Legitimizing Torture:

The Israeli High Court of Justice Rulings in the Bilbeisi, Hamdan and Mubarak Cases

An Annotated Sourcebook

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B'Tselem: The Israeli Information Center for Human Rights in the Occupied Territories

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B'Tselem - the Israeli Information Center for Human Rights in the Occupied Territories

B'Tselem was founded in 1989 to provide information to the Israeli public and the international community about human rights violations in the Occupied Territories. B'Tselem publishes reports, engages in advocacy efforts and serves as a resource center.

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Introduction

In the course of 1996, the Israeli Supreme Court sitting as High Court of Justice (HCJ) has heard dozens of appeals by Palestinian detainees complaining of physical and psychological methods of "pressure" applied by General Security Service (GSS) interrogators.

The HCJ has on several occasions issued *orders nisi* and interim injunctions temporarily prohibiting the GSS from using some or all of these measures. However, in the cases where the State appealed against such injunctions, the HCJ has consistently sided with the State, permitting the GSS to use physical force and a variety of specific means of "pressure."

This source-book aims at providing the reader with the essential information needed to understand the three significant rulings issued by the HCJ in the course of 1996 on the subject, their implications for human rights in Israel, the Occupied Territories, and possibly beyond. The sourcebook includes the full texts of the three HCJ decisions, selected parts of other documents, relevant provisions of Israeli law and other material relevant to these cases, to which will be added a number of comments.[1]

Background

Both the legal justification for and the actual practices of interrogation were outlined in 1987 by the Commission of Inquiry into the Methods of Investigation of the General Security Service Regarding Hostile Terrorist Activities[2] (Landau Commission).

The Commission recommended that the GSS use psychological pressure and a "moderate measure of physical pressure," detailed in its secret annex. By that Commission's own definition, such pressure "must not reach physical torture, ill-treatment of the interrogee or severe harm to his honour which deprives him of his human dignity."[3]

Nevertheless, as early as 1991, B'Tselem determined that the interrogation measures used in actual practice by the GSS constitute torture as defined by international legal instruments.[4]

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1 These are intended to examine several aspects of the rulings, and put them in their wider legal contexts, but are obviously not an exhaustive discussion, legal or otherwise, of these rulings.

2 Report (Part 1), Jerusalem, October 1987. This part of the Commission's report (Landau Report) was published. The second, detailing permitted methods of interrogation, is confidential. The Commission was headed by former President of the Supreme Court, Moshe Landau. For extensive excerpts of the Government Press Office translation see 23 *Is.L.Rev* (1989) 146.

3 **Landau Report**, paras. 4.7 and , 3.16, respectively.

4 B'Tselem, **The Interrogation of Palestinians During the Intifada: Ill Treatment, "Moderate Physical Pressure" of Torture?** Jerusalem, B'Tselem, 1991. The reader is referred to this report for a wider discussion of the legal and general background of the issue of interrogation methods in Israel.

Subsequently, this was reiterated by other human rights organisations, including Amnesty International[5] and Human Rights Watch.[6]

In 1994, the Committee Against Torture, the UN body charged with supervising the implementation of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[7] stated that

The Landau Commission Report, permitting as it does 'moderate physical pressure' as a lawful mode of interrogation, is completely unacceptable to this Committee.[8]

Israel has not only ignored this unequivocal rejection of its policies and legal reasoning, but has, since September 1994, allowed the GSS additional "special permissions" to use what the press has termed "enhanced physical pressure." These "special permissions," granted, ostensibly for a limited period of time, following a wave of terrorist attacks, have routinely been extended ever since.[9]

It should be emphasized that, far from being used only in special circumstances, torture methods are used against a large number of Palestinian detainees. According to the last official estimate, some 23,000 Palestinians were interrogated by the GSS between 1987 and 1994.[10] According to the experience of B'Tselem and other human rights organisations, it is very rare indeed that the GSS interrogates Palestinians without using at least some of the methods described below. In 1995, following the death of a Palestinian detainee as a result of "shaking," the then Prime Minister, the late Yitzhak Rabin, said that this method had been used against 8,000 detainees.[11]

As this source-book shows, not even the death of that detainee has persuaded the Israeli govenment or, for that matter, the Supreme Court, to order that the GSS refrain from using either the method of "shaking", or any other of its harsh interrogation methods.

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5 Amnesty International, **Israel and the Occupied Territories: The Military Justice System in the Occupied Territories; Detention, Interrogation and Trial Procedures**, London, Amnesty International, 1991 (and see further the organization's annual reports)

6 Human Rights Watch, **Torture and Ill-Treatment: Israel's Interrogation of Palestinians from the Occupied Territories**, New York, Human Rights Watch, 1994.

7 UN General Assembly Resolution 39/46 of 10 December 1984.

8 **CAT/C/SR.184** (28 April 1994), Consideration of the initial report of Israel, para. 43(3)(4).

9 The latest extension, for three months, was done at the end of November, 1996.

10 *Ha-Aretz*, 15.1.95, citing the State Attorney.

11 Interview in "weekly diary", Kol Israel (Israel's state-owned radio station), 29.7.95, quoted in both *Ha-Aretz* and *Davar* daily newspapers, 30.7.95.

Relevant Israeli law

1. ***Section 277 of the Israeli Penal Code*** (verbatim translation):

A public servant who commits one of the following is liable to imprisonment for three years:

(1) uses or directs the use of force or violence against a person for the purpose of extorting from him or from anyone in whom he has interest a confession of an offense or information relating to an offence;
(2) threatens any person, or directs any person to be threatened, with injury to his person or property, or to the person or property of anyone in whom he has interest, for the purpose of extorting from him a confession of an offence or information relating to an offence.

2. ***Article 34(11) of the Penal Code*** (verbatim translation)

Necessity

A person shall not bear criminal liability for an act which was immediately necessary in order to save the life, freedom, person or property, be it his own or that of another, from a concrete danger of severe harm stemming from the conditions existing at the time of the act, and having no other way but to commit it.

Relevant restrictions on the above (summary):

34(15) Obligation to withstand danger or threat (when a person is obliged by law or according to his official capacity to withstand danger or threat)

34(16) Exceeding the reasonable (when the act was not reasonable under the circumstances to prevent the harm)

Additional Provisions:

34(18) Mistake regarding the situation

34(19) Mistake regarding the legal situation (only if reasonably unavoidable)

34(20) Defence of judicial authority (judicial officials are not liable to acts committed in this capacity).

