

Israel: Briefing for the Committee Against Torture May 2002

On 21 November 2001 the Committee against Torture met delegates from the Israeli government in a public session to examine the third periodic report of Israel on its implementation of the Convention against Torture. In its conclusions the Committee voiced 11 areas of concern and made 11 recommendations (CAT/C/XXVII/Concl.5)

Amnesty International is concerned that not only have the Israeli authorities ignored the November recommendations of the Committee against Torture, but also that in every area of concern outlined by the Committee, the Israeli authorities have continued and intensified implementation of policies which amount to torture or cruel, inhuman or degrading treatment or punishment against Palestinians from the Occupied Territories.

This briefing is limited to addressing some of the areas of concern to Amnesty International since the last examination of Israel's report in November 2001. The main bodies engaged in arresting and interrogating Palestinian detainees have been the Israeli Defence Forces (IDF) and the General Security Services (GSS)¹.

Mass arrests and ill treatment

Since the end of February more than 7,000 Palestinians have been detained, many of them arbitrarily. Interviews with released detainees and the affidavits of those still in detention show that arrests and detention were accompanied by a consistent pattern of cruel, inhuman or degrading treatment and sometimes torture. On arrest detainees were blindfolded and handcuffed with tight plastic handcuffs, often held squatting, sitting or kneeling, not allowed to go to the toilet, and deprived of food and blankets during at least the first 24 hours.

Incommunicado detention

While most of the 2,500 detainees arrested during mass arrests in February and March were released within a week, many of the 5,000 detainees arrested during Operation Defensive Shield were held in prolonged incommunicado detention. A new Military Order issued on 5 April 2002 allows an initial period of 18 days' incommunicado detention without access to a military judge, who may then extend the prohibition of access to the outside world.

Administrative detention

The use of administrative detention has greatly increased, from some 30 people in November 2001 to more than 1,000 in May 2002.

Torture

Torture, including beatings and prolonged sitting in contorted and painful positions

¹ During its last report to the Committee against Torture the Israeli government stated that the name of the GSS had been changed to the Israeli Security Agency (ISA). However, the name in Hebrew has not changed; therefore we prefer to continue to use General Security Services (GSS) which is easily understandable to all.

continues to be reported. The State Attorney has authorized special interrogation methods (amounting to torture - see below) to be used in alleged "ticking bomb" situations.

House demolitions

Large-scale house demolitions have continued to take place since December 2001. More than 500 Palestinian houses, containing more than 2000 Palestinian homes have been wantonly destroyed without any absolute military necessity. Many Palestinian houses have been demolished as punishment and such demolitions have damaged dozens of other houses.

Closures

Closures by the IDF of villages and towns have continued and become even more damaging for the Palestinian population. They deny the right to freedom of movement and have grave economic and social results as well as life-threatening consequences for those prevented or delayed from receiving medical care or reaching hospital.

Curfews

Prolonged curfews, sometimes lasting for weeks, have also caused suffering to the Palestinian population who have been confined to their houses, denied fresh air and normal life for long periods.

Trashing and looting

Amnesty International has documented consistent trashing of private apartments, offices of non-governmental organizations (NGOs) and Palestinian government departments by the IDF. The failure to address this behaviour, to order that it be stopped and to compensate those who have suffered strongly suggested that it was condoned by the IDF command and the Israeli government. There have been many allegations of looting.

Use of "human shields"

The use of Palestinians as human shield during IDF operations also constitutes cruel, inhuman or degrading treatment or punishment in breach of the Convention.

In this dire situation, Amnesty International considers that it is important that the Committee against Torture reaffirm the obligations of the government of Israel under the Convention against Torture. These obligations should be adhered to at all times and in all circumstances.

Amnesty International has consistently condemned the deliberate targeting of Israeli civilians by armed Palestinian groups. But no exceptional circumstances whatever may be invoked as a justification for torture.

Background

From November 2001 the Israeli government continued to engage in practices which were the subject of the Committee against Torture's concern in November 2001. The government has failed to implement any of the Committee's recommendations.

Since 27 February 2002 violations of the Convention against Torture increased and became more systematic as the IDF have conducted two military operations involving incursions into Palestinian residential areas, occupying areas for several days. During the first incursions from 27 February until around 21 March 2002, Israeli forces entered and occupied a number of refugee camps, towns and villages, in the West Bank and Gaza Strip. Some places were occupied for only a few hours, others remained under occupation and curfew for up to nine days: they included the refugee camps of al-Am'ari, near Ramallah, Deheisheh, in Bethlehem, Balata in Nablus, and Tulkarem refugee camp. The IDF began a partial withdrawal after the arrival of US envoy Anthony Zinni on 14 February. The second wave of incursions, known as "Operation Defensive Shield", began with an attack on President Arafat's compound in Ramallah on 29 March 2002. The IDF then spread through Ramallah and from 1 April entered Bethlehem, Tulkarem and Qalqiliya followed by Jenin and Nablus from the nights of 3-4 April. The IDF withdrawal from most areas was completed by 20 April, although the siege of the Church of the Nativity continued until 10 May. Both periods of incursions were characterised by encirclement of areas by IDF tanks, armoured personnel carriers and soldiers, who then usually summoned males to report to the IDF and carried out house to house searches to arrest others. A strict curfew was imposed and a number of Palestinians were shot in the streets even at times when the curfew was said to be lifted. Certain buildings apparently in strategic positions were occupied; residents of such buildings were usually confined to one room or apartment for several days. Apartments occupied by the IDF were consistently trashed and there were many reports that money, jewellery and electronic goods were looted. The IDF frequently travelled from building to building by making holes through the walls; sometimes they used Palestinians as "human shields" to walk before the soldiers and open doors which might be booby-trapped. During both periods of incursions Palestinian houses were demolished without absolute military necessity; during the first incursions homes of suicide bombers or other "wanted" Palestinians were demolished; during Operation Defensive Shield a whole quarter of Jenin refugee camp was demolished, apparently as collective punishment.

