

Israeli parliament considers bill legalising torture

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The Israeli parliament is considering legislation that will permit the use of torture in certain circumstances. Likud party member Reuven Rivlin is sponsoring the bill. Although Likud is not part of Prime Minister Ehud Barak's coalition government, Barak is also in favour of such legislation.

The proposed bill follows last September's Supreme Court ruling prohibiting the General Security Service (GSS), also known as Shin Bet, from using physical force in its interrogations. The September ruling was acclaimed as a victory for human rights activists in their efforts to end the legalisation of torture. It followed numerous petitions over a long period from lawyers and human rights organisations challenging the use of torture, which came before the court in January 1998. The Supreme Court took nearly two years to publish its ruling.

Amnesty International, along with other human rights groups, welcomed the judgement and called on the government to enforce it. But some MPs want to overturn the court ruling and give torture explicit legal backing. If they succeed, Israel will be the first state in the world to do so.

While Israel is by no means alone in using torture, it is the only state that effectively legalised the use of interrogation methods that constitute torture or ill treatment. In 1987, a subcommittee of Israeli ministers, headed by then Supreme Court Judge Moshe Landau, agreed that the use of "moderate physical pressure" on detainees under interrogation was permissible in certain circumstances. Previously, the Supreme Court had accepted Shin Bet's arguments that such methods were "needed to combat terrorism" and had refrained from ruling on the legitimacy of GSS interrogation methods. The September ruling effectively overturned the Landau Commission's controversial ruling giving Shin Bet the green light to employ torture in certain cases.

The Supreme Court judgement stated that the Minister of Justice had the authority to allow interrogation, but the methods used had to be reasonable. It noted that a "reasonable investigation is necessarily one free of torture, free of cruel, inhuman treatment of the subject and free of any degrading handling whatsoever." The court then considered various methods of interrogation and ruled that there was no legal basis for the violent shaking of prisoners, sleep deprivation or forcing them to stand in painful positions for long periods. Its 27-page report revealed that interrogations routinely included threats, *Shabach* (the hooding of prisoners with urine-soaked sacks) and the blasting of prisoners with loud music. It ruled that these methods were not reasonable and should be

prohibited.

The court said Shin Bet's methods should not be different from those used by the police. *Shabach* was described as "harming the suspect and his (human) image. It degrades him. It causes him to lose sight of time and place. It suffocates him." The ruling continued that the state's declaration that "it will make an effort to find a 'ventilated' sack", was "not sufficient."

Despite widespread international condemnation, Israeli authorities defended what they called the use of "moderate physical pressure" on prisoners to obtain information about planned attacks on Israeli targets. Deputy Defence Minister Ephraim Sneh immediately condemned the Supreme Court decision, saying it would have a detrimental effect on Israeli security. "Limiting the Shin Bet's capabilities does not help protect Israel's citizens in the reality in which we live," he said.

Although Israel ratified the United Nations Convention against Torture, successive governments have argued that Shin Bet's practices were permissible under the circumstances, and did not amount to torture. Human rights groups have pointed out that the Convention allows "no exceptional circumstances whatsoever as a justification of torture". The UN Committee against Torture found Israel's authorisation of "moderate physical pressure" to be "completely unacceptable". It expressed concern at the "large number of heavily-documented cases of ill-treatment" of prisoners by Amnesty International and other human rights groups.

In what appears to be part of the growing splits within the Zionist establishment and increasing tensions between the Supreme Court and the government, the new Bill would authorise torture in certain circumstances. Last month, a parliamentary intelligence committee released a report, written five years ago by former state Comptroller Miriam Ben-Porat but kept secret until now on the recommendation of the Supreme Court.

The Ben-Porat report acknowledged for the first time that Israeli security forces had tortured detainees during the *Intifada*, the Palestinian uprising between 1988 and 1992. Even more importantly in relation to the proposed legislation, Shin Bet routinely went *beyond* the "moderate physical pressure" authorised by the 1987 Landau Commission (and now outlawed by the 1999 Supreme Court ruling).

The report said that agents systematically overstepped even these limits, especially at the interrogation centre in the Gaza Strip: "Most of the violations were not caused by lack of knowledge of the line between what was permitted and what was forbidden, but

were committed knowingly,” it said. “At the Gaza facility, veteran and even senior investigators committed very grave and systematic violations.” Furthermore, it accused security agents of lying to the courts about their actions. Previously, the Israeli government denied that it used any interrogation methods that amounted to torture.