These two cases follow a similar pattern, whereby the HCJ initially issued interim injunctions prohibiting "the use of physical force," only to subsequently annul them, at the request of the State.

I. The Bilbeisi Case[12]

A. Translated Text of the HCJ Decision

At the Supreme Court sitting as High Court of Justice

HCJ-VR[13] 336/96
(HCJ 7964/95)

Before:	Justice G. Bach Justice M. Heshin Justice Y. Zamir
Appellant:	'Abd al-Halim Bilbeisi
	v.
Respondent:	The General Security Service
	Petition for Annulment of Interim Injunction
Date of Session:	11.1.96
Counsel for Appellant:	Adv. Andre Rosenthal
Counsel for Respondent	Adv. Shai Nitzan

Decision

1. This is a request by the Respondent to annul the interim injunction issued by this Court (by Justices Matza, Heshin and Dorner), within the petition under discussion, on 24.12.95.

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[12] *'Abd al-Halim Bilbeisi v. The General Security Service, HCJ 7964/95*, HCJ-VR 8181/95 (Bilbeisi case), decision of 11.1.96.

[13] High Court of Justice - various requests.

The Appellant is a detainee, who was detained on suspicion of involvement in security offences, and following his petition an *order nisi* was issued, by which the Respondent was directed to show reason why it tortures the Appellant and why it uses the method of shaking during his interrogation.

The Court also ordered "that an interim injunction be issued from it directed at the Respondent and requiring it to refrain from making use of physical force pending a different decision in this petition."

The Court added, further, in the decision of 24.12.95, that "the Respondent has leave to request a hearing on the continued application of the interim injunction, and should such a request be made, it will immediately be brought for a hearing in front of a panel."

2. The situation envisaged as a theoretical possibility, as mentioned in the last passage *supra*, actually took shape, and yesterday, the 10.1.96, the Respondent approached us requesting an immediate reconsideration of the said interim injunction, and its annulment.

This owing to a significant development which took place regarding the interrogation of the Appellant following the issuing of the *order nisi* and the interim injunction.

In an additional affidavit presented by the Respondent on 10.1.96, the following was stated in this context:

> In the meantime extremely significant developments have occurred in the interrogation of the Appellant. Thus, for example, the Appellant admitted a few days ago that it was he who had planned the bloody terrorist attack that took place at Beit Lid junction, in which two suicide bombers blew themselves up on 22.1.95, killing twenty-one Israeli citizens.
>
> The Appellant admitted, *inter alia*, that three explosive devices had been prepared in his home, intended to be used in that terrorist attack; that he had transferred the devices to the hiding place, then led the two suicide bombers, gave them the explosive devices and led them to the site of the attack; and more.
>
> The Appellant explained, that since a third suicide bomber who was meant to participate in the terrorist attack had not arrived on the day of the attack, one explosive device was left at the hiding place without being used. The Appellant disclosed the location of the hiding place where the device was, and based on the information provided by him, the device was located on 6.1.96 and neutralized.
>
> It was further established, from additional information gathered during the interrogation, that a very clear probability exists that the Appellant possesses information regarding the planning of serious terrorist attacks in Israel in the near future.

The Respondent informed us that, for reasons of State security, it would be impossible to expose details of the latter information gathered during the interrogation, and a document of confidentiality in this matter was presented to us, signed by the Prime Minister and Minister of Defence. It was nevertheless noted, that the Respondent agrees to present the confidential material to the Court Judges alone.

It was further stated in the Respondent's affidavit:

> As noted, in the past few days we have received additional information evident of a high rise of terrorist attacks in Israel in the near future.
>
> Having considered the new information which reached us in the past [sic], we have reached the conclusion that in this case there exists a clear and present danger of harm to human lives.

Following is the conclusion that the Respondent reached from the above:

> In these circumstances, and for reasons of professional considerations, the Respondent has decided that there exists a vital and urgent need to immediately continue the interrogation of the Respondent without the needs of interrogation being subjected to the restrictions placed in the interim injunction.

3. The learned Counsel for the Appellant has informed us during the hearing of the Respondent's request, that the Appellant does not see a need for the Judges of the panel to examine the confidential material. Advocate Rosenthal stated before us that he is prepared to accept as true and correct, for the sake of this request, all the factual statements made in the affidavit presented to us by the Respondent.

Nevertheless, he requested not to annul the interim injunction, although he is prepared to limit it to the Respondent's refraining from the use of the method of shaking, mentioned in the Appellant's original petition.

4. In view of the statements made to us by the learned Counsels of the two sides, and considering the circumstances as a whole, we have decided to grant the Respondent's request.

This, noting the following remarks and points:

(a) The interim injunction was issued on 24.12.95 based on a general, undetailed claim by the Respondent that the Appellant was suspected of terrorist activity. Against that claim, the Appellant made a written and signed statement that he was not involved in any illegal activity and there is no basis to the claim that he was responsible for killing Jews.

This situation changed fundamentally following the development in the interrogation whereby, according to the Respondent's affidavit, the Appellant

admitted to being responsible for the terrorist attack in Beit Lid where many civilians had been killed, and he does not deny this responsibility before us.

(b) Since, as noted, Counsel for the Appellant accepts as true the contents of the Respondent's affidavit, according to which the Appellant has additional information regarding the planning of serious terrorist attacks in Israel in the near future, we have to assume that revealing this information by the Respondent may save human lives.

(c) In these circumstances we no longer find justification for the continued application of the interim injunction. Nevertheless, it is obvious that the annulment of the interim injunction does not constitute permission to take during the interrogation of the Appellant steps which are not in accordance with the law and with the regulations binding in this matter. We would especially like to draw attention to all the restrictions accompanying the defence of necessity as it is stipulated in Article 34(11) of the Penal Code, in addition to all the restrictions stemming from the binding regulations. The Respondent is indeed aware of these restrictions, as it has stated before us, and no doubt it will act in this instance, as in any instance, within the law.

(d) Our decision concerns only the interim injunction issued in this case, and it does not constitute a final statement of our position regarding the question of principle raised by the Appellant in the petition for an order nisi, which we have refrained from discussing today, in deference to the request made by Counsel for the Appellant.

We therefore decide to annul the interim injunction issued on 24.12.95, subject to all that has been stated above.

