

21 November 2007

To: Mr Meni Mazuz, adv.  
Attorney General  
29 Salah-A-Din St.  
Jerusalem

By registered post with confirmation of delivery

Dear Sir,

Re: **complaint regarding the use of severe physical violence against a detainee in the "Jalameh" detention facility in Kishon: Mr Imad Marwan Yaakub Hotri, ID 942417502.**

On behalf of my client, Mr Imad Hotri, a resident of Kalkilya, I request that you order an immediate enquiry into the use of severe physical violence against him, in the Kishon detention facility, by General Security Services interrogators, as emerges from a statement taken from him on 12.11.07 by Advocate Maher Talchmi.

My client, born on 18.7.84, was arrested on 17.10.07 at his home by IDF soldiers. On the first day of his detention, my client was taken to Hawara and thence to the Jalameh detention facility in Kishon. On the following day, he was taken into the interrogation room, where he was seated on a chair fixed to the floor. His interrogators handcuffed his hands behind his back, and the handcuffs chain was inserted into a padlock attached to the back of the chair. An interrogator named Adler questioned my client from morning till late in the evening, together with other interrogators whose names were Effi, Maimon and Franco.

During the second week of his detention, my client underwent a most intensive interrogation. From 21.11.07 until 23.11.07 he was questioned all day long without a break.

On 24.11.07, my client was taken into the interrogation room, again seated on a chair fixed to the floor, and again his hands were handcuffed behind his back, but

without the handcuffs being attached to the chair. The interrogator named announced to my client that he was to undergo a 'military interrogation.

### **The' military interrogation'**

Those present in the interrogation room were the interrogators Major Effi, Captain Adler, Adi , Maimon, Peretz and Franco. Major Effi brought a chair with no back, placed it on the floor and seated my client on it. His hands were handcuffed with short iron handcuffs. The interrogator Effi sat opposite the detainee. He put my client's legs behind the legs of the chair, and forced them on the floor by stamping on his feet. The interrogator Adi sat behind my client.

With my client in this position, the interrogator Effi began slapping his face, and ordered him to bend backwards. When my client became too exhausted to keep up his body in this position, Effi forced him back and kept him in this painful position for several minutes; he then grasped his shirt and pushed him even further back. This torture lasted for about 20 minutes, and when the prisoner's body was elevated, Effi put his hand under the chair, grasped my client's hands, which were behind his back, and pulled them towards him, all in order to cause him pain.

The other method used by Effi was to remove my client's handcuffs, put both his hands in socks and again handcuff them behind his back. Then he also put handcuffs on his forearms, very tightly. In this position, the interrogators took turns in tightening the handcuffs on my client's hands. At the same time, another interrogator grasped my client's neck and slapped his face. As a result, my client screamed with pain, and desperately begged the interrogator to stop tormenting him.

Next, the interrogator took the handcuffs off his arms and left his hands handcuffed behind his back. At this stage, the interrogator forced my client to crouch on his toes in the kambaz (frog) position. One interrogator stood behind him, one in front, and they took turns in slapping his face. My client was kept in this position for about 20 minutes. He then had a respite of about 10 minutes and then the interrogators repeated the manoeuvre several times while threatening my client that they would arrest his parents. The prisoner suffered this torture from 15.00 p.m. until 6.a.m. the following morning. As a result of this violent torture, my client was now unable to stand on his two feet.

At 6.a.m., a new team of interrogators arrived; Victor and another interrogator removed the handcuffs from my client. But Franco continued to threaten my client with a 'military interrogation'. From there, my client was taken for a polygraph test, and then to his cell. Because my client was in such a serious medical condition, the polygraph technician stopped the test in the middle and postponed it for three days. My client arrived in his cell a broken man; he could hardly walk or move his hands, and suffered severe pains all over his body. A prisoner named Ahmed Abu Farha was in the same cell on the same day.

Two days later, my client underwent the polygraph test and was again taken into the interrogation room. His interrogators, Adi, Effi, Peretz, 'General' and 'Colonel' told my client: 'Apparently you only understand force'. They then again repeated the 'military interrogation' described above.

On 6.11.07, during the hearing in the military court in Kishon, regarding the further remand in custody of my client, he told Judge, Major General Arie Avriel, that he had been subjected to severe torture during the interrogation, and showed him his hands, which were hanging as the result of the brutal interrogation he had undergone. He added that he feared some kind of paralysis had set in, as he could not move his hands at all.

The judge immediately ordered the interrogator to get in touch with the person who was collecting the statement, in order to stop my client's testimony to the police. He also ordered my client to be examined by the detention facility's doctor, to confirm the medical problem of which he had complained, and if this were the case, to provide him with immediate medical treatment. If his medical condition did not correspond to his complaint, and/or his condition permitted the continuation of his interrogation, the judge ordered it to be continued subject to an appropriate permission to be given by the doctor to the interrogators. My client was remanded in custody for another three days. A copy of the protocol of this and the Kishon military court's decision of 6.11.07 are herewith attached.

