

AI INDEX: MDE 15/02/98
7 JANUARY 1998

Israel: Amnesty International calls on Israel's High Court to respect international law by rejecting torture

As Israel's High Court of Justice embarks on a review of the use of certain interrogation methods by the General Security Service (GSS), Amnesty International calls on the court to reject continued use of these techniques, as they constitute torture and are in flagrant breach of Israel's commitments under international law.

"Israel is the only country in the world known to have effectively legalized torture by officially allowing such methods," Amnesty International said. "We are hoping for a clear ruling by the High Court that the use of such interrogation techniques is unacceptable."

Earlier this week, Aaron Barak, the President of the Israeli High Court, scheduled an unprecedented hearing by nine High Court judges to review the following interrogation methods: use of sleep deprivation for prolonged periods; forcing of detainees to remain in painful positions; hooding; and being forced to listen to loud noise for extended periods of time.

Aaron Barak ordered the session after the court heard an application by counsel for Fu'ad 'Abed Qur'an, a student at Bir Zeit University in the West Bank. The GSS is suspected of using the techniques being reviewed by the court to interrogate him since his arrest on 10 December 1997.

The methods under discussion today have been effectively legalized since the publication in 1987 of a report by an official commission of inquiry on interrogation, chaired by Justice Moshe Landau, at that time himself a High Court judge. The Landau Commission sanctioned the use of what it called "moderate physical pressure", defined in detail in secret guidelines, during interrogation. Ten years later these guidelines remain secret.

"A decision by the High Court condemning the use of these interrogation methods could be a key step towards ending the systematic use of torture and ill-treatment by the Israeli GSS, officially sanctioned since the publication of the Landau Commission report," Amnesty International observed.

Israel -- which ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1991 -- has since attracted strong criticism from the United Nations Committee against Torture (CAT) for its continued use of torture and ill-treatment.

During its 18th session in May 1997, the CAT declared that a number of interrogation techniques employed by Israel -- including the ones being reviewed by the High Court today -- constituted torture and contravene international law.

The Israeli High Court has a weak track record in handling cases concerning the GSS' use of torture and ill-treatment. In November 1996, for example, the High Court refused to issue an injunction to stop physical force being used in the interrogation of a Palestinian security suspect. The ruling attracted heavy criticism from international and local human rights organizations, as well as the CAT.

"The responsibility of the judiciary to protect human rights and prevent torture has been underlined in international human rights standards. The High Court now has the opportunity to live up to this responsibility and declare, loud and clear to Israel and the world, that the use of such interrogation methods constitute torture, and must be prohibited by Israeli law just as they are by international law," Amnesty International concluded.
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