The purpose of the incursions, described by General Yitzhak Gershon, was to "destroy the terror infrastructure". The first incursions took place after a period of relative quiet. Between 2 March and 1 April 2002 there was a sharp escalation in suicide bombings by members of Palestinian armed groups deliberately targeting Israeli civilians; at least 40 Israeli civilians were killed in such attacks. The Israeli government has an obligation to protect those under its jurisdiction and to arrest and bring to justice those who order and aid such attacks in a manner which is consistent with international human rights and humanitarian law. Amnesty International considers that the manner in which Israel has acted in relation to Operation Defensive Shield, carried out against Palestinians who are protected persons under the Fourth Geneva Convention, breached the Convention against Torture.

Mass detentions accompanied by cruel, inhuman or degrading treatment

In view of the numerous allegations of torture and other ill treatment by law enforcement personnel, the State party should take all necessary effective steps to prevent the crime of torture and other acts of cruel inhuman or degrading treatment or punishment, and institute effective complaint, investigative and prosecution mechanisms relating thereto. (CAT/C/XXVII/Concl.5, paragraph 7(e))

Detentions, and sometimes arbitrary detentions of Palestinians, have continued to take place since November 2001. However, the IDF operations against Palestinian areas after 27 February involved mass roundups in each area of hundreds of Palestinians. The purpose of these was allegedly to arrest Palestinian "terrorists"; however Amnesty International considers that the indiscriminate manner in which arrests were carried out, and the cruel, inhuman or degrading and painful treatment to which a large proportion of the male population was subjected violates Article 16 and in many cases Article 1 of the Convention against Torture.

In most refugee camps occupied and in some towns, soon after IDF had encircled and started to occupy an area there were announcements by loudspeaker that all male Palestinians between the ages of around 15 and 45 should report to the IDF. Those summoned were asked to gather in an open place, often in the yard of a United Nations Relief and Works Agency (UNRWA) school. Here they were usually questioned briefly by members of the IDF and sorted. Some were allowed to leave but hundreds were detained. Others were arrested during house to house searches. Consistent accounts to Amnesty International by detainees who were released report cruel, inhuman or degrading treatment; detainees on arrest were blindfolded and handcuffed tightly with plastic handcuffs²; they were often forced to squat, sit or kneel for prolonged periods; they were not permitted to go to the toilet; and deprived of food and blankets during at least the first 24 hours. Those who were not allowed to go to the toilet said that they were forced eventually to relieve themselves on the ground where they sat, with their hands handcuffed behind their backs. Such treatment was profoundly degrading. The denial of blankets also caused great suffering during a period when nights are extremely cold. Members of the IDF wrote numbers on the wrists of some of those arrested during the days immediately after 27 February; however, after protests from many sectors of Israeli society, including Knesset members, this practice ceased.

Those detained were taken to temporary holding stations located in military camps such as Huwara, Ofer and Majnuna military camps, or in Israeli settlements such as Kedumim, Gush Etzion, Beit El and Erez. The use of Israeli settlements throughout the Occupied Territories as places of detention for Palestinians has increased greatly during the recent *intifada*.

During the first IDF incursions from 27 February some 2,500 Palestinians were arrested and by 17 March all but 135 were released. In light of the large number of those arrested and detained for a short time with very little interrogation, and their degrading

² The handcuffs (*azikonim*, small shackles) used by the Israeli security services immediately after arrest (and sometimes for days after) and during detainees' transfer are in themselves a form of torture or ill-treatment. As many testimonies show, the plastic handcuffs tighten on the detainees' wrists, causing intense pain. Former detainees described to Amnesty International delegates wrists becoming blue as a result of their tightening and adult men screaming with pain as they begged for them to be taken off.

treatment, Amnesty International is concerned that the aim of the large-scale arrests may have been to collectively punish and to degrade and humiliate Palestinians uninvolved in armed opposition. Palestinians sitting in large numbers blindfolded and handcuffed were photographed and their pictures shown on television and published in Israeli newspapers.

In Tulkarem refugee camp (which the IDF entered on 7 March and left by 14 March) the IDF made announcements from loudspeakers and also carried out house to house searches, arresting more than 600 Palestinians. On 20 March Amnesty International interviewed a number of those who had been recently released. One detainee, **Jamal 'Issa**, arrested on 8 March and released on 14 March, without interrogation said of the first 24 hours:

"We stayed the night at the DCO [District Coordination Office], about 60 of us, handcuffed and blindfolded, treated as terrorists and humiliated. The basic rights of prisoners in the past were denied us. We asked to go to the toilet and they refused. We spent a night of shouting and crying."

Muhammad 'Arafa, 23 years old, gave a similar description:

"I was arrested round 2.30pm. They took 28 of us to the school and ordered me to sit down. They asked our names and sorted us in groups. Then they took us to the DCO about 9pm. They sprayed water on us rather than giving it to us. The weather was cold. There was no toilet - we had to be taken to the street to relieve ourselves, without being unhandcuffed, and they asked a man to help us. We stayed there the night. Then they handcuffed our hands in front and gave us each a sandwich and water. That was the first food for me for 30 hours. It was about 5am or 6am the following day when we were about to board the buses. Then they took us to Kedumim. ... No one accused us of anything. We stayed there for three days. They did not ask us any questions, nor did they charge us. Then they blindfolded us and at the gate they took off the blindfold and asked us to go. We walked for an hour, looking for a taxi, and we got to Tulkarem four hours later."

Another detainee, **Majdi Shehadeh**, was arrested on 8 March, told to take off his clothes from the waist up, left for an hour and then transferred to a kibbutz:

"We were all handcuffed and we sat on a pebbly ground. We weren't given any food, and when we asked for water they poured it over us. The handcuffs were tight and when the blindfolds were taken off on our arrival I saw some people with hands black and swollen. We told the soldiers that the handcuffs were cutting into us and they said there was no alternative. We started to shout and cry, begging them to ease the handcuffs. It was very cold and some of us had T-shirts and no shoes. We weren't allowed to go to the toilet and had to relieve ourselves there. By 3.30am we were starting to shake and our teeth were chattering with cold."

