

EXTERNAL (for general distribution)

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Further information on UA 122/89 (MDE 15/09/89, 4 May 1989) - Torture

ISRAEL AND THE OCCUPIED TERRITORIES: Ra'ad Ahmad Mustafa 'ADWAN
Nidal Darwish QA'BI

In 1989, Amnesty International received reports that Ra'ad 'Adwan and Nidal Qa'bi, two Palestinian youths living in the West Bank, were severely injured at the end of April 1989 as a result of beatings by Israeli Border Police.

In a fact sheet issued in 1990, the Israeli authorities stated that an investigation by the police found no evidence that **Ra'ad 'Adwan** was beaten or hit. They added that his "medical records indicate that his injury was caused by a rubber bullet" and that the use of rubber bullets had been "justified under the circumstances".

Amnesty International made further enquiries into the case after receipt of this information. According to medical records from al-Ittihad hospital, Ra'ad 'Adwan was admitted complaining of beatings by soldiers on the abdomen and head. He had a blunt injury to the abdomen, which had resulted in perforation of the small intestine, a segment of which was removed surgically. Senior medical sources at al-Ittihad hospital stated that such an injury could not have been caused by a rubber bullet. They pointed out that there was no damage to the skin consistent with injury by a rubber bullet; rather, the injury was consistent with Ra'ad 'Adwan having been kicked or having received blows with a large implement.

In another fact sheet issued in 1990, the Israeli authorities stated that **Nidal Qa'bi** had been involved in a riot during which he had thrown stones at Border Policemen and that his nose fracture was caused by rubber bullets fired while he was trying to evade arrest. The authorities do not state whether or not the Border Police were found to have violated guidelines on opening fire which were "reiterated to [them] prior to their arrival on the scene". They say that Nidal Qa'bi had "neither responded nor appeared" following several attempts by investigators to obtain his version of the events.

Following further inquiries, Amnesty International noted that Nidal Qa'bi's medical report from al-Ittihad hospital states that he was said to have been beaten by soldiers. It records cuts to his face and head and a fracture of his nasal bone. According to Nidal Qa'bi himself, he was returning home in the Balata refugee camp, shortly after a stone-throwing disturbance had occurred in camp, when he met a group of soldiers. He said the soldiers stopped him, made him sit in front of a door and beat him with their rifle butts about the face and head. One also fired a canister of rubber bullets at his legs while he was sitting. He was then dragged by the feet along the ground to where a tyre was burning. He said that he was lifted by two soldiers and dropped on the tyre which burned parts of his jacket. He was then taken off the tyre, beaten again, and was held near a police vehicle for about two hours before being taken to hospital. Nidal Qa'bi said he did not remember exactly how his nose was fractured, and that he had also lost consciousness for a period, but believes the fracture was as a result of the beatings.

Nidal Qa'bi said that about one week after leaving the hospital he was summoned to the military headquarters in Nablus, where he was interviewed by a captain. He said the captain asked him about the circumstances of his arrest and took pictures of his injuries, including his back, which was chafed from having been dragged along the ground. While there he said that other Israeli officers came into the room, and that one of them kicked the chair Nidal

Qa'bi was sitting on, making disparaging remarks to the fact that he works as a builder. After about two hours Nidal Qa'bi said he was allowed to leave and told to return the next Friday, which he was unable to do because of a doctor's appointment, so he arranged to return the following Monday. On that day he returned with the mukhtar (local leader) of Balata camp, and retrieved his ID card which had been taken by the soldiers when they arrested him. Nidal Qa'bi said he was not interviewed further.

Amnesty International is still concerned about these two incidents and about the conduct of the official investigations. In the case of Ra'ad 'Adwan, it notes that the medical evidence available at al-Ittihad hospital is not consistent with injuries by rubber bullets, contrary to what the Israeli authorities state in the relevant fact sheet. In the case of Nidal Qa'bi, it notes that his detailed account of an interview by an Israeli officer and a subsequent visit to the military headquarters in response to a second summons are in contradiction with the Israeli authorities' statement in the relevant fact sheet that Nidal Qa'bi had not responded to attempts at interviewing him.

Amnesty International is seeking further details of the official investigations of these two cases, in light of the existing inconsistencies. It believes that the methods and all the findings of such investigations should be made public, so that their impartiality and thoroughness can be adequately assessed. Anyone found guilty of abuses should be brought to justice and victims should be compensated.

FURTHER RECOMMENDED ACTION: Please send airmail letters only

- welcoming the information received but expressing concern at the inconsistencies between the findings of the official investigation and the findings of Amnesty International;

- asking for clarification of these inconsistencies, and particularly:

(i) how did the Israeli authorities conclude that the medical evidence concerning Ra'ad 'Adwan indicated injury by rubber bullet rather than beatings and

(ii) what is their response to Nidal Qa'bi's detailed description of being summoned and interviewed by Israeli officials;

- asking for the methods and the detailed findings of the investigations into these cases be made public; for anyone found responsible for abuses to be brought to justice; and for victims to be compensated.

APPEALS TO:

1) Minister of Defence
Ministry of Defence
7 "A" Street
Hakirya, Tel Aviv 67659
Israel

Salutation: Dear Minister

2) Minister of Police
Ministry of Police
Kiryat Hamemshala
PO Box 2001, Jerusalem 91029
Israel

Salutation: Dear Minister

3) Brigadier-General Ilan Shiff
Military Advocate General
C/o Ministry of Defence
7 "A" Street, Hakirya
Tel Aviv 67659, Israel

Salutation: Dear Brigadier-General

COPIES OF YOUR APPEALS TO:

Judge Yosef Harish
Attorney General
PO Box 1087
Jerusalem, Israel

and to diplomatic representatives of Israel in your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 31 August 1992.