State Terrorism at Sea:
A Preliminary Report on the Case of Israel

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Israeli Kidnapping at Sea: "Security Needs" or State Terrorism?

On 16 November 1987, Israel conducted at least its fourteenth hijacking at sea in three years. Israeli military sources admitted seizing a Honduran-flagged ship, the *Nadija,* as it sailed in the Mediterranean from Limassol, Cyprus to Port Said, Egypt, bound for the Suez Canal and North Yemen. The same sources confirmed that "several" men were taken by force to Israel for interrogation about their alleged membership in a Palestinian organization. The Israeli government has refused to release any more information about the seajacking or to divulge the identities of those now in detention; however it is now known that those kidnapped from the *Nadija* number at least five.

Less than two weeks before the *Nadija* incident, on 6 November, the Israeli navy stopped a ship bound for Tyre, off the coast of Lebanon presumably in Lebanese territorial waters. One man was forced off the ship and brought to an undisclosed destination in Israel. Lebanese officials gave his name as Hilal Bitar.

On 12 February 1986, in international waters, the Israeli navy chased and fired upon a Turkish vessel, the *Laroz I,* killing its Turkish captain. The boat was then forced to make port in the Israeli harbor of Ashdod, and the eight-member crew was detained. Seven Turkish crewmen were reported returned to Istanbul on 17 February. However, the fate of the remaining seaman, apparently of Palestinian nationality, is still uncertain.

Alisur Blanco, a Cypriot ferryboat carrying sixty-three passengers, was hijacked by Israeli forces off the coast of Lebanon on 29 June 1984. Israeli authorities arrested some of its passengers, and by 1 July, nine were reported still in detention. These included a young schoolboy of Lebanese nationality, Mazin Masri, who was returning from England to spend his school holiday with his family. On 18 July, the Israeli government claimed to have acted "in self-defence" in the *Alisur Blanco* hijacking and that two passengers of Palestinian nationality, believed to be brother and sister, were suspected of "plotting against Israel."

The disclosure of these Israeli seajackings should sound an alarm for anyone concerned about the protection of safe maritime navigation and human rights in the international community. The following report cites a number of additional cases of unlawful seizure of vessels in international waters. As confirmed by Israel's admission, these ships and boats were seized outside Israel's jurisdiction and torture was regularly used to extract any information and "confessions" from detainees. It should be noted also that none of these detainees have been accused of armed actions against Israel, nor of any violation of international law which governs the seas where these seamen and passengers were forcibly taken into Israeli custody.

As pointed out in a recent newsletter of the Prisoners Friends Association in Israel - Nazareth on the issue of Israel's sea kidnappings:

> The question of extra-territorial kidnapping assumes crucial importance in view of the recently concluded Landau Commission Report [investigating the use of torture in Israeli prisons], which found that the Shin Bet [Israeli internal security agency], as a matter of policy, has been committing perjury in proceedings related to the admissibility of confessions since 1971, and that the [Shin Bet] committed perjury to conceal its interrogation methods and to ensure that the accused are convicted.[1]

In these extra-territorial kidnappings, a self-incriminating statement by the detainee, or an incriminating statement by another detainee, is usually the only evidence brought before the court. It is this method of obtaining evidence that is crucial for the Israeli government to hinge its charges against those it abducts outside its territorial jurisdiction. As described below—as in the Israeli Landau Commission Report—harsh treatment of persons arrested and detained often facilitates the extraction of useful "confessions."

The seizure by Israeli military authorities of other nationals—especially Palestinians—travelling in international zones or within other countries, and their subsequent detention, trial, imprisonment and eventual deportation and, sometimes, death raise fundamental questions as to the acceptable standards of behaviour of a State in the international community and about the unbridled power it exerts over individuals outside its borders. By presenting the Israeli case, the non-governmental organizations compiling the present study support and promote the principle that States—as well as individuals—should adhere to the standards of behaviour called for in the draft Convention on the Suppression of Unlawful Acts against the Safety of Maritime Navigation. In so doing, these NGOs also endorse General Assembly resolution 42/159, adopted on 7 December 1987, which, *inter alia,* deplores:

> the continuation of all terrorist acts, including those in which States are directly or indirectly involved, which spread violence and terror, may result in the loss of human lives and material damage and jeopardize the normal functioning of international relations. [See Appendix III.]

Several months ago, in Jerusalem, a group of local lawyers, writers and human rights advocates joined efforts as the Committee against State Terrorism at Sea, in order to collect and disseminate information about the legal and human rights issues involved in at least fourteen confirmed cases of Israeli sea hijackings in the past three years. It is often violence, directly or indirectly involving States, that poses the most formidable danger to the safety of maritime navigation. And the policies and practices of the State of Israel in this regard provide one of the most glaring examples of the threat of State terrorism at sea.

Israel has grossly exceeded the limits of lawful and responsible behaviour on the seas and flouted human rights in the wholesale arrest of travellers in international waters, taking them by force to Israel and, in many cases, subjecting them to extreme physical abuse to extract self-incriminating statements by which they are to be convicted under local Israeli laws. The Committee against State Terrorism at

Sea is resolved that Israel—as any other State—should be held accountable for such policies and practises.

Based on the information that the Committee has so far been able to gather and verify, well over one hundred persons have been, or are still, in Israeli gaols as a result of its unlawful seizure of maritime vessels in international waters. According to official Israeli accounts, in most all of these cases, those abducted and imprisoned have neither committed, nor intended to commit, any action against the State of Israel. Some of these detainees have been held incommunicado for periods of three to eighteen months. Some have been imprisoned and expelled without trial; some have been tortured.

Much of the data compiled for this report is the result of meetings and interviews with detainees. These testimonies have been gathered by lawyers or from fellow detainees, including Faisal Husseini, Director of the Arab Studies Society. Mr. Husseini was able to interview victims of Israeli State terrorism at sea while being held without charge in Israeli administrative detention from 13 April to 9 July 1987, six weeks of which time was spent at Ramlah prison, where thirty-seven sea kidnapping victims were also imprisoned. Additional factual sources include the charge sheets submitted by the Israeli military prosecutor to the court. Vital legal research and painstaking investigation into most of these cases was conducted by attorney Walid Fahoum. References to alternative sources of information are cited within the following text.

The Committee against State Terrorism at Sea has compiled the attached preliminary report, updated in February 1988, as part of an international campaign to bring attention to this serious issue. Participants in the United Nations Fourth International NGO Symposium on the Question of Palestine, meeting at Geneva in September 1987, condemned this Israeli policy and resolved to take further action within their organizations and before the world community in order responsibly to publicize and confront the problem of State violence against the safety of maritime navigation. (See Appendix II: "Israeli Terrorism at Sea" Resolution.)

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I. A Pattern of Israeli State Terrorism at Sea

The Israeli authorities take it for granted that the jurisdiction of the State extends beyond Israel's internationally recognized borders. Since the mid-nineteen-seventies, the total number of people captured by Israeli military forces in Lebanon and elsewhere and transferred to Israel is untold; however, we now know of more than one hundred persons forcibly abducted at sea between 1985 and 1988, the period here under review. Of the unknown total, some have been brought before Israeli courts and sentenced, including political activists from various countries who went to the refugee camps in Lebanon to help defend the Palestinian people under siege there.

The last three years have seen an increase in the number of ships seized by Israeli forces in the Mediterranean Sea and people kidnapped under the pretext of links with the Palestinian resistance movement. This Israeli dragnet has resulted in the death at sea of twenty people suspected, but never accused of planning a military operation. Further, this practise has resulted in the extended imprisonment of people who, as even the Israeli military admits, were simply fishing in waters off the coast of Lebanon. The capture by the Israeli navy of foreign ships sailing outside Israel's territorial waters has become an integral part of Israeli military policy in the Mediterranean Sea.

According to the Arab and international press, the Israeli navy captured more than twenty ships and fishing vessels at sea, outside Israel's territorial waters, between March 1985 and November 1987. And in at least fourteen of these cases—and certainly others before 1985, as in the *Alisur Blanco* case—it is known that passengers were placed under arrest and taken prisoner by the Israeli navy. Some of them were put on trial; some were deported or expelled, and the fate of others is not known. The last ship reported to have been stopped and seized is the *Nadija,* which was boarded by Israeli naval forces on 16 November 1987 and directed to Haifa port with a yet undisclosed number of Palestinian nationals on board taken hostage.

This constitutes a pattern of State terrorism at sea, whereby the State of Israel systematically kidnaps those it suspects may violate its own State laws or oppose its policies. Thus, Israel consistently violates international laws and conventions, and is transforming the Mediterranean Sea into a lawless zone.

Circumstances of Capture and Arrest

According to the testimonies of the passengers and crew who were forcibly taken to Israel, the capture of boats and ships follows a consistent pattern: an Israeli gunboat approaches the "suspicious" vessel, the captain is ordered to stop the engines and the Israeli naval forces announce that they intend to board the vessel. In some, but not all cases, the gunboat identifies itself. The Israeli authorities search the boat and order all those on board to gather on deck. In some cases, it would appear that the Israelis are looking for something or someone specific on the basis of prior in-

Locus of Capture and Kidnappings

The Israeli authorities claim that all the arrests took place in the open sea, and not in the territorial waters of other countries. However, in several cases, this claim is denied by the crews who have testified that they were arrested off the coast of Lebanon, in Lebanese territorial waters, and in one case (*Maria R*), off Cyprus. The capture of boats and ships in the territorial waters of another country is a clear violation of that country's sovereignty, and the arrest of people at sea is an act of piracy.

With the exception of the *Ataveros*, none of these vessels were sailing toward Israel and, therefore, Israeli authorities cannot claim that the arrests were necessary to prevent military attacks against Israeli territory.

Flags

In most of the cases, the vessels were small boats or fishing craft and were not flying flags. The Committee against State Terrorism at Sea has learned of at least four cases of boats flying foreign flags: *Ataveros* (Panama), *Casselardit* (Australia), *Maria R* and *Nadija* (Honduras). The capture of a ship on the high seas, flying a State flag, is a violation of the sovereignty of the registry State.

Arrests

Passengers and/or crew arrested by the Israeli navy were taken onto the Israeli gunboats, beaten, handcuffed and hooded. (In the case of the *Maria R*, those arrested were forced to remove their clothes, jump into the water in their underwear and swim to the Israeli gunboat.) They were then put under administrative detention and transferred to various military interrogation centres, where they were placed in solitary confinement and prevented from seeing anyone, including a lawyer.

Missing Persons

It is impossible to verify how many people have been arrested or whether the Israeli figures of those being held by the State correspond with the actual number of those arrested. At least two cases are known in which the fate of those arrested has not been ascertained: a man was captured in September 1986 and, since then, there has been no further information about him. Of the twenty-eight persons aboard the *Ataveros*, eight were tried and sentenced, and the Israeli authorities finally admitted having four bodies. Sixteen persons remain unaccounted for. One of the *Ataveros* passengers was reported seen alive, though wounded, while he was being taken onto an Israeli gunboat. He has not been seen again.

