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ISRAEL/SOUTH LEBANON

Israel's Forgotten Hostages: Lebanese Detainees in Israel and Kham Detention Centre

INTRODUCTION

Over the past 19 years Lebanese¹ nationals, mostly those suspected of armed opposition to the Israeli occupation of part of Lebanon, have been held for years in detention by Israeli or Israeli-controlled forces, cut off from the outside world, often without charge or trial. Some of them were secretly moved from Lebanon to Israel. Others are held in Kham Detention Centre in south Lebanon, a centre run by a Lebanese armed militia allied to Israel, the South Lebanese Army (SLA).

Israel denies it has any control over Kham. However, Kham lies in part of south Lebanon, styled by Israel as its "security zone", which has been occupied by Israel since 1978. Israel's influence over funding and supervision of the SLA are not in doubt. Furthermore, as the occupying power it is responsible, according to international law, for the people in the "security zone".

Most of the detainees are believed to have participated in armed opposition against Israeli or SLA rule over south Lebanon. But they are not prisoners of war under the Geneva Conventions and Israel does not admit prisoner of war status to its opponents in Lebanon. At least 21 Lebanese detainees are held in Israel without charge or after expiry of their sentences; most of them do not know why they were picked out for prolonged secret detention in Israel. About 130 Lebanese detainees, including one woman, are held in Kham Detention Centre; they have no legal status and few rights. All these Lebanese detainees exist in a limbo where they have no information as to when, or if, they will be released.

For those held in Israel, the evidence of where they were being held was painstakingly acquired. For not only did the Israeli Government fail to inform the families of the detainees where they were, it persistently denied that it was holding some of those detained for years in Israeli prisons. News of six Lebanese men who simply "disappeared" from a Lebanese militia detention centre in 1990 only reached their families when it was passed on by fellow Lebanese prisoners who had been released. Even after the International Committee of the Red Cross (ICRC) reportedly saw one of the detainees by chance in a prison hospital and informed families that they were being held in detention in Israel and the Israeli Government acknowledged their detention in January 1992, continuing denials of their existence by Israeli officials show the

¹ Palestinians based in Lebanon have been arrested and held under similar conditions in the past.

secrecy still surrounding their situation in Israel. After years of confusion about their status, the Israeli Ministry of Justice now states that they, and 15 other Lebanese nationals held in Israel, are administrative detainees held under the Emergency Powers (Detention) Law of 1979. As such they can be held indefinitely without charge or trial.

Israel's Hostages?

Amnesty International believes that those captured and held in Israel or Khiam without charge or trial or beyond the expiry of their sentences are held as hostages, to be used as a bargaining counter with Islamist militia groups. Israel and the SLA have more than once stated, particularly since 1991, that the release of the detainees held in Khiam and Israel is conditional on the release of, or accounting for, Israeli soldiers and SLA members missing in action in Lebanon. Several releases have taken place in exchange for information about Israeli soldiers missing in action. In 1991 a series of releases from Khiam took place in exchange for confirmation of the deaths of Rahamin Alsheikh and Yossi Fink, both Israeli soldiers believed to have been taken prisoner by *Hizbullah*, an armed militia which works against Israel and the SLA's occupation of the "security zone". In July 1996 45 Khiam detainees were released as part of a series of exchanges of prisoners and bodies by Israel, the SLA and *Hizbullah*.

As regards the Lebanese detainees in Israel, when Amnesty International delegates inquired in 1996 about Shaykh 'Abd al-Karim 'Ubayd and Mustafa al-Dirani, two Lebanese nationals held in secret detention since their abduction from Lebanon, they were informed by the then Deputy Minister of Defence, Ori Orr, that "we will release them when we have more information about Ron Arad [an Israeli airman captured in Lebanon]".

The Lebanese detainees held without trial or after expiry of their sentences in Israeli prisons and in Khiam are Israel's forgotten hostages. They should now be remembered. All those held as hostages, including any prisoners of conscience, should be released immediately and unconditionally. Those detained in Israel after the expiry of their prison sentences should also be immediately released. The 10 Lebanese nationals held without charge or trial should be released if, as their prolonged secret detention without trial suggests, Israel has no intention of bringing them to justice. The legal status of the Khiam detainees should be made clear; they should be released if, as their long detention without trial shows, Israel has no intention of trying them.

HOSTAGE -TAKING: THE BACKGROUND

The spiral of hostage-taking arose out of the civil war that devastated much of Lebanon between 1975 and 1991. About 200,000 people were killed and one million displaced from their homes and livelihoods. Groups linked to political, religious, and ethnic factions participated in the conflict. Syrian troops entered Lebanon in 1976, Israeli troops in 1978 and again in 1982. Thousands of Lebanese were taken hostage by different armed groups. Many of them then "disappeared", held in prolonged detention or killed. Their fates have never been clarified. In 1985 Israel

withdrew its troops, but maintained, with the help of the SLA, its occupied "security zone" in the south.

A 6,000 strong United Nations Force, UNIFIL (the United Nations Interim Force in Lebanon) first entered south Lebanon in 1978 to supervise Israel's "withdrawal". They have remained in south Lebanon ever since, mostly outside the boundaries of Israel's "security zone".

The civil war formally ended in 1989 following the Ta'if Agreement brokered by the Arab League. In 1991, all Lebanese armed groups were disarmed on the orders of the Lebanese Government, with the exception of *Hizbullah* and the SLA. *Hizbullah* retained its arms and military structure and thus could continue military activities against Israel's occupation of the "security zone". Fighting has continued in south Lebanon since 1991, primarily between *Hizbullah* and Israel and the SLA. In 1993 (Operation "Accountability") and again in 1996 (Operation "Grapes of Wrath") Israel launched attacks against Lebanon causing temporary mass exoduses of hundreds of thousands of people living in the south and killing more than 250 civilians.

Iranian Hostages

In June 1982 four Iranian diplomats, Ahmad Motavasselian, Mohammed-Taghi Rastegar Moghadam, Mohsen Musavi (*chargé d'affaires* at the Iranian Embassy) and Kazem Akhavan, a photographer, were abducted and later "disappeared". They were apparently arrested by members of the Lebanese Forces² at a checkpoint near Beirut. Their fate and whereabouts remain unknown. Their families and the Iranian Government have never ceased to raise their "disappearance" and to ask for news of them. A fifth diplomat, Mohammed Ali Tavassoli, was abducted in Beirut around April 1983, and also "disappeared".

It is possible that they were killed soon after their arrest. Families of the Iranian diplomats were reportedly told in 1990 by Samir Geagea, the leader of the Lebanese Forces, that they had been killed immediately after abduction. This account appeared to confirm the testimony of a former sergeant in the Lebanese Forces who had worked in the Qarantina Prison run by the Lebanese Forces.

Notwithstanding Samir Geagea's comments it is also possible that they may still be held as hostages in secret detention. In 1997 the Prisoners' Friends Association, an Israel-based prisoners' aid organization, stated that a released prisoner had seen the four "disappeared" Iranians in Atlit Prison in Israel two years previously. A spokesman for the Israeli Prime Minister denied this. Israel has consistently failed to respond to requests by Amnesty International for any information they have concerning the fate of the four diplomats.

² Until they were banned in 1994 the Lebanese Forces were the main Christian militia in Lebanon.

