



**המוקד להגנת הפרט**  
**HAMOKED** Center for the Defence of the Individual  
هموكيد - مركز الدفاع عن الفرد

Date: July 1, 2009  
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To:  
Mr. Meni Mazuz  
Attorney General  
29 Salah al-Din St.  
**Jerusalem 91010**

To:  
Ms. Rachel Matar  
Person in Charge of the Inspector  
State Attorney's Office  
29 Salah al-Din St.  
**Jerusalem 91010**

**By registered mail**

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Dear Sir and Madam,

Re: **Mr. \_\_\_\_\_ ID No. \_\_\_\_\_**  
**Complaint regarding suspected use of prohibited measures against a detainee and/or omissions in the fulfillment of duty – IPS officials and ISA interrogators**

The complaint in reference concerns suspicions against state agents: IPS [Israel Prison Service] officials and interrogators with the ISA [Israel Security Agency, formerly known as the General Security Service (GSS or shin beit)]. At all times relevant to the complaint, Mr. \_\_\_\_\_ was under the legal custody of agents of the aforementioned security agencies. During those times, while in the line of duty, these agents used prohibited measures against the complainant and/or failed to fulfill their duties. Inasmuch as these suspicions are substantiated, these acts amount to ill-treatment and/or torture which are strictly prohibited under any law.

Therefore, you are requested, **Esteemed Attorney General** with respect to IPS officials and **Person in Charge of the Inspector**, with respect to ISA interrogators, to exercise your authority and instruct the investigation of Mr. \_\_\_\_\_'s complaint as detailed below:

**IPS**

**Suspected misconduct by a medical officer**

1. Mr. \_\_\_\_\_ was arrested by soldiers in the middle of the night on December 19, 2008 and brought to the Jalameh detention facility. At the facility, Mr. \_\_\_\_\_ was asked about his medical

condition. Mr. \_\_\_\_\_ stated that he was suffering from an inflamed left knee. When Mr. \_\_\_\_\_ arrived at the Petah Tikva interrogation facility two and a half days later, he was first taken to see the physician. Despite this, Mr. \_\_\_\_\_ related that, with the exception of one occasion, the interrogators did not allow him to attend the clinic to receive treatment for his inflamed knee, which caused him a great deal of pain during his long interrogation. Even when Mr. \_\_\_\_\_ was allowed to attend the clinic, he was treated with acetaminophen only.

2. It appears that the medical officer did not provide clear treatment instructions and/or did not follow up on any non-provision of treatment, as required by Mr. \_\_\_\_\_'s condition. Leaving medical treatment up to the whims of interrogators and/or the individuals in charge of the interrogation facility is a medical omission which amounts to aiding and abetting in the ill-treatment of the detainee. As detailed below, Mr. \_\_\_\_\_ was interrogated for many days and sat on the interrogation chair for many hours. This caused him a great deal of pain in various parts of his body, including the afflicted knee, of which he complained prior to arriving at the facility. Therefore, an investigation into the medical officer's role in providing guidance to interrogation officials in the case at hand must be launched, including with respect to any omissions in record keeping and lack of insistence on routine medical treatments necessitated by the detainee's condition. There can be no doubt that with regard to medical issues, the physician's position must supersede the needs of the interrogation, pressing as these may be. The medical condition of a detainee who complains of various medical issues, as Mr. \_\_\_\_\_ did when he arrived at the Jalameh and Petah Tikva detention facilities, must be documented in detail. Nothing further need be added.

#### Holding a detainee at the Petah Tikva interrogation facility beyond the period required for his interrogation

3. As detailed below (see sec. 10) Mr. \_\_\_\_\_ was held in the Petah Tikva interrogation facility long after his interrogation. After approximately one month of intensive interrogation and being held in isolation, and despite the fact that he was no longer under interrogation, Mr. \_\_\_\_\_ remained in an isolation cell at the Petah Tikva facility for an additional month. He was transferred to the Meggido prison only on February 16, 2009. Clearly, holding a detainee for such a long period of time in subhuman conditions (of which IPS officials are well aware, and we shall not elaborate on this matter herein) without the "needs of the investigation" justifying the same is entirely unacceptable. This situation has led Mr. \_\_\_\_\_ to repeatedly demand a transfer to a prison facility where he might enjoy the minimum holding conditions to which he is lawfully entitled, but to no avail. Such blatant denial of a detainee's legal rights requires a thorough and exhaustive investigation.

