

Jerusalem, March 1991

**The Interrogation of Palestinians
During the Intifada:
Ill-treatment, "Moderate
Physical Pressure" or Torture ?**

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Written by:
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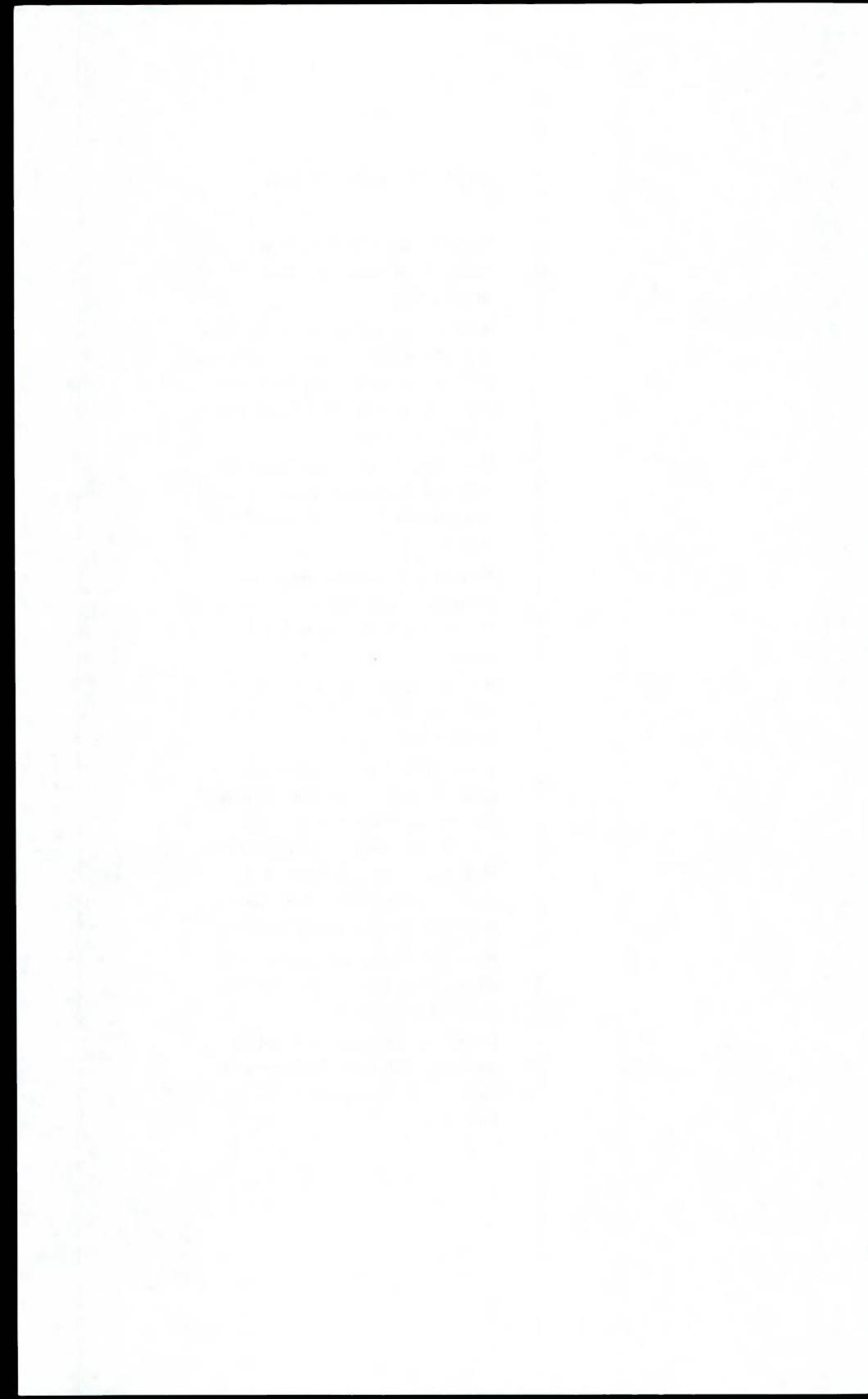
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Contents

A. INTRODUCTION	7
1. Defining torture	9
2. International prohibitions	11
3. Israeli legal position	14
(a) International conventions	14
(b) Israeli domestic law	16
(c) Status of General Security Services	19
4. 1987 Landau Report on General Security Services	22
(a) Main findings and recommendations	22
(b) Criticisms	26
(c) Conclusions	30
5. Previous allegations and reports	32
(a) Before the Intifada	32
(b) During the Intifada	34
(c) Medical involvement	38
(d) Deaths during detention	39
B. RESEARCH FINDINGS	45
1. Methods	45
2. Description of sample	48
3. Overall patterns	50
(a) From arrest to interrogation	50
(b) Techniques of interrogation	54
4. Seven individual cases	75
5. Legal controls and restrictions	97
6. Complaints	103
C. CONCLUSIONS	105
1. Summary	105
2. Recommendations	109

D. APPENDICES _____	121
I. Amnesty International 12 Point Program for the Prevention of Torture _____	121
II. Extracts from "Yossi's" Testimony _____	124
III. "We are the Shin Bet," Ha'aretz, 5.1.90 _____	132
IV. Complaints to the Attorney General _____	140

PART A: INTRODUCTION

This report deals with the subject of ill-treatment, violence and torture against Palestinians detained for interrogation during the three years of the Intifada. We cover allegations about interrogations carried out primarily by agents of General Security Services (Shin Bet or Shabak) in installations (in the West Bank and Gaza) controlled either by the police, the Israeli Prison Service or the Army. The report thus does not cover the following aspects of the subject:

(i) Although accepted international definitions [see below] cover forms of violence and ill-treatment during other stages of arrest and detention, we concentrate only on abuses during the process of interrogation itself.

(ii) Although allegations of similar ill-treatment have been raised against the regular police and the military police, involving as victims Israeli Jewish and Arab citizens under detention, we cover only the subject of Palestinians from the Occupied Territories detained during the Intifada.

(iii) We cover only adults (as a previous B'Tselem report deals with the subject of juveniles¹) and concentrate on male detainees.

As we explain below, the use of torture is a unique form of human rights violation in two respects. First, it is subject in international human rights law to an absolute prohibition. That is, there are no circumstances that legally justify its use. This makes any violation of these international human rights standards particularly serious and calls for special care in substantiating any allegations.

Second, however, there are unique problems of proof. Torture is not open to any public observation. It cannot be recorded - like the number of killings, administrative detentions, house demolitions or deportations. By definition, all is invisible. There is the victim and his or her interrogator in a secret place. The victim very rarely makes a formal complaint and is seldom believed; the interrogator is always silent and unaccountable.

This means that great care has to be taken in checking allegations about ill-treatment or torture. These allegations are now widespread and standard. They can be heard from every lawyer - Israeli and Palestinian - who defends Palestinian clients. Individual cases have also been documented by other human rights organizations. We summarize such allegations [Sec.A.5], but we cannot guarantee their reliability.

A public debate about these issues has hardly begun in Israel. This report aims to contribute to the debate by thoroughly investigating a selection of 41 cases where the use of ill-treatment and violence has been alleged. As we will explain in detail, there are considerable

methodological problems in this type of inquiry: memories are inaccurate; detainees might have a political interest in exaggerating their ill-treatment; there is rarely any external evidence. As with allegations made by other sources, there is no way that we can vouch for the truth of every single detail of our interview material. Despite all these problems however, our conclusion is that there is enough basis to suggest that forms of ill-treatment that fit accepted definitions of torture are carried out in a widespread and routine way by agents of the Shin Bet. At the very least, our report points to the need for the Government to appoint an independent inquiry into the subject. This report was sent to the Attorney General for his comments and remarks over a month prior to publication. Although we have written and called his office, we received only a confirmation of receipt.

1. Defining Torture

Although most of us intuitively understand what is meant by the word "torture," it is difficult to find a clear and objective definition. This is a word which has deep emotional and political connotations. Simply to use it at all, is to make a statement.

This report could conceivably be written by using only more apparently neutral terms, such as "violence," "force," "ill-treatment," "abuse" or - the phrase made famous in Israel by the Landau Report [see below, Section 4] - "moderate physical pressure." But to deliberately avoid using the term torture, is also to make a statement. We have preferred to avoid euphemism and to attempt, with all its risks, to follow the universal language of international human rights standards.

Within this tradition, definitions of torture have been formulated both for legal purposes (to draft prohibitions and regulations) and for research (to estimate the extent and nature of the phenomenon). The standard and authoritative definition appears in the 1975 United Nations Declaration Against Torture:

For the purpose of this Declaration, torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he has committed or intimidating him or other persons. It does not include pain or suffering arising only from, inherent in, or incidental to lawful sanctions to the extent consistent with the Standard Minimum Rules for the Treatment of Prisoners.

There are obvious problems in using this definition. How severe, for example, does the "severe pain and suffering" have to be? Nevertheless, it provides a workable framework which is now an accepted base for international legislation and for research. Despite all the problems of defining such subjective terms as "severe," we believe that the practices documented in PART B of this report would be recognized by common sense as "torture" and would be covered by the U.N. definition. Even if they would not be so recognized, they clearly constitute "cruel, inhuman or degrading treatment."

In adopting this definition for our research, we would like to stress the following:

- (i) The definition clearly and explicitly includes psychological as well as physical pain and suffering.
- (ii) Our research concentrates on the element of "obtaining... information or confession." If we had included all the many forms of

punishment, harassment and intimidation covered by the U.N. definition of torture, this would expand the scope of the inquiry to every stage of arrest and detention.

(iii) We do not, therefore, deal with the general conditions of detention and imprisonment in installations run by the police, army or Prison Service. (It should be noted, though, that the "Standard Minimum Rules for the Treatment of Prisoners" referred to in the U.N. definition, prohibit corporal punishment, placing prisoners in a dark cell, and all cruel, inhuman or degrading treatment as punishment for disciplinary offenses. These Rules were approved by U.N.E.S.C.O in 1957 and extended in 1975 to cover persons arrested without charge, which would include administrative detention in Israel).

(iv) Following a restricted interpretation of the U.N. definition, we also do not include as "torture," inadequate medical services, negligence or the deliberate withholding of medical treatment, unless there is reason to believe that this is done to extract information or confessions.

2. International Prohibitions

Over the course of the 18th and 19th centuries, torture was widely assumed to have been abolished; by the middle of the last century, it disappeared as an approved judicial tool for extracting information. The return of torture in the 20th century was first associated with the rise of totalitarian regimes and the horrors of the Second World War. The international community's concern to prevent these atrocities being repeated, gave rise to the post-war wave of human rights declarations, in which the absolute prohibition against torture first appeared.

Subsequent developments - the use of torture by democratic France in Algeria, the development of sophisticated techniques of thought control, the widespread use of torture in Third World regimes - have complicated the picture.³ All this has strengthened rather than weakened the absolute force of the international condemnation of torture.

The major international prohibitions against torture are to be found in:

(i) Article 5 of the original Universal Declaration of Human Rights adopted by the United Nations General Assembly on December 10, 1948. This states that "No one shall be subject to torture or to cruel, inhuman or degrading treatment or punishment".

(ii) Article 31 of the Fourth Geneva Convention of 1949. This states that "No physical or moral coercion shall be exercised against protected persons, in particular to obtain information from them or from third parties".

(iii) The United Nations Declaration on the Protection of All Persons from Torture and Other Cruel, Inhuman or Degrading Treatment (the "Declaration Against Torture"), adopted unanimously by the General Assembly on December 9, 1975. This declares (Article 3): "No state may permit or tolerate torture [definition cited above] or other inhuman or degrading treatment. Exceptional circumstances such as state of war or threat of war, internal political instability or any other public emergency may not be invoked as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

(iv) The "Convention Against Torture" adopted by the General Assembly on December 10, 1984 (entering into force on June 26, 1987). This repeats the 1975 definition and its general prohibitions as well as being designed explicitly to prevent and punish torture committed by government officials. (It also notes that "An order from a superior officer or a public authority may not be invoked as a justification of torture").

(v) The Code of Conduct for Law Enforcement Officials adopted by the United Nations on December 17, 1979. This states that "No law

enforcement officials may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor may any law enforcement official invoke superior orders or exceptional circumstances such as war, or a threat of war, a threat to national security, internal political instability or any other public emergency as a justification of torture..."(Article 5).

This is just a selection of the many formulations that appear in international human rights conventions. In addition, we should note the particular prohibitions against any medical involvement in the process:

(i) According to "The Tokyo Declaration" (the Guidelines for Medical Doctors Concerning Torture) issued by the World Medical Association in Tokyo in 1975, doctors are not allowed to condone or participate in any acts related to torture or to other cruel, inhuman and degrading punishments.

(ii) According to the Principles of Medical Ethics (adopted by the United Nations on December 18, 1982), it is a gross contravention of medical ethics for health personnel (particularly physicians) to engage actively or passively in acts that constitute participation in, complicity in, or attempts to commit torture. There may be no departure from this principle on any grounds whatsoever, including public emergency (Principle 2).

In addition to the negative prohibition, such declarations, particularly by the United Nations (1975 and ratified in 1984) specify with great precision the positive obligation of member nations under the Charter to take measures to prevent the use of torture. These include reviewing interrogation practices, training law enforcement personnel, prosecuting torturers and providing legal redress and compensation to victims of torture.

All these declarations have one common factor: the prohibition against torture is absolute. The point is not to regulate its use, nor to allow exceptions, nor to specify the conditions under which it is legally or morally permissible. Torture is seen - like slavery, genocide, war crimes, air craft hijacking - as never justifiable. In legal terms, the prohibition (and thus the human right to be secure from torture) is "nonderogable:" that is, the authority of the law cannot be suspended or curtailed at any time or under any circumstances.⁴

This is also clear in the many international campaigns against torture, notably by organizations like Amnesty International. We reproduce in APPENDIX I the "12 Point Program for the Prevention of Torture" adopted by Amnesty International in October 1983.

In the same way as there are problems in defining torture,⁵ so are there problems in trying to abolish its use. Many countries affirm these international declarations, which they continue to violate in a gross and

flagrant way. The Israeli government is quite right to criticize the selective application of these universal standards and to point out that Israel is denounced by countries which routinely and shamefully violate human rights. It also rightly points out that the relative openness of Israeli society allows more outside scrutiny. But none of this justifies torture or makes the international prohibition any less binding. The fact that a rule is violated does not diminish its binding effect. To expose hypocrisy in others is politically important, but far from weakening the moral principle in question, this should actually strengthen it.

The real problem is how to actually enforce these prohibitions. Despite the international consensus expressed in numerous declarations, treaties, conventions and accords, the actual binding power of the prohibition is disputed, even by member governments which appear to be obligated.

The rhetoric of universal human rights is not backed up by real powers of enforcement against sovereign states. Nor can there be effective internal sanctions against a state which is, in effect, committing crimes against its own as well as international laws. The authorities in a country where torture is being used are either directly involved or passively condoning.

The rest of this INTRODUCTION deals with these problems in the Israeli context.

3. The Israeli Legal Position

(a) International Conventions

On a general level, Israel, as a full member of bodies such as the United Nations, is party to all the prohibitions and declarations set out above. As a state which has long reconfirmed its status as the only full democracy in the Middle East, its commitment to international norms of law and human rights should be clear. Israeli courts and government have repeatedly stated their obligation to the spirit of these norms.

On the formal level however, it is not clear just how binding Israel regards international prohibitions. The applicability of such codes as the Fourth Geneva Convention to the Occupied Territories has been, since 1967, the subject of a complex debate connected with the legal and historical question of sovereignty over the Territories. It is beyond our scope here to review this general debate.⁶ These, in brief, are the two opposing positions.

On the one hand, the overwhelming international consensus, reflected in bodies such as the United Nations,⁷ the International Committee of the Red Cross and virtually all Israeli and international legal scholars, is that the Fourth Geneva Convention (dealing with the protection of civilian populations in times of war) is wholly applicable to the Territories. Even if the problem of sovereignty were not resolved, the Geneva Convention remains the only formal protection for a local population which has no civil rights.

The official Israeli government position, on the other hand, uses the issue of pre-1967 sovereignty to argue that the provisions of the Geneva Convention do not formally apply to the situation in the Occupied Territories. It has affirmed, though, that Israel on its own has taken it upon itself to follow the humanitarian principles of the Convention.⁸ This position was first clearly set out by the incumbent Attorney General. Successive rulings of the High Court of Justice have given a slightly different gloss on the government's position. Without ruling on the question of sovereignty, the Court accepts the occupied status of the Territories and hence the applicability of the Hague Regulations and customary law governing belligerent occupation. It has argued, however, that even though Israel has signed and ratified the Geneva Convention, this has not been incorporated into domestic law. According to this argument the Convention's humanitarian provisions are applicable, but not formally "justiciable" in the Israeli courts. In some cases, though, the court has ruled that the undertaking to adhere to these provisions (and allied provisions such as the UN Standard Minimum Prison Rules) has legal and administrative force.

Actions of the Military Government and any of its agents are formally subject to judicial review by the Supreme Court in the same way as administrative acts in Israel itself.

The humanitarian provisions of the Geneva Convention, which Israel has stated it will observe, include two that explicitly relate to the question of torture: "No physical or moral coercion shall be exercised against protected persons, in particular to obtain information from them or third parties" (Article 31) and Article 147 which includes the use of torture as one of the acts considered a "grave breach" of the Convention. While the interpretation of other provisions (on such subjects as deportation and population transfer) is disputed, no official Israeli source has ever questioned the applicability of the ban against torture, nor has Israel imposed any change in local (Jordanian) law which would allow torture.

Aside from what is called international "conventional" law covering the formal status of the Geneva Convention, all prohibitions against torture form an integral part of "customary" law. In the Israeli argument, such international customary law binds the courts unless it comes into conflict with explicit local legislation. The counter-argument that national legislation has to be consistent with such international law is irrelevant for our particular subject because, as we note below, Israeli laws prohibit force during interrogation and these fully apply to Israeli public servants operating in the Territories.

The following is the Israel Government's official position in regard to the relevant international declarations⁹:

Standard Minimum Rules For The Treatment of Prisoners: when these were adopted by U.N.E.S.C.O. in 1957, member nations were invited to publicize them; they are reviewed every 5 years; the Government regards these only as recommendations.

United Nations Declaration on the Protection of All Persons from Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: adopted by U.N. in 1975 without a vote at a meeting attended by the Israeli representative, reflecting the agreement of the nations present.

Code of Conduct for Law Enforcement Officials: adopted by the U.N. General Assembly in 1979, again without a vote at a meeting attended by the Israeli representative, reflecting the agreement of all nations present.

Convention Against Torture: signed by the State of Israel on October 22, 1986. The Ministry of Foreign Affairs recommended that the Convention be formally ratified; ratification is now in process by the Ministry of Justice.

The intended ratification of the Convention, and the implied assent to the other statements, suggest that Israel agrees with the relevant international declarations.

(b) Israeli Domestic Law

In considering the relevant provisions of Israeli law and the operation of its legal system, a distinction must be made (as is done throughout this report) between Israel and the Occupied Territories. The general rule, however, is that the actions of all Israeli citizens, whether in Israel or the Territories, are subject to all Israeli criminal and administrative law. This includes regular law as well as the Defence (Emergency) Regulations, 1945 (which provide, inter alia, for Administrative Detention and apply formally to both Israel and the Territories).

Palestinians from the Occupied Territories are judged by the Military Courts, either in the Territories or the special court in Lod. Palestinians from East Jerusalem are judged by the regular courts or the Military Court in Lod. In both cases, interrogators are Israeli citizens, subject to the regular law. Only in the administration of the system, though - for example, conditions of pre-trial detention - are there (as we will explain), important differences between Israel and the Occupied Territories.

For purposes of this report, the two most relevant sections of the Israeli criminal code deal with the use of force by public servants and the admissibility of evidence obtained by force.

(i) Use of Force By Public Servants

The Israeli Penal Code contains a clear prohibition against the use of force by a public servant. According to Section 277 :

A public servant who does one of the following is liable to imprisonment for three years: (1) uses or directs the use of force or violence against a person for the purpose of extorting from him or from anyone in whom he is interested a confession of an offense or information relating to an offense; (2) threatens any person, or directs any person to be threatened, with injury to his person or property or to the person or property of anyone in whom he is interested for the purpose of extorting from him a confession of an offense or any information relating to an offense.

By definition, public servants includes agents of the General Security Service. This law obviously applies to Israel itself (including East Jerusalem). No military order exists which would make any special exemption for agents interrogating residents of the Occupied

Territories; as Israeli citizens they are subject to Israel law irrespective of the identity of the victim.

Allegations of the use of violence against detainees might also be covered in standard definitions of assault (Section 378 in the Criminal Code). According to Section 22 of the Criminal Code, however, an exemption of criminal responsibility can be granted in certain cases of assault in the special context of operations designed to prevent acts of terrorism. This provision is dealt with in the Landau Commission [see Section 4 below].

(ii) Admissibility of Evidence Obtained by Force

Israeli procedural law contains clear and explicit limitations on the admissibility of evidence. According to Section 12 of the Evidence Ordinance (New Version, 1971):

Testimony of the accused's confession to having committed an offense shall be admissible only if the Prosecutor presents testimony concerning the circumstances in which the confession was made, and the Court finds that the confession was made voluntarily and of free will.

Other limitations on obtaining confessions (and on methods of investigation in general) may be found in: (1) criminal law (see Sec. 277 of Penal Law, noted above, defining force during interrogation as a crime); (2) civil law (Sections 23 and 25 of the Civil Wrongs Ordinance define physical harm inflicted on a suspect or his well being as a tort of assault); (3) administrative law (which subjects G.S.S. investigators, like other public servants, to obligations not to exceed their legal authority) and (4) the "Judges Rules," which are guidelines - along the lines of those found in English Law - laid down by Supreme Court rulings. These are not legally binding, but clearly require that confessions should be obtained by free will.

The combined weight of these formal limitations (especially Section 12 of the Evidence Ordinance) appears quite unambiguous in excluding confessions obtained by force. Some commentators, however - whether critical of the Israeli system or, like the Landau Commission [see Sec.4 below] trying to justify less stringent limitations - argue that in practice Israeli courts have long admitted confessions obtained by pressure and not conforming to the criterion of free will. There are at least two Supreme Court precedents which suggest that confessions obtained by means of pressure (or misleading the suspect e.g. by using an agent provocateur) would not be ruled out ipso facto provided that "extreme means" had not been used that contradict basic values or are degrading.¹⁰

There are differing legal opinions on this subject, but it would be generally accepted that despite their apparently clear principles, Israeli laws of admissibility are more permissive than those of countries like the United States or Great Britain. Strict "exclusionary rules" are not automatically applied. Confessions obtained, for example, by "offensive police methods" such as trickery are more likely to be accepted. A recent U.S. legal judgement notes, for example, that "Under the Israeli law of confessions it is possible that confessions presently excluded under American law would be admissible."¹¹

The formal position under Military Law (in general) and as applied in the Occupied Territories, is that unless stated otherwise, the same laws and precedents apply. Section 477 of the Military Justice Law (1955) states that: "A military court shall not admit the confession of an accused as evidence unless it is convinced that the accused made it of his own free will." In fact however, however, Military Courts have been given wide powers to ignore such limitations. According to Article 9 of Military Order No.378 "...a Military Court is authorized to deviate from the laws of evidence for special reasons which shall be recorded, if it seems necessary to do so." In practice, the Courts in the Territories rarely have to invoke this formal discretion. Faced with a defendant claims that coercion was used to extract a confession, Military Court judges either simply refuse to believe this version or rule that any admitted coercion did not violate the criterion of free will.

In addition to this already loose interpretation, another permissive provision in Israeli laws of evidence is provided by the "Tamir Amendment." In terms of Article 10 (a) of the Evidence Ordinance (named after Shmuel Tamir, the Minister of Justice when this amendment was passed), defendants who refuse to sign a confession can be prosecuted and convicted on the basis of a written statement by a third party, without evidence being given in person in court. This removes the restrictions found in most other legal systems which forbid hearsay evidence and require that witnesses appear in court to be cross-examined. The prosecution can invoke this provision when there is no confession or a confession is retracted. This happens in regular criminal trials in Israel and our information is that the Shin Bet (with the co-operation of the judges) routinely invoke the Tamir Amendment in the Military Court. Interrogators can also use this as a threat.

The subject of admissibility is so important because of the dominant role played by confessions in the Israeli Military Court system. G.S.S. investigations depend almost entirely on interrogation to obtain confession; other sources (e.g. eye-witness accounts or forensic evidence) are seldom used. As we explain below, a confession once made, is virtually impossible to retract, particularly by challenging its admissibility.

(c) Status of General Security Services

The General Security Services ("Shin Bet" or "Shabaq") is responsible for security matters and counter-intelligence within Israel and the Occupied Territories. It is directly responsible to the Prime Minister and not subject to any other external control or scrutiny either by a regular Government Ministry or a Knesset Committee.

The legal powers of G.S.S. in the Territories derive from the Military Commander (under Military Order No.121). With the co-operation of the I.D.F., the regular police or the Border Guard, the G.S.S. apprehends and interrogates people who are believed to be involved in activities endangering the security of the state. The formal rules governing the procedures for arrest and initial detention are contained in Military Order Concerning Security, Instruction No. 378 (1970). This order permits the arrest of persons without warrant in a broad range of circumstances: from home at night, off the streets, during a demonstration, after a summons from the military headquarters etc. Military Order 378 specifies that the arresting officer has the duty to take the arrested person "as early as possible to a police station or a place of detention."¹²

Article 78 of the Order provides that immediately following arrest, a person may be detained for up to 18 days without coming before a court. This is Stage One. (In East Jerusalem, according to Israeli Law, the period is 48 hours. Our description below concentrates on the Territories). At the end of this 18 day period, the detainee must be released if he/she has not been charged, unless a judge extends the period. In practice, the Shin Bet (directly or through the police) usually requests this extension and the military judges almost automatically comply.

During this hearing, judges ask for the defendant's response. This might include a retraction of any confession, a partial confession or an allegation of force (in the last case, especially if injuries are visible, the complaint is recorded). This extension - Stage Two of detention - may be for 15, 30 or even 45 days. Once this limit (45 days) expires, the Shin Bet may request a further 6 months: Stage Three. At this point, the detainee must be charged or otherwise released.

There are similar limits of access to family. Military Order 1220 (March 1988) gives the families of detainees the right to be informed "without delay" about the reasons of arrest and the place of detention. Article 78(d) of the same Order, however, allows the military authorities to keep the detention secret for 8 days if a court order is obtained. The Order allows the detainee the right to consult a lawyer of his/her choice immediately after arrest. Amendment 53 of this Order, however, also permits a prison commander, "...if he sees this is

necessary for the Security of the Area, or if it is in the interests of interrogation," to suspend this right (contact with a lawyer) for up to 15 days. In practice, this authority is exercised not by the prison commander (civilian or military) but at the initiative of the G.S.S. interrogators. Another military regulation (Article 11, Military Order No.29) makes the right of a detainee to see a lawyer subject to the discretion of the prison authorities.

We stress these details, because it is mostly within this initial period of incommunicado detention that ill-treatment and torture are alleged to take place. The detainee can effectively be isolated, with no access to lawyer or family, for a period of up to two weeks. Lawyers do not see their clients until this initial interrogation is completed. Detainees however, are allowed, and nearly always receive, a visit from a delegate of the International Committee of the Red Cross.¹³

During this initial period of detention after arrest, the detainee may in theory be interrogated by one of three bodies: (1) military personnel; (2) regular police or (3) G.S.S. We concentrate on the G.S.S., which is responsible for the bulk of the interrogations of Palestinian suspects both in Israel and the Territories.

G.S.S. interrogation takes place in separate wings or blocks located in detention centers/prisons which in the Territories are controlled by the I.D.F. or Prison Service and in Israel (in Petah Tikva or the Russian Compound in Jerusalem, for example) by the police. These wings are under the effective control of the G.S.S.. Army, police, or prison staff claim that they are not permitted to enter (nor is the International Committee of the Red Cross). In practice (as our research shows) these other bodies do have contact (for example, in escorting the detainee). In legal terms, however, the detainee remains in the formal custody and responsibility of the army or regular Israeli police or prison authority.

The legal provisions for any supervision over G.S.S. interrogations or for dealing with any complaint by detainees (or their lawyers) of any abuses, are not clear. G.S.S. agents do not normally appear in court. After the interrogation, the suspect is handed over to the police investigator who takes down a confession as presented to the court. Requests for extension of detention are also made by the police. At this point, there are two main contexts in which complaints about abuses may appear:

First, in the rare cases where signs of ill treatment are visible when the suspect appears in court, a judge might record this in the protocol, but usually only after a formal complaint by the defense attorney. The police or State Prosecutor can justifiably claim no knowledge or responsibility for earlier stages. Military court judges do not normally deal with complaints and refer them to other authorities.

Second, there is the formal procedure known as a "trial within a trial." When the accused's confession during interrogation is the main or only evidence, then a plea of "not guilty" in court is tantamount to alleging that the confession was obtained by improper methods and is therefore invalid and inadmissible as evidence. This calls for conducting a "trial within a trial" on the question of the admissibility of the confession. This forum becomes, in essence, the trial itself dealing with the credibility of the evidence and, by implication, of the G.S.S. Allegations thus can be raised both about the process of interrogation and whether the G.S.S. is telling the truth about its circumstances.

Besides raising allegations during the trial itself, detainees or their lawyers can theoretically address complaints to a number of authorities: the Military Governor of the area; the Head of the G.S.S. (through the Prime Minister's office); the Attorney General; the Ministry of Police (which also covers the Prison Service) [see further: Section B.6]. There is no external review of such complaints. In February 1987, a Comptroller was appointed within the G.S.S. to investigate complaints. Oral complaints are recorded and, if justified, disciplinary sanctions may be taken against the investigator. No information may be transmitted to outside bodies or to the family other than date of arrest, place and date of visit and detainee's state of health. Later in 1987, the Landau Report [see below] recommended that the State Comptroller be authorized to examine the work of the G.S.S. investigation unit (and be given free access to sample investigations). As far as we know, no such investigation has yet taken place.

The special status of the G.S.S. can, therefore, lend itself to abuses in the interrogation process that are difficult to control. No law established the G.S.S. in the first place, nor does it have any clear legal authority in which to operate. It relies wholly upon the authority of other agencies - the police, the prison service, the army, the courts - which provide physical space, cooperation and legal cover. It does not have its own hierarchy of supervision or public accountability. Interrogators are anonymous at all stages, not just in the interrogation itself but in the court. (They nearly always do not appear at all and if they do so, it is mainly behind closed doors or a screen during an open trial).

We will emphasize again (in the Conclusion, PART C), the importance of this dispersed responsibility in protecting and isolating the operations of the G.S.S.

All the subjects dealt with in this section - Israel's commitment to international human rights standards, the provisions of the criminal law and the special status of the G.S.S. - have been crucially affected by the 1987 report on the General Security Service. This report deserves separate attention.

4. The 1987 "Landau Report" on the General Security Service

The workings of the G.S.S. are, by definition, outside of public scrutiny or accountability. In the period 1985-1987, however, two widely reported events forced the Shin Bet into the public arena. The first was the "No.300 Bus Affair."¹⁴ The second and more directly relevant for our subject was the Nafsu affair.

Izzat Nafsu was an Israeli Circassian army officer who had been sentenced in 1982 to an 18 year prison term for offenses of treason and espionage. In his "trial within a trial," he maintained that he was innocent and that his confession had been extracted by force during Shin Bet interrogation. The Shin Bet officers denied this on oath, both in the original Court Martial and the Military Appeals Court. Nafsu persisted in his claim and in May 1987, the Supreme Court accepted his appeal. (with the corollary that the investigators had lied to two earlier Military Courts) and ordered his release. An official government commission headed by a former Supreme Court President, Justice Moshe Landau, was set up in June and issued its report four months later.

(a) Main Findings and Recommendations

The Landau Report is an important and complex document that deserves a much fuller exposition than we can provide here. It consists of two Parts. Part One reviews the nature of G.S.S. activity, particularly during the period of 1971 onwards. It describes the "facts" about Hostile Terrorist Activity (HTA), the giving of false testimony about confessions obtained by G.S.S. methods and the justifications for the use of physical pressure during interrogation. Part Two is secret and remains unpublished. It gives more details about G.S.S. operations in the past and lays down the exact guidelines for permissible interrogation methods.

We will concentrate on the two subjects of false testimony and permissible pressure. The report covers these subjects in factual and normative terms without always distinguishing between these levels. That is: it covers the actual situation, the Commission's evaluation of this, and their recommendations for the future.