The number of detainees was so great that on 12 March a new detention centre was opened at Ofer Military Camp, near Jerusalem. Some of those arrested at Tulkarem were transferred to Ofer. By April more than 800 were detained there in tents.

Although some of those arrested in house to house searches were said to have been "wanted" men and taken for further interrogation, a large number of people were rounded

up and released after a few days, sometimes not questioned at all or questioned only briefly. During the second incursion period more of those rounded up remained in custody. In Ramallah on 30 March Israeli loudspeakers called on all males aged between 16 and 50 to come for questioning and by 1 April IDF forces announced that they had arrested more than 700 people in Ramallah. Accounts of treatment amounting to cruel, inhuman or degrading treatment continued to be consistently received. Two people arrested in Ramallah stated that they were left lying down, blindfolded and handcuffed, exposed to the elements in a half-finished building in Ramallah before being released 24 hours later.

Many detainees, especially those arrested during Operation Defensive Shield, reported being stripped to their underclothes on arrest. Palestinians were arrested in large numbers at Jenin refugee camp during the first days of the IDF incursion into Jenin which began around 4.30am on 4 April. On 11 April the IDF announced that 685 Palestinians had been arrested in Jenin. Released detainees interviewed by Amnesty International delegates and other human rights organizations on 13-14 April in Rumaneh village, gave a consistent account of their treatment at the hands of the IDF. According to their statements the IDF separated men aged about 18-50 from women, children and older men. These males were ordered to strip to their underwear, their hands were then clasped behind their backs with plastic handcuffs, and they were blindfolded. They were taken from the camp to Al-Sahadi forest. Periods of detention at the forest ranged from 4 to 10 hours. Throughout this period, they were kept handcuffed, blindfolded, and in their underwear. They were exposed to the elements and as it had just been raining, the ground was muddy and the weather was cold. They were forced by the IDF to kneel or assume a squatting position. They were not given any blankets or food, and a number said they received no water or minimal water. From this area, the IDF took the detainees by lorry to Salem military camp where they were held in an exposed open graveled area for periods of time ranging from four hours to three days. They were not provided with blankets and received only small amounts of water. Only those kept for more than a day reported getting any food. The detainees were again made to squat or kneel and most stated that they were ordered by soldiers to keep their head lowered to their laps. They were then taken to an interrogation point, somewhere in or near Salem military camp and were interviewed for periods ranging from 15-30 minutes. The first few questions were standard including name, ID number, occupation, place of residence. Additional questions included whether they possessed arms and one man reported having been asked his opinion on the political situation. At the conclusion of the interrogation, two Polaroid photographs of each detainee were taken and the detainee's ID number was written on the back. One photo was given to the detainee and one was kept by the IDF. Following the interrogation and photo session, the detainees were taken back to the graveled area and then taken by lorry or bus to a crossroads area near a petrol station just outside of Rumaneh village. They were told to walk to the village and to stay there.

During Operation Defensive Shield some 5,000 Palestinians were arrested. A far larger proportion remained in detention: on 6 May official IDF figures gave the number of those still in detention after 29 March as 2,350; others were held by the GSS.

Incommunicado detention and conditions of detention

"The State party should review its laws and policies so as to ensure that all detainees, without exception, are brought promptly before a judge, and are ensured prompt access to a lawyer". (CAT/C/XXVII/Concl.5, paragraph 7(c))

The use of prolonged incommunicado detention against Palestinian detainees, raised as an area of concern by the Committee against Torture in November 2001, has continued.

'Abd al-Salam 'Adwan, 39, a nurse and father of five children, was arrested on the night of 7 March from Maqassed Hospital in Jerusalem, where he worked. He was taken to the Moskobiyya Detention Centre in Jerusalem. He was then transferred to Shikma Prison, Ashkelon. His lawyer was promised that he could see 'Abd al-Salam 'Adwan on 24 March, but when he tried to do so the next day, he was refused. On 26 March the lawyer was told that there was an order prohibiting 'Abd al-Salam 'Adwan access to his lawyer for 10 days; when that expired a further five-day order prohibiting access to counsel was imposed. On 28 March Amnesty International raised 'Abd al-Salam's prolonged incommunicado detention in an urgent appeal to the Israeli authorities. On 9 April 'Abd al-Salam 'Adwan's lawyer and the Public Committee against Torture in Israel (PCATI), a non-governmental human rights organization, filed a petition to the High Court of Justice on his behalf; the appeal was withdrawn after the State Attorney agreed that 'Abd al-Salam 'Adwan and his lawyer could meet on 11 April, after 34 days incommunicado detention.

During Operation Defensive Shield the law was changed in order to further extend the period during which a Palestinian detainee from the Occupied Territories may remain without access to lawyers. Military Order 1500 (MO 1500) allows "a military commander above the rank of major to detain for 18 days without access to a lawyer or a judge anyone whose circumstances of arrest raise suspicions that he threatens or could threaten the security of the area, the security of Israeli forces or public security." The order, introduced on 5 April 2002, is retroactive, applying to those detained before the order was introduced. The High Court of Justice, which usually hears petitions by lawyers for access to detainees in incommunicado detention, has refused to hear any such petition for access or bail from a lawyer during the 18 days laid down by MO 1500. MO 1500 breaches international standards which require prompt access for a detainee to a lawyer and a judge. The Human Rights Committee in its General Comment 29 stressed that the right to take proceedings before a court in order that the court may decide without delay on the lawfulness of any form of detention is a non-derogable right.

At the end of the 18 days a detainee is to be brought before a military judge who may renew his or her detention and also place an order prohibiting access to a lawyer; such orders may be renewed for up to 90 days.