Theft of Money

Many detainees complained that small and large sums of money and other valuables were confiscated or stolen by their Israeli captors at the time of their arrest. In most cases, the money was being carried to Lebanon to help refugee families there. Muhammad Darwish had $50,000 stolen by the Israeli navy, and Habis Daghlas, $12,000. A total of $34,320 plus £1,180 (sterling) and DM200 were confiscated from nineteen passengers of the *Maria R*. The Israeli authorities deny any knowledge of the money. Faysal Abu Sharkh said $38,000 was taken from him at the time of his arrest. At Abu Sharkh's trial more than two years later, the State prosecutor claimed the sum was stolen by the ship's captain.

Murder

In the case of the *Ataveros*, the Israeli navy attacked the boat without provocation, fired two missiles at the boat and sank it. Not only did the navy refuse to rescue the passengers who clung to flotsam for three hours in the icy waters, but, according to the testimonies of the survivors, Israeli navymen even shot at the sole lifeboat and exploded it. Of the twenty-eight persons who were on the *Ataveros*, Israel admits to having only eight in its custody and recovering only four bodies.

II. Conditions of Detainees Arrested by Israel outside Its Territory

The number of persons arrested by Israeli naval forces outside its jurisdiction, taken by force into Israel, then charged with violating local law and given lengthy prison sentences totals over one hundred in the past three years alone. By far, the majority of these are persons of Palestinian nationality. The period of time from the captives' abduction and transfer to Israel until they appear in a military court to be formally charged can be from one month to one-and-a-half years, or more.

Tactics employed in these hijackings—the capture in the open sea of entire boatloads of people—enable the Israeli government to maintain a high degree of secrecy about not only the circumstances of arrest, but also the number, identity and physical condition of those illegally detained. The Israeli government has not released the names of most of those arrested, and has refused to confirm whether specific individuals are in custody. Nor has it reported the identities of those, for example, on the *Ataveros*, who died during arrest or in detention.

Secret Arrests

Palestinians taken off ships at sea are arrested not on specific charges, but on administrative order. This status lasts until the end of the interrogation period and is changed when formal charges are brought in court against the detainee shortly thereafter. Under an administrative detention order, the Israeli military can legally hold a prisoner without charge in a military interrogation centre such as Megiddo, Atlit, Jalamah or Sarafand, rather than in civilian prisons where prisoners are accorded some minimum rights. In these centres, they are held secretly, are easily isolated and often subjected to brutal treatment.

In the case of Faysal Abu Sharkh, arrested at sea on 10 September 1985, defence attorney Amnon Zichroni submitted a letter to then Israeli Defence Minister Yitzhak Rabin, complaining that Abu Sharkh had been tortured in interrogation and thereby coërced into admitting actions he did not commit. On 21 September, Zichroni received a response by way of military police investigator Amnon Stratslov concluding that the methods used on Abu Sharkh were for the purpose of information gathering and were, therefore, "reasonable."

The military police did not investigate Abu Sharkh's detention, as it does not do so in compounds not under the authority of the army; that is, in the Shin Bet intelligence centre, where Abu Sharkh spent his first six months of interrogation. At Abu Sharkh's hearing on 1 November 1987, the prosecution was quite frank to admit to the defence claims that Abu Sharkh had been tortured by the Shin Bet, their point being that his confession was signed after his transfer from Shin Bet custody and, therefore, was considered to have been given voluntarily. In other words, the Shin Bet and, by extension, the Israeli government no longer deny enacting a systematic policy of torture. If the Israeli courts find such practise acceptable, then what *is* the purpose of the Shin Bet's detention of those persons kidnapped at sea by Israel, if not as part of an integrated procedure of producing "confessions"?

Besides being deprived of family visits and legal counsel, these prisoners have been subjected to extraordinarily long periods of solitary confinement (eighty-five days in the case of the eight from the *Ataveros*), extended periods of administrative detention (twenty-one months for Faysal Abu Sharkh), which are sometimes followed by deportation without trial, and frequent transfers from one military prison to another, policies which limit their contact with other prisoners and lawyers and guarantee their continued isolation.

Anyone arrested by administrative order must be brought before a judge after four days, and again after three months. According to attorney Walid Fahoum, in the first week of interrogation, almost all the Palestinians captured at sea "confessed" to membership in a Palestinian organization and having received military training, as is mandatory for Palestinians in Lebanon and young men in most countries of the world. Yet, despite their "confessions," Palestinian detainees are kept in punitive detention before being formally charged.

Sa'id al-Dammagh was held for one year before being deported without charge or trial. Two Palestinian fishermen were imprisoned for six months before being released without charge or trial. For some passengers of the *Maria R*, their period of detention equalled the prison sentence passed on them later.

In the case of Muhammad Mahmud Darwish (Abu Nur), a personal guard of PLO Chairman Yasir 'Arafat, administrative detention was used most probably to carry out behind-the-scenes negotiations. Darwish was arrested along with five others on 29 March 1985 from the *Khalil I, en route* to Lebanon from Cyprus. His arrest was kept secret, however, for one-and-a-half years until Israeli defence authorities ostentatiously announced his detention by broadcasting an interview with him on Israeli television, apparently after giving up hope of using him in a prisoner exchange. There seems to have been no other purpose for the prolonged secrecy surrounding his detention, since Darwish was eventually charged (with membership and military training) and sentenced (to two-and-a-half years), the same as his fellow passengers on the *Khalil I*.

An administrative detention order also allows the Israeli authorities to deprive the detainee of his/her choice of legal counsel; only those lawyers in *numerus clausus*, an Israeli military-approved list, can represent or even see a detainee held on arbitrary administrative order.

Ahmad (Shahadah) 'Awdah al-Najjar is another detainee whose arrest was known only after a brief appearance on television. His family, who reside in the West Bank, identified him from the television segment, broadcast only a few weeks after his arrest on 21 April 1985, and asked attorney Lea Tsemel to represent him. On 6 August 1985, after Tsemel failed to ascertain in which prison al-Najjar was being detained, she queried the military attorney general for details about his arrest. Even though he was seen on TV by thousands of people, the Israeli authorities denied any knowledge of al-Najjar's whereabouts. Only after a writ of *habeas corpus* was obtained through the High Court of Justice did the authorities admit that al-Najjar was in their custody and being held under administrative detention.

Tsemel, who is not on the Israeli military-approved list of lawyers, recommended to the family a lawyer who was—Matti Atzmon. Atzmon visited al-Najjar and brought back a taped message to his family in which al-Najjar said hello and thanked them for sending him underwear. The rest of the message had been erased, either by the lawyer or the authorities.

In the case of Faysal Abu Sharkh, even public mention of his name was censored until he was officially charged in June 1987 for membership in an illegal organization. According to the charge sheet, Abu Sharkh is a senior officer in "Force 17" of *Fatah* and one of the chiefs of operation in the defence of Beirut in 1982, as well as the south Lebanon camp defence in 1985. He was kept in solitary confinement in a military interrogation centre during most of this time. During his interrogation, Abu Sharkh said he was tortured and now suffers from permanent injury to his sexual organs. His lawyers have requested a trial-within-a-trial to investigate the allegation of torture, but the State prosecutor, while admitting that Abu Sharkh was subjected to torture by the Shin Bet interrogators, maintained that the torture did not affect his subsequent confession to military police.

Prisoners' Testimonies about Conditions

From the reports of several prisoners to their lawyers, we know some details of the conditions in which detainees were being held while under interrogation. Ahmad 'Awdah al-Najjar described his detention in what could have been Megiddo prison (which apparently specializes in the interrogation of prisoners transferred from occupied south Lebanon) or either Jalamah detention centre or Sarafand military interrogation centre:

> I was taken to a military interrogation center—I am still not aware of the name and place—and was put in solitary confinement for 85 days. After 100 days I was taken to a military jail in Atlit, and there I learned that out of the eight who were hanging onto the piece of wood [from the sunken ship *Ataveros*] with me, only six remained alive. The sick man who was still alive at the moment we were taken onto the Israeli ship was no longer alive, but I do not know why.
>
> While I was in the military interrogation center, I was questioned by numerous interrogators. I was beaten many times on my genitals, stripped and interrogated while a very powerful light was shone onto my face. On my arrival at the interrogation center I was told about a 'special rule': every time I heard steps in the corridor coming towards my cell (180 cm by 180 cm), I had to put a sack on my head, stand up with my head facing the wall and raise my arms. When I did not do this, a soldier entered the cell and severely beat me. This happened on numerous occasions.[2]

Both sentenced and administratively detained prisoners taken from the *Khalil I*, *Ataveros* and *Maria R* were held in Ramlah prison and, quite by chance, were interviewed by Faisal Husseini, the director of the Arab Studies Society in Jerusalem, who was being administratively detained there in June and July 1987. All the prisoners' testimonies corroborate reports of extreme physical abuse while in de-

tention.

Upon arrival in Israel, the men were usually separated from each other and taken either to military camps or interrogation centres, where they were placed either in dungeons or cells. These had no toilet facilities except for a large, covered, plastic garbage can, which was not emptied for months. At intervals, chemicals would be put into it which would do nothing to alleviate the stench.

One or two people were kept in each cell. They were given food only once a day, and then in very inadequate amounts. They were continuously beaten. Some men remained in these conditions for as long as fifty days. The gaolers put sacks over the prisoners' heads for part or all of this period.

The prisoners described to Husseini a practise known as "ghosting," a torture tactic used almost routinely for West Bank and Gaza detainees. Under this treatment, the sacks—sometimes two sacks at a time—were utterly filthy and stinking and kept over the man's head. His hands would be tied behind his back to a vertical iron bar at a height which forced him to squat, but would not allow him to sit. The bar itself would dig into the man's back. This method was used both indoors and outdoors in a courtyard for extended periods of time, in order to exhaust the prisoner.

While being "ghosted," prisoners were not allowed the use of the toilet, they were not allowed to sleep, read or make a sound. They were beaten for any infringements, hit on the genitals for urinating, or for no apparent reason at all. The guards would sometimes moan so that those being ghosted and unable to see would think that a fellow prisoner was in pain and would react. Those who reacted would be beaten.

During interrogations, prisoners would have their arms tied around the backs of chairs. The interrogators would beat them so that the chairs fell over, or would play with the chairs, rocking them with their feet until the chairs would fall. It was extremely difficult for the prisoners to get themselves and the chairs upright, and they would be beaten for faltering.

In at least three cases (*Khalil I*, *Ataveros* and *Maria R*), detainees complained to their lawyers of torture. Habis Daghlas and Riyadh 'Abdu, arrested from the *Khalil I*, told their lawyer, Walid Fahoum, that they had nothing to sleep on for the six days while they were in solitary confinement. Riyadh 'Abdu complained that prison guards forced a stick into his anus and sprayed tear gas directly into his eyes. He also testified that he was beaten on the soles of his feet with a metal rod.

Walid Fahoum reported that when he visited prisoners of the *Maria R* on 7 July 1987, three prisoners had third degree burns on their head, eyes and arms. The burns were sustained on 30 June, when prison guards sprayed gas into two cells of ten and fourteen prisoners each. Although the prisoners were fully dressed when their cells were sprayed, one man still had charred skin on his back a week later. Fahoum reported that the burns were so severe that the Ramlah prison doctor—who is known to dispense only aspirin for whatever ailment—treated them with antibiotics.

