

**Flawed Defense:**

**Torture and Ill-treatment in GSS  
Interrogations  
Following the Supreme Court  
Ruling**

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public committee against

**TORTURE**

in israel

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**“No one shall be subject to torture or to cruel, inhuman or degrading treatment or punishment.”**

Universal Declaration of Human Rights, Article 5.

**“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.”**

Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, Article 2(2).

## **Introduction**

**On 6 September 1999, concluding approximately a year and a half of deliberations, nine justices of the Supreme Court of Israel, sitting as High Court of Justice, published their decision in the case of *HCI 5100/94 The Public Committee Against Torture in Israel v. The Government of Israel et al.* (henceforth: the HCJ ruling). The ruling, issued after a struggle carried out over many years by the Public Committee Against Torture in Israel and other human rights organizations, determined that the system of systematic torture inflicted by the General Security Service (GSS) for some 12 years, following the recommendations of the Landau Commission, did not fulfill the requirements of Israeli law.**

The ruling led to a significant change in practice. Some of the torture methods permitted by the Landau Commission disappeared entirely, or almost entirely,- among them: violent shaking, covering the head with a sack, playing powerfully loud music, and tying to a small, tilted chair.

Unfortunately, however, it cannot be stated that two years after the HCJ ruling there is no more torture and cruel inhuman or degrading treatment (henceforth: ill-treatment) in the GSS interrogation wings.

Based on information it has collected, the Public Committee Against Torture in Israel estimates , that each month dozens of Palestinians interrogated by the GSS are exposed, to one extent or another, to methods of torture and ill-treatment. GSS interrogators cut the detainees off from the outside world (incommunicado detention), exhaust them, inflict pain upon them, frighten and humiliate them. This is achieved through a combination of sleep deprivation; prolonged shackling in painful positions; slapping, hitting and kicking; exposure to extreme heat and cold; threats, curses and insults; complete isolation from the outside world for days and weeks; and detention under sub-human conditions.

In addition, , in certain cases GSS interrogators use other methods, including forcing the detainee to squat in the “frog position” (“qambaz”), shackling him in contorted and extremely painful positions, applying painful pressure to various body parts, etc.

This report analyzes both the positive and negative aspects of the HCJ ruling, describes the present situation, offers conclusions regarding the failure of the HCJ ruling to place a complete end to the plague of torture in Israel, and sets forth a series of recommendations intended to change this situation.

Appendix B of the report also describes the widespread phenomenon of violence and humiliation of Palestinian detainees by IDF soldiers and the Israeli police. Palestinians are often beaten and humiliated by the detaining authorities, then taken to GSS interrogation facilities where they are exposed to additional ill-treatment.

As a human rights organization, the Public Committee Against Torture in Israel examines both the legal situation in Israel and the GSS interrogation policy in light of the requirements of international law relating to human rights in general and to the treatment of detainees and prisoners in particular. These requirements are specified first and foremost in international conventions and agreements. It should be noted that the State of Israel committed itself to upholding international law when it became a party to most of the international agreements relating to this topic.

The report is based on legal material, on data and information provided by Palestinian and Israeli human rights organizations, attorneys, and other persons and organizations, and on affidavits and testimony taken from victims of torture and ill-treatment by the GSS.

## **The HCJ ruling – Positive and Negative Aspects**

The current situation in GSS interrogation wings, described in the following chapter, was and continues to be influenced largely by the HCJ ruling. It is therefore important to examine the ruling and its implications, and particularly to understand to what extent the ruling, despite its impressive achievements, has enabled the continuation of torture and ill-treatment of Palestinian interrogees [This deviation from standard English corresponds to the Hebrew, “nehqar,” and is used throughout to refer to detainees under GSS interrogation] The following analysis does not focus on theoretical aspects of the ruling, but on those aspects which bear practical implications.

## International Law

Palestinians in Israeli custody are protected by two international legal systems. The first is concerned with human rights, and naturally pertains to every person, while the second is concerned with the laws of war, since the Palestinian detainees are still considered residents of occupied territory, and Israel, the occupying power.

In 1984, the United Nations formulated a special convention for the struggle against torture.<sup>1</sup> The convention unequivocally prohibits the use of torture in any situation [Article 2 (2)]. This convention was preceded by a long series of other conventions, such as the International Covenant on Civil and Political Rights<sup>2</sup> (in article 7), and the conventions dealing with the laws of war,<sup>3</sup> all of which prohibit torture and other types of cruel, inhuman or degrading treatment and punishment [i.e.: ill-treatment], under any circumstances. International law recognizes that in times of emergency, it is sometimes necessary to infringe on certain human rights. In contrast, the prohibition against torture and ill-treatment is absolute, and no “ticking bomb” or other “exceptional” circumstance can justify deviating from it. This prohibition constitutes a provision of customary international law (i.e. a provision that is also binding upon states that are not obligated to uphold it through an agreement) in the opinion of all the legal bodies that have dealt in with the matter, and of the overwhelming majority of legal analysts.

Israel is party to all the conventions mentioned here,<sup>4</sup> and has never made any reservations to the articles that absolutely prohibit torture and ill-treatment. In statements before the UN Committee Against Torture, Israel has declared that it accepts the absolute prohibition, and did not qualify its acceptance to exclude cases of a “ticking bomb” and the like.

All the international and regional legal bodies dealing with human rights and humanitarian law, excepting none, have emphasized unequivocally the complete prohibition against torture and ill-treatment. Outstanding in this realm are the judgments of the European Court of Human Rights that have dealt with several cases of torture and ill-treatment of terrorists (real or imagined), and have all ruled that there are no exceptions to this prohibition.<sup>5</sup>

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<sup>1</sup> Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, UNGA res. 39/46 adopted 10 December 1984, entered into force 26 June 1987. For text see UN Center for Human Rights, **Human Rights: A Compilation of International Instruments**, vol. 1 (First Part), New York and Geneva, UN, 1994, pp. 293ff. The full wording of all the international agreements presented here is also available from the internet site of the UN Commission on Human Rights: <http://www.unhchr.ch>

<sup>2</sup> International Covenant on Civil and Political Rights, UNGA res. 2200 A (XXI) adopted 16 December 1966, entered into force 23 March 1976. For text see *ibid.*, pp. 20ff.

<sup>3</sup> For example, the regulations appended to the Hague Convention of 1907, article 4 regarding prisoners of war, article 44 regarding civilians; article (1)3 regarding prisoners of war; the Fourth Geneva Convention, articles 27, 31, 32 regarding civilians in the custody of an occupier or belligerent party.

<sup>4</sup> Israel ratified the Convention Against Torture in 1991, and in the same year also ratified the International Covenant on Civil and Political Rights. Israel ratified the Geneva Convention already in 1951. The Hague Regulations of 1907 are considered customary, and as such constitute a part of Israeli law.

<sup>5</sup> See for example: *Ireland v. the United Kingdom*, judgment of 18 January 1978, Series A no. 25; *Tomasi v. France*, judgment of 27 August 1992, Series A no. 241-A; *Ribitsch v. Austria*, judgment of 4 December 1995, Series A no. 336; *Chahal v. the United Kingdom*, judgment of 15 November 1996, **Reports** 1996-V; *Aksoy v. Turkey*, judgment of 18 December 1996, **Reports** 1996-VI; *Aydin v. Turkey*, judgment of 25 September 1997, **Reports** 1997-VI; *Selmouni v. France*, judgment of 28 July 1999, **Reports** 1999-V.

## **Positive Aspects**

The HCJ ruling was, first and foremost, a step unprecedented in its courage. In accepting the petitions of the Public Committee Against Torture in Israel, the Association for Civil Rights in Israel, HaMoked: Center for the Defense of the Individual, and individual lawyers, the Supreme Court positioned itself against not only the security system, but against the entire political establishment – the Knesset, the government, the State Attorney, and the State Comptroller - all of which supported, with almost no reservations, the system of institutionalized torture that had been in place for twelve years, i.e., since the government adopted the recommendations of the Landau Commission in 1987. The Supreme Court also positioned itself against a public that to a large extent supported this system of torture. Moreover, the Supreme Court did a near complete about-face, overturning a series of its own decisions that had upheld both the theoretical<sup>6</sup> and practical<sup>7</sup> aspects of Landau's formula for permitting torture.

The Supreme Court ruled that GSS interrogators have no more authority than ordinary police interrogators (para. 20). They are authorized only to carry out a “reasonable investigation,” which is “is one free of torture, free of cruel, inhuman treatment of the subject and free of any degrading handling whatsoever” (para. 23). The Supreme Court thus put an end to practices of torture that were permitted in advance, recorded in detailed instructions, discussed and determined in the meetings of the Government Ministerial Committee, approved by Knesset committees, and protected by the State Attorney's Office.

In response to claims of the State Attorney's Office implying that international law permits torture and ill-treatment in the form of “moderate physical pressure” under certain conditions, the Supreme Court aptly defined the provisions of this law, in its reference to, **..international treaty-law - to which Israel is a party - which prohibits the use of torture, “cruel, inhuman treatment” and “degrading treatment”...These prohibitions are “absolute”. There are no exceptions to them and there is no room for balancing. (para. 23).**

In practice, the Supreme Court outlawed one by one, all of the methods of torture permitted by the Landau Commission, beginning with violent shaking, continuing with squatting and the “shabeh” methods (covering the head with a sack, playing loud music and tying to a small, tilted chair), and ending with sleep deprivation (as a means of applying pressure) and painful shackling. The Court ruled that these methods cause suffering (and when applied cumulatively - as in the “shabeh” method – “particular

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<sup>6</sup> See, for example, *Crim. App. 532/91, Anonymous Persons v. the State of Israel*, in which Justice (his former title) Aharon Barak determined that the solution offered by the Landau Commission for the problem of GSS interrogations “is appropriate,” and *HCJ 2581/91, Salhat v. the Government of Israel, 47(4) P.D. 837* in which the Court rejected a \*theoretical petition against the adoption of the Landau Commission's recommendations.

<sup>7</sup> See, for example, *HCJ 7964/95, Bilbeisi v. the General Security Service, HCJ 8049/96, Hamdan v. the General Security Service*. In both cases, the Court allowed the GSS to exercise “physical measures,” including (by implication) violent shaking, and use of the “necessity defense;” and *HCJ 8124/96, Mubarak v. the General Security Service*, in which the Court approved use of the “shabeh.”

suffering and pain” – para. 30) to the interrogees and degrade their dignity, and are therefore illegal.

The Supreme Court ruled that the defense of necessity is individual and applies only retroactively, and is therefore not a source of authority for granting *a priori* permission to GSS interrogators to use physical pressure (paras. 36-38). In so doing, the Court removed the legal foundation used by the Landau Commission for granting permission in advance for using means of torture.

### **Negative Aspects**

While the Supreme Court referred to, as stated, the provisions of international law, it refrained from considering the petitions in light of international standards set by such law; it also refrained from applying fully these very provisions to GSS interrogators. In addition, the Court left loopholes that enable the GSS, under the cover of secrecy that protects it from external investigations, to use methods of torture and ill-treatment and claim – even if such claims are for the most part false (see below) – that they constitute a “reasonable interrogation” in accordance with the ruling.

#### **1. Refraining from directly defining the Landau Commission’s “permissions” as torture**

It is clear from the ruling that the Supreme Court does not accept the State’s claim that GSS interrogation methods “do not cause pain and suffering” and therefore do not constitute torture, or even ill-treatment, prohibited by international law (para. 15). The Court ruled, as mentioned, that these methods offend the interrogee’s dignity and degrade him, as well as cause “real pain and suffering” (para. 27) and even “particular pain and suffering” (para. 30).

The above notwithstanding, the Supreme Court avoided using the appropriate term for the Landau methods – torture. The conclusion that they constitute torture and ill-treatment is clear but it is implicit – not explicit. This avoidance may have stemmed from the fact that the Court itself had permitted, as mentioned, the use of these very means in the past, and that in its ruling it did not rule out permitting them retroactively in the future (see below).

The direct result of this avoidance of an explicit statement has been that even in the year 2001, Israel continues to argue before the institutions of the UN that “the methods which had been employed in investigations by Israel’s security service (referred to as the “Landau Rules”), do not constitute torture or cruel, inhuman or degrading treatment and do not violate the provisions of the Convention [against torture]”, and bases this claim on the argument that “...the Court, in its Judgment, did not reject the arguments of the State that such interrogation methods did not constitute torture or cruel, inhuman or degrading treatment and do not violate the Convention [against Torture].”<sup>8</sup>

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<sup>8</sup> State of Israel, Third Periodic Report Concerning the Implementation of the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), February 2001, U.N. Doc. CAT/4/Add.1, p. 16.

Even if this is a dubious claim, given the above, and given that it ignores the fact that the Supreme Court did not reject the petitioners' claim that it is indeed torture we are talking about either – it is clear that an explicit and not merely implied statement by the Court would have rendered it impossible to make such claims. Moreover, an explicit statement by the Court that these methods constitute torture would have attached to these methods the stigma that they deserve, and would have thus discouraged the State both from applying them and from justifying their use.

## 2. "The Ticking Bomb" and "Defense of Necessity" – an opening for "legal" torture

While the Supreme Court prohibited the government from authorizing the GSS to torture or ill-treat detainees, it did not prohibit GSS interrogators from torturing or ill-treating interrogees under all circumstances, as required by the provisions of international law binding upon Israel. The HCJ ruling states:

*We are prepared to assume that- although this matter is open to debate - ...the "necessity" defense is open to all, particularly an investigator, acting in an organizational capacity of the State in interrogations of that nature. Likewise, we are prepared to accept - although this matter is equally contentious- ,that the "necessity" exception is likely to arise in instances of "ticking time bombs", and that the immediate need ("necessary in an immediate manner" for the preservation of human life) refers to the imminent nature of the act rather than that of the danger. Hence, the imminence criteria is satisfied even if the bomb is set to explode in a few days, or perhaps even after a few weeks, provided the danger is certain to materialize and there is no alternative means of preventing its materialization. Consequently we are prepared to presume, as was held by the Inquiry [Landau] Commission's Report, that if a GSS investigator- who applied physical means of interrogation for the purpose of saving human life-is criminally indicted, the "necessity" defense is likely to be open to him in the appropriate circumstances. A long list of arguments, from both the fields of Ethics and Political Science, may be raised for and against the use of the "necessity" defense... This matter, however, has already been decided under Israeli law. Israel's Penal Law recognizes the "necessity" defense*

In other words, if a GSS interrogator were convinced that the case at hand qualified as a "ticking bomb" situation, the law allows him to apply all of the "physical means of interrogation" that the Supreme Court generally prohibited in its ruling – that is, to torture the interrogee. After the fact, (see para. 38) his matter would be brought before the Attorney General, who would then decide if, in fact, the case were indeed a "ticking bomb" situation.<sup>9</sup> If so, the defense of "necessity" would be at his disposal, and he would be exempt from criminal liability; if not – he would be tried, at which point he would also be able to invoke the "necessity" defense.

