

**@AMNESTY INTERNATIONAL'S RESPONSE
TO THE COMMENTS OF THE ISRAELI MINISTRY OF JUSTICE
ON THE AMNESTY INTERNATIONAL REPORTS 1990 AND 1991**

October 1991

1. Introduction

The object of Amnesty International's work is to contribute to the observance throughout the world of human rights as set out in the Universal Declaration of Human Rights and other internationally recognized human rights instruments. Such instruments are formulated and agreed upon by governments and are addressed primarily to governments.

Within this international human rights framework, Amnesty International is concerned with grave violations of the rights to freedom of expression and to physical and mental integrity, with particular regard to prisoners. It works for the immediate and unconditional release of prisoners of conscience, that is people who are detained by reason of their political, religious or other conscientiously held beliefs or by reason of their ethnic origin, sex, colour or language, provided that they have not used or advocated violence; it calls for fair trials within a reasonable time for all political prisoners; and it opposes torture, the death penalty and extrajudicial executions and "disappearances" without reservation.

This specific mandate is the subject of regular review and discussion by Amnesty International's members within its democratic decision-making structures. At its biennial meeting in Yokohama, Japan, in September 1991, the International Council of Amnesty International (its top decision-making body) decided to expand the work of the organization against violations of the right to freedom of expression and against abuses by opposition groups such as hostage-taking and deliberate and arbitrary killings. Amnesty International does not intend to imply that human rights violations and abuses not included within its mandate are not serious. However, Amnesty International's focus remains on a specific area of human rights violations and on the obligation of governments to uphold those rights. Its annual reports, like all other Amnesty International's documents, naturally reflect the object of its work.

2. Context

Amnesty International includes in its publications information about the overall context relevant to human rights in which governments operate. It believes that such information can help to provide a fuller understanding of specific human rights situations. The Ministry of Justice has itself noted, for instance, the reference in our reports to the killing by Palestinians of other Palestinians, most of whom suspected of collaborating with Israeli security services.

The information provided for the purpose of understanding the context in which human rights violations by governments occur need not and cannot be as detailed as the documentation of those human rights violations, which remain the object of the organization's work. It would be odd for Amnesty International to dwell on matters that fall outside its mandate, such as, for instance, the goals of the *intifada* referred to in the Ministry's comments. Regardless of such goals and other elements relevant in a political context, as far as human rights are concerned there are international human rights standards that all governments must respect. These standards are what Amnesty International tries to uphold.

By the same token, in illustrating the overall context in its annual reports Amnesty International has referred to but has not detailed acts of the Israeli Government such as the deportation of Palestinians from the Occupied Territories or the demolition or sealing of houses as a form of collective punishment. These measures are breaches of humanitarian law and until recently did not fall within the scope of Amnesty International's mandate.

At 1991 meeting the organization's International Council decided that Amnesty International will oppose the forcible exile of people on account of their non-violent beliefs. It also decided in principle to oppose the demolition or sealing of houses as a punishment imposed for political reasons, and will be studying this as well as other grave measures against the specific human rights which are the subject of Amnesty International's work, wherever and whenever they are imposed. In this context, Amnesty International would welcome being informed of the official figure of houses demolished or sealed as punishment by the Israeli authorities in the years 1989, 1990 and 1991. Regarding 1989, the Ministry of Justice's comments said the number was "considerably lower" than "up to 200", which is the figure given in the Amnesty International report covering that year. At a meeting with Amnesty International delegates in Jerusalem in July 1990, the figure of 169 was mentioned by officials of the Ministry of Justice.

In its response to the *Amnesty International Report 1991*, the Ministry of Justice states that the figure for "Palestinians killed in confrontations with the IDF [the Israel Defence Force] is too high" and the figure for "Palestinians killed by other Palestinians is too low". Amnesty International would welcome being informed of the figures believed to be accurate by the Israeli authorities.

