

## **ISRAEL AND THE OCCUPIED TERRITORIES**

### **Oral Statement to the United Nations Commission on Human Rights on the Israeli Occupied Territories**

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Item 4

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Chairperson,

The State of Israel has effectively legalized torture despite being a State Party to the International Covenant on Civil and Political Rights and the Convention against Torture.

Israel has effectively made torture legal in three ways.

First, the General Security Service's use of "a moderate measure of physical pressure" was sanctioned in the government-approved 1987 Landau Commission Report. The physical and psychological methods which may be used are contained in secret guidelines to this report.

Second, since October 1994 the Israeli Government ministerial committee which oversees the General Security Service has renewed, at three-monthly intervals, the right to use increased physical pressure. The use of violent shaking of detainees is also authorized by this committee.

And third, in 1996 the Israeli Supreme Court ruled that the use of physical force, including the use of violent shaking, could continue against specified detainees.

Chairperson,

The Israeli Government has made three responses to the repeatedly-expressed concerns of Amnesty International on this use of torture.

First, the Israeli Government has denied that the ill-treatment under interrogation constitutes torture. The methods used - they are not disputed by the Israeli Government - include violent shaking. Detainees have described how they have been shaken by the collar several times for five or ten minutes each time; how their brain has spun and they have fallen unconscious on the floor. In April 1995 'Abd al-Samed Harizat, a Palestinian, violently shaken 12 times over a 12-hour period, fell into a coma and died without regaining consciousness. Neurologists state that violent shaking can cause death or brain damage. Official ministerial authorization for violent shaking continues.

Second, the Israeli Government maintains that detainees “are under constant medical supervision”. In a report made public last August, Amnesty International stated its concern that health professionals working with the GSS “form part of a system in which detainees are tortured, ill-treated and humiliated in ways which place current prison medical practice in conflict with medical ethics”.

The third response of the Israeli Government has been that those subjected to “physical force” are “terrorists”. Amnesty International recognizes that civilians have been deliberately and arbitrarily killed in Israel and the Occupied Territories by armed groups and has actively opposed such killings. Nevertheless, international standards freely ratified by Israel permit no exception to the prohibition of both torture and ill-treatment. Article 7 of the International Covenant on Civil and Political Rights which prohibits torture and cruel, inhuman or degrading treatment or punishment is non-derogable even in “time of public emergency which threatens the life of a nation”. The Convention against Torture states in its Article 2 that no circumstances whatever may be invoked as a justification for torture. In November 1996 the Committee against Torture in a public statement on the Israeli Supreme Court authorization of physical force reiterated that “despite any legal position there can be no circumstances which justify the use of torture”.

Chairperson,

Amnesty International fears that international acquiescence of Israel’s effective legalization of torture undermines the fabric of international human rights protection established by the United Nations during the past 50 years. Amnesty International calls on the Commission to express its deep concern about the effective legalization of torture in Israel and to urge the Government of Israel to take immediate steps to bring its law, security service regulations and practice into conformity with the international human rights standards it has freely ratified.

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