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ISRAEL AND THE OCCUPIED TERRITORIES

@UPDATE ON 'ABD AL-RA'UF GHABIN - 30TH ANNIVERSARY CAMPAIGN

Background

'Abd al-Ra'uf Ghabin (ID No. 96594055) from the Gaza Strip was featured in the 1991 Amnesty International 30th Anniversary campaign (AI Index ACT 31/01/91) after he said that he had been tortured while held in interrogation in Gaza Central Prison in September 1990.

'Abd al-Ra'uf Ghabin was arrested on 30 August 1990 and taken for interrogation in the General Security Service wing of Gaza Central Prison. After 18 days he was brought before a judge, without the presence of a lawyer. The judge extended his detention for 70 days. He did not see a lawyer until 24 September 1990. Four days later he gave a signed statement to another lawyer alleging that he had been tortured. He said that he had been beaten several times, including on his head and genitals, and deprived of sleep for three weeks with breaks only at weekends and for one other period of two hours.

On 22 October 1990 'Abd al-Ra'uf Ghabin was issued with an administrative detention order for his detention without charge or trial until 15 April 1991. The non-classified evidence against him apparently alleged that he was a member of an illegal political organization, the Popular Front for the Liberation of Palestine (PFLP), and that he had distributed PFLP leaflets. 'Abd al-Ra'uf Ghabin has consistently denied these allegations. The administrative detention order was confirmed at an appeal hearing on 27 December 1990, although it was reduced so that it would expire on 22 February. However, when 'Abd al-Ra'uf Ghabin was due for release, his administrative detention order was extended for a further six months, on the grounds that he had allegedly continued his activities while in detention. He was released in August 1991.

'Abd al-Ra'uf Ghabin was rearrested on 11 February 1992 at a roadblock in the Gaza Strip. He was again taken for interrogation, although this time he did not complain of any ill-treatment. On 26 February he was issued with a six-month administrative detention order, on the grounds that he was allegedly a leader of the PFLP in Gaza. No other evidence was provided to him or his lawyer. At an appeal hearing held on 26 March 1992, the order was confirmed, although it was reduced by approximately two weeks. He was released on 10 August 1992.

Responses from the Israeli authorities

On 8 April 1991, the Israeli Ministry of Justice issued a Fact Sheet (attached), in which they stated that an investigation had taken place into 'Abd al-Ra'uf Ghabin's complaint of torture. They claimed that he had retracted most of his allegations of torture. They said that the allegation of sleep deprivation for three weeks was found to be untrue, as was his claim that his genitals had been squeezed. The conclusion of the investigation was "that there had been no deviation from the accepted procedures of interrogations".

Following publication of this Fact Sheet, 'Abd al-Ra'uf Ghabin gave his lawyer an affidavit in which he denied having retracted any part of his complaint of torture. He confirmed that he had taken a polygraph test, but denied that he had been shown the results.

After further enquiries to the Israeli authorities (including requests for details of the investigation procedures and the results of 'Abd al-Ra'uf Ghabin's polygraph test; whether his interrogators also underwent a polygraph test; and details of the specific allegations he was supposed to have retracted) the Israeli Ministry of Justice issued an Addendum to the Fact Sheet dated 2 February 1992 (also attached). In the Addendum, the Ministry of Justice does not give details of the investigation procedures, and denies that 'Abd al-Ra'uf Ghabin had not been shown the results of his polygraph test. The Addendum also does not give details of the specific allegations he was supposed to have retracted.

After he had been shown the Fact Sheet and the Addendum of 2 February 1992, 'Abd al-Ra'uf Ghabin gave his lawyer another affidavit on 30 June 1992 (a translation of which is attached) in which he again categorically denies membership of, and the activities attributed to him said to have been on behalf of, the PFLP. He denies having retracted any part of his complaint. He says he still has not been shown the results of the polygraph test, and explains why he did not raise the issue of his treatment during interrogation with the judge who ordered the extension of his detention.

On 30 July 1992, the Ministry of Justice issued an updated version of the Addendum which included details of 'Abd al-Ra'uf Ghabin's detention on 11 February 1992.

Amnesty International's Concerns

Amnesty International acknowledges that various Palestinian groupings including the PFLP do advocate violence against Israel and have carried out acts of violence. However it does not consider that membership of, or association with, the PLO or one of its factions is in itself conclusive evidence that a certain individual has used or advocated violence. In determining whether an individual is a prisoner of conscience, Amnesty International looks into whether the individual personally used or advocated violence in the circumstances relating to his or her arrest. In other words, it examines any specific opinions or acts attributed to the person in question beyond mere membership of the organization.

Amnesty International notes in this case that the Israeli authorities have not provided any evidence to either 'Abd al-Ra'uf Ghabin or his lawyer about the activities he is alleged to have carried out on behalf of the PFLP, or even to prove his alleged membership. The leaflets which he is supposed to have distributed have not been produced, so their contents cannot be assessed.

Amnesty International notes in this respect 'Abd al-Ra'uf Ghabin's statement that the person who apparently accused him of distributing leaflets later withdrew his claim when brought face to face with 'Abd al-Ra'uf Ghabin.

Amnesty International also remains concerned at 'Abd al-Ra'uf Ghabin's allegations that he was tortured during his interrogation in 1990. Given the discrepancies between the findings of the official investigation and 'Abd al-Ra'uf Ghabin's affidavits, and without detailed information on the investigation procedures followed, the organization cannot accept the claims that his allegations were found to be baseless.

In addition, Amnesty International remains concerned at the systematic use by the Israeli authorities of interrogation practices amounting to torture or ill-treatment and at existing secret guidelines allowing "psychological" and "physical pressure". On several occasions the organization has told the Israeli authorities that it cannot accept assurances that such permissible "pressure" does not amount to torture or ill-treatment unless the authorities can demonstrate that the guidelines are in accordance with international standards on the treatment of detainees. In this respect, the statement that "[t]he conclusion of the investigation was that there had been no deviation from the accepted procedures for interrogations" also does not allay Amnesty International's concerns about 'Abd al-Ra'uf Ghabin's treatment during interrogation.

Finally, the organization notes that the Fact Sheet does not address two of 'Abd al-Ra'uf Ghabin's complaints, specifically:

- 1) whether the investigation found that 'Abd al-Ra'uf Ghabin had been deprived of sleep for a period or periods of less than three weeks
- 2) whether the investigation found there was any truth in 'Abd al-Ra'uf Ghabin's complaint that he had been beaten three or four times, including on his head.

Amnesty International is calling upon the Israeli authorities to answer these specific points, as well as to provide sufficient information about the procedures followed during the investigation to allow an assessment of its thoroughness and impartiality.

Amnesty International is also reiterating its call for the Israeli authorities to review the regulations governing arrest and detention in the Occupied Territories, which allow the detention of a person without recourse to a judge for 18 days, and for the denial of visits by lawyers and family for much longer periods. Such procedures deprive detainees of basic safeguards against torture or ill-treatment. Law enforcement officials too are denied the protection which tighter procedures might afford: allegations of ill-treatment may be brought, and blanket denials issued, but the procedures are such as to greatly hinder a factual assessment of either the allegations or the denials.