Between 1982 and 1992 more than 90 foreign hostages were also abducted in Lebanon, most of them held by armed Islamic groups who demanded the release of members of their group in Kuwait or clarification of the fate of the Iranian hostages. Their faces and fates became well-known throughout the world. Thousands of others, Lebanese, Palestinians, Iranians and Israelis, abducted and “disappeared”, held in the same limbo, have died or await death or an unknown date of release.

Israeli Hostages

Israeli nationals have also been held or have “disappeared” after capture by Lebanese armed groups. Zachary Baumel, Zvi Feldman and Yehuda Katz, three Israeli servicemen, went missing on 11 June 1982 apparently after having been captured in the battle of Sultan Ya'qub between Israeli and Syrian forces in Lebanon during Israel's 1982 invasion of Lebanon. Their fate has never been clarified. It is feared that they may have been unlawfully killed as prisoners or that they, or their bodies if they are no longer alive, are being used as hostages in order to compel Israel or the SLA to release Lebanese and others held in detention centres under the control of the Israeli authorities.

Another Israeli hostage, known to have been captured alive and held as a prisoner, is Ron Arad. An aircraft navigator in the Israeli Air Force, he was taking part in a bombing raid in south Lebanon on 16 October 1986. The aircraft reportedly suffered a mechanical failure and both the pilot and Ron Arad parachuted out, landing in the Sidon area. The pilot was rescued by Israeli forces, but members of *Amal*, a Shi'a militia, announced the following day that they had captured Ron Arad.

It is believed that he was taken to Beirut in the custody of Mustafa al-Dirani, *Amal's* chief of security. Negotiations between *Amal* and Israel appear to have taken place in 1987 over a proposal to exchange Ron Arad for Lebanese prisoners held by Israel or the SLA. In October 1987 Ron Arad's family in Israel received a photograph and a letter from him in which he stated that he was in good health.

In early 1988, Mustafa al-Dirani severed his links with *Amal* and formed a new organization reported to be close to Iran. Ron Arad apparently remained in Mustafa al-Dirani's custody throughout 1988. Reports indicated that in early 1989 he was transferred into the custody of Iranian Revolutionary Guards stationed in Lebanon. Lebanese armed groups have



Ron Arad after a year's secret detention; picture released by his kidnapers in 1987.

denied holding him; so too has the Iranian Government. The ICRC has never been able to visit him and his fate remains unknown.

LEBANESE DETAINEES IN ISRAEL

Amnesty International knows of 21 Lebanese nationals who have been captured in Lebanon and transferred to Israeli prisons either without ever having been sentenced or held beyond the expiry of their sentences. These are just some of the detainees whom Amnesty International believes Israel to be holding as hostages. Most of them were captured by the Israeli Defence Force (IDF) or by one of the pro-Israeli Christian militias in Lebanon, the Lebanese Forces or the SLA. Many of them were held in detention centres in Lebanon under Lebanese Forces' or SLA control before being transferred, usually secretly, to Israel. For many years they were scattered among different prisons and they were frequently moved from one prison to another. In July 1996 18 detainees were moved to Ayalon Prison in Ramleh³ where they are now held together, reportedly in a subterranean wing.

Lebanese nationals detained in Israel after expiry of their sentences

| Name | Home town | Date of Arrest | Sentence |
|------------------------------|------------------|-----------------------|-----------------|
| Bilal 'Abd al-Husayn Dakrub | Tibnin | 17/2/86 | 2½ years |
| Muhammad 'Abd al-Hadi Yassin | Majdal Salm | 17/2/86 | 10 years |
| 'Ali Husayn 'Ammar | Mays al-Jabal | 1/9/86 | 4 years |
| Ahmad Muhsen 'Ammar | Mays al-Jabal | 1/9/86 | 3 years |
| Kamal Muhammad Rizq | Mays al-Jabal | 1/9/86 | 3 years |
| Hasan Sadr al-Din Hijazi | Mays al-Jabal | 1/9/86 | 3 years |
| 'Abd al-Hasan Hasan Surur | 'Ita al-Sha'b | 4/4/87 | 3 years |
| 'Abbas Hasan Surur | 'Ita al-Sha'b | 31/3/87 | 3 years |
| Ahmad Hasan Surur | 'Ita al-Sha'b | 15/4/87 | 3 years |
| Yusef Ya'qub Surur | 'Ita al-Sha'b | 15/4/87 | 3 years |
| Husayn Fahd Daqduq | 'Ita al-Sha'b | 15/4/87 | 1½ years |

Lebanese nationals apprehended in south Lebanon and taken to Israel between 1986 and 1988 appear to have been tried before military courts on charges such as membership of an illegal organization or taking up arms against Israel and its allies. Some were sentenced to up to thirty

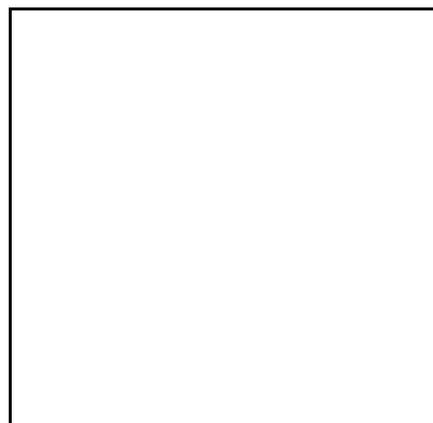
³ The three Lebanese hostages not detained with the others are Ghassan al-Dirani (in the prison hospital), Shaykh 'Abd al-Karim 'Ubayd and Mustafa al-Dirani. The group of 18 believe that they were brought together in order to be released as part of a hostage exchange (which did take place in July 1996; see page 2).

years' imprisonment⁴. Such trials are permitted under the Israeli Penal Code inasmuch as Israel claims jurisdiction over anyone, whether or not an Israeli national, who commits an offence against the State of Israel anywhere in the world.

“The jurisdiction of the courts in Israel in the matter of offences extends to the area of the State and its territorial waters and, by Law, also beyond the said area.” [Penal Law, 1977, Article 2]

“The courts in Israel are competent to try under Israeli law a person who committed abroad an act which would have been an offence had it been committed in Israel and which injured or was intended to injure the State of Israel, its security, property or economy or its transport or communication links with other countries.” [Penal Law, 1977, Article 5(a)]

Bilal ‘Abd al-Husayn Dakrub was taken on 16 February 1986 from a cave where he was hiding near the village of Tibnin in the north of the Israeli-occupied "security zone" in south Lebanon by a force of SLA and IDF soldiers. The village was reportedly destroyed and the house of Bilal Dakrub was burned down. Bilal Dakrub stated that he was kept with the army for four days, tied at times to the hoods of cars to deter suicide bombers. According to his statement he was interrogated by an IDF officer at Bra'shit camp and beaten and kicked by soldiers from the SLA. He then spent 10 days in Centre 17 Camp, near Bint Jebeil, which is reportedly run by the SLA and Israeli security services. There he was allegedly tortured with electric shocks administered by the SLA security services in the presence of Israelis who gave the orders. He was then taken to Israel and held in a detention centre in Sarafand⁵ where he reportedly spent three months under interrogation in solitary confinement. He states that he was denied sleep for long periods while being made to stand for nights on end, hooded, in the yard; sometimes he spent hours with his hands above his head. He was then transferred to Kishon Prison. He was tried by the Military Court in Lod for membership of an illegal organization and



Bilal Dakrub

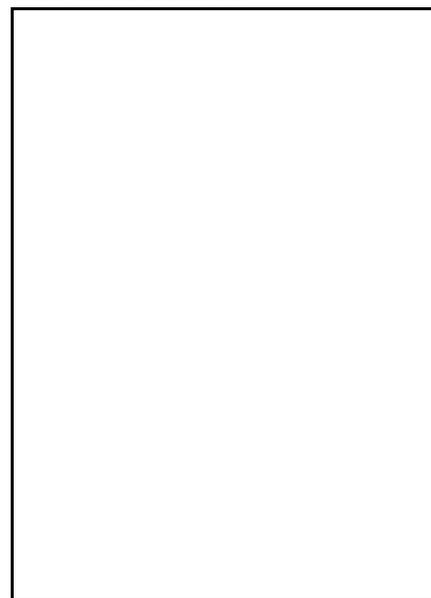
⁴ Since this report considers only those never charged or tried or whose sentence has expired, those still serving sentences are not considered here. This omission does not reflect on the legality of their sentences or the fairness of their trials, usually held in secret before Israeli military courts.

