

EXTERNAL

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Torture / Fear of torture

18 June 1996

ISRAEL AND THE OCCUPIED TERRITORIES Fu'ad Mahmoud Salim Shamasneh (ID No. 90780482), student

Fu'ad Mahmoud Salim Shamasneh, currently detained at al-Jelameh/Kishon Prison is reported to be suffering torture including sleep deprivation and beatings.

Fu'ad Shamasneh, a student of engineering at Bir Zeit University, was arrested by the Israeli security forces on 9 April 1996 and immediately served with a six-month administrative detention order. He was held in a tent detention centre at Beit El until 26 April when he was transferred to Oz Megiddo Prison in Israel.

On 26 May Fu'ad Shamasneh was moved from Oz Megiddo Prison for interrogation in al-Jelameh Prison near Haifa. He was visited by a lawyer on 11 June and by representatives of the Mandela Institute, a Palestinian human rights organization, on 16 June. He stated that he had been hooded with a sack over his head and deprived of sleep while kept in *shabeh* (position abuse - being tied in painful positions). His affidavit says he was made to lie on the floor face down and, holding the sack which was over his head, had his head slammed on the floor many times. He also stated that his arm was frequently pulled and that he cannot move his left arm which feels dislocated.

The argument the Israeli Government use to justify torture, that the detainee may know of a "ticking bomb" about to blow up, cannot be applied in this case, where Fu'ad Shamasneh's interrogation began six weeks after his arrest.

BACKGROUND INFORMATION

Amnesty International has long been concerned about the systematic use of torture during interrogation of Palestinians, particularly those suspected of security offences, by the General Security Service (GSS). The organization has repeatedly highlighted the use of violent shaking, hooding, prolonged standing or sitting in painful positions, sleep deprivation and confinement in closet-shaped rooms amongst other torture methods. On 25 April 1995, 'Abd al-Samed Harizat, a suspected *Hamas* supporter, died in hospital three days after he had been arrested. Pathologists who performed a post-mortem examination of the victim reported that he had died from having been shaken violently, a method of torture reported by many detainees. Since then, the Israeli government has officially announced that violent shaking has been used against suspected members of *Hamas* believed to be planning attacks against Israelis. Results and procedures of investigations carried out into torture allegations are not made public.

While Amnesty International welcomes replies from the Israeli authorities to its letters expressing concern at reports of torture and ill-treatment, such replies have not fully addressed these concerns. The Israeli authorities have stated that torture is not permitted in the secret guidelines for interrogation.

However, in cases where torture has been alleged, the authorities have not actually denied that violent shaking, hooding, sleep deprivation, shackling in painful positions for prolonged periods, and threats to the detainee's physical and mental well-being took place. They have stated in these cases that investigations conducted showed that guidelines for interrogation had not been breached. This appears to confirm Amnesty International's fears that the interrogation guidelines permit torture under certain circumstances (such

as violent shaking), or that they are systematically breached with impunity (perhaps in the case of beatings).

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

- calling for a prompt, thorough and impartial investigation into the alleged torture and ill-treatment of Fu'ad Shamasneh. The details of procedures and findings of the investigation should be made public;
- asking to be informed of the precise findings of the investigation of whether Fu'ad Shamasneh was indeed made to lie on the ground while his head was slammed against the floor, and whether his arm was dislocated and he was deprived of sleep;
- stating that while you in no way disputes the right of governments to bring to justice those who have committed criminal acts, torture of **anyone** whatever crime they are alleged to have committed, is outlawed by international standards (For example, Article 2 of the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment states that "*no exceptional circumstances whatsoever, whether a state of war or threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.*")

APPEALS TO:

1. Mr Binyamin Netanyahu
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Office of the Prime Minister
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Jerusalem 91919
State of Israel
Telegrams: Prime Minister Netanyahu, Jerusalem, Israel
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Salutation: Dear Prime Minister

2. Mr Yaakov Neeman
Minister of Justice
Ministry of Justice
29 Salah al-Din Street
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Fax: +972-2-285438
Telegrams: Justice Minister, Jerusalem, Israel
Salutation: Dear Minister

3. Mr Avigdor Kahalani
Minister of Internal Security
Ministry of Internal Security
PO Box 18182
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and to diplomatic representatives of ISRAEL accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 30 July 1996.