

ISRAEL AND THE OCCUPIED TERRITORIES

Oral Statement to the United Nations Commission on Human Rights on the Israeli Occupied Territories

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Item 4

Chairperson,

Israel is effectively legalizing or attempting to legalize practices which violate even the most fundamental human rights.

Firstly torture, which is already effectively legalized in Israel, is likely to be further endorsed by the General Security Service Law which is currently before the Knesset. If adopted this new legislation will offer impunity to General Security Service officers who resort to physical pressure when interrogating detainees. Such developments are a flagrant violation of international standards freely ratified by Israel including Article 7 of the International Covenant on Civil and Political Rights (ICCPR) and Article 2 of the Convention against Torture.

Secondly, the so-called "Compensation Bill", will deny redress to victims of human rights violations.

The Bill, which has already passed its first reading and is currently being considered by a Knesset committee, defines "combatant activity" so broadly that it will actually invalidate nearly all compensation claims from those who have suffered injury or the relatives of those killed by the Israeli security forces in the Occupied Territories. If adopted the law will apply retroactively, depriving victims of their rights of redress for past and future human rights violations.

Thirdly, the use of political assassination. Israel has not only carried out extrajudicial executions for more than 30 years, it has also officially sanctioned them. The attempted execution of Khaled Mesh'al in Amman in September 1997, is a flagrant violation of the right to life in Article 6 of the ICCPR. But the commission of inquiry set up by the Israeli Government to investigate this event concentrated on the failure of the attack rather than its illegality. The commission's report is shocking in its contempt for a rule of law in which justice and human rights are respected:

"The decision to carry out the attack in Jordan was based on the principle that no place in the world should be allowed to serve as a safe harbour for those who plan to carry out murders and acts of terror in Israel...The commission does not question this policy, but nevertheless proposes that the government discuss it, define its scope and establish ground rules for its implementation."

Whatever their activities or beliefs, the extrajudicial execution of government opponents, contravenes international human rights standards which Israel is committed to respecting.

Finally, the holding of hostages. At least 21 Lebanese are held as hostages for the return of or information about Israelis missing in action. These individuals have been held for up to 12 years without trial or after expiry of their sentences under administrative detention orders which are automatically renewed. Two of the detainees are even denied access to the International Committee of the Red Cross (ICRC). Now the Supreme Court of Israel has endorsed this practice. In a ruling made in November last year but only made public on 4 March 1998 the Supreme Court stated that it was legitimate to hold these detainees as "bargaining chips" which could be exchanged in pursuit of a "vital interest of state". In addition, there are more than 150 other Lebanese nationals detained without legal status for up to 12 years in Khiam Detention Centre, in the area of Lebanon occupied by Israel, who may also be held as "bargaining chips". Since September 1997 they too have been denied access to the ICRC and family members.

When an armed group holds hostages it is universally condemned. The Israeli Government has acknowledged that the detainees mentioned in the Supreme Court ruling pose no threat to state security. Their continued detention therefore has no basis in international law.

Amnesty International condemns unequivocally the killing of more than 100 civilians by armed groups since 1994. Nevertheless, human rights abuses by others do not entitle any state to violate the rule of law by legalizing what should never be legalized.

Amnesty International calls on the Government of Israel to act in accordance with the human rights treaties it has ratified.

ENDS.../