

AI INDEX: MDE 15/40/95
19 OCTOBER 1995

EMBARGOED UNTIL 0001 HRS GMT ON 23 OCTOBER 1995

**ISRAEL AND THE OCCUPIED TERRITORIES: AMNESTY INTERNATIONAL
CONDEMNS NEW DRAFT LAW EFFECTIVELY LEGALIZING TORTURE**

A draft law entitled the "Prohibition on Torture" bill which effectively legalises torture in Israel and the Occupied Territories is an outrage which violates Israel's treaty obligations, Amnesty International said today.

The human rights organization called on the Ministerial Committee for Legislation to amend the bill to ensure that torture, which has for years been systematically used against Palestinian detainees, is absolutely and effectively prohibited.

The "Prohibition on Torture" amendment to Article 277 of the Israeli Penal Law states that a public servant who tortures or authorizes torture is liable to 10 to 20 years' imprisonment. However, the bill defines torture as "severe pain or suffering, whether physical or mental, except for pain or suffering inherent in interrogation procedures or punishment according to the law".

Palestinian detainees under interrogation are frequently hooded, deprived of sleep, sometimes for four to six days while kept standing or sitting in painful positions, beaten, violently shaken and confined to narrow, cupboard-sized cells.

For years Amnesty International and other human rights organizations have exposed torture during Israeli interrogation of Palestinian detainees. The interrogation guidelines appended to the report of the 1987 Landau Commission of Inquiry allow the General Security Service (GSS, otherwise known as the Shin Bet or Shabak, the main security service involved in interrogating Palestinian "security" offenders) to use "a moderate measure of physical pressure". The details of these guidelines are secret. According to the Landau Commission the physical pressure "must never reach the level of torture".

But this is doublespeak. The treatment consistently described by detainees under interrogation is torture, which Israel is required to prevent as a party to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UN Convention against Torture).

The Israeli Government argues that it must take action against security threats. But Article 2 of the UN Convention against Torture states that "no exceptional circumstances whatsoever, whether...internal political instability or any other public emergency, may be involved as a justification of torture".

"This bill will simply reinforce the impunity of the GSS," Amnesty International said. "Four years after Israel ratified the UN Convention against Torture the Israeli Government should now cease playing with words and act to prohibit torture in Israeli interrogation centres."

The organization urges the Israeli Government, the Ministerial Committee for Legislation, and the members of the Knesset not to allow such a bill to go forward.

\ENDS