⁵ Sarafand is a former IDF base. However, it has been suggested that “Sarafand” was used as a name to confuse detainees held in secret detention and represented different IDF detention centres at different times.

sentenced to two and a half years' imprisonment. His sentence expired on 16 August 1988 but he is still in detention now, nearly nine years beyond his release date.

Muhammad 'Abd al-Hadi Yassin, aged 33, was arrested in February 1986 from the village of Bra'shit and taken to Israel where he was tried before the Military Court in Lod and sentenced to 10 years' imprisonment on charges which included taking armed actions against the SLA. His sentence expired in February 1996 but he still has not been released.

'Ali Husayn 'Ali 'Ammar, Ahmad Muhsen Muhammad 'Ammar, Kamal Muhammad Rizq and Hasan Sadr al-Din Hijazi were taken from the village of Mays al-Jabal on 1 September 1986. Kamal Rizq and Hasan Hijazi were only 16 years old at the time of their arrest. All four were taken to Khiam and then, after about five months, transferred to Israel to Sarafand Detention Centre. They state that they were tortured in both places. Hasan Hijazi said that he had a broken leg in plaster when he was arrested and that in Khiam he was forced to stand for hours and was beaten on his broken leg. For the first six weeks he was held in solitary confinement, handcuffed and hooded all the time. The other three detainees said they were repeatedly beaten, tortured with electric shocks and kept in *shabeh*⁶.



Hasan Sadr al-Din Hijazi

'Abd al-Hasan Hasan 'Abd al-Hasan Surur, 'Abbas Hasan 'Abd al-Husayn Surur, Ahmad Hasan 'Abd al-Husayn Surur, Yusef Ya'qub Surur and Husayn Fahd Daqduq were arrested in the village of 'Ita al-Sha'b by SLA forces in March and April 1987. They were taken to Centre 17 Camp and then to Khiam. In Khiam they were tortured by methods including electric shocks to the fingers or genitals and reported seeing Israeli interrogators in the Centre. Then they were taken to Sarafand in Israel where they were interrogated by Israeli security service personnel and reportedly tortured or ill-treated by soldiers between interrogation sessions by beating and *shabeh*. They were then transferred to Kishon Prison and tried before the Military Court at Lod where they received sentences of up to three years' imprisonment for offences such as membership of and military training with an illegal organization. Husayn Fahd Daqduq should have been released in 1988; the others should have been released in 1990.

⁶ *Shabeh*, a form of torture frequently used by Israel against Palestinian detainees, involves hooding, continuous loud music, and prolonged sleep deprivation while being kept in painful positions, handcuffed to pipes or to a small chair.

All these detainees have served sentences which expired between one and nine years ago. To continue to hold them in prison is a serious violation of their basic human rights.

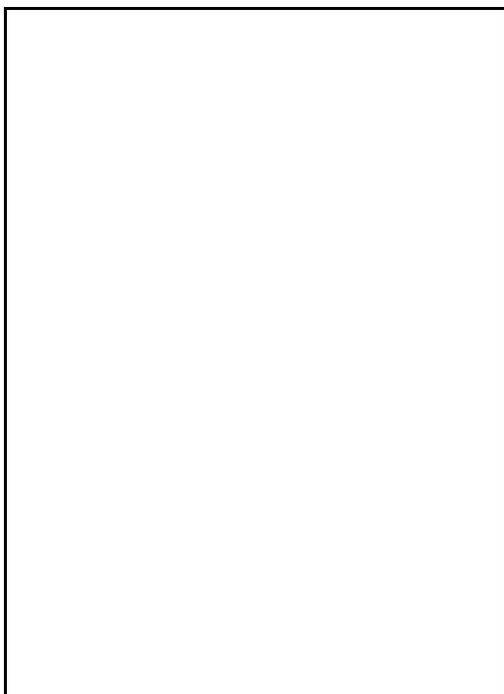
Their detention violates Article 9 (1) of the International Covenant on Civil and Political Rights (ICCPR) which states "[E]veryone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law." Although Israel ratified the ICCPR in 1991, it has derogated from this article.

"We are eighteen Lebanese prisoners. We have been here between 7 and 10 years and the Israel authorities are detaining us like human hostages for exchange for its soldiers missing in Lebanon for more than ten years. We don't know anything about them and we haven't any relation to their case. We are Lebanese citizens kidnapped in Lebanon and then transferred to Israel in an illegal way, a way opposed to humanitarian and international law."
Husayn Rumayti, 1 February 1996

Lebanese nationals transferred to Israel in 1990, detained without charge or trial

| Name | Date of Arrest |
|-------------------|----------------|
| Husayn Ahmad | 16/11/87 |
| Husayn Rumayti | 16/11/87 |
| Ahmad Taleb | 18/12/87 |
| Ahmad Jallul | 18/12/87 |
| Ghassan al-Dirani | 18/12/87 |
| Husayn Tlays | 18/12/87 |

Husayn Ahmad, Husayn Rumayti, Ahmad Taleb, Ahmad Jallul, Husayn Tlays and Ghassan al-Dirani have been held since 1990 in Israel without ever having been charged with a recognizable criminal offence or brought to trial before a court.



Husayn Rumayti

Husayn Bahij Ahmad, a worker in a shoe factory, born in 1967, was arrested with **Husayn Ahmad Rumayti**, born in 1962, who worked in a glass shop, on 16 November 1987 by the Lebanese Forces at a road block near Beirut. Both men are Shi'a Muslims. They were held at Adonis, a Lebanese Forces centre on the outskirts of Beirut where they were allegedly tortured. Their family only found out where they were after many months; they were then allowed to receive visits from their families and the ICRC. After two years' detention their families were told that they were not to visit any more as the detainees were to be moved.

Ahmad Muhammad Taleb and **Ahmad Bahij Jallul**, two sailors, **Ghassan Fares al-Dirani**, a bank clerk on his way to the United States, and **Husayn Muhammad Tlays**, on his way to Germany, were arrested by the Lebanese Forces in December 1987 from a ship, the *Gardenia*, in

Beirut harbour. Other members of the crew and passengers arrested at the same time were eventually released, but these four continued to be held at Adonis.

The families of the six, who saw them for the last time in December 1989, were never informed of their whereabouts. The last messages transmitted through the ICRC arrived in May 1990. Then they "disappeared".