3. Methodology and impartiality

Treatment of Israel and other governments

Israel has not been chosen for "special scrutiny" by Amnesty International. The organization attempts to monitor the situation of human rights within its mandate in all countries, as far as possible, with the same intensity of scrutiny and to intervene effectively against human rights violations everywhere at all times. At certain times such intervention may require particular efforts to alert the international community to the situation in a number of countries, as stated on page 11 of the introduction to our *Amnesty International Report 1990*:

"The human rights situation in a country is often such that Amnesty International believes that an increased and focussed pressure from the international community could be effective. In 1989 Amnesty International organized such a focus on about 30 countries, including Bulgaria, Cambodia, Colombia, the German Democratic Republic, Egypt, Iraq, Israel, Jamaica, Malawi,

Mauritania, Peru, South Korea, Sri Lanka, Sudan, Turkey, Uganda, the United Kingdom and Yugoslavia."

It is incorrect to suggest, as in the Ministry of Justice's comments on that report, that Amnesty International during the period 1981 to 1990 has devoted more attention to Israel and taken less action with regard to other countries in the region. The press releases and urgent actions referred to by the Ministry are only two kinds of intervention by Amnesty International and to consider them in isolation from the rest of the organization's various activities is misleading. Since 1981, for instance, countries in the region on which Amnesty International has issued major publications and taken intensive action include Egypt, Iran, Iraq, Jordan, Libya, Morocco, Syria, Saudi Arabia, Sudan, Tunisia and Yemen (Aden).

Particularly misleading is the statement that "more ... coverage in the Annual Reports [was] undertaken of Israel than of any of the above-mentioned countries [Iraq, Iran, Lebanon, Libya and Syria]" during the period 1981 to 1990. It is not clear what criteria have been used by the Ministry of Justice to compare the coverage of Israel and other countries in the Amnesty International's annual reports to reach this conclusion. Readers of Amnesty International's annual reports are advised that they should not see these reports as seeking to compare countries, and that the length of a particular country entry is no basis for a comparison of the extent and depth of Amnesty International's concerns in that country. The length of an entry may depend in fact also on the need to explain complex issues and to reflect government responses, which of course vary from country to country.

Amnesty International's access to the country

Amnesty International welcomes the access to Israel and the Occupied Territories and the cooperation obtained throughout the years from the Israeli authorities. The organization's delegates frequently visit Israel and the Occupied Territories, as is normal practice wherever it is possible in order to ensure accurate research. Such visits have included discussions with the military and civilian authorities and observation of trials and administrative detention hearings, in addition to contacts with lawyers, local human rights groups and other relevant parties.

Amnesty International strives to gather information from all countries, by visiting them or by seeking other ways of obtaining such information when visits are not permitted or cannot be effectively carried out. In reporting human rights violations, Amnesty International also makes known whether it has obtained access to the countries concerned and the nature of the cooperation -- or lack of it -- by governments. It is also careful to present a picture which does not distort the actual situation solely because access may be difficult or impossible. It would be very odd, however, if Amnesty International was not to make use of the opportunities offered by governments for adequate investigation, and the Israeli Government could be expected to be among those criticizing the organization were it not to do so.

On the specific issue of closure of areas as military zones by the Israeli authorities, Amnesty International wishes to point out that its annual reports do not pass judgment as to whether such closures were justified or not. It remains a fact, however, that when imposed -- not an infrequent occurrence -- such measures prevent access by independent observers to the areas in question.

Impartiality: specific examples

The Ministry of Justice's comments refer to an interview by Amnesty International's Secretary General and to material issued by the British Section of Amnesty International to question the organization's impartiality.

The Ministry of Justice's comments misrepresent Secretary General Ian Martin's interview given to Jordan's television during a visit to Jordan in March 1990. As can be seen from a transcript of this interview made available to the Ministry, Mr Martin addressed the human rights situation in Jordan, specifically the proposals for reform that were being debated in the country at the time and had been the focus of discussion between an Amnesty International delegation and the Jordanian Government during that visit. He then answered several questions on the human rights situation in Israel and the Occupied Territories and other issues which are of specific interest to viewers in Jordan and the Occupied Territories. Regrettably, the Israeli authorities have censored reporting in the Palestinian press of Amnesty International's concerns in the Occupied Territories.

The fact that the interview was broadcast on Jordan's television is not, in Amnesty International's opinion, an indication of political bias, any more than a similar conclusion should be drawn outside Israel from the interviews given in Israel by Mr Martin himself in February 1988 and by Amnesty International's Head of Press and Publications, Richard Reoch, in November 1989, during which Amnesty International's work in several Middle Eastern countries was discussed extensively.