Attorney Lea Tsemel summed up the status of Palestinians arrested at sea in a press conference in Jerusalem in July 1987:

> No Palestinian is ever considered a POW—prisoner of war. Those arrested at sea are arrested "administratively." No Palestinian lawyer is accepted on the list to defend them. There is no list of prisoners. They are brought quickly to court [for the administrative order]. They can see no one for at least three months. The Red Cross is not notified. They are held in a military prison and have no rights whatsoever, nor do they have any knowledge of their rights.[3]

The Role of the International Committee of the Red Cross

The terms under which the International Committee of the Red Cross (ICRC) relates to those kidnapped and taken to Israeli detention centres are those provided under the Third Geneva Convention Relative to the Treatment of Prisoners of War (1949). Several years ago, the ICRC negotiated an agreement with the Israeli authorities concerning visits to security prisoners under the terms of the Fourth Geneva Convention. This agreement included the understanding that the authorities would inform the ICRC of all detentions and would allow any detainee to be visited by the ICRC on the fourteenth day of detention. (There is no such agreement regarding those "protected" under the Third Geneva Convention.)

The ICRC has only two representatives who are available to visit "security" prisoners, and these two must cover all the territory of the West Bank, Gaza District, as well as within the Green Line (the 1948 border of Israel). Any time devoted to visiting the prisoners taken at sea consequently detracts from the ICRC's responsibilities to the other security prisoners. Thus, the ICRC representatives must prioritize their visits based on an assessment of the relative gravity of each known case.

As a result of these strictures, the ICRC has visited some of the sea hijacking victims only once. In some cases, this visit only occurred after six months of detention. As in the case of prisoners taken from the *Maria R*, the Red Cross has been allowed to visit them only once. As in other cases, prisoners are moved frequently, possibly as part of a strategy to foil routine visits.

Israeli negligence or failure to inform the ICRC of detentions as required is particularly problematic for those prisoners being "interrogated" and tortured. The kind of torture described above is particularly effective in producing "confessions" when a person is held in solitary confinement for long periods. This is especially true when neither friends, nor relatives, nor fellow prisoners have any knowledge of the prisoner's whereabouts. The ICRC is also not permitted to release figures as to the number of detainees; however, information compiled in the present investigation has yielded a detailed roster of these prisoners detained in Israel during the past three years.

III. Trials and Aftermath

After interrogation and when signed "confessions" are obtained from the detainees, a charge sheet is drawn up and the detainee is brought before the court. So far, all the tried cases have been brought to the military court in Lydda. In a few cases, appeals against harsh sentences have been made before the same court; all have been rejected. In the case of Hasan Abu Lawz, his sentence was actually increased from three to five years imprisonment after the prosecutor counter-appealed that Abu Lawz' sentence was too lenient.

Of the more than one hundred kidnapped at sea and imprisoned by Israel in the period under review, twelve are still awaiting trial or are undergoing trial, and nine have been deported after serving various sentences—from six months to two years. Four have been deported without trial after spending three months to one year in prison. No information is available as to the disposition of one person reported arrested in September 1986, but now unaccounted for. And the fate of most passengers of two boats captured in November 1987 is also unknown.

Conduct of the Trials

Up to now, all the trials have been based on "confessions" of detainees; at least some of which were obtained under torture and after long periods of solitary confinement. In the past, the lawyers based their defence arguments on the issue of the illegal means by which the detainees were brought to court. Since this argument has been consistently rejected in Israeli courts, the plea is usually guilty after certain small changes in the charge sheet have been negotiated.

Based on the precedent established in the case of *The Attorney General of the Government of Israel v.* [Adolf] *Eichmann*, the High Court of Justice has ruled that, no matter by what means a person is brought before the court—including by illegal abduction—the moment the prisoner stands before the court, s/he can be judged as any other accused person. This ruling has been used by the State to legitimize apprehension by kidnapping from anywhere in the world.

It is regrettable that the Israeli legal community repeatedly relies upon the Eichmann case in justifying its police actions outside Israel's territorial jurisdiction. Israel's abduction of Eichmann from Argentina and its trial of his crimes in the name of "the Jewish people" has not only presumed to extend its legal jurisdiction over Jewish citizens of States other than Israel. It has also arrogated an exclusive right to judge and punish, exclusively in Israeli courts, what are considered to be crimes against This has been done in spite of the universality of such crimes and without respect to the grievances of Eichmann's non-Israeli victims. Self-servingly invoking the questionable Eichmann precedent now to justify Israeli kidnappings of civilians and other non-belligerents at sea, Israeli courts institutionally treat Palestinian nationals and

other civilians with a legal device otherwise reserved for the likes of a Nazi war criminal. The implications of this practise by Israeli courts are clear in their spurious association of Palestinian nationality with criminal indictability.

Charges and Sentences

With the exception of the eight from the *Ataveros* and Habis Daghlas from the *Khalil I*, *none of those kidnapped by Israeli forces were accused of planning hostile action against the State of Israel.* They are accused of membership and/or being active members in organizations declared *illegal in Israel* by the Israeli State. Most of the accused were also convicted of military training, in Lebanon in most cases, where it is compulsory for Palestinians to receive training in the Palestine Liberation Army.

Twenty-nine detainees kidnapped at sea have been convicted on the basis of membership in an "illegal" organization (mainly in the largest Palestinian national organization, *Fatah*) and of military training, and a further fifty-one are currently charged with the same. The convicted persons have been served with prison sentences of between six months to eight years (the average sentence being three years). The length of the sentence depends upon the importance of the alleged role in the "illegal organization" or whether the convicted person was in possession of arms at the time of his/her kidnapping. Those accused of planning military actions against Israel were sentenced as follows: twenty years for the "planned attack against the headquarters of the Israeli army" (from the *Ataveros*), fourteen years for an attempt to return to Palestine, or "infiltrate Israel" (Habis Daghlas in 1981), and eight to twelve years for those accused of being linked with the *Ataveros* alleged planned action. As stated above, all those who appealed to the High Court of Justice lost their cases.

The implications of Israel's claim to extra-territorial jurisdiction are that anyone who does anything anywhere which is deemed illegal in Israel can be kidnapped abroad, charged, brought to trial and sentenced to prison terms by the Israeli courts. For example, an American who raised the Palestinian flag at a solidarity demonstration in Los Angeles could—assuming s/he were not kidnapped earlier—visit Israel, face arrest and be charged and sentenced on the basis of violating the Prevention of Terrorism Act (as amended in 1986). The Israeli practise of kidnapping even its own citizens on foreign soil without regard to the jurisdiction of the legal sovereign was made famous by the abduction in Italy of anti-nuclear activist Mordechai Vanunu by Israeli secret agents in October 1986.

Detention and Deportation

After their trials, the kidnapped persons are transferred to Israeli prisons (mainly to Ramlah prison), where they are subjected to the same treatment and conditions as all other Palestinian political prisoners: overcrowding, tear gas attacks, bad food, inadequate medical treatment, etc. After having served their time in Israeli prison, they are deported to Lebanon, through the Israeli-occupied "security zone" of south Lebanon.

IV. Legal Aspects of Israel's Extra-territorial Arrests at Sea †

This analysis briefly addresses two legal questions raised by the arrests made by Israel at sea, detailed in the present report: (1) the legality of the arrests themselves, and (2) the jurisdiction of the Israeli courts to try the detainees once they are taken to Israel. The arguments are by no means exhaustive and are intended only to outline some of the relevant issues. No attempt is made to discuss the individual cases, since the circumstances of each vessel and each detainee vary. Some general points should first be clarified.

In all the cases in question, those detained from the sea were intercepted outside Israel's territorial waters, and none of those detained were Israeli citizens. ***Prima facie***, therefore, the detainees were not under Israel's territorial or personal jurisdiction. What is disputed in many cases, however, is whether the interceptions took place in the territorial waters of another State or on the international waters of the high seas. In a number of cases, Israel claims that the arrests took place in international waters, while those arrested have testified that they were in territorial waters, or that they were forced out into international waters by Israeli forces before being abducted. The importance of this—and possibly the reason for the conflict of evidence—is that, where a vessel is sailing under no flag on the high seas, it is not entitled to any of the normal protections accorded by international law, and warships of any State may board it. Israel has additional interest in claiming that no action was taken in another State's territorial waters, whereas such an action would be a serious violation of that State's sovereignty as explained below.

It is also important to note that all the vessels intercepted, with the possible exception of *Ataveros*, were not even alleged to have been heading for Israel or conducting any unlawful activity within the jurisdiction of Israel. No charges were levelled against the vessels, the captains or members of the crew. Furthermore, no charges were levelled against any of the detained passengers for any unlawful acts in connection with the vessels, such as piracy or acts of terrorism. Again, no allegations were made or charges brought against any of the passengers of any actual or intended criminal action against Israel. None of those detained were charged with having committed any illegal act against Israel. Generally, the charges were membership of, and activities (outside Israel) in an organization considered illegal in Israel, and, in some cases, of military training outside Israel.

Furthermore, according to Israeli authorities, many of those detained at sea have subsequently been released without charges. The seizure of the vessels, arrest and detention of the passengers were both random and arbitrary, without warrants for seizure or arrest and without any justification for the violation of the freedom of the high seas or the sovereignty of states over their territorial waters, as the case may be.

† Documentation, legal research and analysis is provided by al-Haq/Law in the Service of Man, Ramallah.

The manner and location of arrest and detention, as well as the nature of charges are very relevant in any consideration of Israel's claim that such actions were necessary to ensure its security. It must be emphasized that, apart from established cases of self-defence and hot pursuit, which obviously do not apply in the cases under consideration, no state is permitted to violate the basic principle of the freedom of the high seas or the equally basic principle of sovereignty of other States—which includes sovereignty over the vessels carrying their flag—for alleged reasons of security.

Freedom of navigation on the high seas is guaranteed for coastal and land-locked States. It has not been alleged by Israel and the facts have not disclosed that the navigation was for unpeaceful purposes, or any other purpose which would justify violation of said freedom.

Interceptions and Arrests

The fundamental human right of the individual to freedom from arbitrary arrest is guaranteed by Article 3 of the Universal Declaration of Human Rights (1948), and by Article 9 of the International Covenant on Civil and Political Rights (1966). The forcible abduction of a person from one State to another by the agents of the abducting State has been held by the UN Commission on Human Rights, in the cases of *Burgos v. Uruguay* [4] and *Casariego v. Uruguay*, [5] to constitute "arbitrary arrest and detention" within the meaning of Article 9 of the Covenant. This clearly applies also to detentions from the territorial seas of another State, since these form part of its sovereign territory, and, by extension, it would seem to apply to the arrest of a person from the high seas outside the territorial jurisdiction of the arresting State.

Israel has not ratified the International Covenant on Civil and Political Rights, but the main fundamental rights set out in the covenant probably now form part of customary law (see *Filartiga v. Pena-Irala*, [1980]), [6] where the prohibition on torture was considered to be part of customary law by the United States Court of Appeals). In light of recent UN condemnation of disappearances and kidnappings, freedom from unlawful arrest surely falls into this category of fundamental rights.

In addition to the violation of the individual's basic human rights, customary and conventional international law strictly limit interference with vessels in the high seas or in another State's territorial waters.