In May 1990 the six detainees were secretly transferred to Israel. Their families were not told of this. They had no access to their relatives and for two years they had no communication with them. Information that they were detained in Israel initially filtered out to Lebanon through a fellow prisoner. In 1991 a released prisoner from Ashkelon Prison told Ahmad Taleb's family that he was in Israel. In May 1991 the information was published in the Lebanese journal *al-Bilad* and was later reported as a rumour by Israeli television. Requests for information from the families about the six detainees to the Israeli Government were met with a firm denial that they were being held.

The news of their transfer and detention in Israel was officially confirmed, not by the Israeli Government, but, according to their families, by a chance meeting with the ICRC. A representative of the ICRC visiting Ramleh Prison Hospital found Ghassan al-Dirani, a detainee who was not on their lists, and informed the families of the six in Lebanon. The news was made

public by the families in January 1992 and the IDF admitted that Israel was holding the six Lebanese nationals. After two years' secret detention, the six Lebanese detainees were again permitted access to the ICRC and were able to correspond through them with their families. However, members of Amnesty International groups who attempted to write to these prisoners were still frequently met with a denial of their presence in an Israeli prison (see pages 19 - 20). The first letters from Amnesty International groups did not reach the Lebanese detainees in Israel until 1995, more than three years after they had started writing to them.

"If you ask about me I am 29 years old, I was a student, but when they kidnapped me in 1987 I was working on a ship in Beirut. The Lebanese Forces arrested me for two years and five months (during the war in Lebanon), after that they brought me here with four of my friends. I am here five years and a few months, no visiting from my family or any one else, my friends the same. They didn't condemn us because they haven't anything against us. It means eight years without sentence. Before I forget we are here eighteen from Lebanon, no sentence, no visiting or rather and more clearly we are hostages...."
Ahmad Taleb, 1995

Seven years after their transfer to Israel these detainees do not yet have access to their families⁷. The mother of Ghassan al-Dirani, who appears to have been held in prison hospitals over the past five years, managed, using a false passport, to travel to Israel via Jordan. She arrived at Ramleh Prison in March 1996 and asked to see the son she had not seen for so long. She was immediately expelled. An IDF spokesman said:

"The action was in line with Israeli army policy involving any detainee who is linked in any way to the Ron Arad affair. As long as there is no news of Ron Arad, there will be no meetings with [Lebanese] detainees in Israel and no information about the detainees will be released."

⁷ Five of the 11 Lebanese nationals detained after expiry of their sentences are believed to have received a visit from their families during their 10 years' detention. However, all such access appears now to be denied.

Lebanese nationals abducted from Lebanon by Israeli forces in 1989 and 1994

| Name | Date of Abduction | Place of Abduction |
|--------------------------------|--------------------------|---------------------------|
| 1. Shaykh 'Abd al-Karim 'Ubayd | 28/7/89 | Jibshit |
| 2. Hashem Ahmad Fahas | 28/7/89 | Jibshit |
| 3. Ahmad Hikmet 'Ubayd | 28/7/89 | Jibshit |
| 4. Mustafa al-Dirani | 20/5/94 | Qasarnaba |

Shaykh 'Abd al-Karim 'Ubayd, a Shi'a Muslim leader, was abducted with two of his guards, **Hashem Ahmad Fahas** and **Ahmad Hikmet 'Ubayd**, from Jibshit village in south Lebanon in July 1989. Israeli commandos who arrived by helicopter attacked his house, killing a neighbour who intervened, and took the three men to Israel where they have remained in detention ever since. The Israeli Government stated that Shaykh 'Abd al-Karim 'Ubayd had organized guerrilla attacks against Israeli soldiers and was involved in the abduction of a US Marine seconded to the United Nations forces in Lebanon, Lieutenant Colonel William Higgins.

Mustafa al-Dirani, leader of the Faithful Resistance (*al-muqawameh al-mu'mineh*) group, was taken prisoner by the IDF during a raid on his home in Qasarnaba on 21 May 1994. He was held in incommunicado detention and interrogated in Israel. Israeli authorities maintain that Mustafa al-Dirani was responsible until early 1989 for the custody of Ron Arad.

Shaykh 'Abd al-Karim 'Ubayd
© Muslim Parliament of Great Britain

The bodyguards of Shaykh 'Abd al-Karim 'Ubayd, Ahmad 'Ubayd and Hashem Ahmad Fahas, are believed to have been denied access to the ICRC until 1995, six years after they were abducted. The Israeli Government has confirmed that neither Shaykh 'Abd al-Karim 'Ubayd nor Mustafa al-Dirani have access to the ICRC nor is it known where they are detained,

though they are believed to have been detained in Ashkelon Prison. Amnesty International has made repeated requests to the Israeli authorities for the two to be given access to the ICRC and asked that their fate, whereabouts and legal status be clarified. In 1996 the Israeli Government stated that they were held in return for information about Ron Arad; the organization now considers them hostages and calls for their immediate release.

LEBANESE NATIONALS HELD IN KHIAM DETENTION CENTRE

At present about 130 detainees, including at least one woman, are believed to be held in Kham Detention Centre under the control of the SLA. The camp is built on a hill overlooking the town of Kham. Inside a complex first built by the French in the 1930s, new detention and interrogation facilities have been built. There are cells whose only light comes through ventilation holes in the ceiling, isolation cells, interrogation rooms and communal cells.

S o m e detainees have been held, in Kham and elsewhere, for more than 12 years without charge or trial. This is a profound abuse of basic human rights. Israel, which controls the "security zone", cannot escape responsibility for actions carried out by its client militias. For nine years following the establishment of Kham as a detention and interrogation centre detainees were



Detainees in the exercise yard in Kham
(Sipa Press/Rex Features)

not permitted access to lawyers, independent medical attention, judges or to the ICRC. Between 1987 and 1995 they were not even allowed access to their families. They were denied the right of prompt judicial review of the lawfulness of their detention. Eleven detainees have died in Kham, some of them after torture, others because of lack of medical treatment. Other prisoners, like Mahmud Ramadan released in January 1996, have been released after years of torture and incommunicado detention with serious physical or mental illnesses.

Israel is the occupying power in the "security zone" and has a responsibility under the Geneva Conventions for those taken prisoner within the territory it occupies. If the status in

international law of the detainees in Khiam is not to be clarified, they should be immediately released.

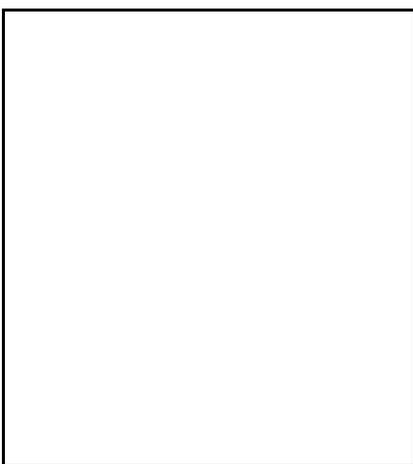
Amnesty International has interviewed some of the detainees recently released from Khiam. Detainees almost invariably describe torture in the weeks after their detention and repeated ill-treatment, including beatings, during the whole of their stay in the detention centre. The torture methods reportedly included electric shocks; suspension from poles, usually with only the toes touching the ground; beating, sometimes after the body is doused in water; and threats of rape of wives and female relatives. For the first period of detention, for between 10 days and two months, prisoners were usually held in solitary confinement in a cell 90cm by 90cm in which it was impossible to stand or lie, and to sleep detainees had to sit with their feet on the wall. After this detainees were usually held six to a cell measuring 2.5m by 2.5m. They were allowed outside for 15 minutes every one or two weeks. They had no access to their families or the ICRC between 1988 and 1995. Detainees were allegedly given inadequate food rations and beaten when they prayed until a riot in 1989, during which two prisoners, Bilal al-Salman and Ibrahim Abu 'Azz, were killed. According to released detainees, after the ICRC was allowed access in 1995, conditions improved.