During the mass arrests between 27 February and May 2002 families often did not know the whereabouts of arrested relatives. Detainees were held incommunicado, sometimes in secret centres. One of these was **Jamal Mustafa Khueil**, a resident of Jenin refugee camp who was detained by the Israeli army on 11 April 2002. After his arrest, Jamal Khueil was held by the GSS at the GSS Interrogation Unit of the Kishon Detention Centre (also known as Jalameh Detention Centre) near Haifa. He was held there until 22 April 2002. From this date, Jamal Khueil's father could not obtain any information about where his son was being held. On 24 April 2002 he was taken from the Centre by GSS investigators, who did not announce where they were taking him. He was not returned to Kishon/Jalameh Detention Centre. The human rights organization *Adalah* ("Justice") submitted a pre-petition to the Attorney General's office, demanding to know where Jamal Khueil was being held. The Attorney General's office did not provide this information, but stated that he was being investigated at a GSS facility and that investigators from the Kishon GSS Interrogation Unit were taking part in the investigation. On 2 May, after Jamal Khueil had been detained for 22 days without access to the outside world, the Attorney General informed *Adalah* that Jamal Khueil would be allowed to have access to his lawyer the following day. When he was

allowed access to his lawyer Jamal Khueil alleged that he was beaten while blindfolded and handcuffed immediately after arrest. He said that after being taken to a hearing for the renewal of his detention order around 30 April he was taken by the IDF, blindfold, shackled and handcuffed, to an unknown place where he was held isolated in a dark room for seven to eight days. He was then handcuffed, shackled and blindfolded again and transferred to Kishon/Jalameh Detention Centre, where he was held with other detainees.

At least three Israeli citizens were also held in prolonged incommunicado detention. Three Israelis (gagging orders prohibited their names from being disclosed), accused of planning attacks on Palestinians, were arrested on 30 April 2002 and held incommunicado for 10 days by a four-day order extended for a further six-days Prohibiting Meeting with Counsel.

With hundreds of Palestinians being rounded up and arrested in a short time a detention centre was opened in Ofer military camp between Jerusalem and Ramallah as a centre for holding detainees; 'Awni Sa'id from al-Am'ari refugee camp in Ramallah, described how the first tents to house detainees were put up:

[Soon after arrest on Tuesday, 12 March] we were moved to Ofer in an armoured truck. At Ofer there were about 210 people. Among them was one deaf-mute and he was allowed to go. It was at Ofer that we were handcuffed and hooded... We stayed like that until 1am when a soldier took our IDs and searched us; they took everyone's mobiles. Then they picked out some people and gave them tents and told them to put them up – there were four tents for the 200, about 50 in each tent. By 2.30-3am we had finished putting up the tents and we asked them for mattresses which they refused. They brought us wood instead, rough, worse than you make coffins with. We had no blankets at all the first night – they only brought them around 10.30pm on Wednesday. By that time five people were sick from the cold; they took them to see a doctor but he did nothing. We were given our first food on Wednesday at 8am. Later we were also given two cigarettes per day.

A month after the opening of Ofer, Ketziot detention centre in the Negev (otherwise known as Ansar 3) was reopened. It had been opened during the first *intifada* when at one time it had housed more than 2,000 Palestinians administratively detained. On 12 April 70 Palestinian administrative detainees who had been held for up to 18 months were transferred there. By 5 May a total of 2,350 of those arrested since 29 March were being held by the IDF (an unknown number were being held by the GSS/*shin bet*). According to IDF figures they were divided as follows: Ofer 870 (including 180 administrative detainees); Ansar 3/Ketziot 548 (282 administrative detainees); Megiddo 831; 100 in other centres (eg settlement police stations such as Huwara, Beit El).

According to consistent reports received by Amnesty International detainees' conditions in Ofer and Ansar 3/Ketziot, are poor and may amount to cruel, inhumane or degrading treatment or punishment. In both camps detainees sleep in tents; in Ansar 3/Ketziot nights are particularly cold. Detainees in Ofer are said to be overcrowded, sleeping 40 to a tent. In both camps detainees initially slept on pieces of rough wood; now in Ofer thin mattresses have been given to put on top of the wood. For the first night in Ofer no blankets were provided; now detainees in Ofer have three blankets each, which they say is not enough. Detainees in both Ofer and Ansar 3/Ketziot have complained about inadequate food, and a hunger strike took place in Ansar 3 in protest. Each tent of 40 detainees in Ofer is said to be allowed one bar of soap. Even if they were arrested in pyjamas detainees reportedly

remained in the clothes in which they were arrested for the first two weeks, though they were given clothes if they had been detained wearing only underclothes. Otherwise they were reportedly only given clean underclothes after two weeks. Detainees have no books, no radio, no pens and no paper. After detainees spent an initial 18 or more days incommunicado most detainees at Ofer and Ansar 3/Ketziot have access to lawyers. But not a single detainee from the Occupied Territories is known to have access to family. Family members from the occupied territories are prohibited from visiting any of the detention centres, within Israel or the Israeli-controlled settlements, where detainees are held. In addition, according to families of detainees, the International Committee of the Red Cross, which tries to organize visits to detainees from family members, has been told that access will be denied. Family members from within Israel have also been refused access to visit the detainees.

The mass arrests of the first incursions and of Operation Defensive Shield caused anguish to families who remained under curfew after their relatives were led off and had no means of knowing whether they were alive or dead. Amnesty International received dozens of telephone calls from anxious relatives; Israeli and Palestinian human rights organizations received hundreds of similar calls. With occupied towns declared closed military areas and thus cut off from the outside world, including journalists, and strict curfews in force, rumours of killings by the IDF abounded, increasing the fear of relatives confined to their homes. The Israeli authorities were also frequently unable to give names of those they had detained or to locate detainees.