(i) False Testimony

The question of false testimony (as raised publicly by the Nafsu case) occupies a larger part of the report's survey [Paras. 2.22-2.53] than the

interrogation methods themselves. The Commission suggests that between 1967 - 1971, confessions presented in court were obtained legally and accepted in good faith. From 1971 onwards, however - when more confessions were challenged in court, calling for more "trials within trials" - the G.S.S. began consistently lying to the Courts by denying that it had used physical force to extract confessions. The Commission makes it clear that such methods (even if permitted at the time) would appear in court as violating the criterion of free will and hence render the confession inadmissible [Para. 2.26]. The solution to what the commission calls a "dilemma" - that admitting to the use of pressure would lead to an acquittal - was simply to lie.

The practice of giving false testimony during "trials within trials" - despite being a clear offense of perjury under Section 237 (a) of the Penal Code - continued at least till 1986. The practice was systematic and routine : "...an unchallenged norm which was to be the rule for 16 years" [Para. 2.30]. The Commission even quotes a 1982 internal G.S.S. memo which gave an explicit order to lie in court about using physical pressure, and set out guidelines about what sort of lies to be told [Para. 2.31]. Perjury was "self ingrained and self evident." Only after 1986, in the wake of public concern about the G.S.S., was this exposed and (according to the report) then completely discontinued.

The Commission appears unequivocal in its "utter condemnation" of the practice of false testimony. This episode was "painful," "tragic," a deplorable deviation from the Service's proud and professional record. The G.S.S. "...failed utterly in permitting itself to violate the law systematically and for such a long period by assenting to, approving and even encouraging the giving of false testimony in Court" [Para. 2.53].

The report nevertheless goes out of its way to detail the reasons and rationalizations for false testimony. These include the difficulties of obtaining information and confessions, the compartmentalization of G.S.S. work and the fact that these were "ideological criminals" acting not out of personal motivation, but a deep sense of public duty. While not wholly accepting all these rationalizations, the Commission records its overall faith of G.S.S. personnel as noble and moral "emissaries of the people of Israel."

Despite its condemnation of false testimony, the Commission ("..after considerable soul searching") recommends that no criminal proceedings for perjury be brought against the responsible G.S.S. operatives. This recommendation would not be in the public interest because it would open the way to too many criminal cases, civil suits, requests for retrials - thus disrupting and paralyzing the normal G.S.S. work today. The Commission announces at the outset [Para. 1.9] that its "principal function" was to guide the "essential process of rehabilitation and healing" of the G.S.S., thus restoring to them "their inner conviction in

the rightness of their way which they require for their work." Prosecutions for past offenses would not help this rehabilitation process. More important would be to permit methods of interrogation to be used which would not require any false testimony.

(ii) Permissible Pressure

The actual nature of interrogation methods used in the past, receives almost no coverage in the public part of the Landau Report compared with the discussion about false testimony. This is partly because "security reasons" necessitate describing these methods only in the secret Part Two, but also because the report's "utter condemnation" of past practices refers to perjury and not to the methods of interrogation themselves "which are largely to be defended, both morally and legally" [Para. 1.8]. In other words, it is permissible to use pressure - but not to lie about it. How does the Commission arrive at this conclusion?

The report presents two subjects as a "description of facts" (Chapter 2). The first, "Terrorist Organizations and the Armed Struggle," is a political analysis of Israel's security situation. This describes the dangers posed by Hostile Terrorist Activity (HTA) by organizations such as the Palestinian Liberation Organization whose objective is "the destruction of the State of Israel" [Para. 2.9]. The second is an account of the difficulties faced by the G.S.S., in this political context, of obtaining information during interrogation. Unlike regular criminal investigation, the aim is often general intelligence gathering, rather than obtaining an individual conviction (although this is also important as a deterrent and to take terrorists out of circulation). There is seldom any other independent evidence and the information has to be obtained from recalcitrant suspects, hostile to the authorities and trained to resist pressure.

Under these circumstances, the Commission wholly agrees with the G.S.S. position that without some form of physical pressure, "effective interrogation is inconceivable" [Para. 2. 37]. The combination of operational needs and the overall security situation faced by Israel, makes the use of force necessary. In addition, though, to the operational case, this "necessity" has to be justified in more explicit legal and moral terms. This the Commission does in Chapter 3.

The legal solution is to adopt from the sphere of the criminal law, the standard defense of "necessity." Israeli criminal law (Section 22 of the Israel Penal Law), along with all equivalent legal systems, exempts from criminal responsibility (for example, for committing an act of assault) someone who acted in defense of self or of others whom he/she was bound to protect. The "necessity defense" is acceptable only if certain criteria are established - for example: the harm prevented was

imminent, the harm caused was not disproportionate (the doctrine of "lesser evil"), the harm could not be otherwise avoided. By extension (or analogy), the State, through its agents such as G.S.S. interrogators, can appeal to the same defense. The security interests of the State and its obligation to protect the lives of its citizens against HTA, justifies harm. The paradigm case is the captured terrorist who knows the location of a bomb about to explode in a crowded area. It is obvious that violence is justified to extract the information. The choice is between condoning the "assault" and allowing the greater harm.

The legal appeal to necessity, argues the Commission, is thus morally based. In the clash between the values protected by the prohibitions of the criminal law and the ethical duty to protect life, the security interest of the state becomes an ethical imperative, the lesser of two evils. There is therefore an advance moral justification for the operational claim of the G.S.S., that: "The effective interrogation of terrorist suspects is impossible without the use of means of pressure, in order to overcome an obdurate will not to disclose information and to overcome the fear of the person under interrogation that harm will befall him from his own organization if he does reveal information." [Para. 4.6]. Nor does the use of pressure during interrogation require any legal changes. According to the Commission's interpretation, (a) the use of pressure passes the test of international legal standards; (b) the necessity defense already exists, allowing the extraction of information by pressure and (c) a confession thus obtained is admissible in court.

What would be permissible pressure? In the most-quoted lines of the report:

"The means of pressure should principally take the form of non-violent psychological pressure through a vigorous and extensive interrogation, with the use of stratagems, including acts of deception. However, when these do not attain their purpose, the exertion of a moderate measure of physical pressure cannot be avoided" [Para. 4.7].

There must, however, be boundaries, limits or guidelines, "...in order to prevent the use of inordinate physical pressure arbitrarily administered by the interrogator" [Para. 4.7]. The question of limits raises political as well as moral-legal considerations. The Commission notes the danger of interrogation methods "... sliding towards methods practiced in regimes which we abhor" [Para. 4.2]. A democratic society threatened by terrorism faces a conflict between security and the need to maintain the character of the state as law abiding and morally principled. There are three ways of resolving this conflict, argues the Commission [Paras. 4.2 - 4.5]. The first is to allow the G.S.S. a free hand to operate in a twilight zone outside the realm of the law. This way must be "utterly rejected;" it allows no surveillance or control and could lead to the

"despotism of a police state." The second way is to repeat the prohibitions enshrined by the rule of law, but to turn a blind eye to what is going on beneath the surface. This, the Commission rejects as the "way of the hypocrites."

Thus we arrive at the third way – "the truthful road of the rule of law" – which is to allow the law itself to "ensure a proper framework for the activity of the G.S.S. regarding HTA investigations." Psychological and physical forms of pressure are permitted, as long as they are applied within strict guidelines. This means [Para. 3.16]: prohibiting the "disproportionate" exertion of pressure ("the pressure must never reach the level of physical torture or the maltreatment of the suspect or grievous harm to his honor which deprives him of his human dignity"); using less severe measures in a reasonable way, taking into account danger; providing clear restrictive guidelines that oblige the interrogator; strictly supervising the guidelines' interpretation; punishing (if necessary through the criminal law) interrogators who deviate from the permissible means.

The secret, second part of the report sets out "with as much precision as possible" the guidelines and boundaries for what is permissible.

(b) Criticisms

The report has been subject to intense legal and political criticism since its appearance, both abroad and in Israel.¹⁶ There are nuances and differences in the commentaries on the Landau Report, but it would be fair to say that no serious legal commentator defends its conclusions or finds them consistent with national and international law.

These criticisms¹⁷ can be grouped into four main headings:

(i) The "necessity" of force

Most critics completely reject the borrowing of the "necessity defense" from the criminal law to authorize in advance the use of force by government officials. The standard grounds for upholding a plea of necessity do not apply to the process of investigation. In the realm of individual action, criminal liability is mitigated by "necessity" only in situations where the danger is concrete, imminent and verifiable, and unpreventable by any means other than force. In the realm of national security, the only equivalent might indeed be the extreme hypothetical case: a captured terrorist knows where a bomb is ticking away; is it justified to torture him to save twenty lives? But this case is far from being typical or paradigmatic. Nearly always, the danger is possible rather than either immediate or verifiable; any information required is general (for example, about membership of an organization, location of

headquarters etc); detainees are only suspects; nor can it be shown that force is the only possible response.

The defense of necessity is as old as torture itself and can always be used by any regime, under any situation. Anyway, if there is a real and imminent danger, it is not clear why only "moderate" force should be used, given that more severe methods will be more effective. By insisting on some limitation, the Commission must have sensed the weakness of the purely utilitarian defense of necessity.

In any case, interrogation directed towards obtaining confessions about past action cannot at all fit any interpretation of the necessity defense. The Commission makes no distinction between licensing the use of force to prevent planned future harm and to extract confessions about alleged crimes already committed.

Further, even if criminal liability for an offense is diminished by necessity (for example, self-defense), the offense itself remains condemnable and should not be simply licensed (and certainly not by invoking the most extreme hypothetical case). There is a crucial difference between accepting a reasonable *ex post facto* excuse from an individual acting in extraordinary circumstances, and authorizing government agents in advance to break the law. Condonation and retrospective legal mitigation for an individual citizen, is morally quite different from the state permitting itself to use physical force in interrogation. This is precisely what is prohibited in international legislation.

The moral-legal issues aside, the "ticking-bomb" example is indeed hypothetical: no known case like this has been recorded in Israel's history. Most interrogations are not aimed at extracting direct information of this sort. As our research shows, force is routinely used in interrogations where the charge or suspicion covers allegations such as assault, stone-throwing, belonging to an illegal organization or even participating in a demonstration. Many interrogations are not even aimed at extracting a confession to secure a conviction. Their purpose is general information gathering, random deterrence, intimidation or harm for its own sake. Note also that those being questioned are only suspects whose guilt cannot be presumed. According to the Commission itself, nearly 50% of interrogations end up with no charges being pressed, or any other steps taken against the detainee.

(ii) The nature of the "enemy"

The Landau Report has also been criticized for its elastic and wholly political conception of the enemies of the State against whom "special means" are to be used. The Commission gives the license to use force only in cases of "hostile terrorist activity or political subversion which is illegal under the laws in Israel or the territories." The logic of

"necessity" is problematic enough when applied to actual acts of terrorism. The problem becomes greater in regard to forms of opposition, "subversion" or suspicion which only by the most tendentious political reasoning can be seen as direct threats to national survival. According to the Commission, Military Orders apply to "acts of political subversion which do not reach the stage of actual terrorist acts." Order No.101, for example, cited by the Commission itself includes as subversive political activity the displaying of flags and political symbols.

Without even acknowledging other possibilities, the report accepts that the P.L.O. is simply a terrorist organization devoted to the complete destruction of Israel. All captured Palestinians must be involved in activity ("HTA") which threatens the very existence of the state. The objects of interrogation are not just the terrorist with the ticking bomb, but also those who might know where arms are stored, who might belong to or support a prohibited organization, who have written leaflets, who have thrown stones. There is no reason why the entire public who sympathize with the Palestinian cause should not be the enemy against whom "special means" are permitted and who have no moral case to demand ordinary civil rights.

(iii) The nature of "moderate physical pressure"

Given that the exact definition and guidelines for the implementation of "moderate physical pressure" are laid out only in the secret part of the Landau Report, there is no way of knowing exactly what this phrase means. What is quite clear, though, is that this very approval is wholly contrary to the spirit and letter of both international prohibitions against torture and Israeli law itself. So too is the justification of "non-violent psychological pressure" which includes sleep and sense deprivation, disinformation, humiliation, threats against family etc. Leaving aside the problem of distinguishing between physical and psychological pressure,¹⁸ critics have focused on the following risks in approving "moderate" physical force.

Firstly, there is the problem of escalation inherent in the interrogation process. As much as the Commission saw "the danger of sliding towards methods practiced in regimes which we abhor," its recommendations make this "sliding" virtually inevitable. Once "moderate physical pressure" is allowed, the regression (or escalation) from "moderate" to "severe" becomes possible. If one blow on the head does not achieve the desired result, are we expected to believe that the interrogator will stop before the second or third blow? If forty-eight hours without sleep is "reasonable," how many more hours will make it unreasonable? If suspects are so totally uncooperative,

(indeed, as the Commission explains, actually trained to resist pressure), then why stop at means that are too "moderate" to be effective?

The escalation here comes from two directions: utilitarian and psychological. The more you try to moderate and regulate the use of pressure (and this was the Commission's intention), so you diminish its effectiveness. If the detainee knows exactly what is coming, he will either give in at an early stage or stay firm because he knows that it will not get worse. In the latter case, the interrogator must be tempted to increase the pressure to succeed. This step is made easier because the moral-legal taboo and the psychological barrier against using force have now been lifted.

The second consequence of permitting coercive methods, is that an incentive is created to apply them as a matter of routine to all suspects who resist during interrogation. The use of other methods is inhibited; why waste time starting with them when you are allowed to move straight to force? Under the conditions (not anticipated by the Commission) of mass detention and interrogations since 1988, the use of "moderate physical force" can become wholly routinized.

(iv) The reinforcement of secrecy

By placing all its exact description of interrogation methods (those used in the past and those permitted now) in the secret Part B of its report, the Commission has reinforced the very context of secrecy in which torture can possibly take place. The already privileged legal status of the G.S.S. [see Sec.3 (c)] is now condoned. Interrogation - as we will show - does not occur in complete isolation. Police, soldiers, prison staff, doctors and the courts are all part of the network. The Landau Commission now morally recruits them into a vow of secrecy.

The "security" argument is again not a convincing reason for this secrecy. There can be no possible security risk in listing those interrogation practices used in the past. If the Commission wanted to condemn these, then the public should have been given information about what exactly had been condemned. As to the methods now being allowed, they are presumably known to those who are or who are likely to be interrogated. By not revealing the guidelines to the public, no informed decision can be made as to whether the Commission's recommendations are justified or not. The phrase "moderate physical pressure" becomes a completely non-pictorial euphemism which allows no visualization of what actually happens during interrogation. Not even a single example is given. The central and most controversial part of the Commission's work becomes a matter of blind faith.

(c) Conclusions: "Moderate Force" or Torture?

The Commission goes out of its way to explain that by justifying "psychological pressure" and "moderate physical pressure" it is not justifying torture. This linguistic exercise, however, hides the reality not just of the pre-1987 practices, but the methods since practiced [see below] and, presumably, allowed in the report's secret section. This exercise was needed precisely because Israel, like other societies faced with similar moral conflicts to which the Commission was indeed so sensitive,¹⁹ could hardly be seen to justify "torture." At several points, the Commission repeats its concern about the image of the state:

Strict care must be taken, lest a breach of the structure of prohibitions of the criminal law bring about a loosening of the reins, with each interrogator taking matters into his own hands through the unbridled, arbitrary use of coercion against a suspect. In this way the image of the state as a law-abiding polity which preserves the rights of citizens is liable to be irreparably perverted, with it coming to resemble those regimes which grant their security organs unbridled power. [Para. 3.16]

This is not just a matter of "image." The Commission seems to have genuinely desired to avoid excesses and to place limits. It is impossible, however, to allow only that amount of suffering which will be effective - and which cannot be seen as "torture." The Commission thus ends up permitting what it considers illegitimate. Once the barriers to violence - legal, political, moral - are lifted, then the body of the detainee is no longer inviolate. "It turns out then, that what the Commission describes as 'moderate physical pressure' which does not reach the point of torture or degrading treatment is none other than degrading treatment or torture."²⁰

Out of the same moral sensitivity that called for the word torture to be avoided, the Commission could not recommend a formal change in the law. It was more subtle to lay down a new administrative framework which simply accepted the G.S.S.'s own assessment of what it "had" and "has" to do. In order to prevent the crime of perjury in the courts - the crime that the Commission sees as so contemptible - a new legal norm was created. The old laws remain on the books. But from 1971 till 1987 (during which, according to the Commission's own finding, Shin Bet investigators went beyond even their own internal norms) there was a belief that the use of force during interrogation was illegal. Now, it is permissible.

The effect, intentional or not, is to evade the spirit and letter of every single international prohibition as well as to undermine Israeli law. In terms of Section 277 of the Penal Law and the procedures governing the admissibility of evidence [see Section 3 (b) above] interrogation

methods now are extra-legal and anti-legal. And even by the narrowest interpretation of international codes [Section 2 above], the Commission ended up legitimating the use of torture under another name. However difficult it is to enforce relevant international and domestic law, it becomes impossible once the original moral taboo is lifted.

It is impossible to show a direct causal connection between the Commission's recommendations and the ill-treatment of Palestinians interrogated in the subsequent three years. The Intifada began in this exact period. Other observers argue that the Shin Bet continued its work without much reference to the Commission. But whatever the actual connection, it is clear that despite the Commission's stated intentions, the use of torture and ill-treatment follows logically from its recommendations. Despite its professed aim to "regulate" rather than freely permit, to lay down restrictions rather than give a carte blanche, the Commission gave the Shin Bet what it wanted: the stamp of kashrut. In the words of the leading legal critic of the report, Professor Mordechai Kremnitzer (now Dean of the Hebrew University Law School), the "intent to injure with a wrongful objective" is now:

...institutionalized, systematic, wholesale and trained; it is legalized at the highest level (not by a concrete license granted ad hoc but rather by a general authorization granted in advance) and is committed not by an individual, but by a governmental authority acting in the name of and for the sake of the public.²¹

5. Previous Reports and Allegations

(a) Before the Intifada

Some three or four years after the 1967 Occupation, a few allegations began to appear about torture and ill-treatment of Palestinian political detainees. Few of these were investigated properly and we have no way of confirming their validity.

These stories reached a wider public in a series of articles in the London *Sunday Times* in 1977. On the basis of a review of "dozens" of files, the reporters concluded that interrogators, especially from the Shin Bet, used methods such as repeated cold showers, beatings and electric shock to extract information. In the period of the first Likud government after 1977, the use of torture declined - apparently because of restraints personally ordered by Prime Minister Begin in response to the publicity following the *Sunday Times* stories. Lawyers working with political prisoners report that during the 1978 - 1983 period, there was a large decline (compared with the previous five years) in the rate of complaints about ill-treatment. Many allegations of violence were made against the police and soldiers rather than the Shin Bet and covered detention in prisons, police stations or army detention centers (such as al-Fara'ah and Tulkarm) rather than during interrogations.

By 1984, however, the rate of complaints about torture of Palestinian suspects during interrogation began to increase. These were recorded by two main sources: (a) the international human rights organization, Amnesty and the main Palestinian human rights organization *al-Haq* - Law in the Service of Man - and (b) the few Israeli and Palestinian lawyers who were defending political clients.

The section on "Israel and the Occupied Territories" in the influential 1984 Amnesty Report, *Torture in the Eighties*, refrains from using the word "torture".²² It notes, however, that the organization continues to receive reports (testimonies from former detainees, statements from lawyers, eye-witness accounts) of "ill treatment" during interrogation. Amnesty concluded that the frequency and consistency of these allegations indicate that some Palestinians interrogated by the Shin Bet "...have been hooded, handcuffed and forced to stand without moving for many hours at time for several days, and have been exposed while naked to cold showers or cold air ventilators for long periods of time. Detainees have also been deprived of food, sleep and toilet and medical facilities, and have been subjected to abuse, insults and threats against themselves and the female members of their families."²³

Amnesty also noted reports of beatings, citing the example of Nassim

Abd al-Jalil 'Odeh Ahmad Daoud, who was arrested on January 30, 1982 and interrogated about his activities as a member of al-Fatah. He alleged that while hooded, handcuffed and sometimes stripped naked, he was (over a period of two weeks) beaten all over the body, including the genitals, with clubs and fists. His head was also repeatedly hit and banged against the wall.

In the same year as the Amnesty Report, the Palestinian human rights organization al-Haq - Law in the Service of Man - issued a report on al-Fara'ah prison.²⁴ Five affidavits describe in detail the general conditions in al-Fara'ah between 1982/83 when it was used to detain young Palestinians.²⁵ Ten further affidavits cover the period from the beginning of 1984, when detainees began to be interrogated on specific charges, usually participation in demonstrations or stonethrowing. The methods of interrogation described include: physical disorientation by hooding and/or extended isolation for hours or even days in toilets or filthy cells awash with water; routine beating; repeated cold showers and long periods of standing in the rain at night; tear gas sprayed in the face; food and sleep deprivation; psychological humiliation (including, in one case, being forced to masturbate in front of interrogators, in another being forced to talk to the wall, in another being treated literally as a donkey: dragged on all fours with a rope round the neck, ridden by another interrogator).

These ten affidavits were obtained independently and provide detailed evidence (including dates and the pseudonyms of each interrogator - "Abu Dani," "Abu Fathi" etc.) of the patterns of ill-treatment in al-Fara'ah. It should be noted further that not a single one of these ten victims (ranging in age from 15-25) was suspected of anything resembling "security" or "terrorist" activities. Most offenses covered participation in demonstrations; four suspects were released without charge; most were fined or given brief prison sentences. (One 18 year old student, for example, who was interrogated for 14 days was eventually fined 7000 shekels for being present at a cultural celebration at Bethlehem University). These allegations are all internally consistent.

Another less detailed set of allegations was published by the "Alternative Information Center" in 1986.²⁶ This report claims to review 27 cases, but provides no information about them and only gives selections from 6 testimonies (based on lawyer's files). Interrogation methods included cold showers (up to 8 a day, the most standard method); hooding by a sack tied round the neck (loosened when the suspect is about to suffocate); burns (usually by a lit cigarette); beating; threats of deportation; sleep deprivation (sometimes up to a week). In contrast with the reports from the seventies, there were no complaints about sexual abuse or electricity. Although this overall pattern sounds plausible, only 2 cases (Khaled Mahmud Delaishe and Addan Mansur

Ghanem) are detailed enough to be checked.

Evidence of a somewhat different nature, is recorded in a research project on "the psychological effects of torture" on Palestinian prisoners.²⁷ Forty former prisoners from the West Bank and Gaza were studied through a questionnaire in autumn 1985. Most (26) were under the age of 30 and had been imprisoned between the ages of 17 - 20. Major methods of interrogation reported included: (a) Physical: beating with hands or kicking with feet (100%); cold water torture (78%); beating with truncheon or whip (77%); jumping on the body (72%); hanging by the hands (70%); being forced to stand in the sun for extended periods (62%); application of burning cigarettes (48%), and (b) Psychological: mainly abuses and threats against detainee and/or his family; confrontation with false confessions. Seventy percent of the group claimed that false confessions had been extracted by torture. At an impressionistic level, these patterns confirm other sources. The researcher's description of the sample, and how the information was collected, however, are not adequate for any conclusions to be drawn from these data.

Although individual lawyers have complaints on record, no more organized documentation is available for the 1984-1987 period, nor was the issue given much publicity during this period.²⁸

(b) During the Intifada

The mass arrests and administrative detentions in the months following the beginning of the uprising in December 1987, were first processed through quick batch trials. Any "evidence" produced in the military courts came from soldiers' testimonies rather than systematic interrogations or confession. Ill-treatment such as beatings took place in custody, but only as part of the general harassment and punishment. When the uprising entered its second year however, the need for better information became more critical.²⁹ The fact that previous local intelligence resources had disintegrated, led to the more systematic use of force to extract information.

The following are the major sources of information about such allegations in the 1988-1990 period. It is impossible to give any estimate of their extent as the same cases are often cited by each of these three different sources.

(i) Palestinian

The most detailed evidence can be found in the al-Haq 1989 Annual Report.³⁰ On the basis of sworn affidavits and supplementary evidence (such as photos and medical reports), covering a cross-section of areas

and detention facilities (Dahariya; al-Fara'ah; Tulkarm; Petah Tikva; the Russian Compound; Ansar II, Nablus, Jenin, Ramallah and Hebron) the following main practices were recorded (in order of incidence):

"Al-Shabah" (tying the detainee's hands in front or behind his body with plastic or metal cuffs. He is blindfolded or his head is covered to the neck by sacking with only a slit left open to breathe. He stands in this position in an open yard, or sometimes with his hands tied to a pole, for several days during which he is interrogated for several hours each day) inadequate food; sleep deprivation (sometimes for up to a week) and restriction of toilet facilities; beating (with clubs, fists or boots, sometimes on the genitals or head, sometimes banging the head on the wall); the "cupboard" (being placed in a closed dark space, some one meter by one meter for hours or days); partial suffocation (by pressure on the windpipe or by placing sacks on the head and pressing them against the nose and mouth); "falaqa" (beating the soles of the feet with a stick or plastic hose, usually while the detainee is handcuffed and hooded).³¹

Each method is illustrated with examples, including sometimes the code name of the interrogator. Two well known cases documented in detail are: (a) Riyad Bader, interrogated in Tulkarm Military Detention Center for 30 days from July 9, 1989; methods included prolonged hooding, beating on all parts of the body including testicles, threat of rape, banging of head, spitting on face, being forced to sit on a plastic tapered box, faked threats that his wife and then his 15 year old daughter would be sexually attacked in the next room. He did not confess to any offense and after a number of polygraph tests was eventually released on August 9 and (b) Amin Amin, a 24 year old Bir Zeit student interrogated for 24 days from August 5, 1989 in Dahariya Detention Center; methods included the usual sacks on head, beatings, jumping on chest, together with beating on soles of the feet and electric shock. Amin had a history of liver disease and was recovering from hepatitis at the time of his arrest. When he began vomiting and then lost consciousness towards the end of his interrogation, he was taken on August 30 to Beersheba Hospital and then, after 4 days back in Dahariya, eventually transferred to the Ayalon Hospital in the Ramleh Prison complex. When his family visited him there on September 8, they reported that his face was swollen, he had two black eyes, the soles of his feet were badly bruised and he had bruises on his lower back.³²

Other cases taken up by al-Haq since this report include Ibrahim Qawariik (arrested on December 1, 1989, interrogated at first in Moscobiya for 10 days and then in Ramallah prison where his arm was broken by an interrogator called "Max").³³

Another source is the Palestinian Human Rights Information Center (PHRIC). Allegations about abuses during interrogation tend to be subsumed under general accounts of ill-treatment of detainees, prison conditions, medical negligence, and so forth, in the organization's monthly "Human Rights Update".³⁴ By our criterion, some 15 cases reported over 1988-1990 are clear cases of torture. Recent examples include: Faraj Yunis (interrogated in Khan Yunis Detention Center from August 24, 1990, and Rami Najjar (a 20 year old from Ramallah, arrested on February 2, 1990, taken to Ramallah prison for 6 days and then interrogated for 7 days in Dahariya Detention Center; there, after being beaten, he lost consciousness and woke up with partial paralysis of his arms and legs; he was sent to Soroka Hospital where he stayed for 10 days, handcuffed and leg- shackled; he was released on March 1, before his trial was due; his family was told that the paralysis might have been caused by a viral or bacterial disease; after Rami's release, the family received a telephone call, presumably from the Shin Bet saying "A mourning [for death] is being held today at your neighbour's house and tomorrow it will be at your house").³⁵

(ii) International

By 1990, allegations of torture made by lawyers and Palestinian human rights organizations were given greater credibility by international sources:

- The 1990 Amnesty report (covering the year 1989) notes vaguely that "Thousands of Palestinians were beaten while in the hands of Israeli forces or were tortured or ill-treated in detention centers."³⁶ It goes on to note "...reports of torture and systematic ill-treatment of political detainees including beatings on various parts of the body, hooding, prolonged standing, sleep deprivation and confinement in coffin-size cells."³⁷ No sources of evidence, though, are cited for these general claims.

- In 1990, the Boston based Physicians for Human Rights, in the course of a general investigation about health care of Palestinian detainees, reported on allegations of ill-treatment during incommunicado detention.³⁸ Fifteen Palestinian ex-detainees were interviewed, of whom 7 were interrogated after their arrest (in police stations or military camps, by military intelligence or Shin Bet officers). They reported a wide range of physical and mental ill-treatment during questioning. These included: insults, intimidation and threats; beatings (including on the men's genitals); prolonged sleep deprivation; prolonged solitary confinement; blindfolding during interrogation.

- The 1990 U.S. State Department Report, for obvious reasons one of the most cautious sources about Israeli human rights practice, notes that

"Physical and psychological pressures are particularly severe in incommunicado detention during investigation and detention."³⁹

(iii) Israeli

Over the 1989-1990 period, allegations of torture have also appeared in Israel sources. Media reports are usually based on information from a Palestinian human rights organization or news source as well as Israeli or Palestinian lawyers. Occasionally, the Israeli media have conducted their own investigations.⁴⁰

Two main groups have taken up the issue:

- The organization "Women for Support of Women Political Prisoners" has presented a number of testimonies about the detention and interrogation of women in the "Moscobiya" or Russian Compound (the police detention center in Jerusalem).⁴¹ Allegations include the prolonged use of "al-Shabah" (a sack is placed on the detainee's head and her hands are tied to a railing behind her back or above her head); and "hazana" (Arabic for cupboard: the suspect is placed for hours - some claim for more than a day - in a cell measuring about 100 x 80 cm., where she cannot stand upright or straighten her legs while sitting). The detention cell itself is filthy and women are denied basic toilet facilities. Allegations have also been made about beating and sexual harassment (threats of rape, sexual insults). In January 1990, the organization presented ten detailed cases.

- Another Israeli organization, the Public Committee Against Torture in Israel, was formed at the end of 1989. It prepares educational and publicity material and takes up individual cases referred by other human rights organizations. A particularly important case raised by the Committee was that of Isma'il Ibrahim Ghoul and his brother Ali Ibrahim Ghoul.⁴²

Isma'il Ghoul, 22, of Silwan Village in Jerusalem, was arrested on December 16, 1989 (together with his brother Ali and cousin Munir) and taken to the Russian Compound where he was charged with murdering a supposed collaborator the evening before. The investigation was carried out not by the G.S.S. but by the Minorities Division of the city's police. He was interrogated for 14 days during which he was severely beaten on his body and the soles of his feet and forced to stand handcuffed with hands held in the air. Broken by this treatment and having been given the details of the killing by one of the interrogators (Ahmed Troudi), Isma'il confessed to the murder, to throwing a Molotov cocktail and to another unsolved collaborator killings, and also implicated his brother and cousins. He saw his lawyer on January 1 and told her how he had been

tortured and that the confessions were false. In spite of her protests to the court, his detention was extended again and again. He was detained till February 5 when he was charged (in Lod Military Court) with only the Molotov cocktail offense.

In the meantime, his brother Ali had also been interrogated. He was subject to similar treatment (beating with head covered and hands tied, falaqa etc.) and told that his brother had testified against him. After 10 days, he had still not confessed. On December 18, his detention was extended by a judge (after a hearing lasting a minute). He was beaten further and his head banged against the floor. Placed back in the detention cell, he fainted. On regaining consciousness, his face and eye badly swollen, he was examined by a medical orderly and then a doctor. On December 28, he was taken to Hadassah Hospital, Ein Karem. He was interrogated for another week and complained to his lawyer who informed the judge. The main interrogator (Ahmed Troudi) appeared for the police at this hearing and denied that force had been used. The court again agreed to extend the detention by another 15 days. On January 15, Ali's detention was again extended, on the charge of throwing a Molotov cocktail.

By this time, the police had in fact located another totally unrelated person who confessed to the killing. On February 6, police investigator asked Isma'il to withdraw his confession, and he was released the same day. On February 7, Ali was also released, having being told by the police that they had now found the person who threw the Molotov cocktail, killed a collaborator and attempted to kill another collaborator.

In April 1990, in response to other allegations, but primarily to publicity about the false confession forced out of Isma'il Ghoul, the Chief of Police appointed an internal team to investigate allegations of torture by investigators from the Minorities Division in the Russian Compound. Both the prosecutor in the Military Court in Lod and the Jerusalem District Attorney's office reacted immediately to the obvious abuses revealed. In September it was announced that one interrogator had been suspended, and that a recommendation had been forwarded to the Attorney General to bring eight others to trial.

(c) Medical Involvement

Both before and during the Intifada, allegations have been made about the involvement of doctors and other medical personnel (nurses, army medical orderlies) in the interrogation process. As we have noted [Sec. A.2 above] there is an absolute prohibition against any assistance or

collusion by medical staff in carrying out torture and cruel or inhuman treatment.

Any such allegations are extremely difficult to prove. Doctors or medical orderlies doing their military service or employed by the Police or Prison Service do not have control or even full access to G.S.S. interrogation centers. Detainees have sometimes complained that a doctor has examined them during interrogation and observed injuries which could only have been sustained by force. These doctors are not identifiable by name and we did not have the resources to follow up complaints of this type. Evidence of collusion - in the sense of knowing that detainees are being abused but continuing to "treat" the injuries without reporting to an outside body - is circumstantial only.