Jamal Nejjib Sharara was taken from his home in Bint Jbeil on 11 January 1985 and released on 1 May 1996 after more than 11 years' detention without charge or trial. He stated that he was tortured severely immediately after arrest in Centre 17 Camp in Bint Jbeil; he reportedly became unconscious the first day and was taken to Marja'yun Hospital. He had suffered from several fractures of his left leg and needed an operation. He was then taken to Khiam Detention Centre on a stretcher but, despite his condition, the guards from the SLA continued to beat him. He was reportedly tortured by various methods including being placed in a barrel of water and given electric shocks and by being whipped after water had been poured over his body. He also said that he had been dragged behind a moving car.

'Ali Ahmad Khashish was arrested on 1 November 1985 and held for nearly 10 years in Khiam without charge or trial until he was released on 21 July 1996. He was reportedly tortured with electric shocks, suspended from a pole and beaten. He stated that, as a result of the torture he suffered, his hearing remains impaired. His back still bears marks of torture; he also suffers rheumatism in the joints as a result of the dampness of the cells. He stated that Israeli soldiers took part in interrogations until 1987; after that date they stopped having direct contact with the prisoners.

Mahmud Muhammad Ramadan, aged 31, born in Yarin, was arrested on 3 March 1990. In 1993 his hand was amputated and he lost his right eye, reportedly after torture which included electric shocks and suspension. He had also been held for three years in solitary confinement. During this time he was said to have been transferred unconscious to hospital after a suicide attempt. By 1995 he was suffering from severe psychological problems and, according to fellow detainees, was frequently sent to Marja'yun Hospital. In Khiam his medical condition

continually deteriorated until he was eventually released on 12 January 1997. On his release he was taken to Beirut Hospital where, blind in one eye, his hand amputated, severely mentally disturbed, he was reportedly unable to recognize his parents and sister and fought with those who tried to treat him.



Suha Beshara in Khiam in 1989
© Roger Auque

The one woman still detained in Khiam, **Suha Fawaz Beshara**, was born in 1967 and came from the same village, Deir Mimas, as the leader of the South Lebanese Army, General Antoine Lahad. She was a student of architecture and a secret member of the Lebanese Communist Party when, on 7 November 1988, she attempted to kill General Lahad, wounding him in the shoulder and arm. She has been detained at Khiam ever since, without charge or trial. The first time her family was able to see her was in 1995; her mother is now allowed to see her every month, through a grille.

THE LEGAL STATUS OF THE DETAINEES

Amnesty International has raised the cases of Lebanese detainees held in Israel and Khiam Detention Centre repeatedly, in letters, public statements and meetings with Israeli officials and members of the government. Most recently, in March 1997 the organization sent a 13-page memorandum concerning the Lebanese detained in Israel and Khiam to the Israeli Prime Minister, Binyamin Netanyahu. No answer has been received. Amnesty International appreciates the Israeli Government's readiness to respond to letters from the organization's members and supporters but the responses on these cases have been confusing and not coherent. It is noteworthy that, over the past 14 years, while the Israeli Government has maintained an unchanging denial of responsibility for Khiam Detention Centre, it has frequently shifted its position in search of the best legal basis to justify the detention of Lebanese in Israel.

! "Not prisoners of war"

Amnesty International raised its concerns about detention without charge or trial, torture and extrajudicial executions frequently during Israel's operations in Lebanon after 1977. Following the Israeli invasion of south Lebanon in June 1982, Amnesty International expressed concern over more than 12,000 Palestinians, Lebanese and others, combatants and civilians, arrested by the IDF and held at Ansar detention camp in southern Lebanon. In answer to Amnesty International's concern over their legal status, the Israeli Government stated that they did not

consider the detainees to be prisoners of war, although they agreed to apply the provisions of the Fourth Geneva Convention to them⁸.

! Detainees from Lebanon in Israel: Retroactive regulation (1983-5)

In 1983, most of the remaining inmates of Ansar camp, 4,490 detainees, together with 100 Palestinians detained in Israel, were exchanged for six members of the IDF. Israel moved the remaining 136 Palestinian and Lebanese detainees from south Lebanon to detention in Atlit Prison in Israel where they were held secretly for eight months before their detention was admitted by the Israeli Government and they were allowed access to the ICRC⁹. The Israeli Government then said that they were detained under an emergency regulation issued by the Israeli Minister of Defence on 27 August 1983. Initially valid for three months, this regulation, permitting the detention for security reasons of those not citizens or inhabitants of Israel, was extended for a further six months by the Knesset (Israeli parliament), with retroactive effect from 22 November 1983. The Atlit detainees were released in 1985 in the context of the Israeli withdrawal from part of Lebanon.

! Detainees in Khiam: "No responsibility of Israel" (1985-present)

In 1985 Khiam Detention Centre replaced Ansar as a permanent interrogation and detention centre in south Lebanon. Almost immediately afterwards, Amnesty International began to receive reports of the torture of detainees. Detainees who had been released in 1985 spoke of a systematic pattern of torture, including the use of electric shocks and beatings with electric cables, often after being soaked with water. Detainees testified to the direct involvement in interrogation and torture of Israeli personnel at least until 1988.

Since November 1985 Amnesty International has asked the Israeli Government and the SLA to investigate allegations of torture and clarify the status of individuals who were reported to be detained at Khiam. The organization called for a full investigation of 11 deaths of individuals in Khiam Detention Centre in circumstances where torture or ill-treatment may have played a part in their deaths. Between 1988 and 1995 Amnesty International also repeatedly asked for access to be allowed to the ICRC.

In May 1992 the organization made its concerns about Khiam public in *Israel/South Lebanon: The Khiam detainees: torture and ill-treatment* (AI Index: MDE 15/08/92). In this report Amnesty International raised concerns about torture, ill-treatment, the detainees' lack of

⁸The ICRC was able to visit detainees, but Amnesty International expressed concern that they were denied the right to be confronted with and refute the evidence against them and had no access to families or lawyers. The organization also expressed its fear that they might be held as hostages.

⁹ See *The detention of Palestinians and Lebanese in the military prison of Atlit*, April 1984 (AI Index: MDE 15/08/84).

access to the outside world and their legal status. The Israeli Government responded by denying any responsibility for Khiam and stating that inquiries should be addressed to the SLA (whose leader, General Antoine Lahad, has never responded to any of the numerous letters addressed to him from Amnesty International). A recent letter from the Director of the Foreign Relations and International Organizations Department of the Israeli Ministry of Justice, received by hundreds of Amnesty International members throughout the world, states:

“Al-Khiam is situated in Lebanon, and is an autonomous detention facility maintained and controlled by the South Lebanese Army. Neither the Israeli Army or the Israeli Security Service conduct investigations at Al-Khiam nor are they responsible for whatever occurs there. All complaints regarding inmates of Al-Khiam should be addressed directly to the South Lebanese Army.”