Given today, 11.1.96

Justice Justice Justice

B. Additional Information and Comments:

1. Methods Used in Bilbeisi's Interrogation:[14]

i Tying up in painful positions
ii Hooding
iii Sounding of loud music
iv Sleep deprivation[15]
v Enforced squatting
vi Violent shaking.

The State has either acknowledged or refrained from denying the use of the above methods.

2. "Shaking" (Tiltul):

A method of interrogation consisting of holding the detainee by the collar of his shirt and violently shaking him. On 25.4.95, a Palestinian detainee, 'Abd a-Samad Harizat, died as a direct result of this method, although it was claimed that one of the interrogators had held Harizat by the shoulders rather than by the collar.[16] The State nevertheless acknowledged that Harizat may have died as a result of "shaking" in the "regulated" way. Nor did it exclude the possibility of further deaths as a result of "shaking." In response to an appeal in principle against the use of this method,[17] the State argued, rather, that this method does not constitute torture, as "the risk expected to the life of a GSS interrogee as a result of shaking is a **rare** risk."[18] The case has been pending before the HCJ for over a year, and the HCJ has refused to issue an interim injunction prohibiting the use of this method pending its decision.

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[14] See *'Ala 'Umar Abu 'Ayyash et al v. GSS*, **HCJ 7964/95**, Request for *Order Nisi* and Interim Injunction, 21.12.95; Statement by the Attorney General's Office, 20.12.95; Response by Respondent to Statement and Request by Appellant, (affidavit by "alias 'Abu Id'" of the GSS, 3.1.96).

[15] The above four methods will be discussed in detail in the context of the Mubarak Case, below.

[16] For a detailed analysis of this case see Amnesty International, **Death by Shaking: the Case of 'Abd al-Samad Harizat**, London, October 1995, AI Index: MDE 15/23/95.

[17] **Association for Civil Rights in Israel v. the Prime Minister et al, HCJ 4045/95 (ACRI case)**

[18] **ACRI Case**, Response by the Respondents, 13 December 1995, para. 27. Emphasis in the original. See also para. 21. The argument is repeated in paras. 28, 34, 35.

3. The Implications of the Decision

The legal battle centered on the use of physical force, and particularly the method of "shaking." In light of the severity of this method, Adv. Andre Rosenthal, Counsel for the Appellant, went as far as to agree to limit the interim injunction to that method alone. In the court's words,

> he [Adv. Rosenthal] requested not to annul the interim injunction, although he is prepared to limit it to the Respondent's refraining from the use of the method of shaking, mentioned in the Appellant's original petition.[19]

In light of this, the Court's decision to allow "the use of physical force" without excluding "shaking" can only be interpreted as permitting the use of a potentially lethal method of interrogation.

4. The Legal Issue - "Defence of Necessity"

The Landau Commission was aware that its proposed interrogation methods would stand in clear breach of the prohibition in Israel's Penal Code of the use of **any** violence during interrogation (see e.g. art. 277 above), as well as of other legal provisions regarding the treatment of detainees, such as regulations according to which a detainee must be allowed to sleep for at least six consecutive hours daily.[20] The Commission therefore attempted to circumvent this obstacle by claiming that in special circumstances, the general "defence of necessity" in Israeli law (see above) would apply, allowing the interrogator to break the letter of the law in order to avoid "a greater evil."[21]

As early as 1991, the HCJ in effect adopted this interpretation,[22] a trend which culminated in the Bilbeisi decision, in which the "defence of necessity" was cited in justifying an explicit permission for interrogators to use violence.

From the point of view of international law in general, and the Convention Against Torture in particular, the use by a State's government and judiciary of this defence, or any other legal construction, to breach the absolute prohibition of torture,[23] is unacceptable. The Convention

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19 **Bilbeisi Case, Ruling**, para. 3.

20 Regulation 11 of the **Prisons Regulations**, 1978.

21 **Landau Report**, esp. paras. 3.8-3.16.

22 *X et al the State of Israel, HCJ 532/91*, p. 5. ff.

23 Article 2(2) of this Convention reads:

> No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification for torture.

Against Torture holds the State responsible for any infliction of severe pain or suffering for purposes including, *inter alia*, "obtaining from him or a third person information,"

> ... when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.[24]

This clearly means that a State using such means of legitimising torture has failed to abide by its commitment, in accordance with art. 2(1) of the Convention, namely:

> Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.

Thus the Committee Against Torture stated in 1994, commenting on Israel's policy in this context:

> It is a matter of deep concern that Israeli laws pertaining to the defences of 'superior orders' and 'necessity' are in clear breach of that country's obligations under article 2 of the Convention Against Torture.[25]

This, in addition to a long string of other human rights and humanitarian law instruments which prohibit torture.

[24] Art. 1(1) of the Convention.

[25] **CAT/C/SR.184** (28 April 1994), Consideration of the initial report of Israel, para. 43(3)(3).

II. The Hamdan Case[26]

A. Translated Text of the HCJ Decision

At the Supreme Court sitting as High Court of Justice

HCJ 8049/96

President A. Barak
Justice M. Heshin
Justice E. Matza

Appellant: Muhammad 'Abd al-'Aziz Hamdan
Represented by Adv. Rosenthal
of Jaffa St. 33 Jerusalem

v.

Respondent: The General Security Service
Represented by the Attorney-General's Office
Ministry of Justice, Jerusalem

Decision

President A. Barak:

1. The Appellant is under administrative detention. He is interrogated by the Respondent. He presented (on 12.11.96) an appeal to this Court. In it he complained about the use of physical force against him during interrogation. He requested that the Respondent come and give reason why it does not stop using these means of interrogation. An interim injunction was also requested to prohibit the use of physical force pending a decision on the appeal. The appeal was scheduled for an urgent hearing (for 14.11.96). A notification to that effect was given to the Attorney General's Office (on 13.11.96). Counsel for the Respondent (Mr. Shai Nitzan) requested the postponement of the hearing. He noted that in view of the short period remaining before the hearing, he had not been able to conduct the inquiries necessary for responding to the appeal. It was nevertheless remarked that "from the inquiries conducted by telephone it has emerged that the Respondent has no intention of using physical force against the Appellant at this stage of the interrogation. Therefore, and without admitting the accuracy of the facts included in the appeal, the Respondent informs the Court that it agrees to the issuance of an interim injunction, which prohibits the use of physical force against the

[26] *Muhammad 'Abd al-'Aziz Hamdan v. the General Security Service*, **HCJ 8049/96**, Decision of 14.11.96.

