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### ISRAEL AND THE OCCUPIED TERRITORIES

Oral Statement delivered by Amnesty International to the United Nations Commission on Human Rights on the Israeli Occupied Territories

**Delivered: 19 March 1996**

In the past month Palestinian opposition groups have carried out armed attacks by suicide bombers, killing 58 people including civilians. Amnesty International strongly and unreservedly condemns such attacks and calls on *Hamas* and other armed opposition groups to stop them. The right to life is a fundamental right which must be respected by all.

Since the suicide bombings hundreds of people have been arrested by both the Israeli and Palestinian authorities. The Israeli security services are using torture or ill-treatment on many of those they arrest and access to lawyers is sometimes still denied. Houses of those who have carried out the bombings and those believed to have supported them have been sealed or destroyed. Scores of people have been placed in administrative detention. Speeches by the Prime Minister and other members of the Israeli Government threaten deportations and appear to sanction extrajudicial executions.

Amnesty International takes no position on political conflicts. Our only concern is that human rights should be respected by all governments, political authorities and armed opposition groups and should be enshrined in political agreements. Legitimate security concerns should not be used as a justification to commit human rights violations or to erode basic international human rights law and standards.

Chairperson,

Over the last year one of Amnesty International's main concerns in Israel has been the practice of systematic torture and the danger that this practice might become sanctioned by law.

The practice of torture and ill-treatment of Palestinian detainees, consistently reported to this Commission, includes methods such as hooding, sleep deprivation, sometimes prolonged for six or more days, prolonged standing or sitting in painful positions, confinement in cupboard-sized rooms, exposure to continuous raucous sound and violent shaking. Secret guidelines permit the General Security Service (GSS) to use such treatment.

In April 1995 'Abd al-Samed Harizat, suspected of leadership in the Islamist movement *Hamas*, died as a result of being violently shaken by his interrogators. Yet the Israeli Government, in August 1995, ruled that violent shaking of detainees could continue with special authorization.

In the past months two draft bills increased concerns that the Israeli Government proposed to effectively legalize torture. After a campaign from national and international public opinion, the definition of torture in one bill, the Prohibition of Torture Law, is now in conformity with the Convention against Torture. A second bill, the proposed Law of the General Security Service (GSS), stated that the use of pressure was allowed against detainees under certain conditions and that a GSS officer would not bear criminal liability for actions done “in good faith” while carrying out his duties. In February, the Israeli Minister of Justice stated that this bill would be delayed and that national and international human rights organizations and university law departments would be invited to make comments.

Amnesty International welcomes this decision. This bill must be redrafted in order to absolutely and unequivocally prohibit the use of any form of torture or ill-treatment and ensure that no GSS officer has impunity for such abuses. The effective legalization of treatment which amounts to torture or ill-treatment by a state which has ratified the Convention against Torture would not be simply a matter for regret. It would be a terrifying first step in undermining the system of human rights safeguards built up under the aegis of the United Nations over the last 50 years.

No danger, no security threat, no bomb, however great the loss of life, makes torture permissible. It must be prohibited not only in law but also in practice.

Chairperson,

Another human rights concern is Israel’s continuing use of administrative detention without charge or trial. Today more than 240 Palestinians remain in administrative detention including political opponents of the peace process arrested before the Israeli withdrawal from West Bank towns and a large number arrested since the recent bombings.

Prolonged administrative detention denies detainees their basic right to a fair trial and to know the evidence against them.

Last year Amnesty International raised before this Commission the case of Ahmed Qatamesh who now remains in detention for the fourth consecutive year. Sha’wan Jabarin, a field worker with the human rights organization *al-Haq*, whose administrative detention in 1994 was declared arbitrary by the UN Working Group on Arbitrary Detention, was rearrested in early February. Those recently placed in administrative detention have included minors and some apparently arrested solely because they were related to those implicated in the bombings. If they, and all political detainees in administrative detention, are not to be brought to trial on recognizably criminal charges, they should be immediately released.

The continued detention of many Lebanese detainees in Israel or in South Lebanon flouts international human rights and humanitarian law standards. At least 18 Lebanese taken prisoner in Lebanon have been held in administrative detention without charge or trial or after expiry of their sentences. Some have now been detained for nine years without trial. Two of them, Shaykh ‘Abd al-Karim ‘Ubayd, who was abducted from Lebanon in July 1989 and Mustafa al-Dirani, who was abducted in May 1994, are held without access to the International Committee of the Red Cross. The Israeli Deputy Minister of Defence informed Amnesty International delegates in February 1996 that Israel would release the two “when we have more information about Ron Arad” - the Israeli airman missing after being captured in Lebanon in 1986. Mustafa al-Dirani and Shaykh ‘Ubayd are thus held as hostages and should be released immediately.

Nearly 200 Lebanese and Palestinian detainees continue to be held in the Khiam detention centre in an area of South Lebanon controlled by Israel and the South Lebanon army (SLA). Amnesty International welcomes the fact that, since concerns about these detainees were raised in this Commission last year, the ICRC and families now have access to them. But the status in international law of the Khiam detainees has never been clarified and they, too, may be held as hostages in order to obtain information about missing Israeli and SLA soldiers. If so, they should be released immediately.

Over the past year possible extrajudicial executions by the Israeli security services have continued, though fewer than in previous years. In January Yahya 'Ayyash, the engineer said to have made suicide bombs, was killed from a booby-trapped mobile telephone. The killing was said to have been carried out by the GSS. The Israeli government did not accept responsibility nor deny involvement in the killing.

Amnesty International is concerned that recent public statements by members of the Israeli Government may be considered to condone or even encourage the use of extrajudicial executions. The organization calls on all governments, including the Israeli Government, to respect their international human rights obligations. First and foremost among these are those relating to the non-derogable right to life of anyone, including those suspected of violent crimes. The Israeli Government must make absolutely clear its position towards such killings.

Human rights abuses have also taken place in the Israeli Occupied Territories under the jurisdiction of the Palestinian Authority. Supporters of Islamist or leftist groups opposed to the peace agreement, journalists and human rights activists have been detained; among them were prisoners of conscience, arrested solely for exercising their right to freedom of expression. At least nine security services are said to carry out arrests and detainees have been held, sometimes incommunicado, for months without charge or access to any judicial process. The State Security Court, which has sentenced over 40 suspected political offenders in grossly unfair night trials, still operates. Torture and ill-treatment are frequently reported and the use of torture appears to be increasing. At least five people died in custody, reportedly after torture, during 1995. There have been possible extrajudicial executions. No satisfactory investigation is known to have been carried out into any one of these abuses.

Since 25 February hundreds of suspected supporters of Islamist movements have been arrested; there are reports of torture and access to lawyers has been frequently denied.

During the past year human rights defenders have been arrested and held for short periods solely for raising human rights abuses committed by the Palestinian Authority. It is crucially important that the rights of all those -- journalists, human rights defenders, lawyers or concerned individuals -- who speak out against human rights violations or abuses committed by any authority or individual are respected.

Chairperson,

By ratifying the International Covenant on Civil and Political Rights and the Convention against Torture in 1991, Israel committed itself to respect the legally binding guarantees in these treaties. Among the rights which may not be derogated from in any circumstances, even in a "public emergency which threatens the life of a nation" are the right not to be arbitrarily deprived of life and the right not to suffer torture. Sustainable peace and security can only be built on the basis of respect for fundamental human rights.

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