

EXTERNAL

AI Index: MDE 15/35/95  
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To: Medical professionals  
From: Medical Office / Middle East Regional Program  
Date: 5 December 1995

### **MEDICAL LETTER WRITING ACTION**

**Death of 'Abd al-Samad HARIZAT and  
government statements on the use of pressure during interrogation  
ISRAEL AND THE OCCUPIED TERRITORIES**

Keywords

**Theme:** Death under torture/incorporation of the UN Convention on Torture into Israeli law

**Summary**

This action is concerned with a number of related issues:

- the death of a detainee as a result of head injuries following violent shaking
- the Landau guidelines which allow "moderate physical pressure" in the interrogation of "security" detainees
- proposed legislation intended to incorporate the UN Convention on Torture into Israeli law, but which appears to be written to allow ill-treatment to continue

Recommended Actions

Letters are requested from medical professionals to the addresses below:

- expressing concern at the death in custody of 'Abd al-Samad Harizat in April this year as a result of the use of a violent head shaking technique
- expressing particular concern that this same form of violence has been frequently used in the past and continues to be used despite the death
- urging that those responsible for the death are brought to justice
- asking for the full report of the Department of Investigation of Police's investigation into the circumstances surrounding the death of 'Abd al-Samad Harizat
- asking what procedures were followed once he lost consciousness, why he was not immediately transferred to hospital, what medical attention he did receive in the interrogation wing and how speedily
- noting that many other detainees have been subjected to violent shaking and have reported loss of consciousness, ask what medical procedures have been followed in

previous instances where a detainee has suffered loss of consciousness during interrogation either following violent head shaking or when undergoing other physical pressure during interrogation

- expressing concern that proposed Prohibition of Torture legislation does not adequately conform to the UN Convention against Torture and, indeed, appears to be worded in such a way as to allow the continuation of the type of practices which would constitute ill-treatment and torture

- urging that, before presentation to the Knesset, the proposed bill be rewritten to conform with the definition of torture in the UN Convention against Torture, to which Israel is a State party

- urging that immediate steps be taken to ensure that ill-treatment and torture by GSS interrogators cease

Letters to the Israeli Medical Association and Minister of Health should ask both to issue statements outlining the dangers of forcible shaking and calling for an end to its use in interrogation.

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**GOVERNMENT STATEMENTS ON INTERROGATION  
PRACTICES FOLLOWING DEATH THROUGH ILL-TREATMENT**

**The death of 'Abd al-Samad HARIZAT  
ISRAEL AND THE OCCUPIED TERRITORIES**

Following the death of 'Abd al-Samad Harizat under interrogation in April 1995, there was wide debate in Israel about methods used by the General Security Service (GSS) to exert pressure during the interrogation of detainees. 'Abd al-Samad Harizat, a 30-year-old Palestinian computer expert, died shortly after he was taken into custody and a subsequent autopsy found that he had died as a result of intra-cranial trauma subsequent to violent shaking of the head. The GSS (otherwise known as Shin Bet or Shabak) is the security agency responsible for the interrogation of many of those ultimately tried before military courts and has, since 1987, been authorized to use "a moderate measure of physical pressure". The guidelines to what constitutes a "moderate" degree of pressure are generally known as the Landau guidelines after Chief Justice Landau who headed a Commission of Inquiry into interrogation practices. The guidelines appended to the report of the Landau Commission have never been made public, but Amnesty International has, over a period of years, documented patterns of torture and ill-treatment during interrogation which include, among other things, hooding, prolonged sleep deprivation, position abuse, beatings (often focusing on the genitals), confinement in narrow cupboard-sized cells and the type of violent shaking of the upper body which led to 'Abd al-Samad Harizat's death.

The GSS is overseen by a Ministerial Committee which in October 1994 sanctioned the use of *increased* physical pressure during the interrogation of suspected *Hamas* and *Islamic Jihad* members as an "exceptional dispensation". This followed a suicide bus-bombing in Tel Aviv for which *Hamas* claimed responsibility. This exceptional dispensation to use increased physical pressure has, however, since been repeatedly renewed under a series of extensions. The interrogation wings of the GSS are in prisons and detention centres and the International Committee of the Red Cross is denied access to these wings.