Any exercise of governmental authority by one State in the sovereign territory of another State, without that State's consent, is a violation of the latter State's sovereignty and, as such, a breach of international law. For these purposes, a ship flying the flag of a State in international waters is subject to the jurisdiction of the flag State and, in effect, the ship is considered part of the territory of that State. An arrest made without the consent of the flag State constitutes a violation of the sovereignty of that State as was confirmed by the UN Security Council in its resolution condemning Israel for kidnapping Adolf Eichmann from Argentina. [7]

Where the act violating the security of the State is accompanied by force or the threat of force, it may amount to a breach of Article 2(4) of the United Nations Charter, by which member States undertake to "refrain. . . from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations." Article 51 authorizes such action in self-defence in instances of armed attack against a State. However, in none of these cases does there appear to have been an armed attack to justify the action. There is controversy as to whether such action is ever permissible in case of "imminent danger" of armed attack, but it is clear that, even if it were permissible, the danger must be immediate, leaving no alternative action, and the response must be proportional.

With regard to the interception of vessels on the high seas, international law is governed by the Geneva Convention on the High Seas (1958), and the U.N. Convention on the Law of the Sea (1982). Israel is a signatory to the former, but not to the latter. Article 22 of the Convention on the High Seas states that, in the absence of agreement between the States, a warship of one State may board the merchant ship of another State only if the ship is engaged in piracy or the slave trade, or if, despite appearances, the ship is in fact of the same nationality as the warship.

The International Law Commission, in its commentary during the draft stage of the above Article 22, considered whether provision should be made for the detention of vessels in exercise of security of self-defence, but rejected the idea, even at a time of imminent danger to the security of that State, mainly because the vagueness of terms such as "imminent danger" and "hostile acts" leaves them subject to abuse.[8]

Article 23 of the Convention on the High Seas also provides for "the customary right of hot pursuit," by which a vessel can be seized in certain circumstances after a chase starting in the arresting power's territorial waters. There is no evidence, however, that any of the vessels were in Israel's waters prior to their interception, and so this provision is of no relevance here.

An inherent right for self-defence remains, but for aggressive action to be justified the need must be very compelling, as described in principles set out following the destruction of the boat *Caroline* in 1837 as ". . . instant, overwhelming, leaving no choice of means and no moment for deliberation." This clearly cannot permit action to neutralize an unspecified threat in the uncertain future of some acton being taken by those currently exercising free passage in the sea.

Apart from the exceptions outlined above, freedom of navigation on the high seas is absolute, and interception of vessels in other circumstances is a breach of international law.

Jurisdiction of the Israeli Courts

Israel's Penal Law authorizes its courts to try under Israeli law a person who committed abroad an act which would have been an offence if it had been committed

in Israel and which injured or was intended to injure the State of Israel or its security, which is widely construed, or any national or resident of Israel.

However, the fact that Israel considers an action to be an offence under its domestic law does not grant it the right to enforce its jurisdiction extra-territorially. This includes conducting an arrest in another State's territory, without the other State's consent, or otherwise, outside its own territory in violation of international law. If it does so, the acts of enforcement are illegal.

If the extra-territorial arrests by Israel in the present cases were indeed conducted illegally as argued above, can Israel's domestic courts exercise jurisdiction over the detainees?

Israel, most notably in the case of *Attorney General of the Government of Israel v. Eichmann* (1962),[9] has followed the American case of *Ker v. Illinois* (1886) [10] and English precedents in taking the view that the jurisdiction of its courts is unaffected by the fact that a detainee has been abducted illegally from another State, since this is an inter-State matter, whereas its jurisdiction is municipal.

However, the Eichmann case is distinguished from the present cases on at least two grounds. First, although the abduction itself was carried out in Argentina illegally, the illegality was absolved by Argentina when it accepted an apology from the Israeli government and made no further complaint. So far as we are aware, no State has consented to Israel's actions in abducting the detainees in the present cases. Secondly, the nature of the crimes of which Eichmann was accused were crimes against humanity, and as such may be considered to give universal jurisdiction. The present detainees are accused of threatening only Israel's own security.

Finally, it can be argued that, where arrests result from a serious violation of the individual's human rights by the State of the court, the court has a duty based on public interest not to accept such jurisdiction. The United States Court of Appeals took this line in the case of *US v. Toscanino*[11] (1974), distinguishing the case from that of *Ker v. Illinois*, on the grounds that, in *Toscanino*, the accused had been subjected to severe mental and physical ill-treatment by his American captors. Subsequent cases have limited the effect of *Toscanino* to cases in which the treatment of the accused is violent, inhuman and brutal. However, from the reports of those detained by Israel at sea—most notably those in the case of the *Maria R*—it appears that this may well apply in at least some cases.

Public interest may thus require the court to use its discretion to divest itself of jurisdiction on the grounds that the action of the authorities constitutes an abuse of the court's process.

V. Case Studies

The Passenger Ferry, Alisur Blanco *(Cyprus)*

On 29 June 1984, Israeli naval forces seized a Cypriot passenger ferry, the *Alisur Blanco*, in international waters off the coast of Lebanon. The sixty-three passengers aboard included fifty-six Lebanese nationals, three Palestinians, two Syrians, one United States citizen and one Netherlander. None of the 21-man crew were detained, but the Israeli authorities took an undisclosed number of passengers into custody and interrogated them.[12] Four days later, five of nine passengers detained in Haifa were reported released to the International Red Cross.[13]

Among the four remaining kidnapped passengers was a twelve-year-old Lebanese boy, Mazin Masri, returning on holiday from school in England to visit his family in Lebanon. The *Jerusalem Post* reported that Mazin Masri's English schoolmaster wrote to the Israeli authorities to appeal for the boy's release.[14] Masri and another kidnapped passenger, 'Az al-Din 'Uwaydat, were later reported released through the services of the International Committee of the Red Cross and escorted into Lebanon on 11 July.[15]

The Israeli authorities indicated that the two remaining detained passengers were brother and sister. It was assumed that the two were Palestinian nationals;[16] however, a news blackout was announced as of 9 July 1984 regarding the identities of those detained.[17] A report carried by the *Jerusalem Domestic Service* claimed that the two remaining passengers had been plotting a "spectacular terrorist attack against Israel."[18] And the same source[19] reported that Israel's second-ranking representative at the United Nations claimed in a letter to Secretary-General Perez de Cuellar that the Israeli government acted in "self-defence," describing the kidnapped passengers as "suspected terrorists." Published sources have not yet reported the fate of the two remaining captive passengers of the *Alisur Blanco*.

Khalil I

Israeli naval forces captured the *Khalil I* on 29 March 1985, while sailing from Cyprus to Lebanon. Six persons were abducted from the boat, held in Israeli administrative detention and denied contact with anyone. Prisoners from the *Khalil I* have testified that torture has been routinely inflicted on them while in Israeli prison.

Four of the *Khalil I* detainees were taken to trial at Lydda military court and sentenced on 2 July 1986. They were convicted of membership in "Force 17" (*Fatah*) and of having received military training. One defendant, Habis Daghlas, was also convicted of having attempted to "infiltrate Israel" in 1981. Sentences ranged from two to fourteen years in prison, with Daghlas receiving the most severe sentence. Finally, in October 1986, one of the two remaining prisoners was sentenced to two-and-a-half years in jail while the last detainee was deported without trial.

During the abductions at sea, the Israeli navy confiscated the *Khalil I* passengers' valuables, including $50,000 from Mohammad Darwish and $12,000 from Habis Daghlas.

How the Ataveros *(Panama) Was Sunk*

Around midnight on 20-21 April 1985, the *Ataveros* was sunk by an Israeli gunboat. Twenty men were believed killed in the attack, and Israeli naval authorities reported recovering only four bodies.

According to survivors' accounts, an Israeli warship appeared near the *Ataveros* on the open sea, *outside* Israeli territorial waters. Without identifying itself, the warship ordered the *Ataveros* to stop. The *Ataveros'* captain turned the boat around and retreated towards the Egyptian coast. The Israeli warship then fired a missile at the *Ataveros'* engine room. As the boat stopped and began to sink, the Israeli warship fired automatic gunfire for the next fifteen minutes at the boat and the men who were in the sea. Then another missile was fired, hitting the side of the *Ataveros*. Five minutes later, the boat had completely sunk. Some of the passengers were able to don life jackets, but several could not and a number had been wounded during the shooting.

The Israeli craft shined bright spotlights on the *Ataveros* as it sank, as well as on the passengers and crew struggling in the water. Survivors have recounted how the Israelis watched as some of the men drowned under the spotlights and then commenced shooting at them in the water. Then the navy vessels circled the survivors, creating intense waves which made it impossible for those men without life jackets or other aids to remain afloat.

Survivors have told of one group of men from the *Ataveros* who tried to rescue one of the injured by holding him on a plastic mattress. They have recounted how some of the men could be heard crying for help, then the voices would fade and cease to be heard.

After three hours of struggling in the frigid, turbulent water under Israeli gunfire, the survivors were given the impossible order to swim toward the Israeli ships with their hands over their heads. In response to this order, some called out that they were carrying injured men, and the Israeli ships countered this with more shooting. The Israelis again commanded the men to keep their hands above their heads and move, one by one, to the Israeli ships. This meant that they would not only risk drowning themselves, but they would also lose the injured survivors they were struggling to keep afloat.

Another group included a man called Zayn al-Din al-Sayfi, also known as 'Adnan, who was a strong athlete. One survivor, Ahmad 'Awdah, told how the first two of the group boarded the Israeli ship under orders forbidding them to look back. The third man, al-Sayfi, was never seen again, and is believed to have been killed. Only after arriving at prison did the kidnapped men learn that only eight of their number had survived. Those who survived were exhausted, but not injured, and their accounts indicate that the Israeli navy eliminated, or left to die, those survivors wound-

ed in the attack. A report in an October 1986 publication of the Alternative Information Center gives further details:

> According to Lebanese sources, the *Ataveros*, sailing under a Panamanian flag, was attacked by an Israeli gunboat on 20 April 1985 at 12:00 a.m. Despite the captain's radio message that it was a civilian ship, a missile was fired from the gunboat which hit the middle of the *Ataveros* and sunk it. Twenty people were killed. The IDF spokesperson announced that some of those on board were arrested but refused to identify how many or to allow the International Red Cross to visit them.
>
> The family of one detainee, Ahmad [Shahadah 'Awdah], identified him on a film screened on Israeli TV and asked Attorney Lea Tsemel to represent him. On 6 August 1985, after Tsemel failed to ascertain in which prison ['Awdah] was being detained, she applied to the Military Attorney General for details about his arrest. The Israeli authorities denied that ['Awdah] was in their custody. Only after a *habeas corpus* was obtained through the High Court of Justice, the authorities finally acquiesced and admitted that ['Awdah] was in their custody and being held under administrative detention. However, in the case of administrative detention, it is possible for the Defense Ministry to deny access to any lawyer who is not on the authorized list of lawyers.
>
> Attorney Tsemel did not drop the case and recommended an Israeli lawyer from the authorized list to ['Awdah's] family: Attorney [Matti] Atzmon, from Jerusalem. Attorney Atzmon visited ['Awdah] and brought back a taped message to his family in which ['Awdah] said hello and thanked them for sending him underwear. The rest of the message was erased either by the lawyer or by the authorities.
>
> Meanwhile, Attorney Walid Fahoum succeeded in obtaining the names of seven other detainees and getting power of attorney from their families. However, he was not given access to his clients because he is not on the approved list of lawyers. After many letters were exchanged between Fahoum and the Military Attorney General, the Israeli authorities finally admitted that eight people captured from the *Ataveros* were in their custody under administrative detention.[20]

A month after the publicaton of that report, a charge sheet was submitted against Ahmad Shahadah 'Awdah (whose real name happened to be Ahmad 'Awdah al-Najjar) and the seven others. Attorney Tsemel was therefore allowed to visit her client in Ramlah prison and wrote a new report about what happened on the night of the attack against the *Ataveros* and afterwards.