The entire leadership of Shin Bet knew about the routine use of torture, but did nothing to stop it. The report said that security agents lied under oath about their activities in court, lied to other investigating agencies and in their reports to superiors. “The assurances of senior Shin Bet officials to the Landau Commission that truth-telling inside the organisation is enforced ... were found to have no basis in reality,” it said.

B'Tselem, the Israeli Information Centre for Human Rights in the Occupied Territories, estimated that in the 12 years since the Landau Commission, GSS interrogators tortured thousands, if not tens of thousands, of Palestinians. It said, “According to official figures, from 1987 to 1994, the GSS interrogated some 23,000 Palestinians. Based on a survey of cases handled by Hammoked: Center for the Defence of the Individual in 1996-97, B'Tselem estimates that some 85 percent of persons interrogated by the GSS were interrogated by methods constituting torture. In a 1995 interview with TV station *Voice of Israel* quoted in the newspaper *Ha'aretz*, the then Prime Minister Yitzhak Rabin said that “shaking” had been used against 8,000 detainees.

B'Tselem said that torture was not limited to people believed to be involved in terrorist organisations. It was regularly used against political activists from Islamic movements, students suspected of being pro-Islam, religious sages, sheikhs and religious leaders, people active in Islamic charitable organisations, relatives of those listed as “wanted”, and Palestinians in professions liable to be involved in preparing explosives.

The Ben-Porat report refers only to the torture of Palestinians in Israel. But 10 Lebanese prisoners released by the Israeli Supreme Court a few weeks ago have testified that torture was widely used in Khiam prison in South Lebanon. Torture methods included hooding, sleep deprivation, electric shocks applied through the fingertips and genitals, and solitary confinement in a room one-meter square. Although Khiam is ostensibly under the control of Israel's proxy militia, the South Lebanon Army (SLA), detainees say they have seen Israeli officers present when torture was carried out. Kamal Rizq, one of those released by the Supreme Court, said that Khiam is a place “where the SLA does the dirty work and Israel has deniability”.

The case of the 10 Lebanese prisoners highlights other human rights abuses by the Israeli government. Some of the 10 were held in almost complete isolation since 1996, detained for years beyond their original prison terms in flagrant violation of international law. The Israeli government was holding another 11 Lebanese prisoners in exchange for the release of, or information about, Israeli soldiers who had gone missing in action in the Lebanon. In the words of the 1997 Supreme Court ruling justifying their detention, they represented a “bargaining chip” in pursuit of a “vital interest of state”.

In other words, the Israeli state legalised hostage taking. It was expected the Israeli Supreme Court would publish a ruling

outlawing hostage taking last December, but this has still not been made public and no explanation has been given. It is widely assumed that Germany is still mediating with Hezbollah for the release of Ron Arad, an Israeli airman shot down in a bombing raid in October 1996. Hence the usefulness of preserving their “bargaining chips”.

The systematic use of torture and intimidation and the abuse of basic democratic rights are indispensable for the Israeli government in subjugating the Palestinian people and imposing its brutal occupation of South Lebanon. The appalling conditions under which the Palestinians live in Gaza and the West Bank have received some publicity, but those in South Lebanon have largely gone unreported.

Israel occupies a strip of southern Lebanon totalling some 1,200 square kilometres, but their control extends beyond the “security zone” through constant air raids, the destruction of infrastructure and the economy, the creation of refugees and the many civilian deaths.

There are 60,000 to 70,000 permanent residents in South Lebanon today—less than a quarter of the population living there before the Israeli invasion in 1978. Most of the original inhabitants moved north to the southern suburbs of Beirut or went abroad, mainly to the US. According to Galit Gelbort writing in the *Other Front*, the weekly publication of the Jerusalem-based Alternative Information Center, life there is akin to an open-air prison. When one family member is expelled, the entire family goes into exile.

There are more than 80 military bases in the Israeli protectorate, all constructed on confiscated land and connected by a military network of roads. The South Lebanon Army has barracks on the outskirts of every town and village. The Israeli occupation has paralysed the economy. Blockades are a weekly occurrence. No one is allowed to drive alone in a car. Under these conditions, it is impossible to develop the agricultural economy upon which the region depends.

Everyday existence means dependency on Israel for work, food and even visas for travel. All this is carried out with the full knowledge of the US, which funds Israel to the tune of \$2 billion a year to act as its policeman in the region, and in defiance of the 1978 UN resolution 425 demanding Israel's immediate withdrawal from Lebanon.



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