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## **ISRAEL AND THE OCCUPIED TERRITORIES**

### **@MORDECHAI VANUNU: SOLITARY CONFINEMENT AS CRUEL, INHUMAN OR DEGRADING TREATMENT**

Mordechai Vanunu has been detained in solitary confinement since his enforced return to Israel, on or about 7 October 1986, after agents of the Israeli Government had abducted him in Europe. He is serving an 18-year sentence in Ashkelon prison. Amnesty International considers that the prolonged solitary confinement imposed on him constitutes cruel, inhuman or degrading treatment, and is calling for this violation of his rights to be ended.

Mordechai Vanunu was born in 1954 in Morocco to a Jewish family which emigrated to Israel in 1963. In 1976 he started working as a nuclear technician at the Atomic Research Reactor at Dimona in the Negev desert in southern Israel. During this period he also studied philosophy and converted to Christianity. In September 1986 he provided information on Israel's nuclear program to the British newspaper, *The Sunday Times*, which published it on 5 October 1986. He maintains that he did so for reasons of conscience in order to promote a public debate on Israel's nuclear program, a subject surrounded by strict secrecy in Israel.

#### **The abduction and initial secret detention**

Mordechai Vanunu was abducted by agents of the Israeli Government, apparently in Italy on 30 September 1986, and taken secretly to Israel. His detention there was not officially acknowledged until 9 November 1986 and he was first able to receive a family visit on 7 December 1986. During his period in secret detention he was apparently interrogated and made a confession.

The International Covenant on Civil and Political Rights (ICCPR) states in Article 9 that "No one should be subjected to arbitrary arrest or detention". The Human Rights Committee set up under the ICCPR has expressed the view more than once that the abduction of a person from one state to another by agents of that other state constitutes arbitrary arrest and detention within the meaning of Article 9.

#### **The trial**

Mordechai Vanunu was charged on two main counts: assistance to an enemy, under Article 99 (a) of the 1977 Penal Law, an offence constituting treason and including the "intent to assist an enemy in war against Israel"; and aggravated espionage, under Article 113 (b) and (c), offences which include the "intent to impair the security of the State". (For more details see the attached document issued by the Israeli Ministry of Justice).

His trial, which began in August 1987 before the Jerusalem District Court, was conducted entirely *in camera*. Although he had full access to legal counsel, he was not allowed to reveal details of his abduction to the judges. He was found guilty on all charges and sentenced in March 1988 to 18 years' imprisonment. The Supreme Court upheld his conviction and sentence in May 1989. An Amnesty International delegate

who went to Jerusalem in 1987 and 1989 was not allowed to observe any part of the trial proceedings, neither those before the Jerusalem District Court nor those before the Supreme Court.

It has been argued that Mordechai Vanunu had no intent to assist an enemy or impair state security, and that the charges against him of treason and spying were therefore unwarranted and the punishment imposed excessive. If so, this might suggest that the Israeli authorities wanted to punish him also for his opinions on Israel's nuclear program or for other reasons unrelated to the actual disclosure of classified information. While noting this argument, Amnesty International also notes that international law allows for certain restrictions to be imposed on the right to freedom of expression in specific limited circumstances. Without taking any position morally or otherwise on the issue of nuclear weapons, and without seeking to pass any judgment, for or against, Mordechai Vanunu's actions, Amnesty International recognizes that international law does not preclude the Israeli Government, or any other government, from taking measures to protect legitimately classified information. Amnesty International cannot accept, however, that cruel, inhuman or degrading treatment can be used for this or any other purpose: international law prohibits such treatment in all circumstances.

### **Prolonged solitary confinement**

Mordechai Vanunu has been held in Ashkelon prison with no contact whatsoever with other inmates. He is held in a single cell with a shower and lavatory. He may exercise for two hours a day, always in isolation and shielded from the sight of other inmates. His mail is censored.

According to Amnesty International's information, Mordechai Vanunu's access to the outside world is limited to visits in private by his lawyer when appropriate; visits by family members once every two weeks for half an hour or once a month for one hour; and visits by an Anglican clergyman when available. Visits by relatives and a clergyman take place under conditions of strict surveillance over anything that is said or exchanged.

These conditions of detention are imposed on Mordechai Vanunu by the prison authorities on grounds of state security, and are apparently reviewed every two months. Mordechai Vanunu has repeatedly petitioned the Israeli judiciary against these conditions. Most recently, in July 1991, the Jerusalem District Court rejected Mordechai Vanunu's latest petition, finding no reason to order changes in his confinement. The Supreme Court decided in August 1991 not to grant him leave to appeal against the ruling of the District Court.

Israeli officials have maintained that Mordechai Vanunu is being held in solitary confinement and allowed visitors only under strict surveillance because of fears that he may be attacked by other inmates if put in physical contact with them and because of fears that he may disclose further classified information. The Israeli judiciary has distinguished two kinds of classified information in this context. One relates to information about Israel's nuclear program which Mordechai Vanunu may not yet have disclosed, and which he denies being in possession of. The other relates to information about his abduction, which is considered a state secret and which he has stated he would disclose.

Amnesty International considers that prolonged solitary confinement in conditions such as those in which Mordechai Vanunu is held constitutes cruel, inhuman or degrading treatment. Such treatment is prohibited by international human rights law, regardless of the reasons for its imposition. Amnesty International considers that it is unacceptable for the Israeli authorities to keep Mordechai Vanunu isolated to prevent disclosures relating to his abduction by Israeli agents in a foreign country. The abduction was an illegal act under international law and can certainly not be used to justify the imposition of such treatment by any state which professes respect for international human rights standards.

The Israeli Government can and should take measures to allow Mordechai Vanunu to associate regularly with prisoners or others in conditions of safety, while meeting any legitimate concerns regarding the possible disclosure of classified information relating to Israel's nuclear program. Amnesty International has learned in this context of cases of other prisoners convicted of espionage who are serving their sentences in Israel and are not isolated.

### **Health risks associated with isolation**

Amnesty International has considered the situation of other long-term prisoners held in other countries in conditions similar to those of Mordechai Vanunu to constitute cruel, inhuman or degrading treatment. These prisoners suffered both psychological and physical disorders,

including emotional disturbances; impairment of concentration and ability to think; loss of reality; neuroses; sleep disturbances; headaches; dizziness; low blood pressure; and circulation and digestive problems.

The dangers of such isolation for the health of long-term prisoners is widely recognized. For example, the European Commission of Human Rights stated:

"The international literature on criminology and psychology indicates that isolation can be sufficient in itself gravely to impair physical and mental health. The following conditions may be diagnosed: chronic apathy, fatigue, emotional instability, difficulties of concentration, diminution of mental faculties, disorders of the neuro-vegetative system."

(Ruling of the Commission on the Applications Nos. 7572/76, 7578/76 and 7587/76 by Gudrun Ensslin, Andreas Baader and Jan Raspe.)

Similar findings have been reported in a 1977 Council of Europe publication entitled *Treatment of Long-Term Prisoners*.

#### **Amnesty International's appeal**

Amnesty International has repeatedly expressed concerns to the Israeli Government about Mordechai Vanunu's case, particularly about his prolonged solitary confinement. It believes that his conditions of detention constitute cruel, inhuman or degrading treatment, regardless of the reasons for them, and has called for him to be taken out of isolation. His health may already have suffered. This situation has now lasted five years with no indication as to how much longer it might last. It must end without further delay.