According to Ahmad 'Awdah's testimony, the *Ataveros* left Algeria with twenty-eight people on board—mostly Palestinian nationals. The ship was to land a commando group on the Israeli coast which planned to attack the Israeli Defence Forces (IDF) headquarters at Tel Aviv.

Ahmad 'Awdah al-Najjar told Attorney Tsemel what happened to him personally.

> I don't know how to swim, but I had the opportunity to put on a life jacket. The sea was very rough and my friends helped me. From the moment the ship sank, we were in the sea for two to three hours. I remember the time exactly because one of my friends had a watch. I was with eight other people hanging onto a light piece of wood which was floating in the sea. The two who were wounded and did not have life jackets sank immediately. One of us, [Nasir] Shadid, who is very thin, suffered a great deal from the cold, stormy water. We held him up for two hours. From all around we heard our friends' cries for help.

> After one hour, we saw one of the life boats of our ship (which inflated automatically) not far from us. It was visible, despite the dark, because it has an emergency light. One of the people with me, Hussam Ahmad [Hiju'], swam towards the life boat in order to bring it to us. We saw him enter the boat and then get out in order to drag it towards us. It seemed that the Israeli warship saw it too and they began to shoot towards the rubber life boat until it exploded and sank. Hiju' was not killed because he was not inside the boat. It is terrifying to think what would have happened if, as is usually the case, people were inside the boat.
>
> After more than two hours, we saw the Israeli warship getting closer and it spotlit the whole area from afar. Then we heard shooting. I cannot say categorically that they were shooting at the survivors but we definitely heard shooting and shouting while the area was spotlit.
>
> Finally the Israeli ship approached and shone a light on us and we were ordered to climb one after the other onto the ship. As soon as we were on deck they placed a sack over my head, handcuffed me and beat me.[21]

The Alternative Information Center report observed:

> The fact that the eight survivors have been kept for more than a year-and-a-half in total isolation, that there is no way to be in contact with them, and that after such time there is still no trial, is very strange. Lawyers who are following the case raise the hypothesis that the Israeli authorities are trying at any price to hide what happened the night of the *Ataveros* sinking and how twenty people died.[22]

The testimony of Ahmad 'Awdah al-Najjar has confirmed these suspicions. In addition to the torture, solitary confinement and long administrative detentions, the capture of the *Ataveros* was characterised by grave violations of international conventions (to which Israel is also a signatory) concerning behaviour on the open seas: the capture of a boat outside Israeli territorial waters, the sinking of a boat in international waters, retreating toward the Egyptian coast from the Israeli navy's advances, the refusal to help survivors stranded in the sea, and the almost certain murder of survivors.

Hamadallah

On 1 July 1985, Israeli forces arrested two Palestinian passengers of the *Hamdallah*: Khalil Adib Khalil Anani received a sentence of eighteen months for membership in a banned organization, while Na'el Amin Fatayir, on top of the same sentence, was rearrested at his Nablus home, in the Israeli-occupied West Bank of Palestine, where he was issued a deportation order in January 1987. His appeal to the Israeli High Court of Justice was rejected, and he was deported in early July 1987.

Ainadin

The Israeli navy seized eight paratroopers at sea on their way from Cyprus to Lebanon aboard the *Ainadin* 25 August 1985. They were travelling to Lebanon to

serve in the defence of Palestinian refugee camps under attack by Lebanese militias. The eight were put on trial at Lydda military court in Israel, nearly a year later, in July 1986, and were convicted of membership in an organization banned inside Israel and for having received military training. Sentences ranged from two to eighteen years in prison.

Casselardit *(Australia)*

The Australian-owned yacht, *Casselardit*, was forcibly detoured to Israel and impounded by Israeli authorities on 30 August 1985. Sixteen months after the Israeli navy forciby boarded the boat in the international waters of the Mediterranean, abducting those on board, the eight passengers remained in Israeli prison without trial. The yacht's captain, Barry White, recounts that the Israeli navy forced him at gunpoint to sail to Israel. Israeli authorities claimed the need to impound the *Casselardit* as material evidence, though no incriminating material had been found on board.[23]

Mr. White had been operating a regular passenger and charter yacht service in the Mediterranean, which had been well advertised and represented by a prominent tourist agency in Cyprus. The passengers on his yacht boarded in Greece for passage to Cyprus.

The case of the *Casselardit* has sparked attention in the Australian press and among some government officials there. Member of the Australian Parliament's House of Representatives Graeme Campbell (Labour, Kalgoorlie) took interest in the case and indicated that there was no doubt that the capture of the yacht by Israel was an act of sea piracy.[24] Minister for Foreign Affairs Bill Hayden publically expressed the Australian government's helplessness in this case in that "Israel is a law unto itself."[25]

It has been speculated that the *Casselardit* was commandeered in error, as the Israeli authorities had mistaken it for a British yacht, *Genda*. That vessel was seized by the Israeli navy a short time later in the Mediterranean and its passengers later charged with membership in the Palestine Liberation Organization, considered a punishable crime under Israeli law.

The Case of Faisal Abu Sharkh

Faisal Abu Sharkh was held under administrative detention from 9 September 1985 until June 1987 and was not permitted to see a lawyer. In June, he was charged at Lydda military court, and he is now legally represented by attorney Amnon Zichroni. (The Committee against State Terrorism at Sea has not yet had the opportunity to review Mr. Abu Sharkh's charge sheet.) For more than eighteen months his arrest was considered "Top Secret" and even the public mention of his name was forbidden. On 28 February 1988, in his thirtieth month of detention, Abu Sharkh was sentenced to eight years.

Laroz I *(Turkey): Murder on the High Seas*

An Israeli naval patrol chased and fired upon a Turkish vessel, the *Laroz I*, on 10 February 1986, killing Turkish captain Süleiman Asker. The vessel was seized in international waters off the Israeli-occupied Gaza District of Palestine.

An Israeli gunboat charged the *Laroz I*, which was reported not to have been flying a flag at the time. Upon the advance of the Israeli boat, the *Laroz I* hoisted the Turkish flag, but the Israeli gunboat apparently ignored it. Captain Asker apparently did not hear the subsequent command from the Israeli gunboat to stop engines. The *Laroz I* proceeded on its course, but did not attempt to flee. It was then that the Israeli gunboat opened fire, killing Captain Asker. [26]

Protesting Israel's hostile action, on 18 February 1986, the Turkish Foreign Ministry summoned the Israeli *chargé d'affaires* in Ankara, Yehuda Millo, to the Ministry to explain his government's behaviour. Referring to the *Laroz I* incident, an Israeli military spokesman later stated, "All our anti-terror operations are carried out in international waters. . . . We only detain suspects, and innocent people never get here."[27] The official Israeli account also claimed that Captain Asker had been killed by his own crew. However, the *Laroz I* crew testified that their captain was indeed assassinated by Israeli gunfire, and this was later corroborated by the autopsy report.[28]

The *Laroz I*, owned by Abdurrahman İhsal and Ali Taşçi of Trabzon, Turkey, is based in the port of Giresun, on the Black Sea. The 48-gross-ton vessel carried a nine-man crew. The *Jerusalem Post* reported that seven of the eight surviving crewmembers were flown back to Istanbul, while an eighth survivor of Palestinian nationality was being held further in Israeli detention, but his condition was unreported.[29] Turkish sources, however, identified the crewman as being of Egyptian nationality.[30] Subsequent press reports have yielded no further information on the disposition of the single non-Turkish crewman or the vessel itself.

Anton

On 15 September 1986, the Israeli navy captured the *Anton* and another small boat which allegedly sailed in tandem with the *Anton*. Two persons were seized and abducted from the small boat, and six from the *Anton*, including Sulayman Hils (Abu Walid), known to be a senior member of *Fatah*. The two who were taken from the small boat, Fathi Nimr Abu al-Khayr and Fathi Halimi were deported without trial in March 1987.

In October 1986, one prisoner was deported, while the remaining five received sentences ranging from two-and-a-half to ten years for membership in a banned organization and receiving military training.

Two Small Launches

On 17 November 1986, Israeli forces captured two fishing boats in Lebanese waters,

near Sidon, with cargoes of clothing, food, weapons and blood supplies. Three men were arrested at sea, transferred to Israel and sentenced on 1 June 1987, at Lydda military court. Two men rode in the first boat, and the third man followed in another small boat. The men were *en route* from Beirut to Rashidiyyah when they were surprised by an Israeli navy patrol. The Israelis forced the two launches to navigate southward toward Naqurah (Rosh Hanikra), a port in Israel. From there they were forced to proceed to Haifa port where they were arrested, put into dungeons and tortured.

In interrogation, the men told their captors that they were only trying to help their besieged relatives in the refugee camp. One of the men met the other two by chance, and joined in order to help an injured relative from Rashidiyyah to be treated in a hospital. It should be noted that this and other Israeli attacks and abductions at sea—including the case of the *Maria R*—took place during the siege of Palestinian refugee camps by Amal forces in south Lebanon. Such interceptions by Israeli forces to prevent civilian persons from visiting relatives or delivering relief and supplies to the refugee camps in Lebanon are believed to be common, especially during the "war of the [refugee] camps."

Of the three abducted men, Muhammad Hasan Ahmad al-Jamal, Diyab Mahmud Sa'adi and Ali Ahmad Fa'iz al-Jamal, the first two were convicted of "membership in *Fatah* and possession of arms." Their sentence was eight years in Israeli prison. The third was charged with rendering aid to Palestinian refugees besieged by Amal forces in Rashidiyyah camp, in Lebanon. This earned him sixteen months imprisonment and eight months suspended.

Another Fishing Boat

On 4 December 1986, Israeli naval forces captured a fishing boat off the south Lebanese coast and kidnapped two persons on board. Ahmad Khalil Hasan was sentenced to eighteen months for membership and an attempt to render services to *Fatah*. Sulayman Hamaydi was sentenced to seven months for attempting to render services to *Fatah*.

Maria R *(Honduras)*

The Israeli navy stopped the *Maria R* at sea early on the morning of 6 February 1987, several kilometers off the Cyprus coast, near Larnaca. The Honduran-flagged ship with an Egyptian crew had left Larnaca on the morning of 5 February. After sailing for six hours, the *Maria R* took on supplies from another ship and resumed passage toward Lebanon. At 2:30 a.m., on 6 February, Israeli naval forces stopped the ship and, calling the captain by name, inquired as to the ship's type and speed. The captain responded and was instructed by the Israelis to follow them at the highest possible speed. When the captain objected on the grounds that this would overheat the engine, the Israelis threatened him, saying: "Better that the engine [burn] than your head."

