

PUBLIC

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EXTRA 104/98

Torture and ill-treatment

31 December 1998

ISRAEL/OCCUPIED TERRITORIES Habib Hanna Khair, aged 35, Palestinian

Habib Hanna Khair is reportedly being tortured and ill-treated in Jelemeh Prison in Israel where he has been under interrogation since 1 December 1998.

Habib Khair, from Beit Sahour in the West Bank, was arrested on 6 October at the District Coordination Office (DCO) in nearby Kfar Azion where he had gone to apply for a work permit for Israel. No charges have been brought against him.

Habib Khair was detained for a week in Kfar Azion in the West Bank and then sent to Megiddo Prison under a two-month administrative detention order. Then on 1 December he was transferred to Israel's General Security Service (GSS, also known as *shin beth*) and placed in Jelemeh Prison.

The conditions of his interrogation allow for almost no sleep between Sunday and Thursday during which time he is made to sit shackled to a very small sloping chair, in painful positions and is constantly hooded.

According to Habib Khair's wife, who has only been able to see him during a court appearance on 22 December, and his lawyer, he is suffering pain in his back, stomach and leg. Although a doctor has visited him, at the request of his lawyer, he has only been given painkillers. A new hearing has been set for 5 January 1999.

BACKGROUND INFORMATION

Israel has for years systematically tortured or ill-treated Palestinian detainees under interrogation. In 1987 torture was effectively legalised in secret guidelines in the 1987 report of the Government-appointed Landau Commission on the GSS. These allowed for the use of "moderate physical pressure". Since October 1994, however, a special ministerial committee has allowed "increased physical pressure". The UN Committee against Torture has stated that Israeli methods of interrogation constitute torture as defined in Article 1 of the UN Convention against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment.

Members of Israel's GSS have frequently admitted in court to using *shabeh* (sleep deprivation in painful positions) - the playing of continuous raucous music whilst detainees are hooded, prolonged squatting (*gambaz*) and violent shaking (*tiltul*). The Israeli Government uses the excuse of the "ticking bomb" - that is, that such treatment is "necessary" if it may prevent deaths and injuries caused by hostile attacks. The Convention against Torture, ratified by Israel in 1994, states that torture is **never** justified.

The case of Habib Khair is a good illustration of the systematic use of torture of Palestinians under interrogation in Israel even in cases where there is no question of a "ticking bomb": Habib Khair was in detention seven weeks before being interrogated; the interrogators cease the torture and ill-treatment during the "weekend"; and he is apparently aligned to the Abu Musa group, a small faction which rejects the Oslo peace process but is not known to have placed any bombs over the past 5 years.

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

- expressing concern at the torture and ill-treatment of Habib Khair in Jelemeh prison and demanding that he be treated humanely according to international standards;
- asking whether Habib Khair has been deprived of sleep for days while in painful positions and reminding the Israeli authorities that, according to the UN Committee against Torture, this treatment constitutes torture in breach of the Convention against Torture to which Israel is a State Party;
- calling for the immediate and unconditional release of Habib Khair if he is not to be promptly charged with a recognizably criminal offence and given a fair trial according to international standards;
- reminding the government of Israel of its commitment to the Universal Declaration of Human Rights, in particular Article 5: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment".

APPEALS TO:

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Salutation: Dear Prime Minister

Mr Tzahi Hanegbi
 Minister of Justice
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 29 Salah al-Din Street
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Salutation: Dear Minister

Mr Avigdor Kahalani
 Minister of Internal Security
 Ministry of Internal Security
 PO Box 18182, 3 Sheikh Jarrah
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Faxes: + 972-2-582-6769
Salutation: Dear Minister

COPIES TO: diplomatic representatives of Israel credited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 31 January 1999.

"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment".

Article 5, Universal Declaration of Human Rights