Some anecdotal accounts have appeared by personal witnesses. In September 1988, an Israeli newspaper recorded a testimony from Dr. Marcus Levin, a member of Kibbutz Matsuba who was called up for reserve duty at Ansar II.⁴³ When he arrived at the prison clinic, he inquired about his duties and was told "Mainly you examine prisoners before and after an interrogation." He was told that the work was "nothing special;" sometimes fractures had to be dealt with.⁴⁴ Extracts from another such testimony are printed in APPENDIX II.

A recent report by an American physicians organization notes that the Chief Police Doctor, Dr. Ruben Goldschmidt and the doctor at the Russian Compound, Dr. Andrei Waissman claimed that they were unaware of abuses occurring during interrogation at the Russian Compound, "...but did acknowledge seeing injured individuals brought from interrogation elsewhere."⁴⁵ In May- June 1990, however, complaints by a doctor from the Russian Compound (it is not clear whether this was Dr. Waissman) were instrumental in leading to the inquiry about violence against detained juveniles and in the case of Al-Ghoul [see Sec. 5(3) above].

Other allegations, easier to check, deal with medical examination and treatment in regular Israeli hospitals outside army or prison installations. Instances have been recorded of detainees being taken to such hospitals, examined and treated but not being seriously questioned about the cause of their injuries. [See examples of Amin Amin, Ibrahim Qawariik and Rami Najar cited above, and five of our interviews below]. This is a subject which requires a separate study.

(d) Deaths During Detention

Special attention must be paid to the question of deaths in detention. These have increased dramatically during the period of the Intifada, from an average of one or two a year over the 1980s, to 9 cases in 1988 and a further 9 in 1989. The circumstances under which these

Palestinians died in Israeli detention are sometimes unclear. These range from natural causes, possible suicide, alleged medical neglect, dehydration after a hunger strike, beating or shooting by guards during a disturbance, killing by other inmates for alleged collaboration, to a result of violence during interrogation.

We are concerned here only with the 5 of the 18 cases between 1988-1989,⁴⁶ in which death appears to have been a direct or indirect result of interrogation methods. We summarize these cases below.⁴⁷

(i) 'Atta 'Iyad: 'Iyad, aged 21, from the Qalandiya Refugee Camp in the Ramallah area, was arrested and taken to the Dahariya Military Detention Center on June 23, 1988.

On August 14 (before a lawyer, relative or I.C.R.C. delegate had been permitted to see him) he was, according to the military authorities, found hanging in his cell. His body was returned to the family in the middle of the night and buried under heavy guard.

A petition to investigate the circumstances of the death was made to the High Court of Justice at the end of August. Evidence was cited (from the testimony of another detainee) that Iyad was heard shouting that he had been beaten. He had also told this detainee that he had received electric shocks and had been injected with some substance. By June 1989, the investigation was not completed. In August further application was made to the High Court to show 'Iyad's counsel and family the results of the investigation and to allow a second autopsy.

Despite hearings in November and December 1989, the High Court has not yet announced a decision. (Three Military Police investigators were apparently tried for falsifying documents about the cause of the death; we have no information about the result of this case.)

(ii) Ibrahim al-Matur⁴⁸: al-Matur, aged 31, from Sa'ir (near Hebron) was arrested on July 8, 1988 and taken to the Dahariya Detention Center. He was later transferred to the Ofer Military Detention Center (near Bitounya, in the Ramallah area) and was seen by his family in the Ramallah military court and at Ofer on October 12 and 13th. He appeared well, was not depressed and did not complain of abuse. On October 18 he was again taken to Dahariya where, on October 21, he was reported found hanging in his cell.

After a legal battle lasting 5 months, the family's attorney managed to obtain an order for a second autopsy. It was clear from a number of sources - testimonies submitted to the High Court (30/11/88) and a report by the Military Police on the circumstances of the death - that considerable violence was used against al-Matur in the three days

between his arrival in the detention center and his death. The Commander of Dahariya claimed that al-Matur had begun a hunger strike, run wild and had to be restrained by various methods including being tied up, injected with valium, and tear-gassed in his cell. The autopsy report from Abu-Kabir, the Institute of Forensic medicine in Tel Aviv, describes 17 separate injuries all over the body. The external report by the pathologist acting on behalf of the family, based on the initial autopsy, the Police investigation and a second autopsy conducted in April 1989, stresses the combined effect of the damage inflicted on al-Matur during his three days in detention: bruises caused by blows, tear gas, sleep deprivation, and administration of drugs – all while the prisoner was bound hand and foot, alone in his cell.

The pathologist argued that this combination is "...prima facie evidence of cruel, inhuman and degrading treatment." His conclusion was that the inadequacy of the original investigation and the events preceding the death could not exclude the possibility of homicide (by hanging or ligature strangulation followed by hanging after death). The balance of the evidence favors a determination of "aggravated suicide." It is possible, that is, "...that the abuse to which the prisoner was submitted might have induced him to take his own life as the only means of escape." On July 31, 1989, the High Court rejected a submission to further investigate the circumstances of al-Matur's death. No other investigation has been made about the death.⁴⁹ (The case was important in creating a precedent for allowing an external opinion and/or a second autopsy).

(iii) Mahmud Yusuf Alayan al-Masri: al-Masri, aged 27, from the Rafah Refugee Camp in Gaza was arrested on March 3, 1989. He died 3 days later, in the corridor of the interrogation section of Gaza Central Prison. (Notification of his death was the first the family knew of his arrest). The authorities reported that an autopsy found that he had died during interrogation, but of natural causes following severe stomach pain caused by a perforated ulcer.

After a petition to the High Court of Justice on behalf of the family on March 17, the autopsy findings were made available. These included (contrary to the initial claim that there were no signs of violence on the body) 24 bruises and abrasions (Autopsy Report, Institute of Forensic Medicine, Tel Aviv submitted in HCJ 241/89). An independent pathologist's opinion obtained by the family's lawyers, agreed with the official findings that the cause of death was perforation of a chronic peptic ulcer. It noted, however, that the injuries on the body had been sustained no more than three days prior to death and that the stress caused by the "intense interrogation" and injuries "undoubtedly precipitated the perforation of the previously existing stomach ulcer."

Internal disciplinary action was taken against a medical orderly in the prison; he was reprimanded for giving al-Masri inappropriate medication (aspirin) for the stomach pain. The symptoms of the perforated ulcer, including severe pain and vomiting blood – had continued for some 24 hours. At no time was the detainee examined by a doctor. No legal action was taken against the medical orderly or the Shin Bet officials responsible for, at least, negligence, if not the aggravation which led to al-Masri's death.⁵⁰

(iv) Jamal Muhammad Abed al-'Ati: On December 4, 1989, after about a month in the interrogation wing of Gaza Central Prison, Abed al-'Ati, aged 23, from Shati Refugee Camp in the Gaza Strip, was reported to have hung himself in his cell the day before. He had originally been arrested on October 13 after he drove his car into a parked military vehicle, injuring a soldier and a G.S.S. agent whose legs had to be amputated. This G.S.S. agent had apparently refused al-'Ati a travel permit the day before unless he would collaborate. Al-'Ati was shot and wounded by other soldiers and treated in Shifa Hospital and then Ramleh Prison Hospital where he was interrogated. He apparently confessed to his family (on November 3) that he deliberately carried out the car attack.

He was transferred to Ashkelon prison and then to Gaza central prison where he was seen by an I.C.R.C. delegate on November 27. He was reportedly in good condition. His lawyer, however, tried twice to visit him, and was told that his client had been transferred. On two further occasions, the lawyer was told that the Shin Bet was not allowing visits. On December 4, the lawyer was denied permission to see any prisoners in Gaza prison and on that afternoon, Abed al-'Ati was informed that his brother Jamal had been found hanging in his cell. The prisoner's death in isolation while in the hands of the Shin Bet, one of whose colleagues he had so seriously injured, at least suggests a case to investigate the circumstances of the suicide.

(v) Khaled al-Sheikh 'Ali: 'Ali, aged 27, of the al-Rimal neighborhood of Gaza City, was arrested in his home on December 7, 1989 and died 12 days later (December 19) while under interrogation in Gaza Central Prison.⁵¹ His family's attorney was informed the day after that 'Ali had died of a "heart attack."

The family was unconvinced by this explanation and obtained permission for an independent pathologist (arranged through al-Haq and the Boston-based Physicians For Human Rights) to attend the autopsy, conducted on December 24. The official findings of both Dr. Yehuda Hiss, the Director of the Abu-Kabir Institute and Dr. Michael

Baden of PHR completely refuted the "heart attack" story and found that Sheikh 'Ali's death had been caused by internal hemorrhaging caused by a blow or blows to the abdominal region. These blows would have required substantial force and could not have been accidental or self-inflicted. There were also other marks on the body, not visible externally.

These findings were immediately reported to the State Attorney. Dr. Hiss and Dr. Baden visited Gaza Prison and interviewed five G.S.S. agents who had interrogated the deceased. They denied that any force had been used and continued to give an account of the death quite irreconcilable with the autopsy findings. A police investigation was completed in January 1990 and it was recommended to file charges against two G.S.S. agents (who had been suspended in the meantime) for involvement in killing Sheikh 'Ali.⁵² On March 8, the two investigators were indicted in the Jerusalem District Court for causing the death of Khaled Sheikh 'Ali. The court sessions were held in secret.

After a plea bargain the charge was changed from manslaughter to causing death by negligence. In January 1990, it was revealed (some 2 months after the decision), that the two interrogators had been sentenced to 6 months imprisonment. In her ruling, Judge Arad said that "the two did not cause Sheikh 'Ali's death on purpose, but rather out of negligence, disregard, carelessness and lack of responsibility that did not reach the level of criminal negligence." She added that the two defendants had a "mishap" during an important interrogation aimed at locating weapons to prevent attacks during a difficult period of the Intifada. The judge noted that Israel is a state of law and as such it should respect detainees' rights. "Those who interrogate should remember this ruling and remember that the security of life as well as detainee's rights should be respected. A country like our's should protect moral values even in light of unavoidable security considerations."⁵³

In addition to these five cases, two further Palestinians have committed suicide while under detention for interrogation: Nabil Mustafa Ibdah (Russian Compound, 16/6/88) and Abed-al-'Ati al-Za'anin (Gaza Central Prison, 2/11/90). Out of the total of deaths in detention for interrogation, 4 took place in the G.S.S. wings of Gaza Central Prison, 2 in Dahariya Detention Center and 1 in the Russian Compound, Jerusalem.

What do all these reports and allegations [as reviewed in Sec. A.5] add up to? As we noted at the beginning of this report, there are almost insurmountable problems in obtaining proof of an act of ill-treatment or torture. The conditions under which security interrogations are carried out in any country and the particular conditions we described in Israel, mean that outside enquiries (by lawyers, researchers, or human rights

organizations) are almost wholly dependent on subjective testimony. Few of the sources cited above, supplied external or independent evidence (such as medical certification) beyond the victim's own account. Testimonies are anyway usually obtained after the period in which injuries are observable. Many of these testimonies lacked detail, nor is clear how they were selected.

These problems of proof obviously do not apply to the clear cases where death has occurred during interrogation and where G.S.S. investigators have been prosecuted. As to the testimonies of routine mistreatment, we can only say, on the basis of internal consistency and the credibility of most of the sources we cited, that these allegations ring true. Hooding; severe beatings on all parts of the body; sleep and food deprivation; tying up ("al-Shabah"); prolonged placement in the "banana" position; confinement in "coffin" or "cupboard" cells; psychological abuse and humiliation – these all appear to be routine techniques of interrogation. Our own research reported below provides detailed confirmation of this picture.

PART B: RESEARCH FINDINGS

1. Methods

Our research describes patterns of ill-treatment and torture in the interrogation wings of ten prisons/detention centers, six in the West Bank (Hebron, Dahariya, Ramallah, Nablus, Jenin, and Tulkarm), two in Gaza (Gaza Central and Shati Camp), and two in Jerusalem (Kishle and the Russian Compound or "Moscobiya").

The data were collected by members of our research group between June and September, 1990. Each of the 41 members of the sample was interviewed personally, 26 after their release, and 15 while still detained [see details below.] Our original intention was to locate a representative sample of recently released detainees. It proved impossible, however, to obtain a complete list, whether from the army, lawyers, or any other source. Taking care to give a rough coverage of different prisons, we obtained some 60 names – from lawyers, human rights organizations and other contacts – of detainees or ex-detainees who had made some allegations of ill-treatment.

We cannot, therefore, make any claim to statistical representativeness. On the basis, though, of (i) internal evidence (e.g. interviewees' accounts of what they had seen or heard happening to fellow detainees); (ii) discussions with Israeli and Palestinian lawyers in daily contact with Palestinian detainees, (iii) documentation by other human rights organizations [see A.5 above], we can say that the experiences described below are typical of those detainees who undergo intensive interrogation. Our very rough estimate is that this would constitute 20% of the total interrogations during the three years of the Intifada.

Interview methods differed between the groups of released and detained subjects. The interviews with the 26 released detainees were all conducted [in Arabic] in the interviewees' homes. In many of these interviews, individuals other than the fieldworker and his subject were present, usually family members, and/or intermediaries who brought the fieldworker and subject together. This presence was often necessary to secure the interviewee's trust and willingness to cooperate. The field worker explained the exact purposes of the project, and guaranteed that the subject's identity would be kept confidential. In our presentation of the findings, all these subjects are referred to only by a coded first name ("Hassan," "Ziyad," and so forth).

All interviews covered standard background questions: age, place of residence, family status, occupation. More detailed questions included the number of previous arrests, and a description of the circumstances

of the last arrest leading up to the interrogation by the G.S.S.. Interviewees were requested to provide detailed descriptions of the facilities in which they were held; the wing and rooms in which interrogations took place, the dates and duration of interrogations; the exact methods used and the sequence in which they were applied; the nicknames and other identifying features of the interrogators and details of visits by lawyers. They were also asked, if possible, to draw a diagram of the facility in which they were held, and to point out the area in which they were detained and interrogated. Some also drew sketches of interrogation techniques; those sketches are the basis for the drawings we include.

The resulting descriptions were extremely consistent, both in terms of physical details and the methods of interrogation. Variations, even between one prison and another, were relatively minor. The same interrogators were identified and named by different interviewees. In Ramallah, for example, "Captain Gidon" appears with the soldiers at the suspect's house, and also makes the preliminary investigation. Other names mentioned repeatedly include "Abu Jaber," "Maradona," "Ofer," "Abu Nihad," and "Captain Dani."

The second set of interviews was with detainees still in prison. This group included 10 of the 12 Gaza residents, and 5 West Bank residents. Interviews covered identical subjects as in the first group, but were conducted by lawyers given permission to visit prison. Statements took the form of signed affidavits rather than interview protocols. The Gaza detainees gave affidavits to Attorney Tamar Pelleg-Sryck, assisted in some cases by Attorney Raji Surani who helped as a translator when necessary. The West Bank group was interviewed in Ramallah Prison by Attorney Mona Rashmawi. Interviewees from the detained Gaza group are referred to by their real full names.

We used information only about the interviewee's last detention and interrogation. The analysis below does not refer to any previous interrogations and is always based on our own original interviews rather than the many second-hand accounts drawn to our attention during the course of the research. When possible, information was corroborated by other external evidence. For example, in taking evidence regarding hospitalization as a result of the interrogation process, we tried to trace any medical records. In the cases in which formal complaints were made to any authorities about violent treatment, we checked the complaints, (with the help of attorneys) to see how they had been processed. [On the subject of complaints see section B.6 below.]

Although all of the intermediaries were fully informed about the purpose of the research, and were promised that identities would be kept confidential on request, a number of potential interviewees refused to cooperate with the fieldworkers or were absent from their homes at

the appointed meeting times. In cases in which we were able to inquire about these refusals to cooperate, the following reasons were offered;

1. The fear that conveying information to BTselem might expose them to the danger of additional violent mistreatment at the hands of the G.S.S.
2. Lack of confidence that the research could influence the authorities' interrogation policies towards Palestinians.
3. Fears arising from lack of acquaintance with the research team or with BTselem.
4. Fear of recalling the traumatic experiences undergone in interrogations.

In addition, our researchers were hampered by demonstrations, strikes and curfews, that often prevented interviews from taking place. In many cases, fieldworkers never managed to reach the site of the interview. All this reduced our original target number from 60 to 41.

2. Description of Sample

We interviewed a total of 41 individuals. The sample, as we explained, includes two groups. One is composed of detainees interviewed following their release from prison, and the other of detainees interviewed during the course of their detention (before or after sentence).

Group #1 - Released Detainees

The first group is composed of 26 released detainees, 24 from the West Bank and 2 from Gaza. All of them are aged 26 or younger, with the exception of two individuals aged 32 and 36.

Nearly all of them were accused of offenses considered relatively minor: stone throwing, participation in demonstrations, hanging Palestinian flags, or distributing leaflets. There were two more serious charges (preparing Molotov cocktails, and membership in enemy organizations).

Only 12 of the 26 individuals interviewed were eventually charged after interrogation, and 3 were placed in administrative detention after their interrogation. The other 11 were released without being charged.

Those who were tried were sentenced to short periods in prison that often were identical to the length of time they were under arrest before their trial. The most severe sentence was that given to Yasser, aged 17^{1/2} who received 18 months in prison for stone throwing, distribution of leaflets, and membership in an enemy organization. Aihab was released on the day of his trial, on August 30, 1990, after the judge sentenced him to 7^{1/2} months imprisonment - the exact number of days he was detained prior to sentencing.

'Omar was released on April 5, 1990, by a judge who sentenced him to 35 days imprisonment which he had already served. (This was after his attorney had produced medical documents testifying that he suffered from asthma, and that his left leg had been damaged by polio.)

Group #2 - Detainees Still Under Detention:

The second group is composed of 15 detainees still in prison. Most of them are between 30-40 years old, three are in their twenties, and one is 15 years old. Ten are from Gaza and 5 from the West Bank.

These individuals have been held in prison for longer periods than the interviewees of the first group. Four of them were interrogated during their detention under administrative order; that is, they were not

charged or tried. Two of the administrative detainees had been imprisoned for years without a trial - Mahmud Madkor, currently serving his 58th month and Abed Ghabin currently entering his fourth 6-month term of administrative detention.⁵⁴ Six others were tried for offenses such as membership in the PFLP or the Islamic Jihad or contacts with enemy organizations. The most severe sentence (40 months) was received by Nasser Sheikh 'Ali for throwing 2 Molotov Cocktails at a video store which sold pornographic videos. Three of the five detainees in this group were arrested on November 22, 1989 and have not yet been brought to trial. They have thus spent over a year in detention awaiting trial.

3. Overall Patterns

We will present the main patterns revealed by our interviews under two headings: first, the sequence and context through which the detainee passes from arrest to interrogation and second, a list of the separate methods of interrogation experienced by our group. In the next section (B.4) we present seven detailed cases.

International prohibitions against torture and "cruel and inhuman treatment" [Sec. A.2] cover not only the actions of state officials, but also their omissions, such as their failure to provide minimum conditions of detention and adequate medical treatment. As we explained in the Introduction, however, this report deals only with the specific practice of interrogation, and not the general conditions of detention or the overall treatment of detainees by the army or the police. Except to give some background, all such details given by the interviewees have been omitted from the analysis. We concentrate on the deliberate actions of the interrogators that caused physical or psychological harm.

It should be noted, however, that other deprivations during the period of detention and interrogation – whether deliberately so intended or not – contribute to the gradual weakening and demoralization of the detainee and facilitate the interrogators' task of extracting a confession. These include not allowing the detainees to shower for one or two weeks or even a month, and then only in cold water; forbidding them any change of clothes; making them urinate and defecate inside their clothing (sometimes because they were tied up and not allowed access to a toilet for several days). In addition, the overcrowding, the lack of ventilation, the filth and stench in the detention cells, the minimal food and sleep all contribute to breaking the detainee's will. A detailed inquiry into conditions of detention has not been made, but we believe that this would show conditions well below the "Standard Minimum Rules for the Treatment of Prisoners" to which Israel is obligated through the United Nations.

(a) From Arrest to Interrogation

The brief description below of the route the detainees travel from their home to the interrogation wing serves two goals. First it provides a general background to the situation of those interrogated, and second, it shows that the interrogators are not operating in a vacuum, but rather rely on the active help of soldiers, jailers, doctors, medical orderlies and judges. [For some evidence on this, see Appendices II and III].

Most of the interviewees were arrested late at night or very early in the

morning. Soldiers, accompanied by a member of the G.S.S., took them to the detention facility. On the way, they were often beaten or cursed by the soldiers who escorted them to their place of imprisonment.

Assad, who was arrested in the home of a friend, relates:

They came to arrest him and found me there. They asked me who I was. At the exit of my friend's house they had already tied my hands and blindfolded me. They took us to al-Amara. They took me into an office, and Gideon himself spoke with me. He accused me of throwing stones, slapped me, began to threaten that my mother would be arrested... and cursed me a lot. They took me out of the room. One of them pulled me aside, pushed me up against a wall and pressed on my neck. I said that I hadn't done anything. Afterwards, they took me to the tents, where I stayed for 7 days without being interrogated, until they transferred me to Dahariya.

Waiting for an interrogation sometimes drags on for days. Four of those interviewed related that only after the eighteenth day, after their detention had been extended by a judge, did their interrogation begin. Until then they waited idly, while remaining in very harsh detention conditions.

After a number of days in tents in the prison courtyard or in special cells, some of the detainees are transferred to other prisons for interrogation. The descriptions are very similar to Assad's:

The transfer to Dahariya was by bus. They tied our hands behind us and sat us down in the middle of the bus's floor, and did not allow us to lean on our backs. Of course we saw nothing because we were blindfolded. On the way a stone was thrown at the bus. I sat in the first row, near the driver. The soldier began to kick us, to beat us with a club, and to curse us.

Wa'il gives another description:

The next day they took us to Dahariya by bus. They blindfolded us and tied our hands behind our backs. The handcuffs were made of plastic and were fastened very tightly to our hands. We sat on the bus seats and they made us lower our heads to our knees. We arrived in Dahariya and we remained on the bus for many hours. I estimate that they let us off the bus at 10:00 p.m., even though we had left Hebron at 10:00 in the morning. [Hebron to Dahariya is a 45-minute bus ride.] Of course the handcuffs, which were tightly fastened, hurt very much, and we were very tired from the prolonged period of sitting on the bus and the bending over. We received nothing to eat or drink.

Aihab from al-Jib (who was arrested together with 36 other residents of his village that night), tells of the bus journey:

They tied our hands and crammed some 70 people into the bus. The seats were all filled and I sat on the bus's floor. We sat there with our heads bent low - we were not allowed to raise our heads. Our hands were tied very tightly. The bus also stopped in Bethlehem and in Hebron and more detainees were added to the bus. The conditions and the crowding in the bus were unbearable.

In the prison, the detainees pass through the infirmary, then deposit their clothes and personal possessions in a storeroom. They are usually asked about their medical condition and about any special medical problems they may have. They are given prison clothes and await interrogation.

Yasser, a 17^{1/2} year old high school student, tells of his first day in Dahariya:

We arrived at Dahariya Prison. They stood us in the sun and every passing soldier would curse us or hit us. After about two hours they removed our blindfolds and took us to the infirmary. A medic or a doctor asked me questions and immediately afterwards led us to a storeroom while we were completely naked. There we received clothes. Afterwards, they distributed us among the rooms. I was put into a room that was about five by five [meters]. There were approximately 30 men in the room. The next day after lunch they called my number. They took me out, tied my hands, blindfolded me, and took me to "al-Shabah." [See description, p.60] I was tied from about 12:30 in the afternoon until 11:30 at night without food or water. I was standing all those hours, blindfolded. I stood with my face to the wall. Someone would say to us, "whoever is ready to confess can go home [or] we will send you to be interrogated and tortured in the interrogation wing." At about 11:30 p.m. I was taken into the interrogation wing.

The interrogation wings are set off from the other wings of the prison. Some have an open space designated for bound detainees awaiting interrogation [see diagrams] and a number of "closets", or cells, some reported to be as small as 50 cm. wide and 70 cm. long. In those cells a detainee can only stand, or, in a number of the closets, can sit on a cement block built inside. The closets are dark and have narrow airslits. In addition, there are lockup cells which are slightly larger rooms, approximately 2x2 meters, which contain one or sometimes two mattresses.

Although the interrogation wings are set off from the prison, they are

not completely isolated from the remainder of the prison areas. Soldiers (or policemen, in the Russian compound in Jerusalem, for example) bring the detainees to the interrogation sessions and take them away when the interrogation has been completed. They guard the detainees while they are bound and awaiting interrogation, and are responsible for distributing food and drink.

According to the descriptions of many detainees, it is accepted practice to drag the detainees around by the burlap sack covering their head. Mahmud describes the technique in Ramallah:

Captain Haim dragged me, with the sack. The dragging is done by twisting the sack around the neck, until it is very tight, and then taking the sack near the throat and dragging. Along the way, he smashed my head against the wall several times.

Yunis related how frightening it is to be dragged on stairs, when one doesn't know where one is going and how many more times one's head will be slammed against the floor until the route is over:

The soldier came and took me with the sack on my head, and my hands tied. We climbed stairs, then descended, then climbed and descended again. I couldn't see anything. They said that we were underneath the ground.

When the prisoners are transferred to the interrogation wing, they are kept there for days, sometimes weeks, until the end of the interrogation. Others are kept in the detention wing, and are taken to the interrogation wing when necessary. Either soldiers or prison wardens are in charge of transporting prisoners to and from the interrogation wing. It appears that in the Russian Compound, there are wardens whose job is to coordinate between the wings.

The soldiers play a key role not only in bringing the detainees to the General Security Services wing, but also in guarding them with the other detainees when they are not being interrogated. Most of those interviewed reported being cursed, beaten, and kicked by soldiers guarding them or transporting them to interrogation. They also reported that soldiers denied them food and drink, and forced them to remain awake for days without respite.

Isma'il, 22, tells of his experience in Hebron jail:

The first day I spent bound in the "closet," after they first took my shirt and left me in my undershirt. They tied my hands behind me and put a foul-smelling sack on my head. The sack was so tight that I couldn't open my eyes inside it. The closet was no more than one meter wide. I could only stand inside it. Next to me, outside the closet, was a guard. At about 5:00 p.m. I requested to eat. He told me that he was not permitted to let

me eat. The entire day thus passed. I was tied standing in the closet, with the sack on my head. The soldier did not allow me to sit down, and each time that I did so, he kicked me.

(b) Techniques of Interrogation

There are many methods for classifying those interrogation techniques considered to be forms of torture or ill-treatment.⁵⁵

As we noted earlier (in discussing the Landau Report) the simple distinction between psychological and physical methods is not very satisfactory, given that physical methods involve psychological harm (such as humiliation) and that many methods are usually applied either simultaneously or consecutively to the same person. It might be more helpful to picture a range of methods, from those which are primarily verbal (e.g. insults or threats), those which are directed to emotional and physical functioning (e.g. sleep deprivation) to those where direct physical force is used (e.g. beating).

Our classification below follows this rough order, listing separately the main techniques mentioned by our 41 interviewees. This list, though, cannot be ranked in terms of objective seriousness. In subjective terms, a "verbal" technique such as sexual humiliation or a threat to one's family might be experienced by some detainees as far more damaging than repeated beatings on the body. Invariably, different methods are used together to exert psychological pressure on detainees to break them and make them confess. Techniques of humiliation, insults, and threats, as well as direct physical pain are intended to arouse feelings of helplessness in the detainee facing the omnipotent interrogator.

This element of power is, by definition, common to all forms of intense interrogation. Any form of interrogation must place, of course, some degree of pressure on the detainee. Judicial systems, however, distinguish between pressure and distress arising from fair and reasonable interrogation and distress arising from the use of unfair methods. The first group of dominantly psychological methods we describe below – insults, humiliation, threats, isolation, – can be seen as "unfair" and "unreasonable," by going beyond the bounds of most legal restrictions, including the formal "pre-Landau" Israeli law. Note that we omit discussion here of inadequate medical treatment as well as standard interrogation techniques involving trickery, such as the "friendship game" or confrontation with another suspect.

Before we detail the different interrogation methods, we give a summary of a typical case. Wa'il's story demonstrates the sequence and combined use of most methods:

Wa'il, aged 20 from Hebron, was arrested from his home at

2:00 a.m. on May 22, 1989. The following day, he was taken to Dahariya.

On May 24, he stood tied up all day to a locker, without being interrogated. At 10:00 p.m. he was taken to a closet (90 by 90 cms.) and kept there for 3 hours. He was then placed in a small solitary confinement cell till May 28. At 4:00 on that day, he was again placed in the closet, this time for 7 hours. He was then returned to solitary confinement till the next day.

The interrogation began on May 29. The interrogator's name was "Ofer." From 9:00 till 2:00 he concentrated on threatening Wa'il about what would happen to him if he did not confess. He told him that he was alone, that nobody would know what happened to him. At this point, the beatings started. Wa'il then passed out. When he woke up, he was again placed in the closet.

In the evening, there was another interrogation session. Lying on his back, with his hands tied, Wa'il was hit and kicked on the testicles, strangled twice round the throat for up to a minute, and beaten on the head with a metal bar covered with rubber. He was then placed in the "banana position": tied on a stool, with head and legs bent over on either side, he was beaten on the stomach. At 11:00 p.m. he was brought back to the closet. Variations on this sequence continued:

May 30: tied up all day (in "al-Shabah" position) without an interrogation.

May 31: a day of interrogation with beatings.

June 1: tied up all day, no interrogation, then returned to his cell for 5 days.

June 5: taken from his cell by another interrogator, "Eli," who beat him on the way. Interrogated by Eli and Ofer, who did not accuse him of any specific offense. They hit him on the head and face, with fists, ashtrays and a rubber baton. He was then placed in the closet.

This process continued for 45 days from the date of detention. With the exception of Fridays and Saturdays, Wa'il spent every day between interrogation sessions either in the closet or being tied up outside. In addition to the beatings, he was continually humiliated and threatened (told, for example, that they would rape his sister and that his mother was pregnant from a Shabaq agent).

On the 22nd day of detention, he was seen by a lawyer (Atty. Muhammad Shaheen) and on the 24th day, by the Red Cross.

Only on the 36th day of detention, was he allowed to shower and change clothes. He was charged and tried for throwing stones, and sentenced to 5 months imprisonment. Wa'il was released on October 23, 1989.

Wa'il experienced virtually all major techniques of interrogation detailed separately below:

(i) Insults and Abuse

All the interviewees reported constant verbal humiliation - abuse, insults, slander, cursing - by their interrogators. Almost all reported that their mothers, sisters or wives were cursed by their interrogators: "We will bring your sister and your mother here and we will fuck them while you watch," is one of the sayings reported by 13 of those interviewed. "Your mother is pregnant by a G.S.S. man," or, "Your wife is already pregnant? Good thing for you," are also phrases often attributed to the interrogators.

In addition to the humiliation suffered through threats and curses, the interrogators employ physically humiliating measures, such as preventing detainees from using the toilet, stripping their clothes off and then interrogating them while they are naked, spitting in their faces, forcing them to drink their own urine, etc.

Mahmud tells of constant humiliation in the interrogation wing in Ramallah:

Abu al-Abed came to me and took me away. He tied me tightly and placed two sacks over my head. The upper sack was wet with water from the "Kardal" (makeshift toilet receptacle). I watched him as he wet the sack. He took me out. I remained about a half hour in the hallway. He subsequently dragged me outside to a room, I think that it was the first one on the right. Then he said: "I have no problem, at the end of the day I am going to my children. You will remain here, you will be beaten, humiliated. Why do you need this? Confess and you will be able to rest."

(ii) Threats to Harm the Detainee or His Family

Fourteen of those interviewed reported that interrogators threatened to kill them: "We will kill you here, no one will know about you," is a phrase that is repeatedly mentioned.

There is an atmosphere of violence in which those being interrogated are cut off from the rest of the world, speaking to no one except their interrogators for days, sometimes for weeks. The army does not always notify the prisoner's family about their relative's imprisonment, and it is

almost standard procedure to prevent the prisoner from meeting with his lawyer for 15 to 30 days from the day of his imprisonment. The first visit that the detainee receives is usually from the Red Cross, which does not take place until 14 days have passed since the arrest. Under such conditions of isolation, the threats to kill are perceived as realistic and quite feasible. Jaubran recalls his experience in Nablus:

As if they had coordinated it beforehand, the four of them began to hit me. They kicked me, slammed my head against the wall, spit on me, and yelled that if I didn't confess they would rape me. They stopped for a moment and said: "take off your pants." They began to take my pants off and I resisted. They pressed me up against the wall and slammed my head against it.

One of them said: "Bring the electricity." They brought in a box containing small lightbulbs and two switches on which two fingers could be placed. They said: "Put your fingers there." I didn't do it, and they tried to put my fingers on there by force. I managed to take my hand away... they tried several times but still didn't succeed... and then they stopped trying. Today, I think they did it just to frighten me. If they had really wanted, they could have overcome me and forced me to do it.

