

**ISRAEL/OCCUPIED TERRITORIESMa'mun Omer Mustafa Hamad (24) , construction worker**

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Ma'mun Omer Mustafa Hamad was arrested on 23 July 1997 and is being held in incommunicado detention in the interrogation wing of the Jerusalem Detention Centre. Amnesty International fears that he is being subjected to torture during interrogation.

His lawyer, Andre Rosenthal, working with the Israeli human rights organization, *HaMoked*, has been denied access to him by a General Security Service (GSS) order until midnight 31 July 1997. The lawyer appealed to the Israeli Supreme Court sitting as the High Court of Justice on 28 July for access to his client. The appeal was heard on the morning of 29 July and was denied.

Furthermore, the Court refused to make any comment to the request of the lawyer that no physical force be used during the interrogation of Ma'mun Hamad. This heightened the lawyer's concern that his client was being tortured during interrogation. He lodged another petition requesting the Israeli State Attorney to intervene in the interrogation methods used by the GSS, so that no physical force would be used against his client.

Torture is absolutely prohibited under international law. This obligation cannot be derogated from under any circumstances. Article 2 (2) of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which Israel ratified in 1991, says "No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture."

Principles 1 and 7 of the UN Basic Principles on the Role of Lawyers state: "All persons are entitled to call upon the assistance of a lawyer of their choice to protect and establish their rights and to defend them in all stages of criminal proceedings."

"Governments shall further ensure that all persons arrested or detained, with or without criminal charge, shall have prompt access to a lawyer, and in any case not later than forty-eight hours from the time of arrest or detention".

**BACKGROUND INFORMATION**

Amnesty International has for years expressed its concern that secret guidelines to the 1987 Landau report on the GSS allow the use of torture or ill-treatment. The Landau report allowed the use of "moderate physical pressure"; since October 1994 a special ministerial committee has allowed "increased physical pressure". GSS officers testifying in court admit using prolonged sleep deprivation, position abuse by holding detainees for long periods standing or sitting in painful positions while deprived of sleep, and squatting (*gambaz*) for up to two hours at a time. Violent shaking (*tiltul*), which may cause brain damage, has been recorded for years and can be authorized by the head of the GSS. However, while admitting these methods are used, the Israeli Government denies that they constitute torture. Amnesty International does not agree; nor does the UN Special Rapporteur on Torture, who has referred to many of these practices as "methods of torture". In May 1997, the UN Committee against Torture stated that Israeli methods of interrogation constitute torture as defined in article 1 of the Convention against Torture.

**RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in English or your own language:**

- urging that Ma'mun Omer Mustafa Hamad be treated humanely in accordance with international standards and that he be granted immediate and continuing access to a lawyer (quoting from UN Basic Principles above);

- stressing that governments are under solemn obligation not to allow any form of torture under any circumstances (quoting from UN Convention against Torture).

**APPEALS TO:**

1. Mr Binyamin Netanyahu  
Prime Minister, Minister of Foreign affairs and Housing  
Office of the Prime Minister  
3 Kaplan Street  
Jerusalem 91919  
State of Israel  
**Telegrams: Prime Minister Netanyahu, Jerusalem, Israel**  
**Telexes: 25279 mpres il**  
**Faxes: +972-2-566-4838**  
**Salutation: Dear Prime Minister**

2. Mr Tzahi Hanegbi  
Minister of Justice  
Ministry of Justice  
29 Salah al-Din Street  
Jerusalem 91029  
State of Israel  
**Fax: +972-2-6285-438**  
**Telegrams: Justice Minister, Jerusalem, Israel**  
**Salutation: Dear Minister**

3. Mr Avigdor Kahalani  
Minister of Internal Security  
Ministry of Internal Security  
PO Box 18182  
3 Sheikh Jarrah  
Kiryat Hamemshala  
Jerusalem 91181  
State of Israel  
**Fax: +972-2-582-6769**  
**Telegrams: Internal Security Minister, Jerusalem, Israel**  
**Salutation: Dear Minister**

**COPIES TO:**

*HaMoked*, 4 Abu Obeidah Street, Jerusalem 97200, Israel

and to diplomatic representatives of Israel/Occupied Territories accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 11 September 1997.