

Torture is the most basic denial of human rights and a society which claims to observe the rule of law cannot tolerate it

# Israel's shame

**Geoffrey Bindman**

**Y**ESTERDAY'S grenade attack in Israel underscores once again the hatreds with which the Middle East summit in Washington has been grappling. But there is one matter on which Israel — and Israeli judges — carry a special responsibility. In a week in which the rule of law has reached out to General Pinochet, whose Chilean henchmen were notorious torturers, we should not forget that Israel also permits torture. Torture is the most basic denial of human rights and a society which claims to observe the rule of law cannot tolerate it. In Israel the security services have tortured Palestinian detainees for many years without effective judicial intervention. Torture is

defined in the UN convention on torture (ratified by Israel in 1991) as "severe pain or suffering whether physical or mental" which is intentionally inflicted, usually for the purpose of extracting information. Among interrogation methods used by the security services in Israel are sleep deprivation for several consecutive days, prolonged shackling to a small chair in a position of extreme discomfort, playing non-stop loud music, forced standing against a wall for long periods, death threats, violent shaking, and hooding with a foul-smelling sack.

In 1987, in response to international pressure, the Israeli Government appointed a commission under Judge Landau, a former president of the supreme court, to advise on the legality of these methods. Astonishingly, it concluded that "moderate

physical pressure" was permissible. The Israeli government has continued to maintain that the techniques currently used are lawful. Between 1987 and 1994 more than 23,000 Palestinians were interrogated. The late prime minister

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The judges' failure to protect Palestinians from abuses is abysmal

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Yitzhak Rabin stated in 1995 that some 8,000 had been violently shaken.

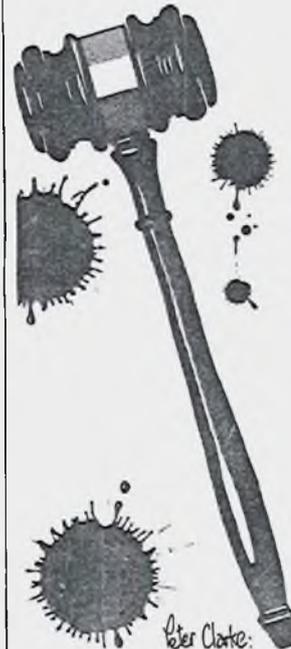
The committee against torture, the UN body which supervises the implementation of the torture convention, had said in 1994: "Moderate physical pressure" as a lawful mode of interrogation, is completely

unacceptable." In May 1997 the committee reached a similar conclusion after hearing Israeli representatives defending the legality of its practices. Again the committee stressed that the so-called "Landau rules" violated the convention. The UN's special rapporteur on torture took a similar view.

Meanwhile, little has changed. In 1996 and 1997 the human rights group **HaMoked** handled 155 interrogation cases. Torture took place in 85 per cent of those cases in which there was clear evidence. Numerous attempts have been made by **HaMoked** and other organisations to persuade the supreme court to protect the victims against these abuses of power but with little success. The court has consistently adopted the arguments of the state based on Landau and the supposed imperatives of national security. However,

the court has now decided to convene a rare nine-judge panel to review the many petitions on cases which are awaiting decision. Because the panel has already refused to make interim orders suspending torture pending the outcome of its review, the human rights organisations are not optimistic. B.Tselem, one of the most respected of them, claims that several judges have suggested that it is the responsibility of Israel's parliament to legislate on these matters.

By contrast, the Palestinian judges whom I met in Gaza earlier this year have shown great courage in declaring unlawful certain actions of the Palestinian authority. They have suffered reprisals from Mr Arafat and his ministers. The chief justice was summarily dismissed. The attorney-general resigned after



his order to release a detainee was flouted, and the commissioner-general of the Palestinian human rights commission has been imprisoned three times and tortured after pressing complaints of human rights abuses.

The Israeli legal profession, on the other hand, is highly trained in the Anglo-American legal tradition and its judges seek and receive the respect of their counterparts in Britain and the US. The current president of the supreme court was a former faculty member at Yale Law School. In Israel itself their authority is universally acknowledged. They do not need exceptional courage to do the right thing. Yet their failure to protect Palestinians from human rights abuses has been abysmal.

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