After following the Israeli patrols to a point several additional kilometers from Larnaca, the Israelis forced the *Maria R*'s fifty passengers (most of Palestinian nationality) to disrobe down to their underwear. (The Israeli abductors apparently did not detain the Egyptian crew members.) Leaving all their possessions (including identity papers) and clothes behind, the passengers were forced to jump into the sea and swim to the nearest Israeli vessel where the navymen stuffed sacks over the heads and cuffed the hands of their captives. Still about one mile inside Cypriot territorial waters, the victims were beaten and tortured while the Israelis looted their possessions from the *Maria R*.

Among the possessions stolen from the passengers by the Israeli captors were currency, documents, gold and other miscellaneous items. A partial inventory of stolen goods is available. It is possible that more items and amounts of money were taken as booty; however, further details have not yet been verified.

While held on board the Israeli navy vessels, the detainees were transported to Haifa harbor, and then to unidentified military detention centres in Israel. On 11 and 12 March, the detainees were gathered together and brought to Atlit detention centre, where they met delegates of the International Committee of the Red Cross. Afterwards, some detainees were transferred to Ramlah prison.

Some of the detainees who are represented by attorney Walid Fahoum maintain that they were returning to Lebanon as civilians, following stays abroad for work. Some had previously worked in military installations, but in civilian capacities. To date, none of the fifty captured passengers have been charged with military action against Israel, nor with any planned military action. The principal charge against them is membership in the PLO. None have denied their previous military service, which is mandatory for Palestinians in Lebanon; none of the passengers were armed at the time of seizure. All maintain that they were *en route* to Lebanon to rejoin their families when Israeli forces kidnapped them in Cypriot waters and charged them with having received military training, which Israeli law determines is illegal.

It is well known that young Palestinians living in Lebanon are conscripted into service with the Palestine Liberation Army (PLA), like other young men who are conscripted into national military service all over the world. In the case of the *Maria R* passengers, these young men were returning to Lebanon and had already completed their military service. As in the case of any other Arab country, young men returning to Lebanon would be required to present, upon entry, certification of their having completed such military service obligations.

Partial List of Booty Taken from the *Maria R*

Victims	*Items stolen*
Hasan Ahmad 'Ali Abu Lawz	$4,500 (travellers cheques), documents
Haydar Salim Mahmud Dimasi	$3,300
Shahadah Salamah Ghussayn	$600
Fursan Muhammad Zakariyyah Tanbur	$500
Majdi Muhammad Ghul	$1,200, Omega watch
Riyadh Mustafa 'Uthman	$1,500, £480, 60 Lebanese lira
Muhammad Jalal Hilayhal	$100, 10 Lebanese lira
Shahadah Mahmud Shahadah	gold chain with cross, watch
Shuqayri Ahmad 'Attar	$1,500, 90 Lebanese lira, watch
Fallah Hasan Abu Shillah	$1,600
Jihad 'Abdallah Miflah Abu Layl	$500, gold chain
Samir Naji 'Abdallah Wahbih	$5,000, $4,000 (held in trust for someone named Abu Kamal)
'Abdallah Khalil Maghari	DM200, $200
Sa'id 'Aqil (Salih) 'Id	$1,700
Yahya Mu'ath Isma'il Dirbas	$300, £700, 60 Lebanese lira
Hamidah 'Ali Burha Hamidi	$2,500
'Ali Hasan Asfur	$700
Rif'at 'Abd al-Rahman Salamah	$2,400, gold chain with gold Qur'an
Musa Husayn Thaljiyyah	$2,400

Total: $34,320; £1,180, DM200, 220 Lebanese lira, three watches and miscellaneous jewellery of unspecified value.

Nadija *(Honduras)*

A Honduran-flagged boat, *Nadija*, was seized by Israeli naval forces, on 16 November 1987, between Limassol, Cyprus and Port Sa'id, Egypt, while *en route* to North Yemen. This is the latest of the known cases of Israeli kidnappings on the high sea during the 1985-1988 period, and the incident was widely reported in the Hebrew and Arab press. According to official Israeli sources, "several" of the *Nadija*'s passengers were arrested, and no further information has been released. However, the Committee against State Terrorism at Sea has since learnt of five *Nadija* passengers currently held in Israeli gaols, including two whose identities and place of detention have been confirmed. At the time this report was being written, Ala' al-Din Muhammad 'Arafat al-Qidwah and Hisham Mustafa 'Abid had been interrogated for fourteen days in Jalamah detention centre. The two have been placed under three months administrative detention without charge, and were scheduled to appear before military court on 29 February 1988. On 1 March, the court did not charge the two, but extended their administrative detention to 9 April 1988.

Notes

1. Mansour Kardosh, in introduction to 'Kidnapping at Sea: A Preliminary Study,' *Prisoner's Friends Association in Israel - Nazareth* [newsletter], 13 November 1987, pp. 1.

2. From the testimony of Ahmad 'Awad al-Najjar to attorney Walid Fahoum.

3. Transcript of remarks by attorney Lea Tsemel. See report of press conference, *Davar, Hadashot*, 29 July 1987.

4. R.12/52 HRC 36,176.

5. R.13/56 HRC 36,185.

6. 630 F.2d 876.

7. Security Council resolution S/4349 (23 June 1960).

8. International Law Commission Yearbook (1956), ii. 284.

9. 36 IL Rep 5 (1962).

10. 19 US 436 (1886)

11. 500 F. 2d. 267 (1974).

12. *Jerusalem Domestic Service* [hereinafter, *JDS*], 30 June 1984.

13. *Israel Defence Forces Radio*, 3 July 1984.

14. *Jerusalem Post*, 9 July 1984.

15. *JDS*, 11 July 1984.

16. *JDS*, 18 July 1984.

17. *Jerusalem Post*, 9 July 1984.

18. *JDS*, 11 July 1984.

19. *JDS*, 18 July 1984.

20. Alternative Information Center, *News From Within*, October 1986.

21. Ibid.

22. Ibid.

23. *Sunday Times*, 11 January 1987.

24. Ibid.

25. Ibid.

26. *Barış* (Ankara) 18 February 1986.

27. *JDS*, 12 February 1986.

28. *Ma'ariv*, 23 February 1986.

29. *Jerusalem Post*, 17 February 1986.

30. *Barış op. cit.*

Appendix I:
Victims of Israeli State Terrorism at Sea

Victim†	Charges	Disposition††
A. *Alisur Blanco* (Cyprus), seized 29 June 1984, *en route* from Cyprus to Lebanon		
1. Mazin Masri (Lebanese)	no charges	detained in Haifa, released after 13 days
2. 'Az al-Din 'Uwaydat (nationality unknown)	no charges	detained in Haifa, released after 13 days
3. identity unknown (Palestinian nationality presumed)	no known charges	detained in Haifa, fate unknown
4. identity unknown (Palestinian nationality presumed)	no known charges	detained in Haifa, fate unknown
5. identity unknown	no charges	detained in Haifa, released after 5 days
6. identity unknown	no charges	detained in Haifa, released after 5 days
7. identity unknown	no charges	detained in Haifa, released after 5 days
8. identity unknown	no charges	detained in Haifa, released after 5 days
9. identity unknown	no charges	detained in Haifa, released after 5 days
B. *Khalil I*, seized 29 March 1985, *en route* from Cyprus to Lebanon		
10. Habis Daghlas*	membership, military training, attempting to infiltrate in 1981	14 years/ 7-21-86
11. 'Abdu Afandi	membership, military training	2-1/2 years/ 7-21-86
12. Riyadh 'Abd al-Haq*	membership, military training	2-1/2 years/ 7-21-86
13. Jihad Sahli (Tunisian)	membership, military training	2 years/ 7-21-86 (deported) suffered heart attack in prison
14. Muhammad Mahmud Darwish	membership, military training	2-1/2 years/ 7-21-86

15. Sa'id al-Dammagh*	confessed to membership: not charged	deported 2-86 without trial; brother Ali in administrative detention

C. *Ataveros* (Panama), attacked and sunk, 21 April 1985

16. Zayn al-Din ('Adnan) al-Sayfi	no charges	believed killed in Israeli attack
17. identity unknown	no charges	believed killed in Israeli attack
18. identity unknown	no charges	believed killed in Israeli attack
19. identity unknown	no charges	believed killed in Israeli attack
20. identity unknown	no charges	believed killed in Israeli attack
21. identity unknown	no charges	believed killed in Israeli attack
22. identity unknown	no charges	believed killed in Israeli attack
23. identity unknown	no charges	believed killed in Israeli attack
24. identity unknown	no charges	believed killed in Israeli attack
25. identity unknown	no charges	believed killed in Israeli attack
26. identity unknown	no charges	believed killed in Israeli attack
27. identity unknown	no charges	believed killed in Israeli attack
28. identity unknown	no charges	believed killed in Israeli attack
29. identity unknown	no charges	believed killed in Israeli attack
30. identity unknown	no charges	believed killed in Israeli attack
31. identity unknown	no charges	believed killed in Israeli attack
32. identity unknown	no charges	believed killed in Israeli attack
33. identity unknown	no charges	believed killed in Israeli attack
34. identity unknown	no charges	believed killed in Israeli attack
35. identity unknown	no charges	believed killed in Israeli attack
36. identity unknown	no charges	believed killed in Israeli attack

37. Mustafa 'Uthman	plotting operation against IDF headquarters in Tel Aviv	20 years/ 2-15-1987
38. 'Abd al-Rahman Abu al-Thani*	plotting operation against IDF headquarters in Tel Aviv	20 years/ 2-15-1987
39. Hasan Haju'	plotting operation against IDF headquarters in Tel Aviv; boat officer	12 years/ 2-15-1987 appeal 6-22-87 failed
40. Ahmad (Shahadah) 'Awdah al-Najjar*	plotting operation against IDF headquarters in Tel Aviv; boat officer	12 years/ 2-15-1987
41. 'Abd al-Nasir al-Haj	rendering service; sailor	7 years/ 2-15-1987
42. Salim Samkari	rendering service; sailor	7 years/ 2-15-1987
43. Muhammad 'Abd al-Hafidh Muhammad*	rendering service; sailor	7 years/ 2-15-1987
44. Usama Sulayman Abu Harb	rendering service; sailor	7 years/ 2-15-1987

D. *Hamdallah*, seized 1 July 1985

45. Khalil Adib Khalil Anani	membership	18 months/ deported
46. Na'el Amin Fatayir*	membership	18 months; rearrested 1-1-1987 for deportation; deported 7-87

E. *Ainadin*, seized on 25 August 1985, *en route* from Cyprus to Lebanon to defend the refugee camps against Amal

47. 'Abdallah Zamil Muslih	membership, military training	5 years/ 7-86
48. Munir Salem Jamul	membership, military training	5 years/ 7-86

49. Na'ef Salami Jamul	membership, military training	5 years/ 7-86
50. Muhammad Khalid Mustafa al-Khatib	membership, military training	2 years/ deported
51. Mahmud Muhammad al-Taba	membership, military training	5 years/ 7-24-86
52. Riyadh Muhammad Salamud	membership, military training, commander	8 years/ 7-24-86
53. Fadi Hussayn Mansur	membership, military training	5 years/ 7-24-86
54. Mustafa Musa Yusif	membership, military training	5 years/ 7-24-86

F. *Casselardit* (Australia), seized 30 August 1985, *en route* from Greece to Cyprus

55. identity not yet verified	no charges	in detention
56. identity not yet verified	no charges	in detention
57. identity not yet verified	no charges	in detention
58. identity not yet verified	no charges	in detention
59. identity not yet verified	no charges	in detention
60. identity not yet verified	no charges	in detention
61. identity not yet verified	no charges	in detention
62. identity not yet verified	no charges	in detention

