohibits publication of any article or document with "political significance" unless a permit has been obtained from the authorities.

moment he agreed to take custody of the fax machine, it was no longer possible to say he was acting for *bona fide* [journalistic] reasons....

In the statement he made on February 1, [Shriteh] said, "approximately 10 days before they arrested Yusuf, he brought me the fax machine because he was afraid they will arrest him and the fax will be in his possession." The statement of the petitioner casts a heavy suspicion against him of an offense of assisting a hostile organization.

The arrest request is for investigation, and the nature of the investigation is to check suspicions and to try to gather evidence material against the suspect. I am convinced that the suspicions against the petitioner justify keeping the suspect in custody, especially since we are here talking about suspicions that connect the petitioner with a murderous organization like Hamas. This is why we must allow the police to investigate the matter, since the investigation is complicated and complex, and releasing the petitioner might cause real harm to the investigation. Also, the period of detention for 30 days, which was decided upon by the court, seems to me reasonable under the circumstances.

We would stress that wearing the mantle of a free press must not enable a journalist to commit offenses and to expect the judicial system to give him immunity. I deny the request [for bail].

### **The Crime of Faxing a Political Leaflet to Reuters**

Throughout the intifada, the underground Unified National Leadership of the Intifada (UNLI) and outlawed organizations such as Hamas have issued periodical leaflets. The appearance of a new leaflet, containing political statements and updated instructions to Palestinians on acts of resistance to carry out, is routinely covered by Israeli and foreign media.

Despite the news value of these leaflets, it is an offense to possess or disseminate them under the military regulations in effect in the Gaza Strip and the West Bank. These two offenses have been cited by the prosecution in Shriteh's case.

Shriteh has admitted to transmitting such leaflets to Reuters and the other news agencies for which he worked, calling his actions routine journalism. He has not been accused of distributing leaflets to anyone other than colleagues in the media.

Jack Redden of Reuters told Middle East Watch he viewed transmitting and reporting on the underground leaflets to be legitimate journalistic activity. He said that Reuters keeps copies of these leaflets in its Jerusalem bureau, and dispatches stories on them when their contents were newsworthy. As another Reuters correspondent pointed out, even the Israeli Government Press Office sometimes distributes its own English translations of the leaflets to the foreign press corps.

## **The Crime of Possessing a Fax Machine**

In August 1989, Gaza military authorities issued an order requiring that anyone wishing to operate a fax machine obtain permission.<sup>8</sup> The rule was imposed because the machines were being used to "disseminate and distribute illegal information," such as "commands to local units in the territories," an official at the Israeli Embassy in Washington told the New York-based Committee to Protect Journalists at the time.

In the Shriteh bail hearing last week, the prosecutor cited another legal basis for restricting fax machines: an Egyptian law that gives authorities the right to regulate telephone and telegraphic equipment. Israel still applies selected Egyptian laws in the Gaza Strip, which was under Egyptian control until 1967.

While governments are entitled to regulate the use of telecommunications equipment, the policies of Gaza authorities curtail press freedom in the area. Authorities confiscated fax machines belonging to Gaza journalists prior to the 1989 order, and since then, very few journalists in Gaza have been able to operate machines. Shriteh himself had applied unsuccessfully for permission to have one, according to Daoud Kuttab, a Jerusalem-based journalist.

With a fax machine, correspondents are able to send and receive articles and related materials more quickly and economically than if these have to be dictated over the telephone. The inordinate restrictions on fax machines only compound the obstacles to newsgathering in times like the present, when a strict curfew in effect since January 16 prevents Gazans from leaving their homes except during limited recesses, and journalists based in Israel are prevented from entering the Gaza Strip without a military escort.

## **Interrogating a Journalist about His Contacts**

Prosecutor Maj. Savouray argued that Shriteh's detention should be extended partly to find out more about who his "sources and contacts are." While intimating that the interrogation was part of a complicated investigation of Hamas activities, the prosecutor made no effort to suggest that the contacts about which Shriteh was being questioned fell outside the bounds of legitimate journalistic activity.

Any attempts to coerce Shriteh to provide information about his professional contacts, if confirmed, would violate the privileged nature of a journalist's relationship with his sources of information. Such attempts might also endanger those who provided Shriteh with information in the past, and discourage others from talking to him or to other journalists in the future. At the bail hearing, defense attorney Dan Assan, who is based in Tel Aviv, cited Israeli case law that recognized a relative right of journalists to shield their sources of information.