The Israeli human rights organization HaMoked had normally been able to locate Palestinian detainees within 24 hours when contacted by family members; during the incursions the IDF might be unable to locate detainees for weeks at a time. For example, **Hussein Ahmad Jabarin al-Rashdi**, aged 32, was arrested from his house in Ramallah on April 1 2002. On April 14 the IDF military police tracing centre informed HaMoked that he was no longer at Ofer Detention Centre nor held by the IDF, the Israeli Police nor the Prison Services; on 15 and 28 April and on 1 May they gave the same answer. On May 5 the State Attorney informed HaMoked that Hussein al-Rashdi "was arrested under the auspices of Order # 1500 for 18 days, which expired on 20 April. On 15 April he was placed under administrative detention for three months. His current whereabouts are not known, but as soon as he is traced, the Court will be informed of his whereabouts". In the meantime another detainee at Ofer had already informed Hussein al-Rashdi's family that Hussein al-Rashdi was at Ofer and on 6 May the State Attorney informed HaMoked and the Court that the detainee had been brought before a judge and his release was ordered. On 7 May, after another apparent misplacement of the detainee, he was actually released after 37 days in detention without access to family or lawyers.

Administrative Detention

"...The Committee continues to be concerned that administrative detention does not conform with article 16 of the Convention.... The practice of administrative detention in the Occupied Territories should be reviewed in order to ensure its conformity with article 16". (CAT/C/XXVII/Concl.5, paragraphs 6(e) and 7(b))

The number of administrative detainees has increased enormously from the figure of 32 people held in administrative detention reported to the Committee against Torture in November 2001. By 23 April according to official estimates by different IDF spokespersons the number of Palestinians in administrative detention was put at between 150 and 350. On 5 May official IDF figures put the number of administrative detainees at 465. The same day

an IDF spokesperson told an Israeli lawyer that there were 629 in administrative detention. Again on 5 May, in answer to a petition before the High Court of Justice, the State Attorney said the IDF was holding 990 in administrative detention (not counting those administratively detained before 29 March). Those placed in administrative detention since the beginning of April are said to have received administrative detention orders of between two and six months.

Administrative detention is a procedure under which detainees are held without charge or trial. The administrative detention order is issued by a military commander for a specific term of up to one year and can be renewed indefinitely. Administrative detainees have the right to appeal every detention order, initially before a military judge and ultimately to the Supreme Court sitting as the High Court of Justice. They are allowed a lawyer, but, in the vast majority of cases, neither they nor their lawyers are given access to or informed of all the evidence against the detainee. The court decides on security grounds how much evidence to disclose. Therefore it is difficult for a lawyer who is often uninformed of the details of the charges and the evidence against a detainee, to conduct a defence.

The following are examples of detainees currently held without trial under administrative detention.

'Abd al-Rahman al-Ahmar, a human rights defender working for the Palestinian Human Rights Monitoring Group, has now been detained for nearly a year, since 23 May 2001. At the last hearing, which was an appeal against the renewal of his detention, held on 24 April 2002, the IDF Lieutenant-Colonel hearing the case accepted that there was no new evidence to justify 'Abd al-Rahman al-Ahmar's continuing detention, but rejected his appeal, ruling that he still needed to be detained for the sake of "public security".

Yasser 'Ali Mohammad Dissi (28 years old), the public relations officer of the Palestinian human rights organization al-Haq, was detained when Israeli forces entered into al-Haq's offices in Ramallah on 30 March 2002. He had volunteered to stay in the office so that at least one individual would be present there in case of an Israeli incursion into Ramallah, to answer telephone calls and to follow up on requests for assistance. On the evening of 30 March one of al-Haq's researchers received a frantic telephone call from Yasser Dissi telling him that Israeli forces were at the office door and were attempting to get inside. He said that he was going to open the door, but before he put down the phone he said that the soldiers had broken through one of the outside doors into al-Haq's library and that they were going to arrest him. The telephone line then went dead. Following his detention it took al-Haq more than one week to locate him in Ofer military camp, as the Israeli authorities initially denied that he was in their custody. Notification that a three-month administrative detention order had been issued against Yasser Dissi was finally given to an Israeli lawyer in the afternoon of 13 April. Amnesty International and al-Haq believe that his detention is directly related to his activities as a human rights activist, and as such consider him to be a prisoner of conscience.

Two cases of prolonged administrative detention without charge or trial, raised by the Committee against Torture in November 2001, are still outstanding. **Shaykh 'Abd al-Karim 'Ubayd** has now been detained for 13 years without trial. **Mustafa al-Dirani** has been held for eight years without trial. Both were kidnapped from Lebanon and are now held under administrative detention orders which are

indefinitely renewable. In violation of international humanitarian law neither detainee is allowed visits from the International Committee of the Red Cross. Mustafa al-Dirani was the leader of a Lebanese armed group, who had been responsible before 1989 for the detention of an Israeli navigator, Ron Arad, who went missing in action in 1987. No information has been given as to the accusations against Shaykh 'Abd al-Karim 'Ubayd. It now appears that the Israeli State has no intention of charging Shaykh 'Abd al-Karim 'Ubayd or Mustafa al-Dirani with any offence or bringing them to trial in accordance with international fair trial standards. **Amnesty International considers that Shaykh 'Abd al-Karim 'Ubayd and Mustafa al-Dirani are being held as hostages and should be immediately released.**

Torture

The State party should ensure that interrogation methods prohibited by the convention are not utilized by either the police or the ISA in any circumstances. (CAT/C/XXVII/Concl.5, paragraph 7 (d))

In November 2001 the Committee against Torture expressed concern that the "defence of necessity" might still be used, as a result of the 1999 Supreme Court decision, to allow interrogators impunity for the use of physical pressure. Amnesty International has received information on two cases in which such a defence has been used. The responses from the State Attorney to Public Committee Against Torture in Israel (PCATI) on Naser Mas'ud 'Ayyad (dated 21 February 2002) and Jihad Latif Shuman (dated 4 March 2002) said that in both cases there was a "heavy suspicion" that they were "ticking bombs" and therefore that the "defence of necessity" applied.