Appellant, pending a hearing of the appeal." On the basis of this statement an interim injunction was issued, as requested in the appeal (on 13.11.96).

2. Today (14.11.96) a request was presented to us on behalf of the Respondent for an urgent hearing of a request to annul the interim injunction. Explaining this position, Mr. Nitzan remarked that "in the mean time the necessary inquiries have been conducted, and the Respondent has come to possess very recent information regarding the issue under discussion, following which the Respondent has decided to request that the interim injunction which was issued regarding the Appellant be immediately annulled."

3. In the request presented to us it was stated that the Appellant had been arrested as early as 1992 for interrogation, during which he confessed to belonging to and being active in the Islamic Jihad cells. Upon completion of the interrogation he was deported to Lebanon as part of the deportation of activists of his organisation and the Hamas organisation. When he returned he was sentenced to three additional months of imprisonment which he finished serving in February 1994. In July 1995, he was detained for a month-long administrative detention. In March of 1996 he was detained by the Palestinian Authority during arrests of activists from extremist terrorist organisations. The Appellant was free for some two months before being detained (on 24.10.96) in administrative detention. This detention was effected in view of information associating him with activity within the Islamic Jihad organisation.

4. The Respondent goes on to note in the request presented to us, that a few days prior to the Appellant's arrest the Respondent received information from which emerged a well-founded suspicion that the Appellant possesses extremely vital information the immediate procurement of which would help save human lives and prevent serious terrorist attacks in Israel which there is real concern are to be carried out in the near future. The Appellant was therefore transferred to the detention centre in Jerusalem, and his interrogation began. In the course of the interrogation further data accumulated, which strengthened the information and the concerns which the Respondent alludes to above. The Respondent noted in it's request, that such information was actually received during the last few days, including last night. The Respondent has reached the conclusion that a vital and urgent need exists to continue immediately the interrogation of the Appellant, without the needs of interrogation being subjected to the restrictions imposed by the interim injunction. The removal of these restrictions is necessary, in the opinion of the Respondent, so that the information which Appellant possesses can be exposed immediately and the danger to human lives prevented. The Respondent noted further that, in it's opinion, the application of such force, in the present situation, is permitted by law, which allows the application of physical force as well, in a situation where the conditions for the defence of necessity provided for in article 34(11) of the Penal Code (1977) exist.

5. During the evening we discussed the request. We heard the arguments of Mr. Nitzan. He stated before us that the physical means which the Respondent intends to use do not constitute "torture" (within the meaning of this term under the Convention Against Torture). Mr. Nitzan further noted that all these means fall under the defence of necessity (stipulated in article 34(11) of the Penal Code), the conditions for which exist in his opinion in the present circumstances. In contrast, Mr. Rosenthal noted that this defence is not available to the

interrogators of the Respondent [sic]. With Mr. Rosenthal's consent, we heard the interrogators of the Respondent [sic]. They described to us both the intelligence picture generally and that relevant in particular to the Appellant.

6. After having studied the classified material presented to us, we are satisfied that the Respondent indeed possesses information which could substantiate a substantiated suspicion[27] that the Appellant possesses extremely vital information, the immediate procurement of which would prevent an awful disaster, would save human lives, and would prevent very serious terrorist attacks. Under these circumstances, we believe that there is no justification for the continued existence of the interim injunction (*'Abd al-Halim Bilbeisi v. General Security Service* HCJ-VR 336/96). Needless to add, the annulment of the interim injunction does not constitute permission to take during the interrogation of the Appellant measures which are not in accordance with the law, and which are in breach of the law. On this point, no information has been provided to us regarding the ways of interrogation which the Respondent intends to pursue, and we do not express any opinion regarding them. Furthermore: Our decision is directed solely at the interim injunction and does not constitute a final position regarding the questions of principle which were put before us, and which relate to the applicability of the defence of necessity and its scope.

Therefore, we have decided to annul the interim injunction issued on 14.11.96.

Justice E. Matza: I agree.

Justice M. Heshin: I agree.

Decided in accordance with the ruling of President Barak.

Given today, 14.11.96

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[27] In Hebrew: levases hashad mevusas.

B. Additional Information and Comments:

The HCJ has relied in this case as well on the "defence of necessity," as justification for the "use of physical force" in interrogation. For an analysis of this point see the Bilbeisi case.

1. Methods Used in Hamdan's Interrogation:[28]

i Tying up in painful positions
ii Hooding
iii Sounding of loud music
iv Sleep deprivation
v Threats (including death-threats)
vi Violent shaking.

The State neither admitted nor denied having used any of these methods.

2. The HCJ's Indifference as to Whether Torture is Being Carried Out

As noted by the Court, Adv. Nitzan argued before it,

> that the physical means which the Respondent intends to use do not constitute "torture" (within the meaning of this term under the Convention Against Torture).[29]

Adv. Rosenthal, on the other hand, stated that, "the Appellant claims that shaking is torture."[30]

The Court not only refrained from supporting or rejecting either view, but went on to state explicitly that,

> [O]n this point, no information has been provided to us regarding the ways of interrogation which the Respondent intends to pursue, and we do not express any opinion regarding them.[31]

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28 **Hamdan Case**, Appeal for an Order Nisi and Interim Injunction, 12.11.96.

29 **Hamdan Case - Decision**, para. 5.

30 **Hamdan Case**, Appeal for Order Nisi and Interim Injunction, para. 3.

31 **Hamdan Case - Decision**, para. 6.

The Court had stated earlier that,

> the annulment of the interim injunction does not constitute permission to take during the interrogation of the Appellant measures which are not in accordance with the law, and which are in breach of the law[32]

However, this cannot suffice to prevent the GSS from torturing Hamdan, given that the Court had already allowed the GSS to "use physical force" in breach of the prohibition thereof in the penal code.

The fact that the Court left open the question of whether or not the means the GSS intends to use against Hamdan constitute torture, means in effect that it allows, pending the determination of its "final position," the use of methods which **at the very least may** constitute torture, in blatant disregard of universally accepted norms of conduct.

