

EXTERNAL (for general distribution)

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UA 427/94

Fear of torture

2 December 1994

ISRAEL AND THE OCCUPIED TERRITORIES

Over 400 Palestinians

The use of "increased physical pressure" during the interrogation of suspected members of the Islamic opposition group *Hamas* is reported to have been sanctioned by the Israeli authorities, raising fears for the safety of over 400 Palestinians taken into custody in the West Bank in recent weeks.

According to reports, the General Security Service (GSS) has claimed that some of those detained were planning further suicide attacks against Israeli civilian targets such as those carried out in April and October which led to the death of at least 35 people. Amnesty International has condemned such arbitrary attacks against civilians and has called on *Hamas* to respect basic principles of humanitarian law and to refrain from any such attacks.

Following reports that the Israeli ministerial committee which oversees the operations of the GSS has authorized the use of "increased physical pressure", Amnesty International fears that some or all of the 400 Palestinians may be at risk of torture during interrogation. The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and Article 7 of the International Covenant on Civil and Political Rights, both of which Israel has ratified, forbids unconditionally the use of any form of torture or ill-treatment. No justification may be used to derogate from a State Party's obligations under these treaties.

BACKGROUND INFORMATION

Since 1987, interrogations by the GSS have been regulated by secret guidelines, established by a Commission of Inquiry into GSS interrogation methods, headed by Justice Moshe Landau. These guidelines allow the use of "moderate physical pressure". Amnesty International has long had serious concerns about interrogation practices by the GSS, believing that either the guidelines permit the use of torture or ill-treatment, or that interrogators have been extensively violating those guidelines with impunity.

On 19 October 1994, following the kidnapping of an Israeli soldier and the death of 22 people in a bomb attack, both claimed by *Hamas*, Prime Minister Yitzhak Rabin called for legislation permitting harsher interrogation of suspects, reportedly stating that "if the security services had acted according to the guidelines of the Landau Report in interrogating *Hamas* people, they would not have found out the location of the kidnappers of Nachshon Waxman".

On 20 October, the Minister of Justice, David Liba'i, stated that there was no need to change the guidelines, as there was already a specific exception to the Landau Commission guidelines, enabling investigators to act "efficiently" in cases such as a "ticking time bomb". On 13 November, the Minister of Justice denied reports that the Landau Commission guidelines would be changed, but said that a decision had been taken "to help strengthen the forces to fight the wave of terror of *Hamas* and Islamic Jihad".

Amnesty International has written to Prime Minister Rabin expressing concern at these statements which appear to imply that harsher interrogation methods are to be used against Palestinian detainees, particularly those suspected

of affiliation to Islamic opposition groups. It also asked for clarification of the types of situation exempted from the Landau Commission guidelines and of the methods interrogators are permitted to use in such circumstances.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express and airmail letters either in English, French, Hebrew or in your own language:

- calling for an immediate end to any torture or ill-treatment by Israeli authorities, including of these 400 Palestinians;
- reminding Israel that, as a state party to the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, it has an obligation to ensure that no one under Israeli jurisdiction is subjected to torture or cruel, inhuman or degrading treatment or punishment and that no justification may be used to derogate from these obligations;
- expressing concern at reports that specific exceptions to the Landau Commission guidelines exist and that the Ministerial Committee overseeing the GSS has authorized the use of "increased physical pressure" against suspected members of *Hamas*. Ask for clarification of situations exempted from the Landau Commission guidelines and of the methods interrogators are permitted to use in such circumstances, including details of the "increased physical pressure" referred to.

APPEALS TO

1. Mr Yitzhak Rabin
Prime Minister and Minister of Defence
Office of the Prime Minister
3 Kaplan Street
Jerusalem 91919, State of Israel
Telegrams: Prime Minister Rabin, Jerusalem, Israel
Telexes: 25279 mpres il
Faxes: +972-2-664838 or +972-3-6917915
Salutation: Dear Prime Minister

2. Mr David Liba'i
Minister of Justice
Ministry of Justice
29 Salah al-Din Street
Jerusalem 91029, State of Israel
Faxes: +972-2-708590
Telegrams: Justice Minister Liba'i, Jerusalem, Israel
Salutation: Dear Minister

3. Mr Moshe Shahal
Minister of Police
Ministry of Police
PO Box 18182
3 Sheikh Jarrah
Kiryat Hamemshala
Jerusalem 91181, State of Israel
Faxes: +972-2-826769
Telegrams: Police Minister Shahal, Jerusalem, Israel
Salutation: Dear Minister

4. Mr Shimon Peres
Deputy Prime Minister and Minister of Foreign Affairs

Ministry of Foreign Affairs
Hakirya
Romema
Jerusalem 91999, State of Israel

Telexes: 25223

Faxes: +972-2-303367

Telegrams: Minister Peres, Foreign Ministry, Jerusalem, Israel

Salutation: Dear Minister

COPIES OF YOUR APPEALS TO:

Judge Michael Ben-Yair
Attorney-General
PO Box 1087
Jerusalem, State of Israel

Faxes: +972-2-869-473

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 12 January 1995.