

EXTERNAL

AI Index: MDE 15/42/95

EXTRA 163/95

Torture / Fear of continued torture

20 December 1995

ISRAEL AND THE OCCUPIED TERRITORIES

'Ala Omar Abu Ayash, aged 29, from Beit Omar  
Khalidun Abu Ayash, brother of above, also from Beit Omar  
'Abd al-Halim Belbaysi, aged 29, from Jabaliya, Gaza

The three Palestinians named above, currently being interrogated in Ashkelon Prison, have reportedly been subjected to torture by violent shaking and other methods and are feared to be at risk of further torture.

According to their lawyer, André Rosenthal, 'Ala Omar Abu Ayyash, arrested with his brother on 11 December, has been violently shaken whilst being grasped by the shoulders, and the other two have been violently shaken by the collar during their interrogation. After complaining of chest pains and breathing problems, 'Ala Omar Abu Ayyash was seen by the prison doctor and taken to Ashkelon hospital where he was given an ECG test; he was taken back to the prison infirmary and on 20 December 1995 the doctor allowed him to be returned to interrogation.

The men have also been subjected to prolonged sleep deprivation whilst being tied onto small stools in painful positions (known as *shabeh*). 'Abd al-Halim Belbaysi was arrested at the Eretz checkpoint between Gaza and Israel on 6 December. He has said that in addition to daily shaking by two interrogators he has been forced to do crouching exercises, and if he refused the interrogators forced him up and down by pulling the handcuffs behind his back. On 20 December, the two brothers were today remanded in custody for a further 21 days.

BACKGROUND INFORMATION

In recent years violent shaking has been frequently used by Israeli interrogators as a means to obtain information from Palestinian detainees. Detainees who have been shaken have frequently described falling unconscious, and in April 1995 a healthy 30-year-old detainee 'Abd al-Samad Harizat died as a direct result of being violently shaken during interrogation.

It is known that shaking is permitted under the secret guidelines for interrogation drawn up in 1987. Furthermore, the Ministerial Committee, which oversees the General Security Service (GSS) (which conducts interrogations), gave permission for the continued use of shaking during interrogations in August 1995. It seems that particular methods of shaking are permitted under the guidelines, and that the interrogator who shook Harizat by the shoulders was disciplined for shaking incorrectly.

Amnesty International considers any type of violent shaking to constitute torture and has called for an end to violent shaking, the hooding of prisoners with sacks, prolonged sleep deprivation, the tying of detainees in painful positions, beating on parts of the body, confinement to closet-sized rooms and restrictions on time allowed for eating or going to the toilet. The Israeli authorities continue to deny that such practices amount to torture or ill-treatment whilst citing security fears as a justification of such violations of their obligations under international human rights law.

**RECOMMENDED ACTION:** Please send telegrams/telexes/faxes/express/airmail letters in English or your own language:

- asking if 'Ala Omar Abu Ayyash, Khaldun Abu Ayyash, 'Abd al-Halim Belbaysi have been violently shaken during interrogation;
- stating this torture should be immediately halted and that an investigation should be conducted into allegations of torture and ill-treatment;
- stating that Amnesty International is opposed to the use of shaking during interrogation and that it is a violation of Israel's obligations under the UN Convention against Torture and Cruel, Inhuman and Degrading Treatment or Punishment;
- stating that while AI in no way disputes the right of governments to bring to justice those who have committed criminal acts, torture of **anyone** whatever crime they are alleged to have committed, is outlawed by international standards: For example, Article 2 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment states that "*no exceptional circumstances whatsoever, whether a state of war or threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.*"
- calling on the Prime Minister/Ministers (1-4 named below) as members of the Ministerial Committee for the GSS to take immediate action to end the practice of shaking during interrogation.

**APPEALS TO:**

1. Shimon Peres  
 Prime Minister,  
 Office of the Prime Minister  
 3 Kaplan Street, Jerusalem 91919, Israel  
**Telegrams: Prime Minister Peres, Jerusalem, Israel**  
**Telexes: 25279 mpres il**  
**Faxes: +972 2 664 838**  
**Salutation: Dear Prime Minister**

2. David Liba'i  
 Minister of Justice  
 Ministry of Justice  
 29 Salah al-Din Street, Jerusalem 91029, Israel  
**Telegrams: Justice Minister, Jerusalem, Israel**  
**Faxes: +972 2 285 438**  
**Salutation: Dear Minister**

3. Yossi Sarid  
 Minister of the Environment  
 Ministry of the Environment  
 PO Box 6234, 2 Kaplan Street  
 Jerusalem 91061, Israel  
**Telegrams: Environment Minister, Jerusalem, Israel**  
**Faxes: +972 2 6513 945**  
**Salutation: Dear Minister**

4. Moshe Shahal  
 Minister for Internal Security  
 Ministry of Internal Security  
 PO Box 18182, 3 Sheikh Jarrah  
 Kiryat Hamemshala, Jerusalem 91181, Israel  
**Faxes: +972 2 826 769**  
**Telegrams: Internal Security Minister, Jerusalem, Israel**  
**Salutation: Dear Minister**

**COPIES TO:**

Yossi Beilin  
Minister in the Prime Minister's Office  
Office of the Prime Minister  
3 Kaplan Street  
Jerusalem 91919, Israel  
**Faxes: +972 2 664 838**

Judge Michael Ben-Yair  
Legal Advisor to the Government  
Ministry of Justice  
29 Salah al-Din Street  
Jerusalem 91029, Israel  
**Faxes: +972 2 285 438**

and to diplomatic representatives of Israel and the Occupied Territories  
accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat,  
or your section office, if sending appeals after 30 January 1996.