Israeli troops effectively control the “security zone”. Almost all the 11 Lebanese detainees held beyond expiry of their sentences were tortured and interrogated in Khiam by Israelis and the SLA, before being transferred to Israel. The few journalists known to have visited Khiam before 1989 also appear to have received authorization for such visits from the IDF. In 1994 a lawyer, Leah Tsemel, appealed to the Israeli Supreme Court on behalf of Kifah Hafifi, born in 1971, arrested by the IDF in South Lebanon in 1988 and detained in Khiam. She was released in August 1994 the day before her appeal was due to be heard; the Israeli State Attorney described the release as a “humanitarian gesture”.

Notwithstanding the presence of the SLA and the attempts of Israel to distance itself from the gross abuse of Khiam, as the occupying state, Israel remains responsible for Khiam and for the actions of the SLA.

! Detainees from Lebanon in Israel: “Awaiting deportation” (1988-91)

While Lebanese nationals taken to Israel before 1988 were brought to trial, those abducted or transferred to Israel between 1988 and 1995 were detained without trial. Meanwhile, those whose sentences expired after 1988 were not released. At first (in 1988-1989) the Israeli Government stated that they were awaiting deportation and that deportation orders had been issued against them by the Ministry of Interior.

In February 1990, the spokesperson for the Israeli Prisons Authority said that deportation orders had been issued against Lebanese detainees, but not yet implemented. She said: “Until they are out of the country, we have to keep them in jail.” The Minister of Police said that if the security forces refuse to deport those serving terms for security offences, the

deportation order can be considered as an indefinite warrant for arrest¹⁰. They were being held because there would be “security problems” if they were to be released.

In 1990 Leah Tsemel, a lawyer, challenged before the Supreme Court sitting as the High Court of Justice the legality of the possibility of indefinite detention awaiting deportation, using the precedent of a 1953 case¹¹, which stated that if the deportation was not carried out in a reasonable time the detainee should be released in Israel. At that point, (three years after the expiry of some sentences), the Lebanese detainees held beyond expiry of their sentence were issued with administrative detention orders.

! Detainees from Lebanon in Israel: Administrative detention (1991-present)

Since 1991 the Emergency Powers (Detention) Law of 1979 has been used as the all-purpose law to continue the detention of Lebanese nationals held without charge or trial and

those held after the expiry of their sentences. Under this law administrative detention orders are issued by the Ministry of Defence and are indefinitely renewable. The detainee is entitled to attend the periodic review hearings but may not know any secret evidence against him. The Lebanese detainees, having failed in appeals and having seen their detention renewed, year after year, without having access to the reason, in 1994 reportedly ceased to attend reviews of their administrative detention orders. They stated to a lawyer that they were informed that they were held as hostages in return for the release, or the bodies of, captured Israeli soldiers.

“They issue against each one a decision to detain them for six months and when this six months is finished they give them a new six months by decision of the Ministry of Defence. We don’t know when this bad life will finish, that has passed many years of pain and misery.... We haven’t a family here and until now our family is prohibited from visiting us.... We hope you can send us a magazine and political newspaper through the post, you can have it from the embassy.... We need it so much to know everything about our country because it makes light our pain from this strange life, far off the country and parents all these hard years...

This message, we send it in secret from outside the prison because it is prohibited....”
Husayn Rumayti

¹⁰ The legal basis for this is the Entry Into Israel Law of 1952 which allows the detention pending repatriation of any person against whom a deportation order has been made.

¹¹ High Court of Justice 199/53, Ploni versus the Minister of the Interior.

INTERNAL MECHANISMS AND FAILURE OF LEGAL REMEDIES

Failure to Obtain Release: the Israeli High Court of Justice

The Israeli Ministry of Justice states, in response to letters from Amnesty International members, that Lebanese detainees may meet their lawyers and that they may appeal to the High Court of Justice to challenge the lawfulness of their detention.

Many of the Lebanese detainees have, over the years, appealed through their lawyers to the High Court of Justice. In 1988-90 the lawyer Leah Tsemel appealed on behalf of a number of Lebanese detainees, including Bilal Dakrub, who should have been released in 1988. The appeal was rejected and nine years later Bilal Dakrub is still in prison. In 1990 Leah Tsemel appealed to the High Court of Justice on behalf of Husayn Fahd Daqduq, who had been sentenced to 18 months' imprisonment in 1988. The State pleaded that deportation was delayed for security reasons and the High Court ruled that it "saw no reason to intervene in State considerations". Eight years after expiry of his sentence Husayn Daqduq remains in prison. In March 1990 the lawyer Jawad Boulos appealed on behalf of 12 detainees of various nationalities, including Lebanese, held beyond expiry of their sentences. The State Prosecutor stated that the Lebanese detainees held after expiry of their sentences were awaiting deportation which could not be carried out for security reasons. The appeal was rejected. Appeals by other lawyers were also unsuccessful.

After 1991 the lawyers then representing the Lebanese detainees were told that they could not continue to represent them as they did not have the necessary security clearance¹². Since then they have been represented by a lawyer, Zvi Rish, appointed by the Association for Civil Rights in Israel (ACRI), who is obliged to maintain confidentiality on such "security" cases. On 18 January 1997, a new appeal was presented to the High Court of Justice on behalf of the 18 Lebanese nationals. Four months later the appeal was still pending.

Questions in the Knesset

Members of the Knesset (Israeli parliament) have also raised the cases of the Lebanese detained in Israel. Over a period of years Dedi Zucker, MK (Member of the Knesset), raised the cases of Lebanese detained in Israel after the expiry of their sentences or without trial. In 1990 he complained to the Israeli newspaper *al-Davar* that he had not been able to get a clear answer about the status of 17 "security" prisoners still in Israeli prisons after completing their

¹² According to Article 8(b) of the 1979 Law the Minister of Justice may limit the detainee's right of representation to persons "authorized by an unrestricted authorization", that is, lawyers who have a special security clearance.

sentences. In February 1991 he asked a series of questions relating to their legal status to the Minister of Police. In August 1992 he wrote a letter, answered in January 1993, to the Minister of Justice. The answer stated that the detainees were held under administrative detention. Why, he asked, was this shrouded in secrecy?

The Arab Association for Human Rights, based in Nazareth, raised the cases of detained Lebanese in a number of communiques in 1990. 'Abd al-Wahhab Darawshe, MK, also asked a series of questions. In 1990, in response to a question about 30 Lebanese and Palestinian detainees in Netzan Prison, he was told that 12 detainees were outside Israel, the release of a further 11 was being negotiated with the ICRC and "the removal of a further 18 has not yet been authorized on security grounds and their continuing detention is based on *a variety of legal references*" [emphasis added].

In 1991 'Abd al-Wahhab Darawshe complained in the Knesset that he had waited three months for an incorrect answer from the Ministry of Defence on the case of one detainee whose sentence had expired in 1990. He was told he was released, but found him still in prison.

Knesset members such as 'Azmi Beshara, MK, who asked to see the Lebanese detainees in January 1997, have not been allowed to visit them. A response signed by Avigdor Kahalani, the Minister of the Interior, stated:

"Security forces responsible for the subject stated that meetings of public figures with Lebanese administrative detainees could disturb their work which is specially sensitive. For these reasons no Parliamentary or public figure has been allowed to visit them...."

As a result, in February 1997 'Azmi Beshara appealed to the High Court of Justice (Case 983/97). By May 1997, three months later, no date had yet been set for the hearing.

