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ISRAEL AND THE OCCUPIED TERRITORIES

ORAL STATEMENT

TO THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS

ON THE ISRAELI OCCUPIED TERRITORIES

Mr Chairman,

For over three years now Amnesty International has been expressing its concerns about a pattern of serious and widespread human rights violations in the Israeli Occupied Territories. These include large scale use of detention without trial, systematic ill-treatment and the killings of civilians by Israeli forces. Amnesty International deeply regrets that such violations continue, affecting thousands of people, and that the Israeli Government has been unwilling to take urgently needed measures of redress.

Some 14,000 Palestinians, including prisoners of conscience, have been held in administrative detention without charge or trial since December 1987. Over 4,000 were detained during 1990 for renewable periods of up to one year, the vast majority in the Ketziot detention camp in Israel, where visits by families do not take place. Although a two-step process of judicial review of detention orders is available, detainees are effectively unable to exercise the right to challenge their detention, as crucial information about the reasons for the detention is almost invariably withheld. The Israeli authorities often refer to the need to protect sources of information to justify such practices.

Amnesty International has repeatedly called on the Israeli authorities to review the necessity and appropriateness of maintaining the practice of administrative detention. It believes that this practice should not be used to detain prisoners of conscience nor should it be used as a means to avoid the safeguards of a regular criminal justice system. It continues to call for all detained prisoners of conscience to be released immediately and unconditionally, and for the other political detainees to be released unless they

are given an adequate opportunity to exercise effectively the right to challenge their detention. Amnesty International does not accept in this context that details of the evidence against each detainee cannot be disclosed more often.

Thousands of Palestinians have been tried by military courts in the Occupied Territories, most charged with violent offences such as throwing stones or petrol bombs. After arrest, they can be held for 18 days before appearing before a judge. Many are denied access to lawyers and families for much longer periods.

Confessions allegedly extracted during incommunicado detention are often the primary evidence. Those who plead not guilty face delays which could postpone trials for months and sometimes years.

If convicted they face heavier sentences than those who choose to plea-bargain. Bail is rarely granted and many plead guilty in order to avoid periods of pre-trial detention which would exceed likely sentences.

The systematic use of ill-treatment during interrogation continues to be widespread. Palestinians have also been tortured to obtain confessions or other information. Methods include beatings with truncheons and rifle butts on various parts of the body; hooding with dirty sacks; sleep deprivation by prolonged shackling in uncomfortable positions; confinement in small darkened cells often referred to as "closets"; burning with cigarettes; squeezing of testicles; and sexual harassment.

At least some such methods may be consistent with secret guidelines issued in 1987 by a commission of inquiry into the methods of investigation of the General Security Service. The commission, chaired by Justice Moshe Landau, endorsed "the exertion of a moderate measure of physical pressure" during interrogation. Amnesty International believes that any official suggestion that such treatment is permissible clearly departs from international law and accepted standards for criminal law. The Universal Declaration of Human Rights and other international human rights instruments prohibit all forms of cruel, inhuman or degrading treatment or punishment under any circumstances.

Many Palestinians have been punitively beaten immediately after being apprehended. At least 16 are reported to have died after such beatings since December 1987.

Palestinians are reported to have died after tear-gas had apparently been deliberately misused in confined spaces where it can be lethal. Since December 1987 some 80 Palestinians, many elderly or very young, are reported to have died after having been exposed to tear-gas, about half after canisters were thrown into their homes or other confined places.

Since December 1987, some 700 Palestinian civilians, including many children and young people, have been shot dead by Israeli forces using live ammunition and special types of plastic and other bullets. Some appear to have been deliberately killed, others to have been the victims of a use of lethal force in circumstances where this cannot be justified. Israeli forces continue to use firearms as a common means of riot control, under official guidelines which appear to be inconsistent with the internationally recognized principles of necessity and proportionality in the use of force.

In October 1990 at least 17 Palestinians were shot dead by police at the Haram al-Sharif (Temple Mount) in Jerusalem in the context of a riot. An official commission of investigation, headed by a former head of external intelligence, found that the shootings were justified by a life-threatening situation, although it also established that at some point firing was indiscriminate and that an ambulance attending the wounded was hit, injuring two nurses. Reports from local human rights groups and other sources suggested that many of the victims died as a result of indiscriminate and unjustifiable use of firearms. A judicial inquest into the killings is currently taking place. Amnesty International has called for an independent and impartial judicial inquiry to investigate the incident and to review official guidelines on opening fire and methods of riot control.

Official investigations into abuses by Israeli forces are mostly conducted internally and take a long time to conclude. Despite the high incidence of apparently unjustifiable deaths since December 1987, Amnesty International is aware of only two prosecutions leading to imprisonment in cases of deaths following punitive beatings, and of five in cases of deaths by shootings.

In 1990 one soldier was sentenced to two months' actual imprisonment and three received suspended sentences of up to five months for having beaten two Palestinians in their custody in February 1988. One of the victims died after the assault. Also in 1990 one soldier was sentenced to four months of "unpleasant" work at a military base for having shot dead in June 1988 a Palestinian who was apparently fleeing arrest. Just three weeks ago a senior commander was given a suspended sentence of six months' imprisonment and a reprimand for having shot dead a Palestinian youth in July 1989.

The existing guidelines on the use of force, combined with the pattern of related abuses and the inadequacy of official investigations, all leads Amnesty International to conclude that the Israeli authorities are effectively condoning, if not encouraging, the perpetration of these human rights violations.

Mr Chairman,

Amnesty International is aware that Palestinian methods of protest in the Occupied Territories have included violence, and that a number of soldiers and civilians have died as a result.

Among the victims are some 300 Palestinians apparently killed by other Palestinians, the vast majority on suspicion of collaborating with the Israeli authorities. Some were killed after having been interrogated and tortured. Amnesty International stresses once again that it condemns torture and killings of prisoners by anyone. At the same time, it calls on the Israeli Government fully to abide by international human rights standards in exercising its authority over the Occupied Territories.

In particular, the Israeli authorities should urgently review existing guidelines on the use of force, including firearms and methods of interrogation, to ensure that they strictly comply with the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Amnesty International also believes that speedy, impartial and public investigations, as well as appropriate prosecutions, are needed if doubts about the Israeli Government's willingness to protect human rights are to be removed.

The Government of Israel is already a signatory to the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Amnesty International urges the government to make a binding commitment to uphold these standards by ratifying these instruments and by taking all other measures that are urgently required to redress the continuing situation of grave human rights violations in the Occupied Territories.

Thank you, Mr Chairman.