Barakat remembers one interrogator saying: "We are now going to poison you and then we will be rid of you." I began to pray. I was afraid that I really wouldn't make it and that I would die in their hands."

Nasser Kamel Muhammad Sheikh 'Ali, (the brother of Sheikh 'Ali who was killed in Gaza Prison on December 19, 1989, - see A.5d) tells that during his investigation, the interrogators told him: "If you don't confess, we will kill you like we killed your brother Khaled." He also related that as part of the threats, two days before the interrogations were over, he was told that his father had suffered a heart attack, and that if he didn't confess, his father would die as a result.

(iii) Sleep and Food Deprivation

Nearly all detainees were routinely and deliberately deprived of sleep during detention and interrogation. One method to achieve this is to stand them in the "al-Shabah" position or inside the "closet" for prolonged periods with their hands tied (see below). Another method is to instruct soldiers and prison staff to interrupt their sleep at regular intervals while they are in the ordinary detention cell.

In Gaza Central Prison detainees are held tied to stools in the hall for hours.

Abed recounts being interrogated in Dahariya for 10 days during which he had almost no sleep. Between interrogation sessions, he was tied

up for 5-6 hours at a time in "al-Shabah." He tried to sleep for a few minutes, tied up, sitting or standing, but the guard would wake him up with a kick or a hit on the head. He went through 17 or 18 interrogation sessions of 45 minutes - 1 hour each. In each session, he was told that if he confessed, he would be allowed to sleep. On the 11th day, he was returned to the isolation cell. (Abed was eventually charged with stone-throwing and sentenced to 3 months imprisonment and a 1,000 shekel fine).

Khaled, 21, accused by his interrogators of membership in the Communist Party (and eventually released without being brought to trial after 45 days of detention and interrogation) reports on the standard combination of sleep deprivation with other methods:

All these days of interrogation [in Nablus], from Sunday to Thursday, I was in the same room with no sleep. During the meals, they took me to the toilets. I ate there and spent two nights there. I was interrogated at different times. When persuasion and insults didn't work, they used beating. They beat me on the testicles, on the head, on my stomach... On Friday and Saturday they brought me to Fara'ah Prison. From the moment I arrived there until the moment they returned me to Nablus Prison, I was tied. There as well it is one of the guards' jobs to keep us from sleeping. They poured cold water on us. They would tie our hands behind us, blindfold us, and bind our legs with chains. They tied us to the iron railings where they used to tie horses. No food at all; water I drank only once during the weekend at al-Fara'ah. On Sunday, they took me back down to the tents, and I was completely disoriented.

Food deprivation is common as well, especially during the first days of detention, and of being tied in "al-Shabah". Detainees recorded two, three, and sometimes four days with no food. Barakat lost 15 kg. in 60 days of interrogation. Jaubran lost 25 kg. in 6 months of detention and interrogation.

Nasser, arrested on December 7, 1989 and interrogated in the Russian Compound, did not receive any food in the first five days of interrogation. Then he was told he would receive food only if he would confess. He was not allowed to use the lavatory.

Nasser told his interrogators that it was their duty to feed him and that they should not make his confessing a condition for receiving food. When they continued beating him and informed him that he would not receive food unless he confessed, he declared a hunger strike. His strike lasted 12 days. The prison doctor who was called to check the detainee, also suggested that he confess. He explained that fasting affected his kidneys, and his general physical condition.

(iv) The "Closet" and the "Refrigerator"

Prolonged confinement in a solitary cell for a long period of time, is a measure clearly aimed at creating intense psychological pressure on the suspect.

During interrogation, suspects are placed in solitary confinement in the "Tzinok" (isolation cell) which is a small cell similar to isolation cells in other wings in prisons, and in two other much smaller cells:

1) Closet: This is a very small cell, in some prisons 1 x 1 meters, in others a smaller size, very dark and almost completely closed. The air comes in through a small crack in the door or in the ceiling. Detainees are held in closets for long hours, sometimes tied and hooded. Some closets have a built-in stone step, and the detainees can only sit there. In other closets it is impossible to sit or lie down, and the detainees have no choice but to stand.

Jaubran was interrogated in Nablus and Petah-Tikvah for 26 days before he received an administrative detention order. For the first 17 days he was in an isolation cell, tied with his hands behind him and a sack on his head. The interrogators would come to ask him if he was ready to confess. The most difficult time for him was in the closet:

My hands were tied behind me to an iron pipe on the wall... [I had] a sack on my head. I stayed that way for 2 or 3 days. I don't remember. This was the most difficult because my hands were tied behind above me and there was no alternative except to throw my body forward so that the weight of my body fell on my hands.

Hassan, 26 years old, interrogated in Dahariya, relates:

I stood in the closet, it stinks in there, it smells of urine. The closet is about 50 x 70 centimeters. You stand in it while your hands are tied and your eyes are covered. It is completely dark, and no sunlight penetrates.

Ziyad, 36, from Jenin, was interrogated for thirty days in Jenin and was released without being charged. Upon his release he was treated in the al-Mukassad Hospital for what he describes as a nervous breakdown. For most of the 30 days of interrogation he was tied in a closet for several hours every day with no food or water:

They take you from the interrogation room into the closet. It is made of cement, and its length and width are about 60 centimeters, and its height is about two meters. They put you inside and then close you in. You must stand inside the closet, hours upon hours, with a sack over your head and your hands tied, sometimes from the morning until the night.



Fig. 1: closet

In the intermediary periods (between interrogation sessions) they usually kept me in the closet, most of the day, without water of course. When I asked for water, they came, took me out of the closet, and took me again to the interrogation room. When I said, "I asked for water." They said, "You asked, so there is an understanding between us. Talk, please begin." And when I again say that I have nothing to say, the beatings begin, the strangling, the blows to the head, on the ears, on the sexual organs, and I don't remember when and at what stage I lost consciousness. I don't remember those last days well at all.

2) Refrigerator: This is a cell the size of a closet. It is also dark, and it has extremely low temperatures. We have heard no reports of refrigerators" being used in the West Bank, but every single interviewee who had been held in Gaza Central Prison reported that he had been confined in refrigerator cells. The standard Gaza method alternates beatings with periods in the refrigerator.

Fathi Hussein al-Bawab, interrogated in Gaza, reports:

This is how it was for eleven days. I was in the interrogation room for three to four hours and afterwards in the refrigerator. This is a small room and completely dark and it seems as if it was meant to revive me. As a result of the beatings, my body was warm and I didn't even feel the cold. Maybe the refrigerator is supposed to deaden the beating. I sometimes stayed a long time in the refrigerator. A very long time. Sometimes all night, then I felt the cold... . When they took me back to the refrigerator I was released from the "banana" and my hands were on my stomach, tied.

Isma'il Khalil Muhra, 38 years old from Jabaliya, was interrogated for 30 days in Gaza Central Prison. He relates:

Just before morning, about 3:00, they took me to the "frigidaire" until about 6:00. Then "Abu-Ziyad" called me and said that "Abu-Awani" told him that I won't speak. I answered I had nothing to say. He said, "If you do not speak, you'll speak from the ass." They reminded me of Mahmud who underwent difficult tortures. I was returned to the "frigidaire." After about 2 hours came a different team with Musa at its head. Also Jack, Tony, Adi (who is also called Motti) and Assi. They put me in a room. They tightened the handcuffs and laid me on the floor. One sat on my chest. They immersed the sack in water and began to press the sack on my face, to the nose and mouth. One squeezed my testicles, one kicked me in the stomach. This lasted about 10 minutes. I tried to resist and I succeeded in moving them from on top of me. Then they placed a chair

between my spread legs. They handled me as mentioned above and added tear gas into the sack from a small canister. I lost consciousness. I said I was ready to speak. They questioned me about my ties with a man named Khader. They questioned me on murders. I denied any connection. This continued about a half an hour. After each round they said: "This is still a check. We have not yet begun seriously." Again I was put in the "frigidaire." In the afternoon hours, 3-4, a new round began. When I was in the "frigidaire" a soldier would peep inside, frequently, and if he found I was sleeping, he would wake me. It continued thus for 4 days.

(v) Tying up ("al-Shabah")

Being tied is the most frequent occurrence reported by all the interviewees. They were all, without exception, tied up for long hours before or between interrogations. The standard form of reception to the prison is to be tied up for many hours without water or food, sometimes outside, in any weather. This is a way to initially "prepare" the detainee.

The particular technique known as "al-Shabah" is standard in every interrogation center. Soldiers, police or prison staff tie the detainees' hands behind and over the head. In most centers, the bound hands are also tied to pipes or bars embedded in the wall. The hands are usually fixed so high that the individual finds it very difficult to stand on his legs, which are also bound. In addition, the detainee is usually blindfolded or hooded. "Al-Shabah" lasts for 5-6 hours between interrogation sessions, or for 12 hours during the night.

Marwan, 18^{1/2} years old, for example, was interrogated for 16 days in the Russian Compound. Everyday, he was tied for some 6 hours. Once, he was tied up for 36 hours, during which he did not receive water or food and was not allowed to use the toilet.

This is 'Omar (whose leg is disabled as a result of polio) reporting about Shati Camp (Gaza):

On the first two days of my arrest, March 4-5, they told me to stand, my eyes covered, my hands tied, with breaks only for interrogations. After two days I collapsed. A soldier brought a doctor. The doctor said I was unable to stand, and they let me sit. Afterwards, I was held one day in an isolation cell and one sitting outside, one day like this, one day like that, all of the first 11 days.

This is Jaber, 21 years old, interrogated in Fara'ah:

They took me at first straight to the "al-Shabah" room. They tied



Fig. 2: Tying-up ("al-Shabah)



Fig. 3: Tying-up

me up there for six straight days, with breaks, and then interrogated me.

Yasser, 17^{1/2} years old, interrogated in Dahariya:

The next day they took me out and tied my hands. They covered my eyes and took me to "al-Shabah." They tied me up at twelve noon, approximately, and until 23:30 I didn't get food or water. I stood all those hours with the blindfold, with my face to the wall. Someone would say to us, "Who is willing to confess and go home? (or) we will send you to interrogations and torture in the cell wing."

Yunis was interrogated in Hebron:

"Al-Shabah" is on the roof of the building. There is a high pipe there and from it, pieces of metal descend. Your hands are tied behind, you lift them up and they are tied on the pipe. The legs hardly touch the floor."

Salah, aged 22 from Nablus, was released without standing trial. For the first 16 days of detention, he did not see anyone except his interrogators. On each day, he sat waiting for hours in the corridor tied to a chair, hands behind the back, his head covered with a sack. There were 2-4 interrogation sessions each day. He was given three 5 minute breaks each day, in which he ate, drank, and used the toilet. At night, he was taken to the isolation cell, but on some nights he was tied till morning in the chair in the corridor.

(vi) The "Banana" Tie

Most interviewees reported that they were tied during the course of the investigation when their interrogators were roughing them up. An especially brutal method is the "banana" tie which is the accepted form of tying up in the Gaza Strip as well as in most centers in the West Bank. There are two methods which are called the banana tie. One consists of binding the suspect's legs to the legs of a chair without a backrest, and then tying his hands to the back legs of the chair. The second is binding the detainees hands to his legs so that his body is bent backward. Thus, the tied up body looks like a banana and is exposed and vulnerable to the blows of the interrogators.

Khader Muhammad Fares al-Mughrabi described the banana tie in Gaza, and then how the body is exposed to damage in this position:

One sat on my chest, one hit me and jumped on me and one hit me in the testicles. As a result of this I urinated and defecated. It came out involuntarily. Many said this happened to them. This continued all day. I lost track of time.

'Atef, 19, a resident of Nablus, was interrogated for three days before it

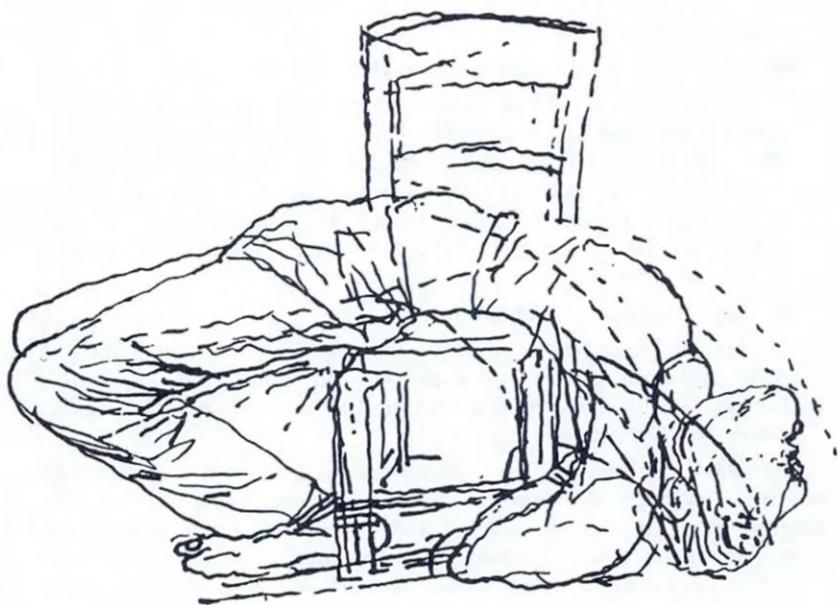


Fig. 4: The "Banana" Tie

was decided to send him to administrative detention (i.e. to detention without trial). In the course of those three days, his interrogators used, in combination, almost all the techniques mentioned in this report. 'Atef describes the "banana" tie:

They sat me down on a chair without a backrest. In the banana tie-up (legs tied to the front legs of the chair, the hands to the back legs of the chair). He sat on a chair in front of me, kicking me in the stomach and in the testicles. When I was thrown backwards, one of them was standing behind me and hit me on the head and the back, and I was thrown forward, and thus it continued.

(vii) Collaborators

Planting collaborators or undercover police in cells in order to obtain incriminating evidence is common in detention facilities in Israel (as it is anywhere else). We only refer to this method here when violence is used by collaborators to extract a confession. If they are allowed or instructed to use violence, this is clearly the legal responsibility of the authorities.

Salim, a 17 year old high school student interrogated in the Russian Compound, reported the following:

As soon as I entered the cell with the collaborators, they said: "Welcome, greetings o' you fedayeen... what are you charged with? Did you confess? [...]" There were four of them there. One of them pushed the other three away. He sat with me and talked about the Palestinian situation, and said that he was from the central committee in the Russian Compound, and that he had to report to the heroes in other jails, as well as report to my own organization.

He asked me: "What did you do? What didn't you confess to [?]. Who has a majority in your village?" I said "Nothing. I don't understand these things." He asked: "Are you afraid of me and don't want to talk? Are you afraid that I am a collaborator?" He began to yell. And he called the others, and said, "Come and see this collaborator, he is calling us collaborators." He ordered me to sit in the corner. I sat there. The four of them began to kick me and beat me... ."

Another method of applying pressure is to portray the prisoner as a collaborator in front of other prisoners. Nasser tells that after he shared the lock-up with a collaborator, the wardens tried to give the other prisoners the impression that he was a collaborator. "They would take me from the room and call me back after a few hours. They did this three or four times, as if they were taking me to write reports."

(viii) Forced Physical Exercise

Forcing detainees to do intense physical exercises is a method which both humiliates them and causes physical pain. Various interviewees specifically complained about one interrogator, Abu-Jaber, in Dahariya, who used this method. In Tarek's testimony he recalls that Abu-Jaber "ordered me to open my legs as wide as possible," and to remain in that position without moving for an hour. Similar methods are used to the same extent in Hebron Prison.

Jaubran, 22 years old, who was interrogated for 24 days, (during which he was hospitalized) tells about his interrogation in Nablus:

He tied my hands behind me and asked if I work out, and before I replied, he told me to stand up and sit down 200 times. I did it six times and then stopped. I wouldn't go on.

This is Salim, in the Russian Compound:

"He sat me down on a chair, and tied my hands and legs to the chair with plastic handcuffs. The chair had no backrest. He ordered me to stretch my back out backwards. He sat in front of me. If I tried to return to a normal sitting position he pushed me back. This continued for a long time."

(ix) Water

Water is used to give detainees cold showers, to wet their hoods, or in various other ways. Mahmud, 24 years old from Ramallah, was detained part of the time in a shower room. The interrogators wet the floor and made him sit tied to a chair while his feet were in the water. Between interrogations, they threw him on the wet floor of the hall and switched on a fan. Jamal, interrogated in the Russian Compound, also reported the use of water and fan. Barakat, (whose detailed testimony is presented as case #4 below), sat for hours, hooded and tied up in a cell where the floor was covered with water about 7-8 cm. deep. The interrogators once directed a drainage pipe from the roof onto his head and for about 5 hours he sat under the cold water pipe.

Isma'il, 22, was interrogated for 18 days in Hebron. He describes two methods using water:

"One of the techniques is a wet sack. You suffocate inside it... or if I am with a sack on my head, and then they suddenly throw water on my face, I can't breathe. After two minutes they take away the sack, and then immediately put it back on.

In addition, they put him in the bathroom, and sat him down under the faucet: "There is a chair under the hot water tap. They sat me down on it, turned it on... I got drenched... I rubbed my head against the wall for a long time, until the sack was above my eyes, and I drank the

water. Each time that I heard a noise coming closer, I put the sack back down and returned to my seat."

Nasser, in the Russian Compound:

He took my coat and made me stand outside in the rain, with my hands tied up under the gutter. The water fell on my head, on the sack over my head. The sack got wet and I could not breathe. An interrogator arrived and took me to the isolation cell, and changed the sack. About an hour later he took me out again.

(x) Headcoverings or "Sacking"

Blindfolding and covering the head with a sack are practices so routine that most of those interviewed did not even bother to mention them. We only learned about them from statements such as "and then he took the sack off my head" or "even in the closet, they didn't take the sack off my head."

Covering the head with a sack for hours creates confusion, a sense of isolation, and the loss of both direction and time. This practice is normally justified as a way of protecting the interrogator's anonymity, but it is clear from all our reports that sacking is used as a deliberate form of pressure. In the West Bank, the detainees' heads are covered when they are returned to their tents or cells. Interviewees recalled hours and sometimes days in which their heads were covered with only short breaks for eating, drinking and interrogation. Some of those interviewed were interrogated when the sack was on their head but this is not common: The sack is usually used in order to weaken the detainees between sessions. Interviewees related that the sack was tied on their heads so tightly that they had difficulty opening their eyes. They also said that the sacks stank and make breathing difficult. The sack is also sometimes used to strangle detainees. Sometimes it is soaked with water and thus hinders breathing even more.

Isma'il Khalil Muhara, aged 38, recalls a day in Gaza:

They brought me into a room. They tightened the handcuffs and laid me down on the floor. One of them sat on my chest. They soaked the sack in water and began to tighten the sack on my face. (on the nose and mouth). One of them was squeezing my testicles and the other was kicking me in the stomach.... Then they put a chair between my legs which were spread out and sprayed tear gas into the sack from a small can. I lost consciousness.

Salah, 22, interrogated in Nablus for 22 days and released before he stood trial:



Fig. 5: Headcovering Or "Sacking"

The most difficult is being tied to a chair in the hall - tying that lasts days and nights when your hands are tied behind your back and the sack is on your head. They don't take it off, except during interrogations, and even then, in some interrogations the sack is on your head.

(xi) Beatings

Out of all the forty-one interviewees, only one (a journalist), was not beaten. All others were beaten routinely in the course of the interrogation. The interrogators beat with their fists, sticks, shoes and with any other instruments at hand such as an electric water heater or a tree branch. In Dahariya, a metal bar in the shape of a screw and covered with a plastic material was used to beat three of our interviewees. In the Shati Detention Centers (Gaza), they used a stick made of plastic material, thirty to forty centimeters long.

The interrogators beat the suspects on the face, the chest, the testicles, the stomach, in fact on all parts of the body. In the course of the beatings, the detainees' heads are sometimes smashed against the wall or the floor and they are kicked in their legs.

As a direct result of beatings during interrogation, 15 of our sample lost consciousness, and 11 were injured so severely that they had to be treated in hospitals outside the detention center. Two suffered permanent injuries, four others lost sensation in part of their fingers and hands, and four more needed additional care after their release. One had two front teeth broken. Our seven individual stories [Part 4] give details of these beatings. Here are some other examples:

Jaubran, aged 22, in Nablus:

During the investigation they made me sit down on the floor eastern style (on my toes with my hands tied behind me), and started to burn my lips with a cigarette - also my mustache - and then to pull the hairs out of my mustache.

Then they began with the beatings. They sat me on a chair. The back of the chair was in the front; my chest rested against it.

They put my legs behind the legs of the chair and tied them there... the interrogator sat opposite me on the table. He told me to bend backwards, until my head hit the floor... up, down, up, down. It was hell. I did this dozens of times. In the end I survived and when I tried to get up my whole body trembled... they told me that my belly was very strong. They started to beat me on the belly with their hands and feet. The beatings caused internal hemorrhaging and blood came out of my nose and mouth.



Fig. 6: Beatings

The same day after all the beatings, they sat me on a chair in the same fashion as before and told me to sit so that my back would be at an open angle to the back. My body shook, especially my stomach. I fell backwards and they hit me. Then they sat me up again in that strange way and I fell again. Every time I fell they beat me on the penis and testicles. I fell about 30-35 times and every time got beatings. Apparently from the inner bleeding, blood got into the spinal column.

Yasser, aged 17^{1/2}, Dahariya:

They brought plastic clubs... . They began to beat me rhythmically on the head. I put my hands on my head. They took my hands down and tied them. They hit me and gave me a hard blow on the head. Somebody kicked me in the face and they continued to beat. I said that I would confess, I broke down. I confessed that I threw stones. They immediately began to speak of other things. They wanted me to confess to throwing Molotov cocktails. I denied that. They began to beat me again and they sprayed me with gas from a small device. I was exhausted and completely broken and I also confessed to the Molotov. I also confessed to belonging to an enemy organization and to distributing leaflets.

Yunis, aged 19^{1/2}, was charged with throwing stones and raising flags as a result of his confessions in the interrogation wing at Hebron:

They sat me down on a chair. They tied my legs to the chair and my arms to the backrest and he said he would dirty his hands. He then took off one of my shoes and began to hit me on the head with the shoe. For half an hour, he talked and hit me.

Assad, aged 20, who was interrogated for thirty days in Dahariya and was released without being charged, reports:

They took me into a room. There was another interrogator there. He asked me if I had ever been fucked. I said no. He said, "Today we're going to open up your ass." He sat me down on my knees and opened my legs towards the outside and he began to kick me on my rear end and at the same time yelled, "Now you will confess. Talk, you asshole." He brought metal handcuffs.

He tied my hands very tightly. He laid me down on my back and the metal handcuffs were digging right into the flesh and me with all my weight lying on them. He began to kick me all over my body. When he got tired he would come down and strangle me until I almost lost consciousness and then he would let go for a second and then come back and strangle me. When he got tired of me, he sent me to the "al-Shabah" room for about five hours, and afterwards transferred me to cell number 59.

Wa'il, aged 20, interrogated for forty-five days (and then sentenced to five months in prison for stonethrowing) reports:

While I was resisting and reacting to the kicks I was lying on my side. My hands were tied on the floor with handcuffs. He began to kick the handcuffs. That causes a terrible pain in the hands. Afterwards, he made me stand up, he brought a bar made out of rubber, and he began to hit me on the head... . He stopped and pressed me up against the wall. He lifted my head up with one hand, and with the other hit me with his fist on my throat. Afterwards, he brought a chair. He put me on backwards - the backrest was on my side - and laid me down with my head on the floor and my feet on the floor from the other side. My stomach was right on the chair and was sticking up. With his elbow, he began to give me strong blows in the stomach and said all the time, "You will talk, talk, talk."

4. Seven Individual Cases

Our classification above of separate techniques of interrogation does not give the picture of what happens to any individual detainee. We therefore reproduce below the edited stories of seven individuals in the sample - two from Gaza, and five from the West Bank.

These cases have been selected because they provide very detailed information. They also include four instances in which injuries inflicted on the detainee were treated in Israeli hospitals, in three of which we were able to trace medical reports. In these three cases we use, with their permission, the detainees' real names.

Gaza Residents

1. Testimony of Muhammad Subhi Ibrahim Ahmad Jit, from Shati camp in the Gaza Strip

[Signed affidavit given to Atty. Tamar Pelleg-Sryck on April 14, 1990]

I was arrested at home on March 1, 1990 at approximately 21:30, and was taken to the Shati Camp Detention Center. I was held until March 17 in the tents. On the 17th I was taken into interrogation and was transferred to the Zinzana (cell) in the G.S.S. facility in the Shati Camp Detention Center. I was held there until March 23.

I was interrogated every day.

On the first day, the 17th, they interrogated me. They accused me of being head of the Popular Committees in Sheikh Radwan. I denied this. They told me that two others had said I was in their confessions. I again denied the charge.

The interrogation began at about 13:00, and ended around 21:00. On that day, they mainly talked to me and hit me only a little. At 21:00 they took me to the Zinzana, and there I stayed until the next day, the 18th, at 09:00.

A G.S.S. man named "Jan" came to get me and he talked with me until 11:00. Then "Abu Daoud" arrived together with another G.S.S. man. One of them began to beat me and the other two shouted. They took turns beating and talking.

They beat me on my stomach, and they also kicked my legs. They beat me with a long stick of about 80 centimeters length, and quite thick too, like a soldier's stick. It looked as if it came off of a lemon tree. They beat me on the back and on my legs.

They talked to me and beat me until about 17:00. It was in the G.S.S. interrogation wing. At 17:00 they tied my hands behind my back, blindfolded me, and took me outside. They ordered me to stand in the outer courtyard. It was very hard for me to stand. I usually walk with the help of a cane, since I was shot in the leg a year ago.

After 22:00 they took me to another Zinzana. They gave me a mattress and two blankets. The Zinzana was closed with no openings and without any light. It was about 2x2 meters. There was a little window and a light bulb, but they didn't open the window or turn on the light. I didn't get cigarettes or tea. The food they gave me was very little and very bad, worse than what they give in the tents.

On the 19th they took me into interrogation at 10:30. They brought in another detainee wearing a sack over his head. His name was Mahdi. He told the G.S.S. that I was head of the Popular Committees in Sheikh Radwan and Shati. I denied that. They took Mahdi outside and began to beat me in the ways I described, but the beatings were more frequent. They also choked me with their hands around my throat. The ones doing it were "Abu Daoud" and "Jan".

They put a sack over my head, choked me with their hands around my throat, let go, put my head in a pail of water up until my neck. The sack was stuck to my face. They did this six or seven times, one after the other. When they took my head out of the pail of water, they beat my head with their fists.

In the evening they took me out to the courtyard to stand tied and blindfolded, from about 17:00 until 19:00. They then took me to the Zinzana, where I was untied. On the 20th they took me at about 08:00. "Abu Daoud" came and talked to me about the Intifada. This was until 10:00. At 10:00 "Abu Daoud" left and "Jan" came. "Jan" said that Jemal said that I was head of the Popular Committees, and Jemal came in and confirmed this. I denied it.

"Jan" began to hit me and to yell at me, and in a little bit two others came in. These two took me out of the room into the courtyard and were very nice to me. They said: "Abu Daoud and Jan are criminals, why are you doing this to yourself? Tell us." They gave me tea and a cigarette. They also said: "I am giving you a chance, sign a confession. Why should you go back to Jan?"

I refused, so he said "I'll give you some time to think." They took me outside and let me sit down. On that day they left me alone until 22:00, and then they took me back to the Zinzana. On the 21st of March, I stayed in the Zinzana all day. On the 22nd at 5:00 a.m., they took me into the interrogation room. "Abu Daoud" and "Jan" as well as two others came. Until 12:00 they beat me and talked, beat and talked. They hit me in the stomach, and blood came out of my mouth. I threw

up. They took me to a clinic outside of the G.S.S. facility. The doctor gave me something that looks like MALXUS milk, and they sent me back into the interrogation wing.

They then mostly talked, and hit me less. This continued until about 16:00. Then the doctor came to the interrogation room and told "Abu Daoud" that a doctor from the Red Cross wants to see Muhammad. "Abu Daoud" refused, and then the two of them began to yell at each other.

In the end, "Abu Daoud" agreed that I be taken to the prison clinic. The prison doctor reported to the Red Cross doctor about my condition, but refused to let the Red Cross doctor see me. It was about 4:00 p.m. They took me to the clinic, and the Red Cross doctor came in and saw me. She didn't speak Arabic. I tried to explain to her about my condition and about the interrogation, and she promised to help. They then took me back to the Zinzana.

On March 23rd, at 8:00 a.m., I was taken to the interrogation room in front of "Abu Daoud" and "Jan" and another person. "Abu Daoud" told me: "Today I want to finish with you. Maybe you will die, or maybe I will close your file. If you want to sign what I give you, it will be all right." I refused.

"Abu Daoud" grabbed my hair and slammed my head against the wall. He then brought over a pen and paper and said: "Say something, I want to write." I said: "I don't know the people you brought, I am not the head of the Popular Committees. And he wrote. He wrote in Hebrew. He gave me the paper to sign. I said: "I promised myself I would never sign any paper in my life." "Abu Daoud" got very mad, and he began to beat me in the chest and in the stomach. "Jan" and the other one held me with my hands behind my back. "Abu Daoud's" blows were very frequent and very hard. I fell down, and blood was coming out of my mouth. I threw up. The three of them tried to pick me up, but I couldn't [stand up].

They continued to hit me and to yell: "Get up!" I couldn't walk, and was lying down on my back. They pulled me by my legs, and dragged me outside. They said to me: "You've dirtied the courtyard." There was sand there, and they poured it on my clothes, which were covered in vomit and blood.

I woke up in Shifa Hospital. They told me I had arrived there at about 9:50. They afterwards took me to al- Ahali Hospital.

**2. Dr. Muhammad Said Muhammad Yusuf al-Hindi, ID
92645516/3**

**[Signed affidavit given to Atty. Tamar Pelleg-Sryck on January
11, 1990].**

1. I was arrested on December 4, 1989, at night, and taken directly to Gaza Central Prison.

2. I changed my clothes, to overalls. They put a sack over my head and bound my hands behind my back.

3. I was taken upstairs into a room where my sack was removed, and I could see two men: "Abu Daoud" and the other, whose name I think is "Abu Feisal"- tall, thin, slightly dark. "Abu Daoud" is tall, has grey hair, and is over 45 years old.

4. They started to beat me, especially "Abu Feisal". They beat me by slapping my face, squeezing my testicles, pinching my upper thighs. They pressed the sack over my nose and mouth. At that time, I was lying on my back with my hands tied behind me. They choked me with their hands.

5. This lasted about one hour with interruptions for questions about Dr. Jamil Alayan. They said he had told everything about me and therefore I should tell them the story. I told them that I knew him but there is no story.

6. They allowed me to sit on the chair and brought in Dr. Alayan, who said that he knew me and that he had asked me to work with him in an organization, and that he thinks that I accepted. I said: "It is true he asked me but I refused." They took him out.

7. They started to talk to me, but soon began to beat me etc. as described above. I still refused to confess.

8. After about one hour they left me. They brought me to the corridor with the sack over my head and with my hands tied behind my back. I stayed for a short time in the corridor and then I was taken to the "refrigerator" till the morning.

9. The "refrigerator" is dark. There are several cells like that there: 1.5x1.5 meters and very cold, maybe 7 degrees Celcius. It is cooler than an operating room. The only article of clothing I had in the "frigidaire" were the overalls I was wearing; I had no covers, and my hands were bound behind me. I remained standing up or sitting on the floor. No mattress. Every six hours the two guards (soldiers) shift. They beat or put water on those in the "frigidaire," and on those sitting up on the chairs in the corridor.

10. On the second day another interrogator came. His name was "Abu Nimmer" and with him, "Abu Mansur."

11. They started with me again the same as before.

12. Afterwards, they staged a confrontation between me and Dr. Alayan again. The area around his eyes was yellow from the beatings. They told me: "We did it to him, and we will do it to you too."

13. I refused to respond and they cursed me with very dirty words. They threatened that they would bring my wife and torture her. I refused again.

14. Dr. Alayan said he had given me \$2,000 for the wife of Mr. Ziyad Nahla, a deportee, a neighbor of mine, to enable her to go abroad. I said that this was true. Jamil also said that he thought that he had given me about \$5,000 more. Then they took him out.

15. They started to beat me, especially on the face.

16. I stayed there for about 12 days, either in the refrigerator or in the corridor. They did not let me sleep for about days. Then they gave me one cover and allowed me to sleep for a night in the "refrigerator."

17. During these 12 days they took me now and then for beatings. They concentrated on my left hand, because it had been broken.

I lost consciousness once. They put water on my face and they stood on my ankles to wake me. When I woke up, they started to beat me again.