SECRETS AND MISINFORMATION

Contradictory and sometimes misleading statements by members of the Israeli Government show the degree of secrecy and misinformation still surrounding the Lebanese nationals detained in Israel.

In 1991, when Amnesty International raised with the Israeli Government the cases of the six Lebanese transferred from Adonis Prison near Beirut and secretly detained in Israel without charge or trial, the organization received no reply. The secrecy which characterized their detention persisted even after their existence had been officially acknowledged by the Israeli Government in 1992. Amnesty International members, who wrote to successive Israeli Governments asking for information, have frequently been answered with denials of the existence of the Lebanese detainees.

On 24 January 1992 the IDF Public Relations Department publicly acknowledged that the six, including Ahmad Jallul and Ahmad Taleb, were detained in Israel. Yet on 10 November 1992, the Spokesperson and Head of the Public Complaints Department of the Israeli Prison Service, wrote to an Amnesty International member:

“In reply to your letter of 22 October 1992, no prisoner in the name of Ahmad Jallul is held under the custody of the Israeli Prison Service.”¹³

Notwithstanding the fact that on 17 October 1993 the Ministry of Justice wrote to one Amnesty International member that the six Lebanese were “being held legally in Israel”, the following month, on 22 November 1993, the IDF Public Relations Department (the very department which had confirmed their detention nearly two years before) wrote to another Amnesty International member:

“Your letter to the IDF Chief of Staff was forwarded to us. Unfortunately, we were not able to locate any data concerning Ahmad Taleb. He does not appear on our lists of prisoners.”

Amnesty International groups also received an answer from the office of the Minister of Science and the Arts on 31 May 1994:

“After a thorough investigation, we received a definitive answer according to which Ghassan al-Dirani and Husayn Rumayti are not being [held] in any of Israel’s prisons.”

Even the Minister of Justice appeared to be unaware of the Lebanese nationals detained in Israeli prisons. In 1996, when the Secretary General of Amnesty International raised the detention of Lebanese nationals held in Israel without charge or trial or beyond expiry of their sentences with the then Minister of Justice, David Liba’i, the Minister said he was unaware that any Lebanese were detained in this way, apart from Shaykh ‘Abd al-Karim ‘Ubayd and Mustafa al-Dirani¹⁴.

¹³ Although the Lebanese nationals held by the Ministry of Defence are not directly under the Israeli Prisons Authority, considering its 1990 statement quoted above (page 16), the Ministry of Police might respond more informatively to such questions. However, responses received in 1997 from the Ministry of Police are almost exactly the same.

¹⁴In the meeting, the Minister was accompanied by the Director of the Foreign Relations and International Organizations Department at the Ministry of Justice (who has received and answered letters from Amnesty International members about the Lebanese detainees); and the Deputy State Attorney who had been involved when these cases were brought to the High Court of Justice.

The Israeli Government has confirmed that these two detainees do not have access to the ICRC. Amnesty International's requests to ensure that Shaykh 'Abd al-Karim 'Ubayd and Mustafa al-Dirani have this access have been refused. Even requests simply to know their place of detention have been met with silence.

HUMAN RIGHTS VIOLATIONS "ACCORDING TO THE LAW"

In answer to Amnesty International members who raise the cases of detained Lebanese nationals, the Israeli Government states that they are detained "according to the law".

The main law under which the detainees are held in administrative detention without charge or trial or after expiry of their sentences is the Emergency Powers (Detention) Law of 1979. The Israeli Government insists that Lebanese detained may meet their lawyers and that they may appeal to the Supreme Court to challenge the lawfulness of their detention. However, their choice of lawyers is limited to those with special security clearance and up to now the Supreme Court has rejected all appeals. Amnesty International considers that administrative detention as practised in Israel and the Occupied Territories violates fundamental human rights and calls for an end to the practice.¹⁵

Another reason cited for the detention of Lebanese nationals in Israel or Kham is that they are "terrorists". A recent letter from the Director of the Foreign Relations and International Organizations Department at the Ministry of Justice states:

"Husayn Rumayti is a member of Hizbullah, a fanatic Iranian-based terrorist umbrella organization of Shiite Muslim groups and individuals whose stated objectives include the elimination of the State of Israel. Husayn Rumayti was involved in terrorist activities in Lebanon."

Amnesty International works to obtain fair trials for all political prisoners. Husayn Rumayti has now been detained for nearly 10 years without charge or trial. If there are any charges against him or the other Lebanese detainees, they should have been tested in a fair and public trial held according to international human rights standards. Since this has not been done, he should be immediately released.

Members of the Israeli Government have publicly stated, to Amnesty International and others, that Shaykh 'Abd al-Karim 'Ubayd and Mustafa al-Dirani are being held in return for information on Ron Arad, making it clear that they are being held as hostages. The taking of hostages violates international human rights standards. No one should be held as a hostage;

¹⁵ See *Israel/Occupied Territories: Administrative detention: Despair, uncertainty and lack of due process* (AI Index: MDE 15/03/97, April 1997).

anyone held exclusively in order to compel others to release detainees or provide information about missing persons should be released immediately and unconditionally.

Meanwhile, Lebanese nationals are still being arrested and detained in Khiam or transferred, secretly, to Israel by the IDF. Dr **George Nakd**, a surgeon at the hospital in Nabatiya, outside the so-called "security zone" was arrested on 1 November 1996 while visiting his family in his home village of Deir Mimas. He was detained incommunicado for 82 days in Khiam before being released on 23 January 1997. He stated that he was never told the charges against him or the reasons for his arrest. Among about 12 Lebanese nationals secretly transferred to Israel in 1996 are **Ramzi Nahra**, **Maher Tuma**, **Bassam al-Hasbani** and **Selim Selama**¹⁶ who, in February 1996, were reportedly involved in the kidnapping and handing over to the Lebanese authorities of Ahmad Hallaq, accused of being a *Mossad* (Israeli intelligence) agent and condemned to death *in absentia* by a military court in Beirut in 1995. They were held in secret detention in Israel from February until August 1997, when their court appeal against detention was made public. The appeal was turned down and they remain under administrative detention charged with "helping the enemy" (i.e. Lebanon).

RECOMMENDATIONS

The Israeli Government, as the occupying power in the "security zone" in south Lebanon, is ultimately responsible for the Khiam detainees, who have now been held for up to 13 years without trial. Amnesty International urges the Israeli Government to carry out urgently the following recommendations:

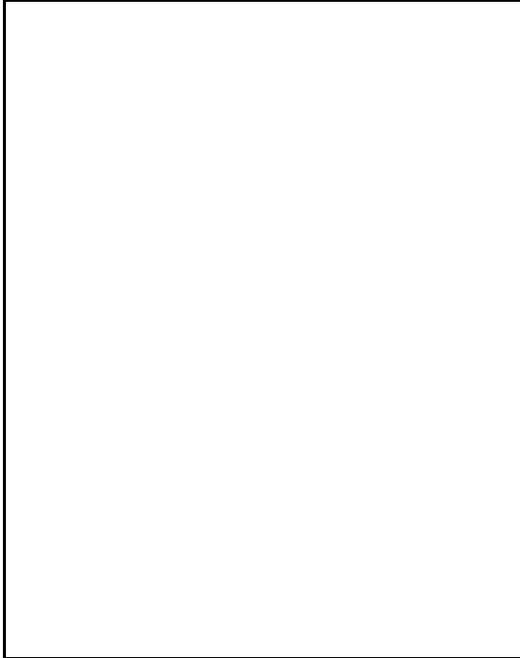
- 1) Release anyone detained as a prisoner of conscience, who has neither used nor advocated violence.
- 2) Ensure the immediate and unconditional release of all people held as hostages in Israel or in Khiam Detention Centre.
- 3) Clarify the legal status and whereabouts of all detained Lebanese nationals, whether in Israel or in the "security zone". All Lebanese nationals held in administrative detention in Israel after the expiry of their sentences should be immediately released. Israel should release other Lebanese political detainees held without trial, including those in Khiam Detention Centre and those under administrative detention in Israel, since the Israeli authorities have failed to demonstrate any intention to charge or try them in fair trials.