G. *Genda* (England), seized 31 August 1985, *en route* from Cyprus to Sidon, Lebanon

63. 'Abd al-Karim 'Ali al-Fahum	membership, military training	3 years + 3 years suspended/ 8-7-86 suspended sentence**
64. Jihad Fakhri al-Bakri*	membership, military training	3 years + 3 years suspended/ 8-7-86
65. Mit'ab Yusif al-Khatib	membership	18 months + 3 years suspended/ 8-7-86, deported (ill and elderly)

66. Turki Sadiq 'Uthman Tubassi*	membership, military training	3 years + 3 years suspended/ 8-7-86
67. Khaldun Dhaher Haju'*	membership, military training	3 years + 3 years suspended/ 8-7-86 (cousin of Hassan Haju' [*Ataveros*])

H. Unknown ship, seized 10 September 1985

68. Faysal Abu Sharkh*	membership, activities	trial began June 1987 after 21 months administrative detention, high-ranking officer in *Fatah*, sentenced to 8 years/ 2-28-88

I. *Laroz I* (Turkey), seized 10 February 1986 in international waters of the Mediterranean Sea, captain assassinated

69. Süleiman Asker (Turkish)	no charges	killed by navy gunfire
70. identity unknown (Turkish)	no charges	detained for 5 days, deported to Turkey, 2-12-86
71. identity unknown (Turkish)	no charges	detained for 5 days, deported to Turkey, 2-12-86
72. identity unknown (Turkish)	no charges	detained for 5 days, deported to Turkey, 2-12-86
73. identity unknown (Turkish)	no charges	detained for 5 days, deported to Turkey, 2-12-86
74. identity unknown (Turkish)	no charges	detained for 5 days, deported to Turkey, 2-12-86
75. identity unknown (Turkish)	no charges	detained for 5 days, deported to Turkey, 2-12-86
76. identity unknown (Turkish)	no charges	detained for 5 days, deported to Turkey, 2-12-86
77. identity unknown (Egyption/Palestinian: nationality in dispute)	no charges	unknown

J. *Amal*, seized 1 September 1986 (one man believed arrested)

78. identity unknown	unknown	unknown

K. *Anton* and one other small fishing boat, seized 15 September 1986

79. Fathi Nimr Abu al-Khayr	no charges	deported without trial; 3-1987
80. Fathi Halimi	no charges	deported without trial; 3-1987
81. Sulayman Hils* (Abu Walid)	membership, military training, Lieutenant Colonel	7 years + 3 years suspended, appeal denied 3-12-1987
82. 'Arafi Muhammad al-Mughrabi	membership, rendering services to *Fatah* (co-owned boat)	5 years + 3 years suspended
83. Ahmed 'Abd al-Sisi (Egyptian)	membership, military training	3 years + 3 years suspended
84. Muhammad Fadal Jadallah*	membership, military training	3 years + 3 years suspended
85. Khalid Hamadi*	membership, military training	2½ years + 2½ suspended
86. Khalid Farrad (Egyptian)	no charges; captain of boat	deported without trial; 3-87

L. Two small launches, seized 17 November 1986, near Sidon, Lebanon

87. Muhammad Hasan Ahmad al-Jamal	membership, military training, activities for *Fatah*	8 years + 3 years suspended; 7-14-87
88. Diyab Mahmud Sa'adi	membership, military training, activities for *Fatah*	8 years + 3 years suspended; 7-14-87
89. 'Ali Ahmad al-Jamal	membership, giving assistance to *Fatah*	16 months + 8 months suspended; 6-25-87

M. Fishing boat, seized 4 December 1986, off the South Lebanon coast

90. Ahmad Khalid Hasan	membership, attempt to render services	18 months/ 3-1-1987
91. Sulayman Hamaydi	attempt to render services	7 months; deported 6-1-1987

N. *Maria R*, seized 6 February 1987, off Lebanon coast

92. Jamal Nimr 'Ali 'Issa	membership	6 months; deported 7-13-87
93. Khalid Salim Abu Qasim	membership	6 months; deported 7-13-87
94. 'Abdallah Khalil Maghari*	membership	1 year/ 7-26-87
95. Fayiz Rifq 'Urabi Hamdan	membership, military training	4 years + 4 years suspended/ 10-20-87 (no confession)
96. Tha'ir Muhammad Mahmud Faris	membership, military training	2½ years + 2½ years suspended/ 10-20-87 (no confession)
97. 'Abd al-Qadir Muhammad Khatib	membership, military training	2½ years + 2½ years suspended/ 10-20-87 (no confession)
98. Khalid Na'im Zubaydah	membership, military training	2 years + 2 years suspended/ 11-20-87 (no confession)
99. Sa'id 'Aqil 'Id	active membership	1 year + 1 year suspended/ 9-28-87
100. Yahya Mu'ath Isma'il Dirbas	active membership, military training	postponed to 12-1-87
101. Hamidah 'Ali Burha Hamidi	active membership, military training	postponed to 12-1-87
102. Hasan Ahmad 'Ali Abu Lawz*	membership, military training	5 years + 5 years suspended (personal guard of Yasir 'Arafat) increased from 3 years + 3 years after appeal failed
103. Haydar Salim Mahmud Dimasi	membership, military training	1 year + 1 year suspended/9-9-87
104. Shahadah Salamah Ghusayn*	membership, military training	2½ years + 2½ years suspended/9-9-87
105. 'Issam Saleh Muhammad Haj 'Omar	membership	2 years + 2 years suspended/9-9-87 unchanged after appeal
106. Fursan Muhammad Zakariyya Tanbur	active membership	1½ years + 1½ years suspended/9-9-87
107. 'Ali Hasan Asfur	active membership, parachutist training	4 years + 4 years suspended/9-9-87 unchanged after appeal
108. Ahmad Hasan Bilal	active membership, military training	1 year + 1 year suspended/9-9-87

109. Rif'at 'Abd al-Rahman Salami	active membership, military training	3 years + 3 years suspended/9-9-87
110. Musa Husayn Thaljiyyah	membership, military training	3 years + 3 years suspended/9-9-87 unchanged after appeal
111. Talal Muhammad Ibrahim	membership, military training	3 years + 3 years suspended/9-9-87 unchanged after appeal
112. Jihad 'Abdallah Miflah Abu Layl	membership, military training	2½ years + 2½ years suspended/11-3-87
113. Muhammad 'Adnan Sa'id Khalaf (Khalid Ahmad Sa'id Ibrahim)	membership, activity, military training	4 years + 4 years suspended/11-3-87
114.. Hasan 'Ali Muhammad Amin	membership, military training	3 years + 3 years suspended/11-3-87
115. Samir Naji 'Abdallah Wahbih	membership, military training	1½ years + 1½ years suspended/11-3-87
116. Yasir 'Ali Muhammad Hmayd	membership, military training	1½ years + 1½ years suspended/11-3-87
117. Rif'at 'Awad Ibrahim Taqatqa*	membership, military training	1½ years + 1½ years suspended/11-3-87
118. Zuhayr 'Abd al-Qadir Kasasir (Lebanese)	active membership, military training	3 years + 3 years suspended/11-3-87
119. 'Adnan Salim Hamzah (Syrian)	membership, military training	2 years + 2 years suspended/11-3-87
120. Khalid Yusif Qaddurah	active membership, military training	2 years + 2 years suspended/11-3-87
121. Salih Muhammad Taha	active membership	1½ years + 1½ years suspended/12-13-87
122. Muhammad Ibrahim Luwaysi (Senegalese)	active membership, military training	1½ years + 1½ years suspended/12-13-87
123. Taysir Khalid Shahadah Abu Kamal* (2nd. Lieut.)	active membership, military training, training others (*Ataveros*)	6 years + 2 years suspended/12-13-87
124. Dirar Ahmad Ali Da'ud	active membership, military training	2 years + 2 years suspended/11-3-87

125. Taysir Hidri	active membership, military training	2 years + 2 years suspended/11-3-87
126. Yasir Ibrahim Abu Sa'id	active membership, military training	2½ years + 2½ years suspended/12-13-87
127. Khalid Ahmad (Fayiz) Sakhnini	active membership, military training	1 year + 1 year suspended/11-3-87
128. Hasan Husayn Shu'ayb	active membership, military training	postponed, no date (seeking medical release/old spinal injury)
129. Mahmud Sadiq Abu Zayd	active membership	sentenced 12-7-87, terms of sentence unconfirmed
130. 'Ali Yusif Shinnawi	active membership, military training	sentenced 12-7-87, terms of sentence unconfirmed (responsible for group)
131. Mahmud Ahmad Abu Kul	active membership, military training	sentenced 12-7-87, terms of sentence unconfirmed (condemned to death by Democratic Front, released when Israel bombed prison)
132. Adib Sha'ban Harzallah*	active membership, military training	2 1/2 years + 2 1/2 years suspended/11-3-87
133. Majdi Muhammad Ghul (2nd Lieut.)*	active membership, military training	3 1/2 years + 3 1/2 years suspended/11-10-87
134. Riyadh Mustafa 'Uthman	active membership, military training	9 months + 9 months suspended/9-15-87 deported
135. Muhammad Jalal Hilayhal	active membership, military training	sentenced 12-7-87, terms of sentence unconfirmed
136. Shahadah Mahmud Shahadah	active membership, military training	2 years + 2 years suspended/11-10-87
137. Shuqayri Ahmad 'Attar	active membership, military training	2 years + 2 years suspended/10-28-87
138. Fallah Hasan Abu Shillah	active membership, military training	2 years + 2 years suspended/11-10-87
139. Muhammad Sa'id 'Ali 'Omar	active membership, military training	2 1/2 years + 2 1/2 years suspended/10-28-87
140. Mazin 'Ali Abu Shayban	active membership, military training	2 years + 2 years suspended/10-27-87

141. Hani Amin Khalidi	active membership, military training	2 years + 2 years suspended/10-27-87

O. Ship seized 6 November 1987, off the Lebanon coast, *en route* to Tyre

142. Hilal Bitar (name released by Lebanese authorities)	unknown	unknown

P. *Nadija*, seized 16 November 1987, between Limassol, Cyprus and Port Sa'id, Egypt *en route* to North Yemen. According to Israeli sources, "several" men were kidnapped.

143. Ala' al-Din Muhammad 'Arafat al-Qidwah	no charges	interrogated for 14 days in Jalamah Detention Centre, 3 months administrative detention, scheduled to appear before court 29 February 1988, detention extended to 6 April 1988
144. Hisham Mustafa 'Abid	no charges	interrogated for 14 days in Jalamah Detention Centre, 3 months administrative detention, scheduled to appear before court 29 February 1988, detention extended to 6 April 1988
145. identity not yet verified	no charges	unknown
146. identity not yet verified	no charges	unknown
147. identity not yet verified	no charges	unknown

† Individuals listed are of Palestinian nationality, unless otherwise indicated.

†† Included are relevant dates of sentencing, release or deportation, as indicated.

* Resident of Israeli-occupied West Bank or Gaza Districts of Palestine.