The March 1990 issue of the magazine *Crisis*, which was published in cooperation with Amnesty International's British Section, contained a story entitled "A Kind of Madness". The following disclaimer was included in a subsequent issue of the magazine:

"We ... very much regret any impression that may have been given that any of the characters in the psychiatrist's testimony either speak for Amnesty International or that the organization associates itself with any of the personal views presented in their testimony or stories. Our sole concern is with the violation of human rights and not with the many contexts in which these occur or the conflicting ideologies that often result in the violence and human rights abuses we try to combat. Readers interested in the full picture of our work on any of the countries included in this series -- or elsewhere in the world -- should consult our published reports, available from our office."

The advertisement for "*intifada* postcards" was included in the August/September 1989 issue of the *Amnesty Journal*, published by Amnesty International's British Section. Amnesty International acknowledges that this advertisement was inconsistent with its policy of impartiality.

4. Sources of information

Amnesty International's sources of information are diverse. They include official Israeli documents (for example, court transcripts and information provided by military and civilian authorities) and information from Israeli and Palestinian lawyers, local human rights and professional organizations, alleged victims of abuses or their relatives and media reports.

In gathering information Amnesty International is aware that some sources are less reliable than others or may be politically motivated. It tries to corroborate information as far as possible, including by checking it with the government. In many cases the material documented by Amnesty International cannot be fully verified, hence the use of terms such as "reportedly". In these cases, however, Amnesty International reports only information that it believes plausible on the basis of the knowledge accumulated over many years of constant monitoring. It does not seek to evade responsibility by using such terms and holds itself fully accountable for all material it publishes.

5. Prisoners of conscience

Amnesty International has a long-standing disagreement with the Israeli Government over the relevance of issues such as membership of the Palestine Liberation Organization (PLO) in determining whether someone is a prisoner of conscience. The Israeli Government maintains that such membership of itself automatically amounts at least to advocacy of violence against Israel. Amnesty International disagrees. It recognizes that the PLO remains committed to the legitimacy of the use of violent means in its opposition to Israel, that factions of the PLO have carried out acts of violence against Israelis, and that obviously a large number of PLO members approve of or sympathize with that. However, it also understands that the PLO is an organization composed of several factions and bodies involved in political, social and cultural activities as well as military or violent activities. The vast majority of Palestinians view the PLO as their sole representative and the only vehicle for organized expression of their national aspirations. Palestinians may join or be otherwise associated with the PLO because they share its overall political objectives without necessarily agreeing with all its policies, including those relating to the use of violence.

Amnesty International 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 imputed to the person in question beyond mere membership of the organization.

This is a standard that Amnesty International has applied on armed opposition organizations in other parts of the world, notably for example the African National Congress in South Africa. Although Amnesty International did not adopt Nelson Mandela as a prisoner of conscience because of his acknowledged advocacy of violence, it did adopt other individual members of the ANC when there was no evidence that they had personally used or advocated violence.

Amnesty International does not ignore the rulings of Israel's judiciary. The position taken by Amnesty International on the cases of Abie Nathan, the four editors of the publication *Derech Hanitzoz* and Faisal al-Husseini is based on the relevant judicial findings. They are quoted extensively in the detailed documents issued by the organization on these cases.

In particular, Amnesty International did not dispute the judicial ruling that the *Derech*

Hanitzo editors were members of the Democratic Front for the Liberation of Palestine (DFLP), an organization defined as terrorist by the Israeli Government. It argued, however, that as they had not themselves used or advocated violence in their political activities they should not have been imprisoned solely on the basis of their acknowledged membership of the DFLP.

Amnesty International also does not dispute that Abie Nathan -- who since 10 October 1991 has been serving an 18-month prison sentence after a second conviction for having met PLO leaders -- violated the Israeli law prohibiting unauthorized contacts between Israeli citizens and the PLO. It does not dispute that he was imprisoned for his actions, and not merely for the expression of his beliefs. However, the internationally recognized rights to freedom of expression and to peaceful association fully encompass peaceful actions such as those carried out by Abie Nathan. Amnesty International believes that the law used to imprison Abie Nathan violates such rights and should therefore be reviewed to ensure that it does not lead to the imprisonment of prisoners of conscience.

