

EXTERNAL

AI Index: MDE 15/95/97

EXTRA 159/97 Torture / Fear of torture / Legal concern

21 November 1997

ISRAEL/OCCUPIED TERRITORIES Ashraf Rafiq Salim Nasrallah

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Ashraf Rafiq Salim Nasrallah, arrested on 1 November 1997, is being held in incommunicado detention at Shikma (Ashkelon) Prison. He has allegedly been tortured during interrogation and Amnesty International fears that he may be facing further torture.

On 5 November, Ashraf Nasrallah was visited by his lawyer and gave an affidavit detailing how General Security Service (GSS) interrogators had tortured him.

He said that he had been held in isolation following his transfer to Shikma Prison. On the morning of 2 November he was taken for interrogation and held in *shabeh*, with only short breaks for meals and one night spent in a cell, until he met his lawyer at 3pm on 5 November. The method of *shabeh* involves holding detainees in painful positions for prolonged periods of time. Ashraf Nasrallah was forced to sit on a small chair about 30 centimetres high. His hands were shackled behind him - one to the front of the chair back and one to the back of it. His legs were also shackled. A sack was kept over his head and loud music was played continuously. On several occasions on 2 November and 4 November, GSS interrogators forced the detainee to squat in the "frog" position balancing on his toes. Whenever he tried to stand up, his interrogators would force him to return to the position. Ashraf Nasrallah complained that his hands and legs were swollen and painful from the tight cuffs used during *shabeh*.

On 6 November, Ashraf Nasrallah's lawyer petitioned the Israeli High Court, seeking an order prohibiting the GSS from using force against Ashraf Nasrallah. The petition was withdrawn because the Israeli Government's representative gave assurances that the GSS did not intend to use physical force.

On 18 November, the Israeli authorities prohibited further visits between Ashraf Nasrallah and his lawyer. A new petition was submitted to the High Court challenging this order. The High Court heard the petition on 19 November and refused to overturn the order. After the hearing, Ashraf Nasrallah's lawyers asked the Israeli Government's representative if the previous guarantee given by the GSS not to use force in interrogation still applied. The representative said that he was "prohibited from discussing this matter". Ashraf Nasrallah's lawyers therefore submitted a new petition to the High Court on 19 November seeking an order prohibiting the GSS from using force.

#### BACKGROUND INFORMATION

Amnesty International has frequently reported on systematic torture or ill-treatment of detainees by the GSS. Interrogation methods used by the GSS contravene the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, ratified by Israel in 1991. Torture is absolutely prohibited under international law, and this obligation cannot be derogated from under any circumstances.

Amnesty International has for years expressed concern that secret guidelines attached to the 1987 Landau report on the GSS allow the use of torture or ill-treatment. The Landau report allowed the use of "moderate physical pressure"; since October 1994 a special ministerial committee has allowed "increased physical pressure". In May and November 1997, the UN Committee

against Torture stated that Israeli methods of interrogation constitute torture as defined in Article 1 of the Convention against Torture.

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

- calling for an investigation into allegations that Ashraf Rafiq Salim Nasrallah has been tortured and ill-treated during interrogation by the GSS in Shikma Prison. If possible, ask if he has been forced to squat for long periods, deprived of sleep, shackled to a chair in painful positions and subjected to hooding and continuous loud noise;
- seeking assurances that he is now being treated humanely in accordance with international standards, and urging that he be granted immediate access to any medical attention he may require;
- expressing concern that an order has been issued prohibiting Ashraf Nasrallah from being visited by his lawyer and urging that he be granted immediate access to the lawyer of his choice;
- calling on Israel to stop the use of physical pressure during interrogation in line with its obligations under the UN Convention against Torture.

**APPEALS TO:**

1. Mr Binyamin Netanyahu  
Prime Minister, Minister of Foreign affairs and Housing  
Office of the Prime Minister  
3 Kaplan Street  
Jerusalem 91919, Israel  
**Telegrams: Prime Minister, Jerusalem, Israel**  
**Telexes: 25279 mpres il**  
**Faxes: +972-2-566-4838**  
**Salutation: Dear Prime Minister**

2. Mr Tzahi Hanegbi  
Minister of Justice  
Ministry of Justice  
29 Salah al-Din Street  
Jerusalem 91029, Israel  
**Faxes: +972-2-6285-438**  
**Telegrams: Justice Minister, Jerusalem, Israel**  
**Salutation: Dear Minister**

3. Mr Avigdor Kahalani  
Minister of Internal Security  
Ministry of Internal Security  
PO Box 18182, 3 Sheikh Jarrah  
Kiryat Hamemshala  
Jerusalem 91181, Israel  
**Faxes: +972-2-582-6769**  
**Telegrams: Internal Security Minister, Jerusalem, Israel**  
**Salutation: Dear Minister**

**COPIES TO:** diplomatic representatives of ISRAEL accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 22 December 1997.