This would not be the first time that authorities have sought information about Shriteh's journalistic contacts. On October 30, 1989, military authorities raided his home while he was away and seized materials, including a personal address book. The officer who had ordered the raid then used the address book to phone several of Shriteh's Palestinian contacts and summon them to military headquarters in Gaza City. One of those contacts, a Palestinian employed in a government-run hospital in Gaza, said the officer had questioned him about his provision of information to Shriteh.<sup>9</sup>

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<sup>8</sup> Ghadir Khraisheh, "Military Bans Facsimiles in Gaza Strip," *Al-Fajr* weekly, September 4, 1989.

<sup>9</sup> On November 1, 1989, the officer was ordered by his superiors to stop summoning Shriteh's contacts for interrogation. See "Israel to Stop Using Arab Reporter's List of Contacts in Gaza," *New York Times*, November 2, 1989 and "Jerusalem Sentences a

Journalists are not the only Palestinians who are detained for the primary objective of seeking information about others. As the government-appointed Landau Commission<sup>10</sup> reported in 1987,

The General Security Service [Shin Bet] has always attached the utmost importance to collecting information for preventing and thwarting [terrorism]. Obtaining evidence for the trial of those interrogated did not have top priority in the work of interrogators....

Of the tens of thousands of interrogations carried out by the GSS during the [last 20 years], some 50 percent were brought to trial on an annual basis. Most of the other suspects were released after interrogation....

Middle East Watch believes that a suspect should be detained only if there is a well-founded suspicion that he himself committed an offense (see below).

### **Mistreatment in Detention**

Another factor that undermines the integrity of the judicial system in the West Bank and Gaza Strip is the abuse of security suspects during interrogation. The mistreatment that Shriteh said he experienced, while less severe than some incidents reported by Palestinian detainees, is consistent with patterns of abuse documented by human rights groups.

Speaking to reporters just before the bail hearing, Shriteh said he had been held "in solitary confinement for 11 days in a very little room, 1.5 meters (60 inches) long and 80 centimeters (30 inches) wide -- four days no food....I had to urinate in my cell because they didn't let me go to the bathroom."<sup>11</sup>

Defense attorney Assan added that Shriteh said that, during his detention, he had been held with his hands tied behind his back to a chair, and with a hood over his head for long periods, probably ten to twelve hours, without being interrogated. When Assan visited his client in prison, Shriteh was brought to see him wearing a hood, which was subsequently removed.

These reports of abuse during interrogation are consistent with the credible allegations frequently made by Palestinians in the West Bank and Gaza Strip. Hooding, deprivation of food and toilet facilities, confining suspects in uncomfortably small spaces or in restricted positions are among the most frequently reported methods of applying pressure on suspects to provide information.<sup>12</sup>

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Palestinian to Life in Deaths of 16 Jews," *New York Times*, October 31, 1989.

<sup>10</sup> See footnote 12.

<sup>11</sup> Howard Goller, "Palestinian Journalist Alleges Israeli Mistreatment," Reuters, February 18, 1991.

<sup>12</sup> See Al-Haq, *A Nation under Siege*, 173-179; B'Tselem, *Violence against Minors in Police Detention*, June-July 1990, 17-24.

It is worth recalling that in October 1987, the government-appointed Commission of Inquiry into the Methods of Investigation of the General Security Service Regarding Hostile Terrorist Activity, known as "the Landau Commission," concluded that Shin Bet interrogators used abusive techniques against Palestinian as a matter of policy. The Commission

Attorney Assan raised the issue of mistreatment during the bail hearing, and told Middle East Watch that further action would be taken in due time.

### **Judge's Improper Refusal to Release Suspect on Bail**

The military judge ruling on Shriteh's bail application viewed as the most serious accusation that Shriteh acquired the fax machine from a known Hamas activist who feared arrest. A statement by Shriteh to this effect, the judge said, "casts a heavy suspicion against him of an offense of assisting a hostile organization."