Sami al-Kilani and Faisal al-Husseini were held in administrative detention, without charge or trial, and crucial evidence relating to them was kept secret by the authorities. On the basis of the information available, including records of their appeal hearings, Amnesty International believes that Sami al-Kilani and Faisal al-Husseini were prisoners of conscience detained exclusively for their non-violent political beliefs and activities. The Israeli Government has not produced information to establish otherwise.

In general, while administrative detention procedures in Israel and the Occupied Territories allow for a two-step process of judicial review, including by the High Court of Justice, political detainees are hardly ever given adequate information on the reasons for their detention, thus often rendering the existing legal safeguards meaningless. With few exceptions, appeals result in confirmation of the original order or slight reductions in detention periods (for example, a few days or one or two weeks). In this respect the statement by the Ministry of Justice that "a significant percent of appeals resulted in the cancellation or modification of the initial order" (comments to the *Amnesty International Report 1991*) is misleading.

Amnesty International's 1991 International Council decided to oppose as a matter of principle the detention of administrative detainees unless they are to be given a fair trial within a reasonable time. Amnesty International continues to press for the prompt and fair trial or release of all political detainees in Israel and the Occupied Territories and in all other countries.

As to the issue of imprisoned objectors to military service, whether pacifists or "selective" objectors, Amnesty International believes that they are prisoners of conscience in line with its position upheld worldwide. It believes that, in the absence of an alternative and non-punitive civilian service, conscripts and reservists should not be imprisoned solely because they refuse direct or indirect participation in armed conflicts for reasons of conscience or profound conviction arising from religious, ethical, moral, humanitarian, philosophical, political or similar motives. Amnesty International considers conscientious opposition to specific wars or other forms of selective, political objection, to be grounds for refusing to

serve as valid as total pacifism. For example, the organization has adopted as prisoners of conscience citizens of the United States of America, South Africa and the United Kingdom who refused to participate in the conflicts in Vietnam, Namibia and, most recently, the Gulf because they considered these wars to be unjust. Some countries allow for alternative civilian service in

certain cases of selective objection.

6. Killings of Palestinian civilians by Israeli forces

The Amnesty International annual reports covering 1989 and 1990 indicate that about 380 Palestinian civilians were shot dead by Israeli forces. The organization expresses concern that the guidelines on opening fire may have permitted unjustifiable killings and that the authorities did not appear adequately to investigate fatal shootings and bring to justice those found responsible for abuses. In Amnesty International's view these factors, taken together, add up effectively to condoning, if not encouraging, violations of the right to life.

In its annual report covering 1989 Amnesty International referred specifically to the cases of Milad Shahin, aged 12, and Yaser Abu Ghawsh, aged 17, as examples of killings which appeared to be unjustifiable. The latter was also an example of reported obstruction of medical care to the victim after a shooting.

Information provided by the Ministry of Justice after the annual report was published stated that in each of these cases one soldier was charged with illegal use of arms under Article 85 of the 1955 Military Justice Law. The soldier found responsible for the death of Milad Shahin received a sentence of two months' imprisonment and three months' suspended sentence, in addition to a reduction in rank. Amnesty International has not been informed of the outcome of the proceedings initiated in relation to the death of Yaser Abu Ghawsh. The official investigation found that the treatment given to Yaser Abu Ghawsh after he was shot "was inappropriate under the circumstances".

In addition to these two cases, Amnesty International has to date received five other responses on similar cases of killings out of a total of 13 raised in detail with the Israeli authorities and made public in January 1990. Although the accounts reported by the Israeli authorities differ in some aspects from the information received by Amnesty International, in four of the five cases the official investigations found that the guidelines for opening fire -- which in themselves are a cause of serious concern -- had been violated.

In the one remaining case, that of 14-year-old As'ad Hammuda shot dead in March 1989 in Gaza City, the official investigation found that the guidelines for opening fire had been respected as he was said to have appeared to be in the act of throwing a petrol bomb at soldiers when shot, and had not been deterred by three warning shots. However, information from medical personnel and relatives indicated that As'ad Hammuda had great difficulty in moving his neck and arms as a result of beatings incurred in detention a few weeks before. He was reportedly still being treated for his injuries and was not likely to be able to throw something like a petrol bomb, especially to throw it upwards at soldiers who were reportedly stationed on top of a four-storey building. These crucial details are ignored in the response provided by the Ministry of Justice to Amnesty International in May 1990.