#### IPS

4. On the third or fourth day of his detention, Mr. \_\_\_\_\_ was brought to the Petah Tikva interrogation facility. Upon arrival, after seeing the physician, he was transferred to the interrogation room where he was forced to sit on an interrogation chair which was nailed to the floor, with his hands cuffed behind his back. He remained in the interrogation room until evening. Mr. \_\_\_\_\_ was interrogated in this manner for approximately one month. During the first two weeks he was interrogated every day, all day. The long day in the interrogation room in the position described above caused Mr. \_\_\_\_\_ a great deal of suffering. He began to experience pain in his back and pelvic area. Circulation to his hands was cut off and they went numb. He suffered a particularly sharp pain in his inflamed knee, as noted above. It is important to note that Mr. \_\_\_\_\_'s complaints with respect to these issues went unheeded and he suffered severe pain

throughout the interrogation. This is a serious matter which amounts to prohibited ill-treatment of an interrogee.

5. The interrogator referred to as “Tamir” was in the habit of making the provisions of meals subject to Mr. \_\_\_\_\_’s cooperation with the interrogation. When Mr. \_\_\_\_\_ refused to cooperate, “Tamir” withheld food for many hours and did not allow Mr. \_\_\_\_\_ to use the toilet. “Tamir” routinely used the provision of meals and permission to use the toilet as a cruel and humiliating coercive measure. As such, his conduct was entirely unacceptable.
6. In addition, one of the interrogators, a man referred to as “Akiva”, used physical violence against Mr. \_\_\_\_\_. In one of the interrogations, “Akiva” forcefully held Mr. \_\_\_\_\_’s head by the chin and shook it from side to side. Shaking an interrogee’s head is a strictly prohibited investigative measure. Moreover, the same interrogator incessantly swore at Mr. \_\_\_\_\_.
7. The interrogator “Mikki” was also an “expert” on the use of physical and verbal violence. He was in the habit of hitting Mr. \_\_\_\_\_ on the knees, spitting at him repeatedly and cursing his mother and sister. Both physical and verbal violence are prohibited and unacceptable and both clearly constitute illegitimate investigative measures.
8. The interrogator referred to as “Ehud” did not sit idly by when it came to mentally abusing the interrogee. “Ehud” used explicit threats: he threatened that if Mr. \_\_\_\_\_ did not cooperate, his parents would also be arrested and brought to the Petah Tikva interrogation facility. The threats included an express warning that Mr. \_\_\_\_\_ would be left in isolation until he was willing to cooperate. Mr. \_\_\_\_\_ was also told that his sentencing would be severe if he did not cooperate (he was told he could be held in detention for 3 more years!). This unacceptable use of mental coercion and threats is clearly very grave and prohibited by law.
9. After Mr. \_\_\_\_\_’s lengthy interrogation was completed, and while he was waiting at the Petah Tikva interrogation facility, as detailed above, an attempt was made to have him collaborate with the ISA. An individual referred to as “Captain Munir” attempted to entice Mr. \_\_\_\_\_ to collaborate by making various promises – from a lenient sentence, to a promise to pay for his children’s academic education and an offer to pay for his father’s medical treatments abroad. The father has heart disease.

### **Cumulatively**

10. Mr. \_\_\_\_\_’s complaint refers to two of Israel’s security agencies – the ISA and the IPS which routinely operate together. The agents of each of these agencies committed acts which come under the prohibition on ill-treatment and cruel, inhuman and degrading treatment against Mr. \_\_\_\_\_. Every single act is grave on its own right. Cumulatively, the acts which were carried out consecutively and simultaneously create a set of circumstances, a state of affairs, which comes under the absolute prohibition on torture. The existence of such a state of affairs amounts to a systemic failure. This collection of features is alarmingly unreasonable. The complaint reveals, *prima facie*, that the aforementioned agencies ostensibly allow their agents to treat Palestinian detainees in a manner which breaches absolute prohibitions under any law.
11. In light of all the above, I request that you order an investigation and that such will be conducted in a professional, efficient and exhaustive manner. The severity of the total violations relevant to the absolute prohibition on torture require immediate and resolute action aimed at bringing the offenders to justice and uprooting the unacceptable and strictly prohibited practices revealed by this complaint.

12. I thank you for providing me with updates regarding the opening of the investigation and its results.

Respectfully,

Daniel Shenhar, Adv.

Copies:

Major General Beni Kanyak, IPS Commissioner, POB 31, Ramla, 72100: registered mail + confirmation of receipt

Brigadier General, Adv. Hayim Shmulevich, IPS Legal Advisor, POB 31, Ramla, 72100: registered mail + confirmation of receipt

Attached: power of attorney