

EXTERNAL

AI Index: MDE 15/47/96

UA 168/96 Incommunicado Detention / Fear of Torture
or ill-treatment

4 July 1996

ISRAEL/SOUTH LEBANON'Ali Diya, aged 44, dentist and journalist

'Ali Diya, a Lebanese national arrested in South Lebanon on 13 June 1996 and since transferred to Israel, remains in incommunicado detention and may be at risk of torture or ill-treatment.

'Ali Diya, a dentist who works as a journalist for *Agence France Presse* (AFP), the Beirut-based "Future Television", and the Lebanese newspaper *al-Safir*, was apparently asked to report to the South Lebanese Army (SLA), a Lebanese militia which, in cooperation with the Israeli Defence Forces (IDF), controls the so-called "Security Zone", a strip of South Lebanon occupied by Israel.

He has not been seen since responding to the order on 13 June. The AFP lawyer has made several attempts to visit him, including on 4 July, but has been denied access on each occasion.

The government spokesman of the then Israeli Government at first denied that 'Ali Diya had been transferred to Israel. However, on 16 June, the IDF confirmed that it was holding 'Ali Diya and reportedly stated that he was suspected of collaborating with *Hizbullah* (Party of God) a Shi'a-based political party which is fighting the Israeli occupation of South Lebanon. He is now said to be held in Kishon Prison.

Amnesty International wrote to the new Israeli Government on 24 June 1996 asking to be informed of 'Ali Diya's legal status and how he came to be held by the IDF. The organization also asked for assurances that he was not being ill-treated. No reply to this letter has yet been received.

The detention of 'Ali Diya in Israel contravenes Article 76 of the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War, which states that "Protected persons accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein".

BACKGROUND INFORMATION

Amnesty International has frequently raised with the Israeli Government its concerns about torture or ill-treatment of Palestinian detainees under interrogation. The incommunicado detention of detainees without access to lawyers or family creates conditions which facilitate torture.

The Israeli Government is holding a number of Lebanese arrested, captured or kidnapped in Lebanon by the IDF or militias allied to Israel. Some are serving sentences imposed by Israeli courts, usually related to armed operations against the IDF. At least 22 Lebanese held in Israeli prisons have never been tried or are being held beyond the expiry of their sentence. Most were reportedly initially tortured by Lebanese militias or by the IDF and denied access to the International Committee of the Red Cross (ICRC); two Lebanese detainees, Shaykh 'Abd al-Karim al-'Ubayd and Mustafa Dirani, are still without access to the ICRC. They are held as hostages in order to obtain information about Ron Arad, a missing Israeli airforce navigator captured when his plane crashed in Lebanon in 1986.

In April the Israeli Government, headed by the then Prime Minister Shimon Peres, launched "Operation Grapes of Wrath" which included bombing and artillery

attacks against targets in Lebanon. The operation was primarily directed against *Hizbullah* which was carrying out armed operations on IDF and SLA forces in the areas of south Lebanon occupied by Israel and was launching Katyusha rockets against civilian areas in northern Israel. Under the "understanding" which ended the operation, both sides agreed not to target civilians; however, armed operations by *Hizbullah*, the SLA and the IDF have continued.

After national elections in Israel on 29 May 1996, a government headed by the Likud leader, Binyamin Netanyahu, took office on 18 June.

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

- seeking assurances that 'Ali Diya is not being tortured or ill-treated.
- asking for clarification as to 'Ali Diya's legal status and how he came to be held by the IDF;
- calling on the Israeli Government to ensure that 'Ali Diya has immediate access to his lawyer and to the ICRC;
- urging that, if 'Ali Diya is not promptly charged with a recognizably criminal offence and tried before a court which meets international standards for fair trial, he be immediately released.

APPEALS TO:

Binyamin Netanyahu
 Prime Minister,
 Office of the Prime Minister
 3 Kaplan Street
 Hakiryia
 Jerusalem 91007
 Israel

Faxes: +972 3 697 7839; +972 2 664 838

Telexes: 25279 MPRES IL

Telegrams: Prime Minister, Jerusalem, Israel

Salutation: Dear Prime Minister

Professor Yitzhak Mordechai
 Minister of Defence
 Ministry of Defence
 7 'A' Street
 Hakiryia
 Tel Aviv, Israel

Faxes: +972 3 697 6218

Telegrams: Defence Minister, Tel Aviv, Israel

Salutation: Dear Minister

Yaakov Neeman
 Minister of Justice
 Ministry of Justice
 29 Salah al-Din Street
 Jerusalem 91010
 Israel

Faxes: +972 2 285 438

Telegrams: Justice Minister, Jerusalem, Israel

Salutation: Dear Minister

COPIES TO: diplomatic representatives of Israel and Lebanon accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 30 August 1996.