After 12 days they allowed me to rest Friday and Saturday. On Sunday they took me again and started till Tuesday close to midnight, December 19, when Khaled died. There was confusion and all of us were taken down to the cells. The next day, the interrogation started. They told us that somebody had hanged himself and "You will be the next to hang himself here."

They put me in a psychiatric condition to hang myself. After about 18-19 days, the policemen came and started to take my confession and threaten me. One hit me on my face (a short and fat fellow).

They brought a Shabaq (G.S.S.) interrogator to frighten me. They took my confession and then brought me down to a judge (on December 21, 1989). My arrest was extended for 30 days.

Since then I have been in the cell, and on January 4 I was transferred to Madina Center. Since we have been here, we have not seen the light of day. They prevented families from visiting. The Red Cross did not visit us here.

I have had only one shower until now, and have no change of underclothes, no towels. I have had a gastric ulcer for about two years. It has become aggravated here. I have gastric pain which has spread to my back. Before my arrest I asked to go abroad for three years to complete my studies. (About 4 months ago I submitted my application.)

West Bank Residents

3. "Shafik", (Riyad Shahabi), a 24 year old storekeeper from Jerusalem, was arrested on Tuesday, July 17, 1990, and brought to Kishle Police Detention Center in Jerusalem.

At approximately 9:00 p.m. an investigator, Rami Hitzin, entered - big, blond, slightly bald, pale, and very short. At first he spoke with me. He accused me of throwing stones on a certain day. He questioned me for about an hour and a half. Sometimes he was soft, sometimes he threatened and cursed. He said that I would die during the interrogation and no one would hear about me. He threatened to harass my family and sometimes, when he was more relaxed, he just tried to convince me. He mentioned names of people who, he claimed, informed on me. He showed me some of their records and played a tape. After about an hour and a half they took me to the prison. On the way to the prison at about 10:30 p.m., my hands were tied but my eyes were not covered.

There were approximately five or six people in the prison cell which was 2 x 4 square meters. There were mattresses and blankets for everyone. The toilet facilities were in the cell. I slept there all night. In the morning they took me to court without a lawyer, where they extended my arrest to twelve days. The judge didn't ask me anything; he just looked at me. At about 11:30 a.m. they took me back to Kishle. First they took me to the cell and shortly after that they called me for questioning (it was in the same room with Rami). I was not handcuffed or blindfolded. It was a completely routine investigation - threats, intimidation, information given by others. I had nothing to tell him. After an hour-long interrogation he left me. I was returned to the cell at about 5:00 p.m..

On Saturday I was called for questioning. A policeman came and blindfolded and handcuffed me, and took me to Rami who was waiting for me in the hall. From there he took me outside. We walked approximately 50 meters and he took me into a room.

He asked, "Do you confess or not?"

I answered, "I have nothing to admit."

"If you don't confess I'll bring people to beat you"

"I really don't have anything [to say]."

I didn't do anything. I heard the door open and close. He pretended to go out, and came back with a club. I was tied to a chair and he began to beat me with the club on my head and hands. Every once in a while he would pour water on me and continue to hit me. I am sure there was only one person who hit me. Two clubs broke on me. I

reckon that the beating continued for 20 minutes with some breaks so that they could pour water on me. There was then a short intermission during which I heard the door open and close, and I heard Rami's voice. He said, "Do you confess now? I heard that you wanted to talk." "I have nothing to say, I didn't do anything." "O.K., one more time and I'll bring them to beat you." The door opened and closed. Another good ration of beatings on the head and hands, with short breaks to pour water on me. This time it lasted about 30 minutes and I was hit on other parts of my body - on the back, buttocks, waist and legs. (I am sure that it was Rami who did the beating since after they removed my blindfold, I saw that he was tired, breathing heavily and sweating). After about another half hour the door opened and Rami again asked if I was ready to confess and I said no. I was on the verge of death.

I had terrible pains in my head and hands and other parts of my body. Apparently he understood that my condition was very bad.

He removed my blindfold and I saw how tired and perspired he was. He unfastened my handcuffs and my hands were swollen. He looked at me for a few seconds, brought a car and took me to the Hadassah Hospital in Ein Karem where my arms, legs, and head were x-rayed. The x-ray technician asked me what had happened, and I said that it was from beatings during the interrogation. Rami didn't let me say anything else. I succeeded only in getting that one sentence out, and Rami started to explain to the technician and the doctor that I had fallen down with my hands under me. The doctor examined me on July 21, 1990 between 7:00 and 9:00 p.m.. I think it is still possible to locate him. My family learned in a round-about way that I was in Hadassah, and my brother came to see me with some friends.

The examinations concluded after midnight and I think we returned at about 12:30 a.m., since at about 1:00 a.m. we were at the Russian Compound, not at Kishle. I was taken in a police car. I couldn't move my hands and they couldn't be tied because of the swelling.

Rami asked if I could remain in the Russian Compound for the night since I had to go back to the hospital the next morning. After some discussion they finally agreed to keep me there. I was put in an isolation cell. In the morning they took me to the hospital. They tied my legs. Another doctor examined me and from there I was taken directly to the court on Salah a-Din [Street]. There was no lawyer there since no one knew they were bringing me there. Attorney Bulus had been told that I would be in prison until July 27 so he wasn't there on July 22. Since it was impossible to bring a lawyer that day, the hearing was delayed until July 24.

When we left the courtroom, the policemen took me directly to the

complaint office in the police station since they wanted to be sure that they would not be punished for the beatings I received. They wanted me to tell when I was beaten and by whom. The complaints officer (Rachel) wrote down my complaint and I told her all that had happened.

I hadn't seen Rami since he had taken me from the hospital to the Russian Compound. I stayed there for about two days. All the other prisoners there knew my story. They knew I was incapable of looking after myself, and asked that I be allowed to stay with them. This was granted.

On Tuesday July 24, the prosecution was worried and confused because of my condition. Attorney Bulus asked for my release on bail and the Judge agreed (1000 shekel bail) and to appear twice a week at the police station. My family took me to Mukassed Hospital straight from the courtroom for an examination and a medical report. The doctors at Mukassed were satisfied with my treatment at Hadassah. There were fractures in both hands.

HADASSAH MEDICAL UNION [Transcription of Original]*

The University Hospital of Hadassah; Kiryat Hadassah; J"m
Certificate of Release from Emergency Room

8 0068703 0

Muhammad Riyad Muhammad [Shahabi]

1966

21.7.90

Reason for referral: *Signs of damage on both hands.*

Findings: *More swelling in right hand than in left.*

Supplementary tests: *X-Rays do not show a break.*

Treatment received in E.R.: *Plaster cast on both arms to rest them.*

Instructions upon release: *Arms in suspension.*

Release from emergency room _____ Time _____

Summoned to clinic _____ on 22/7/90 at 9/7/90

Name of doctor releasing *Ben ???* Lic. No.18157 Sig. _____

* Original copies of all medical certification in the Hebrew version of this report.

Makassed Islamic Charitable Hospital [Transcript of Original]
EMERGENCY ROOM

NAME: *Muhammed Riyad Muhammad Shahabi* ID.#
AGE: 24y SEX: M HOUR ADMITTED: 10~~55~~
ADDRESS: *Jerusalem/Old City*

Complaint

Multiple trauma by heavy sticks before 3 days in jail (as he said). No H/o LOC or vomiting.

Positive Findigs

Fully consc, well oriented, slight tenderness in occipital region, no swelling.

Chast and heart free. No sign of trauma. Abd[omen] soft no signs of trauma. Tenderness, slight swelling in both hand w/ plaster [bandage] applied. Ecchymosis in exterior aspect of middle.

Diagnosis

Crack in distal 1/3 of left radius. Crack in Styloid process of rt. radius.

Treatment

Rufinal 50x2 [anti inflammatory, non steroid drug] plaster was applied.

Disposition

Referred to orthopedic out-patient clinic.

Following his complaint of ill-treatment during interrogation, Riyad Shahabi received the following letter from the Attorney General's office, 16 December 1990, Reference Number 934/90/7/5

Our number: (3932)

Dear Sir:

re: Your complaint of July 21, 1990 against the policeman at Kishle Station.

I am hereby notifying you that the police transferred investigation material relating to your complaint on the subject to the State Attorney's Office.

Following a review of the material, it was decided to bring police officer Rami Hefetz to trial in criminal court.

The case was returned to the Israeli Police, Bureau of Disciplinary Affairs, National Headquarters, for further processing.

Sincerely,

Nava Ben Or

Senior Deputy to the State Attorney's Office

- cc: 1. Bureau Chief, Bureau of Disciplinary Affairs, Israeli National Police, National Headquarters
2. Chief of National Command, Israeli National Police, National Headquarters
3. Ms. Tamar Golan, Director of the Human Rights Department of the State Attorney's Office. Salah a-Din, P.O.B. 1087, Jerusalem, 91010, Tel. 02-708-511

4. Barakat is 32 years old, married with four children. He was arrested on November 26, 1989, and released without charges in January 1990. After 36 hours in a tent in Ramallah Prison, he was taken to the Russian Compound.

They took us through a corridor with our eyes uncovered and hands untied, until we reached Gate #12. (The prisoners call it the "gate of hell"). At the entrance they put a stinking sack on my head and before that they fastened one of my hands with handcuffs marked "made in England." They were very small. As soon as I entered someone grabbed my head and banged it against the wall right opposite the gate. I lost consciousness. When I revived I was handcuffed to an iron pole in the wall with the sack on my head, and I remained that way for five days without food or drink. I urinated and defecated in my clothes.

During the five days I heard screaming and yelling and any prisoner who spoke was beaten. I was questioned only on the fifth day. For five

days I was just tied up. My hands looked like leather balls. They were very swollen and the iron from the handcuffs cut deeply into my skin.

They came and took me out of there. I walked like an old man.

They put me into an office. Someone took the sack off my head very slowly. I saw someone in front of me who was the size of a bull. His name was "Abu Nihad." He told me to sit down. I sat down. He said, "I truly don't understand how you feel. You are very close to death, and, as Tareq Ben-Ziaz once said to his soldiers, 'The enemy is in front of you, the enemy is behind you - where will you flee?' You are completely surrounded by confessions from your friends, so shorten the way for yourself."

I tried to say something, but he wouldn't permit me to speak. He talked and talked for an hour. He brought quotations from the Koran, stories from the Prophet, and when he finished he said that I was accused of belonging to an enemy organization. I said that there was no basis for this accusation, it wasn't correct. The policeman returned me to "al-Shabah." I was tied there for 4 more days.

At the end of the ninth day at "al-Shabah," they took me for interrogation. The questioning lasted for about 6 hours. "Abu Elias" was there, and two people called Roni and one by the name of Elias. I think they were all Jews. Each one would ask something, then another would continue. It went on for about 6 hours.

During the time that I was held in "al-Shabah," I could tell night from day by certain signs. Late at night the vehicles would stop passing by and early in the morning the birds would begin to chirp.

During the 6-hour interrogation, I didn't realize how serious my condition was - swelling in the testicles, blood in my urine. I didn't feel anything... and the beatings... Most of the time during the interrogation I wanted to urinate. They laid me down on the floor of the room and said, "now we'll poison you and be rid of you." I began to pray. I thought I really wouldn't last and that I would die at their hands.

Someone held a pipe of Tipex [correction fluid]. Another grabbed me by the hair and the other poured the Tipex into my mouth. I immediately spat up everything and his face was covered all over with spit and Tipex. Both of us got all dirty from the Tipex... then they really went mad and beat me harder. They continued beating me and because of all the beating I lost control and began urinating in my clothes, and I noticed that my urine was full of blood. I saw blood on my pants and blood and urine on the floor. They wiped up the blood with my beard and my hair. There were four interrogators there.

After that they tied me up (in "al-Shabah"). Every day they gave me a slice of bread to eat. I ate a little bit without much appetite. During this

period it rained. I was sitting there with my hands tied in back of me and a sack on my head. It rained into the rooms. The passages between the cells were about 10 cm. above the [cell] floor, so that everything was covered with water to a height of 7-8 cm. I sat tied up, hour after hour. I was sitting in a pool of water. Once they even positioned the gutter right at my head, and for more than 5 hours I sat there as if I was sitting under a cold water faucet. It was very symbolic. The quiet of the night... only the sounds of rain and the sound of the water flowing above my head... darkness.

On the sixteenth day they came to take me to eat a real meal, and they gave me a coat and pants. The pants were very wide and I think I looked very funny in them. They said that the Red Cross had come to visit me. I thought to myself: This is another trick. They put me into the office. There were people there from the Red Cross - a man and a woman. They said that they were from the Red Cross. I said, "So what? What can you do? I'm going to die here. You'll be able to take me (my body?) out.

They said that my brother had sent them. They told me his name, and then I was sure that they were really from the Red Cross. They asked me about my condition, and I told them. I showed them my own clothes underneath the wide pants and the coat. I showed them the blood on my underpants and that my testicles were swollen. After the meeting with the Red Cross they took me back to "al-Shabah." I was tied up outside for a whole day (they took away the funny clothes). Afterwards, they put me into an isolation cell with another man about 40 years old. He asked me about myself and I told him that it wasn't a good idea for us to get to know each other. I fell asleep for 24 hours straight.

A judge renewed Barakat's detention for 45 days. He was released on bail 20 days before the end of the term the judge had allowed for interrogation. He was never charged.

5. Hassan, 26 years old, resident of al-Bira, is a student at Bir Zeit University, and works as a clerk at the Red Crescent. He was arrested on September 11, 1988, and taken to Ramallah Prison. After 3 days in a tent, he was transferred to Dahariya.

On the third day a policeman came and called my number and took me and another person to the investigation section which is in a separate part of the camp.

When we went out to the yard he covered our eyes and we were left standing against the wall for about 3 hours. We had to stand up straight and were not allowed to lean against the wall. Shortly before 8 p.m., an investigator by the name of "Maradona" came.

He took me and put me in a kind of office (2x2.5 m.) in which there was a table and a stove. He said, "Someone testified that you printed Popular Committee leaflets nos. 9-13 in the Jerusalem area." There were two investigators and they beat me on all sides. When I fell on the floor they kicked me in the stomach very hard and [beat me] with their fists. They threatened that my fate would be similar to that of Iyad from Kalandiya [?] who was murdered during their interrogation. They recommended that I buy my life in exchange for a few years in prison.

I said there was no basis for their complaints against me. I was afraid that they were really planning to kill me and not to ask questions.

After an hour and a half they brought me to a closet into which air entered only through a slit in the bottom of the door. In the closet the smell was terrible - the smell of urine. It was about 50x70 meters. My hands were tied and my eyes were covered, there was complete darkness.

After an hour and a half in the closet they took me back to the investigation room. There were two interrogators whom I had seen before. I only remember the name of Maradona.

He asked me, "Did you think? Now tell us the whole story." I didn't finish saying the two words - no story - before they started to beat me. Three people were beating me in that small room... with every strike. I was pushed toward the wall. My hands were tied, but my eyes were not covered. While they were hitting me they cursed me as well. One of them took a pole out of a drawer shaped like a huge screw, about 0.5 millimeter in diameter, about 20 cm long, with a rubber-covered handle. He took out an adjustable wrench, and a huge screwdriver, and put them all on the table. I was afraid that they would use them, but I didn't really believe they would. I was terribly afraid.

He began to hit me on the head with the pole (the screw). He hit me twice and I fell down. When I came to, they were still beating me and kicking me. I tried to get up, and got more beatings on the head. I fell down. While I was lying down they continued to beat me all over my body and from all directions. I thought I was going to die then and there - I couldn't move. Two stood over me and began to spit all over me, again and again without stopping. They stepped on my face with their shoes.

They began to talk to each other about my condition. They wanted to hide that I was beaten because they realized that my medical condition was very dangerous. I apparently looked very bad.

At about 3 a.m. they returned me to my room. Some of the other prisoners didn't recognize me. I was all swollen and my face and head were covered with blood. My arms were completely cut up where the

handcuffs were and my back was all cut up from the metal of the handcuffs (when I was lying on my back, the handcuffs had cut into my back).

The prisoners began to shout, and the medical orderly, who was apparently more humane than anyone else there, went directly (without going to the doctor) to the head of the prison camp and then took me directly to the clinic.

The doctor was very angry at the orderly. The camp director also came. He said I would be transferred to the Soroka Hospital the next morning. About 9:00 in the morning we left Dahariya. Before we left in the morning I was still in the clinic. One of the interrogators came in and said to the doctor, "Look. Now he looks OK. Why did you make such a big thing of it?" The doctor said it was that son-of-a-bitch orderly. He went to the commander and didn't tell me. The doctor, it was clear, did not want to hear the story. He just wanted quiet. Then we got on the jeep with a policeman to guard me. I was handcuffed, but my eyes were not covered.

At Soroka [Hospital] the doctor examined me for ten minutes and sent me for x-rays of the back, head and jaw. I didn't see what the doctor had written down - the policeman took the piece of paper, and then I was taken directly back to Dahariya. Back in the room I got medication (the orderly brought me a fluid medication).

The same day they returned me to interrogations. I had a sack over my head, but there were no beatings. When I was visited by people from the Red Cross I complained about the beatings. In April 1990, I received an answer at Ansar based on the evidence of the commander and the doctor, that the investigators had used physical pressure within the limits which are permitted.

6. "Usama," (Rami Najar), 20 years old, a high school student from Ramallah, was arrested in his home in February, 1990. He was transferred to a tent in the Ramallah Prison, and from there to Dahariya where he was held for four days in a tent, without interrogation, and 10 more days in a cell.

On the 18th day, his detention was lengthened by 15 additional days, and only afterwards was he taken for interrogations. When he refused to confess to crimes attributed to him, the interrogator took him out to the prison courtyard, handcuffed him behind his back, and covered his head with a foul-smelling sack. He remained tied and standing until 1:30 a.m. From there, he was transferred to the lock-up.

The lock-up had an opening in the roof 50x30 cm. which let in the cold and the rain. I spent 3 days in that lock-up, in the same situation: the opening in the roof; no shirt; no food; and sometimes the soldiers

guarding on the roof would urinate on me.

After the three days were over, I was called for another interrogation. It was on the morning of February 23. I was interrogated by "Abu Jaber" and someone called "Maradona". When he saw that I was not responding, they shoved me into the corner of the room, and took turns hitting me, mostly in the groin and stomach. "Abu Jaber" kept saying, "I won't let your hands go (the handcuffs were very tight around my wrists), until I'm sure you'll never use them again."

I fell to the floor. "Abu Jaber" loosened the handcuffs, and afterwards they took me into a closet (made of concrete) and closed me inside. (The closet was about 180 cm. high and 50 cm. wide).

After two hours in the closet, I began to feel very claustrophobic.

I was taken out of the closet straight to the interrogation room and to Abu Jaber for another round that lasted maybe half an hour and that consisted almost entirely of slaps, punches, and kicks. In an interrogation time stops passing. Every minute becomes a year.

Afterwards, "Maradona" came in with a plate of jello, and said, "I'll let you eat if you confess."

"Abu Jaber" told "Maradona", "I want to sleep. Take him and bind him (in al-Shabah)." I remained tied until 1:30 or 2:00 a.m, and everyone who passed by would hit me. I couldn't see them because of the sack on my head. At approximately 2:00 a.m., I was taken to a cell.

The next morning, at approximately 7:00 a.m. (February 24, 1990), with no breakfast, I was taken straight to "al-Shabah," until about 11:30 a.m., and then I was taken to interrogation. He sat me on the floor, spread my legs and put a chair on them. Then "Abu Jaber" sat on it. (He weighed approximately 100 kg.), and started rocking on the chair, pressing with his whole body and jumping until he got tired. He also put his feet on my head.

Maradona stood behind me and kept kicking me in the groin. (My legs were spread).

Afterwards, I was taken from the interrogation straight to "al-Shabah." You stand outside in the cold and all I had on was a shirt, handcuffed, sack on my head, and a policeman with a rubber-coated pipe hit me in the legs and the head. I was bound there (in "al-Shabah") for 2-3 hours, and then I was taken to another interrogation. There were three interrogators. One of them said, "If you don't confess, I'll cut your dick off and keep it as a souvenir." I told him, I can't wear a suit which doesn't fit me. (I was referring to the accusation) He said "If the suit wasn't your size, we wouldn't have brought you here in the first place." I said, "You brought me here because someone said my name after you tortured him." Then they started getting angry. They cursed, "Your

father... your mother... ." They punched me indiscriminantly. Afterwards, they returned me to "al-Shabah" until 11:30 or 12:00 p.m., and then they put me in the cell.

The interrogation continued this way for an entire day, until "Maradona" took a rubber mallet from the drawer and started threatening that if I didn't confess he'd burst my head with it. I said that I'm not willing to confess to what I didn't do, and do whatever you want. I didn't really believe he would hit me in the head with the mallet.

He did hit me, and I passed out.

After three days in the hospital, I woke up. A policeman came and told me that they wanted me brought back for further interrogation. I tried to move my arms and legs but I failed, and my speech was slurred.

I asked the doctor if I could stay in the hospital. He answered that it was out of his hands (He was an Israeli- Arab doctor.) I was returned to the prison while my arms and legs were still paralyzed. Rather, I could move my arms a little, but I could not move my legs at all.

The prisoners protested, and they requested that two of them be allowed to stay with me to take care of me in the cell, or just to keep me in the kitchen. The prison manager decided to keep me in the kitchen, and they gave me two aspirin. I never even saw all the medical records from the hospital. I spent 3 days in the kitchen. The guys there took care of me, and the doctor didn't come at all.

Afterwards, my case made a little stink. Darawshe [M.K. Muhammad Darawshe] got involved, the Red Cross got involved, and some Israeli organizations, as well. A doctor came and examined me and when he saw that my legs were paralyzed, that they just didn't respond, he said I should be returned to the hospital.

My arms responded weakly, but my legs didn't respond.

On the evening of February 29, I was returned in a military jeep. The prison manager ordered that a mattress be put on the floor of the jeep for me, but they didn't put one. They handcuffed me, and in the hospital itself I was bound hand and foot, even though I couldn't move.

I was released that day. They said that if I wanted to stay in the hospital I would have to pay. The Red Cross covered the cost of my continued treatment at the Hospital until Sunday, so I could finish the tests.

On Sunday, I left Soroka straight to al-Mukassed. I was treated there, and the doctors said that the beating had caused the problem in my spinal chord.

Since then I've been home, getting around with a walker because I can't stand on my own 2 feet. I'm trying to go out of the country for treatment, but so far I don't have an I.D. card and I don't have an exit visa.

SOROKA MEDICAL CENTER [Transcript of Original]

Department: *Neurology*

Date: 11.3.1990

SUMMARY OF ILLNESS FORM

Name of patient: *Najar, Rami*

Diagnoses: *Lower limbs weakness of unknown origin*

A 21 yr. old man, Ramallah resident, was brought to our department because of low back pain and lower limb weakness. He was admitted one week previously because of fainting after interrogation in Dahariya Prison. At that time he complained of headache, malaise and weakness in both lower limbs. Besides areflexia no other neurological signs were found. EEG was normal as well as CT of brain.

On admission: full paralysis of lower limbs and very mild weakness of upper limbs (4) was found. The tendon jerks were decreased in upper limbs and about in the lower limb. Abdominal reflexes were present. Sensation pinprick and temperature decreased up to L-2 on the anterior aspect of the thighs, and up to the popliteal fossa on the posterior aspects. The sensation on the soles good; partial decreased proprioception. The sphincters were normal. Tenderness of the lumbar spine was found. In order to rule out a compressive lesion of the spinal cord a myelogram was performed up to foramen magnum. Precipitate was negative. Protein concentration of the CSF was 20 mg %, no cells were found. His condition improved spontaneously.

No evidence for a compression of the spinal cord was found, and there is not enough evidence for a diagnosis of Guillain - Perri.

Further physiotherapy is necessary.

Professor Y. Heushom

MEDICAL DISCHARGE FORM - MUKASSED HOSPITAL [Transcript]

Name: *Rami Ibrahim Khalil Najar* Age: 19 Sex: Male

Hospital Number: 90/2704

Admission Date: 11.03.90 Discharge Date: 22.03.90

Discharge Diagnosis: *Spinal Cord Concussion Paraplegia*

Complaint on Admission: *Paraplegia*

Present History: *Patient reported being beaten by soldiers in Daheyreh prison which was followed by signs of paraplegia*

On Examination: *Paraplegia*

Heart, abdomen, lungs - free

X - ray: *Normal CT-scan done at Beersheba Hospital*

Myelogram: *No lesions*

EEC: *Normal*

Hospital Management: *Physiotherapy*

Conditions on Discharge: *The patient discharged in better conditions. He can walk with the help of walkers. Advised to continue physiotherapy.*

To Whom it May Concern

Rami Ibrahim Khalil Najar, a 19 year old male from Ramallah, was admitted yesterday 11 3 90 with the complaints of headache, lower back pains and paraplegia The patient was doing well until 26 II 90 when he lost consciousness due to severe beatings on head, back, and lower limbs in the prison (Daharia of Hebron) by soldiers as the patient said. The loss of consciousness lasted for 3 days then he awaked up and discovered that he has no control on his lower limbs, reflex sensation, upper limbs were also more weak than usually The patient was examined on admission and found to have G/S 15/15. normal upper limb reflexes with good strength. Lower limbs: absent superficial and deep sensation, absence also of joint position and strength, no reflexes were found.

The followed investigations were done for the patient before his admission to our hospital and according to the reports were all NORMAL - Brain C.T. scan Myelography - E.E.G. (Electroencepholography) C.S.F..(Cerebrospinal fluid analysis). The patient is now on Dexocort and Rotidine.

Conclusion: Post traumatic paraplegia due to beating in the prison.

This report is being given upon request.

*Dr. B. Marzouya
Resident of Surgery*

7. "Tareq", (Zeidun Sa'adat), 21 years old, manual laborer, bachelor, was arrested on May 11, 1989. He was transferred to Dahariya where his interrogation started on the 4th day of his arrest.

In the room he took the bag off my head and ordered me stand with my legs as far apart as possible, and to stay like that without moving. I stood like that for perhaps an hour, and afterwards he came and seated me in a chair, and he sat across from me behind a desk and asked me routine questions: name, address, age. And afterwards started talking to me: "Confess to what you did, and it would be better if you confess," and so on. He didn't even tell me what I was accused of. At that moment another interrogator entered the room and immediately slapped me twice for no reason. Then he said, "When an interrogator enters the room, you must stand."

The first interrogator, "Abu Jaber", continued talking: "Tell me. We're very strong (the Shin-Bet). We killed Abu Jihad, and you think someone like you can stand in our way? The strongest haven't been able to hold out."

The "time to think" was in "al-Shabah," handcuffed and with a sack on my head.

After a few hours (approximately 3) in the court, I was brought back to the interrogation room. He took the sack off my head and then started asking, "Well, have you reconsidered? Tell me what you did."

"I haven't done anything," I answered.

He slapped me several times and then asked again, and every time I said I hadn't done anything he hit me: punches, slaps, jabs at the throat and in the stomach, elbows in the stomach and he had a short club (maybe 30 cm.) made of rubber or plastic with a wooden handle and he used it to beat me on the head. The interrogation continued until 10:30 p.m., with continual beating. The hardest were the blows to the head.

At night, at around 10:30, I was transferred to a cell.

The next day at 7:00 a.m., a soldier brought us breakfast, and at around 8:00 a policeman came, put a bag on my head and handcuffed me and took me to the "al-Shabah." "Al-Shabah" continued [I remained there] from morning until 10:00 p.m., and during that period I was interrogated several times.

At around 11:00 a.m., I was taken to interrogation - the same thing. The same officer, "Abu Jaber", took off the bag and began telling me: "Confess. What did you do?" And the whole time he was hitting me: slaps, punches, to the throat and blows on my head with the rubber club. The questioning lasted two hours or more. Afterwards, I was taken out to "al-Shabah".

At around 3:00 p.m. I was taken again for questioning. "Abu Jaber" interrogated me with "Abu Yusuf". The interrogation was the same as previous ones, but with a new twist. I was laid on my back and my hands were behind me in metal handcuffs that drove painfully into my back. "Abu Jaber" put his knee into my stomach and drove down and repeatedly shoved his knee into my stomach, and at the same time he was choking off my nose and mouth with the other. He was just [barely] keeping me from breathing. He would choke me for maybe half a minute (it's hard for me to tell). I fainted several times as a result of this.

The interrogation lasted 2 hours or more, and at the end of it they threatened, "In the evening you'll get what's coming to you." They took me out for "al-Shabah.

At 10:00 p.m., they brought me in for another interrogation (a breach of custom - the day ends at 10:00 p.m.). There were interrogators - "Abu Jaber" and "Abu Yusuf" who had questioned me earlier and a third who was called, I think, "Abu Ya'akov". This interrogation was very hard. They talked, they questioned. They were always hitting me, hitting me all over, making me lie on the floor and strangling me (as in the previous investigation) - blows to the groin, pulling my hair and banging my head against the table, the wall, the floor. At some point they stood me with my back to the table up against it. Someone behind me said: "What happened to your thumb?" and grabbed it. I felt my finger touch something wet. I looked and I saw that one of them had taken my thumb and inked it and was using it to put my thumb prints on white paper. I managed to grab and crumple one paper with my hands handcuffed. I yelled and rammed him with my shoulder and overturned the table. They still had two white pieces of paper with my thumbprints on them. After they got me under control, Abu Jaber sat down and began writing a confession in my name, and wrote specifically that I confess to:

- Belonging to Fatah since 1986
- Throwing Molotov cocktails at Israeli vehicles
- Possession of firearms
- Participation in demonstrations in Ramallah

He took the additional piece of white paper and left the room.

During the interrogation, which lasted until midnight (or 12:30), I felt, for the first time, very sharp pains in my head, and I felt groggy... weak... . I couldn't see very well. My speech became slurred. I was moved to a 80 cm. x 80 cm. box, and all the interrogators gathered around me. They poured water on me - I was handcuffed but with no bag over my head. I threw up. When they saw what state I was in,

they took me out of the box and transferred me to a cell, and I stayed there all night long and slept.

I was brought to Soroka Hospital tied up in an ambulance. The doctor there examined me and discovered a crack in my skull and internal bleeding and said I needed immediate surgery. I was hospitalized until July 11, after which I was returned to Dahariya. At the main entrance, a policeman was waiting with my clothes and my other personal objects, and he took me to the doctor. He asked if I could make it home on my own and I said I could. The interrogation lasted for 20 more days, but was not as violent as in the beginning.

Tareq kept throwing up and had headaches all the time for which the prison doctor gave him akamol [form of aspirin]. Finally, on July 7, he was transferred to Soroka Hospital.

Tareq was not charged with any offense.

SOROKA MEDICAL CENTER, BEERSHEBA [Transcript of Original]

ID # 9392800

Hospital # 32912

SUMMARY OF ILLNESS

Department *Neural Surgery*

Head of Dpt. *Dr. A. Reichental*

Family *Sa'adat* First Name *Zeidun* Father's Name *Shakker*

D.O.B. *1969* Sex *M*

Address: *Dahariya Prison*

Rec'd. *July 8, 1989* Released *July 11, 1989*

Diagnosis: *CHRONIC SUB - DURAL HEMATOMA - LT. FRONTO PARIETAL REGION*

20 years old.

Was admitted to our department because of headache and vomiting one week before admission. In CT scan of brain he was diagnosed as suffering from sub-dural hematoma in left hemisphere.

History: *2 months ago - head trauma*

On admission: *General condition: good, with no signs of respiratory distress. B.P. 110/80 Pulse: 76/min regular; head, neck, chest, heart, abdomen and limbs: normal. Neurology: fully conscious; equal pupils, reactive, normal movement of eyeballs. Fundus: normal. Cranial nerves: normal. Reactions in limbs:*

normal and symmetrical. Cerebellum: normal. Lab results: Hemoglobin 13.5, white cells 7.900, platelets 268.000, glucose 95, urea 40, sodium 132, potassium 3.6 Brain CT Scan: A tomography was done upon admission and the A/M finding was found. Chr. subdural hematoma in the left hemisphere with pushing of ventricles from left to right.

Procedure: Was taken urgently to operating room. Local anesthesia was performed. A hole was made in left frontal ventricle and a catheter was inserted there to absorb a hematoma. It was removed after two days. Post-operative course was benign. Headache and vomiting ceased. Stitches removed on the day of discharge.

Control CT scan: Status post repair of subdural hematoma: a small quantity of air under the frontal bone. Discharged in a generally good condition; satisfactory.

Dr. Zucker.

5. Legal Restrictions and Controls

In Part A, 3(b) and (c) we described the formal restraints available in the Israeli legal system over detention and interrogation. In this section, we consider the effectiveness of these controls as revealed by our observations and interviews with detainees and lawyers.

Judges have the crucial task of maintaining the rule of law and in making sure that detainees will not be ill-treated during their interrogation. They can help to maintain rules of fair interrogation in three ways. Firstly, judges are responsible for ensuring the right of detainees to meet their lawyers. Secondly, they decide if the denial of an individual's freedom through detention is justified in order to carry out an interrogation. Thirdly, they decide whether confessions that were obtained during interrogation were given freely and are therefore admissible in court, or whether they are inadmissible because obtained through the threat or use of violence.