On 7.11.07, my client was taken for an examination by the detention facility's doctor, who immediately referred him for a neurological examination at

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Ramban hospital. A copy of the facility's doctor examination, and the referral, are herewith enclosed.

At the Rambam hospital, my client was examined by two physicians, an internal medicine doctor and a neurologist. My client was diagnosed as suffering from weakness in both hands, and it was emphasised that interossis bilateral radial damage had been caused, apparently as the result of prolonged pressure. He was given an EMG test of the bilateral radial nerve (on both hands, unclear). A copy of the report by Ramban hospital, dated 7.11.07 is enclosed.

It is worth emphasising here that my client declared that until his arrest he was healthy and had no medical problems whatsoever. A certificate by the Kalkilya Medical Centre dated 10.10.07- a week before his arrest- confirms this. A copy of this certificate is enclosed.

The assault on my client by the GSS interrogators and their threat to imprison his parents contravene both Israeli and international law.

Torture is prohibited both according to Article 7 of the International Covenant on Civil and Political Rights, and according to the Convention Against Torture and Other Cruel, Inhuman and Humiliating Treatment and punishment, that were ratified by Israel.

The behaviour of the GSS interrogators was deliberately intended to cause the prisoner grave pain and injury in order to extract information, or a confession, from him. Therefore, the assault on the prisoner by the GSS interrogators, and the threats to arrest his family, constitute torture as defined in Article 1 of the Convention Against Torture.

The Basic Law: Human Dignity and Freedom, incorporates the values of the state of Israel, as a Jewish and a democratic state. Therefore, the assault by GSS interrogators described above, on a man in their legal custody, is alien to a civilised and enlightened system of justice, is completely illegal, and is contrary to the Basic Law, which protects a person's life, body and dignity.

This being so, the conduct of the GSS interrogators is contrary to the provisions of The Penal Law and constitutes an offence according to section 192

(threats) , an offence according to section 277 ( pressure by a public official) an offence according to section 379 (assault) , an offence according to section 380 (causing grievous bodily harm) , an offence according to section 382 (assault in severe circumstances) ,an offence according to section 427 (forcible extortion) and also an offence according to section 1(280) (abuse of power of one's position).

Furthermore, in the Supreme Court judgment 5100/94 **The Public Committee Against Torture in Israel versus the State of Israel**, NG(4) p. 817 it is stated:

‘The exercise of authority during an interrogation requires reconciling the desire to uncover the and to act in the public interest by detecting and preventing offences, with the desire to protect the dignity and freedom of the person under interrogation. The legality of the interrogation depends on whether it is worthwhile and what are the actual methods used.’

Furthermore: ‘The use of torture or cruel and inhumane behaviour towards the person under interrogation is prohibited throughout the interrogation. A reasonable interrogation may cause discomfort, and the conditions under which it is held may be unpleasant. According to the law, it is permissible to resort to certain tricks and cunning manoeuvres. But an efficient interrogation can be carried out without violence- activities such as shaking the prisoner, covering his head with a sack and depriving him of sleep for a prolonged period- all of which are not necessitated by the interrogation, and offend the dignity of the prisoner. These are methods prohibited during an interrogation’. (pp 836-840)

Since the conduct of this interrogation violated the basic rights of the detainee regarding his physical and mental integrity, in a manner which completely contradicts the prohibitions anchored in the law, we request that you use your authority according to 1.149 (A) of the Police Regulations (new version, 1971) and order the opening of an investigation by the Police Investigations Department into the behaviour of the GSS interrogators involved.

Please inform us of your decision regarding opening an investigation, or, alternatively, inform us that you have referred the complaint to another authority, and order the results of the investigation to be forwarded to us at the earliest possible time.

We hope that this will get your attention as soon as possible

Respectfully yours,

Samah Elkhatab-Ayoub, Adv.  
The Legal Department

Enclosed:

Protocol of the remand in custody and decision of the Kishon military court dated 6.11.07  
Doctor's examination report and referral to hospital dated 7.11.07  
Report by Ramban hospital dated 7.11.07  
Certificate by Kalkilya medical centre, dated 10.10.07

Cc:

Professor Daniel Friedman, Minister of Justice  
Advocate Yuri Gai-Ron, head of the Israel Bar Association  
Advocate Inbal Rubinstein, National Public Defender's Office.  
M.K. Professor Menachem Ben-Sasson, Chairman of the Knesset Constitution, Law and Justice Committee  
MK Tzachi HaNegbi, Chairman of the Knesset Foreign and Security Affairs Committee  
MK Colette Avital, Knesset Human Rights Lobby  
MK Zehava Gal-On, Knesset Human Rights Lobby  
MK Dov Chanin, Knesset Human Rights Lobby