There is now added concern at the wording of a draft bill proposed by the Israeli Government which would amend Israeli Penal Law relating to the prohibition of torture. The Prohibition of Torture bill was drafted by an inter-ministerial committee established to

incorporate the UN Convention against Torture<sup>1</sup> into Israeli law. While the proposed amendment states that a public servant who tortures or authorizes torture is liable to between 10 and 20 years' imprisonment, the bill defines torture as "severe pain or suffering, whether physical or mental, except for pain or suffering inherent in interrogation procedures or punishment according to the law" (emphasis added). Such wording effectively sanctions ill-treatment and is contrary to the UN Convention. The UN Committee against Torture, a body of experts set up to monitor the implementation of the Convention against Torture, has previously criticized Israel for its "clear failure to implement the definition of torture as contained in Article 1 of the Convention".

#### The death of 'Abd al-Samad Harizat

'Abd al-Samad Harizat was detained at his home around midnight on 21 April 1995 and, after a search of the house, taken away for interrogation at around 2 a.m. on the morning of 22 April. He was taken to Moscobiyah Detention Centre in Jerusalem, a centre which for years has been named as a place where torture and ill-treatment are routine. In the afternoon of the same day a medical orderly was called when 'Abd al-Samad Harizat lost consciousness; he was not immediately hospitalized but, according to the security forces, was maintained under medical observation for one hour and then transferred to hospital where he arrived around 19h.30 to 20h.00 on the same day in a coma. He was declared dead on 25 April 1995.

'Abd al-Samad Harizat's family were not told immediately of what had occurred although they were visited by officials on the evening of 23 April when Harizat had already been in coma for 24 hours. Instead the officials concealed the fact that he had been hospitalized, told them that he was at Moscobiyah Detention Centre and gave the family permits to enter Jerusalem to visit the centre. When his family went to the detention centre the following day, 24 April, they were asked about his medical history and state of health, as they had been the previous day. It was only at this point, nearly two days after 'Abd al-Samad Harizat had entered coma, that the family was told that he was unconscious in hospital and was given authorization to see him. According to the family, they learned of his death on the radio in the early hours of the morning of 25 April.

An investigation was ordered into the death and on 26 April 1995 an autopsy was performed. This was conducted by two Israeli pathologists and attended by an independent senior forensic pathologist, Professor Derrick Pounder of Dundee University, whose visit was sponsored by the US-based organization *Physicians for Human Rights* (PHR).

Professor Pounder's report, quoted in a PHR report on the death<sup>2</sup> states that he was told that at the hospital a CT scan showed malignant brain oedema but no evident

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<sup>1</sup>The Convention against Torture, which Israel ratified in 1991, states in Article 1(1): "For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions."

<sup>2</sup>PHR: *Israel & the Occupied Territories: Shaking as a Form of Torture. Death in Custody of 'Abd al-Samad Harizat*, Boston: PHR, October 1995.

intra-cranial bleeding, that there was bruising evident to his upper chest and shoulders, that Harizat's condition continued to deteriorate and that he was declared dead on 25 April.

Upon autopsy a sub-dural haemorrhage was found. The following are extracts from Professor Pounder's report.

"Death was the result of injuries and the pattern of injuries was unusual. The pattern of injuries was equally remarkable for what was not present as it was for what was present.

"Bruising to the body was almost entirely concentrated on both sides of the upper chest..." "The bruising to the left and right sides of the upper chest was extensive and involved both the skin and underlying muscles. .."

"...There were no injuries to the neck, face or scalp and there was no fracture of the skull nor of the facial bones. There was a haemorrhage within the skull overlying the brain at the top of the head on the right side (right parietal sub-dural haematoma). A haemorrhage of this type is produced as a result of sudden jarring movements of the head, as a consequence of which shearing forces sever small blood vessels bridging the space between the brain and the inner surface of the skull. Such a haemorrhage may be produced as a result of an impact to the head or face but in the case of Mr Harizat there was no injury to the head or face to account for it. Such a haemorrhage may also be produced by violent shaking of the person and this is well described in young children..."

"The bruises to the front of the upper chest are consistent with repeated blows, possibly in association with shaking whilst gripping the clothing, or alternatively forceful gripping. The pattern of injuries to the upper chest and the presence of the sub-dural haemorrhage, diffuse axonal injury, and retinal injury taken together indicates that the method of injury was violent shaking."

"The absence of scattered bruises and abrasions over the body indicate that Mr Harizat was not subjected to a beating, as that word is commonly understood. Rather, the method of injury was more sophisticated, controlled and focused. Abed El Harizat [sic] died as a result of this method of torture."

