

ISRAEL AND THE OCCUPIED TERRITORIES

@Oral Statement to the United Nations Commission on Human Rights on the Israeli Occupied Territories

29 January 1992

Mr Chairman,

The seriousness of the human rights violations in the Israeli Occupied Territories has not changed since the beginning of the Palestinian intifada in December 1987, although the scale of such violations has varied.

In recent years Amnesty International has drawn attention, including before this Commission, to arbitrary killings of civilians, widespread punitive beatings and unfair trials before military courts. In this statement, Amnesty International wishes to focus on two areas of continuing serious concern: the use torture or ill-treatment during interrogation and the use of administrative detention.

The Israeli authorities in the Occupied Territories systematically use interrogation practices which clearly amount to torture or ill-treatment. Methods include beatings all over the body, often concentrated on sensitive areas such as the genitals; hooding with dirty sacks; sleep and food deprivation while held in solitary confinement; prolonged shackling in painful positions; and confinement in small, dark cells known as "closets" or, when kept cold, "refrigerators".

Under the Israeli military justice system in the Occupied Territories, detainees' access to judges is routinely withheld for 18 days, and access to lawyers and family for much longer periods. Judges appear reluctant to order investigations into allegations of torture or ill-treatment made by defendants in court. Prosecutors and judges also place pressure on defendants to accept a plea bargain rather than ask for an investigation of allegations of torture or ill-treatment and continue with a full trial. These shortcomings of the Israeli justice system in the Occupied Territories clearly facilitate the infliction of torture or ill-treatment.

Following the publication in October 1987 of the report of the Landau Commission of Inquiry into the methods of investigation of the General Security Service, official secret guidelines for interrogators were adopted. In its report, the Commission said that methods of interrogation may include "the exertion of a moderate measure of physical pressure". The Commission stressed that "the pressure must never reach the level of physical torture or maltreatment". However, it clearly endorsed "slapping a suspect's face, or threatening him". At the very least such methods constitute cruel, inhuman or degrading treatment or punishment, and as such are absolutely forbidden by international law.

Amnesty International believes either that the Israeli Government is endorsing methods of torture or ill-treatment permitted by secret guidelines on interrogation, or that Israeli interrogators are massively violating those guidelines in addition to the international legal prohibition of torture and ill-treatment.

Following the publication in March 1991 by the Israeli human rights organization B'Tselem of a report on torture of Palestinian detainees, a number of official investigations were initiated. In May 1991 Major-General (reserve) Rafael Vardi was appointed to investigate allegations of violence against detainees by soldiers. In August 1991 he recommended that responsibility for interrogating residents of the Occupied Territories be transferred to non-military authorities. This was not implemented.

Three other official investigations into interrogation practices were announced in May 1991, involving the General Security Service and the Ministry of Justice. In a statement to the High Court of Justice in November 1991, the Israeli Government indicated that one such investigation had found that interrogators in Gaza prison had deviated from the official guidelines during the period in which a Palestinian detainee, Khaled Shaikh 'Ali, was tortured and killed in December 1989. Two interrogators received sentences of six months' imprisonment each after conviction of "causing death by negligence" in connection with his death.

In another case, 'Abd al-Ra'uf Ghabin was accused of being a member of the Popular Front for the Liberation of Palestine and was detained without charge or trial between August 1990 and August 1991. He said in an affidavit:

"I was interrogated every day, Saturdays excepted, starting on 30 August 1990 until 18 September 1990... During the interrogation I was beaten four to six times -- on my head, abdomen, genitals -- usually with a fist."

He also said that he was deprived of sleep continuously for periods of several days. The Israeli authorities informed Amnesty International that 'Abd al-Ra'uf Ghabin's allegations had been thoroughly investigated and that it was found that "there had been no deviation from the accepted procedures for interrogations". The Israeli authorities also said

that he had "retracted most of his allegations" and that others were "found to be baseless". However, 'Abd al-Ra'uf Ghabin has categorically denied having withdrawn any of the allegations of torture and ill-treatment previously made. Amnesty International is still seeking information on the details of this investigation and the "accepted procedures for interrogations" found to have been followed in this case.

Amnesty International believes that urgent measures of redress are needed. The Israeli Government should demonstrate that the official secret guidelines on the use of "pressure" during interrogation are consistent with the international legal prohibition of torture and ill-treatment. Anyone violating this prohibition should be brought to justice and, if found guilty, punished appropriately.

Amnesty International welcomes Israel's ratification in October 1991 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. However, it is regrettable that the Israeli Government at the same time decided, among other reservations, not to recognize the competence of the Committee against Torture to consider complaints from or on behalf of individuals under its jurisdiction. Amnesty International calls for these reservations to be withdrawn.

Mr Chairman,

Several hundred Palestinian residents of the Occupied Territories, including prisoners of conscience, are held at any one time in administrative detention, without charge or trial. They serve renewable detention orders of up to six months. Although a two-step judicial review of detention orders is available, appeals by detainees take place weeks or months after arrest. Crucial evidence about the reasons for detention is almost invariably withheld from detainees and their lawyers, thus rendering the existing legal safeguards largely meaningless.

One such detainee is Sami Abu Samhadanah, who has been held in administrative detention almost uninterruptedly since September 1985. Early in January 1992 he was served with a deportation order. At his appeal hearings against administrative detention and deportation, the Israeli authorities did not make available any evidence to show that he had been involved in violence.

Amnesty International opposes detention and deportation when imposed solely for the peaceful exercise of human rights. It also opposes the detention of any political prisoner, including administrative detainees, without a fair trial within a reasonable time.

Amnesty International urges the Israeli Government to end the practice of administrative detention. While welcoming the ratification by Israel in October 1991 of the International Covenant on Civil and Political Rights, Amnesty International views with great concern the declaration by Israel that it was derogating from its obligations under Article 9 to the extent that they conflicted with the state of emergency in force since 1948. Article 9

prohibits arbitrary detention and provides safeguards against such detention. Amnesty International calls on the Israeli Government to drop its derogation from Article 9 and to review the appropriateness and necessity of maintaining a state of emergency.

Mr Chairman,

Amnesty International fully recognizes that violent as well as other methods of protest have been used by Palestinians in the Occupied Territories. Israeli soldiers and civilians have been killed, as have several hundred Palestinians suspected of collaborating with the Israeli authorities. Many such suspected "collaborators" were interrogated and tortured by their captors before being killed.

Amnesty International opposes deliberate and arbitrary killings by political opposition groups, as well as opposing the death penalty and extrajudicial executions carried out by governments. It also condemns the torture and killing of prisoners by anyone. Amnesty International calls on those responsible, whether Palestinian opposition groups or the Israeli Government, to stop such practices, which violate the most fundamental of human rights.

Mr Chairman,

The future of the Arab territories occupied by Israel in 1967 is being negotiated. In this context, Amnesty International hopes that the parties to the negotiations will, in their endeavours, take full account of the words of the Universal Declaration of Human Rights that "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world."

Thank you, Mr Chairman.