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<sup>9</sup> The State Attorney General, Dr. Eliyakim Rubinstein, indeed composed and even published a document containing the principles according to which he would guide himself in such cases. See State Attorney General, *GSS Interrogations and the Necessity Defense – Framework for Attorney General's Deliberation (following the HCJ ruling)*, Jerusalem, 28 October 1999. Document available at PCATI office.

This approach is problematic from a number of perspectives:

From a legal-theoretical perspective, the ruling creates a situation where every State is able to violate its international obligations, while granting the agents who carry out the violations on its behalf legal protection, even if only retroactively.

From an ethical perspective, the permission to torture a person – even if only under extreme circumstances – grants legitimacy to one of the most abhorrent of crimes, that should cease to exist, and that has no justification under any circumstances.

From a practical perspective, the ruling leaves an expansive “gray area” in which the law does not explicitly stipulate whether or not one may torture and ill-treat humans. The Supreme Court leaves the decision on this matter, which requires a principled decision of society, based on its basic values, in the hands of the interrogator, who is in the throes of an urgent and difficult interrogation. On the one hand, the interrogator lacks *a priori* permission to apply methods of torture, meaning that he has not been trained to use them in an “effective” manner. On the other hand, the Court signals to the same interrogator that torture may be the right thing to do. Leaving the decision to the improvisation of the “simple soldier” is appropriate for unexpected situations, but if the State claims that “ticking bomb” situations occur often, then it is fitting that the necessary tools be given to whoever deals with them, and that this person be given appropriate instructions. The Court passed the problem on to the lowest ranks instead of solving it itself.

A ruling consistent with the spirit of international law would determine that: torture and ill-treatment are in absolute violation of the laws and principles of the State and its values, as well as of international law. Torture and ill-treatment are forbidden in any situation, and anyone who tortures or ill-treats detainees is committing a serious, punishable crime, for which there is no *a priori* permission and no *ex post factum* exemptions.

Such a ruling would have placed Israeli law in line with the most enlightened nations in the world, would have eliminated any legal or practical ambiguity, and would have instructed the GSS and its interrogators unequivocally to cease looking for ways of inflicting pain on interrogees and degrading them, and instead to carry out its work in a manner appropriate to the GSS’ role as an intelligence unit operating at the beginning of the third millennium, in a country that declares frequently that it is democratic, committed to the rule of law and upholding human rights.

### **3. Lacunae that beckon: Sleep deprivation and prolonged tying**

The Supreme Court outlawed the systematic use of “most of the physical means of interrogation” (para. 33) permitted by the Landau Commission. The prohibition, however, is not absolute regarding two of these methods – sleep deprivation and shackling during the interrogation.

The Supreme Court did limit in both cases, the use of these methods, and in practice disqualified them as methods of interrogation. Regarding sleep deprivation, the Court ruled that “prolonged” interrogation is allowed, even if it involves sleep deprivation, but this is only on the condition that lack of sleep is a “side effect” of an interrogation and not a means employed “for the purpose of tiring him out or “breaking” him” (para. 31).

Regarding shackling, the Supreme Court ruled that interrogators are authorized to use this method, “but only for the purpose of preserving the investigators’ safety.” In contrast, “Cuffing causing pain is prohibited” (para. 26). The Court added that, “moreover, there are other ways of preventing the suspect from fleeing from legal custody which do not involve causing the suspect pain and suffering.” (*ibid*).

Yet given the poor record of the GSS in all that involves turning “security methods” into methods of torture, the HCJ ruling is wanting in that it fails to place clear and firm limitations on the use of these methods. What is the meaning of a “prolonged” period for which the detainee is questioned by the interrogator? (para. 31) – 10 hours? 20 hours? two days? Who determines when “handcuffing” becomes “painful handcuffing” – the detainee? the interrogator? or perhaps a medic or a physician?

**The Court failed in that it refrained from fixing, at the very least, minimum periods of rest and sleep which must not be denied under any circumstances, and which ensure that the detainee’s physical and mental health is not harmed, whether intentionally or as a “side effect;” ordering measures to ensure that “cuffing” indeed does not cause pain and suffering; and ordering that monitoring mechanisms be placed to ensure that such orders are strictly adhered to.**

The practical result of the ruling in these matters is that the GSS holds people in the interrogation rooms for many hours, sometimes days, while they are shackled to a chair. The explanation offered by the State Attorney’s Office is, for example:

*The manner and form of his interrogation derive from the assessment of security officials, according to which your client harbors even today information that can enable the foiling of [terrorist] attacks in the near future... regarding your claims about his shackling during his interrogation - this arises solely from the need to assure the security of the interrogators...*<sup>10</sup>

The style is almost identical to that previously assumed by the State Attorney’s Office in response to claims raised by interrogees and their attorneys regarding the “shabeh” method. As explained below, the Public Committee Against Torture in Israel has concluded, based in its study, that sleep deprivation and prolonged, painful shackling, have been turned by the GSS into means of torture and ill-treatment *par excellence*, in complete contravention of the HCJ ruling. Yet because GSS interrogators are protected, as explained below, in a shroud of isolation and disconnection from the

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<sup>10</sup> Letter of Attorney Shai Nitzan, Official in Charge of Security Matters in the State Attorney’s Office, to Attorney Andre Rosenthal, on the matter of “Arguments Regarding Interrogation Methods Used Against Nasser ‘Iyad,” 20 March 2001, paras. “a” and “b.”

outside world, and the person sent by the State Attorney's Office to investigate individual complaints against them is no less than a GSS agent himself, the result is that the word of the "terrorist" detainee, claiming that he was tortured, is again, as in the days of the "shabeh," pitted against that of the State's dedicated guardians, according to whom shackling and sleep deprivation are only "side effects" and "security measures"– and the results are clear.

The above is not intended to detract from the importance of the HCJ ruling or from the weight of its positive aspects – the ruling constitutes, as stated, a most significant step in the right direction. It puts an end to permitted and authorized mass and routine torture, limits the authority of GSS interrogators in interrogation (or the means of interrogation at their disposal), and largely limited, at least in theory, the field of play within which GSS interrogators can torture and ill-treat Palestinian detainees.

This notwithstanding, the Supreme Court did not muster the courage to fall into line with the provisions of international law. The Court avoided calling the interrogation methods recommended by the Landau Commission by their proper name – torture, even though it clearly indicated that this was its position. The Court avoided adopting the position of international law that rejects torture in any situation, and left intact the applicability of the "necessity defense" for torturers during a "ticking bomb" situation, thereby creating an opening both for the existence of torture in practice, and lending legal and ethical legitimacy to this deplorable crime. The Court allowed, under limited conditions, sleep deprivation and prolonged tying of detainees, creating cracks into which the GSS hastily squeezed through to find ostensibly legal methods of torture and ill-treatment.

The result is that protection for Palestinian detainees from torture and ill-treatment is still lacking.

## **Torture and Ill-treatment in GSS Interrogations**

This section describes in detail the means of torture and ill-treatment practiced by the GSS against Palestinian interrogees. It is important to recall that no method is used on its own – one method connects to the next, accumulating into pressure that increases steadily with time, so that the suffering caused to interrogees also increases steadily.

### ***A. The Shroud of Isolation and Disconnection that Enables and Sustains Torture and Ill-Treatment***

The system of torture and ill-treatment in GSS facilities is based on a shroud of isolation and secrecy that encompasses the physical facilities. This shroud, on the one hand, denies the Palestinian detainee basic rights of contact with the outside world, first and foremost with his family, attorney and any other friendly person to whom he can complain and who can defend him in “real time” from the GSS. On the other hand, this shroud of isolation and secrecy protects GSS interrogators from any critical and independent eye, and thus from the need to justify their illegal actions, granting them broad freedom of action to do as they please with Palestinian detainees, at least during the initial period of interrogation.

### ***B. Incommunicado Detention of Interrogees as a Means of Ill-treatment***

The provisions of article 78 of the Security Regulations Order, issued by the military commanders in the Occupied Territories, grant a policeman with the rank of officer the authority to detain a Palestinian for up to eight days prior to bringing him before a judge, grant a military judge the authority to extend the detention by three periods of up to 30 days, and allow a military judge in a military appeals court to add up to three additional months to this period.

At the same time, the official “in charge of the interrogation” is authorized to deprive the detainee of his right to meet with his attorney for a period of up to 15 days; an “approving authority” may extend this period by 15 additional days; the military judge may extend it for additional periods of up to 30 days each time, for a total of up to three months; the president on-duty at the military appeals court has the authority to extend it (at the request of the State Attorney) to a period of up to thirty additional days. In total, a resident of the Occupied Territories can therefore be held for six months under detention order, without the privilege of meeting with his or her attorney.

## International Law

Every detainee has the right to connection with the outside world, and especially with his or her appointed attorneys. The reason for this is that these attorneys, by the very nature of their role, can instruct the detainee regarding his rights, and can protect his rights from the arbitrary whims of the detaining (and interrogating) authorities, since they are knowledgeable in the intricacies of the laws and rules applying to detentions and legal proceedings, in contrast to the overwhelming majority of detainees.

The UN Human Rights Committee, responsible for implementing and interpreting the International Covenant on Civil and Political Rights (to which Israel is a party), has explained, clearly and simply that a meeting between detainees and their attorneys must be allowed “promptly.”<sup>11</sup> The international human rights bodies agree that “promptly” means that even in emergency situations, detainees must be allowed to meet with their attorneys within 48 hours at the most.<sup>12</sup>

The UN Commission on Human Rights has stated repeatedly in its decisions that “protracted incommunicado detention may enable torture and is likely to constitute in itself a type of inhumane or degrading treatment.”<sup>13</sup>

The authority to deprive detainees of their basic human right to contact with their families, to legal counsel, and to legal scrutiny for prolonged periods, which the military orders intended, presumably, for extreme cases, is in practice used routinely vis-a-vis Palestinian interrogees. From the beginning of the al-Aqsa Intifada through the end of August 2001, the Public Committee Against Torture in Israel processed the cases of hundreds of Palestinian detainees subject to GSS interrogation and whose right to meet with their attorney was denied for days and weeks. Many contacted other human rights organizations or attorneys. In addition, many Palestinian detainees whose families did not hasten to procure them an attorney, remained without legal representation even when no order was issued against them preventing meeting with their attorney.

Unfortunately, the Supreme Court is a full participant in this glaring violation of basic human rights. The justices of the Court often try to reach an arrangement or compromise between the parties, such as an agreement not to renew the order preventing detainees from meeting with their attorneys, and sometimes, during the trial, recommend the cancellation of the order. However, the Court has not acquiesced even to a single one of the hundreds of petitions submitted by attorneys on behalf of the Public Committee Against Torture in Israel, on behalf of other human rights organizations or independently during the past two years. In other words, it has

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<sup>11</sup> General comment No. 20 (44) (art. 7), **Report of the Human Rights Committee**, UN GAOR Sup. No. 40 (A/47/40), Annex VI (adopted in 1992), para. 11. It should be noted that this determination was an express interpretation of article 7 of the convention, dealing with torture and ill-treatment.

<sup>12</sup> See, for example, Basic Principles on the Role of Lawyers, adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990, Principle no. 7; *Branningan and McBride v. UK*, **Series A**, No. 258-B (1993) 17 **E.H.R.R.** 539, paras. 61-66, esp. para. 64; *John Murray v. the United Kingdom*, 8 February 1996, **Reports** 1996-I, esp. paras. 59-70.

<sup>13</sup> E/CN.4/RES/2000/43, 20 April 2000, para. 7.

always refused to rule that such an order be annulled. The routine and laconic response of the Court justices to such petitions is of the following sort: “We are convinced that preventing a meeting between the petitioner and his attorney is necessary for the interrogation to continue, as well as for the security of the area.”<sup>14</sup>

The Supreme Court was not even deterred from leaving a detained 17-year-old Palestinian minor incommunicado for three weeks.<sup>15</sup> In another case, the Court went so far as to refuse to order the GSS to inform a Palestinian detainee that such an order had been issued against him preventing him from meeting with his attorney, and this, too, “for reasons of State security.”<sup>16</sup> If it is not enough that in Israel it is not required to apprise detainees of their rights, as is the practice in most democratic countries – even informing the detainee that they are **denying him** his rights constitutes, according to the Supreme Court, harm to the security of the State.

Needless to say, visits by family members of Palestinians under GSS interrogation is, mildly stated, an extremely rare occurrence.

It is important to understand that in terms of international law (see frame), denying detainees contact with the outside world is not only a violation of legal rights, but also constitutes a violation of the right to freedom from torture and ill-treatment. The Public Committee Against Torture in Israel has no doubt that one of the goals of denying these rights is to place emotional pressure on detainees. In specific reference to the policy of incommunicado detention of Palestinian detainees in Israel, the UN Special Rapporteur on Torture, Prof. Sir Nigel Rodley, stipulates explicitly in a report he submitted this year (2001) to the United Nation Commission on Human Rights, that,

“... the Government continues to detain persons incommunicado for exorbitant periods, **itself a practice constituting cruel, inhuman or degrading treatment...**”<sup>17</sup>[our emphasis]

This means that the ill-treatment of Palestinian detainees begins with depriving them of the right to contact with the outside world, - mainly with their lawyers and family members – for a period of days or weeks.

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<sup>14</sup> Quoted from *HCJ 5129/00 Muhammad ‘Abd al-‘Aziz v. General Security Service et. al.*, decision of 19 July 2000. Compare, for example, with *HCJ 1229/01 Nasser Mas’ud ‘Iyad and the Public Committee Against Torture in Israel v. General Security Service*, decision of 23 July 2000.

