

UA 308/99

Fear of t**ISRAEL/OCCUPIED TERRITORIES**

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In October 1999, a bill was introduced into Israel's parliament (the Knesset), which would allow the General Security Service (GSS) to torture or ill-treat detainees during interrogation. If the bill, which was signed by over 40 of 120 Knesset members, passes, Israel would be in breach of the object and purpose of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which it ratified in 1991. It would also be in breach of various other international treaties, such as the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child.

The bill - draft Criminal Procedure (Powers and Special Interrogation Methods for Security Offences) Law - would authorize GSS interrogators to use "special interrogation methods", including "physical pressure on ... [the] body" where there was a reasonable suspicion that a person had information which, if immediately revealed, could prevent danger to human life or state security.

**BACKGROUND INFORMATION**

Until September 1999, Israel was the only state in the world in which torture or ill-treatment was officially sanctioned. For years the GSS systematically tortured thousands of Palestinian "security" detainees during interrogation. In 1997 and 1998 the UN Committee against Torture declared that various GSS interrogation methods constituted torture and contravened Israel's obligations under the Convention against Torture.

In September, Israel's High Court ruled that the systematic use of various interrogation techniques by GSS interrogators was illegal. The techniques, which were used in combination, included: violent shaking; *shabeh*, where detainees are shackled to low sloping chairs in contorted positions for extended periods and forced to listen to loud music; *gambaz*, where detainees are forced to crouch for extended periods; excessive tightening of handcuffs; and sleep deprivation. The court did not rule out the *ad hoc* use of such methods in extreme circumstances. Following the High Court decision, the GSS reportedly ceased using these techniques. If passed the bill would nullify the High Court decision.

The Convention against Torture requires Israel to legislate to prevent acts of torture. In an attempt to do this a bill - the draft Penal Code (Amendment - Prohibition of Torture) Law was submitted to the Knesset in October which would make the infliction of torture, as defined in the Convention, a criminal offence.

**RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters in English, Hebrew or your own language:**

- emphasising to the Knesset members below that the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment requires Israel to "take effective legislative, administrative, judicial or other measures to prevent acts of torture";
- stating that, while you abhor deliberate or indiscriminate attacks on civilians, the Convention against Torture states that "no exceptional circumstances whatsoever ... may be invoked as a justification of torture";
- expressing grave concern that the draft Criminal Procedure (Powers and Special Interrogation Methods for Security Offences) Law, proposes to authorize the

GSS to use torture or ill-treatment in breach of Israel's obligations under international law;

- expressing concern that this law attempts to reverse the High Court's September 1999 ruling that the GSS' use of certain interrogation methods constituting torture or ill-treatment is illegal;

- urging the Knesset members below to vote against it and to encourage other Knesset members to do likewise;

- urging them to vote instead for the draft Penal Code (Amendment - Prohibition of Torture) Law and to encourage other Knesset members to do likewise.

- urging them to do everything in their power to ensure the Knesset incorporates the provisions of the Convention against Torture into Israeli law, as recommended by the UN Committee against Torture in 1997 and 1998 and to encourage other Knesset members to do likewise.

**APPEALS TO:**

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**Telegrams: Ophir Pines, Jerusalem, Israel**

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**Salutation: Dear Mr Pines**

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**Salutation: Dear Mr Rivlin**

Yitzhak Vaknin MK  
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**Salutation: Dear Mr Vaknin**

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**Salutation: Dear Mr Edelstein**

and copies of appeals to diplomatic representatives of Israel accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 10 January 1999.