Israel has ratified the Convention Against Torture, but its "dualist" legal system precludes this Convention's justiciability in domestic courts before the Knesset amends domestic legislation, so as to make it compatible with the Convention. However, as the HCJ itself had observed more than once, general, or customary international law **is** justiciable in domestic courts.[33] That the prohibition of torture is a norm of international custom is hardly a point of contention.[34]

Moreover, Hamdan is a Palestinian from the West Bank, and Israel's treatment of him should be also governed by international humanitarian law. The Fourth Geneva Convention defines as a "grave breach" the torture[35] of **any** "protected persons."

While the HCJ has emphasized in its decisions in the Bilbeisi and Hamdan cases that these do not constitute its final position as to the legality of "shaking" and other methods, it would be somewhat embarrassing for the Supreme Court Judges to describe as "torture" a method the use of which they themselves have sanctioned. It is thus feared that these very decisions would make it difficult for that Court, once it comes around to state its final position, to give the GSS' "pressure" methods their proper name - torture.

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32 Ibid.

33 See e.g *Attorney-General of the Government of Israel v. Eichman*, District Court of Jerusalem, 1961, para. 10. ff. *passim*.

34 In the words of Theodor Meron, "...the basic prohibition of torture stated in the convention [against torture] clearly reflects customary and even *jus cogens* norms...", in *idem*, **Human Rights and Humanitarian Norms as Customary Law**, Oxford, Clarendon, 1991, p. 23.

35 Art. 147 of the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949.

3. Reaction of NGO's and of the UN Committee Against Torture

The Hamdan decision received wide media coverage. The UN Committee Against Torture was quick to react to the decision. On November 19, 1996, the Committee's Chairman, Alexis Dipanda Mouelle (Cameroon) issued a reproachful statement (see Appendix 2).

International, Israeli and Palestinian human rights organisations, working in close cooperation, then attempted to convince the Committee to take a further step, suggesting that it exercise its powers under article 19(1) of the Convention Against Torture to request a special report from Israel on the decision. B'Tselem's letter, to which a full translation of the Court's decision was attached, is included in Appendix 1.

The Committee Against Torture did in fact, and for the first time since its inception, request such a report (see Appendix 3), which is to be discussed at its next session.

4. Subsequent Developements

On December 17, 1996, the HCJ issued another interim injunction prohibiting the GSS from "the use of physical force" against Hamdan, this time with the State's consent.

On December 24, Hamdan was issued an administrative detention order for a period of four months. In other words, after more than a month of interrogation, the GSS has no evidence, not even *prima facie* evidence, against Hamdan of any wrongdoing whatsoever.

III. the Mubarak Ruling[36]

In this case, the HCJ rejected an appeal to issue an *order nisi* and an interim injunction against the use of interrogation methods not involving the use of direct violence.

A. Translated Text of the HCJ Decision

At the Supreme Court sitting as High Court of Justice

HCJ 3124/96

Justice A. Goldberg
Justice M. Heshin
Justice D. Dorner

Appellants: 1. Khader Mubarak
2. The Public Committee against Torture in Israel

v.

Respondent: The General Security Service

Decision

The Appellant has presented four arguments, each of which, according to him, could point to torture during interrogation.

The first argument is that he has been interrogated with his hands shackled, in a painful position whereby his arms are stretched backwards, through a low chair on which he sits. Regarding this issue we have heard the explanations of Counsel for the Respondent that shackling at the back during waiting for interrogation is done in order to safeguard the security of the interrogation facility and of the interrogators, and in order to prevent the interrogee from attacking his interrogators, which indeed has happened in the past. In any case, it was stated before us that shackling interrogees, including the Appellant, is not for purposes of interrogation, and that the interrogee's hands are not stretched backwards, and all measures are taken, as much as is possible, so that the shackles do not press or rub against the interrogee's hands. It is nevertheless clear, and agreed, that shackling the interrogee as described by the Appellant in article 1(e) of his appeal is forbidden.

The second argument of the Appellant deals with covering his head with a sack which reaches his shoulders. Regarding this issue we have heard the explanations of the Security Service

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36 *Khader Mubarak et al v. the General Security Service*, **HCJ 3124/96**, Decision of 17.11.96.

representative as to the nature of covering the head thus, which is principally intended to prevent the interrogee from identifying other interrogees during waiting, the identification of whom may harm the interrogation or cause other security harm. We are satisfied that this measure is used in a reasonable manner for the purposes of interrogation, and it does not deprive the interrogee of proper ventilation and normal breathing, and it does not, either by its intention or in actual practice, cause pain which constitutes torture.

The Appellant added that while he waits for interrogation loud music is sounded. It becomes clear from the statement by the Attorney-General's Office that the music is sounded in the interrogation facility while the interrogee waits for interrogation with others, and this is done in order to prevent the interrogees waiting for their interrogation from communicating with each other. According to this explanation the music is heard by everyone present in the area, including the security personnel.

The Appellant raises a fourth argument, to wit that the interrogators deprive him of sleep for long hours during waiting for his interrogation. We have heard, *in camera*, the explanations of the Security Service representative regarding this subject, and it emerges from them that the issue is not one of active sleep deprivation, but of periods of time during which the Appellant was held waiting for interrogation without being given a break designed especially for sleep. Regarding this subject it appears to us that the necessities of security, the reasons for which the Appellant was detained, and the pressing need to prevent loss of life, as brought to our attention *in camera*, justified an intensive interrogation of the Appellant in the way it was conducted, and when it became possible the Appellant was sent to his cell to sleep.

Subject to what we have said, to wit that painful shackling is a prohibited act, we do not find it necessary to issue an interim injunction in this case.

Given today, 17.11.96

B. Additional Documents

1. Article 1(e) of *HCJ 8124 Khader Mubarak et al v. The GSS*, Appeal for an *order nisi* and interim injunction, 14.11.96

The Interrogators are using a painful position, whereby his [the Appellant's] arms are stretched backwards and tied by means of shackles which are placed through a low chair on which he sits. The chair is lower than a kindergarten chair, and merely sitting on it for hours causes him pain and suffering as well. Because of the form of tying up, the Appellant cannot move at all. After a few hours in this position, the muscles contract. The Appellant stopped feeling his legs on several occasions, due to the fact that he sits on such a low chair, and to the fact that his legs are also shackled.

The shackles on his wrists are so tight that they cause swelling and slight abrasion in the skin of his wrists. In addition, the interrogators place a foul-smelling sack on his head which reaches his shoulders. Loud music is sounded almost incessantly, more than what is needed to prevent conversation among the detainees in "waiting" for their interrogation, side by side.