<sup>15</sup> *HCJ 5242 Muhammad Ibrahim Huhammad al-Matur and the Public Committee Against Torture in Israel v. Erez Military Court*, decision of 15 February 2000.

<sup>16</sup> *HCJ 2000 801, Bassam Natshe and the Public Committee Against Torture in Israel v. General Security Service*, decision of 1 February 2000, p. 2

<sup>17</sup> E/CN.4/2001/66, 25 January 2001, para. 665

### ***C. The Shroud of Isolation and Secrecy as a Means of Protecting Interrogators from Scrutiny and Exposure***

The GSS interrogation wings, located in facilities that are ostensibly under police jurisdiction (in Petah Tikvah, the Russian Compound, and Kishon) or under the auspices of the Israel Prisons Service (Shikmah), are in fact completely separate and independent kingdoms. Moreover, as will become clear below, it is GSS agents who instruct jailers and policemen – and even physicians – how to treat Palestinian interrogees even at times when they are located outside the interrogation wing. GSS agents control what is done to these interrogees in other ways as well.

Everything that occurs in interrogation rooms and isolation cells is concealed completely from the eyes of the outside world. Recording the interrogations – whether video or audio – for the purposes of scrutiny, as is the practice in many democratic countries, is not done. No independent body performs surprise inspections, such as those that are performed, for example, across Europe.<sup>18</sup>

No less grave is the manner in which detainees' complaints of ill-treatment and torture by GSS agents are handled. Such complaints are supposedly processed by the Special Tasks Division of the State Attorney's Office, which is not subordinate, of course, to the GSS.

The problem is that all these complaints are passed on to the "Official in Charge of Investigating Interrogees' Complaints," **who himself is a GSS agent**. According to the State Attorney, this agent receives "professional guidance" from the State Attorney's Office in general, and from the State Attorney in particular, and acts according to their instructions.<sup>19</sup> However, this does not alter the fact that a Palestinian who has been tortured, tired out to the point of exhaustion and humiliated by GSS agents is brought before another GSS agent and required to detail for him the deeds of that agent's colleagues. It should be noted that during the interrogation, the GSS agents and their aids often pose as members of Palestinian organizations, and are known to have also posed as a foreign consul, an attorney, and even as human rights workers.

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<sup>18</sup> In addition to the independent and professional watchdog organizations that operate in the European countries, these countries have signed a special convention for the prevention of torture and inhuman or degrading treatment or punishment. By force of this convention, to which over 40 countries are party, the Committee for the Prevention of Torture (CPT) was established to supervise the upholding of the convention by conducting visits in the prisons and detention facilities throughout Europe. Members of the Committee meet with officials and with prisoners, and compile reports which the Committee submits to the relevant countries. The Committee is authorized to visit any prison facility that it chooses, without warning, to enter any part of the facility that it wishes, and to meet any prisoner that it wants – without an official representative present. In 1994, for example, members of the Committee visited a prison where members of the ETA terrorist organization were being held, 24 hours after they announced to Spain their intention to conduct the visit. Despite this, the Spanish government cooperated with the Committee members, and allowed them to tour the facility and to meet with prisoners as they wished.

<sup>19</sup> Conveyed in a telephone call to Hannah Friedman, Executive Director of PCATI, on 27 August 2001.

The GSS agent who is the “Official in Charge of Investigating Interrogees’ Complaints,” also investigates his colleagues regarding complaints against them, and is required to determine, objectively, whose claims are more reliable – those of his friends, or those of the Palestinian “terrorist.”

This questionable method of investigating complaints has had two clear, predictable and related results:

1. In a large portion of the cases, Palestinian interrogees are afraid to recount the complaints they conveyed to their attorneys before the GSS agent who acts as a complaints investigator, and it is therefore easy for the State Attorney to reject such complaints as unreliable.
2. Since the investigation of detainees’ complaints was transferred to the State Attorney in 1994, that is, over a period of seven years, **not a single GSS interrogator has been tried in a criminal court**, not even when detainees left interrogation wings with permanent physical or mental disabilities, and even not when a GSS agent tortured a Palestinian detainee (‘Abd a-Samad Harizat) to death with his own hands. The same interrogator, after a not-too-long suspension, resumed interrogating - and probably also torturing – Palestinian detainees.<sup>20</sup>

#### ***D. Arenas of Torture and Ill-Treatment (1): The Interrogation Room***

Following the HCJ ruling, the GSS was forced to shut down the corridor arena, where exhaustion and pain were inflicted, the usual location for “waiting” (the GSS and State Attorney’s Office’s code name for the interrogation method that combined sleep deprivation, sitting or standing in painful positions, covering the head with a foul smelling sack, and playing loud music non-stop). This arena was moved, however, with the changes and adjustments imposed on the GSS by the ruling, to the interrogation room. As stated, this was made possible, to a certain extent, by the cracks and openings in the HCJ ruling, and particularly the legitimacy that the ruling granted to sleep deprivation and shackling the detainee during interrogation. However, the study conducted by the Public Committee Against Torture in Israel reveals that the GSS has deviated from what the Supreme Court permitted.

As mentioned, the Supreme Court also explicitly prohibited the routine use of torture methods used previously in the interrogation room: violent shaking, forcing the detainee to squat (“qambaz”), and the use of a small, tilted chair. Here as well, the GSS implemented adjustments and changes, yet managed to find ways of inflicting pain and suffering on interrogees, in complete contravention of the international law that Israel committed itself to uphold, and in contravention of the HCJ ruling.

The study conducted by the Public Committee Against Torture in Israel reveals methods of torture and ill-treatment that are routinely implemented by the GSS in the interrogation rooms, and others that are applied in more rare situations.

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<sup>20</sup> See, Carmi Gilon, *Shin-Beth between the Schisms*, Tel-Aviv: Miskal, 2000, Rami Tal, ed. pp. 394-395 (in Hebrew). The interrogator faced disciplinary procedures, and according to Gilon, was convicted of a “minor disciplinary offense.” See *ibid*.

## Routine Methods:

- Sleep deprivation
- Shackling to a chair in painful positions
- Beating, slapping and kicking
- Threats, curses and insults

## Special Methods:

- Bending the body in contorted and extremely painful positions
- Intentional tightening of handcuffs
- Treading on shackles
- Applying pressure to various body parts
- Shaking the interrogee's body in various ways
- Forcing the interrogee to squat ("qambaz")
- Suffocating
- Other violent and degrading methods (ripping out hair, spitting, etc.)

## Routine Methods – Explanation

### 1. Sleep deprivation

As stated, the Supreme Court ruled that "prolonged" interrogation, involving sleep deprivation is permitted only on the condition that the lack of sleep is a "side effect" of the interrogation and not a means employed "for the purpose of tiring him out or "breaking" him" (article 31).

The study conducted by the Public Committee Against Torture in Israel shows clearly that the GSS has ignored this condition set by the Supreme Court, and uses various methods that deprive detainees of sleep as a means of pressuring them during their interrogation.

The GSS holds Palestinian interrogees, as a matter of routine, shackled to a chair in the interrogation room for long and contiguous periods, excepting short pauses for meals, and sometimes pauses (even shorter ones) for using the toilet.

The study conducted by the Public Committee Against Torture in Israel reveals that shackling detainees in the interrogation rooms for 15 and even 20 hours a day, for a number of consecutive days, is a matter of routine. On more than a few occasions, detainees have been shackled in the interrogation rooms for more protracted periods – for a number of consecutive days. As becomes clear in what follows, various means of sleep deprivation are also employed in the isolation cells.

The study reveals that in most if not all of the cases, these protracted periods are not used fully for the purpose that they were ostensibly intended – i.e. for questioning interrogees regarding information they may possess. The interrogators sometimes "spend" hours in idle conversation; repeat the same exact question over and over,

sometimes for many hours; and in many cases do not speak with the interrogees and even leave the interrogation room for hours, while assuring that the interrogee will not be permitted to sleep while they are gone.

The “protracted interrogations” are therefore intended, first and foremost, to “kill time” while the interrogee becomes increasingly tired – that is, to exhaust the interrogee and “break” him, in contravention of the HCJ ruling.

## **2. Shackling to a chair in painful positions**

The GSS has interrogees sit for many hours, sometimes for a number of consecutive days (with the exception of short breaks for meals, and even shorter breaks for going to the toilet), on an ordinary-sized or low, unupholstered wooden or metal chair (although they no longer use a tilted child’s chair), with their hands shackled behind their backs in handcuffs linked to the chair using an additional handcuff.

The chairs are not particularly comfortable even for sitting for short periods. The detainees sit for long periods, with no possibility of even changing positions, let alone a stretching break, leading sooner or later to pains in the back, arms, shoulders, or all of the above. The shackles are not intended for prolonged tying, and even when they are not tightened intentionally, the prolonged handcuffing eventually leads to pain and swelling in the wrist.

GSS agents and the State Attorney’s Office insist that shackling is not intended to inflict pain, but is used for the “security of the interrogators.” These questionable explanations recall the claims made for many years by the State Attorney’s Office, that the “waiting” method mentioned above was intended only to prevent communication between detainees and to protect interrogators from attack. Only during discussions before the special panel of judges convened for *HCJ 5100/94* did State Attorney’s Office attorneys admit that it was by all means a method of applying pressure (“passive,” they claimed).

The study conducted by the Public Committee Against Torture in Israel reveals clearly that shackling detainees causes them suffering and pain, and is in contravention of the HCJ ruling, which stipulated explicitly that “cuffing causing pain is prohibited” (para. 26). The study also reveals that painful tying is used to apply pressure on the interrogee, in conjunction with other methods of pressure, and is thus in violation of international law and the HCJ ruling.

This conclusion is not unique to the Public Committee Against Torture in Israel. Magistrates court justice Haim Lahovitzki reached the same conclusion, commenting as follows at the end of his decision regarding extending the detention of Jihad Shuman:

As an aside, let the following be said: The Respondent claims, through his attorney, that even today, during his interrogations, his interrogators regularly shackle him with his hands behind his back. Regarding the question of Attorney Tsemel to the police representative on this matter, the latter responded that it was done for reasons of his [Shuman’s] interrogators’ security. **I tend to doubt**

**this argument** and yet, if there is indeed a danger to the well-being of the interrogators – and I leave that solely to their discretion – it appears to me that it is possible to assure their security in another manner. On the other hand, if the shackling is performed in this manner as a means of pressuring the respondent, it seems to me that there is no point to it and I do not believe that such a means will further in any way the goal of the interrogation. I say these things based on what I saw and what has been presented to me up to now.<sup>21</sup> [Our emphasis.]

It should be stated that while Justice Lahovitzki did well in confuting the far-fetched explanations of the interrogators and their spokespersons regarding the reason for shackling interrogees, he failed in not drawing the necessary conclusion, namely that GSS interrogators violated the Supreme Court decision, and in so-doing committed a criminal offense deserving of an investigation at the very least.

The Supreme Court itself, in a manner similar to justice Lahovitzki, commented as stated in its ruling that “there are other ways of preventing the suspect from fleeing from legal custody which do not involve causing the suspect pain and suffering.” (para. 26). The fact that the GSS chose to disregard these comments and to stand by the use of shackles also bears witness that the aim of shackling should be sought in the realm of torture and ill-treatment, rather than in the realm of security.

### **3. Beating, slapping and kicking**

During the “interrogation,” interrogators often beat detainees, slap them on the face, kick them and employ other violent means – all with various degrees of intensity. The study carried out by the Public Committee Against Torture in Israel indicates that the use of these means has increased during the period following the HCJ ruling, and particularly during the al-Aqsa Intifada.

### **4. Threats, curses and insults**

This method was used routinely prior to the HCJ ruling as well. While the Supreme Court ruled that “a reasonable investigation is necessarily one free of... cruel, inhuman treatment of the subject and free of any degrading handling whatsoever,” (para. 23), and it is clear that these means fall under at least one of those categories, the ruling did not relate specifically to these means, and in all likelihood the GSS believes that this fact gives a “green light” to their continued use.

The curses, threats and humiliations are often of a racist or sexual nature. The interrogators, who supposedly represent the law of the State of Israel, threaten interrogees that they will perpetrate acts against them or their families (usually women) that are considered serious criminal offenses, such as rape. In many cases, they threaten to perpetrate acts against interrogees or their families that are prohibited by international law but acceptable in Israel, such as protracted and arbitrary

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<sup>21</sup> Jerusalem Magistrates court, before Justice Haim Lahovitzki, *M 007453/01, Regarding Israel Police v. Shuman Jihad*, 2 February 2001, p. 9 of the decision.

administrative detention, or summary execution (referred to in Israel has “elimination,” “interception,” “focused prevention,” etc.).

Following are a number of examples of what is described above. The full details of the torture and ill-treatment victims quoted here can be found in Appendix A.

### **Routine Methods – Examples**

**Note:** In order to prevent breaking up the text, some of the excerpts also include descriptions of less frequently used methods, as well as means used in the isolation cell.

#### **From the testimony of ‘Abir Abu Khdeir (a woman):**

In the beginning they did not tie me at all. I would take advantage of the periods when they left the interrogation room to lie on the sofa and sleep. In response, they began - starting on Monday - to tie me to the chair. Afterwards, I managed to draw myself slightly closer to the table and I fell asleep on it each time that they left, so they moved the table far away.

...Physically speaking, I was extremely exhausted. I lost maybe 8 kilo during the first week. I would fall asleep on the chair during interrogation, but each time the interrogators would yell at me and kick the wall behind me hard. My back also hurt a lot from the prolonged sitting – therefore I barely fell asleep on the first night.

...The curses that they used against me: Allah will curse you. You whore, fuck your mother. Robert said: If you don’t talk, maybe we’ll bring your children and interrogate them. I knew that wasn’t serious. I said: Please, bring them.

They also said: Don’t dream of leaving here in less than two years.

The court extended my detention five times, and the interrogators threatened:

We will extend your detention by another 30 days, and then for another 30.

That *did* scare me, because I knew that they were capable of doing it.