(a) The prevention of detainees meeting with their lawyers during interrogation

A meeting between detainees and their lawyers is a basic right. This is aimed at allowing detainees to receive advice regarding their legal rights and to help them submit requests for release from detention. The meeting with the lawyer during the interrogation period is also crucial in maintaining the physical and mental health of the detainee. It also allows them to make a complaint if their interrogators are treating them violently. For the isolated detainee, a lawyer's visits is the only connection with the world outside the prison. It is important to feel that there is someone who is caring for them.

As we explained, an adult detainee in Israel is brought before a judge within 48 hours of his arrest. In the Territories, however, the authorities have the right to hold the detainee for up to 18 days without being seen by a judge, and for 30 days without access to a lawyer. In accordance with a request submitted by the G.S.S., this period can be extended up to 90 days if a military judge decides that "the interrogation requires it."⁵⁵

Although the law only permits this denial if absolutely necessary for the investigation, most of the detainees under interrogation are prevented from receiving a lawyer's visit during the first thirty days of their detention. Such denials are so frequent that prison staff and interrogators wrongly assume that each time a detainee is taken to interrogation he must be prevented from seeing his lawyer.

The law requires that an order denying a meeting be given in writing

and signed. In fact, lawyers are usually told at the gates of the detention facility that they will not be allowed to meet their clients. They are not shown any document supporting this.

Dana Briskman, a lawyer for the Association for Civil Rights in Israel (ACRI) has written to the Attorney General, pointing out that the denial of meetings with lawyers has become routine, and that in many cases, orders denying meetings are given without any real reason (letter from ACRI 12/7/90). ACRI lawyers discovered from telephone enquiries to several prisons that detainees were under interrogation and being denied meeting a lawyer without any authorization.

In all cases but one, every time that ACRI petitioned the Supreme Court in order to appeal the denial of meetings, the orders were rescinded and lawyers were allowed to meet with their clients. Also in the cases which ACRI called the Attorney General's office by telephone and informed them that they intended to appeal to the Supreme Court, the order was cancelled and the detainee was allowed to meet with his lawyer.

The appeal to the Supreme Court can be made only by Israeli lawyers. This means that Palestinian lawyers are prevented from appealing the routine orders denying meetings that are given in regard to most detainees under interrogation.

In Jerusalem, the District Court is authorized to review appeals against orders preventing meetings, but these appeals are very few, and, according to lawyers we have interviewed, they see little chance in the legal system interfering with the G.S.S. decision. In the Territories, lawyers often request release on bail, not only in order to bring about the release of the detainee until his trial begins, but also because the courtroom is the only chance to meet detainees and to determine their psychological and physical state.

Despite the requirements of the law, the authorities many times do not bring the detainees to the court for the bail-release hearing. B'Tselem has documented dozens of cases in which detainees were not brought to the court.⁵⁶ This is one of the ways to prevent lawyers or judges from seeing the detainees' condition. Judges complained about these irregularities but did not request the release of the detainees or any other steps.

(b) Extending Detention

Detention is justified by law only if it serves legitimate interests: to ensure an adequate and efficient investigation; to prevent the suspect's escape; to prevent damage to court procedures; and to protect the public's security.⁵⁷ A judge reviewing the extension of a suspect's detention must decide whether this denial of an individual's freedom,

(who after all is innocent until proven guilty), is justified in order to fulfill these legitimate aims. Our research, as well as discussions with lawyers, indicate that there are three problems connected with extending detention. First, the extension is given without the presence of a lawyer. Second, the extension of detention is given for longer periods than necessary. Third, these extensions are given without the physical and mental state of the detainee being taken into consideration.

(i) Extension of Detention Without Presence of Lawyer

Because detainees are so often prevented from meeting their lawyers during the entire period of the interrogation, and because they are not brought to court for the discussion of their release on bail, the court hearing about extension of detention is the first chance they have to see their lawyer and to report to him/her about interrogation and detention. In the course of this hearing, the detainees are usually brought before the judges, but in many cases their lawyers are not informed of the date of the hearing and it takes place in their absence. It is important to note that the Shin Bet can appeal to "security reasons" not to bring the detainee to court. In many cases, therefore, extensions are given by the judge not in court, but within the prison.

A suspect can thus be detained for weeks without meeting his lawyer or any other person except his interrogators and the judge who has extended his detention.⁵⁸ The extension of detention for thirty, forty-five, or even seventy days is common in our group of released detainees. Twenty-one of the twenty-six released detainees we interviewed had their detention extended.⁵⁹

All of these extensions were given in the absence of a lawyer. In one case, the detention was extended by fifteen days and in all the other cases, the judges agreed to extensions of thirty to sixty days. Salah, a resident of Nablus, was arrested in July, 1990. The first 22 days he spent in total isolation and was subjected to an extremely harsh interrogation which included beatings, curses and being tied up to a chair for twelve hours day after day between interrogation sessions. On the eighteenth day, he was brought before a judge who, in the absence of a lawyer, extended his detention for thirty days. Four days later, he was released without being charged.

(ii) Extension of Detention for Periods Longer than Seemingly Necessary

We have noted that judges have the responsibility to allow detention only for legitimate purposes.

From our interviews with released detainees, it is clear that this responsibility is not always exercised. The case of Salah (see above) is

one of three in which detainees were released a long time before the date granted by the judge for the purposes of the detention.

Wa'il relates that his detention was extended by fifty days (in the absence of a lawyer) and when he returned to the interrogation wing "the interrogator, named Ofer, asked me how long an extension I was given. I said fifty days. Ofer laughed and told me, 'Wow, the judge hates you more than us. I only requested that he extend your detention by one month.'"

Judges not only extend detentions for prolonged periods, but they also in many cases extended detention of suspects who have already been held for 18 days without interrogated at all.

Four interviewees reported that their detention had been extended without their being interrogated at all. Thus, for example, on the 18th day of his arrest, Asa'ab's detention was extended for 45 days, although his interrogation has not yet begun. He was released 18 days later, long before the time allowed by the judge.

(iii) Extension of Detentions of Detainees Against Whom Violence has been Used

Judges are authorized to order the release of detainees whose physical or mental situation does not allow them to withstand prison conditions or who seem to have been injured in the course of their interrogation. Despite the fact that a number of the interviewees were hospitalized in Israeli hospitals during the course of their interrogation, (and a number of them were released from prison as a result of their physical condition), there was not a single intervention by a judge refusing to extend detention or deciding in favor of a detainee because of his mental or physical condition.

For example, Ismail's detention was extended by a month without him being present in court. The judge decided to extend the detention as he was visiting the detainee's cell. Barakat's detention in the cell was also extended despite his severe physical condition. At the end of sixty days of interrogation he was released without standing trial.

R.F.A.M.,* 15 years old, from al-Bureij refugee camp, was arrested on September 25 and taken to Gaza Prison. He was put in the refrigerator for one day. As a result of this and other harsh treatment, he was coughing and had difficulty breathing when he met with Attorney Tamar Pelleg-Sryck. She took a sworn affidavit from him on November 9, 1990, described him as being pale, speaking with

* The youth gave his full details in his affidavit, and his complaint was transferred to the Attorney General, but according to law, we are unable to print the full name of accused minors.

considerable difficulty, and coughing a lot with increasing frequency. She noted that "he looked frazzled and exhausted." He told her:

"They brought me before a judge to extend the period of detention. The judge extended it for 120 days. This was on October 30, 1990. I think. The judge said that I had been throwing stones and had bought petrol [for firebombs]. I told the judge that I confessed because of the beatings and the state I was in, and that it was not true."

(c) Admissibility of Confessions

According to Israeli law, confessions extracted by threats of violence or violence itself or through the application of psychological pressure are inadmissible. The Landau Commission stated that for years, confessions were extracted through the use of such inadmissible methods, and that these confessions were accepted by the courts. After these conclusions were published, it could have been assumed that the judicial system would strictly ensure that confessions extracted through the use of threats or violence would not be accepted. The rejection of such evidence would be an incentive for investigators not to use illegal methods in extracting confessions or evidence.

On the face of things, it could also have been assumed that the use of "trials within trials" would grow to challenge the admissibility of confessions. In fact, mini-trials are very rare and successes in mini-trials are few. The lawyers to whom we talked, explained to us that there are three main reasons they do not request mini trials:

(i) Precedents indicate that the chances of winning a mini-trial are few. Judges invariably believe the interrogator's version of events, despite the record of perjury revealed by the Landau Report. This is true even in the rare cases where the defense produces external evidence (such as a medical report). And even if the confession is ruled as inadmissible, the testimonies of an outside witness (not examined in court) are used by the prosecution to incriminate the accused.

(ii) If the mini-trial is lost, the chances become much higher of receiving a heavier sentence. We have no statistical proof of this tendency, but all defense lawyers agree that this happens. Judges give lighter sentences to those who confess, explicitly referring in their judgement to the defendant's "cooperation." And the mini-trial procedure does not allow the crucial argument of "saving court time."

(iii) Finally, mini-trials take many months. Since the large majority of the suspects are detained until the end of the proceedings, mini-trials are liable to lengthen their detention beyond the sentence they would receive if they had not requested a mini-trial. Thus, for example, in

one of the trials in Gaza in which three suspects stood trial for stone throwing, two of them were released from jail after they served their sentence, and the trial of the third suspect who requested a mini-trial has not yet begun.

Since witnesses fail to appear, files are lost, and detainees are not brought to courts, mini-trials prolong the already long periods of trial. Perhaps the best-known case of a detainee waiting for a mini-trial is that of Yusuf Inkawi, whose trial was postponed more than 20 times, as the witnesses did not appear. He was detained for over two years before his trial started. In other cases in which suspects request mini-trials, they did this in spite of the long record of failures in these trials and they took the chance that if they lost they would be sentenced to punishments heavier than usual.

The general problems of the mini-trial are revealed by one of the few recent cases where this strategy was used. Fatma Abu Bakra, a 33 year-old widow and a mother of two children, was arrested on January 20, 1987 and was brought to trial in a military court in Gaza. During the course of her trial, she argued that her confessions were inadmissible and complained of sexual abuse by G.S.S. interrogators. When the mini-trial began, an order was signed by the I.D.F. Commander of the Gaza Strip, preventing the identity of the interrogators from being revealed, preventing disclosure of interrogation methods of the G.S.S., and preventing information being given about anything that happened to Fatma Abu Bakra in the course of her interrogation. She petitioned the Supreme Court requesting publication of portions of the trial protocols of the mini-trial in which the G.S.S. personnel testified. Her petition is still being reviewed by the Supreme Court. Meanwhile, she was sentenced to a longer jail term than usual in cases similar to hers, and her request for shortening the term by one-third was rejected.

6. Complaints

Very few Palestinians submit formal complaints about the use of force or ill-treatment during G.S.S. interrogations.

First, it is difficult to know to which body one should complain or who is responsible for dealing with complaints. Although the army or police are in charge of the prisons or detention centers where interrogations take place, they give the impression of refusing any responsibility for G.S.S. actions. This leaves the G.S.S. itself (through the Prime Minister's office) or the Attorney General or the International Committee of the Red Cross as addressees for complaints.

Second, detainees who have experienced harsh interrogation and detention, are often reluctant to complain as they fear more abuse from their interrogators. Some are explicitly warned about this consequence. Aiman Shaffi, on whose behalf Atty. Pelleg-Sryck and M.K. Yair Tsaban have complained, was told by his interrogators: "Tamar Pelleg who is running to the Knesset, [Atty.] Leah Tsemel, the court - none of them will help."

Third, even without fear of further harassment, most detainees simply do not believe that complaining will help them. Atty. Pelleg-Sryck of ACRI submitted complaints on behalf of 12 of the 14 detainees she visited (and who are a part of this study). She wrote to the Attorney General, sending sworn affidavits that included details about interrogation methods, dates, nicknames of interrogators etc. Although her first letter was sent in December 1989, she received no reply. Following two further reminder letters, she was asked to repeat details of the complaints. This correspondence is reproduced in Appendix IV.

We asked other lawyers and human rights organizations to give us information about recent complaints and the responses they received from Israeli authorities. Amnesty International raised 22 specific cases of alleged torture or ill-treatment about which they sent "Urgent Action" letters over the last two years. In several cases they have resulted in acknowledgements and an assurance that investigations are being carried out into the allegations. Five of the letters sent between November 1989 and November 1990 concerned torture of Palestinians in interrogation.⁶⁰ Only in one case (that of Murad Muhammad Isa Jadallah) did the organization receive an answer. The answer from the Israeli police was that the file was closed as the complaint was unjustified.

The Public Committee Against Torture in Israel sent 30 letters of complaints to different official bodies during 1990, dealing with 22 individual Palestinians who had alleged ill-treatment during interrogation.

It is too early to judge the effects of this intervention. Some bodies, like the Attorney General, have tended to be more responsive (acknowledging enquiries immediately, asking and providing detailed information): others, like the Prime Minister's office (directly responsible for the Shin Bet) did not answer or even confirm receiving the complaints.

There have been several cases in the last three years where persistent complaints have been taken seriously and interrogators have been charged (see, for example, our case #3). There is no routine, however, for checking and verifying complaints, nor even a single address to send them. And if enquiries from Israeli groups such as ACRI are not answered, we can assume that those from Palestinians will be taken even less seriously.⁶¹

PART C: CONCLUSIONS

1. Summary

In Part A of the Report, we reviewed definitions of torture, and cruel and inhuman treatment. These cover the intentional infliction of pain and suffering - mental or physical - in order to extract information or a confession. In international human rights law and declarations by bodies such as the United Nations, the prohibition against torture is total and unqualified: no moral or legal justifications are allowed.

Israel has not questioned its commitment to these international prohibitions. This commitment is fully reflected in Israeli criminal law. There are clear and specific prohibitions against the use of force by public servants for such purposes as extracting confessions. There are also formal limitations (probably less strict than those found in comparable legal systems) to the admissibility of confessions obtained by force. G.S.S. agents are fully subject to these laws. The actual operation of military justice, however, especially in the three years of the Intifada, undermines the prohibitions and protections available in the Israeli legal system. The long period of incommunicado detention, the wide powers given to the G.S.S. and the difficulty of challenging the admissibility of evidence in court, all create a framework in which the ill-treatment of detainees can go unchecked.

We review the consequences of the 1987 Report of the Landau Commission which established that G.S.S. agents had systematically lied to the court about using force to extract confessions. Though condemning this practice, the Commission went on to permit the use of "moderate physical force" as a method of interrogation. We criticize the legal and moral basis of the Commission's reasoning and point to the grave implications of removing the sanction against force. This removal was achieved not by any formal legal change, but by administrative directives contained in a secret set of "guidelines."

We summarize previous allegations about the use of torture and ill-treatment. Although methods of collecting information are not always reliable, these reports show beyond reasonable doubt that practices definable as ill-treatment or torture have been used against Palestinian detainees. We draw particular attention to the cases of death under suspicious circumstances during interrogation (five in the last three years) and to the culpability of medical personnel who do not disclose their knowledge of abuses.

Our review of this material - the patterns revealed by the Landau

Commission itself and the fact that extreme cases of ill-treatment have been admitted and resulted in criminal persecutions - suggests the need for a serious investigation of the subject.

In Part B, we set out the findings of our own research into interrogation methods used by the G.S.S. between 1988 and 1990. We interviewed 41 detainees: 29 from the West Bank and 12 from Gaza; these include 26 who have recently been released and 15 who are still under detention. Between them, the sample had been interrogated in 10 different detention centers or prisons.

A number of interrogation methods appear to be common, even routine in the group we interviewed. Virtually all our sample were subject to: verbal abuse, humiliation and threats of injury; sleep and food deprivation; hooding for prolonged periods; enforced standing for long periods, sometimes in a enclosed space, hands bound behind the back and legs tied ("al-Shabah"); being bound in other painful ways (such as the "banana" position); prolonged periods of painful confinement in small, specially constructed cells (the "closet" or "refrigerator") and severe and prolonged beating on all parts of the body, (resulting sometimes in injuries requiring medical treatment). Other methods less frequently reported included enforced physical exercise and the use of violence by collaborators planted in detention cells. Overall, Gaza detainees were subject to consistently worse treatment than the West Bank group.

It is important to remember that only half of our group of twenty-six released detainees were eventually charged and then only with relatively minor offenses. Given the limitations of statistical analysis in such a small sample, we could find no differences between on the one hand, the type, duration and intensity of interrogation, and on the other, the seriousness of the alleged offense or whether the offender was ever actually charged. Everyone we interviewed was subjected to some form of ill-treatment. All, except one, were physically beaten. We did not find any evidence, however, of special implements or machinery for inflicting pain.

It should be stressed that with the possible exception of two or three of the still-detained Gaza group, no one was found guilty or even suspected of the type of "hostile terrorist activity" against which the Landau Commission justified "moderate physical force."

It is difficult to obtain valid and reliable information about allegations of ill-treatment or torture during interrogation. The credibility of victims can always be questioned, especially if there are no independent checks or controls. Testimonies, especially those taken some time after the experience, are subject to exaggeration and inaccuracy, either unconsciously or in order deliberately to discredit the authorities. It is

impossible for us, therefore, to vouch for every detail of the evidence we present.

Through careful interviewing, however, together with information obtained from other sources (human rights organizations carrying out similar enquiries, lawyers' affidavits from their clients) and some external evidence such as medical reports, we believe that our interviews accurately reflect the interrogation experience of this particular group of detainees. We know that the "consistency" we claim to have found (within our sample and compared with other reports), must go beyond the consistency reflected by common knowledge. The authorities, that is, could claim that these are familiar allegations, disseminated by the media, known by all detainees, and routinely repeated for political reasons.

The consistency we found, however, is much more specific than this: detailed descriptions of techniques, diagrams of interrogation rooms, exact physical descriptions and noms-de-plume of interrogators. Moreover, the fact that particular techniques have already acquired special names - "al-Shabah", the "banana" tie - shows how routinized they have become. They need only be ordered by name. This is the type of consistency that suggests common experience.

How representative, though, is the experience of this group of 41 detainees? According to the I.D.F. (February 1991), some 75,000 Palestinians have been arrested during the three years of the Intifada, an average of 25,000 yearly, of whom an average of 15,000 were actually charged each year. We estimate that the majority of these are not interrogated intensely or over long periods, and are released within the first 18-day phase. Others are tried in "quick trials" on the basis of evidence by the arresting soldier alone. It has not been possible for us to obtain exact numbers, but our rough estimate is that this leaves one third, some 8,000 detainees each year, who undergo some longer form of interrogation, usually by the Shin Bet. Our estimate is that perhaps 20% of this group, some 1,600 per year, would undergo interrogation, including some combination of the practices we describe. For this group, we believe that these practices are quite typical. Without a representative sample of detainees, it is difficult to be more exact than this.

By formal criteria at least, these methods, particularly when used together (take, for example, the case of Wa'il), fall under most accepted definitions of "torture." Even if we object to using this word, these methods are self evidently forms of ill-treatment, abuse or "cruel and inhuman treatment." And even if we prefer to describe these practices as "moderate physical pressure," this does not make them any more acceptable.

Even if there is only a suspicion that such practices are taking place, it is the moral and legal obligation of the Israeli government to investigate and stop them. Our findings show, however, that existing legal controls and mechanisms of complaint are quite inadequate either to uncover these abuses or to restrict them. We cannot point to a single case in our sample where military judges used their responsibility to exercise any limitation on the interrogation methods of the Shin Bet, whether by allowing detainees access to a lawyer, by restricting their period of detention or by querying the admissibility of a confession.

2. Recommendations

It is tempting to simply say "end torture" and leave the matter there. The subject, however, is more complex. There are disagreements over definition and terminology. The historical failure to eradicate torture has exposed the weakness of mere declaratory prohibitions; terrorism and violent political resistance pose real tests to the rule of law, even in the most stable democratic society. We set out below, therefore, a number of immediate and specific policy recommendations. These are all predicated on the assumption that Israel agrees with the universal prohibitions against the torture and ill-treatment of detainees.

This assumption is highly problematic as long the Landau Commission remains in force. By providing judicial (if not legal) legitimation of G.S.S. methods which are torture in everything but name, the Commission undercuts any opposition to these practices. It does this in two ways:

First, it has removed the moral bind of the absolute prohibition against torture. However difficult it is to enforce this prohibition - indeed because of this difficulty - no government can be equivocal about its enforcement. Implementing something like the Amnesty Program for the Prevention of Torture [Appendix A], is inconceivable as long as the Landau Report remains in force. Second, by leaving its guidelines secret, the Commission ensured that the public will never know what practices are permitted in the name of "national security." There are only two logical possibilities here: that the practices we describe in this report are within the Landau Commission guidelines (in which case they constitute torture and should not be permitted) or they are outside these guidelines (in which case, those responsible should be punished by the criminal law).

There is no doubt that there are many countries in the world where the problem of torture is worse than in Israel. To take the Middle East only, the conclusively documented use of torture in countries like Syria, Iraq and Iran is far more extensive and brutal than the methods described in this report. This does not, however, change our moral issue.⁶³ Even to those unconvinced by the appeal to morality, the utilitarian question should be important. Here, the problem of false confession is central: the uselessness of confessions and information obtained under duress. If coerced confessions are not completely prohibited, then the court has no independent means to evaluate their truth or falsity.

The first step to clarify all these issues is to make them public. Citizens in a democracy should not be allowed to evade awkward choices by saying "we didn't know." Secrecy breeds more secrecy, creating what

Amnesty International terms "the wide net of torture." Shin Bet agents keep quiet, appeal to secret operational guidelines and are unaccountable to any public body. Regular soldiers, police and prison staff don't talk about what goes on in buildings under their control. By looking the other way, by not listening too carefully, they share in the guilt.

Doctors are also part of the net: they check detainees before interrogation and give this information to interrogators; they examine and treat people who have been injured. This makes them secret accessories to criminal offenses and to grave violations of medical ethics. Then there are the Military Court judges who routinely accept coerced confessions as if they were obtained by permissible means. Human rights organizations have drawn attention to two sets of conditions under which torture is likely to occur⁶⁴: First, a set of social and political conditions: a national emergency or other perceived threat to security; the need to process large numbers of suspects; the dehumanization of an outgroup (national, religious or ethnic); a high level authorization to violate normal moral principles; the presence of a "sacred mission" which justifies anything. Second, a set of legal conditions: a long period in incommunicado detention, particularly without access to a lawyer; the inability to identify interrogators; trials under military law or other similar procedure; the absence of independent checks on the detainee's medical condition; rules of evidence which do not automatically rule out confessions obtained under torture; some degree of immunity enjoyed by interrogators from legal prosecution.

Given the problems in relying entirely on subjective testimonies, it is important for us to draw attention to how such objective conditions apply to G.S.S. interrogations in Israel today. Many of the optimal or potential conditions under which torture may occur, seem to us to be present. First, there is the particular political context of the Occupation. Second, there is the normative context that the Landau Report provided by lifting the legal and moral barriers previously prohibiting violence. Third, there is the high prestige given to G.S.S. and the relative immunity it enjoys from public scrutiny. As we explained earlier [Sec. A4 (c)] the G.S.S. has little formal status of its own. It derives all its authority from the bodies which surround it (the police, the prison, the army, the court) - without paying the price of the accountability required of these bodies.

Fourth, there is the physical isolation and secrecy in which interrogation occur (separate wings, blindfolding etc) and its prolongation through extended periods of incommunicado detention. This insulation cannot be perfect. Police, prison staff, soldiers, judges all become involved in a web of moral corruption in which group has to cover for the other.

Fifth, there is the problem of legal controls, which are strong in theory but weak in practice. Even in Israel (as the Landau Report showed) the courts, through ignorance or faith, have hardly ever drawn attention to forced confessions and other such abuses. We can hardly expect this to happen in the Military Court system in the Occupied Territories, where detainees are seen even less and have fewer legal rights.

It is beyond our scope to deal here with the wider social and political conditions. Our ten recommendations that follow, are directed only to the legal level of policy :

(1) That the entire secret portion of the Landau Commission be made public.

(2) That the practice of incommunicado detention be abolished. This can be partially achieved by application of Israeli law which requires suspects to be brought before a judge within 48 hours of arrest. It should be noted that Landau Report itself [Para. 4.17] recommended that suspects be brought before a judge no later than the eighth day after their day of arrest (in contrast to the current 18 days). This recommendation has not been implemented.

(3) Following (2), that suspects should be given full rights to consult with a lawyer.

(4) That all interrogators be required to identify themselves by name and/or number.

(5) That doctors and other medical staff also identify themselves by name.

(6) That the rules already existing in Israeli law for declaring as inadmissible any confession obtained by coercion, be applied without modification to the Occupied Territories. Procedures for querying the admissibility of evidence – such as the "trial-within-a-trial" – should be made more available.

(7) That, contrary to the present practice by which confessions are invariably taken and in Hebrew, only confessions in the suspect's own language, Arabic, should be admissible in court.

(8) That there should be an independent, external body with clear procedures for dealing with complaints about ill-treatment during interrogation and detention. The Landau Commission recommended some degree of external control and supervision of interrogation methods, primarily through the State Comptroller's Office. [Para. 4.19]. This control however - which, as far as we know has not been implemented - covers review of general policy rather than suggesting an independent procedure for dealing with individual complaints.

(9) Following on the results of any such inquiry, that there should be (a) a more rigorous enforcement of criminal charges against interrogators

who have used violence; (b) a greater use of existing civil law procedures for claiming redress and compensation for victims.

(10) That the Israeli Medical Association should immediately investigate allegations about medical collusion in torture and ill-treatment and should initiate disciplinary proceedings against any doctors found guilty of such involvement.

Over and above these specific policy recommendations, we believe that we have collected enough evidence to call for the government to set up an independent commission to investigate the type of allegations we have analyzed. The existence of the practices we describe now have to be either admitted or disputed.

Footnotes

1. *Violence Against Minors in Police Detention*. (**B'Tselem**, June 1990). As a result of this report (and other pressures) an internal inquiry was established by the police July 1990 into the work of the G.S.S. and the Juvenile "Minorities Division" in the Russian Compound. Eight investigators were apparently suspended from duty; by November 1990 no other results of the inquiry had been announced.
2. The experiences of women detainees have been reported by "Women for Support of Women Political Prisoners" [see below] and are also the subject of a current inquiry by the Palestinian Human Rights Information Center (to be published in early 1991).
3. For a general background on the subject, see Edward Peters, *Torture* (Oxford: Basil Blackwell, 1975). On the actual practice of torture, see *Torture in The Eighties* (Amnesty International, 1984).
4. See, for example, the European Convention on Human Rights and Fundamental Freedoms (1950). According to Article 15(1) states may derogate from their other obligations in "time of war or other public emergencies threatening the life of the nation." According to Article 15(2), however, no derogation shall be made from Article 3 which prohibits torture.
5. For further details, see "The Prevention and Suppression of Torture," *Revue Internationale de Droit Penal*, 48 (1977) pp. 267-293.
6. A useful review, which sets out all sides of the debate, is: Association for Civil Rights in Israel, *The Legal and Administrative System* (Jerusalem, 1985)
7. See "The Legal Status of the West Bank and Gaza," United Nations (New York, 1982)
8. This position was first clearly set out by the incumbent Attorney General, Meir Shamgar, now President of the Supreme Court, in 1971. See M. Shamgar, "The Observance of International Law in the Administered Territories," *First Israeli Handbook on Human Rights*, (1971) and M. Shamgar (ed.) *Military Government in the Territories Administered by Israel, 1967-1980: The Legal Aspects* (Jerusalem: Alpha Press, 1982).
9. Letter to **B'Tselem** from Legal Advisor, Ministry of Foreign Affairs (21/5/90).

10. These two cases are Khalil Muadi v. State of Israel (1984) 38 (i) P.D.197 and Avrushmi v. State of Israel (1987) 41(i) P.D. 387
11. Ahmed v. Wigen, 726 F. Supp. 389 E.D.N.Y 1989, Paras.54, 55. (The context was an appeal - rejected by the court - against the extradition from the U.S.A. to Israel of a Palestinian suspected of involvement in terrorist activity).
12. Beating and other forms of ill-treatment on the way to detention - for example, in army jeeps - have been widely documented, before and during the uprising. See, for example, al-Haq, *Punishing a Nation: Human Rights Violations During the Palestinian Uprising*, December 1987-December 1988, (Ramallah, 1988) Chap. 6. By some definitions, such ill treatment might be included as "torture." As explained above, however, we reserve the term to the later stage of interrogation.
13. Although Israel does not recognize the applicability of the Fourth Geneva Convention, it granted this right to the I.C.R.C in 1978 after some years of negotiation. Under the terms of the agreement, the I.C.R.C. delegate may speak to the detainee (on the 14th day of detention, that is) about health and personal matters.
14. In the course of a rescue operation of an Israeli bus hijacked by Palestinians on the coastal road in April 1984, two of the hijackers were killed. The official version was that they died in the cross-fire, but press photographs revealed that they were alive when taken into custody. In a confused series of official enquiries, it became apparent that the hijackers had been executed on G.S.S. orders and that there had been a conspiracy to hide this truth from the investigations. After a political furor and the resignation of the Attorney General, the affair "ended" in June 1986 when the President pardoned all eleven G.S.S. officials involved in the cover-up, following the resignation of most of them (including the then Head of the G.S.S.).
15. Report of Commission of Inquiry into the Methods of Investigation of the General Security Service (G.S.S.) Regarding Hostile Terrorist Activity. (State of Israel: Jerusalem, October, 1987. This will be referred to as the "Landau Report." References in our text are according to paragraph number, not pages of the original Report.
16. The most sustained legal examination of the Landau Report, appears in the special issue of the *Israel Law Review* Vol. 23, Nos.2-3, Spring-Summer 1989. See also transcript of Symposium

- on "Moderate Physical Pressure" organized by Public Committee Against Torture in Israel and Association of Civil Rights in Israel, 12/7/90 (Jerusalem: PCATI, 1990)
17. For a detailed exposition, see the valuable contribution to the Israel Law Review symposium by Mordechai Kremnitzer, "The Landau Commission report - Was the Security Service subordinate to the Law, or the Law to the needs of the Security Service ?" Ibid pp. 216-279.
 18. See : Dr. Yohoachim Stein, "Moderate Physical Pressure," *Ha-aretz*. 9/4/90
 19. The most relevant comparison is France during the Algerian War. For a detailed study of how the ideology of the "civilizing mission" and the demands of security came to justify the systematic use of torture by this most "enlightened" of democracies, see Rita Maran, *Torture: the Role of Ideology in the French Algerian War* (New York: Praeger, 1990)
 20. M. Kremnitzer. "The Landau Commission Report...", p. 252
 21. Ibid. p. 269
 22. Amnesty International, *Torture in the Eighties* (London, 1984) pp. 233-236
 23. Ibid., p. 234
 24. *Torture and Intimidation in the West Bank: The Case of Al-Fara'a Prison*, International Commission of Jurists and Law in the Service of Man (1984)
 25. These cover allegations of poor conditions and ill-treatment of detainees in the immediate period after May 1982 when al-Fara'ah was set up as a detention center for holding detainees after arrest without warrant (under Military Order 378) for a period not exceeding 18 days before a court hearing. Up till autumn 1983, al-Fara'ah was used only for pre-trial detention; most interrogations took place elsewhere. Most detainees were released without trial and until December 1983, few were even questioned. The ill-treatment described in these affidavits seems aimed at humiliation and intimidation, rather than obtaining specific information. It should be noted though, that this was part of deliberate policy described by the then Chief of Staff, Rafael Eitan, as "tirtur" of the population. The Hebrew word tirtur sounds close to torture, but implies a general harassment through rounding up and arresting Palestinians.

