

EXTERNAL

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EXTRA 55/97

Torture / Fear of torture / Medical concern 18 April 1997

ISRAEL/OCCUPIED TERRITORIES

Iyad Abu Hamdieh

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Iyad Abu Hamdieh, arrested on 3 April 1997 on suspicion of connection with a *Hamas* cell, has been in interrogation at Shikma Prison (formerly called Ashkelon Prison) since 9 April. His lawyer, unable to see his client until 16 April due to a General Security Service (GSS) order denying him access until 15 April, has now obtained details of Iyad Abu Hamdieh's alleged torture and ill-treatment, heightening concern for the detainee's well-being as the interrogation continues.

Iyad Abu Hamdieh says in his affidavit that he has been forced to squat (*gambaz*) and when he found this impossible (he suffers from rheumatism in his legs), his interrogators pushed him into a squatting position. He said that his interrogators repeatedly kicked his legs, and that one of them had been grabbing his face and shaking his head from side to side; he stated that his wrists and ankles were swollen as a result of being handcuffed in *shabeh* (see below), and that at night he is held in *shabeh* next to an air conditioner and is very cold.

On 17 April, his lawyer, Andre Rosenthal, working with the Israeli human rights organization *HaMoked*, submitted a petition to the Supreme Court sitting as the High Court of Justice calling for an explanation of Iyad Abu Hamdieh's torture and ill-treatment and calling for an interim injunction to be imposed on the GSS to prevent the use of physical force during the interrogation. The High Court has yet to hear this case.

Torture is absolutely prohibited under international law. This obligation cannot be derogated from under any circumstances. Article 2 (2) of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which Israel ratified in 1991, says "No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture."

#### BACKGROUND INFORMATION

Amnesty International has for years expressed its concern that secret guidelines to the 1987 Landau report on the GSS allow the use of torture or ill-treatment. The Landau report allowed the use of "moderate physical pressure"; since October 1994 a special ministerial committee has allowed "increased physical pressure". GSS officers testifying in court admit using prolonged sleep deprivation, position abuse by holding detainees for long periods standing or sitting in painful positions while deprived of sleep (*shabeh*), and squatting (*gambaz*) for up to two hours at a time. Violent shaking (*tiltul*), which may cause brain damage, has been recorded for years and can be authorized by the head of the GSS. However, while admitting these methods are used, the Israeli Government denies that they constitute torture. Amnesty International does not agree; nor does the UN Special Rapporteur on Torture, who has referred to many of these practices as "methods of torture".

Principles 1 and 7 of the UN Basic Principles on the Role of Lawyers state: "All persons are entitled to call upon the assistance of a lawyer of their choice to protect and establish their rights and to defend them in all stages of criminal proceedings."

"Governments shall further ensure that all persons arrested or detained, with or without criminal charge, shall have prompt access to a lawyer, and in any case not later than forty-eight hours from the time of arrest or detention".

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

- expressing deep concern at the allegations of torture and ill-treatment of Iyad Abu Hamdieh during interrogation by the GSS in Shikma Prison;
- asking if he has been kicked in the legs, forced to squat for long periods, kept in shabeh, and had his face grabbed and shaken, and calling for an investigation into these allegations;
- seeking assurances that he is now being treated humanely in accordance with international standards, and urging that Iyad Abu Hamdieh be granted immediate access to any medical attention he may require, and continuing access to his lawyer;
- calling on the authorities to stop the use of physical pressure during interrogation in line with their obligations under the UN Convention against Torture which Israel ratified in 1991.

**APPEALS TO:**

1. Mr Binyamin Netanyahu  
Prime Minister, Minister of Foreign affairs and Housing  
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3 Kaplan Street  
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**Salutation: Dear Prime Minister**

2. Mr Tzahi Hanegbi  
Minister of Justice  
Ministry of Justice  
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**Fax: +972-2-6285-438**  
**Telegrams: Justice Minister, Jerusalem, Israel**  
**Salutation: Dear Minister**

3. Mr Avigdor Kahalani  
Minister of Internal Security  
Ministry of Internal Security  
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**COPIES TO:**

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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 18 May 1997.