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## **ISRAEL: SUPREME COURT TO RULE ON TORTURE AND THE HOLDING OF HOSTAGES**

Amnesty International trusts that Israel's Supreme Court will act strongly and decisively in hearings on Wednesday 26 May 1999 and declare unlawful the use of torture and cruel, inhuman and degrading treatment as well as the holding of Lebanese nationals as hostages.

"The opportunity to put an end to these shameful practices should be seized. These cases must not again be postponed. We trust that the Israeli Supreme Court, which should act as a bastion for the protection of basic human rights, will ban torture and ill-treatment and the holding of hostages once and for all," Amnesty International said.

Tomorrow, the court will hear two groups of petitions. The first set challenge the lawfulness of various interrogation techniques which amount to torture and which are routinely used by Israel's General Security Service (GSS) against Palestinians. In the second group of petitions, 10 Lebanese nationals will claim that it is illegal for them to be held in administrative detention as "bargaining chips" in exchange for information about Israeli soldiers missing in action or their release.

"While we wait for the court's decisions, Palestinians continue to be systematically tortured by the GSS and Lebanese nationals continue to be held indefinitely in administrative detention," the human rights organization added.

### **Torture**

The effective legalization of torture in Israel came after the State accepted the recommendation of the 1987 Landau Commission of Inquiry report. The commission recommended that the GSS be allowed to use "moderate physical pressure" when interrogating persons suspected of "security" offences. A ministerial sub-committee which oversees the use of "physical pressure" during interrogations has, since 1994, authorized "increased physical pressure".

During interrogations of Palestinians the GSS routinely shackles detainees, with hoods on their heads, to low, sloping chairs and forces them to remain in this painful position for hours on end. Detainees are forced to listen to continuous blaring music and are subjected to sleep deprivation, sometimes for days. The GSS also uses violent shaking, which killed one detainee in 1995 and has rendered many unconscious, and isolation in cupboard-like rooms. Such methods are used notwithstanding Israel's ratification in 1991 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which prohibits torture and states that there can be no justification for torture even during a state of emergency.

The Israeli authorities deny that these interrogation methods constitute torture. But the Committee against Torture, a panel of UN experts set up to oversee implementation of the Convention against Torture, examined Israel's record in 1997 and 1998 and ruled decisively that these methods constituted torture and should stop immediately.

The Israeli Supreme Court (sitting in this case as the High Court of Justice) has invariably accepted the GSS' argument that these interrogation methods are necessary to maintain security. But at last, in 1998, the court ordered an unprecedented hearing to review the lawfulness of interrogation methods used against Palestinians.

During the last hearing, attended like this one by an Amnesty International observer, the Israeli State argued that other states used torture against "terrorists" and that in English law the police could be immune from criminal liability when using torture or ill-treatment under the defence of necessity. The State also quoted from a book entitled *Preventing Torture*, written by Professor Rod Morgan and Dr Malcolm Evans, and suggested the authors had argued that the use of a certain degree of physical force might not contravene international law.

For this hearing the petitioners have obtained affidavits from distinguished British lawyers showing that English law bans torture. In an expert opinion, Professor Morgan and Dr Evans "unequivocally reject" the State's interpretation of their work and argue that the use of physical force cannot be justified on the basis of necessity.

"It should now be clear to the Supreme Court and to the Israeli people that Israel is the only state in the world which not only uses but also justifies and accepts torture", said Amnesty International.

### **Arbitrary Detention of Lebanese Nationals**

The Israeli government is holding 21 Lebanese prisoners in exchange for the release of, or information on, Israeli soldiers who have gone missing in action in Lebanon. On Wednesday the Supreme Court will continue rehearing an appeal from 10 of these detainees challenging their continued imprisonment.

In November 1997, in a decision unprecedented in the world, the Israeli Supreme Court considered these petitions and ruled that it was legal to hold these men in administrative detention as "bargaining chips".

These detainees were sentenced to varying terms of imprisonment by Israeli military courts in the 1980s. In flagrant violation of international law, these 10 men are still held even though they completed their sentences up to 10 years ago.

They are held in near-total isolation at Ayalon Prison, only able to receive visits from their lawyer and delegates of the International Committee of the Red Cross. They are prohibited from receiving visits from their families or from the general public.

"This is the Supreme Court's last opportunity to reverse its decision that authorizes the Israeli government to engage in hostage-taking," Amnesty International said.

**To arrange an interview with the Amnesty International observer who is attending these two hearings, please contact the Amnesty International Press Office on +44 171 413 5831.**