2. *Khader Mubarak et al v. the GSS, HCJ 8124/96*, Statement by the Attorney-General's Office, 17.11.96 (numbers signify paragraphs, summarised unless quotation marks are used). [By Shai Nitzan, Senior Deputy to the Attorney-General]

1. Appellant is active in Hamas, and there is new information which connects him to Hamas military activists.
2. "From classified information in the possession of the Respondent it also emerges, that the Appellant possesses information, the immediate procurement of which would help - it is highly likely - prevent future terrorist attacks. The interrogation is intended for the procurement of this information."
3. "Under these circumstances, and in view of the seriousness of the suspicions regarding which the Appellant is being interrogated, and the crucial importance of procuring the information in his possession, it was necessary to interrogate the Appellant in intensive interrogation. This necessity still exists."
4. Therefore the State cannot allow the Applicant to sleep as much as he pleases.
5. Shackling: "...the Appellant's claim that while he was shackled, the shackles on his hands are intentionally tightened greatly, so much so that they cause swelling and friction in the skin of his hands is totally denied. This is not so, and the shackles are placed in a perfectly regular way.
   "It is also denied that the Appellant is tied up in a manner causing his arms to be stretched back."
   Feet are shackled for only a few hours (for security reasons).
6. Covering eyes: for security reasons (avoiding contact between detainees).
7. Music: for security reasons, and GSS personnel are exposed to it as well.

3. Details of the Process of Interrogation and Detention of Khader Mubarak, attached to *Khader Mubarak et al v. the GSS, HCJ 8124/96*, Statement by the Attorney-General's Office, 17.11.96, pp. 2-5 [underlining in the original]:

		[amount of time]	[date]	[time]	
Waiting		55m.[37]	21.10	11^{05}	
Interrogation		1^{15}			
Waiting	-	10^{30}			
Interrogation		2^{22}			46 hours
Waiting	-	19^{05}			
Interrogation	-	1^{45}			
Waiting	-	7^{30}	23.10	07^{00}	
Rest	-	2^{00}			
Waiting	-	8^{10}	23.10	09^{00} - 17^{20}	8 hours
Interrogation	-	10 minutes			
Rest	-	$3^{1/2}$ days	23.10 until 27.10		
Waiting	-	6^{45}	27.10	9^{45}	
Interrogation	-	1^{30}			
Waiting		15^{50}			46 hours
Interrogation		2^{10}			
Waiting	-	19^{30}	29.10	08^{00}	
Interrogation	-	30 minutes			
Rest		5^{50}	29.10	08^{00} - 13^{45}	
Waiting	-	5^{45}	29.10	13^{50}	
Interrogation		40 minutes			
Waiting	-	14 hours			48 hours
Interrogation	-	2^{30}			
Waiting	-	40 minutes			
Interrogation	-	10 minutes			
Rest	-	4 days	31.10 at 13^{30}	19^{45} on 4.11	

[37] Minutes.

Waiting	-	25m.	4.11.96		
Interrogation	-	55m.			
Waiting	-	17^{35}			
Interrogation	-	35m.			
Waiting	-	26^{15}			
Interrogation	-	10m.			47 hours
Rest	-	14h.			
Waiting	-	1^{10}			
Interrogation	-	40m.			
Waiting	-	3^{45}			
Interrogation	-	1^{15}			
Waiting	-	2^{15}	6.11.96	18^{40}	
Rest	-	$3^{1/2}$ days	6.11. 18^{40}	10.11 09^{20}	
Waiting	-	2^{45}			
Interrogation	-	1^{45}			
Waiting	-	1^{10}			
Interrogation	-	2^{55}			
Waiting	-	6^{15}			
Interrogation	-	1^{50}			
Waiting	-	5 hours			
Rest	-	2^{15}			
Waiting	-	1^{20}			
Interrogation	-	2^{30}			
Waiting	-	14 hours			
Rest	-	9^{15}			
Waiting	-	2^{30}			
Interrogation	-	2^{15}			
Waiting	-	30 minutes			
Interrogation	-	1^{15}			
Waiting	-	25m.			
Interrogation	-	50m.			
Waiting	-	6^{10}			
Interrogation	-	55m.			
Waiting	-	7^{55}			
Interrogation	-	1^{05}			
Waiting	-	5^{55}			
Rest	-	3 days			

[N.B. discrepancies are in the original - Y.G.]

total	to day	from day	
46 hours	7^{00} 23.10.96	21.10.96 11^{05}	interrogation + waiting for interrogation
two hours	9^{00} 23.10.96	7^{00} 23.10.96	rest in cell
approx. 8 hours	17^{20} 23.10.96	9^{00} 23.10.96	interrogation + waiting
$3^{1/2}$ days	9^{45} 27.10.96	17^{20} 23.10.96	rest
46 hours	8^{00} 29.10.96	9^{45} 27.10.96	interrogation + waiting
5:45 hours	13^{45} 29.10.96	8^{00} 29.10.96	rest
48 hours	13^{30} 31.10.96	13^{50} 29.10.96	interrogation + waiting
4 days	19^{45} 4.11.96	13^{30} 31.10.96	rest
47 hours	18^{40} 6.11.96	19^{45} 4.11.96	interrogation + waiting
3.5 days	9^{20} 10.11.96	18^{40} 6.11.96	rest
46 hours	7^{45} 12.11.96	9^{20} 10.11.96	interrogation + waiting
two hours	9^{00} 12.11.96	7^{00} 12.11.96	rest
18 hours	3^{00} 13.11.96	9^{00} 12.11.96	interrogation + waiting
9 hours	12^{15} 13.11.96	3^{00} 13.11.96	rest
31 hours	19^{00} 14.11.96	12^{15} 13.11.96	interrogation + waiting
3 days from Thus. till now.	17.11.96	19^{00} 14.11.96	rest

C. Additional Information and Comments:

1. Methods Used in Mubarak's Interrogation:[38]

i Tying up in painful positions
ii Hooding
iii Sounding of loud music
iv Sleep deprivation

2. "Rest," "Waiting" and "Interrogation"

As in the case of Mubarak, interrogation logs kept by the GSS, and Israeli official sources in general, routinely describe three situations in which an interrogee is placed while undergoing interrogation by GSS agents:

i. **"Rest" (*Menuhah*):** a period during which an interrogee is placed in a cell and allowed to sleep

ii. **"Waiting" (*Hamtanah*):** a period described as "waiting for interrogation"

iii. **"Interrogation" (*Haqirah*):** a period when the interrogee is being questioned.