¹⁶ Selim Selama reportedly has dual Lebanese and Israeli nationality.

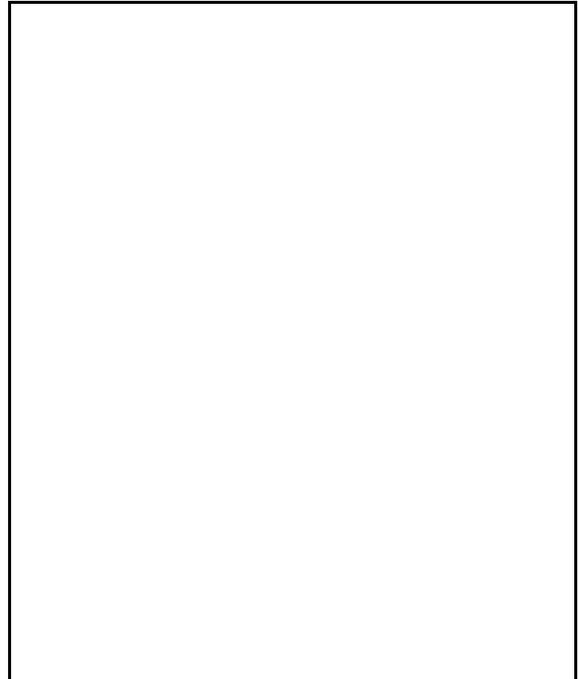
4) Ensure that no torture or ill-treatment is carried out on any detainee either by members of the Israeli security services or by members of militias allied to Israel. Past and present reports of torture or ill-treatment committed by members of Israeli security services and by members of the SLA should be thoroughly and impartially investigated and the perpetrators brought to justice. The victims should be rehabilitated and compensated.

5) Ensure that all detainees have access to their families and to the lawyer of their choice.

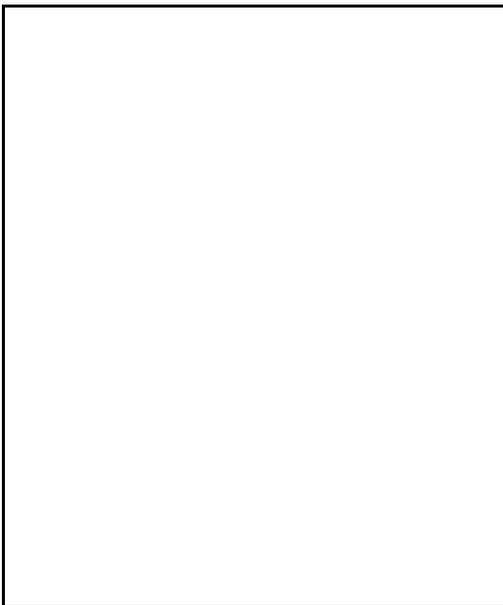
6) Ensure that the ICRC have access to all those held in detention, including Mustafa al-Dirani and Shaykh 'Abd al-Karim 'Ubayd.



Ahmad Taleb before his arrest in 1987

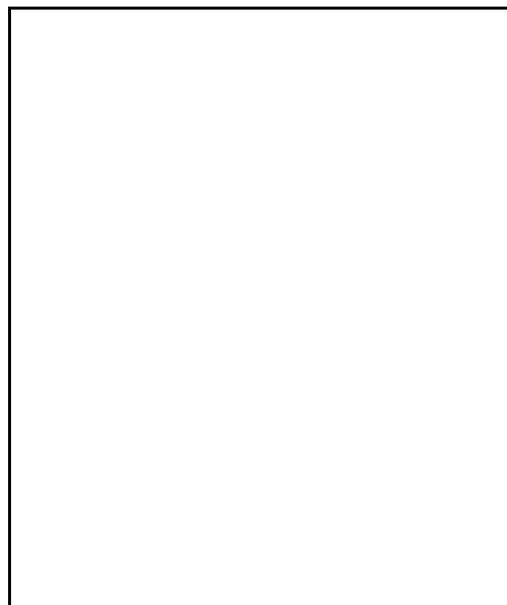


Ahmad Taleb in prison, around 1996



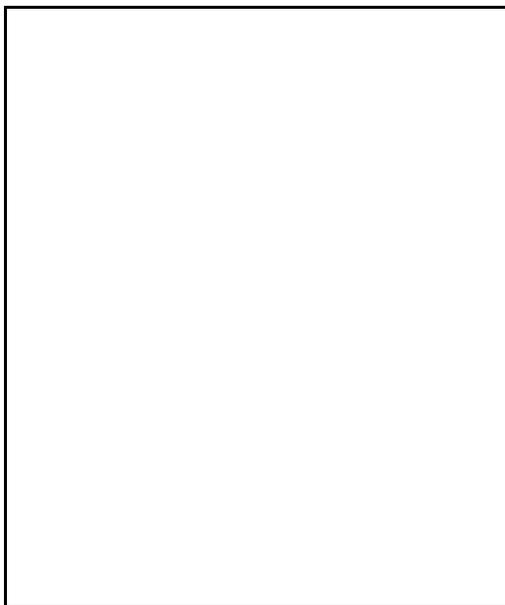
Husayn Ahmad before his arrest in 1987

AI Index: MDE 15/18/97



Husayn Ahmad in prison around 1996

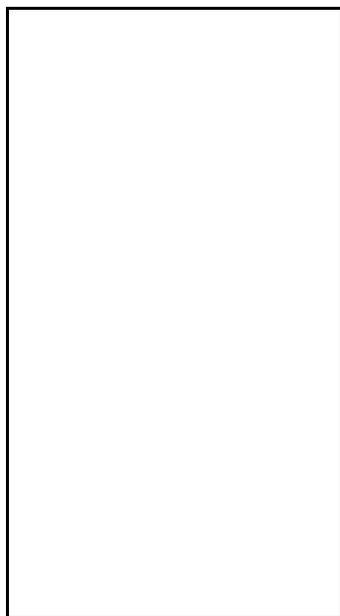
Amnesty International July 1997



Abbas Hasan Surur in prison (sentenced to three years' imprisonment; he should have been released in 1990)



'Ali Husayn 'Ali 'Ammar in prison (sentenced to four years' imprisonment, he should have been released in 1991).



Ahmad Hikmat 'Ubayd in prison (abducted in 1989, he was never charged or tried).



Najat Beshara, mother of Suha Beshara in the ICRC bus returning from a visit to Khiam; © Josée Lambert.

Plan of Kham Detention Centre (from *Israel/South Lebanon: The Kham detainees: torture and ill-treatment*, May 1992, AI Index: MDE 15/08/92)