

16 January 1996

**Further information on EXTRA 163/95 (MDE 15/42/95, 20 December 1995) - Torture / Fear of continued torture****ISRAEL AND THE OCCUPIED TERRITORIES**

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

'Abd al-Halim Belbaysi remains at risk of torture and ill-treatment during his continuing interrogation. Furthermore, Amnesty International is extremely concerned that the Supreme Court of Israel has effectively permitted the use of such treatment.

Despite an injunction issued on 24 December 1995 preventing the General Security Service from using "physical force" in his interrogation, the GSS continued to subject 'Abd al-Halim Belbaysi to various forms of torture and ill-treatment, including shackling his legs to a chair (not a small chair as is frequently used in interrogating Palestinian prisoners, but a normal sized chair), handcuffing his hands behind his back, blindfolding him, and depriving him of sleep for three days.

During this time, his lawyer, André Rosenthal, working with the Israeli human rights organization *HaMoked*, submitted an affidavit and claimed that such treatment amounted to physical force in violation of the injunction. The GSS replied that the treatment was to prevent 'Abd al-Halim Belbaysi attacking his interrogators, or escaping. They said they did not shackle his legs all the time, but in times when security was a concern. In the first week of January, 'Abd al-Halim Belbaysi confessed to participating in the Beit Lid suicide bombings which killed 20 Israeli soldiers and one civilian in January 1995.

On 11 January, the Supreme Court decided that 'Abd al-Halim Belbaysi was very likely to have additional information concerning planned attacks against Israelis, and that if he revealed this, human lives could be saved. Therefore the Court felt that it could not justify maintaining the injunction against the use of physical force, and rescinded it. The judges said that they were not giving permission to use steps beyond those acceptable under the law and the (secret) Landau guidelines. However, Amnesty International considers that these guidelines permit the use of torture and ill-treatment including violent shaking, shackling the detainee in painful positions while depriving him of sleep for prolonged periods, among other forms of abuse.

Amnesty International condemns the deliberate and arbitrary killings of civilians by armed opposition groups such as *Hamas* and *Islamic Jihad* and it does not dispute the right of governments to bring to justice those who have committed criminal acts. However, torture and ill-treatment are banned under international human rights law regardless of the charges against a suspect.

Israel ratified the UN Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment in 1991. Methods frequently used during the interrogation of security suspects contravene Israel's obligations under this convention.

'Ala Omar Abu Ayash and Khaldun Abu Ayash were apparently removed from interrogation by 24 December 1995, and are now held under administrative detention. Amnesty International continues to campaign against the use of administrative detention and to call for a thorough investigation into the allegations that 'Ala Omar Abu Ayash and Khaldun Abu Ayash were tortured and ill-treated during interrogation.

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

- expressing concern that, by lifting the injunction against the use of physical force against 'Abd al-Halim Belbaysi, the Supreme Court has effectively exposed him to torture and ill-treatment, because the Landau guidelines for interrogation do not safeguard detainees from such treatment;
- stating that Amnesty International does not dispute the right of governments to bring to justice those who have committed criminal acts but that torture or ill-treatment of anyone, whatever crime they are alleged to have committed, is outlawed by international law which Israel has ratified;
- calling for interrogations in Israel to conform to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

**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. Ahron Barak, President of the Supreme Court  
Hakiriya, Jerusalem, Israel  
**Telegrams: President, Supreme Court, Jerusalem, Israel**  
**Salutation: Dear Justice Barak**

**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 accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat,  
or your section office, if sending appeals after 20 February 1996.