#### **From the testimony of Walid Abu Khdeir:**

Each interrogator would come and say: Tell me a story. If one got tired, another would come. If I said: I already told, he would say: tell it again. Sometimes they would leave me – sometimes for two-three hours – in the interrogation room alone. But every ten minutes someone would open the door to make sure that I wasn’t sleeping.

#### **From the affidavit of Shadi Ghanem:**

As soon as I got to the Russian Compound, my interrogation by GSS personnel began – for 24 hours [consecutive] during which I received only one portion of food.

#### **From the testimony of Atty. ‘Adnan al-Hajjar:**

They sat me down on a small chair – not a children’s chair, but I am 1.85 meters tall and weigh 110 kilos. The chair was small for me – they tied my hands to the chair, forcing me to sit hunched forward, which causes me to have backaches to this day.

... During the interrogation I was always tied to the little chair, in the same way. They interrogated me for 20 hours a day for 14 or 15 days. On Fridays and Saturday they did not interrogate me. On Sunday the interrogation would resume.

...The same questions were repeated over and over. Hour after hour, day after day. I told them several times: you’ve already asked me this question 50 times today, and every time I gave the same answer – I’ve had it already. The interrogators kept switching but the questions stayed the same.

...For the first three days they behaved nicely, but afterwards they began cursing and threatening. For example: You are a lawyer and work in human rights? Human rights up my ass; your mother’s a whore, your sister’s a whore; all the human rights organizations are thieves; all of you are corrupt; ass, dog. When I would say that I am thirsty, and Shaikah would say to William [both are GSS interrogators]: Give him a cup of water, William would say: Me? Bring water to an Arab?

Or: I’m going to put you under administrative detention. Or: We’ll let you travel abroad and you will suffer the same fate as Abu Jihad [assassinated in an Israeli attack.] We have commandos and planes, we will catch up with you anywhere.

Sometimes they would use different methods to scare me – they would hit the wall behind me, [or] an interrogator would sit close to me and bring his face up to me.

...I told them that I have no dealings in politics, only human rights and law. I told them that for me all people are equal, regardless of race, color, religion or sex.

One of the interrogators would shout into my ears with all his might, until I stopped hearing in that ear. I asked to go to the clinic and they gave me medicine.

Shaikah got the flu, and he brought his face up to mine with all his coughing and runny nose. To this day I have a sore throat.

In the third week they really didn’t let me rest at all for four days. There was a continuous interrogation for 20 hours a day. They even gave me my food in the interrogation room. I didn’t eat at all – the food was so disgusting. During that week, even during the four hours that I was supposed to sleep, they denied me that. The policeman would knock on the door, or bring in the food, or come to ask if I want a cigarette, or to take a shower. For those four days I did not sleep at all.

Sometimes they would keep me for 3-4 hours without interrogating me. The interrogator would be working on the computer. Each time that I tried to sleep, the interrogator would come and wake me up. In any case, the position was so uncomfortable that I wasn’t able to sleep. They supposedly were using non-physical methods, but in fact I suffered greatly even in this way. My back was hunched the whole time, and rubbed against the chair. During those four days, there was also an order preventing my meeting with an attorney.

**From the testimony of Nidal Hijazi:**

I was taken to the detention facility at the Russian Compound, where I was interrogated for eight days. It was also during Ramadan, and I was interrogated every day in two shifts: one was before the meal to break the fast, in the afternoon, and one was before the meal prior to the fast, in the morning before dawn. For those eight days, there was not a single day when they did not hit me or abuse me in one way or another.

**From the affidavit of Thabet ‘Asi:**

For a week I was interrogated every day from 8:00 a.m. until the next morning at 4:00 a.m., and every time at the end of the interrogation they would put me back in the isolation cell.

**From the affidavit of Kamel ‘Obeid:**

From the outset they began cursing: We’ll bring your wife and we’ll fuck her, your mother, your sister. I said: Is your job protecting state security or fucking?

From the outset, they hit me – but at that point not hard – a slap here, a hit there.

...They tie you to a chair. Tzahi [the interrogator] arrives, curses your mother, comes close to you, spits in your face while your hands and feet are tied. In the middle of the interrogation they sometimes say: interrogation break, put the glasses on me [welder’s glasses] and switch [interrogators]. One comes in, punches you, a slap, spits in your face, curses you.

...They interrogated me for 10-15 hours a day. It was always with painful tying, and always with breaks for beating.

...On Monday afternoon, they loaded me onto a closed van and we began traveling. Two hours later, maybe, I noticed that we had entered a gate. We arrived at an interrogation facility. I saw Israel Prisons Service guards. They put me in waiting, after they had put glasses on me in the car, [and] tied my hands and feet.

I heard someone say: Now I’m going to take you apart, and you will start singing. I said: OK, just let me see your face. He said: You’ll see. He kicked me in the legs, the stomach, a slap or two, punches to the stomach – painful ones. My hands were tied behind my back and I couldn’t protect myself.

...He began cursing. I cursed him back... He said to me: I am responsible for the facility here, at Shikmah. He said to the prison guards: Tie him to the pipe, his hand, high like that, totally naked...they stripped me completely, tied one hand to the pipe and told me to take off my clothes. I said: So, what now? All my clothes were in a pile. An interrogator came and began stepping on them. I confronted him verbally – the moment you see their face, you know that they won’t hit you.

For two hours I stood naked, until they found clothes that fit me. They took all my clothes. They gave me brown clothes, with no underwear.

**From the affidavit of Muna ‘Obeid (a woman) :**

Then another interrogator, who told me his name was “Martin,” entered the room. He sat facing me on the table which was very close to the chair on which I was sitting, and he placed his feet on my chair, on both sides, got closer to me and grabbed me by the shirt, then pulled me very forcefully towards him, and he told me: “start opening your mouth you, whore, pay time has arrived... if you don’t open your mouth I’ll bring you mother here and fuck her in front of your eyes on the table...”

The interrogators “Omer,” “Martin” and others would keep telling me: “liar, whore, bitch daughter of a bitch, whore daughter of a whore...”

**From the affidavit of Kamel ‘Awwad:**

At around 8:30 p.m. I was taken to interrogation, handcuffed with my eyes covered. In the interrogation room they sat me down on a chair with my hands pulled behind, tied to a chair. My eyes were covered with dark glasses. During the interrogation they turned on a cold air conditioner. During the interrogation, the interrogator would raise my chin with his finger and press hard. The interrogator’s name was Avri. He threatened that if I did not confess, they would interrogate me in a military interrogation... he threatened to bring my mother, my father, my sister and my fianc’e. The interrogation continued until almost midnight. I was returned to the isolation cell. The next day and for three days after, I was interrogated for three days, from 8:00 a.m. until about 10:00 p.m. ... they only gave me a few minutes to go pray and eat. They barely let me go to relieve myself.

**From the testimony of Shadi al-‘Isawwi:**

The first interrogator asked me the same question over and over: “What is your name?” Each time I answered him he would give me a blow to the face and head with his fist.

...During the interrogation I would sit on an ordinary chair, with my hands tied behind my back. The handcuffs hurt since they were extremely tight, so that my hands were swollen and blue when they removed the handcuffs, and it took a week until the signs disappeared.

...[The interrogator] asked me about throwing stones and Molotov cocktails but I denied it. Each time I denied it he would tear hair from my head. This went on for some 15 minutes.

... Shadi [the interrogator] said to me: “We have evidence against you.” When I answered that he would have to bring the evidence to court, he kicked me in the stomach and the chest.

**From the affidavit of Muhammad Farjallah:**

My interrogation continued for three days, from Saturday 24 March 2001 until Monday at about 8:00 p.m. Then I was transferred to the isolation cell. I remained in the same position for three consecutive days. They allowed me to relieve myself and to go for a medical examination. They gave me only four hours of sleep on each of the three days.

### **Try it Yourself**

To many of the readers it may appear that it is an exaggeration to use the term torture or ill-treatment for forced and prolonged sitting in a chair with hands and legs tied, since it appears that this does not cause particular suffering.

Try, therefore to check the matter for yourselves: sit (not in front of the television) on an unupholstered chair, with your hands behind your back and your legs flush up against the legs of the chair. Remember that you cannot cross your legs or arms – or change position in any other way. You cannot scratch yourself, wipe off sweat, shoo away an annoying mosquito or blow your nose. Likewise, you cannot sleep, even if you have become tired.

At first it will not be difficult at all. Later on, you will indeed feel, in all likelihood, no more than discomfort, but this will increase as time passes. How many hours will pass before your back, shoulders or arms begin to really hurt? How many hours, or perhaps days, will pass before you feel that your suffering is “severe” as in the definition of “torture” in international law? Judge for yourselves.

Remember, however, that Palestinian detainees who sit in GSS interrogation rooms are exposed to things that you can only imagine. Your hands and legs are tied, and handcuffs are pressing on or rubbing against your wrists, which will become swollen with time; you have not seen your family members, or any other “friendly face” for a week, two weeks, or more; you have not showered, not changed clothes, not brushed your teeth for a week or more; you have eaten food that “sheep would not eat.” You have entirely lost your sense of time, and you cannot distinguish between day and night; they have cursed you, humiliated you, threatened you and your loved ones (to the tune of “we’ll fuck your mother”), slapped you in the face and kicked you.

Imagine also that you have no way of knowing how long all this will go on. The interrogators say forever.

...At around 8:00 a.m., I was again returned to interrogation. The person in charge of the interrogation informed me that I was healthy and that we would proceed with the interrogation. From that day and until the end of April, my interrogation began at around 10:00 a.m. and ended at 5:00 a.m. the next day. That’s how it went on for about a month... On Fridays, Saturdays and holidays I was not interrogated at all... my interrogation was accompanied with threats. They threatened that they would bring my mother, my daughter and my sister and rape them... that they would destroy my house. They threatened that they would make me an identity card of a collaborator and would distribute it around the village, that they would bring a signed check for \$2000 as proof that I was a collaborator and would send it to the Palestinian Authority, which would issue a death sentence against me.

On one of the days, they took me to a room with a sofa, a table and a bed, and forced me to be photographed in various positions: they embraced me and photographed me, kissed me, gave me a picture as a present and photographed me receiving it. They took a total of 12 photographs. They told me they would distribute it as proof that I was a collaborator. When I vehemently expressed my opposition and angrily moved the table, I was beaten severely all over my body.

...During the interrogation they mocked me, Islam, and Muhammad. They cursed me with curses like: “Son of a slut, whore, we will destroy your house,” etc.

#### **From the affidavit of Da’ud Shawish:**

In the interrogation room there were about three interrogators, who identified themselves as GSS personnel. They sat me down on a chair with my hands tied behind me, in handcuffs, and tied to a chair that was attached to the floor. I was in the room for about two hours before the interrogation itself began. I was left in the interrogation room in that position for about 15 days, approximately 15 consecutive hours with a break of about 5 minutes to eat, and after begging they would let me go to relieve myself.

...During these hours, I did not undergo a serious interrogation; rather, the interrogators entered and left the room frequently and said to me “talk... we know everything... it’s better for you to talk...”

My interrogation was accompanied by shouting threats and curses. They cursed my mother and my sister, mocked me and said: “Arab trash... we will kick you all out to Libya to Qadafi... we will throw you all into the sea, you are our servants.”

They turned the air conditioning to cold and hot alternately; every 4 hours they switched from heat to cold.

During the interrogation, they sometimes left me alone, without interrogation, for about 5 hours.

#### **Special Methods – Examples**

##### **From the affidavit of Muhammad Abu Daher:**

The names of the interrogators were: General Abu Sharif, Colonel Shalom, Captain Oscar and Captain Mikki. It should be noted that I asked them to take off the [plastic, disposable] handcuffs because I felt excruciating pain, but... they ignored my requests.

The interrogators immediately began interrogating me. My interrogation was only about my relationship with Mr. Muhammad a-Sinwar, and when I answered that I did not know him, General Abu Sharif slapped me hard across the face three times. Abu Sharif had a hammer. He began waving it about in the air, turned to Shalom and said to him: “This – later.” As a result of the tight plastic handcuffs, my hands swelled up and they turned black. At that moment, I was no longer able to bear the intense pain, and so I begged the interrogators: “Look at my hands” and when they saw them, they cut off the plastic handcuffs and brought me others in their place.

...Shalom and Oscar left and the two other interrogators stayed with me, but they didn’t interrogate me. They told stories so that I would stay awake. Qiss [an interrogator] told me about his good relations with Arabs... [until the morning]. Even though I wasn’t being interrogated, they didn’t let me sleep.

... In the morning... during my interrogation, Abu Sharif slapped me hard across the face and Qiss pressed hard on my shoulders.

...During my interrogation, my feet and hands were in shackles, and my arms were stretched backwards. The interrogator [called] Shalom sat across from me, separated my legs, pushed hard against them and put his hand on my chest and pressed on my body... I felt excruciating pains.

... In the afternoon, an interrogator named Udi interrogated me. Udi also tortured me using the same method.

...In the evening, William and Shaki interrogated me until late. I was tired and tried to sleep, but William ordered me: "Now you will sit qambaz style. What, you don't know how to sit in qambaz? Squat on your toes." My hands were shackled in front of me, and the foot shackles were tight, and when I tried to shift positions, I met with yelling: "What, you're not a man. Sit properly in qambaz." This went on for about 10 minutes.

It should be noted that while I was squatting, they pressed on my legs and my shoulders. Afterwards they returned me to the chair and when I tried sleeping, they ordered me to stand. A few minutes later, I told him that I did not want to sleep, and then they sat me back on the chair.

...I was seated on the chair, with hand and leg shackles, with my arms stretched backwards. Shalom sat across from me, and Mason was alongside me. Shalom separated my legs and pressed his legs hard against them, and with his hand pressed against my chest, so that my back was stretched to the side and was in the air. My stomach shook from all that pain, and I felt that I would become paralyzed. When I tried putting my hands on the floor, Mason kicked me. This went on for about 10 minutes. I was interrogated for about 23 hours a day, a continuous and non-stop interrogation.