This form of violent shaking of the head during interrogation is not a random jostling of the detainee, but rather a more focused form of ill-treatment in which the detainee's head is jarred suddenly backwards and forward by the interrogator holding the shoulders or the clothing around the shoulders. Ex-detainees who have experienced this have described the shaking as so vigorous and protracted that it produced loss of consciousness or severe neck pain for days afterwards. According to detainees' testimonies, the usual position of the detainee when this is used is with the legs shackled below a low chair and the hands handcuffed behind and between the back bars of the chair. This diminishes the support for the detainee's back and his ability to resist.

#### Police investigation into responsibility for the death

An investigation into circumstances surrounding the death was conducted by the Department of Investigation of Police (DIP), a department of the Israeli Ministry of Justice. The lawyer acting on behalf of 'Abd al-Samad Harizat's family petitioned the High Court to provide him with the autopsy report and report of the police investigation. He received the autopsy report, but initially only the conclusions of the police report, and these only one day before the case was due to be heard in court. The DIP's report accepts that Harizat was shaken violently in the manner described; it accepts that this manner of deliberate ill-

treatment could occasion cerebral trauma and it accepts that this form of violence could cause "lethal damage to the brain". The report, which was signed by the Director of the DIP, states however that the interrogator responsible for the shaking "was neither able nor expected to have anticipated the fatal outcome of his actions" and that criminal responsibility could not be attributed to the interrogator who, the Director recommended, should be tried by a disciplinary tribunal. The DIP report and recommendation were accepted by the Legal Adviser to the Government. The full DIP report has still not been made public.

#### Events subsequent to 'Abd al-Samad Harizat's death

'Abd al-Samad Harizat's death led to debate in Israel on torture. Local human rights organizations also took legal action, individually seeking injunctions against the practice of shaking. Two groups, the *Public Committee against Torture in Israel (PCATI)* and the *Association of Israeli-Palestinian Physicians for Human Rights (AIPPHR)* also filed manslaughter charges against those believed to have been involved in the ill-treatment.

The Legal Adviser to the Israeli Government was reported to be concerned about the use of violent shaking and questioned its legality. Israel's Minister of Justice was also quoted in the press as questioning the use of this during interrogation and as saying that he might recommend that some of the "moderate forms of pressure" permitted by the Landau guidelines be debarred.

In August 1995, however, the Ministerial Committee overseeing the GSS sanctioned the use of violent shaking provided it was carried out with the authorization of the head of the GSS. There was a further suicide bus-bombing, this time in Jerusalem, later that month for which *Hamas* also claimed responsibility. The head of the GSS subsequently announced that permission had been given to use the technique during the interrogation of two named individuals. In October 1995 the special dispensation allowing the GSS to use "special measures" was again extended for a three month period.

Although information on what is permitted under the Landau guidelines as "moderate physical pressure" remains secret, it appears likely that the guidelines include shaking. The DIP report on Harizat's death and a report from Dr Y. Hlisa, Director of the Institute of Forensic Medicine, both suggest that shaking by the clothing is permitted, but shaking by the shoulders is not.

In the case of 'Abd al-Samad Harizat's death, there was a High Court hearing on 1 October of the petition brought by PCATI and AIPPHR. This concluded with the court ordering the State to show cause within 45 days why charges of manslaughter should not be brought against Harizat's interrogators. In November the case was postponed until April 1996.

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#### Proposed Prohibition of Torture bill

Israel ratified the UN Convention against Torture in 1991. In April 1994 the UN Committee against Torture, which monitors its implementation, stated the following in its conclusions and recommendations on Israel's initial report on implementation of the Convention.

"The Landau Committee Report, permitting as it does "moderate physical pressure", as a lawful mode of interrogation, is completely unacceptable to this Committee..."

**"The Committee is greatly concerned at the large number of heavily documented cases of ill-treatment in custody that appear to amount to breaches of the Convention including several cases resulting in death..."**

**The Israeli authorities have consistently denied that their interrogation methods constitute torture. Amnesty International believes, however, that the type of treatment described by former detainees interrogated by the GSS has often been of a nature to constitute ill-treatment and torture. The new 'Prohibition of Torture' bill which is currently being proposed would appear to be a clear attempt to legalize methods of pressure commonly used during interrogation in Israel referring, as it does, to the exemption of "pain or suffering inherent in interrogation procedures". Amnesty International is urging fundamental changes to the draft bill before it is taken to the Knesset for debate.**