In general, Amnesty International did not imply that the killings of children are the result of a targeting policy by the IDF. However, children and young people have been killed in circumstances which appear wholly unjustifiable. The arbitrary killing of children cannot be justified, whether or not they are encouraged by others to participate in the *intifada*.

In its *Amnesty International Report 1990* the organization used the term "unarmed" to qualify the victims of such killings in order to distinguish these cases from those of Palestinians killed carrying firearms, whether local residents of the Occupied Territories or Palestinians who had infiltrated from neighbouring countries. The use of this term was not intended to play down the lethal danger posed by petrol bombs, axes, knives or other weapons. In order to avoid misunderstandings in this respect, Amnesty International has not used the term "unarmed" in its *Amnesty International Report 1991*.

7. Deaths in custody

The *Amnesty International Report 1990* reports the deaths of Mahmud al-Masri and Khaled Shaikh 'Ali while held under interrogation in Gaza Central Prison in 1989. Both died either as a direct result of torture or in circumstances where torture or ill-treatment played a contributory role. According to information provided by the Israeli authorities, in the first case a medic was found to be negligent and punished with a reduction in rank, 45 days' imprisonment, 35 of which were suspended, and a severe reprimand. In the second, two General Security Service interrogators were convicted of causing death by negligence under Article 304 of the Penal Law and received a six-month prison sentence each.

With regard to the official autopsies performed on the bodies of these two men at the Greenberg Institute of Forensic Medicine at Abu Kabir, Amnesty International did not imply that they were "not independent of political or other extraneous considerations", as maintained by the Ministry of Justice. Amnesty International's report referred to the autopsies carried out in these two cases by two forensic pathologists, one a national of the United Kingdom, the other of the United States of America. It referred to these pathologists as "independent" to underline, in the limited space available in annual reports, that they had no link with either Israeli or Palestinian institutions, even though they were chosen by the families and lawyers of the victims. One of the pathologists has acted on behalf of Amnesty International on other occasions.

8. Misuse of tear-gas

The manufacturers of CS tear-gas used by Israeli forces stress that such agent can be lethal if misused -- for example, by using it in confined spaces from which vulnerable individuals cannot readily exit. It is particularly dangerous when used in massive quantities in heavily built-up and populated areas, as has been the case with the refugee camps in the Occupied Territories, or when launched directly into homes or other buildings. Infants and elderly people or others who cannot rapidly move away, as well as people with respiratory problems, are particularly vulnerable.

Amnesty International finds such background sufficient to warrant the reporting of deaths following alleged misuse of tear-gas, and to call for adequate investigation of this issue, even in the absence of conclusive medical evidence to prove or disprove the extent to which these deaths were caused by tear-gas inhalation. In June 1988 it issued a report outlining its concerns on the matter.

TransTechnology Corporation, the US manufacturers of CS gas used by the Israeli

authorities, suspended sales of tear-gas to Israel in April 1988 while seeking assurances that it was being properly used. TransTechnology resumed sales of its products four months later. According to a report of the United States General Accounting Office published in April 1989, TransTechnology had concluded that:

"to withdraw this product which was designed to be non-lethal in its use and by doing so to leave the control of rebellions or uprisings to lethal methods is, in our sincere opinion, a disservice to the best human rights interests of the majority of people concerned. While we are aware of the possibility of our products being misused and causing harm to innocent civilians, we believe that injuries and destruction would be much more prevalent where no such crowd control method is available."

On 29 September 1988 the Israeli Chief of the General Staff reportedly acknowledged in an interview with Israel Radio that people had died as a result of the misuse of tear-gas. He was quoted by *The Jerusalem Post* as having said: "In very isolated incidents it happens that people died of plastic bullets but that happened also, by the way, from rubber bullets and even by those who inhaled gas." Earlier that month the IDF had issued new orders to soldiers not to use tear-gas in confined spaces, thus acknowledging grounds for concern in its use.

In disputing Amnesty International's position on the misuse of tear-gas, the Ministry of Justice response of May 1989 draws on a study on the matter by Dr Maurice Roger, former Director of the forensic institute at Abu Kabir. Amnesty International requested but was not provided with a copy of this report.

