

# ISRAEL AND THE OCCUPIED TERRITORIES

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## STATE OF ISRAEL

**Head of state:** President Ezer Weizman

**Head of government:** Ehud Barak (replaced Binyamin Netanyahu in July)

**Official languages:** Hebrew, Arabic

**Death penalty:** abolitionist for ordinary crimes

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**Official permission for torture and ill-treatment ended in September when the High Court ruled that various interrogation techniques used by the General Security Service (GSS) were unlawful. Scores of Palestinian administrative detainees were released during 1999, but 14 Palestinians were still held in administrative detention at the end of the year. Hundreds of Palestinians were tried before military courts whose procedures failed to comply with international standards for fair trial. At the end of 1999 there were about 1,500 Palestinian political prisoners; more than 300 were released during the year under peace agreements. Israeli security forces killed at least eight Palestinians in circumstances suggesting that they were unlawfully killed. On the basis of a policy that discriminated against Palestinians, houses in the West Bank were demolished because their owners had been unable to secure building permits. At least 29 Lebanese nationals were held in Israel, including 16 held in administrative detention. More than 150 Lebanese nationals were held without charge or trial at the end of 1999 in Khiam Detention Centre in Israeli-occupied south Lebanon. Incidents of ill-treatment by members of the security services in Israel and the Occupied Territories were frequently reported. At least six conscientious objectors were imprisoned for refusing to perform military service.**

### Background

In May Ehud Barak, of the One Israel party, was elected Prime Minister. Parliamentary elections also took place. A coalition government assumed power in July.

After resuming talks in August, Israel and the Palestine Liberation Organization (PLO) signed the Sharm al-Shaykh memorandum in September, agreeing to resume final status negotiations. In accordance with the agreement, in September and October Israel released 309 Palestinian political prisoners and 41 other Arab political prisoners, and redeployed its troops in certain areas of the West Bank. Palestinians' freedom of movement continued to be severely restricted. Israel maintained the border closures

between Israel and the West Bank (excluding East Jerusalem) and between Israel and the Gaza Strip. In October Israel opened a safe passage route to facilitate travel by Palestinians between the West Bank and Gaza Strip. Attacks were carried out on Palestinians by armed Israeli settlers and on settlers by armed Palestinians.

The military conflict between the Israel Defence Force (IDF) and the South Lebanon Army (SLA) on the one hand and Hizbullah on the other continued. In July the Prime Minister announced Israel's intention to withdraw from Israeli-occupied south Lebanon within one year. The SLA had withdrawn from the Jezzine salient in south Lebanon in May and June.

Israel's large population of migrant workers, including women trafficked for prostitution from the Commonwealth of Independent States, continued to be the target of human rights abuses. Hundreds were held in detention for extended periods pending deportation and there were reports of police brutality against them.

### Torture

Torture and ill-treatment continued to be officially permitted and systematically used by the GSS to interrogate security detainees until September, when the High Court of Justice ruled that such interrogation methods were unlawful. The GSS immediately ceased to use the specified techniques, which included tiltul, violent shaking; shabeh, where detainees were shackled to low sloping chairs in contorted positions for extended periods and forced to listen to loud, distorted music; gambaz, where detainees were forced to crouch for extended periods; excessive tightening of handcuffs; and sleep deprivation. In October the ministerial committee overseeing the GSS set up a professional committee to investigate the implications of the Court's decision. In October draft legislation was submitted to the parliament (Knesset) to empower the GSS to use physical force during interrogations in certain circumstances.

### Ill-treatment

There were many reports of Palestinians being beaten and otherwise ill-treated at checkpoints, during demonstrations or immediately after arrest. There were also reports of beatings of migrant workers by the police and other officials in public places and during searches of their homes.

✉ In May members of the Border Police beat Ziad 'Ali Taamra, a driver aged 21, at a checkpoint near Bethlehem, injuring his legs, stomach and chest. The Israeli army admitted, after an initial investigation, that it appeared that the officers had used "unreasonable force". The Department for Investigation of Police Misconduct recommended their prosecution. No charges had been brought against them by the end of 1999.

✉ An inspector from the Ministry of Trade and Industry beat two illegal migrant workers from China with a metal rod one metre in length in August after he found them trapped in a commercial vehicle in Tel Aviv.

### Administrative detention

Scores of Palestinian administrative detainees were released, including Usama Barham, who had been held without charge or trial since 1994. At the end of 1999, 14 Palestinians remained in administrative detention. An additional 16 Lebanese nationals remained in administrative detention. Nine were held beyond the expiry of their prison sentences and seven were held without charge or trial, including two detainees held incommunicado. They were held to exchange for Israeli nationals who had "disappeared" in Lebanon or for information concerning them. The Supreme Court had not ruled on appeals against their continued detention by the end of the year. Five other Lebanese administrative detainees were released in December.

☞ 'Abdallah 'Abdallah al-Khatib, a 27-year-old Palestinian, was held in administrative detention at the end of 1999. He had been arrested and placed under administrative detention in July 1998. During appeals neither he nor his lawyer had been allowed to examine the evidence against him.