26. Ghadda Abu Jaber, "1985 - Policy of Torture Renewed" (Jerusalem: Alternative Information Center, February 1986)
27. Raija-Leena Punamaki, "Experience of Torture, Means of Coping, and Level of Symptoms among Palestinian Political Prisoners," *Journal of Palestine Studies*, Vol.17, No.4 (1988) pp. 81 - 96.
28. Although this is beyond the scope of our Report, it should be noted that in this period, reports of torture consistently appeared from the "Security Zone" in Southern Lebanon. After the Israeli invasion of Lebanon in June 1982, Palestinians and others captured by the I.D.F. were interrogated in temporary detention centers first in Sidon and then elsewhere in South Lebanon (in al-Ansar camp, detention centers in other Israeli military bases or in Israel itself). The Shin Bet is now training S.L.A. officers in interrogation methods.
29. These changes are documented in Ze'ev Schiff and Ehud Ya'ari, *Intifada: The Palestinian Uprising* (New York: Simon and Schuster, 1989).
30. al-Haq. *A Nation Under Siege : Annual Report on Human Rights in the Occupied Palestinian Territories, 1989*. (Ramallah, 1990)
31. *Ibid.* pp.173 - 179
32. For further details on the case of Amin Amin, see Bir Zeit University Public Relations Office (7/7/89) and affidavits recorded by his lawyer, Abed Assali (copies sent to Legal Advisor, Judea and Samaria, 11/9/89)
33. Details in letter from his Attorney, Leah Tsemel to Head of G.S.S. (8/1/90)
34. Palestinian Human Rights Information Center Human Rights Updates: January 1988 - July 1990, (Jerusalem/Chicago)
35. Affidavit from Attorney Hamada Mhkheimer, 13/9/90
36. Amnesty International: 1990 Report, p. 129
37. *Ibid.*, p. 131
38. Physicians for Human Rights, *Health Care in Detention: A Study of Israel's Treatment of Palestinians*, (Boston: April 1990)
39. United States of America, State Department Report on Human Rights Practices, 1990.
40. See, for example, Michal Kedem, "Gaza Prison, the Shin Bet Wing," *Hadashot*, 29/9/89. This report contains a detailed

account by a Gaza resident, "Qasem," of a 30 day interrogation in Gaza Central Prison. His description of the methods used (sleep deprivation, wet sack over the head and pressed over nose and mouth, beating, tying up on the floor, etc.) are confirmed in our research.

41. Women for Support of Women Political Prisoners, various reports, Jerusalem, 1989-1990. See also Yoram Levi, "164 Detained Women and Girls," *Davar* 16/1/90.
42. For further details, see affidavits taken by Attorney Leah Tsemel (9/2/90); letter of Public Committee to Ministry of Justice (13/2/90); "Police Investigation: Arab Detainees Tortured at the Jerusalem Police Headquarters," *Hadashot*, 9/9/90; Yosef Cohen, "Two Steps Away from the Pedestrian Mall," *Kol Ha'ir* 14/9/90.
43. *Al Hamishmar*, 19/9/88
44. Dr. Levin reports that he then told the Camp Commander: "My name is Marcus Levin and not Josef Mengele, and for reasons of conscience, I refuse to serve in this place." One of the doctors tried to calm him down. "Marcus, at first you feel like Mengele, but after a few days you get used to it."
45. Physicians for Human Rights: "Health Care in Detention: A Study of Israel's Treatment of Palestinians," April, 1990 p.14
46. It is also worth noting the case of 'Awad Hamdan, who died in Jenin Prison on July 21, 1987, two days after his arrest, and exactly during the time in which the Landau Commission was deliberating. Initially, his death was attributed by the authorities to "natural causes": first a "heart attack," then a snake bite and then an "unusual form of pneumonia." The case was eventually taken (by Attorney Felicia Langer) to the High Court of Justice. Although the Forensic Institute first confined itself to a description of medical findings, Attorney Langer was later informed that the cause of death was "asphyxia: due to suffocation." The State Attorney reported in February 1988 that "the death of the deceased was apparently caused by negligence." It was clear that the G.S.S. had lied to the Landau Commission - while it was writing that the reprehensible 16 year record of lying had ended.

It was recommended that one G.S.S. agent be brought to trial for causing death through negligence and two others be disciplined for deliberately giving misleading accounts of the cause of death. (HCJ 711/77). In the course of later hearings (in March 1988 and

September 1988) the State Attorney confirmed that 'Awad Hamdan died of "asphyxia due to suffocation" although an autopsy report also referred to bruises on the body. The High Court ruled that only the family and lawyer could be informed about the exact medical cause of the death; the actual circumstances of the investigation could not be revealed in court. On September 21, 1989, the Jerusalem Magistrate's Court acquitted (in camera) the (anonymous) G.S.S. agent because his responsibility for the deceased's suffocation had not been proven beyond reasonable doubt. "In the interest of national security," details about the interrogation techniques were not revealed. For further details on the case of 'Awad Hamdan, see *Koteret Reshit*, 2/11/87 and al-Haq 1989 Report, pp. 182-183. After 3 years, the case has still not been resolved.

47. Further details may be found in the al-Haq 1989 Report, pp. 180-190, 218-231 and (on the question of autopsies and other investigations) pp. 571-581. Independent autopsies were arranged by al-Haq and the Physicians for Human Rights (Boston). We have also checked the original sources.
48. Each stage of this case has been extensively documented by the family's defense attorney, Felicia Langer in "The Death of Ibrahim al-Matur" (Tel Aviv: Israeli League for Human and Civil Rights, 1989). See also the report of the independent pathologist, Dr. Derrick Pounder, "Death of Ibrahim al-Matur," (submitted to Israeli High Court of Justice in HCJ April 12, 1989).
49. Nor of the pathologist's suggestion that the compliance of the Detention Center's doctor to the Commander's order to inject the detainee with valium, was a prima facie breach of medical ethics in terms of the U.N. and W.M.A. principles.
50. See Gidon Alon, "The Corruptions of the Shin Bet Continue," *Ha'aretz*, 18/3/90. For further details on the al-Masri case, see Atty. Felicia Langer, "The Ways of the Shin Bet," Report submitted to P.C.A.T.I., June, 1990
51. Khaled Ali's younger brother, Nasser, 19, and father, Kamel, 64, were also arrested on the night of December 7. They were informed that they had been detained to pressure Khaled into making a confession about hiding weapons. The father was interrogated (with the usual methods of sack on the head etc.) for two days and taken to see his son. A week later (after a curfew had ended) he tried to trace his son through the Red Cross and was

told that he was fine. In the meantime, Khaled's brother Nasser was being interrogated for 14 days in Gaza prison, during which he was subject to violence and threats and told that he would be killed as his brother had been. For details about Nasser's interrogation, see letter and affidavit sent by his Attorney, Tamar Peleg, (on behalf of the Association of Civil Rights) to the Attorney General (21/1/90) and our description in Sec.B.4 below.

52. See Ran Kislev, "One Blow Too Many," *Ha-aretz*, 11/1/90. This article speculates on what might have happened had the family not persisted in disbelieving the official version and had not been able to get help from an outside expert. For further details, see also Michal Kedem, "I Want To Look Into Their Eyes," *Hadashot*, 22/1/90
53. *Ha'aretz*, *Hadashot*, February 4, 1991.
54. Starting from August 1985, Mahmud Muhammad Abdullah Madkor (40 years old, married, father of 8 children) has been detained without trial in administrative detention for 52 months. In October 1990, (after he had been 52 months in prison) his detention order was extended for 12 additional months. He has never stood trial in his life, yet since January 1988 he has been out of prison for only 4 weeks. Abed al-Ra'uf Ghabin (bookshop owner and journalist, married with 3 children) is in his fourth period of administrative detention. His current arrest was on August 30, 1990. After 18 days he was brought before a judge, and, without the presence of a lawyer, his detention was extended by 70 days. He was not allowed to see a lawyer till September 24; four days later he was visited by Atty. Tamar Pelleg-Sryck who recorded his affidavit. In February 1991, while this reports was written, Ghabin's administrative arrest was prolonged to 6 more months.
55. G.S.S. agents can order the barring of meeting with a lawyer for two periods of 15 days each. A military judge can prolong the period for 30 additional days, and a president of the military court for a further 30 days. The military court can prolong the period of barring in the absence of the detainee.
56. See **B'Tselem**, *The Military Judicial System in the West Bank*, (1989) pp. 20-22.
57. See Association of Civil Rights, "Restrictions on the Right of Free Movement in the Occupied Territories," (Jerusalem, 1989), pp. 9-12.
58. As noted, representatives of the I.C.R.C. visit all detainees after the

- fourteenth day of detention. They are the ones who usually report to families of the detainees where detainees are being held, despite the fact that this is the legal obligation of the authorities.
59. It should be remembered that only fifty percent of the detainees in this group received a formal charge sheet. Even those who were convicted were guilty of only minor offenses.
 60. a. Murad Muhammad Isa Jadallah - "Urgent Action," November 8, 1989
 b. Riyad Shehabi "Urgent Action," July 23, 1990
 c. Abed al-Ra'uf Ghabin "Urgent Action," October 2, 1990
 d. Rami Fakhri Abdullah Muslah, "Urgent Action," November 13, 1990
 e. Ahmad Abed al-Rahman Husayn Kabana, "Urgent Action," November 12, 1990
 61. The American based organization, Middle East Watch [Division of Human Rights Watch], gave us information about one case where a detailed reply was given to a complaint. This concerned Sha'wan Jabarin, a field worker from al-Haq, who was brutally beaten by soldiers who arrested him. In response to a letter (October 17, 1989) from former United States President Jimmy Carter, detailing the alleged injuries, the then Minister of Defence Rabin wrote (October 27, 1989) that Jabarin (now under a one-year administrative detention order) "was medically in a good condition... the wounds on his body consisted of a slight graze above his chest and a slight bruise above his eye." Ending the letter with his warmest personal regards, Mr. Rabin adds "As to the beating of the man, it was only moderate enough to convince him to accept detention."
 62. For a further discussion of the wider issues, see Stanley Cohen, "Torture in Israel: Defining the Issues," *New Outlook*, Vol. 33, No. 9 (September, 1990) pp. 45- 50.
 63. See Amnesty International, *Torture in the Eighties*; Edward Peters, *Torture*, and other general references cited in Part A.
 64. For a further consideration of these conditions, see Avigdor Feldman's contribution to the symposium on "Moderate Physical Pressure" [footnote #16].

Appendix I

Amnesty International

12-Point Program for the Prevention of Torture

Torture is a fundamental violation of human rights, condemned by the General Assembly of the United Nations as an offense to human dignity and prohibited under national and international law.

Yet torture persists, daily and across the globe. In Amnesty International's experience, legislative prohibition is not enough. Immediate steps are needed to confront torture and other cruel, inhuman or degrading treatment or punishment wherever they occur and to eradicate them totally.

Amnesty International calls on all governments to implement the following 12-Point Program for the Prevention of Torture. It invites concerned individuals and organizations to join in promoting the program. Amnesty International believes that the implementation of these measures is a positive indication of a government's commitment to abolish torture and to work for its abolition worldwide.

1. Official condemnation of torture

The highest authorities of every country should demonstrate their total opposition to torture. They should make clear to all law-enforcement personnel that torture will not be tolerated under any circumstances.

2. Limits on incommunicado detention

Torture often takes place while the victims are held incommunicado - unable to contact people outside who could help them or find out what is happening to them. Governments should adopt safeguards to ensure that incommunicado detention does not become an opportunity for torture. It is vital that all prisoners be brought before a judicial authority promptly after being taken into custody and that relatives, lawyers and doctors have prompt and regular access to them.

3. No secret detention

In some countries torture takes place in secret centres, often after the victims are made to "disappear." Governments should ensure that prisoners are held in publicly recognized places, and that accurate information about their whereabouts is made available to relatives and lawyers.

4. Safeguards during interrogation and custody

Governments should keep procedures for detention and interrogation under regular review. All prisoners should be promptly told of their

rights, including the right to lodge complaints about their treatment. There should be regular independent visits of inspection to places of detention. An important safeguard against torture would be the separation of authorities responsible for detention from those in charge of interrogation.

5. Independent investigation of reports of torture

Governments should ensure that all complaints and reports of torture are impartially and effectively investigated. The methods and findings of such investigations should be made public. Complainants and witnesses should be protected from intimidation.

6. No use of statements extracted under torture

Governments should ensure that confessions or other evidence obtained through torture may never be invoked in legal proceedings.

7. Prohibition of torture in law

Governments should ensure that acts of torture are punishable offences under the criminal law. In accordance with international law, the prohibition of torture must not be suspended under any circumstances, including states of war or other public emergency.

8. Prosecution of alleged torturers

Those responsible for torture should be brought to justice. This principle should apply wherever they happen to be, wherever the crime was committed and whatever the nationality of the perpetrators or victims. There should be no "safe haven" for torturers.

9. Training procedures

It should be made clear during the training of all officials involved in the custody, interrogation or treatment of prisoners that torture is a criminal act. They should be instructed that they are obliged to refuse to obey any order to torture.

10. Compensation and rehabilitation

Victims of torture and their dependents should be entitled to obtain financial compensation. Victims should be provided with appropriate medical care or rehabilitation.

11. International response

Governments should use all available channels to intercede with governments accused of torture. Inter-governmental mechanisms should be established and used to investigate reports of torture urgently and to take effective action against it. Governments should ensure that military, security or police transfers or training do not facilitate the practice of torture.

12. Ratification of international instruments

All governments should ratify international instruments containing safeguards and remedies against torture, including the International Covenant on Civil and Political Rights and its Optional Protocol which provides for individual complaints.

The 12-Point Program was adopted by Amnesty International in October 1983 as part of the organization's Campaign for the Abolition of Torture.

Appendix II

"Extracts from Yossi's Testimony"

from Roly Rozen and Ilana Hammerman, "Yossi's testimony," in *Poets Won't Write Poems*, Tel-Aviv: Am Oved Publishers, 1990.

Yossi, aged 28, sergeant in the artillery corps. Worker in a factory in a kibbutz.

Me, when I got the call up for the reserve duty, I was quite happy. I said: "Great, let's go and beat the shit out of them." I must tell you, that even though I am in a kibbutz, I used to be a Likudnik, before I was a Likudnik, afterwards I didn't believe them, so I voted for Rafal. And the man I hated most was Yossi Sarid, because always when they did something to the Arabs he used to interfere, and I said: "What the hell, why are you always interfering, those people should be killed, it isn't even their country at all." And so, when I got the call up, I said: "Very well, we'll go and beat the shit out of them." To my friends I said: "If any of you guys hear of any Arab getting killed in Gaza, you can count on it that Yossi killed him."

And so we went to Tze'elim and there they told us that we shall be in the beach company, in Ansar 2, in Gaza, in the Prison. It was a very very difficult day. It was raining, there were strong winds, it was terribly terribly cold. We got there, and we were given a briefing by this major, exactly what we had to do, and they took us on a tour in the place. And then me, that first day, I went into the interrogation wing. While we were being shown around with this major, I peeked into the interrogation wing. And I see there a group that --- Until that moment I felt it was fun like, I said: "Great, we're here, if anyone should open their mouth we'll beat the shit out of them", and stuff like that. Really, until that moment, I said: "Me --" but just as I came inside the interrogation wing, we were going through the interrogation wing during that tour, and I see the people there standing, and trembling like, and -- some of them were barefoot, and they were tied, those who were dangerous were tied in their hands and also in their feet, and of-course in the eyes.

It's an open compound, and it has rooms all around it. The compound is open, right under the sky. I was really curious about it, I asked if I could come here to do guard duty, they said yes, soon. They asked for volunteers, I volunteered. I was curious to see what was going on there.

When I got there, I saw a military policeman. In every prison-compound, including the interrogation wing, there was a military policeman there. His job was simply to get a page with numbers, every prisoner had a personal number, they would call the number, than he'd answer with his name, to make sure. And all the time, they would also have counts.

Anyway then, in the interrogation wing, I went inside, me and another friend. He was a friend from my hometown, actually, we used to go to school together. And he also felt this kind of -- uneasy, about it. And so I'm sitting there, and I'm talking to him, and I see all of those prisoners, standing there, and shivering, shivering with cold. So I ask the M.P.: "Tell me, what - what's going on here?" So he says to me: "Ah, these sons of bitches, they ought to die!" So he goes to one, and says to him: "You ought to die, right?" and WHACK! he hits him. Hits him a few times. So I says to him -- he was like this, he wanted to show us exactly what his job was, this M.P. there.

There were a few prisoners in the confinement cells, and each time they would scream: "Policeman!" He would say to him "What?" and he says: "I got to go to the toilet." O.K., so I'd take him out to the toilet, and stand guard. But what upset me the most over there was that they stood there for hours on end, really since the early morning. It turns out that it is part of the interrogation. They stand there for hours. I spoke with one of the "Shabakniks", I said to him: "What's going on here, they've been standing here some six or seven hours." So he says to me: "What? This can't be true. Make them sit down, every hour they have to sit twenty minutes." The M.P. he'd exactly gone to get some prisoner, and so I let them sit down, the prisoners.

He went to bring prisoners from the compounds, and in the meantime the interrogators -- it's Druse and Circassian, who'd go through there, each time they'd go through, and beat them up, and say: "Yalla C'mon, get into the room!" to one of the prisoners. They would interrogate them, here and there you'd hear the "thump" and "whack" of the blows that they were receiving, and than they'd come out and stand there, crying and shivering.

The prisoners outside, I'd let them sit down every hour for twenty minutes or so, to tell you the truth, I didn't even look at the watch, I'd just let them sit down, until this M.P. would come and say: "What's going on? Make them get up! What do you think you're doing?" So I'd say to him: "Listen, they've only been sitting for ten minutes." "Waddaya mean ten minutes?! Get them up! It's an awfully long time!" He would go - with kicks, beating them up, slapping them in the face "Whack!" and so -- so me, at a certain point, I waited for someone else to come, to relieve me.

There was one guy there who was sitting, and the M.P. asked me to make him stand up. I come, and lift him kind of - this is of-course after he'd only gotten out of the interrogation room. So - umm -- he can't stand up. He starts crying, and he's crying and crying and crying. Of course, he's tied in his hands and in his eyes too. One of the prisoners says to me: "Policeman, I speak Hebrew, so I can help you." So I said: "O.K., ask him what's the matter with him." So he says to him: "What happened to you?" So he says to him: "I have pains in my shoulder and pains in my heart." So he says to me: "He's got a pain in his heart." Now, the shoulder, why the shoulder? He was tied from six o'clock in the morning - I'm talking to you now about seven o'clock in the evening. He was tied like this, with his hands behind his back, for thirteen hours approximately he was tied like this. I took him to the clinic, and -- in the clinic, my job was to guard the doctor. So that, heaven forbid, some prisoner shouldn't take some pair of scissors or an injection needle, and stab the doctor.

The doctor, the moment he saw him, he asked me if I'd seen what they'd done to him. He saw that I was a little embarrassed. So I said to him: "No, I hadn't exactly seen, honestly, I hadn't seen what they'd done to him, I just heard the screams, and one of the Arabs told me he has pains in his heart." He said to me: "What? Pains in his heart?" I said: "Yes." So he put him on the table, he was still tied, yes. They laid him on the table, but they took off his blindfold, because they had to open his eyes too, they had to see exactly who he was. And when they opened it, they took off his shirt, I saw a big blue mark, maybe 12 inches in diameter, around the heart, around his chest. Left. And the chest was swollen, very very swollen, I couldn't look at it. So the doctor asked me not to turn away, because I have to see exactly what's going on with him. OK, so, not having any choice, I looked at it. And he had this blue mark, and each time the doctor would check him, or press his chest, he'd let out a yell. It turned out that he also had temperature.

Anyway, to cut it short, they treated him. The doctor treats him like any doctor. I really have to stress this point, he was really OK. really OK. He was a reservist, yes. Sometimes he would curse, like "I'm sick and tired of this group, who beat the people up all the time, and then bring them to me to fix them up again." These were his exact words. He treated them really fine. The medics were also OK. One of them was a conscript, and he was really OK, and the others were reservists, and they were OK too. And that was one of the prisoners I took to the clinic.

But I took a few others. A few others, with fever, and with diarrhea, and with stomach aches. Because they were closed in the coolers, and the stench there was awful. Each time - I used to have to guard the

M.P., so that he could open the door - I'd have to stand three or four meters back, because of the stench. It was really, a hell of a stench it was. This was the first day.

They were locked up all the time. All the time. In the cooler, it's length was maybe two meters by a meter and a half. There were three guys there, three in each cooler. Also judging by the stench, they would do everything in the coolers. It was something terrible. When they couldn't take it anymore, they'd shout "Policeman". They'd clean their own cells too, by themselves. They by themselves, every morning they would clean their cells.

Inside the cooler, there were many people. What would happen was, that this cooler, it is not necessarily for guys who are dangerous, or who did anything worse than throwing a stone or a molotov cocktail. It's just guys, that once they get there, they'd put them in the compounds, the next morning they'd put them into the coolers. It's part of the interrogation. They have to be in the coolers for a few days, and then they'd put them outside in the yard, to demoralize them, and then interrogations, and then again, they see what's going on, if he confesses or if he doesn't, and then back to the compounds, or back to the cooler, until the trial. In the whole camp, according to what that major told me, there were maybe a thousand prisoners. Interrogation rooms they had eight. And each time the interrogators - they were conscripts - would come in and out, and on their way, of-course, giving them a blow here, a blow there, and cursing all the time. They would say to him: "You know your sister is a cock-sucker!" And for them something like this is very --- Or they'd say: "Your mother is a whore" or your mother is this or that, and all kinds of curses which it is very hard to repeat, words that I wouldn't know how to say, even if I wanted to.

So this was the first day, and at that time I hadn't heard the screaming yet. The screaming I heard on Saturday morning, there came interrogators from the Israeli police, also with Shabakniks, and those were screams which until today, when I sleep at night, I hear them inside my ears all the time. It doesn't leave me, I can't get rid of it, all the time. They were horrible screams, really, someone who sees a Hitchcock movie, or hears an actress scream in terror, I think it's nothing compared to how they were screaming there. I'm telling you, I was - my tent was about 30 - 35 meters away from the interrogation room, and I was sleeping after I had had night duty, and those screams woke me up in the morning. And the other guys in the tent would shout: "Go on! Beat them! Beat the shit out of the mother fuckers! Go on! It's free! Beat them!". And each time they'd turn and look at me, to see what my reaction would be. To tell you the truth, I didn't really want to pay any attention to them, 'cause after all, they were really stupid people. So I didn't want to pay any attention to them. [...]

There was this one incident there, that one guy came with twisted arm, and his shoulder was simply outside, dislocated. And it was terribly terribly shocking there. He was crying, terrible screams. And they got him to the doctor, the doctor checked him, he said he must be brought to the hospital right away. So the interrogators said: "No, we must interrogate him first." And so he got into the interrogation room, and when he came out, what should I tell you, I saw his shoulder outside, hanging out of its socket, really his whole shoulder. So I tried, like, to help him and to encourage him -- he was screaming all the time. All the time he was screaming and crying, screaming and crying. He cried so much, that from so much crying I couldn't stand there anymore, I asked one of my friends to do me a favour and relieve me here. To relieve me just for some fifteen, twenty minutes, just so that I could calm down. And of course I went to my tent to calm down, because I could not see those things. Not at all, I couldn't see them. I said to myself: "What, this is our army, is this what they taught us, in our army? What kind of thing is this? Where have we come to, where have we come to," I'm looking and I say, "Hell, we are Jews, we have been through the Shoah, and we start - excuse me for saying this, but we are starting to reconstruct it!" It's --- that's what it's like, this is simply what it's like.

They would take prisoners out in the morning, to clean our toilets. This really happened. What kind of thing is this? Prisoners should clean our toilets? Our showers? I just don't get it, I simply don't get it. I asked one guy over there, "Why should they be cleaning? Why not us?" He said: "Take turns yourselves," I said: "OK, we will, but why should they?"

Their way of behavior, the soldiers there, it was barbaric, really barbaric. You could see it in the way everyone who would go through the place, would give people blows, a blow here, a blow there. The group who was supposed to take the guys to the court in Gaza were issued with truncheons. On the way to the court, they would try their truncheons out on someone, and it was -- what should I tell you, it was something really terrible, really very very terrible. I was also issued with a truncheon, but I didn't have to use it at all. There were times when I had to use it, but I did my best not to. [...]

There was this one guy, who asked the policeman to come outside, because there is something very important which the family had to tell him, that no one else should hear. The M.P. wouldn't listen, and then this prisoner started to cry, he started to cry with his whole family. It turned out his sister had died. His sister had died, and I saw them crying. By the way, to tell you the truth, I am a very sensitive guy. This is so even when it concerns Arabs, and when I saw this thing I couldn't take it, so I walked out, kind of.

There were days there when I would have tears streaming down my eyes, real tears. I'd say to myself: "What, what am I doing here, Yossi,

what am I doing here. All the things you've been brought up to believe in, the values, the army, everything, and you are here?" It was terribly terribly shocking. Really terribly terribly shocking.

Every night, they would bring new prisoners in. Every night. And how do they bring them? Like trash in trash carts. They would pile them inside the trucks, throw them, like this, on the road, lift them up in a line – they are tied, of course – and then they start to make them march. They start to make them march, and then they get their equipment, they get their equipment, their personal numbers, and then – right away to the compounds, and then to the interrogation room. But on the way, what they go through on the way, it's — when I say the way, I mean about twenty meters from the sentry at the camp gate until the reception room. They get beaten up there, really badly beaten up. I don't even know how to describe these beatings. I really felt like a Nazi soldier. Really like a Nazi soldier I felt there. I'm really sorry to be saying this, but this was how I felt. To stand there with a gun hung round my neck, finger on the trigger, and to start telling the Arabs: start moving, stand here, sit there, do this, do that. This is not what I joined the army for. I joined the army to fight for my country, not to hold on to the territories.

After that, I got a leave, and I went home. I came home really shocked, I didn't want to talk to anyone. I just wanted some peace and quiet. I didn't want to be with anyone at all, and ever since I keep thinking about it, all the time...

I'm telling you these things, because it really really hurts me. Before, I used to think that everything they show you on TV is not exactly true. Now I see that what they're showing on TV really isn't exactly true. The true things they do not show. Each time, when they want to do something, they call a curfew, or say that it is a closed military area, so that journalists cannot come in. No entry here, and no entry there, so as not to show the things they are doing. And this is a great pity.

I think that the government has to see exactly what's going on there. I'm sure that the government itself doesn't know what's going on there. If the government knew what's going on there, they should have had to stop it, really stop it. Because they don't let people live over there. I'd like to see a Jewish woman, when they come in the middle of the night and take her son to prison, or beat him up in front of her, what she would feel like. After all we're also – I mean, we're human beings after all, human beings. We're Jews, and we've been through – We're going through very difficult times, all the time. And it's a pity that we should take this out on our neighbors.

It's true, they have amongst them, they have amongst them, like we have amongst us, this thing they call murderers, or – in my opinion,

look, I'd be very happy if they'd have the death sentence again. But then, it should be a death sentence to an Arab who kills, and to a Jew who kills. But they don't do that, do they. This is what they do instead. If an Arab throws a stone, they seal up his house. But if a Jew does something like that? Nothing!

Now -- things -- look --- I saw things --- I saw things over there -- especially in the compounds, these things-- the things that are done in Gaza and in Rafah are nothing compared to what's done in the compounds themselves... Do you have any question to ask? Because I, to tell you the truth, when I go back, when I -- I try to forget all the time, but somehow it is difficult for me to forget, really difficult. These things, I pray all the time not to see them. I have already told my liaison officer, that if I get called up again to do reserve duty in the same place, I'm going to refuse. If you want, discharge me, if not I'll take my bag and go straight to jail. I'm not in the least bothered. Not in the least.

I have come to the conclusion after this last call up, that I no longer want to be in this country. I don't want to be here any more, I just don't want to. I don't want to wear this uniform - and it's a uniform I was really proud to wear, I was really - as a regular soldier I was very meticulous, I really loved walking around in my uniform, to go down town, with my gun and everything, the beret on my head - then, at the days of Rafah. It was really fun. I spent three back-breaking years in the artillery. I was even wounded a few times, but I felt good. I felt good, because I said: after all, it's my country. And I never dreamt that I would reach such a state. That I should ever hate my uniform. I really never dreamt of it. Today I don't see myself as belonging here, belonging to this country. I don't want to be here, I definitely don't want to be here.

The trouble is, that I don't see the end. If I'd see some kind of light in the end of the tunnel. But I don't see anything. Nothing at all do I see, nothing at all. It can't be like this, that we, in this Intifada, that we shouldn't find any solution. We, in a country like ours. It's a great pity. It really is a pity...

They hate us, and there is nothing anyone can do about it, it's obvious that they hate us. In my opinion, we should just let them live. Just let them live their lives. They haven't got that much, anyway. They haven't got so many things over there. They've hardly got anything. They can't even develop, really. There's nothing they can do. In my opinion, we should just let them live their lives.

Look, I'll say this to you: until this thing, I used to hate the Arabs. I was really right wing, until before the reserve duty. I said to my friends: "If any of you guys hears about an Arab getting killed in Gaza, you can be sure that Yossi killed him." These were my exact words. And when I

got there, and saw that this is not exactly the way it is, I took myself aside, I said: "Yossi, think. Think hard. They are exactly like you, if someone threw a stone he should be punished right away, but not everyone is like this, not everyone." And that's exactly what it was like. Not everyone is like this. But the trouble there is, that everyone who goes on the street, they just grab him and beat him up, and -- yalla -- or anyone they caught breaking the curfew. What is this curfew? Curfew is when nobody is allowed to go out -- even people who want to eat! To go out, to get some food!

All of a sudden, I --- The truth is, even I myself did not know what was happening to me at that time, at the time of the reserve duty. These were things that were getting mixed up inside my body, or like somebody had put a drug, a drug in my body, and I don't know, I really don't know. I came out of there -- I finished this reserve duty, I turned into a very nervous person, I have never been nervous before. Suddenly I started swearing, which is something which I --- it isn't me it's coming out of. Curses like "Bastard", or "Shut up your cunt!" Things I picked up there, in my reserve duty.

I have become very nervous, closed up inside myself. And in the kibbutz, here in the kibbutz, everyone knows me as "cheerful Yossi", always laughing, cracking jokes, I appear in many plays here, do a lot of imitations, the whole Knesset, I have a great sense of humor. But lately, my friends are saying: "What's happening? You're back from your reserve duty, what's happening?" So I said to them: "Gentlemen, what you see on TV is nothing, you've got to go and see it with your own eyes. These are things which are very difficult to describe, very difficult to describe." I said to them: "It starts off with the screams from the torture, the way they are treated by the military police, by my friends from the guarding company, the beatings, I don't know, this -- I've come to the conclusion that I can't take it any more, this whole business." So they say: "What, what's going on with you, you used to be a Likudnik, what --- can't you see - - has this changed you?" So I said: "Yes, these things changed me." And this is exactly what happened. These things have changed me from pole to pole.

Appendix III

"We are the Shin-Bet"

Ha'aretz Supplement; January 5, 1990 [Extracts]

by Gideon Levy

Then a few I.D.F. officers, among them two young men in civilian clothes, entered the room. "Who are they?" I asked. "Those are the G.S.S. representatives," the person sitting next to me at the table replied. That was a few weeks ago, at the I.D.F. headquarters in Gaza. At the same time, my gaze took in the two civilians, my eyes focusing on every detail of their appearance. When it comes down to it, it's not every day that you meet two real G.S.S. men, and in Gaza, what's more. They looked, disappointingly, just like you or me. Young men in their thirties, soft-eyed, one even wearing glasses, the other with a beard. But at a distance of a few meters from the room in which we were sitting, Hamad Kamaal Sheikh Ali, a Palestinian detainee, died a week later, during interrogation by the G.S.S. He was beaten to death in the stomach.

Now, in a living room in a North Tel-Aviv suburb, two different young men, also in their thirties, are sitting opposite me. Jeans, Adidas, one of them wearing a gold chain with a Magen David on it, the other in round glasses, both smoking Marlboro. Today they are private investigators, dealing in financial investigations. They are now taking advantage of the knowledge they acquired during their five years of service in the G.S.S. in order to follow a cashier who has stolen, a kibbutznik who has stepped out of line, a young woman who has defrauded her insurance company. Until a little while ago, they served there, beyond the dark rooms, in the operations unit. Now they have agreed to talk, without revealing their personal identity: why they served there, what they did there - with understandable limitations; what the service did to them. "Someone has to do the job," they said more than once.

A. and B. are thirty-five years old. One is light haired, the other black haired; they have stubble in the morning, they shave in the evening; very pleasant men. A. grew up in an old established settlement in the North, a sixth generation Israeli, the salt of the earth. His father was a farmer; he comes from a right-wing home - the kind that "know the Arabs" from the fields, the vineyards, the orange groves. A. was in a battalion in the artillery corps, and joined the G.S.S. immediately afterwards: "Then, at the end of the Seventies, it was the most popular travel agency, they called it "Rafi- Tours," after Rafi Malka. The

motivation was to see the world, above all.

B. joined the G.S.S. at exactly the same time. He also comes from an old established family in an old town in the center of the country. As a child, he wanted to be John Wayne or, alternatively, a vet. He served in the paratroopers. He comes from a right-wing home; his father was a farmer. He was attracted by the element of adventure. So both of them went into the G.S.S. because at the time, people from their backgrounds went into the G.S.S., and they wanted to see the world, were attracted by the aura, the glory and the mystery.

A: "To be frank with you, I finished my military service, and with all my self-importance, felt: how can I suddenly start all over again? I didn't know what the G.S.S. was, but it was a direct continuation. I remember one of my first meetings with Rafi Malka who asked me what had attracted me. You might find yourself, he told me, sitting for twenty hours in front of the door to a house and waiting. I told him: Even so, it's the adventure. The Zionist bit is a thing you get into a lot later, not at the beginning." The two will have a lot more to say about that word, Zionism, later in our conversation.