The term "waiting" is, however, misleading. It is during these periods, that the methods discussed in this case are routinely used: sleep deprivation; tying up in painful positions (often on a very low chair); hooding; and exposure to loud music. In other words, the interrogation method designed to "pressure" the detainee through a combination of sleep deprivation, sensory deprivation and position abuse is what the GSS, the State and the HCJ euphemistically call "waiting." That no actual waiting is involved is clear, as will be seen, even from the data provided by the State.

3. "Waiting for Interrogation":

According to the "Details of the Process of Interrogation and Detention," Mubarak's "waiting" periods preceded "rest" rather than "interrogation" on the following five dates: 23 October; 6;7;8; and 14 November. Mubarak spent a total of 36 hours and 40 minutes "waiting" for "rest."

It is therefore clear that the State's description of the position of being deprived of sleep, tied up, hooded etc. as "waiting for interrogation" is false. This description is used consistently, e.g. in para. 4 of the statement, in para. 2 of the "preliminary remarks," on p. 1 of the "Details of the Process of Interrogation and Detention of Khader Mubarak," as well as in several previous cases.

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[38] See sources cited in b(1) and b(2) above.

The HCJ is similarly wrong to adopt this misnomer and use it without reservations in accepting the State's "explanations."

4. Sleep Deprivation and "Pressing Need to Prevent Loss of Life":

Mubarak was deprived of sleep for a maximum of two consecutive days (48 hours). On one occasion he was allowed (according to the table) 5 hours and 45 minutes' sleep during a period of 101 hours and 45 minutes, i.e. an average of 1 hour and 47 minutes a day for more than four days. He was allowed two hours within a period of 66 hours on another, i.e. an average of 45 minutes a day for more than two and a half days.

The periods of "rest" which exceeded one day **invariably** included Friday and Saturday, i.e. the Israeli weekend. It seems highly unlikely that four times during three and a half weeks there was a "pressing need" to deprive Mubarak of sleep only during mid-week, while, as the weekend approached, the "pressing needs" mysteriously vanished, only to re-emerge come the next week. The HCJ made no comment on this subject, and seemed to accept the State's reasoning unreservedly.

5. "Causing Pain" and Torture

The HCJ refers directly to the question of whether hooding Mubarak "causes pain which constitutes torture," and reaches the conclusion that it does not. Both the Court's reasoning and its conclusion regarding the GSS methods and the suffering they cause are problematic:

a. Intention:

The HCJ adopts the State's 'security' justifications for using the methods of shackling and loud music.[39] However, the 'security' measures under consideration were brought about by the interrogators' own decision, **for "needs of the interrogation,"** to keep detainees "waiting" rather than to allow them to rest between or after interrogations, in their cells, where the State itself emphasizes that detainees are neither shackled nor hooded nor yet exposed to loud music.

It is one thing to assert that a government does not intentionally cause suffering when employing security measures during an otherwise normal incarceration if, regarding the "objective pursued by the measures that were taken[,]... security was the sole consideration."[40] It is quite another matter to make this argument concerning security measures necessitated solely by interrogation methods that the government itself has intentionally chosen to use. In the latter case, the government must be held responsible for the ensuing suffering. As the European Court of Human Rights emphasized,

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[39] The Court quotes cites with seeming approval the State's justification for hooding as well, which is partially based on "security," but goes on to describe it "a measure... used... for the purposes of interrogation".

[40] The European Commission on Human Rights in *Gabriele Krocher and Christian Moller v. Switzerland*, 34 **D&R** 24 (1983), para. 73.

The requirements of the investigation and the undeniable difficulties inherent in the fight against crime, particularly with regard to terrorism, cannot result in limits being placed on the protection to be afforded in respect to the physical integrity of individuals.[41]

b. Assessing suffering:

The HCJ prohibits "painful shackling," states that the suffering caused by hooding does not amount to torture, and ignores the suffering caused by sleep deprivation and loud music. Moreover, it treats each of these measures separately. The Court ostensibly responds to the Appellant's "four arguments, each of which, according to him, could point out to torture during interrogation."[42]

This, however, distorts the Appellant's actual arguments, which consistently refer to suffering caused by a **"combination"** of methods.[43] There is no claim anywhere in the Appeal that any single one of the measures constitutes torture by itself.

In the Ireland v. UK case[44], the European Commission on Human Rights unanimously found that the suffering caused by certain British interrogation techniques[45] constitute torture. The European Court of Human Rights found that they constituted "inhuman treatment" and "were also degrading."[46] Because these techniques had been used "in combination,"[47] they were treated thus, and not separately, by these bodies.

In contrast, the HCJ chose a confusing path of assessing the suffering caused by two of the methods, each on its own, while ignoring other methods, as well as ignoring the suffering caused by the methods as they are applied, i.e. in combination. In choosing this path, the HCJ has carelessly brushed aside both the Appellant's claims and the obviously relevant international case-law.

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41 **Tomasi v. France, Series A**, No. 241-A (1992), 15 **E.H.R.R.** 1. at para. 115.

42 **Mubarak Case - Decision**, para. 1.

43 See **Mubarak Case**, Appeal for an Order Nisi and Interim Injunction, 14.11.96, para. 3. See also paras. 1(5); 1(6); and 5, all of which refer to the combined effect of more than one method.

44 **Ireland v. The UK**, Series A, vol. 25 (1978).

45 These were not dissimilar to the present Israeli techniques, including position abuse, sleep deprivation, hooding and loud noise. However, the techniques included food deprivation, on the one hand, but not a directly violent and potentially fatal method such as "shaking" on the other. It should also be stressed that the British methods were applied during "four to five days", while the Israeli ones are applied for weeks at a time, with varying degrees of severity. For the British methods see e.g. ibid, p. 41, para. 96.

46 *Ibid*, p. 166 para. 167.

47 *Ibid.*

Conclusions

Freedom from torture and other forms of cruel, inhuman or degrading treatment is a fundamental, absolute right of every human being. This right is non-derogable, namely it cannot be violated even at "a time of public emergency which threatens the life of the nation."[48]

Israel confronts serious threats to its security, including from groups which engage in indiscriminate killing to advance their political agenda. No state may respond to such lawlessness, however, by itself breaking the law, through actions which constitute a blatant breach of international obligations which it has assumed as a member of the family of nations. Israel's torture policies strike a severe blow to the very foundations of international human rights and humanitarian law, and this is to be deeply regretted. That Israel's High Court has supported the government and sanctioned the use of force against detainees is doubly regrettable.