In refusing bail to Shriteh, the judge explained that his release "might cause real harm to the investigation." The judge did not argue that, if released, the suspect might abscond before a possible trial or endanger the safety of others. Indeed, it would be difficult to contend, on the basis of the specific accusations that authorities have made so far against Shriteh, that he might endanger others if released on bail. This situation is not altered by the implication of the prosecutor and the judge that Shriteh's alleged deeds may constitute assistance to a hostile organization, an offense that carries a long prison term.<sup>13</sup>

In opposing Shriteh's release, the prosecutor argued that "the main interest is continuing the investigation, rather than the freedom of the individual." Middle East Watch deplores this statement when it is made to justify prolonging the detention without charge of a suspect who has already been interrogated for three weeks. If no charges have been filed after so lengthy an investigation, the suspect's right not to be arbitrarily detained has been violated, and he should be released.<sup>14</sup>

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endorsed the use of what it called "non-violent psychological pressure" against detainees and, if that failed, a "moderate measure of physical pressure." Those methods were detailed in a secret appendix to the commission's report. The Israeli cabinet adopted the commission's findings in November 1987.

<sup>13</sup> Article 85 of the British Defense (Emergency) Regulations of 1945, which Israeli authorities apply in the occupied territories, stipulates, in part,

Any person who....

(c) does any work or performs any service for an unlawful association, unless he proves that he *bona fide* believed that the work or service was not for an unlawful association, or....

(f) has in his possession, custody or control any book, account, periodical, handbill, poster, newspaper or other document...belonging to or issued by or in the interests of, or purporting to belong or relate to or to be issued by or in the interests of, an unlawful association, or

(g) ....reproduces, publishes, exhibits, sells or exposes for sale, distributes, transmits, or knowingly handles, any such thing as is mentioned in paragraph (f)...shall be guilty of an offence.

<sup>14</sup> The International Covenant of Civil and Political Rights, which Israel has signed but not ratified, states, in article 9:

(1) Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest and shall be promptly informed of any charges against him.

(2) Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.



Based on the prosecutor's arguments against bail and Shriteh's account of his interrogators' questions, it appears that the accusations against Shriteh may be pretexts to deny bail in order to pressure the journalist to provide information about his contacts with others (see above, pages 6-7). This, too, would be an improper reason for detention, since suspects should be held only for offenses that they are themselves suspected of having committed.

It is worth comparing the limits placed on powers of detention in Israel and in the occupied territories. In the territories, military authorities may hold a suspect under investigative detention for 18 days without obtaining judge's approval. In Israel, the detainee must be brought before a judge within two days of arrest. After the initial period, a judge in the territories may extend the period of investigative detention up to six months, even if no indictment is issued. In Israel, the maximum is 30 days, except when the Attorney General makes a request to the judge, a procedure that is rarely used.

The refusal to release Shriteh on bail comes as no surprise. Human rights groups have long charged that Palestinians held on suspicion of security offenses do not have a reasonable possibility of being freed on bail.<sup>15</sup> The overwhelming majority are held until charges are dropped or their trial is completed. In Israel, by contrast, judges routinely grant bail to suspects.

The International Covenant of Civil and Political Rights states in article 9(3), "...It shall not be the general rule that persons awaiting trial shall be detained in custody...." Defense attorneys say that in West Bank and Gaza military courts, the general rule is the opposite: to deny bail to Palestinians, unless there are special circumstances.

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(3) Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and should occasion arise, for execution of the judgement.

The Fourth Geneva Convention of 1949, which pertains to situations of military occupation, is less clear about standards for holding persons under arrest. However, article 71 states, "Accused persons who are prosecuted by the Occupying Power shall be promptly informed...of the particulars of the charges preferred against them, and shall be brought to trial as rapidly as possible."

The official International Committee of the Red Cross (ICRC) commentary to the article states, in part:

The accused is to be brought to trial as rapidly as possible. This provision is of the utmost importance in time of occupation when delays in the preliminary investigation may tend to prolong the period spent under arrest awaiting trial.

Israel has ratified the Fourth Geneva Convention, but maintains that it is not applicable to the territories it has occupied since 1967. Virtually the entire international community, including the UN Security Council, the United States and the ICRC, maintains that Israel is obliged to comply with the convention in its administration of the occupied territories.

While disputing the convention's *de jure* applicability, Israel has said it will voluntarily comply with its "humanitarian provisions." However, it has never specified which provisions it regards as humanitarian, and the rejection of *de jure* applicability has contributed to the reluctance of Israeli courts to base their decisions on the convention.