Naser Mas'ud 'Ayyad, aged 36, from Gaza was arrested on 29 January 2001. He was interrogated at the GSS centre in Petah Tikvah and then detained in Shikma Prison, Ashkelon. Upon his arrest an Order Prohibiting Meeting with Counsel was imposed on him. He remained a total of 42 days in incommunicado detention. He stated in an affidavit to his attorney that he was deprived of sleep, exposed to bright lights causing burns to his face, and handcuffs and leg shackles were tightened in such a way that they caused swellings. He was placed sideways on a small chair and his head was pulled back till it reached the floor, "causing excruciating pain"; sometimes he would fall off the chair. He stated that he was told by the GSS interrogators that they had been authorized to use physical pressure against him. His interrogators also threatened to kill his father, Mas'ud Ayyad (who was killed two weeks after Naser's arrest on 13 February 2001 by three rockets shot at his car from a helicopter) as well as the rest of his family.

Jihad Latif Shuman, a British citizen of Lebanese origin, aged 32, was arrested at Tel Aviv Airport on 5 January 2001 by the GSS, apparently on the suspicion that he had been sent to Israel from Lebanon by *Hizbullah* to stage an attack in Israel. He stated that during more than a month in incommunicado detention he was physically beaten, kicked and slapped on the face with great force. He was made to sit on a small chair with his feet pulled behind him and his back bent back, in great pain, for hours on end. He would collapse on the floor and be lifted up and replaced; he thought that this lasted for nine days. He said he was deprived of sleep for days on end, and, when he was exhausted, he was put under a cold shower, and remained wet and shivering for hours afterwards. He also said he was threatened with his own

or his mother's rape and received many other threats. He suffered breathing problems following this treatment.

In November 2001 the Committee against Torture expressed its concern at "allegations of torture and ill-treatment of Palestinian minors, in particular those detained at Gush Etzion police station". The torture or other ill-treatment of minors in Gush Etzion was raised by B'Tselem, the Israeli human rights organization, in July 2001 in a report entitled *Torture of Palestinian minors in the Gush Etzion Police Station*. The report reviewed the cases of ten children held in Gush Etzion between October 2000 and January 2001, and noted that interrogation methods commonly included severe beatings, dousing in cold water, putting the detainee's head in the toilet bowl, threat and curses. Amnesty International received reports of beatings and other torture in Gush Etzion from the end of 2000 and today, 10 months after B'Tselem's report and six months after the Committee specifically raised its concerns relating to Gush Etzion, Amnesty International continues to receive reports that detainees, including children, have been subjected to torture or other ill-treatment while detained at Gush Etzion police station.

Husam Ibrahim Mahmud, a schoolboy aged 15, was arrested at midnight from his home in Nahhalin village on 24 January 2002 by members of the IDF and the GSS. He was handcuffed, blindfolded, and taken by jeep to Gush Etzion:

"On the way the plastic handcuff was hurting my hand. One of the soldiers asked me if I had attacked the army. I said, 'No'. He then hit me on my nose and it started to bleed. Then he slapped my face many times. He took me to another jeep dragging me on the floor while beating and kicking me and insulting me. I was left handcuffed until 7am and my hands were swollen and wounded. When I reached the centre the interrogator hit me on my mouth and nose and face. My face was bleeding. He stripped me off. They put me inside a 'fridge' [a small, coffin-like cell] and turned on the air-conditioner. Then he brought a paper and said that if I signed he would send me home. So I signed. I wasn't allowed to go to the toilet or even to drink water or eat... He also brought a man called Rami 'Ubayd Allah and tortured him in front of me. He also hit my head and face against a car parked in the courtyard."

'Ayyad 'Adel Muhammad al-Batha, aged 20, was arrested from his home in Bethlehem on 16 January 2002 and taken to Gush Etzion police station.

"They blindfolded me and handcuffed me with plastic. Then they beat me all over my body till my hand bled. After, I was hit on the mouth and I lost two teeth and my mouth was bleeding. They kicked my eye, my face and my legs and I nearly lost my mind. They asked me whether I threw stones at soldiers but I said 'No'. They beat me to say I did throw stones, but I refused. Then I showed my mouth, face and hands to my lawyer".

Amnesty International raised its concerns about cases of beating of detainees in Gush Etzion detention centre in letters to Prime Minister Ariel Sharon and Minister of Justice Meir Shetreet dated 21 February 2002. No reply nor acknowledgement of this letter has been received.

Collective Punishment

"The State party should desist from the policies of closure and house demolition where they offend article 16 of the Convention". (CAT/C/XXVII/Concl.5, paragraph 7(g))

House demolitions and closures, used by Israel against Palestinians as a form of collective punishment, have continued at an even greater pace since the Committee against Torture concluded in November 2001 that these policies “may, in certain instances, amount to cruel, inhuman or degrading treatment or punishment”. The Israeli authorities state that house demolitions are carried out for military necessity and that closures have to be imposed in order to prevent armed attacks by Palestinians. Amnesty International considers that these are measures of collective punishment imposed against Palestinians whereby all Palestinians may be punished for the attacks against Israelis carried out by other Palestinians. In addition Amnesty International is concerned at the denial or impeding of medical or humanitarian aid by the IDF; the IDF destruction of Palestinian property in occupied apartments and the use of Palestinians as human shields in IDF operations. All these forms of collective or individual punishment against Palestinians might amount to violations under Article 1 or Article 16 of the Convention against Torture.

House demolitions

On the night of 13-14 December 2001 the IDF demolished 36 homes in Khan Yunis, making more than 350 people homeless. There appeared to be no absolute military necessity for destroying these houses. The IDF stated:

“As part of IDF activities in response to the suicide bombings and the PA's unwillingness to prevent terror, IDF forces, including engineer, tank, and infantry operated at the outskirts of Khan Yunis, clearing several structures to distance Palestinian gunmen shooting from these structures on Neve Dekalim and IDF outposts in the area. During the operation, the force came under fire from light weapons and grenades.”

