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## **Israel: High Court should end the shame of torture**

The long-postponed review of some interrogation methods used by the General Security Service (GSS) starting on Wednesday in Israel's High Court must bring to an end the shame of the effective legalization of torture in the country, Amnesty International said today.

The methods to be reviewed include extremely violent shaking (still used despite causing the death of a detainee in 1995); sleep deprivation for periods of up to several days; forcing detainees to remain in painful positions for hours on end; forcing detainees to listen to incessant screeching music; prolonged squatting; confinement to cupboard-sized rooms and exposure to heat and cold.

"Israel is the only country in the world to have effectively legalized torture by authorizing interrogators to use these methods," the organization added.

In recent years, the Israeli High Court has frequently shown a willingness to sacrifice justice for security considerations and has more than once refused to issue injunctions banning the use of physical force during interrogation.

"It is now time for the court to speak out to end practices which contravene Israel's international commitment to end torture," Amnesty International urged.

"By outlawing torture and ill-treatment during interrogation the court would finally fulfil its sacred obligation to uphold justice, ethics and human rights."

The hearing on the matter was first scheduled in January 1998 by Aharon Barak, President of the Israeli High Court, after a case involving Fu'ad 'Abed Qur'an, a university student, interrogated -- like hundreds of other Palestinians -- by these methods. A sitting held in May 1998 was immediately adjourned. After hearing the petitions Chief Justice Barak commented that the question should be dealt with by the legislature.

The former United Nations Special Rapporteur on Torture said in his 1991 report: "Under circumstances in which torture is practised or condoned by the authorities, it is the judiciary which forms the last bastion for the protection of citizens' basic rights."

"The High Court should not further postpone the case; it should not pass the buck to the Knesset and it should certainly not rule in favour of practices amounting to torture," Amnesty International said.

### **Background**

Torture has been effectively legalized in Israel by various means:

- 1) secret guidelines to a report by the Landau Commission into interrogation methods in 1987 which authorized the GSS to use "a moderate measure of physical pressure" during interrogations.
- 2) a ministerial committee which has continued to approve the use of physical pressure by the GSS and, since 1994, has allowed the use of "increased physical pressure".
- 3) the Israeli High Court of Justice, which in individual cases has ruled that physical pressure can be used against detainees.

Israel uses the excuse that "torture might be necessary to save a roomful of people from a ticking bomb". However, under international law torture is always prohibited. Article 2 (2) of the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, which Israel ratified in 1991, states that: *"No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture."*

In addition, torture is used systematically against hundreds of Palestinians every year, even in situations where no "ticking bomb" is involved. The mockery of this argument is shown by the fact that in the majority of cases interrogators take weekends off, using interrogation methods constituting torture only from Sunday to Thursday.

The United Nations Committee against Torture, a committee of international experts which reviews countries' application of the United Nations Convention against Torture, stated in 1997 and 1998 that Israel's interrogation methods constituted torture or ill-treatment banned by the convention.

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**To arrange an interview with the Amnesty International observer who is attending the High Court hearing in Israel, please contact the Amnesty International Press Office on: + 44 171 413.5831**