** First instance of a suspended sentence.

Appendix II:
*"Israeli Terrorism at Sea" Resolution**
Geneva, 9 September 1987

Israel's kidnapping of people beyond its borders is an issue that must be faced by the international community. We call upon all NGOs to launch a campaign against the seizure by Israeli military authorities of Palestinians and others travelling in international zones or within other countries and their subsequent detention, trial, imprisonment and involuntary transfer.

1. We call upon all NGOs to launch a campaign against Israeli State terrorism and to demand the immediate release of hostages taken at sea.

2. We call upon the NGOs of the countries directly concerned whose territorial waters and/or flags have been violated, to pressure their governments to defend their sovereignty against Israeli attacks.

3. We suggest that the NGOs in each country inform maritime organizations and seamen's unions about illegal Israeli actions at sea and try to mobilize them against the Israeli Government's policy of piracy.

4. We initiate NGO co-operation here and now to plan actions for the future and, more specifically, to prepare a draft motion to be presented at the next meeting of the United Nations International Maritime Organization, which will take place in March 1988.

* NGO initial endorsers of "Terrorism at Sea" Resolution: The Arab Studies Society (Jerusalem), Data Base Project on Palestinian Human Rights (Jerusalem and Chicago), The International Organization for the Elimination of All Forms of Racial Discrimination—EAFORD (Geneva), EAFORD (USA) (Washington), Palestine Human Rights Campaign (Chicago), November 29th Committee for Palestine (San Francisco), Committee Confronting the Iron Fist (Jerusalem), Committee for Freedom of Expression for Palestinians and Israelis (London), Alternative Information Center (Jerusalem), Palestine Solidarity Committee-UK (London).

Appendix III
United Nations General Assembly Resolution 42/159 (7 December 1987)

42/159. ***Measures to prevent international terrorism which endangers or takes innocent human lives or jeopardizes fundamental freedoms and study of the underlying causes of those forms of terrorism and acts of violence which lie in misery, frustration, grievance and despair and which cause some people to sacrifice human lives, including their own, in an attempt to effect radical changes:***

(a) Report of the Secretary-General;

(b) Convening, under the auspices of the United Nations, of an international conference to define terrorism and to differentiate it from the struggle of peoples for national liberation

Date: 7 December Meeting 94
Vote: 153-2-1 (recorded) Report: A/42/832

The General Assembly,

Recalling its resolution 3034 (XXVII) of 18 December 1972, 31/102 of 15 December 1976, 32/147 of 16 December 1977, 34/145 of 17 December 1979, 36/109 of 10 December 1981 and 38/130 of 19 December 1983,

Reaffirming its resolution 40/61 of 9 December 1985, adopted without a vote, and its importance in the consideration of the question of international terrorism and, in particular, in the strengthening of co-operation in preventing and eliminating terrorism,

Recalling the recommendations of the *Ad Hoc* Committee on International Terrorism contained in its report to the General Assembly at its thirty-fourth session, *68/*

Recalling also the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, *69/* the Declaration on the Strengthening of International Security, *70/* the Definition of Aggression *71/* and relevant instruments on international humanitarian law applicable in armed conflict,

Further recalling the existing international conventions relating to various aspects of the problem of international terrorism, *inter alia*, the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963, *72/* the convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970, *73/* the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation signed at Montreal on 23 September 1971, *74/* the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, signed at New York on 14 December 1973, *75/* the International Convention against the Taking of Hostages, adopted at New York on 17 December 1979, *76/* as well as the Convention on the Physical Protection of Nuclear Material, concluded at Vienna on 3 March 1980,

Convinced of the importance of the observance by States of their obligations under the relevant international conventions to ensure that appropriate law enforcement measures are taken in connection with the offences addressed in those conventions,

Deploring the continuation of all terrorist acts, including those in which States are directly or indirectly involved, which spread violence and terror, may result in loss of human lives and material damage and jeopardize the normal functioning of international relations,

Deeply disturbed by the world-wide persistence of those acts of international terrorism which can pose a threat to international peace and security and to friendly relations among States,

Convinced of the importance of expanding and improving international co-operation among States, on a bilateral, regional and multilateral basis, which will contribute to the elimination of acts of international terrorism and their underlying causes and to the prevention and elimination of this criminal scourge,

Convinced that international co-operation in combating and preventing terrorism will contribute to the strengthening of confidence among States, reduce tensions and create a better climate among them,

Reaffirming also the inalienable right of self-determination and independence of all peoples under colonial and racist régimes and other forms of alien domination, and upholding the legitimacy of their struggle, in particular the struggle of national liberation movements, in accordance with the purposes and principles of the Charter and of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations,

Noting the efforts and important achievements of the International Civil Aviation Organization and the International Maritime Organization in promoting the security of international air and sea transport against acts of terrorism, consistent with General Assembly resolution 40/61,

Appealing to all States to take all appropriate steps to prevent terrorist attacks against various forms of public transport,

Urging all States to take effective measures, in accordance with established principles of international law, in order that all acts, methods and practices of international terrorism may be brought to an end,

Mindful of the necessity of maintaining and safeguarding the basic rights of the individual in accordance with the relevant international human rights instruments and generally accepted international standards,

Recognizing that the effectiveness of the struggle against terrorism could be enhanced by establishing a generally agreed upon definition of international terrorism,

Taking into account the proposal made at the forty-second session to hold an international conference on international terrorism, as referred to in agenda item 126 (*b*),

Taking note of the report of the Secretary-General, 77/

1. *Unequivocally condemns once again*, as criminal, all acts, methods and practices of terrorism wherever and by whomever committed, including those which jeopardize friendly relations among States and their security;

2. *Deeply deplores* the loss of human lives which result from such acts of terrorism;

3. *Also deplores* the pernicious impact of acts of international terrorism on relations of co-operation among States, including co-operation for development;

4. *Calls upon* all States to fulfil their obligations under international law to refrain from organizing, instigating, assisting or participating in terrorist acts in other States, or acquiescing in activities within their territories directed towards the commission of such acts;

5. *Urges* all States to fulfil their obligations under international law and to take effective and resolute measures for the speedy and final elimination of international terrorism and, to that end:

(*a*) To prevent the preparation and organization in their respective territories for the commission within or outside their territories of terrorist acts and subversive acts directed against other States and their citizens;

(*b*) To ensure the apprehension, prosecution or extradition of perpetrators of terrorist acts;

(*c*) To endeavour to conclude special agreements to that effect on a bilateral, regional or multilateral basis;

(*d*) To co-operate with one another in exchanging relevant information concerning the prevention and combatting of terrorism;

(*e*) To harmonize their domestic legislation with the existing international conventions on this subject to which they are parties;

6. *Appeals* to all States that have not done so to consider becoming party to the international conventions relating to various aspects of international terrorism referred to in the preamble to the present resolution;

7. *Urges* all States not to allow any circumstances to obstruct the application of appropriate law enforcement measures provided for in the relevant conventions to which they are party to persons who commit acts of international terrorism covered by those conventions;

8. *Urges* all States, unilaterally and in co-operation with other States, as well as relevant United Nations organs, to contribute to the progressive elimination of the causes underlying

international terrorism and to pay special attention to all situations, including colonialism, racism and situations involving mass and flagrant violations of human rights and fundamental freedoms and those involving alien domination and occupation, that may give rise to international terrorism and may endanger international peace and security;

9. *Welcomes* the efforts undertaken by the International Civil Aviation Organization aimed at promoting universal acceptance of and strict compliance with international air-security regulations, and its ongoing work on a new instrument for the suppression of unlawful acts of violence at airports serving international civil aviation;

10. *Also welcomes* the work undertaken by the International Maritime Organization on the problem of terrorism on board or against ships, and the initiative under way to draft instruments on the suppression of unlawful acts against the safety of maritime navigation and of fixed platforms on the continental shelf;

11. *Requests* the other relevant specialized agencies and intergovernmental organizations, in particular the Universal Postal Union, the World Tourism Organization and the International Atomic Energy Agency, within their respective competence, to consider what further measures can usefully be taken to combat and eliminate terrorism;

12. *Requests* the Secretary-General to seek the views of Member States on international terrorism in all its aspects and on ways and means of combatting it, including, *inter alia*, the convening, under the auspices of the United Nations, of an international conference to deal with international terrorism in the light of the proposal referred to in the penultimate preambular paragraph of the present resolution;

13. *Further requests* the Secretary-General to follow up, as appropriate, the implementation of the present resolution and to submit a report to the General Assembly at its forty-fourth session;

14. *Considers* that nothing in the present resolution could in any way prejudice the right to self-determination, freedom and independence, as derived from the Charter of the United Nations, of peoples forcibly deprived of that right referred to in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, particularly peoples under colonial and racist régimes and foreign occupation or other forms of colonial domination, nor, in accordance with the principles of the Charter and in conformity with the above-mentioned Declaration, the right of these peoples to struggle to this end and to seek and receive support;

15. *Decides* to include the item in the provisional agenda of its forty-fourth session.

68/ *Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 37* (A/34/37).
69/ Resolution 2625 (XXV), annex.
70/ Resolution 2734 (XXV).
71/ Resolution 3314.
72/ United Nations, *Treaty Series*, vol. 704, No. 10106, p. 219.
73/ *Ibid.*, vol. 860, No. 12325, p. 106.
74/ *United States Treaties and Other International Agreements*, vol. 24, part one (1973), p. 268.
75/ United Nations, *Treaty Series*, vol. 1035, No. 15410, p. 167.
76/ Resolution 34/146, annex.
77/ A/42/519 and Corr.1 and Add.1.

RECORDED VOTE ON RESOLUTION 42/159:

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussia, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Federal Republic of Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Lucia, Saint Vincent, Samoa, São Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leon, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, St. Kitts and Nevis, Sudan, Suriname, Swaziland, Sweden, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, USSR, United Arab Emirates, United Kingdom, United Republic of Tanzania, Uruguay, Vanuata, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Israel, United States.

Abstaining: Honduras.

Absent: Belize, Dominica.

Appendix IV:
Proposed Amendments to the Draft Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation

Article 3 (1) of the draft Convention, as presently submitted, did not deal with the unlawful acts committed against *persons*, such as their arrest or detention without the authority of the flag state, where the arrest or detention takes place on the high seas, or the authority of the territorial State within whose jurisdiction the ship may be navigating. Also, it did not deal with visiting or boarding such a ship for search, detention or arrest of passengers without the authority of the flag State or the State with jurisdiction over the ship, as the case may be. Such actions may properly constitute acts of terrorism against individuals concerned, and protection should be provided for them to ensure their safety.

Moreover, the offences singled out in paragraph (1) of Article 3 may, as pointed out by some States, be committed by organs of a State, such as its navy or airforce. The United Nations Convention on the Law of the Sea dealt with and prohibited private piracy, but it left out piracy by States, which, though uncommon, is not unfeasible. Therefore, the paragraph should be amended to include governments as well as persons, and offences committed by governments in that regard should be treated as crimes against humanity.

Article 106 of the United Nations Convention on the Law of the Sea provided for damages for seizure of a ship or aircraft without adequate grounds on suspicion of piracy. Similar provision for compensation should be included in the present draft Convention for ships detained or persons arrested or detained or injured as a result of, or in connection with, any of the offences enumerated in paragraph (1) of Article 3. This will be a civil action which may be pursued independently of any criminal proceedings.

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