Thus it appears that these demolitions were partly in reprisal for attacks and suicide bombs carried out far away from the houses: on 12 December 2001 a Palestinian attack on a bus near Tulkarem killed 10 Israelis. On 1 and 2 December suicide bomb attacks in Jerusalem and Haifa killed more than 20 Israelis. The houses demolished were mostly poor, one-storey shacks of refugees; taller blocks of flats were left in place.

On the night of 10 January 2002, 59 houses were demolished in Block O in Rafah refugee camp near the border with Israel/Egypt. The next day, another 40 houses were demolished in Block J not far away along the same border, and another 41 rendered uninhabitable. More than 600 Palestinians were made homeless. The demolitions on 10-12 January followed an attack on an Israeli army post which had killed four IDF soldiers several kilometres away from the Rafah/Egypt border. The houses destroyed in Block O were mostly poor one storey structures with corrugated iron roofs, and the tanks accompanied by bulldozers which had destroyed the houses appeared to have taken particular care in crushing down the rubble so that it was compacted - residents could not even dig among the rubble to look for possessions.

Amnesty International is concerned that these house demolitions thus may have been collective punishment against Palestinians apparently uninvolved in any attack. There appeared to be no absolute military necessity for destroying these houses.

Since January 2002 houses in Rafah have continued to be demolished. Usually about two or three a day are demolished by Israeli tanks who enter the area. Such demolitions do not receive the publicity of a large scale demolition, yet they amount to some 60 homes a month, apparently demolished without absolute military necessity.

The Israeli incursions, mostly into refugee camps, after 27 February 2002 demolished particularly the homes of the families of those who were accused of attacking Israelis or who had been suicide bombers. In Balata Camp, in an act of collective punishment, the IDF blew up on 3 March the house of Nasser 'Aways, a "wanted" member of *Hamas* who was killed a month later during the IDF's second attack on Nablus. Seventeen people lived in the house. In a camp where almost every house shares two or more walls and even the alleyways are barely one metre wide, the demolition of the house caused severe damage to six houses nearby. In Deheisheh Camp, in another extensive act of collective punishment, four homes of members of the family of Mahmud al-Mughrabi, alleged to have carried out attacks on Israelis, were blown up with explosives. Neighbouring houses were severely damaged by the destruction.

During Operation Defensive Shield extensive house destruction took place, especially in Nablus and Jenin. In both Nablus and Jenin the IDF reportedly bulldozed some houses while residents were still inside; at the same time they blocked medical and humanitarian aid coming to help those injured or buried under the rubble of houses.

In Nablus the IDF surrounded the *Qasbah* area (the old city) on 1 April and imposed a strict curfew, shooting at anyone who left their homes. During the curfew Amnesty International spoke to residents of the *Qasbah* who spoke of a dead body rotting in the street as the IDF shot at anyone who left any house. Some houses were destroyed; one was a house in the old city which was bulldozed down on top of its occupants on 5 April. Mahmud 'Umar al-Shabi discovered the demolished house of his family only a week later, on 12 April, when the curfew was at last lifted for two hours. He began to dig in the rubble with the help of friends and neighbours; he was fired on several times for breaking the curfew and it began to rain. Late at night the rescuers found a small opening to the ground floor of the house and discovered, alive, Mahmud al-Shabi's uncle, 'Abdallah al-Shabi, 68, and Shamsa al-Shabi, 67, his wife (crippled from before the intifada). At 1.30am they found the eight other members of the family, all dead, huddled in a circle in a small room: Mahmud al-Shabi's father, 'Umar, 85; his sister Fatima, 57; his cousin Abir, 38; his cousin Samir, 48; Samir's 7-months pregnant wife, Nabila, 40; and their three children, Abdullah, 9; 'Azzam, 7; and Anas, 4.

In Jenin the IDF destroyed the Hawashin quarter in the refugee camp, containing more than 100 two- and three-storey houses. The houses were not only to be destroyed but to be ground down, and appeared to be demolished without absolute military necessity - many were reportedly destroyed after resistance from armed Palestinians had ceased. Some residents were still in their homes when they were destroyed; meanwhile medical and humanitarian aid was blocked access to the refugee camp. Jamal Fayed, aged 38, paralysed and confined to a wheelchair, was left in his home as it was being demolished by an IDF bulldozer on 9 April; members of his family begged the bulldozer to stop and ran inside to help him but had to leave when the wall of the house started to fall as the bulldozer continued. His wheelchair and eventually his body were found under the rubble. The last survivor to be pulled out alive from under the rubble was a 17-year-old boy, rescued on 19 April, after the IDF had raised their blockade of the refugee camp.

Based on its research Amnesty International considers the demolition and reduction

to rubble of a whole quarter of Jenin refugee camp containing as a collective punishment carried out without absolute military necessity. It amounts to a serious violation of human rights and is a grave breach of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 1949, to which Israel is a High Contracting Party.

Closures and blocking of medical and humanitarian aid

Closures have been of many kinds. They are imposed or lifted usually in response to attacks but sometimes apparently at random. However, during the current *intifada* they have progressively become more permanent and more divisive. Sometimes every town or village is cut off from the outside world and no movement is possible. However, in general, Palestinian taxis may move, but along side roads only (many of the main roads in the Occupied Territories are prohibited to Palestinians from the area) so that a journey of 10 kilometres may take three hours.

The manned barrier consists of members of the IDF or the Border Police standing at the road behind a barrier. They may check every passport or ID card or they may only stop and turn back certain cars, trucks or taxis. Barriers unmanned by soldiers come in different forms: a large pile of earth which blocks the road; a trench dug across the road; heavy concrete blocks; and even steel gates. The excuse that such closures are to halt "terrorists" is spurious as on almost every occasion Amnesty International delegates have been affected by closures they have seen other Palestinians walking round road blocks with no effort to stop their passage or to search them. The main reason for closures appears to be to harass, humiliate and collectively punish the Palestinian population.