☞ Ghassan Fares al-Dirani, a Lebanese national aged 30, was held in administrative detention at the end of 1999. He had been detained without charge or trial since his arrest in Lebanon in 1987. He was reported to be in poor physical and mental health.

### Unfair trials

Hundreds of Palestinians were arrested and tried in military courts for offences such as membership of illegal organizations and stone-throwing. Many were detained incommunicado for days without being brought before a court. Confessions extracted under torture frequently formed the main evidence against them. In August the military government lowered the age at which Palestinian children could be tried in military courts and imprisoned, from 14 to 12 years. The courts increased the tariff sentence for stone-throwing by children from four weeks' to four months' imprisonment.

☞ Su'ad Hilmi Ghazal, a Palestinian school student from Sebastiya village who was arrested in December 1998 at the age of 15, was still in detention at the end of 1999, pending trial on charges of assaulting an Israeli. She was held with adult prisoners at Neve Tirza Prison.

### House demolitions

At least 39 Palestinian houses in the West Bank were demolished because their owners had been unable to obtain building permits from the Israeli authorities. The policy of house demolitions discriminated against Palestinians and appeared to be aimed at stopping Palestinian development in parts of the West Bank under Israeli control.

### South Lebanon

During 1999, 23 Lebanese and two Israeli civilians were reportedly killed as a result of the military conflict in south Lebanon. Most civilians were killed as a result of

deliberate or indiscriminate attacks.

☞ In June, at least eight Lebanese civilians were killed in Israeli air raids directed against Lebanese infrastructure. The raids were a retaliation for the killing of two Israeli civilians in rocket attacks by Hizbullah and were followed by further Hizbullah shelling of northern Israel.

As well as at least 29 Lebanese nationals detained in Israel, more than 150 Lebanese nationals, including children, were detained without charge or trial at the end of 1999 in Kham Detention Centre in Israeli-occupied south Lebanon. Torture and ill-treatment were used routinely at the prison and in other SLA detention centres. Israel continued to deny responsibility for the administration of the prison and maintained that its militia ally, the SLA, was exclusively responsible. In September the IDF admitted that GSS officers visited the prison and had assisted in training SLA interrogators, and that the salaries of prison staff were paid by Israel.

### Extrajudicial executions and unlawful killings

Israeli security forces frequently used excessive force or opened fire on Palestinians in circumstances where the lives of the security forces were not apparently in danger. Eight Palestinian civilians were killed in circumstances suggesting that they may have been extrajudicially executed or otherwise unlawfully killed.

☞ In January the Border Police used excessive force when they opened fire in 'Isawiyeh in East Jerusalem on Palestinians demonstrating against house demolitions. Zaki 'Ubayd, aged 28, was killed after a rubber-coated metal bullet fired at close range struck him in the neck. In August the Department for Investigation of Police Misconduct recommended that two Border Police officers be prosecuted in connection with the death, but by the end of 1999 the District Attorney's office had not brought charges against them.

### Conscientious objectors

Israel continued to imprison conscientious objectors who refused to perform military service. Military courts sentenced at least six conscientious objectors to imprisonment and nearly all of them served multiple sentences. They were prisoners of conscience.

☞ In June a military court sentenced Walid Muhammad Naffa', a Druze conscientious objector from Beit Jann, to five months' imprisonment for desertion. This was his 11th prison sentence for refusing to serve in the IDF on grounds of conscience. He was released in September and exempted from military service on grounds of "unsuitability".

### Impunity

Most members of the security forces who used torture or ill-treatment, carried out unlawful killings or committed other violations enjoyed impunity for their actions. In those cases where members of the security forces were convicted of human rights violations, light sentences were imposed.

☞ In November 1997 an IDF soldier fired in the

direction of a group of three children, killing 'Ali Jawarish, aged eight. The soldier's life did not appear to be in danger. In February the Military Advocate General's office concluded that the soldier had behaved appropriately and that no further action would be taken.

### **Intergovernmental developments**

The UN Special Rapporteur, appointed pursuant to Commission on Human Rights Resolution 1993/2A "to investigate Israel's violations of the principles and bases of international law", visited areas under the Palestinian Authority's jurisdiction. Israel continued to refuse to cooperate with the Special Rapporteur. In an oral statement to the UN Commission on Human Rights in March, AI reiterated its concerns that Israel had violated international human rights treaties in the name of "security".

In February the UN General Assembly requested the High Contracting Parties to the Fourth Geneva Convention to hold a conference to discuss enforcement measures against Israel for failure to implement the Convention in the Occupied Territories. The conference took place in July. Israel and the USA did not attend. The conference was adjourned with no date set for its resumption.

### **AI country reports and visits**

#### **Reports**

- Israel: The price of principles – imprisonment of conscientious objectors (AI Index: MDE 15/049/99)
- Israel and the Occupied Territories: Demolition and dispossession – the destruction of Palestinian homes (AI Index: MDE 15/059/99)

#### **Visits**

AI delegates visited Israel in January to conduct research on conscientious objectors, in April and May to research the trafficking of women from the Commonwealth of Independent States to Israel, and in May and June to investigate house demolitions in the West Bank.