

UA 264/96 Torture / Judicial authorization of torture 15 November 1996

ISRAEL Suspected supporters of Islamist Groups

Muhammad 'Abd al-'Aziz Hamdan, student

On 14 November 1996 the Israeli Supreme Court gave the General Security Service (GSS, also known as *shin bet* or *shabak*) authorization to use "increased physical pressure" on detainee Muhammad 'Abd al-'Aziz Hamdan, a student of Bir Zeit University, said to be a member of Islamic *Jihad* and to have information about suicide bomb attacks against Israelis. "Increased physical pressure" includes violent shaking, which caused the death in April 1995 of another detainee, 'Abd al-Samed Harizat, in the same detention centre, the *Moscobiyya* or "Russian Compound", in Jerusalem.

Muhammad 'Abd al-'Aziz Hamdan was arrested on 7 October and has been subjected to torture, including prolonged sleep deprivation while being forced to sit or stand in painful positions for up to 10 days. He was hit each time he fell asleep. He was kept hooded with dirty sackings and was violently shaken.

On 12 November his lawyer, André Rosenthal, took out an injunction against the GSS and on 13 November a court order was issued forbidding the GSS to continue the use of "physical pressure" on Muhammad Hamdan. The GSS appealed and the injunction was overturned, allowing the use of "increased physical pressure".

Amnesty International has for years expressed its concern that secret guidelines to the 1987 Landau report on the GSS allow the use of torture. The Landau report allowed the use of "moderate physical pressure"; since October 1994 a special ministerial committee has allowed "increased physical pressure". GSS officers testifying in court admit using prolonged sleep deprivation, position abuse by holding detainees for long periods standing or sitting in painful positions while deprived of sleep, and squatting (*gambaz*) for up to two hours at a time. Violent shaking (*tiltul*), which may cause brain damage, has been recorded for years and can be authorized by the head of the GSS. However, while admitting these methods are used, the Israeli Government denies that they constitute torture. Amnesty International does not agree; nor does the UN Special Rapporteur on Torture, who has referred to many of these practices as "methods of torture".

Israel is a state party to United Nations human rights standards which outlaw the use of torture. The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment states in Article 2 that:

"No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture."

The International Covenant on Civil and Political Rights (ICCPR) states, in Article 7, that:

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

The latter is one of those articles which may never be derogated even in "time of public emergency which threatens the life of a nation".

By ratifying these human rights treaties in 1993 Israel is under a solemn obligation to uphold their principles.

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

- calling for the immediate end to the use of "physical pressure" against Muhammad 'Abd al-'Aziz Hamdan and in all cases;
- stating that while you in no way dispute the need of governments to protect their citizens from violent attacks, there is never any justification for the use of torture or cruel, inhuman or degrading treatment;
- urging the Israeli Government to forbid the use of "physical pressure" and to bring Israeli legislation and practice in line with the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Covenant on Civil and Political Rights, both of which the State of Israel has an obligation to uphold.

APPEALS TO:

1. Mr Binyamin Netanyahu
Prime Minister, Minister of Foreign affairs and Housing,
Office of the Prime Minister
3 Kaplan Street
Jerusalem 91919
State of Israel

Telegrams: Prime Minister Netanyahu, Jerusalem, Israel

Telexes: 25279 mpres il

Faxes: +972-2-5664838

Salutation: Dear Prime Minister

2. Mr Tzahi Hanegbi
Minister of Justice
Ministry of Justice
29 Salah al-Din Street
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State of Israel

Fax: +972-2-6285438

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
State of Israel

Fax: +972-2-5826769

Telegrams: Internal Security Minister, Jerusalem, Israel

Salutation: Dear Minister

COPIES TO:

Ahron Barak
President of the Supreme Court
Hakiriya

Jerusalem
State of Israel

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 25 December 1996.