

0001 HRS GMT TUESDAY 30 JULY 1991

ISRAEL AND THE OCCUPIED TERRITORIES: @ODDS STACKED
AGAINST FAIR TRIALS FOR PALESTINIANS

Amnesty International said today that the "odds are stacked against" Palestinian civilians getting a fair trial in military courts in the Israeli Occupied Territories because of fundamental flaws in the system -- including the routine torture or ill-treatment of suspects during interrogation.

The human rights organization said it had serious concerns about the entire process -- right from the time a suspect is arrested to when the case is eventually closed -- under which thousands of Palestinian civilians are tried every year. Some have been tried for non-violent political acts such as raising the Palestinian flag.

In releasing its report about the trials of civilians in these military courts, the organization said one of its key criticisms was the long period people spend in incommunicado detention following arrest.

People can be held in prisons or police stations for up to 18 days without being brought before a judge and their lawyers and relatives are often not allowed to see them for much longer periods -- which creates conditions for both arbitrary arrest and torture or ill-treatment.

"There is clearly a pattern of torture or ill-treatment in Israel and the Occupied Territories," Amnesty International said. "Detainees are particularly vulnerable to such treatment when they are cut off from the outside world."

Detainees are systematically hooded with dirty sacks and deprived of food or sleep, usually by being shackled in painful positions, while held in solitary confinement. They are also frequently beaten all over their bodies, including on their genitals, and held in rooms so small and dark detainees call them "coffins" or ones so cold they are called "refrigerators". This is done to punish or to extract information or confessions.

"What's extremely disturbing is that there are actually secret official guidelines allowing 'moderate physical pressure' during interrogation", Amnesty International said. These guidelines were initially formulated by a commission of inquiry into interrogation practices headed by Justice Moshe Landau and endorsed by the government in 1987.

"We believe either that the government endorses these interrogation practices, which amount to torture or ill-treatment, or that interrogators have been routinely violating official guidelines as well as international standards which prohibit all torture and ill-treatment," Amnesty International said. "Either way, the government needs to urgently address the problem, including by publishing the secret guidelines."

Concerns about torture and ill-treatment are closely tied to the fairness of trials, since confessions are often the main evidence against defendants and judges appear reluctant to investigate claims of coerced statements. In many cases, judges and prosecutors place improper pressure on people to plead guilty in exchange for a lesser sentence, as a way to finish trials as quickly as possible.

An Amnesty International delegate who observed military court trials in the Occupied Territories witnessed a graphic illustration of such problems during a trial in Hebron (al-Khalid) in November 1990.

A young man, 'Aziz 'Asheh, charged with throwing stones, was brought into court with obvious injuries suggesting he had been tortured -- his shirt was torn and bloody, there were open wounds on his left arm and chest and his right thigh was black and blue with bruises. He claimed he had confessed because he was beaten and kicked, yet the judge said he was only interested in finishing the case that day and if the defendant agreed he would get a lighter sentence. The defendant in the end decided to plead guilty and received a suspended prison sentence and a fine.

"Many defendants give in because they know there is no effective way to challenge a confession in court," Amnesty International said. "If they insist on a full trial they may well face a harsher sentence in the long run and spend more time in custody waiting for their trial than if they plead guilty." There are chronic delays in trials due to inefficiencies such as defendants or prosecution witnesses not being brought to court, missing files or the absence of defence lawyers because they have not been notified of the trial date.

"Under such circumstances," Amnesty International said, "the fundamental right to a fair trial is prejudiced." The organization is calling on the Israeli Government to urgently introduce safeguards against torture and ill-treatment and to ensure fair trials.

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