The Gaza Strip, 45 kilometres in length, is now normally cut into three portions allegedly in order to defend Israel's settlements. Those who wish to travel from one segment to another have to walk along the beach for five kilometres. Nablus, with over 100,000 inhabitants is frequently cut off from the outside world, requiring a journey of four kilometres by foot over the mountain between the villages of Tel and Burin to enter.

The area of the Mawasi in the Gaza Strip, home to some 5,000 Palestinians, which lies between the sea and the line of Israel's Gush Katif settlements has been closed to non-residents since the beginning of the *intifada*. Amnesty International delegates have never been allowed to enter the area. Residents are numbered and not allowed to build or repair their homes. Since 8 March 2002, there has been a complete curfew on the area which is lifted only a couple of hours twice a week. There is no absolute military necessity for preventing a population of 5,000 from going about their daily work of fishing, farming etc.; the population, now confined to their houses, have to live on UNRWA handouts.

Closures deny the right to freedom of movement to Palestinians; they severely affect all economic and cultural activities, education and access to medical care. In Nablus, Jenin, Ramallah and other cities surrounded by the Israel forces during Operation Defensive Shield, medical and humanitarian aid was blocked. Towns were declared closed military areas and no one, including ambulances and journalists, was allowed to enter. In these cities the IDF siege and curfew imposed for several days prevented the sick and wounded from reaching hospital and preventing humanitarian aid reaching those suffering because of the blockade or buried in the rubble of houses. Residents have had to remain within their homes for days, often without electricity, telephones and with diminishing stocks of food and water. Even when the curfew was said by the IDF to have been lifted to allow residents to shop, there were consistent reports of those venturing into the streets being shot at.

Since the withdrawal of the tanks from around the cities the “normal” closures remain. Palestinians in life-threatening conditions continue to be frequently prevented or hindered from reaching hospitals or medical attention by closures and some Palestinians are said to have lost their lives as a consequence. On 5 May 2002 Rahmeh ‘Ali Mirrayeh was prevented from reaching hospital in Jenin while she was in labour by a military checkpoint. She gave birth in a taxi and the infant died shortly before reaching the hospital.

Trashing apartments, destruction of property

Amnesty International delegates visiting the region in March, saw a trail of havoc and destruction left by the IDF. Tanks rolled over parked cars, broke down walls and house fronts and knocked down lamp-posts and street signs. Sometimes they rolled for no apparent reason into the front of houses. Electricity, water and telephones were cut for as long as the Israeli army remained in occupation. Meanwhile wall-piercing bullets and sometimes tank rounds were shot for no apparent reason into shop fronts or houses. The soldiers had occupied flats in strategic positions during their stays of up to nine days in residential areas and had systematically trashed them, opening drawers and wardrobes and scattering their contents, tearing clothes, damaging pictures, throwing televisions or computers down stairs. There were reports of looting from many areas; sometimes victims complained to the IDF who took no action. In one flat in Deheisheh camp belonging to Amal ‘Abd al-Mun’im, the family Qur’an had its pages cut out and scattered over the floor and a report by the human rights organization *B’Tselem* had been pierced over and over again, apparently by a knife or bayonet. She told Amnesty International:

“They came on Saturday 9 March, 25 soldiers with armoured cars. They put us all in one room - there were six of us, [my husband], my four children and myself. They stayed about five hours and we were confined to one room. Then they took my husband away. They stayed four days in the house. When we came back we found everything destroyed. My house is three storeys high and they destroyed everything. They stole two video cameras each one [worth] \$300. They took all our money, the computer which cost about 8,000 shekels. They were using the toilets but they didn’t clean anything. We found their excrement everywhere - they filled towels with shit and smeared it on the wall, in the kitchen and our dishes. They tore up the Qur’an and broke everything.”

The Use of “human shields”

Amnesty International considers that the use of “human shields” by the IDF also constitutes treatment in breach of Article 16 of the Convention.

Among those used in this way was **Majdi Shehadeh**, whose house was occupied by Israeli soldiers. He said:

“The IDF came to the house at 4am on Thursday [7 March] and collected the family and put us in one room. I have seven children aged between one and seven. They asked what I had on the roof; I said ‘Pigeons’. The soldiers came on to the roof, and my neighbour heard them talking and shot and wounded a soldier. The soldiers started shooting and left the roof. One soldier wanted to kill me but the officer told him not to. Then they used me as a shield to go back on the roof and they placed explosives in the pigeon house and destroyed it. The pigeons were killed and the water tank exploded and water came pouring down. The soldiers started shooting in all directions... They made another entrance into my home and told me to go out

and then to open the door of the neighbouring home. I couldn't open it so they broke it down. They used me as a shield to open doors to other houses and eventually let me go back home at 8am."

In a house occupied by Israeli soldiers in Balata camp between 28 February and 4 March, the IDF confined about 40 of the residents to one room and then allegedly told some of the men to stand at windows in the top floor flat, which was frequently being shot at by armed Palestinians.

Amnesty International obtained testimony from residents of Jenin that they had been used to go ahead of soldiers to open the doors of houses for fear of booby traps. One resident testified that soldiers had used his body as a gun rest.

On 9 May 2002, in response to a petition brought to the High Court by a group of seven Israeli and Palestinian human rights organizations the IDF issued a statement saying that it was banning the use of civilians as a "living shield" in its operations.

Conclusion

Amnesty International's delegates at present carrying out research in Israel and the Occupied Territories continue to receive and investigate reports of the types of conduct described above. Amnesty International urges the Committee against Torture to make the strongest possible recommendations to the Israeli government.

The nature and severity of the suffering inflicted by the systematic practices of house demolitions, closures and the use of human shields in the Occupied Territories is so grave that Amnesty International considers that it may amount to torture as defined in article 1 of the Convention against Torture.