<sup>15</sup> See B'Tselem, *The Military Judicial System in the West Bank*, November 1989, 33-35, and *The Military Judicial System in the West Bank: Followup Report*, May 1990, 11; International Commission of Jurists, *Inquiry into the Israeli Military Court System in the Occupied West Bank and Gaza*, December 1989, 43-44; and Al-Haq, *A Nation under Siege*, 1990, 244-245.

Bail hearings in the military courts of the West Bank and Gaza Strip are usually conducted in a manner that offers the defendant little opportunity to plead his case. While a petition for bail can be filed any time after a person has been detained, hearings are rarely scheduled before the initial 18-day period of interrogation has taken place, unless the interrogation has already been completed.

If a bail hearing has been scheduled, the defense lawyer is not necessarily informed. In some military courts in the West Bank, the hearings frequently take place with neither the lawyer nor the client present. In such cases, the judge merely reads material provided by the police and the defense, and issues a decision. Defense attorneys add that authorities in the occupied territories have not revealed the criteria by which judges are to make decisions on bail.

Despite the predictable outcome of Shriteh's bail application, the hearing on his request was atypically long and involved in its argumentation. According to defense attorney Assan, this was due to the unusual decision by the prosecution to join the police in presenting the case against bail, in order to respond to the defense's invocation of press-freedom issues in its petition. Media attention may also have contributed to the character of the hearing; correspondents from the *New York Times* and other foreign news organizations were in the audience.<sup>16</sup>

While Shriteh was represented by a lawyer at his bail hearing, he had no opportunity for legal representation eight days earlier, when police brought him before a judge to request the extension of investigative detention. Extension-of-detention hearings commonly take place without the benefit of defense counsel, despite the fact that Palestinians are commonly asked to make statements at these hearings (Shriteh's statement is cited above, on pages 3-4).

The military judges presiding over extension hearings routinely approve the prolongation of detention, although not always for the period requested. In Shriteh's case, the judge granted a 30-day extension instead of the 60 days sought by the police. Consequently, if Shriteh has not been charged or released by March 10, extension of his detention will require another hearing before a judge.

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### **Recommendation for Action**

Please write appeals to Israeli authorities listed below, urging the government to release Taher Shriteh immediately.

#### **Please Address Appeals to:**

Ambassador Zalman Shoval  
Embassy of Israel

Prime Minister Yitzhak Shamir  
Office of the Prime Minister

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<sup>16</sup> Because the Gaza Strip has been declared a closed military zone since January 16, journalists were required to apply for a military escort to enter the area and attend the hearing.

Fax

Fax:

Brig. Gen. Ilan Schiff  
IDF Judge Advocate-General

For further information contact:

Eric Goldstein

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Middle East Watch was created in 1989 to monitor human rights practices in the Middle East and North Africa and to promote respect for internationally recognized standards. The chairman of Middle East Watch is Gary Sick, the vice chairs are Lisa Anderson and Bruce Rabb, the executive director is Andrew Whitley, the research director is Eric Goldstein, and the associate director is Virginia N. Sherry.

Middle East Watch is component of Human Rights Watch, a non-governmental organization which is also composed of Africa Watch, Americas Watch, Asia Watch, and Helsinki Watch. The chairman of Human Rights Watch is Robert L. Bernstein, the vice chairman is Adrian W. DeWind, the executive director is Aryeh Neier, the deputy director is Kenneth Roth, and the Washington director is Holly J. Burkhalter.

Recent Newsletters of Middle East Watch include:

- "Egyptian Authorities Clamp Down on Dissent" (February 13, 1991)
- "Middle East Watch Condemns Great Britain for Holding 35 Iraqi Residents as Prisoners of War and Detaining Dozens of Arabs for Deportation" (February 10, 1991)
- "Under the Toughest Curfew since 1973, West Bank and Gaza Palestinians Face Growing Hardship" (January 27, 1991)
- "Middle East Watch Urges All Parties to the Conflict to Obey Rules of Law Protecting Civilians" (January 18, 1991)
- "Kuwait: Deteriorating Human Rights Conditions Since the Early Occupation" (November 16, 1990)
- "Egypt: Election Concerns" (November 15, 1990)
- "The Conduct of Iraqi Troops in Kuwait toward Kuwaitis and Non-Westerners" (September 1990)
- "Middle East Watch Condemns Iraq's Practices toward Foreigners under Its Control and Reminds Embargo Participants of Their Humanitarian Obligations" (August 29, 1990)