It remains for public opinion in Israel and abroad, and specifically for the human rights community, to ensure that such policies and rulings are neither ignored nor accepted, lest they set a very dangerous precedent. Perhaps if Israel is made fully aware of the illegality of its interrogation policies and their total rejection by the international community, it will abandon them once and for all. The HCJ's rulings would then, it is hoped, become no more than a short and sad episode in Israel's legal history.

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[48] **The International Covenant on Civil and Political Rights**, UN General Assembly Resolution 2200 a(XXI) of 16 December 1966, see Articles 7 and 4. Israel is party to this convention.

Appendix I

בצלם
מרכז המידע הישראלי לזכויות האדם בשטחים (ע.ר.)
"بتسيلم" مركز المعلومات الاسرائيلي لحقوق الانسان في الاراضي المحتلة
B'TSELEM - The Israeli Information Center for Human Rights in the Occupied Territories

VIA FACSIMILE

To: Mr. Alessio Brunni, Secretary, CAT
Fax No.: 00-41-22-917-0099
From: Yuval Ginbar, Senior Researcher, B'Tselem
Date: November 18, 1996
Ref: 5635
No. of pages, including this page: 4
Our fax No. is: 972-2-5610756
Confirmation No. is: 972-2-5617271

Dear Sir,

The Israeli High Court of Justice, in two verdicts given last week, allowed the General Security Service to torture two Palestinians detainees on the grounds that this was required to obtain information from them that could supposedly prevent a terrorist attack.

These verdicts amount, in effect, to *de jure* legitimation of a de facto situation whereby torture is officially sanctioned, both by the government and the judiciary. We are concerned that this could have extremely dangerous implications beyond Israel and the Occupied Territories. If Israel's policy is allowed to continue unhindered, other democratic states facing security problems may follow suit.

We therefore call on you to ask Israel for a special report, according to article 19(1) of the Convention Against Torture. We would gladly assist you in any way possible. Enclosed is a translation of the decision in the Hamdan case.

Hoping to hear from you as soon as possible.

Sincerely Yours,

Yuval Ginbar
Senior Researcher

רחוב עמק רפאים 43 (קומה שניה), ירושלים 93141, טלפון 5617271 (02), פקס' 5610756 (02)
شارع عيمك رفائيم ٤٣، (الطابق الثاني)، القدس ٩٣١٤١، تلفون ٥٦١٧٢٧١ (٠٢)، فاكس ٥٦١٠٧٥٦ (٠٢)
43 Emek Refaim St. (Second Floor), Jerusalem 93141, Tel. (02) 5617271, Fax. (02) 5610756

Appendix 2

United Nations

Press Release

Information Service | United Nations Office at Geneva

HR/CAT/96/28
19 November 1996

STATEMENT BY CHAIRMAN OF COMMITTEE AGAINST TORTURE ON ISRAELI SUPREME COURT DECISION

The following comments were made by the Chairman of the Committee, against Torture, Alexis Dipanda Mouelle (Cameroon), following discussion of a recent Israeli Supreme Court decision in a private session of the Committee today.

"The Committee this morning discussed the news reports of the decision by the Supreme Court of Israel regarding the use of force in interrogating suspects.

"The Committee recalled that in its 1994 conclusions, after the consideration of the initial report of Israel, the Committee had asserted that the Landau Commission Report, permitting 'moderate physical pressure' was completely unacceptable.

"The Committee therefore takes the view that the decision reportedly taken by the Supreme Court of Israel is contrary to the conclusions of the Committee.

"The Committee recalled also that article 2 of the Convention asserts that 'No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political in stability or any other public emergency, may be invoked as a justification of torture'.

"In other words, despite any legal decision there can be no circumstances which justify the use of torture".

* *** *

Appendix 3

OFFICE DES NATIONS UNIES À GENÈVE
HAUT COMMISSARIAT AUX DROITS DE L'HOMME
CENTRE POUR LES DROITS DE L'HOMME

UNITED NATIONS OFFICE AT GENEVA
HIGH COMMISSIONER FOR HUMAN RIGHTS
CENTRE FOR HUMAN RIGHTS

Telex [illegible]
Telegramme [illegible]
Telex [illegible]
Telephone [illegible]

Reference :

Palais des Nations
CH 1211 Geneva 10

22 November 1996

Sir,

The Committee against Torture was informed by press agencies on 15 November 1996 that the Supreme Court of Israel has declared lawful the use of physical pressure by the Israeli security services in interrogating specific suspects of terrorist acts with a view to obtaining from them information which would prevent the perpetration of criminal acts in the future (Relevant texts dispatched by press agencies are attached.).

In this connection, the Committee wishes to recall that after its consideration of the initial report submitted by Israel under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in April 1994, it had concluded that the use of moderate physical pressure as an authorized mode of interrogation, according to the Landau Commission Report, was completely unacceptable to the Committee (see: annual report of the Committee, A/49/44/paragraph 168, attached). The Committee takes the view that, if the information provided by press agencies is correct, the decision taken by the Supreme Court of Israel is incompatible with the provisions of the Convention.

The Committee wishes to recall also that article 2, paragraph 2, of the Convention provides that no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.

In addition, the Committee wishes to refer to article 19, paragraph 1, of the Convention stipulating that the States Parties shall submit supplementary reports every four years on any new measures taken and such other reports as the Committee may request. Accordingly, the Committee invites the Government of Israel to submit as a matter of urgency a special report on the question of the decision taken by the Supreme Court and its implication for the implementation of the Convention in Israel. The Committee would be grateful if the special report could reach it c/o Centre for Human Rights, UN Office at Geneva, Palais des Nations CH-1211 Geneva 10, by 31 January 1997, so that the report could be processed in time for consideration by the Committee at its eighteenth session (Geneva, 28 April - 9 May 1997). Representatives of the Israeli Government will be invited to participate in the discussion.

Please, accept, Sir, the assurances of my highest consideration.

Alexis Dipanda Mouelle
Chairman
Committee against Torture

H.E. M. Yosef LAMDAN
Ambassador, Permanent Representative
Permanent Mission of Israel
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Chemin Bonvent 9
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