The Ministry of Justice's response of May 1989 also noted that soldiers had been *disciplined* for improper use of tear-gas. This does not contradict Amnesty International's statement in its report covering 1989 that no *prosecution* was known to have taken place in relation to allegations of deliberate and lethal misuse of tear-gas.

In its report covering 1990 Amnesty International refers to the one specific instance in which it became aware of measures taken by the authorities on this issue, namely that of a soldier who received a 10-day prison sentence for throwing tear-gas canisters into a Gaza maternity clinic, which caused scores of babies to require urgent treatment. It was subsequently reported that the sentence was suspended.

9. The Military Justice System

Amnesty International's concerns about the operation of the military courts in the Occupied Territories referred to in its annual reports covering 1989 and 1990 are detailed in a specific report published in July 1991 and entitled *Israel and the Occupied Territories: The military justice system in the Occupied Territories: detention, interrogation and trial procedures* (AI

Index: MDE 15/34/91). The concerns include prolonged incommunicado detention, systematic use of torture or ill-treatment during interrogation leading to coerced confessions, and undue pressures to plead guilty. The report calls on the Israeli Government to introduce safeguards against torture and ill-treatment urgently -- including by publishing and reviewing official, secret guidelines allowing the use of a "moderate measure of physical pressure" during interrogation -- and to ensure fair trials.

The Ministry of Justice's comments on the *Amnesty International Report 1991* say that

the report does not mention that Amnesty International has received detailed replies on the cases of Riad Shehabi and 'Abd al-Ra'uf Ghabin. These replies were received in April 1991, whereas the organization's report covered 1990. The reply on Riad Shehabi, who was tortured while in police custody in Jerusalem suffering cracks in the bones of both arms and other injuries, is reflected in Amnesty International's July 1991 report on the military justice system in the Occupied Territories, which deals with his case in detail. The reply on the case of 'Abd al-Ra'uf Ghabin, who has formally complained of having been tortured while held in Gaza Central Prison, is reflected in a fact sheet publicized by Amnesty International in May 1991, together with his response to the Israeli Government's statement. Amnesty International has been requesting further clarifications on this case from the Israeli Government. It has not yet received any.

The *Amnesty International Report 1990* refers to cases in which Palestinians tried by military courts in the Occupied Territories "reportedly received sentences of up to five years' imprisonment for stone-throwing and up to nine years' for throwing petrol bombs". Amnesty International welcomes the Ministry of Justice's clarification of the two cases used as examples in those reports. With regard to the first case, Amnesty International acknowledges that its report was incomplete, as, according to the Ministry of Justice, the defendant in question received a prison sentence of five years' for stone-throwing, but four were suspended. In the second case, the information provided by the Ministry of Justice largely confirms that which was given to Amnesty International. Amnesty International would welcome more information on the case of "the stone-thrower sentenced to 13 years for killing a 20-year-old woman", referred to in the Ministry's comments on the *Amnesty International Report 1990*.

10. The use of force by Israeli forces

Amnesty International does not dispute that under international law Israel is responsible for law and order in the territories it occupies. Nor does Amnesty International oppose the use of force in law enforcement according to the relevant international standards. Amnesty International, does, however, expect the Israeli Government, like any other government, to respect such standards in exercising its authority in the territories it controls.

The Ministry of Justice's comments state that in denouncing punitive beatings Amnesty International "presents the exception as if they were the rule". The Ministry's response also refers, as does the *Amnesty International Report 1989*, to a dispatch issued by the IDF Chief of the General Staff in 1988 giving guidelines for the use of force. As reported in the *Amnesty International Report 1990*, a second dispatch was issued by the IDF Chief of the General Staff in September 1989, reiterating that force should not be used as punishment and directing soldiers not to hinder medical assistance to casualties. The fact that the IDF found it necessary to reiterate instructions issued over one-and-a-half years earlier might well appear to be an indication that excessive force and other abuses were not "occasional excesses".

11. The death of Fares Salha

The *Amnesty International Report 1990* states that Fares Salha died "after soldiers reportedly assaulted him in his home in Jabalya refugee camp. The soldiers apparently hit him with a hoe and rifle butts and threw him down a staircase after he tried to stop them beating his sons".