#### **From the affidavit of Muna 'Obeid:**

Then "Martin" assaulted me - he grabbed my shirt on both sides and started pulling and pushing me backwards and forwards forcefully. The force of the shaking would send me flying towards the wall which was behind me, and my head would bang against the wall. He yelled at me: "whore, bitch, I'll fucking break you, you're interested in an intimate conversation so that you'd start talking..." The female soldier present was very frightened by what she saw; she covered her face with her hands and hid it between her knees. As a result of what happened, I suffered very strong headaches, dizziness, and was about to faint. Then "Martin" told the other interrogators who were present in the room: "Take her to hospital so that she doesn't die on us here."

#### **From the affidavit of Nasser 'Ayyad:**

The interrogation got off to an immediately harsh beginning by a number of interrogators, for an entire week, without any sleep, with the interrogators abusing me by taking me out of the interrogation room to the isolation chamber, supposedly so that I would rest, and after about 10 minutes they would come back and tell me that I had rested enough and take me to the interrogation room. During the first week I did not sleep at all.

During the course of the interrogation, the police slapped me on the face, and tightened my hand and leg shackles until my hands and legs were very swollen.

Sometimes the interrogators would get up and stand on the leg shackles, and I would feel excruciating pain. In addition, the interrogators would seat me on a chair with my back not in the direction of the backrest, and one of them would pull me backwards until my head reached the floor, and I felt that my neck was about to break from all the pain.

... The same interrogator [Abu Medhat] would sometimes place his hand around my neck and choke me forcefully and intensely to the point where I could barely drink water, and I felt terrible pains.

My interrogation continued for crazy [long] hours, while I was in shackles and sitting on a wooden chair. Sometimes I would feel total weakness and fall off the chair...

...During the second week, I remember that I slept once for a few hours, and that was it.

...On the first day in Petah Tikvah, the interrogator Abu Medhat arrived, turned on a very strong light (projector) and brought it up to my face for the whole night. The light was located on an installation [fixed so] that kept it at the level of my face, while I was standing on my feet, even throughout the night.

As a result, I felt that my face was being burned, my eyes were hurting very much, and my skin was peeling. I suffered terribly.

...The interrogators threatened that they would eliminate my father, Mas'ud 'Ayyad, and indeed two weeks after my detention, they came and told me that they had finished him off and they threatened that they would finish off my entire family.

### **Ticking Bombs?**

On 20 June 2001, MK Zehava Gal'on, at the request of the Public Committee Against Torture in Israel, submitted a parliamentary interpellation to the Minister of Justice, asking whether, since the HCJ ruling, the Attorney General had received cases in which GSS interrogators, suspected of exceeding the bounds of their authority, had pleaded the defense of "necessity." In other words, the question was whether GSS interrogators claimed that they faced cases of a "ticking bomb," regarding which the Supreme Court had determined, as mentioned, "physical" interrogation methods (that is, torture) could be permitted retroactively.

The answer of Justice Minister Meir Shitrit was submitted to the Knesset protocol on 11 July 2001:

To date, no cases of interrogation in which the "defense of necessity" was pleaded have been brought for the approval of the Attorney General.<sup>22</sup>

In other words, for almost two years, including the first nine months of the al-Aqsa Intifada, the GSS believed that all its activities classified as a "reasonable interrogation" according to the HCJ ruling, and that its interrogators did not find themselves in the "ticking bomb" situation that would allow them to deviate from such an interrogation.

In light of the severe means of torture and ill-treatment used by GSS interrogators in some of the cases presented here on the one hand, and in light of the total lack of claims of a "ticking bomb" that reached the desk of Attorney General on the other hand, it is not at all clear how the GSS and the Justice Ministry reconcile the use of these means with the Supreme Court's requirements for a "reasonable interrogation."

What is clear is that the shroud of unconditional defense that the State Attorney's Office provides GSS interrogators is working effectively.

### **From Attorney Leah Tsemel's letter of complaint to the State Attorney (signed by Jihad Shuman)**

... Upon detention, he was not notified of having any rights at all. When he asked his interrogators what his rights were, they told him that he had no rights, and that in Israel every interrogee is obligated to confess to all the crimes.

... He demanded that he speak with an attorney and meet with the [British] Consul. A man arrived and said "I am the consul" and afterwards a man came and said: "I am the attorney," but the detainee was convinced that they were interrogator impersonators.

... He was physically beaten by his interrogators. Among other things, they kicked him, slapped him [emphasis in the original] on the face with great force many times, to the extent that his nose was bruised and he was bleeding from the nose. Since the beginning of the interrogation, his nose has been stuffed and he has experienced difficulty breathing.

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<sup>22</sup> Parliamentary interpellation No. 2299, Plenary session – 11 July 2001, p. 30. A similar response was offered in the letter of the Attorney General's Office to Hannah Friedman, Executive Director of the Public Committee Against Torture in Israel, on 24 June 2001 and on 23 July 2001.

Since the beginning of his interrogation he has been placed for extraordinarily long hours on a tiny chair, with his legs pushed in and pressed behind the legs of the chair. He was tied, with his back pressing against the side of the back of the chair (the chair was placed sideways). His interrogators forced him to bend backwards with his entire body pressed and his muscles hurting to the limits of what he could endure. They forced him to remain in this painful position, and did not allow him to get up. Following continued efforts to remain seated, he would collapse to the floor. The interrogator would grab his chest and lift him up to the same painful position. He was forced to do this for a number of days in a row, and many times for what seemed to him for entire days.... His back hurt tremendously as a result of these acts, and he felt that his back had been broken.

...For days on end he was not allowed to sleep. He remembers at least three consecutive days during which he was tired and exhausted "to death." Every time he showed signs of fatigue, the prison guard would take him by force to the shower and pour cold water on him, and he would be forced to sit for hours in the freezing cold, wet all over.

...The interrogation included threats and insults of every type. First and foremost, sexual threats such as that he would be raped or that they would rape his mother. In addition, they threatened him with electric shock and that they would cut off his nerves. They made ample use of curses against his family and his mother.

#### **From the affidavit of Shuman:**

The one called Colonel Nir said to me: Tell that Attorney Tsemel of yours that we want to start torturing you again.

They immediately tied me to a small chair. Two policemen [probably referring to the interrogators] sat on either side and began pushing me between them left and right, and shaking the little chair to which I was tied and hitting the area that supports the back of the chair [the backrest].

...All along, the interrogators threatened me and my family members, and threatened that they would rape my mother to death. [They] said that they had a way of reaching her.

The interrogators also turn on a tape all the time and play the sounds on the tape very loudly, and they also clapped their hands loudly near my ears, accompanied by shouting and screaming in my ears. What I have just described continued for about 3 or 4 hours. They would stop, ask me a question, and afterwards repeat these acts for 3-4 hours, and on and on...

#### ***E. Arenas of Torture and Ill-Treatment (2): The Isolation Cells***

The isolation cells are located outside the GSS interrogation wings; that is, they are nominally under the jurisdiction of the police or the Israel Prison Service. Detainees under interrogation ostensibly rest there, therefore, far from the heavy hand of the GSS interrogators.

Yet from the study conducted by the Public Committee Against Torture in Israel, it emerges that the GSS has unbounded control over all handling of Palestinian

detainees, even when they are in the isolation cell. The police and jail guards are instructed, by GSS agents, regarding the extent to which an interrogee is allowed to sleep, regarding the length of meal breaks, regarding the prevailing temperatures in the cell (in some of the cases the GSS apparently has computerized control in over cell temperatures) and even regarding the time for showering and changing clothes. Each of these aspects is enlisted in the service of increasing the suffering of Palestinian detainees. The methods identified in the study are:

- Sleep deprivation
- Exposure to extreme head and cold
- Prolonged and continuous exposure to artificial light
- Detention in sub-human conditions

Let us preface by acknowledging that use of the term “methods” for rotten food or a cell with putrid toilet facilities seems, at first glance, questionable. The explanation for this is that the Public Committee Against Torture in Israel, as well as many other organizations and institutions, including courts, have for many years objected to and protested against the horrid conditions in which Palestinian detainees are held. Since Israel is not a poor country, the continued neglect of this topic can only be understood as an intentional act. While the Public Committee has recently been informed by attorney Talia Sasson, Head of the Special Tasks Division in the State Attorney’s Office, that “of late a great effort has been made to improve the detention conditions of detainees under GSS interrogation,”<sup>23</sup> reality teaches that the results of this effort, to the extent that it has been made, are most disappointing.

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<sup>23</sup> In a letter to Hannah Friedman, Executive Director of PCATI, 26 June 2000, para. 3.

## **International Law**

The various legal tools developed by the international community, both those dealing with human rights in general, and those dealing particularly with situations of war and occupation, include detailed lists of instructions regarding minimal conditions which detaining authorities are obligated to assure for each detainee. These include appropriate medical care, cleanliness and hygiene, ventilation, high-quality nutritious food, comfortable conditions for rest and sleep, clothing, a daily walk, separation between detainees and sentenced prisoners, between minors and adults, and between women and men, the right to family visits, the right to perform religious practices, the availability of reading material, and the list goes on.

It should be noted, among other things, that according to the Fourth Geneva Convention, “protected persons [that is, residents of occupied territories] accused of offences shall be detained in the occupied country, and if convicted they shall serve their sentences therein.” (article 76.) Transfer of Palestinian residents of the occupied territories for detention, interrogation and imprisonment within the borders of Israel is therefore in contravention to international humanitarian law, but Israeli governments have ignored this prohibition, with the backing of the Supreme Court. The result is a serious blow to basic human rights of Palestinian detainees and prisoners. Attorneys who are residents of the occupied territories are either unable, or find it most difficult, to arrive at the location where their clients are detained or imprisoned and to protect their rights, and it is also very difficult for family members to reach their relatives for visits.

### **1. Sleep deprivation**

Practically speaking, all the means detailed in this section “contribute” to one extent or another to disturbing the sleep of interrogees. In addition, the wardens actively prevent interrogees from sleeping, by knocking forcefully on the door of the isolation cell, shouting loudly, or waking the interrogee, supposedly in order to offer him food, a shower or cigarettes.

### **2. Exposure to extreme heat and cold**

The isolation cells where Palestinian interrogees are held, there is no natural ventilation. Air is streamed into the cell through vents that are part of a centralized air conditioning system.<sup>24</sup> GSS agents take advantage of this situation. Apparently it is they – and not the police or jail guards – who control the air conditioning system, and use it in order to stream into the cells, when they deem fit, extremely hot or freezing cold air.

### **3. Continuous exposure to artificial light**

In the isolation cells where Palestinian interrogees are held, the light is on day and night. In two cases, interrogees referred in their affidavits to the use of red light bulbs, which cause sight disturbances and headaches.

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<sup>24</sup> See the above-mentioned letter of Atty. Sasson, para. 3.

### **Even Physicians Cannot Intervene**

From the affidavit of Kamel 'Obeid:

In the evening, the police took me to the doctor... the doctor asked what medications I take, and I told him. He saw that my hands were swollen, but when I complained he said: No, no. That is the interrogation procedures, we can't intervene.

### **4. Detention in subhuman conditions**

Interrogees are not allowed to shower for several days on end, and are forced to remain in the clothes in which they were detained for even longer periods. They are held in a cell, in which there is a toilet in the form of a hole in the floor, with no real separation between it and the rest of the cell, and it is in these filthy and putrid isolation cells that they sleep and even eat. The food is horrible, as is the way in which it is served. In sum, the Palestinian interrogees are held in places unsuitable for human dwelling, and are not treated in a manner that human beings deserve.

### **Examples**

#### **From the affidavit of Muhammad Abu Daher**

At around 8:00 a.m... [that is, after 48 hours without sleep] they told me for the first time that I could sleep for an hour, and I was returned to the isolation cell. Even during this hour that I was supposed to sleep, I was not able to sleep since the prison guard kept knocking at the door, for the count-off, and also asked me if I wanted a cigarette.

...The isolation cell where I was held was about 2 X 2.5 meters, the walls were dark and rough, keeping me from leaning on them, with no window, two red lights that were on all the time, and never turned off, a hole in the wall serving as a toilet, and a tap. The mattress and the blanket were dirty and smelly. The food was of low quality and not fresh. Some of the prison guards treated me in an inhuman manner.

#### **From the testimony of Walid Abu Khdeir:**

At approximately 3:30 a.m., I was transferred to the isolation cell. I knew the time from the clock that was on the phone in the interrogation room. Close to 4:00 a.m. a policeman came, knocked on the door, and asked: Do you want a light? I said to him: I don't have a cigarette, I don't want anything, leave me alone and let me sleep.

I slept until 7:00 a.m., when a policeman woke me up. He asked me if I want a shower. I didn't answer.

At about 7:30 a policeman arrived, opened the door, and pushed in a tray of food with his foot. I did not eat.

... At 12:00 they took me [from the interrogation room] to the isolation cell to eat. I tried sleeping there instead of eating, but the policemen didn't let me.

... At about 1:00 they took me to a different cell from the usual one. The cell was small, maybe 1.20X 1 m. The cell was dirty and extremely smelly. I slept on a wet mattress.

**From the affidavit of 'Abd a-Rahman al-Ahmar:**

I have been detained in GSS interrogation for three weeks. I have not received a change of clothes since I arrived here.

**From the affidavit of Shadi Ghanem:**

In Ashkelon I was held in detention cell "30." Extremely cold air (from an air conditioner) entered this cell from the direction of the ceiling. This cold air created insufferable cold, and was on for 24 hours a day, non-stop.

... In addition, there are two red lights on the ceiling of the cell, that are on for 24 hours a day, and that emit red light. This leads to blurred vision and strong and unrelenting headaches.

... While I was held in the detention cell I slept on a 5 cm. thick mattress that was on the floor, with no bed... it should be noted that the hygienic conditions in the cell are extremely poor.

### **The Extended Reach of the GSS – Even Outside the Interrogation Wings**

Until his detention, Walid Abu Khdeir worked in an old age home in Ma'aleh Adumim. After his interrogation he was released with no legal measures taken against him, that is, considered completely innocent of any crime. Nevertheless, the GSS decided to punish him. Following is an excerpt from his testimony:

Before I was released, someone named Captain James arrived. He asked me all kinds of questions, and in the end, he took my phone number at work and said: forget about going back to work.

When I went back to my job, no one spoke with me. They gave me a notice of dismissal, and no one even explained to me why I was fired.

