

EXTERNAL

AI Index: MDE 15/80/96

EXTRA 190/96 Fear of torture and ill-treatment / Legal concern 9 December 1996

ISRAEL/OCCUPIED TERRITORIES Muhannad Abu Rumi, engineering student, aged 21

Muhannad Abu Rumi has been under interrogation for nearly three weeks in the Moscobiyah Police Detention Centre (Russian Compound) in Jerusalem. He is being held incommunicado, raising fears that he is being tortured or ill-treated.

Muhannad Abu Rumi was arrested outside Hebron Polytechnic on 18 November 1996 by the Israeli authorities. On 3 December his lawyers at LAWE (a Palestinian Human Rights Organization) submitted a petition to the Israeli Supreme Court requesting access to their client, and stating their fear that he was being tortured or ill-treated during interrogation. On 7 December the President of the Supreme Court approved the continued incommunicado detention of Muhannad Abu Rumi. The court took no action to prevent the use of "physical pressure". This court has recently approved the use of "physical pressure" on other detainees.

A second petition will be heard before the court on 10 December, Human Rights Day, again requesting access to Muhannad Abu Rumi.

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, 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 Hebrew/English or your own language:

- expressing concern at the incommunicado detention for three weeks of Muhannad Abu Rumi, and calling for him to be given immediate access to a lawyer, his family and independent medical attention - his right under international standards;

- stating that according to international standards, detainees should have access to a lawyer not later than 48 hours after arrest, and asking why access to a lawyer has been denied to Muhannad Abu Rumi;
- stating that incommunicado detention facilitates the practice of torture and ill-treatment, and asking whether Muhannad Abu Rumi has been violently shaken, deprived of sleep for prolonged periods of time, hooded with a dirty sack or tied onto a small chair for prolonged periods (AI considers such treatment, authorized by the Israeli authorities and Supreme Court, to constitute torture or ill-treatment).

APPEALS TO:

1. Mr Binyamin Netanyahu
Prime Minister, Minister of Foreign affairs and Housing,
Office of the Prime Minister
3 Kaplan Street
Jerusalem 91919
State of Israel
Telegrams: Prime Minister Netanyahu, Jerusalem, Israel
Telexes: 25279 mpres il
Faxes: +972-2-566-4838
Salutation: Dear Prime Minister

2. Mr Tzahi Hanegbi
Minister of Justice
Ministry of Justice
29 Salah al-Din Street
Jerusalem 91029
State of Israel
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
PO Box 18182
3 Sheikh Jarrah
Kiryat Hamemshala
Jerusalem 91181
State of Israel
Fax: +972-2-582-6769
Telegrams: Internal Security Minister, Jerusalem, Israel
Salutation: Dear Minister

COPIES TO:

LAWE, The Palestinian Society for the Protection of Human Rights and the Environment, PO Box 20873, Jerusalem, via Israel

and to diplomatic representatives of ISRAEL accredited to your country.

For nationals of EU countries:

If possible, please write to your own Ministry of Foreign Affairs raising your concern that, at a time when a number of parliaments in the EU member states are considering the ratification of a new EU-Israel Association Agreement which

explicitly raises the issue of respect for human rights, the Israeli authorities are flouting respect for international human rights standards. Explain that Israel's Supreme Court has approved the use of "physical pressure", which AI considers to be torture or ill-treatment. Explain the case of Muhannad Abu Rumi, denied access to a lawyer for three weeks. Seek assurances from your Foreign Ministries that, in the context of the debate on the Association Agreement, they will ask the Israeli Government to review its policies and practices in order to fulfil its obligations under international law.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 10 January 1997.