The fact sheet provided by the Ministry of Justice states that Fares Salha was attempting to reach the roof of his house, access to which was blocked by one soldier, while other soldiers were pursuing stone-throwers believed to be on the roof. A struggle ensued during which Fares Salha "lost his balance, stumbled down the stairs which were still under construction and without railings" and "struck his forehead with great force on the wall". The Military Advocate General determined that the soldiers could not be held responsible for his death, as they "could not have foreseen his stumbling on the stairs and striking his head".

The fact sheet acknowledges that during the struggle on the staircase an officer "had thrown a hoe that he found on the scene" at Salha, noting "that no injury was incurred" as Salha "caught the hoe and swung it back at the soldiers". The Military Advocate General ordered the officer to be disciplined for unbecoming behaviour. Finally, the fact sheet states that, after his fall, soldiers revived Fares Salha, who had lost consciousness, but left when a "tumult ensued" in the house. Amnesty International notes that the fact sheet does not respond to the allegation that Fares Salha was attempting to reach the roof of his house because his sons were being beaten there. If that was the case, Fares Salha died while trying to prevent an offence.

12. The prolonged solitary confinement of Mordechai Vanunu

Mordechai Vanunu has been held in solitary confinement since his enforced return to Israel, on or about 7 October 1986, after agents of the Israeli Government abducted him in Europe. Within Ashkelon prison, where he is serving an 18-year sentence of imprisonment following conviction on charges of treason and espionage, he has had 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. In October 1991 Amnesty International published a report on his case entitled *Israel and the Occupied Territories: Mordechai Vanunu: Solitary confinement as cruel, inhuman or degrading treatment* (AI Index: MDE/15/46/91).

The Ministry of Justice says that it is difficult to understand the reasons for the statement in the *Amnesty International Report 1990* that Mordechai Vanunu had -- and still has -- "severely restricted access to visitors". 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.

Mordechai Vanunu has repeatedly but unsuccessfully petitioned the Israeli judiciary against his conditions of detention. The Israeli authorities 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 that he may disclose further classified information on Israel's nuclear program and his abduction.

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 about the possible disclosure of classified information on Israel's nuclear program. The dangers of such isolation for the health of long-term prisoners is widely recognized. Mordechai Vanunu has now been held in solitary confinement for over five years with no indication as to how much longer this situation might last. Amnesty International believes that it should end without further delay.

13. The Ketziot detention centre

An Amnesty International delegate observed administrative detention hearings at the detention centre in 1990 and sought information on the situation within the camp from the military authorities there. Although accommodation facilities had been improved since the camp was opened in March 1988, conditions remained harsh, particularly as detainees did not receive visits from families.

Family visits have not been taking place as the Israeli authorities have required special permits in order to allow such visits. In March 1991 the requirement of special permits was introduced for visits to any of the prisons and detention centres located in Israel. Palestinians refused to comply with such conditions, asking that visits be organized by the International Committee of the Red Cross (ICRC), as is the case with the detention facilities located in the Occupied Territories.

The ICRC considers the holding of Palestinians from the Occupied Territories in detention facilities within Israel to be a breach of the Geneva Convention IV. In May 1991 it stated publicly that the new measures introduced by the Israeli authorities in March 1991 with regard to visits in Israel, seriously affected the ICRC's "traditional role of neutral intermediary between the families of detainees and the Israeli authorities" and that it "was not in a position any more to pursue the transportation of families to places of detention in Israel". However, an agreement was subsequently reached between the Israeli authorities and the ICRC, and family visits to Palestinians from the Occupied Territories held in Israel, including in Ketziot, were scheduled to begin at the end of October 1991.

Amnesty International believes that the Israeli authorities must ensure that prisoners may enjoy their right to receive visits from their relatives, including in prisons within Israel, particularly since it is the decision of the Israeli authorities to hold people from the Occupied Territories in Israel.

14. Conclusion

Amnesty International welcomes the Israeli Government's stated commitment to investigate and respond substantively to human rights complaints. It hopes that it will receive responses to

those cases which have not been answered -- including cases of killings of civilians by Israeli forces -- and the clarifications requested on responses received. It also hopes that the Israeli Government will take all the necessary measures, including those specifically recommended by Amnesty International, to ensure respect for the human rights of all those under Israeli jurisdiction.

Note added for electronic archive version of text:

Responses from Ministry of Justice not included as not produced on WP.