Muna 'Obeid, who has a Masters degree in education, works as head of the junior section in a school in Kafar Bara. In her affidavit she stated the following:

During interrogations the interrogators would repeat the same promise: "You will never go back to your school... we'll make sure that the Ministry of Education kicks you out..." And sure enough, on the day I was due to go back to the school where I serve as head of the junior section, I was summoned to a hearing at the Ministry of Education. I arrived at the Ministry of Education with my attorneys. The hearing was held by the Director-General of the Ministry, Ms. Tirosh. The Director-General told me that she decided to suspend me, following a document she had received from the police and the security forces. She refused to show us this document. On September 10 2001 I received a letter informing me that I was suspended, and prohibited from entering the school. The suspension is for 14 days, but I was told that the intention was to suspend me for six months "until the investigation is over," as it was claimed.

#### **From the testimony of 'Adnan al-Hajjar:**

The food is truly frightening. Sheep wouldn't eat it. A disgusting egg floating in something that might be salad. I lost 12 kilos during my detention.

#### **From the testimony of Hassan Khater:**

The cell was about 1.5X2.5 meters, with no window or ventilation. I did not know what was day and what was night. A hole in the floor, that was smelly to the point that its odor prevented me from sleeping, served as a toilet. In the cell were a mattress and a filthy blanket that couldn't be used as a cover despite the extreme cold.

For the first three days, they did not let me shower, and did not give me a change of clothes. During these days I remained in my suit, without clothes or underwear. These were the worst days of my life. The conditions of the isolation cell caused me an extremely itchy skin allergy, which I suffer from to this day.

...Among other things, for 12 hours I was in cell no.11, where the conditions were terrible. It was 2X2 meters in size, full of feces and cockroaches, without any ventilation, and there were 6 detainees there, some of whom slept on

mattresses and others on the floor. The toilets were behind a wall half a meter high and half a meter wide, so that anyone sitting on the toilet was exposed to the view of everyone.

**From the affidavit of Kamel ‘Obeid:**

During the first two days they asked me: Are you happy in the room? I said yes. But that was a mistake. Then Abu Musa said: Take him to room 9. Room 9 is an isolation cell, one and a half meters by two meters – either your head is in the toilet (a hole in the floor) or your feet are in the toilet. It was dirty there. The ceiling was very low – maybe a meter and a half. It is impossible to stand up or turn around, and it is impossible to avoid the vent. The vent blew air that might have been 45 degrees.

For two weeks I did not change my clothes. They said: Your family does not care about you – they didn’t send clothes. The first time I changed my clothes, a police officer came with three large bags of clothes.

I said: My family suddenly remembered?

When I complained to the prison guards about the vent and the light, the police officer said to me: there’s no point in complaining, it’s not in our control, it’s all computerized by them. One day you’ll be going crazy from the heat, and the next day the switch it around, they move you to room 8 where the air is freezing.

...After the hearing in the District Court, they gave me a room called VIP – a room with a yard (although they did not let me go out). A clean room, spic-and-span, a toilet, a shower – but every night there’s terrible noise of a helicopter taking off and landing, taking off and landing. It’s a recording. I was there for three or four nights. I spoke about it with an interrogator and he said: It’s a malfunction of the air conditioner.

**From the affidavit of Muna ‘Obeid:**

Then they took me to a room, the size of which was 2.5x3 meters, which is on the same floor with the interrogation rooms. I was told this room was called VIP.... All night long they were knocking on the door, so I couldn’t sleep at all. There were very loud noises indeed in the room. The next day I asked “Steve” about these noises, and he said: “Our planes are busy doing more important things than landing in your rooms.” I approached another interrogator regarding the noises in the room, and he answered: “It’s the noise of the engines of the air-conditioners.” Then I complained to one of the wardens about the noise, but he laughed in my face, and didn’t answer. I should emphasise that in this room the lights were on all the time, including during the nights.

During the last three days before I was released I was held... in a very small cell, the size of which was 1x1 meters, with a hole in the floor as a toilet... the room was very narrow, smelly, cockroaches would come out of the toilet hole, and it was very difficult to breath. The ceiling of the room had three very small openings which emitted hot air.

**From the affidavit of Shadi al-‘Isawwi:**

I spent 7 nights in the isolation cell, during which they did not let me sleep properly , because they were knocking at my door and shouting curses and insults all night.

**From the affidavit of Da'ud Shawish:**

I did not change my clothes for 20 days, for about ten days they did not let me shower.

...They alternately turned on the hot and cold air conditioning, every four hours they switched from hot to cold.

...The cell was about two square meters. It has no tap for drinking. They gave me a container of water for drinking and washing. In the isolation cell there was no window. It had a vent for ventilation that was very noisy and made it impossible to sleep comfortably. The light was on for 24 hours without a break. In the isolation cell was a toilet with a 1-meter partition wall.

There was a terrible smell of dampness. The food was inedible, cold, dirty, and all mixed together.

**From the affidavit of Kamel 'Awwad:**

For the first three days I was moved to another isolation cell that was 2.5X2.5 m. It had a toilet with a partition wall that was 1 m. high.

I was moved a number of times to a different isolation cell. In all of the places there was no ventilation, there was no window, the light was on for 24 hours a day, there was a smell of wetness, the walls were rough so that it wasn't possible to lean on them. The food was inedible, in a quantity insufficient for a human being, the rice was not cooked. The prison guards did not comply with my request for medical care when I needed it. Only after 49 days did I receive a toothbrush.

## Summary and Conclusions

For the GSS and the politicians responsible for it, the HCJ ruling could have served as a watershed. Their response to the ruling should have been like the response of farmers forbidden to use slaves, or judges after legislators have prohibited them from sentencing to lashes, stoning or hanging: to accept the fact that methods of torture and ill-treatment are no longer at their disposal, and to find humane ways of achieving their goals. The security services of many democratic countries, among them those who deal with cruel terrorism, implemented this change decades ago, without detracting from their ability to fight the various types of crime, including murderous terror.

But the GSS and those responsible for it did not manage to shake free of the concept that has been guiding them for decades – that the most effective way of eliciting information from an interrogee is by causing mental and physical pain, exhaustion and degradation.

It is disappointing that the HCJ ruling, while constituting an important step in the right direction, did not succeed in disposing of torture and ill-treatment in Israel once and for all in their appropriate place – the trash bin of history. The Supreme Court let stand the legal and ethical conception according to which an interrogator is authorized to consider torture, even if only in extreme situations – as a legitimate option. The Court justices did not fully rise to the occasion, and failed to apply to Israeli law the position of international law, namely that torture and ill-treatment are an absolute evil - like slavery, genocide, or the use of cruel means of warfare – which may neither be permitted nor justified under any circumstances.

The Supreme Court also left more practical openings for the GSS - sleep deprivation and prolonged shackling – through which it continues to implement this same violent concept. The result is that the wall of defense erected by the Court with the goal of protecting the basic rights of Palestinian interrogees has not proven itself to be sufficiently effective.

The following conclusions emerge from the study conducted by the Public Committee Against Torture in Israel two years after the HCJ ruling:

1. The Public Committee Against Torture in Israel estimates, based on accumulated information in its possession, that each month, dozens of Palestinians interrogated by the GSS are exposed, to one extent or another, to methods of torture and ill-treatment. These include the shroud of isolation and disconnection from the outside world, as well as an assortment of methods used both in the interrogation rooms and in the isolation cell.
2. Ill-treatment of Palestinian detainees begins with the denial of their right to contact with the outside world, and particularly with their lawyers and relatives (incommunicado detention) – for days and weeks.

3. The methods of torture and ill-treatment implemented in the interrogation rooms.

Routine methods include:

- Sleep deprivation
- Shackling to a chair in painful positions
- Beating, slapping and kicking
- Threats, curses and insults

Special methods include:

- Bending the body in contorted and extremely painful positions
- Intentional tightening of handcuffs
- Treading on shackles
- Applying pressure to various body parts
- Shaking the interrogee's body in various ways
- Forcing the interrogee to squat ("qambaz")

4. Methods of torture and ill-treatment used in the isolation cell include:

- Sleep deprivation
- Exposure to extreme heat and cold
- Continual exposure to artificial lights
- Detention in sub-human conditions

5. GSS interrogators are protected from external scrutiny, and from the possibility of criminal investigation and criminal charges, through the shroud of secrecy and isolation surrounding GSS interrogation facilities. Complaints by interrogees are investigated by a GSS agent (the "Official in Charge of Investigating Interrogees' Complaints") who questions, on behalf of the State Attorney's Office, both his interrogator colleagues and the detainee. Many of the detainees who have complained of torture and ill-treatment by GSS agents naturally do not cooperate with this GSS agent, who conducts an investigation without informing the detainee's attorney or the attorneys of the Public Committee Against Torture, and in their absence. This agent naturally tends, in any case, to prefer the version of his colleagues. As a result, not a single GSS interrogator has been criminally charged since the investigation of complaints against the GSS was transferred to the State Attorney's Office in 1994.

The picture emerging from this report is harsh and disappointing, particularly in light of the expectations raised by the HCJ ruling. It appears that despite the great achievement that this ruling constitutes, for the Public Committee Against Torture in Israel, and other organizations and entities that deal with the protection of human rights of detainees in Israel, a difficult and protracted struggle lies ahead.

The Public Committee Against Torture in Israel is concerned that in the heat of the struggle against acts of terror, which are totally condemnable themselves, Israel is opting for condemnable and manifestly illegal methods. The many years of widespread use of torture and ill-treatment against Palestinian detainees have not brought Israel peace and quiet – quite the opposite. It is time to try another path,

the path of respecting human rights in general, and the rights of detainees under interrogation in particular.

This conclusion is just as sound after the dreadful terrorist attacks in the United States of America on 11 September 2001. Enlisting cruelty for the war against the cruel, or the use of terrorism in order to fight terrorism – whether through torture or through such means as targeting civilians and civilian infrastructure or collective punishment – are not only illegal and inefficient, they also constitute a victory for terrorist morality and the terrorist way.

## Recommendations

The principal recommendation of the Public Committee Against Torture in Israel to the government of Israel is one: to apply *in toto* the provisions of international law pertaining to the treatment of detainees and prisoners.

Following are the main steps these provisions necessitate:

### 1. Legislation

- To prohibit by law torture, as defined in the UN Convention Against Torture, absolutely. Anyone who transgresses or issues instructions to transgress this prohibition will be punished in a manner that befits the severity of the deed;
- To prohibit by law any cruel, inhuman or degrading treatment, absolutely. Anyone who transgresses or issues instructions to transgress this prohibition will be punished in a manner that befits the severity of the deed;
- To clarify through legislation that the defenses of “necessity” and “superior orders” will not apply to torturers and perpetrators of ill-treatment;
- To stipulate by law that every detainee, without exception, will be apprised of his or her rights immediately at the time of detention, including the right to remain silent, and the right to due legal representation;
- To stipulate by law that every detainee, without exception, will be brought before a judge as quickly as possible, and within 48 hours at the most;
- To stipulate by law that every detainee, without exception, will be able to meet with his or her attorney immediately upon detention, and within 48 hours at the most;
- To anchor in law the obligation to videotape every single interrogation session conducted by GSS agents. The cassettes would be made available to attorneys representing interrogees who complain of torture and ill-treatment;
- To anchor in law a system of inspections, including surprise inspections, of the goings-on in detention and interrogation facilities, to be conducted by a Knesset commission, government bodies, and NGOs;
- To anchor in law an assurance of minimum humane conditions in all detention and interrogation facilities;

## **2. Government action:**

- To undertake the required legal procedures in order to open the state to UN monitoring bodies and experts, so that complaints of individuals can be directed to these bodies, and to learn from their experience;
- As an immediate measure – to invite the UN Special Rapporteur on Torture to visit Israel, to open all the detention and interrogation facilities to him, and to enable him to speak freely with any detainee he wishes;
- To instruct the GSS to cease immediately the implementation of any means of torture or ill-treatment mentioned here, and to work from here on using only methods of “reasonable interrogation” as defined by the HCJ ruling, but without resort to sleep deprivation or shackling in the interrogation room;
- To ensure that GSS interrogators undergo a complete retraining from violent and degrading interrogation methods to humane interrogation methods. This retraining must include thorough instruction in the topic of human rights in general, and detainees’ rights in particular. Only those interrogators who have truly internalized the humane approach to interrogation may remain in their jobs;
- To eliminate the role of the “official in charge of investigating the complaints of interrogees,” and to replace him with an independent official who is not related to the GSS in any way. This official will be part of a system of independent, effective supervisory system vested with powers of inspection, including surprise inspections, in all interrogation facilities at any time it deems fit;
- To urgently allocate budgets for improving the conditions in prison facilities in general, and detention facilities in particular;
- To urgently allocate resources for the purpose of installing recording systems (audio and video) in all interrogation rooms.

## Appendix A: Interrogees Quoted in the Report

**Muhammad Abu Daher**, age 27, resident of Khan Yunis refugee camp. Detained 20 April 2001 in the area of Qalqiliya, and interrogated by GSS agents at an unknown location, at the GSS interrogation facility in the police detention center in Petah-Tikvah, and at the Shikmah prison in Ashkelon. His affidavit was taken on 31 May 2001 in the Shikmah prison by Atty. Hanan Khatib of the Public Committee Against Torture in Israel.

**Walid Abu Khdeir**, age 32, resident of the Shu'afat neighborhood in East Jerusalem. Detained 21 February 2001 in his home and interrogated in the GSS interrogation facility in the police detention center in the Russian Compound. His affidavit was taken on 30 May 2001 in his home by Atty. Hanan Khatib of the Public Committee Against Torture in Israel. Additional details were given in a testimony taken on 30 May 2001, in Abu Khdeir's home by Yuval Ginbar and Atty. Hanan Khatib.

**'Abir Abu Khdeir**, age 32, resident of the Shu'afat neighborhood in East Jerusalem. Detained on 21 February 2001 in her home, and interrogated in the GSS interrogation wing in the police detention center in the Russian Compound. Her affidavit was taken on 28 March 2001 by Atty. Hanan Khatib of the Public Committee Against Torture in Israel. Additional details were given in a testimony taken on 30 May 2001, in Abu Khdeir's home by Yuval Ginbar and Atty. Hanan Khatib.

**'Abd a-Rahman al-Ahmar**, age 33, resident of the Deheisheh refugee camp in Bethlehem. Detained 24 May 2001 in Jerusalem and interrogated in the GSS interrogation facility at the police detention center in the Russian Compound. His testimony was taken 10 June 2001 at the Russian Compound by Atty. Allegra Pacheco.

**Shadi Muhammad Ghanem**, age 22, resident of Hebron. Detained 5 April 2001 and interrogated in the GSS interrogation facilities in the police detention center in the Russian Compound, and in the Shikmah prison in Ashkelon. His affidavit as taken on 30 April 2001 in the Russian Compound detention center by Atty. Labib Habib of LAW (al-Qanun).

**Hassan 'Ali Mustafa Khater**, age 36, resident of Bruqin-Salfit. Detained 23 April 2001 at the Allenby Bridge and interrogated at the GSS interrogation facilities at the police detention center in Petah-Tikvah. His testimony was taken over the telephone on 3 June 2001 by Atty. Hanan Khatib of the Public Committee Against Torture in Israel.

**Nidal Hijazi**, age 21, resident of Wadi al-Joz in East Jerusalem. Detained 15 December 2001 in the Old City of Jerusalem and taken to the police detention center and to the GSS interrogation facility in the Russian Compound in Jerusalem. His affidavit was taken on 29 April 2001 by Atty. Mussa Shakarna from LAW (al-Qanun), at the organization's East Jerusalem office.

**Thabet 'Asi**, age 23, resident of Beit Liqiya in the Ramallah District. Detained 14 October 2000 at home and taken to the police detention center and the GSS detention

facility in the Russian Compound. His affidavit was taken 25 February 2001 in the Meggido military prison by Atty. Hanan Khatib of the Public Committee Against Torture in Israel.

**Kamel ‘Abd a-Rahman ‘Awwad**, age 23, resident of Fara in the Nablus area. Detained 13 December 2000 near the Kedumim settlement and interrogated in the GSS interrogation facility at the police detention center in Petah-Tikvah. His affidavit was taken 3 May 2001 in the Shikma prison by Atty. Hanan Khatib of the Public Committee Against Torture in Israel.

**Kamel Hussein ‘Obeid**, age 39, an Israeli citizen, resident of Taibeh in central Israel, was detained and interrogated twice. The first time was 17 October 2000 after he reported to the police detention center in Petah-Tikvah, and was interrogated in the GSS interrogation facility in there. The second occasion was 24 January 2001, after he reported to the police detention center in Petah-Tikvah and was interrogated at the GSS interrogation facility there and at the Shikmah prison in Ashkelon. His affidavit was taken at his home on 16 August 2001 by Atty. Tamer ‘Obeid. At the time this report went to press, some of the details of the case were still classified under a court order.

**Muna Hassan ‘Obeid**, age 30, an Israeli citizen, resident of Teibe. Detained August 8, 2001 on her way home from Gen Gurion airport, and interrogated in the GSS interrogation facility at the police detention center in Petah-Tikvah. Her affidavit was taken at her home on 12 September 2001 by Atty. Tamer ‘Obeid. At the time this report went to press, some of the details of the case were still classified under a court order.

**Nasser Mas’ud ‘Ayyad**, resident of the Gaza Strip, was detained on 29 January 2001 in the area of Netzarim settlement, and was interrogated at the GSS interrogation facility at the Shikmah prison in Ashkelon, and at the police detention center in Petah-Tikvah. His affidavit was taken 15 March 2001 at the Shikmah prison by Atty. Andre Rosenthal and on 21 March 2001 at the Shikmah prison by Atty. Nail Zahalka.

**Shadi Tareq al-‘Isawwi**, age 19, resident of the village of al-‘Isawwiya in East Jerusalem. Detained 18 October 2000 at his place of employment in al-‘Isawwiya and interrogated at the GSS interrogation facility at the police detention center in the Russian Compound. His testimony was given on 2 May 2001 to a researcher at the LAW (al-Qanun) office in East Jerusalem.

**Muhammad Farjallah**, age 51, resident of Idhna in the Hebron District. Detained 24 March 2001 and interrogated in the GSS interrogation facility in the Shikmah prison. His affidavit was taken on 23 August 2001 at the Megiddo military prison by Atty. Hanan Khatib of the Public Committee Against Torture in Israel.

**Da’ud Shawish**, age 27, resident of Beit Haninah. Detained 31 December 2000 and interrogated in the GSS interrogation facility in the police detention center the Russian Compound. His affidavit was taken at the Russian Compound by Atty. Hanan Khatib of the Public Committee Against Torture in Israel.

**Jihad Rida Shuman**, a tourist, a British citizen. Detained 5 January 2001 and interrogated by the GSS. The material used in this report is based on a letter by Atty. Leah Tsemel to the Attorney General on 27 January 2001 (signed by Mr. Shuman as confirmation of the facts included therein), his affidavit, taken by Atty. Firas Abu Ahmed in the police detention center in the Russian Compound and other material. At the time this report went to press, some of the details of the case were still classified under a court order.

## **Appendix B: Torture and Ill-treatment by Other Authorities: IDF, Border Police, “Blue” Police**

**Not only Palestinians taken to GSS interrogation facilities are exposed to violence and degradation. The forces that detain Palestinians in the Occupied Territories – IDF (Israel Defense Forces) soldiers, the border police, and the Israel Police, and the various special units of each, often use harsh violence towards Palestinians during arrest. Interrogation of Palestinians not conducted by the GSS – i.e. by the IDF and the Israel Police, is often accompanied by harsh violence.**

The provisions of international law on this topic are completely straightforward: If a person resists lawful arrest, official personnel of the security forces are authorized to resort to reasonable force – i.e. only the minimal force necessary to overcome the resistance – in order to enforce the arrest. From the moment a person is under the control of the police and is no longer physically resisting this control, any use of violence against this person is absolutely prohibited, any force used is excessive force and constitutes ill-treatment or torture.

The study conducted by the Public Committee Against Torture in Israel reveals that such violence **after** the arrest has been completed, that cannot be justified in any way, is used in a large portion of the cases in which Palestinians are detained in the Occupied Territories. The purpose of this Appendix is to demonstrate and give examples in support of this conclusion.

It is worth noting that the overwhelming majority of Palestinian detainees cited in this study have complained of the use of disposable handcuffs, made of flexible but hard plastic, that can be tightened but not loosened, which the soldiers and police use to bind detainees' hands and sometimes their legs. These plastic handcuffs often cause swelling, cuts in the skin, and intense pain. The requests – and sometimes begging – of the detainees to replace the handcuffs with looser ones are often met with refusal and derision.

The study also reveals that Palestinians, including minors, who were interrogated by Israel Police interrogators or held in police detention, were exposed to methods of torture and ill-treatment that included beating, kicking and slapping, exposure to cold, including pouring cold water (in the middle of winter) on interrogees, forcing them to drag heavy poles, smashing their heads against the wall, and curses and insults, including those of a sexual and religious nature, etc.

The first part of this appendix will contain descriptions of the arrests of three of the Palestinians who were later transferred to GSS interrogation. The second part presents

in full the descriptions of three Palestinians who were tortured and ill-treated by soldiers or police who arrested them, and during interrogation in police detention facilities.

It should be noted that the cases presented here are only a representative sample from dozens of cases handled by the Public Committee Against Torture in Israel and other human rights organizations.<sup>25</sup>

The Public Committee Against Torture in Israel calls on the government of Israel to instruct the various security forces to cease once and for all the use of violence and degrading treatment against Palestinian detainees, and to treat them in accordance with Israeli law, and particularly Basic Law: Human Dignity and Freedom as well as in accordance with the provisions of international law which Israel has taken upon itself to uphold. The Public Committee Against Torture in Israel calls on the government to assure that every case of torture or ill-treatment be investigated thoroughly by an independent body, and that anyone found responsible for such acts – including commanders – be stood trial, with full protection of his rights; whoever is found guilty shall be punished in a manner befitting the severity of the act.

The Public Committee also calls for an immediate cessation of the use of disposable plastic handcuffs, to be replaced by humane means of restraint.

### ***Torture and Ill-treatment en route to GSS interrogations***

**For many Palestinians interrogated by the GSS, torture and ill-treatment do not begin in the interrogation facility but during the arrest itself and on the way to interrogation.**

The wounds and bruises from the beating, slapping and kicking, the pained and swollen wrists from the plastic disposable handcuffs, the exhaustion and the feelings of humiliation from curses and degrading treatment – all these accompany interrogees into the interrogation facilities, where GSS interrogators heap onto them more suffering, exhaustion and humiliation of their own making, as described above.

Note: The full details of the victims quoted in this section can be found in Appendix A.

**Muhammad Abu Daher** was detained near Qalqiliya. He described the first hours of his detention as follows:

[Security force personnel, wearing civilian clothing] approached me, caught me, and began beating me, and immediately blindfolded me and tied me with tight plastic handcuffs on my feet and hands, with my arms stretched back. When I asked them to loosen my handcuffs, my requests were to no avail.

Afterwards, they sat me in their vehicle and we went... [When the vehicle stopped], they took me off and dragged me until I found myself in a room with four interrogators, and this was after they removed the blindfold.

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<sup>25</sup> “B’Tselem,” **Torture of Palestinian Minors at the Gush Etzion Police Station**, by Yael Stein, Jerusalem, July 2001. “B’Tselem,” **In Broad Daylight: Abuse of Palestinians by IDF Soldiers on July 23, 2001**, written by Yael Stein, Jerusalem, August 2001 (these publications can be downloaded from the B’Tselem internet site - [www.btselem.org](http://www.btselem.org)). Many other cases were publicized by the media.

The names of the interrogators were General Abu Sharif, Colonel Shalom, Captain Oscar and Captain Mikki. It should be noted that I asked them to take off the [plastic, disposable] handcuffs because I felt excruciating pain, but... they ignored my requests.

The interrogators immediately began interrogating me. My interrogation was only about my relationship with Mr. Muhammad a-Sinwar, and when I answered that I did not know him, General Abu Sharif slapped me hard across the face three times. Abu Sharif had a hammer. He began waving it about in the air, turned to Shalom and said to him: "This – later." As a result of the tight plastic handcuffs, my hands swelled up and they turned black. At that moment, I was no longer able to bear the intense pain, and so I begged the interrogators: "Look at my hands" and when they saw them, they cut off the plastic handcuffs and brought me others in their place.

Note that the last part of the quote also appears in the body of the report, and demonstrates how GSS personnel can ill-treat interrogees and cause them to suffer severely without doing anything – merely by leaving in place the tight plastic handcuffs the soldiers or police had put on.

**Walid Abu Khdeir** describes his detention, carried out in his home, as follows:

He [the man from the Israel Police's Special Patrol Unit] entered the house with three more masked people and ordered us to kneel, to raise our hands, and to place them on the stair railing. He lifted his foot and placed it on my neck, so that I couldn't move.

He cursed my mother. I answered him with a curse, and then he loaded his pistol and aimed it at me. The pistol was silver-colored. He said to me: Give me one chance to blow your head off.

...They brought my hands down and tied them in plastic handcuffs, with my arms stretched backwards. The handcuffs were tight and painful. I asked them to loosen the handcuffs, and in response they cursed me with very crude curses referring to my mother and sister. They did not loosen the handcuffs. In addition, they covered my face with a sack, with two openings for the eyes. The sack stank.

They took me out, although it was very cold and it was raining. One of them told me to kneel on the ground, and when I refused, he kicked me hard in the legs. As a result, I fell on the ground. I remained kneeling on the ground for about an hour. They cursed me a lot there as well, my mother, my sister and daughter, threatened me and said: pray that you don't go in the vehicle with us. One of them said to the other, who was cursing me: don't hit him now – wait until we're in the vehicle.

I was in the jeep for about three hours. At around 7:00 p.m. they took me into my parents' apartment, located in the same building, while my face was covered and I was handcuffed. In the house they took off the sack.

...Afterwards, they moved me to the house of Nasser Abu Khdeir, located opposite my house. They cursed me there as well, threatened me, and asked questions. This went on until about 10:00 p.m. Then they moved me to the Russian Compound. On the way I begged them to take off the handcuffs, but they did not respond. They took them off only at the Russian Compound.

**Muhammad Farjallah**, age 51, was detained while taking his children to school in the village of Idhna. He described his detention as follows:

On 24 March 2001, at around 7:00 a.m., I took my children to school... suddenly they attacked me... members of the security forces. I stopped my car. They immediately opened the door and dragged me from my car. It was close to the school, in front of the students. I did not resist arrest. They did not ask my name. They dragged me across the floor and immediately began hitting me. They kicked my body with army boots. I received a strong blow to my eye, which swelled. They hit me with the butts of their rifles. One kicked me in the neck and the head. It was a rainy day. There was a puddle in the street and they threw me in it, all the while cursing crudely and shouting. I asked them: "Why are you hitting me, what do you want from me?" I received no answer except for more blows, for about 10 minutes.

I would like to state that they did not identify themselves and did not even tell me why they were arresting me.

They dragged me to their vehicle, one grabbed my head and smashed it into the vehicle three times, and two grabbed me from under the arm. I bled from my head, which was injured. My clothes were wet and full of blood.

**Da'ud Shawish**, arrested at the end of December 2000 at the 'Atarot roadblock, described what transpired from the moment he was arrested:

The soldiers immediately covered my face with a jacket, one of them hit me hard on the head. They handcuffed me with tight, plastic handcuffs, with my hands stretched back, and pushed me into one of their vehicles.

During the trip, the soldiers shouted at me, kicked me, used crude and insulting curses against me. They ordered me to lower my head, and every small movement was met with a strong blow. This continued until we arrived at the Giv'at Ze'ev police station.

When we arrived, they took the jacket off my face and covered my eyes with a cloth. I asked them to release the plastic handcuffs and replace them with ordinary handcuffs. They refused. They ordered me to stay outside, restrained in the plastic handcuffs, wearing short sleeves, despite the extreme cold. I stayed outside for about 4 hours.

### ***Torture and Ill-Treatment by Forces other than the GSS: Complete Affidavits***

#### **a. Affidavit of Salim Muhammad Salim**

**Salim Muhammad Salim, age 14 and a half, resident of the village of Husan in the Bethlehem District. He was detained on 25 October 2000 at his home, and held in the police temporary holding facility in Etzion. His affidavit was taken on 27 January 2001 in the Tel-Mond prison by Atty. Hanan Khatib of the Public Committee Against Torture in Israel.**

I, the undersigned, Salim Muhammad Salim, ID # 950440396 from Husan in the Bethlehem District, having been warned that I must speak the truth, and that I will be

subject to punishments prescribed by law if I fail to do so, declare the following in writing:

1. I was born on 15 November 1986 (age 14.5), my name and address are as stated above.
2. On 25 October 2000, or thereabout, and at about 3:00, while I was sleeping in my bed at home, I felt kicking. I woke up and saw two soldiers, their faces painted in camouflage colors. They hit me with the butt of the rifle. They ordered me to get up and took me with their rifles aimed at me, to the middle of the house. I looked and didn't see anyone from my family, the house was full of soldiers and policemen. They were also on the roof. I was afraid.
3. A masked man approached me, asked me my name, and looked at a paper he had. At that moment, my father walked in. The masked man told him that they were going to take me with them for 15 minutes. When I went to get dressed, two soldiers grabbed my shoulder forcefully and pushed me until I reached my room. I got dressed and asked to go relieve myself, but they refused. I also asked to drink water, and was answered in the negative. While in the house, they pulled my arms backwards, hard, and handcuffed me. I asked them to tie my hands in front, but they refused. Afterwards, they blindfolded me, but I could see a little bit under the blindfold.
4. They pushed me into a vehicle and two security force personnel sat next to me, and one next to the driver. One of them asked me in Arabic: "Do you throw stones?" I answered no. Then he began speaking in Hebrew. The ones who sat next to me began hitting me hard on the head. The same question came up many times, and each time I answered no, I was attacked with strong blows and curses. Mostly they cursed my mother. The man who sat next to the driver hit me hard in the face. I felt like my face was going to blow up. He spoke again in Hebrew, and then tightened my blindfold.
5. The vehicle stopped and they ordered me to get out. When I didn't manage to open the door, they opened the door and dragged me out. As a result, I fell to the ground. They stood me up and dragged me by the handcuffs, which caused me incredible pain. They directed me as to which way to walk and while walking, my head slammed into the wall.
6. I was taken into a room, they sat me down on a chair, one of them slapped me and I was asked a question in Hebrew. I answered in Arabic that I did not understand. Then one of them shouted in Arabic "Do you throw stones?" and began cursing "Fuck your mother, you son of a whore..." and other curses that no person can stand hearing.
7. Afterwards they lifted my blindfold and I saw one masked man leave. A man with an exposed face, whom I recognized then as the one who had hit me and yelled at me, and I recognized his voice.
8. He asked me if I recognized him, and I answered in the negative. He asked me "Who is responsible for your village?" I answered that it was someone named Ofer, and that there was almost no one in the village who did not know him. He was silent and asked me if I knew Mr. Yasser Za'ul, and when I answered that it was my cousin, he said "Yasser is a good person, but his son Mansur is a bad person because he implicated you." Then I asked him to have a confrontation between me and Mansur, but he refused.
9. At that moment, a person entered who identified himself as Captain Rami, and said to me: "You have an Arabic expression the content of which is that you can't make your mother cry." I told him that my mother was already crying,

- and then he began hitting me and yelled at me “What are you doing, making fun of me and messing around with me. Yesterday you had the “al-Isra wal-Mi’raj” holiday when the son of a whore went to heaven and came back... how do you feel about me sending you up to heaven and bringing you back?”
10. As a result of all the punches and kicks I suffered, I began yelling, and then one of them whose name was Moshe pulled the interrogator away from me and asked him to leave the room.
  11. Moshe began interrogating me about stone-throwing, while threatening to bring my brothers who study in Russia, and told me that they intend to detain my brother Ahmad as well. I told him that I had no intention of lying and I did not throw stones. He brought a piece of paper and began reading to me names of people, asking me if I knew them. When I answered in the negative he began hitting me with murderous blows. As a result, I told him that I threw two stones from the school. He continued hitting me. I said to him, “OK, three stones.” He said to me “You’re lying.” I said to him “Four stones,” and then he said that was OK, and continued interrogating me.
  12. Later, I was moved to another room where a pregnant woman came in, slapped me and cursed “You son-of-a-bitch.” Afterwards another man came and I told him I was cold. He went and turned the air conditioner on cold, for a half hour.
    - It is important to note that on that day it was raining and very cold, and they didn’t allow me to take a jacket with me.
  13. Afterwards they took me in an ambulance to the clinic, the doctor saw that my head was swollen and gave me paracetamol.
  14. I was moved to the isolation cell for 8 days. The isolation cell was about 2 sq. meters, the mattress was dirty, smelly, wet, the blanket was dirty and smelly, and it was better to stay cold than to cover up in it. The food was dirty and mixed together. Once I saw through the doorway that the soldiers were eating, and what was left was brought to us. There were no toilets in the isolation cell, there was no tap, and they gave me a bottle for urinating. When I had a bowel movement, my request was barely accommodated. The soldiers treated us in an inhuman manner, did not respond to our requests, and did not let us call our families.
  15. On 1 November 2000 or thereabouts I was transferred to the Tel Mond prison. At Tel Mond security detainees were held with criminal detainees, which led to confrontation and arguing with them and unpleasantness. Only after many complaints did they separate us, but we stayed together in the same wing and during the daily walk.
  16. As a result of my detention and following it, I suffered and am still suffering to this day from insomnia and always worrying about my fate.
  17. I would like to add that I am the first detainee from my village and my trial has not yet ended.
  18. I hereby declare that I have no criminal past.
  19. This is my name, below is my signature, and the content of my affidavit is correct and true.

## b. Affidavit of Ramzi Taisir Damiri

***Ramzi Taisir Damiri, age 24, resident of Abu Tor, Jerusalem, detained on 10 October 2000, and transferred to the Russian Compound. His affidavit was taken on 15 January 2001 in the detention center of the Russian Compound by Atty. Firas Darawshe.***

I, the undersigned, Taisir Damiri, ID # 081040263, having been warned that I must speak the truth, and that I will be subject to punishments prescribed by law if I fail to do so, declare the following in writing:

1. My name and address are as stated above.
2. I was detained on 10 October 2000 in the evening on my way to work.
3. I work as a guard in Sheikh Jarrah.
4. I was detained by about 3 *mistarvim* [Israeli security force members disguised as Palestinians], and they brought me to the Russian Compound.
5. The *mistarvim* who detained me insulted me by cursing my mother.
6. I denied the suspicions against me that I had tried to throw stones.
7. During the interrogation, four interrogators questioned me for about a half hour.
8. On one of the first days of Ramadan, I was with about 12 detainees in the detention cell at the Russian Compound, and an argument ensued between two detainees.
9. The person in charge came and took them out, and we sat to eat, and we waited for the two others who had been removed from the cell after we called the prison guard.
10. Eitan the policeman claimed that I cursed him and he took me out of the cell.
11. Eitan the policeman said to me that I was acting like an Abu 'Ali [like a wise-guy] and asked me to take off my clothes, and I remained in my underwear, and he asked me to take off my underwear. I told him that I was after a fast and that it is not acceptable to take off your underwear.
12. Eitan the policeman began yelling at me, and punched me in the face, and afterwards he punched me two more times, and as a result I lost consciousness.
13. Afterwards, he began kicking me with his feet, all over my body, and I asked the person in charge of detention but they did not help me.
14. The policemen brought handcuffs and shackled my hands, such that the handcuffs were very tight on my hands and hurt me.
15. Afterwards, Eitan the policeman took me into separation, where they shackled my hands and feet to a pole for a period of over two hours in my underwear, and it was cold.
16. I asked Eitan the policeman not to hit me on my right hand since it had been broken once before.
17. Everything that I have mentioned above was when I was wearing underwear only.
18. There were other policemen, and particularly Eitan the policeman who hit me on my right hand.
19. My hand was broken, and afterwards they brought me gloves, and put them on my hands, and tied my hands to a pole for over two hours, when it was cold.

20. Afterwards, they took me to the clinic of the detention center, and transferred me to Sha'arei Tzedek Hospital.
21. After my hand was broken, and after I submitted a complaint to the Department for the Investigation of Police, I went on a hunger strike for four days.
- This is my name and this is my signature and the content of my affidavit is true and can be submitted to any institution and/or court.

### c. Affidavit of Rami Yasser Za'ul

**Rami Yasser Za'ul, age 16, resident of Husan Village in the Bethlehem District. He was detained on 29 October 2000 in his home and transferred to the police temporary holding facility in Etzion. His affidavit was taken on 27 January 2001 in the Tel Mond prison by Atty. Hanan Khatib of the Public Committee Against Torture in Israel.**

I the undersigned, Rami Yasser Za'ul, ID # 851820878 from Husan in the Bethlehem District, having been warned that I must speak the truth, and that I will be subject to punishments prescribed by law if I fail do so, declare the following in writing:

1. I was born in 1984, am single, live in the village of Husan in the Bethlehem District, with my family, 8 in number, and all are minors.
2. On 29 October 2000, or near then, and at about 1:30 a.m., and while I was sleeping in my room with my brother I heard loud knocking at the door. My brother woke up and opened the door.
3. One of the soldiers immediately approached me and dragged the blanket off me and ordered me to get up and accompany him. I asked him to wait until I got dressed but my requests achieved nothing, and only with the intervention of my father who begged them to let me get dressed did they accommodate.  
I would like to state that about 20 soldiers with rifles entered the house, upsetting my family; my mother and my sister began to cry.
4. They handcuffed me from behind and blindfolded me, all the while cursing and yelling – “You asshole – do you want to confess or not?” I answered them: “What do I have to confess, and why am I being detained in the first place?” One of the soldiers answered, “OK, when we get to the station, I’m going to shove a big pole up your [implied] and then you’ll know why you’re being detained.” Needless to say, the soldiers expressed themselves with crude curses that a normal person couldn’t stand hearing, and I am embarrassed to repeat them here.
5. Afterwards they put me onto a jeep and shoved me between the chairs, and all the way they attacked me with hitting, punching, clubs and curses.  
I would like to state that when I would raise my head I could see what was going on, so I raised my head and saw two other detainees who were with me in the jeep.
6. When the vehicle stopped, they took me off and ordered me to stand on one foot, and every movement met with powerful blows.
7. Later, they dragged me, and while being dragged I was pushed by a soldier, and as a result I fell from a height of about 1-1.5 meters.
8. I was taken in to the doctor for tests, and when the doctor finished his work, they took me and sat me down next to two other detainees whom I managed to recognize. One was named Tareq ‘Amira and the other was Mustafa ‘Anwar.

9. After a few moments the soldiers returned and with their return, the same horror scene was repeated. They ordered us to get up and to walk with them instructing us where to go: "Left...right..." until I hit the wall and my head smashed into it.
10. I began having suspicions and thoughts that the soldiers had taken us to the doctor first to check if we could withstand beating or not, and that was because the soldiers said, "He's an ass... he can take beating."
11. They ordered me to go outside, despite the freezing cold. One of them came close to me, grabbed my shirt and poured cold water on me. Afterwards he forced me to undress and I remained in my short-sleeved shirt and they continued to pour freezing water on my head. Afterwards he approached me and tore my pants, and also forced me to drag a wooden beam while I was handcuffed with my hands behind me and while I was dragging, one of them would get up on the beam, and when I got tired and dropped it, I was beaten hard.
12. I was transferred to the interrogations room, I was trembling all over, barely able to speak, and they ordered me to stand near the turned-on air conditioner for about 10 minutes. Afterwards they asked me "Do you have something to say?" and when I answered "No" they took me to the bathroom and one of the officers shouted "OK, we'll educate you, you asshole" and stuck my head into the toilet and flushed it.
13. Afterwards he brought me the Torah and said: "Kiss the Koran." I said to him "That is not a Koran" and then he screamed and began cursing our religion." I suffered heavy blows that caused me to faint.
14. I woke up at about 8:00 a.m. and they immediately came to me and ordered me to sign. I asked "What do I have to sign?" They answered "Your confession," and when I refused, I was attacked forcefully and as a result I was forced to sign a document whose content I did not know since it was in Hebrew, which I do not speak.
16. As a result of the torture I underwent during my detention, I suffered severe pains, and as a result I was taken to Hadassah Hospital, where I was hospitalized for about a day.

I was moved to the court for extension of my detention. Then I was told that the document I had signed was a confession that had not even come out of my mouth. I was accused of preparing 500 Molotov cocktails, stone-throwing, and it also stated that I confessed regarding other people, which surprised me, and I told the judge that everything in the document was false and a lie.

It is important to note that during the first two days of my detention, I was held in the isolation cell at Etzion, which is about 1.5-2 meters square, and four meters high, [with] a small window, dirty and smelly.

17. I stayed at the Etzion detention center about 6-7 days. The detention conditions were extremely difficult, there is no hot water, the food was dirty and spoiled, the blankets and the mattresses, which had no sheets, were smelly, full of dust and hairs. The detention cell was about 4X4 meters, crowded, dirty and smelly and as a result, together with other detainees, I approached an officer and we asked him to let us clean the cell, and he responded favorably.

Some of the prison guards behaved cruelly and inhumanely towards us. When we sang they would shut us up with shouting.

I remember one of the officers and I can identify him. He treated us insultingly, he always yelled and cursed, would bring us cold food and did not let me call my family even though he let the other detainees do so, and when I asked him for the reason he said "You are the leader of a group of terrorists. I'm not letting you call."

18. Later I was taken to the detention center in Megiddo. The cell was about 6-8 square meters in size, and held 16-18 detainees, crowded. Sometimes they would

disconnect the water and the electricity for a long time, there are not enough basic necessities such as sugar, tea...

19. Prior to my detention I was totally healthy both in personality and mentally.

20. As a result of my detention and following it I suffered and am suffering to this day from severe headaches, insomnia. My mental state has deteriorated and this is since my family members cannot visit me, and because of the detention conditions, including the torture I underwent.

21. I would like to add that I asked them at the Megiddo detention center for medical care, but there has been no response.

22. I do not have a criminal past.

23. This is my name, below is my signature, and the content of my affidavit is correct and true.