These are not soldiers doing their compulsory service, not "miluimniks" [reserve soldiers] doing thirty days, but young men who chose this work as the focus of their lives. They are both eloquent, they vote for Likud or Labor, and say that we will have to get out of the occupied territories. Occasionally they go to pubs; they are married and the fathers of children. They are well-off. Most of their present friends are not from there any more. In any case, there, in the G.S.S., they regard them, people who leave the service, as traitors, undesirables. They see the use they are making of their G.S.S. knowledge for private investigations as sacrilege, they say. A. and B. for their part still regard the G.S.S. as a holy cow, a cow that has to be holy. Only the bus no. 300 case slightly marred this image - they were so angry about what happened, so amazed at their worshipped commander, Abraham Shalom, who disappointed them.

They are not made of the same stuff; B. uses a more elevated language, speaks a lot about missions and values. A. is more cynical. "Did you kill?" I asked them at one stage in our conversation. B: "No, I can faithfully promise you that I did not. I want you to stress the fact that the service foils terrorist activity, finds the guilty parties, and brings them to trial. That is the consistent policy, and there is no such thing as a G.S.S. man taking the law into his own hands, because bringing people to trial is seen as a success of the system, and we of course were in the operations unit that executes things." A: "That's a real propaganda leaflet on the service. Remember the saying; Why kill - did you speak to him first?" And then the two of them burst out laughing...

I haven't asked anything yet, and B. already says: "I want you to know that 95% of the work shouldn't involve any pangs of conscience, because you work against activities which are really against the State and not against parties, like once."

"All at once," says A., you find yourself in a situation of total awareness and belief in what you are doing, with total loyalty to the organization. I don't know how they do it, but it's a fact. Just like in the army, there too the commander is like God for you, he knows everything best. Like my little girl says today: 'but the teacher said so...' and the teacher knows everything."

And so they set out on their way in the G.S.S., and over time, the feeling and the satisfaction changed. Once they asked their commander, Avraham Achitov, why everything that they did always ended with a little announcement in the paper about the "security forces." Achitov, at the time the head of the G.S.S., replied, in a conversation, that, by the way, took place in a car, that in the I.D.F. they spent months and years preparing for the hour of trial, whereas they, excellent guys that they were, passed the test every day; did Zionist deeds every hour. B: "It's a wonderful feeling to know that you are the security forces. Operations to combat terrorist activities would give us real, immediate satisfaction, an emotional involvement. I remember I took part in the trapping of the murderer in the Hadassah house in Hebron, and I remember that the feeling was - I don't want to use superlatives - a Zionist feeling of security work and pride in our ability.

In annual summaries, they would always present them with the number of attacks that they had prevented. But this fulfillment and pride must surely also reach the interrogation rooms, and there detainees also died. M.K. Dedi Zucker told me this week that 15 detainees have died in prison and during interrogations in the past two year. "What is your explanation?" I asked the two.

Then came B.'s monologue: "First of all, you should know that an interrogation room is not another word for the Securitate or the K.G.B.. If a detainee dies from beating then there is a reasonable chance that it was not during the G.S.S. interrogations. A detainee goes through a lot of stations before reaching the 'interrogation cells' of the G.S.S. He passes through the hands of non-combat units who have no more than the usual animal standard of kitchen and storeroom staff. They'll kill me for what I'm saying, but I mean it.

"All the same, I am not totally naive and I wouldn't be surprised if people died during G.S.S. interrogations too, but that's an exception. You cannot ignore the fact that we are in a particular political situation and the G.S.S. men are in exactly the same position as the soldiers on the West Bank. Even the most left wing soldier who thinks we shouldn't

be in the territories, behaves differently when he's serving there. So if you don't believe in our need to be there until a political solution is reached, then don't join the G.S.S.. But if you see it as a mission, if you want peace and are maybe even prepared to give up the territories, then you know that until then, somebody has to save Israel from this terrorist sabotage, and that sometimes puts you in the same situation, which I don't justify, as a husband who loses his temper and hits his wife. That interrogator may, in a moment of anger, when the person being interrogated has balls and may even spit at him, hit him. But then he will be considered a terrible interrogator because success is in cracking by clever methods, by correct manipulation, by logical thinking with a knowledge of the Arab mentality and by touching their weak points. Sometimes, it's true, that isn't enough and then there is a need for such psychological torture or cruelty."

"What's cruelty?" asked A., and B. gave him an example: "Putting a bag over someone's head," and then A. said, with an in-unit humor, "Well it's his bag, isn't it?" B. continued: "It's psychological torture which gets results because we are not in Switzerland or Sweden, and I think that such a policy is necessary." Now A. asks to speak seriously: I don't really like the criticism from those high-souled people - it simply does not fit the reality in which we're living. If the political leadership would get rid of Gaza and the West Bank, for God's sake, great. But in the mean time, there's no alternative. Even the HaShomer HaTza'ir kibbutznikim know that Kibbutz meetings are one thing and serving in the territories is another. In living-room conversations there are solutions, and out in the field there are different solutions.

"If an interrogator tears apart a detainee and doesn't leave a single bone in his body, and because of that, manages to track down a terrorist ring, that's fine by me. Do you understand? Maybe the interrogator will even be suspended following the event, but he thought that using force would loosen the detainee's tongue. Do you remember, B., the case of the interrogator who was suspended because he hit the wrong man? You see, we get to a person who is not just some guy from the street - he's part of a ring, and we have a time limit and if we don't hurry, people will die. That's just the way it is. But I want you to know, there's no sadism. During the drama in Rumania, I thought to myself how a thing like that could never happen here because the service could never turn against the people. We protected the holy national interest which is principally saving human lives in the area of Arab activities, and in other areas, preventing intelligence sabotage which can also mean saving."

Did you beat anybody?

B.: "We were not directly involved in interrogations, but we used force. There were incidents in which we used force in order to get

results and not out of some need to beat somebody up. Not falaqa and not beating with instruments. It probably amounted to a few good dry blows, when it was really necessary, and no more, because a good intelligence service cannot operate if you kill people. For you interrogate someone with the aim of attaining information and arresting others. If you kill him by beating him you won't be able to get that. But you can't chop wood without splinters flying.

What does an interrogation room look like?

The interrogation room looks just like a police interrogation room. A room, a table, a chair. Unlike all sorts of wild imaginings which guide descriptions of interrogation rooms in the press as being like those under the darkest regimes, with rings for tying hands and sewers to drain the blood. I saw an article in the paper about a detainee who complained of severe torture which included standing for eight hours with his hands tied to an iron pipe. So first of all, you should know that it's not a torture chamber, but a water pipe that happens to pass through there; it wasn't built by architects specializing in torture chambers. And he also complained of having water thrown over him. I consider myself a liberal who wants peace and is prepared to give back the territories, and I tell you that that is a legitimate act of interrogation, even if the man turns out to be innocent.

What is allowed, and what is forbidden?

"Are you kidding? Do you really not know? A falaqa is a slap on the soles of the feet when they're bound. Read Amiah Lieblich's book about the prisoners of war in Syria and you'll get an idea and a sense of proportion about what interrogation is. A correct sense of proportion for those people who criticize us, those journalists whom I believe are sincere, but who have no scale on which to assess the material which we're dealing with. It's good to criticize, but you have to have a solution, and I'd like to hear one of those writers come up with a better solution once we're in the territories. If a terrorist attacks a bus and Rachel Weiss and her three children are killed, I'd like to know how you are supposed to interrogate the suspects? With a conversation over a cup of coffee? In an attempt to persuade them? I believe in the cliché that someone has to do the job. I believe that the government is legitimate and the peace process is legitimate, and as long as we're there, you have to look after the security interests and you can't do that over a cup of coffee. Because it isn't the problem between the French and the Flemish in Belgium, is it? I don't care if we're compared to the grimmest regimes in South America, to Panama, even though we don't throw people out of helicopters, but if anyone compares us to the Nazi troops, my temperature goes up to 3000."

Last week a detainee was beaten to death, during interrogation in Gaza.

"I studied biology at university and I know a bit about how the human body is built. I know that a person can have a cerebral hemorrhage in the middle of the street. I'm not saying that the man died in his cell; I definitely think that somebody gave him a good beating. But I don't believe that it was an interrogator. It could be one of the people out in the field - the border police, or the administration - and there such things are not the exception: it's a real problem.

"Once I brought a detainee to the administration and a border policeman passed by and slapped him. I turned to him and said to him: 'If anyone deserves a slap in the face it's us, not you.'"

It infuriated me - slapping someone like that for no reason. And that's not unusual. When we bring a detainee to the administration, every scum and every snotty-nosed kid gives him a vola. What, don't you even know what a vola is? A kick. Now, if they tell me that even so, it was a service man who killed the detainee, I will definitely regard it in the category of exceptions and unprofessional behavior which should be prevented. But on the face of it, I find it hard to believe that a G.S.S. man did it.

"You have to remember that the last two years have put terrific pressure on the interrogators. A huge work load which could also cause exceptions, and then the offender is punished. Maybe not in your terms - he isn't given a criminal trial, but he is suspended or reprimanded. However funny and disproportionate from the point of view of causing a person's death it may sound to you, it's a serious punishment in a service in which the workers' involvement is so great. He might even be kicked out of the service. But I don't want that sword of criminal trial to wave above the heads of the interrogators, because their work is always on the razor-edge between the legal and the illegal, the humane and the inhumane.

"I rely on the people behind the interrogation tables to have the understanding and the experience and the level of morality, however hard it may be to use that word in those 'cellars,' to know how not to lose all vestiges of humanity. I don't want to sound like a P.R. man for the service, but most of the workers there remain inside frames, because you see, they are people just like you and me. That's all I have to say. What can I tell you, I believe in those people, and I believe in that body, even if, like anybody, it might sometimes have rotten elements inside it.

I had brought Fatma Abu-Bakra's signed statement along with me to the meeting with the two. On three folio pages she sums up in minute details the process of her interrogation by "Steve," "Abu Ala," "Abu Yunis" and "Abu Daoud," G.S.S. interrogators. According to her, there were 4-5 days of interrogation with no sleep, a certain amount of

strangulation, beatings and also sexually humiliating acts. "Abu Ala," she states, played with her breasts, pulled down her dress, said he would "give it to her," and was sexually aroused.

Does that sound reasonable to you?

I asked. B.: "I'm not saying I don't believe a word of it. I'm even prepared to assume that it's all true. But even according to her description you can see that that is not the G.S.S. policy. She describes the interrogator's sexual excitement, his bulging trousers, his reddening face, and if this was policy, he wouldn't redden and their trousers wouldn't bulge. If that was the policy, they would become like gynecologists and not get excited by anything any more. There's a deviation on the part of the interrogator here, and I see her statement as support for what I said, that that is not G.S.S. policy, that in the interrogation training course you do not learn how to feel up woman detainees.

"I cannot accept the interrogator's behavior, but all the same I understand him. Inside that hell, there are people who get carried away, if only because we are all human. Sexual humiliation is not the norm. Now I'll say something psychological too: give the most enlightened and sophisticated people that same door-opening G.S.S. certificate, and they'll have to have incredible restraint in order not to fall into the feeling that they are above the law. Do you know where I encountered that feeling? On the road. When we were in the car, we had the feeling that the traffic laws were made for ordinary civilians, not for us."

And A. says of Abu Bakra's statement that only yesterday a senior doctor from Kfar Saba was arrested for a similar act, and it can happen. Then he added a few words on Arabs in general: "Exaggeration is one of the things you find in Arabs. The Arabs live in a world of imagination. For example, they have the 'Daba' story. The 'Daba' is a hyena which, according to their legend, hypnotizes them with its urine. Every Arab that I've met comes out with the 'Daba' story. When I asked them if they themselves had met the 'Daba', they said: yes. When I pressed them, they said that their father had told them that he'd met it. There's a problem with the Arabs, a mental problem, it's a terrible thing that I'm saying, but it's basically and genetically different from Westerners.

"It sounds racist, but you know a Beduin cannot pass a polygraph because his moral level is different from yours. As far as he's concerned, killing his sister is all right. He can say that it's night now and it will come out true on the polygraph. He might tell the truth if he's slapped. Non-Arabs were never beaten in the G.S.S. to the best of my knowledge, because you don't have to beat people like you or me.

You can get the same results with a little cleverness and without beating. They never did beat and they never will beat, I hope, some Eastern European who comes to take photographs here. Because he will let his trousers down even without beatings. An Arab is different. Yes, listen, that's the difference.

The two left the G.S.S. because they felt that they'd exhausted themselves, because there were very few opportunities for promotion, because B. chose to study and A. wanted to make money. Looking back, he is a bit sorry that he left so soon, because there's always enough time for making and losing money. And at the time there was a sort of innocence about the service: once 200 dollars that belonged to a detainee in the Jewish underground case disappeared. Nobody in the service, so A. says, could even have imagined that somebody had stolen the money. "Today, if I find 200 dollars, I wouldn't go from person to person asking if the money is his. There was something there that was pure and unsoiled by Tel-Aviv life."

Afterwards, B. and A. were swallowed up by their B.M.W. and white Sierra - yere's a cordless telephone in the Sierra - and disappeared, not before saying that their years in the service were the best years of their life.

Appendix IV

The appendix includes one letter of seven sent by Atty. Tamar Pelleg-Sryck to the Attorney General. This letter details five complaints of ill-treatment during interrogation. Atty. Pelleg-Sryck did not receive any reply on this letter (nor on other complaints detailed in her 6 other letters). A reminder letter to the Attorney General and their response are also included.

From: ACRI
12 Bialik Street, Tel Aviv
546/10
5 January 1990
To: Mr. Yosef Harish
Attorney General
29 Salah-Ed-Din Street
Jerusalem

Sir,

re: Complaint about a brutal interrogation at the General Security Service wing in Gaza Prison regarding my clients Haled Abed al-Rahman Mattar, Hada Faris Mughrabi, Isma'il Khalil Muhra, Fathi Hussein Hassan al-Bawab, Mansur Muhammad Al-Tawabta (Tabil).

I was asked by my clients to present to you their complaint about the methods of interrogation practiced on them, as they state in their enclosed affidavits, by General Security Service interrogators in the "Left Wing" of Gaza Prison. According to their legal representative, Attorneys Raji al-Sourani of Omar Al-Mukhtar Street, Gaza, joined me. My clients also ask that their complaint be investigated and that those responsible for what had been done - should such persons be found - be brought to trial on criminal charges.

1. General

I visited Gaza Prison on January 2, 1990, and was allowed, thanks to the active help given me by the Gaza Strip District Attorney, to see the five prisoners in such conditions of time and space as made it possible for me to take their affidavits. I stayed in the Prison for about three hours. I saw each complainant on his own. Attorney Sourani attended my interviews with some of them.

The complainants had been arrested at their homes between November 21 and 30, 1989 and were taken to the General Security

Service Interrogation Wing in the Gaza Prison.

The pattern of the interrogation, as reported by the complainants in their affidavits, was similar. When they refused to answer the interrogators' questions, the beatings started. In the course of the beatings they had their hands and feet tied and their heads shoved inside sacks covering their faces. They were made to lie on the floor with their legs apart. A number of the interrogators participated simultaneously in the beating, which included strangulation by an interrogator sitting on the interviewee's chest and stopping his nostrils and mouth with a damp sack. At the same time, another interrogator would squash or hit the interviewee's testicles. Another interrogator would hit other parts of the body. One of the complainants added that tear gas was squirted from a small container into the sack that was covering his face. In between such "sessions" the interviewees were taken to a cell which they call the "refrigerator." Two complainants reported that during the interrogation they became incontinent. Another complainant reported that he kept vomiting. Two were treated by a doctor who came to the Interrogation Wing.

The interrogation caused various injuries, physical as well as psychological, including pains and malfunctioning which have not yet ceased.

From what the complainants say, there is a wide gap between the allegations which were the reason for the interrogation, and the confessions they made to the police at the conclusion of the interrogations.

Making a confession to the police was interwoven with interrogatory sessions held by the General Security Service.

While they were in the "refrigerator" some of them were not allowed to sleep. This task was carried out by a soldier.

The interrogations lasted up to 21 days.

The names of the interrogators as given by the complainants are as follow:

Jack, Abu Issa, Moussa (given by complainant Khaled Abed al-Rahman Mattar); Abu Awani, Abu Ziyad, Moussa, Jack, Assi Wa'adi also called Moti (given by complainant Isma'il Khalil Muhra); Jack, a person weighing about 100 kg. (given by complainant Khadar Muhammad Faris al-Mughrabi).

2. Complaint of Khaled Abed al-Rahman Mattar, ID #911425130

Khaled Abed al-Rahman Mattar was arrested on November 21, 1989. His interrogation started that very day at the General Security Service Wing of Gaza Prison.

The following excerpts are taken from his affidavit:

I was taken immediately to the Interrogation Room. When I refused to answer I had my hands tied and was made to lie on my back on the floor, and began beating me all over my body. They put a damp sack on my head and shoved it up my nostrils so that I could not breathe. While beating me they would stop my nostrils and grab my testicles. This was repeated about six times.

In between times all they did was ask me whether I would talk about my relations with someone whose name they mentioned. They alleged that I was in charge of that person within the framework of the Intifada. I do not remember how long this went on. I was kept at the Interrogation Wing for 11 days. I thought I was there 5 days. I completely lost any sense of time.

In between sessions I was made to sit on a chair, with the sack.

I do not know when I confessed to whatever they wanted me to confess.

During those 11 days I was put in the "refrigerator." I do not know exactly for how long, for my condition was like that.

I lost all sensitivity in three fingers on my left hand: thumb, forefinger and middle finger. I noticed it when I was they concluded the interrogation after 11 days. I cannot lift anything.

I have pains on the left side of my chest. I told a doctor, who said it would clear up.

During the 11 days I slept twice, in the same chair, in between interrogations. Jack, Abu Issar and Moussa interrogated me. In the condition I was in, I couldn't tell exactly how they looked.

I admitted that I had coordinated between groups. I did not admit to being the Popular Front Leader in Gaza as they wanted me to admit, but I admitted that I was in charge of Shati Camp and Nasser Suburb. I did not admit to any violent activity.

3. Complaint by Khadar Muhammad Faris Mughrabi, ID #906131032

Khadar Muhammad Faris al-Mughrabi was arrested on November 22, 1989. He was transferred immediately to Gaza Prison for interrogation. The following excerpts are taken from his affidavit.

I was taken in to be interrogated. There were two interrogators... . When I did not cooperate they handcuffed me again and started hitting me violently all over my body while I was still standing.

"Answer, are you a man or a woman?" Then they moved me to

another interrogation place. They made a "banana" (the hands are tied across the back, the legs are tied, and afterwards, the tied hands are attached to the tied legs). They put me down flat on my belly, then turned me over on my back. They put a sack over my head, and stopped my nostrils and my mouth. They squashed my testicles. They repeated the question: "Are you a man or a woman?" Every now and then they removed the sack to let me breathe for a moment.

I nearly lost consciousness. I remember that they made me sit on a chair without chains on my legs and told me to start counting: 1.2.3. At first I could not see well. They showed me their fingers and asked: "How many?"

Ten minutes later they resumed the "banana" interrogation as described above. They said: "We'll get evidence and you'll plead guilty in any case." It continued this way until morning. I knew it was morning because they mentioned breakfast.

They put me inside the "refrigerator," saying it was only a mild beginning. "Tomorrow you'll see what follows." The "refrigerator" was totally dark and cold. I shivered. It was perhaps no more than 0 degrees Celsius. Or [perhaps] because I had been beaten I could not assess the temperature.

About half an hour later I was taken to face another team of about 6 persons. They offered me coffee and told me to speak when spoken to kindly. I refused. They removed the coffee and started the same treatment described above. I think 5 people took an active part, and one supervised. One man sat on my chest, another beat me and kept jumping on my belly, and another squashed my testicles. As a result I urinated and defecated. Many people told me that the same thing happened to them too.

It lasted nearly all day. I lost any sense of time.

I lost consciousness about four times. Every time I found myself seated on a chair. It is hard to describe the situations I was in. I prefer death to a return to these situations. I lost all self control. I was interrogated like this nearly every day. If I said "No" to what they asked they would make a "banana" or handcuff me and beat me as described above. A few minutes later I would plead guilty to whatever they said to me. Towards the end I said: "Right. We killed him." "How?" they asked. "I don't know how," I answered. He pressed me, so I said: "We abducted him and cut him to pieces." "Where?" they asked. "I don't know," I said.

[...] The following day I was summoned again. I told them that

everything I had told them before was not true. "Yes," they said, "but we know that the Popular Front murdered him."

"I have nothing to do with the murder," I said.

When the police took my confession they didn't even ask me about that. While the police were taking my confession they sometimes called in the General Security Service, or took me to the interrogation room.

[...] To this day I cannot use the little finger of my left hand and the middle finger of my right hand. My hands tremble. I also have chest pains and difficulty breathing, as well as pains on both sides of my waist and the chest. I cannot sleep. I have pains in my testicles. I feel I do not breath regularly. I find it difficult to concentrate.

4. Complaint of Isma'il Khalil Muhra, ID 922811450

Isma'il Khalil Muhra was arrested on November 24, 1989 and taken Gaza Prison for interrogation.

The following excerpts are taken from his affidavit.

Abu Awani, who had once been an officer at Ras Jabaliya, talked to me for about half an hour... He said that I was at the head of the Popular Committee at Jabaliya and that my underground codename is Ahmed. He also said that I had killed someone. I denied it, so then he said: "It's your fault that I cannot talk to you gently."

[...] The first day, when I refused to confess, I was beaten on my testicles. The interrogator crushed them with his hand and made me lie down on the floor. He put a sack over my head and face, then poured water over the sack. He started bashing my head against the floor until it bled. This was repeated.

Before dawn, at about 3 a.m., I was taken to the "refrigerator" where I was left until about 6 a.m.. Then Abu Ziyad summoned me and said that Abu Awani had told him that I would not talk. I answered that I had nothing to say. He said: "If you won't talk you'll talk out of your ass." They reminded me about Mahmud, who had undergone difficult torture. I was returned to the "refrigerator."

About two hours later a new team came along, headed by Moussa. Jack, Toni, Adi (who is also called Moti) and Assi were also there.

I was taken into the room. The handcuffs were tightened. I was made to lie on the floor. One person sat on my chest. They dipped the sack in water, and started tightening the sack to my

face, nose and mouth. Another person squashed my testicles, another kept kicking me in the stomach. It lasted about 10 minutes. I tried to resist and managed to get them off me. Then they placed a chair between my legs which had been forced apart. They dealt with me as described above and added to the sack some tear gas out of a small container.

I lost consciousness.

I said I was prepared to talk. They asked me about a connection with a person named Hadar. They asked me about murders. I denied any connection. It lasted about half an hour.

They resumed torturing me as described above. After each round they said: "This is only a check up, we haven't yet started seriously."

I was put again in the "refrigerator."

In the afternoon, at about 3 or 4 p.m., a new round began. They resumed the torture, but without the tear gas.

When I was inside the "refrigerator" a soldier would peep at me every now and then: if he saw me asleep he would wake me up. This lasted 4 days.

On the fourth day they left me standing in the hallway. A soldier would beat me every now and then.

This went on until the tenth day.

After the fourth day the beatings lessened. The interrogation continued but it was less harsh. They did not strangle me, but I was slapped on the face and they crushed my testicles... .

5. Complaint of Fathi Hussein al-Bawab, ID 92288563

Fathi Hussein al-Bawab was arrested on November 28, 1989. He was transferred to Gaza Prison for interrogation.

The following excerpts are taken from his affidavit.

I was taken to interrogation right away. I was interrogated by someone whose name I don't know. He told me what the allegations were. He informed me that the interview method was a sort of concession for my sake only, because there was evidence and there were witnesses. At about 3 o'clock he asked about all sorts of people in prison, members of the Popular Front. Then I was told that the interrogation would be harsh.

My hands and feet were put in handcuffs, and both my hands and feet were joined together with a chain behind my back. They started beating me until they had me lying down on the floor. A chair was put between my legs. One of them sat down on the

chair - the person whose task it was to hit the testicles with hands and feet. Another sat on my chest - the one whose task it was to put a sack over my face and pour water over the sack. He fastened the sack to my nose and mouth for about 30 seconds.

They they asked: "Do you want to confess?" They allowed me to breathe a little and then they carried on this way with beatings on the stomach and other places between 4 and 6. It continued this way for 11 days, with me in the interrogation room 3-4 hours at a time and then in the "refrigerator." It is a tiny room, totally dark. Its function is presumably to refresh me. Because of the beatings the body gets warm and I did not feel the full extent of the cold. Maybe the "refrigerator" is meant to obliterate the beatings.

Sometimes I was left in it a long time. All night long. Then I felt the cold. Or when I was put there without having been beaten first.

During the last two days of the interrogation I had nothing to eat or drink. During the interrogation I urinated and the urine was reddish, particularly during the early days.

Twice I lost consciousness and regained it while they were trying to bring me round. That happened after they had stopped my mouth and nose. I lost all sensation except that of suffocating. The feeling is that you're going to die. Sometimes I wished I were dead. I did not resist, so that I could die. And at the same time I felt I was fighting for my life.

When they returned me to the "refrigerator" they would release me from the "banana." My hands were on my stomach, in handcuffs.

On the 11th day, I was taken down for two nights, Friday and Saturday.

On December 13, I was taken before a judge for a remand in custody. At about 9:30 that day I was asked about someone who had been with me at "Zinzana." They said to me: "Everything you said to him has been taken down. He's an officer, not a prisoner." I said: "I haven't ever talked to him." Then the interrogation became harsh. They resumed carrying out the beatings I described earlier. It lasted 6 days. They let me sleep a little, then resumed their interrogation as described earlier, and threw questions at me.

On November 18, 1989, I started giving a confession to the police, saying that I was the leader of a Popular Committee of the Popular Front... . The interrogators wanted me to confess to

everything that other people had said about me. When the police came they pressed me to confess, and whenever I did not admit to something, they called a General Security Service interrogator – the one who was in the General Security Service interrogation room. I pleaded with them that in my physical and mental condition I was not able to make a confession - that I could not hold a pen in my hand. I signed in order to get out of it. They didn't read the confession aloud to me – only the headings.

On December 19, I finished with the police. They took my fingerprints. I was moved to the passage, where I was beaten by passersby... .

[...] I still have no sensation in some parts of my body, and I cannot sleep. I have pains in my arms, shoulders, and chest. On the right side of my waist I feel as if I have a balloon inside. I don't have full control of my hands and fingers, particularly the left hand. I cannot even break an egg in half. The tips of my fingers keep trembling. Two weeks after my arrest I was noticed by an officer during roll-call. I was not able to stand. I was taken to the infirmary and was given some medicine, but I lost it during the interrogation.

6. Complaint of Mansur Muhammad Muhammad al-Tawabbat (Tabit) ID 925545262

Mansur Muhammad Muhammad al-Tawabbat was arrested on November 30, 1989, and taken to Gaza Prison for interrogation.

The following excerpts are taken from his affidavit.

I was taken immediately to interrogation at Gaza Prison. I was not questioned about anything in particular, but about "military activity" in general. Later [I was asked about it] in a more detailed way. They said: "There are members who say a lot about you." I said: "There's nothing."

That night they started a harsh interrogation [which continued] on Thursday for a whole day, and thus also on Friday, until noon.

My hands were tied behind my back, and so were my feet. I was taken to the interrogation room. They asked questions. I said I had nothing to say. I was standing and they started beating. Then they made me lie on my back. They put a sack over my head and started strangling my nose, mouth and throat.

There were four people. One was strangling, one sat on my stomach, one kept hitting my genitals, and the fourth one was

sitting on the chair that had been put between my legs to keep me from closing them, so that they would be able continue hitting my testicles.

On Friday they gave me a rest, and on Saturday as well. On Sunday they resumed in the same way. I already had swelling over my body, testicles, feet and throat. I have had a stomach ulcer for a long time, so I had pains. I vomited many times. They fetched a doctor who gave me pills. The doctor saw me when I was in the Interrogation Wing. I don't know what day it was.

They went on with the interrogation from Sunday to Tuesday. On Tuesday they fetched my friend Fathi. Before and after I was put in the "refrigerator" for 4 days. On Friday and Saturday, as mentioned earlier, I was given a blanket and I slept.

When they fetched Fathi they said that he had given me a letter from abroad, in which I was asked to work, to reorganize the military aspect of the Popular Front. I admitted to it. I asked them to be accurate in their allegations against me. They know I haven't done anything. I also admitted that at Fathi's request I had written a letter to a certain person. This I admitted on Tuesday. On November 18, 1989 I was remanded in custody for a further 90 days.

I feel weak. Weaker than during the interrogation. I am getting worse because of the cold in solitary confinement. There are not enough blankets, and I have pains in my testicles and hands. I can't feel my hands.

7. On December 21, 1989 I sent you a complaint by Mahmud Madkour concerning his interrogation at Gaza Prison at the beginning of November. Madkour's affidavit gives a picture similar to the one described in the affidavits of the 5 above mentioned complainants.

I should be grateful if you would order an immediate and thorough inquiry into the complaints mentioned above and inform me of its findings.

Enclosed: photocopies of the complainants' affidavits.

Yours sincerely,

Attorney Tamar Pelleg-Sryck

Copies: Brigadier General Amnon Strashnov - Chief Military Attorney
Lt. Colonel Ya'akov Hassidim - Legal Advisor Gaza District

To: Mr. Yosef Harish
Attorney General
29 Salah El-Din Street
Jerusalem

November 21, 1990
ref: 956

Dear Mr. Harish,

The B'Tselem staff is currently preparing a report on G.S.S. interrogation methods. To this end we are interested in receiving information regarding to incidents of death and suspected torture in G.S.S. interrogation wings.

I would be grateful if you could assist me by giving me information on the following topics.

1. In cases of death in prison interrogation wings, did those people who had an apparent part in causing death stand trial?
2. What is the status of the investigation of complaints brought to your attention by Attorney Tamar Pelleg-Sryck.

A. The following complaints were sent to you on January 5, 1990 (ref. 546/10).

1. Khaled Abed al-Mattar, ID #911425130
2. Khader Muhammad Fares Mughrabi, ID #906131032
3. Isma'il Khalil Muhra, ID #922811450
4. Fathi Hussein Hassan al-Bawab, ID #92288563
5. Mansur Muhammad al-Tawabbat, ID #925545262

B. Complaint submitted on December 21, 1989 (ref. 10/542), for Mahmud Muhammad Abdullah Madkor, ID #90388553.

C. Complaint submitted on May 8, 1990 (ref. 656/10) on interrogations:

1. Muhammad Tzavhi Ibrahim Jit ID #920806379.
2. [name omitted for confidentiality]*

D. Complaint submitted on January 21, 1990 (ref. 551/10) regarding the interrogation of Dr. Muhammad Yusuf al-Hindi ID #92645516.

E. Complaint submitted on January 21, 1990, regarding the

*The complaint was submitted, with full details, to the Attorney General, but the complainant requested that his not be published.

interrogation of Nasser Kamel Muhammed Sheikh 'Ali, ID #98033560.

F. Complaint sent on October 3, 1990 (ref. 805 10) regarding the interrogation of Abed Gaben, ID # 96594055.

G. Complaint sent on November 12, 1990 (ref. 805 10) regarding the interrogation of Rami Abdullah Musalah, ID #900944372.

3. In the course of your dealing with these complaints, were testimonies taken from the complainants? What body is investigating these complaints? Where these people tried? Are there other results which can be reported on?

Sincerely,
Dr. Daphna Golan

Following another letter of reminder, this letter was received by Atty.. Tamar Pelleg-Sryck:

From: Office of the State Attorney Ministry of Justice
Chief Office
Jerusalem
18 November, 1990
7222/12
Sh.Z. (5672)

To: Ms. Tamar Pelleg-Sryck
The Association for Civil Rights in Israel
Bialik Street 12
Tel-Aviv 63324

Dear Ms. Pelleg-Sryck,

re: Complaint regarding G.S.S. interrogation in Gaza Prison

Referring to: Your letter of November 12, 1990

We hereby inform you that we referred your letter regarding the above for review and processing, and when we receive the findings, we will inform you.

In the last paragraph of your letter regarding the above, you state that

you had not yet received an answer to ten complaints similar to the subject of your letter, on the matter of G.S.S. interrogations in Gaza Prison, and this in addition to complaints about G.S.S. interrogations in other prisons.

The State Attorney General has instructed me to request you to send us the photocopy of the complaints which have not been answered, in order to allow us to investigate the matter, and in those cases for which you have not received an answer, to promptly answer accordingly.

Sincerely,
Gilead Noitel
Senior Aide to the State Attorney General
On Behalf of the State Attorney General

cc: State Attorney's Office

From: State Attorney' Office
Date: 26 February 1991

To: Dr. Daphna Golan
18 Keren HaYesod St.
Jerusalem 92149

Dear Ms. Golan:

I received the request transferred to me by the Attorney General on November 21, 1990, in which you raised questions regarding G.S.S. interrogations.

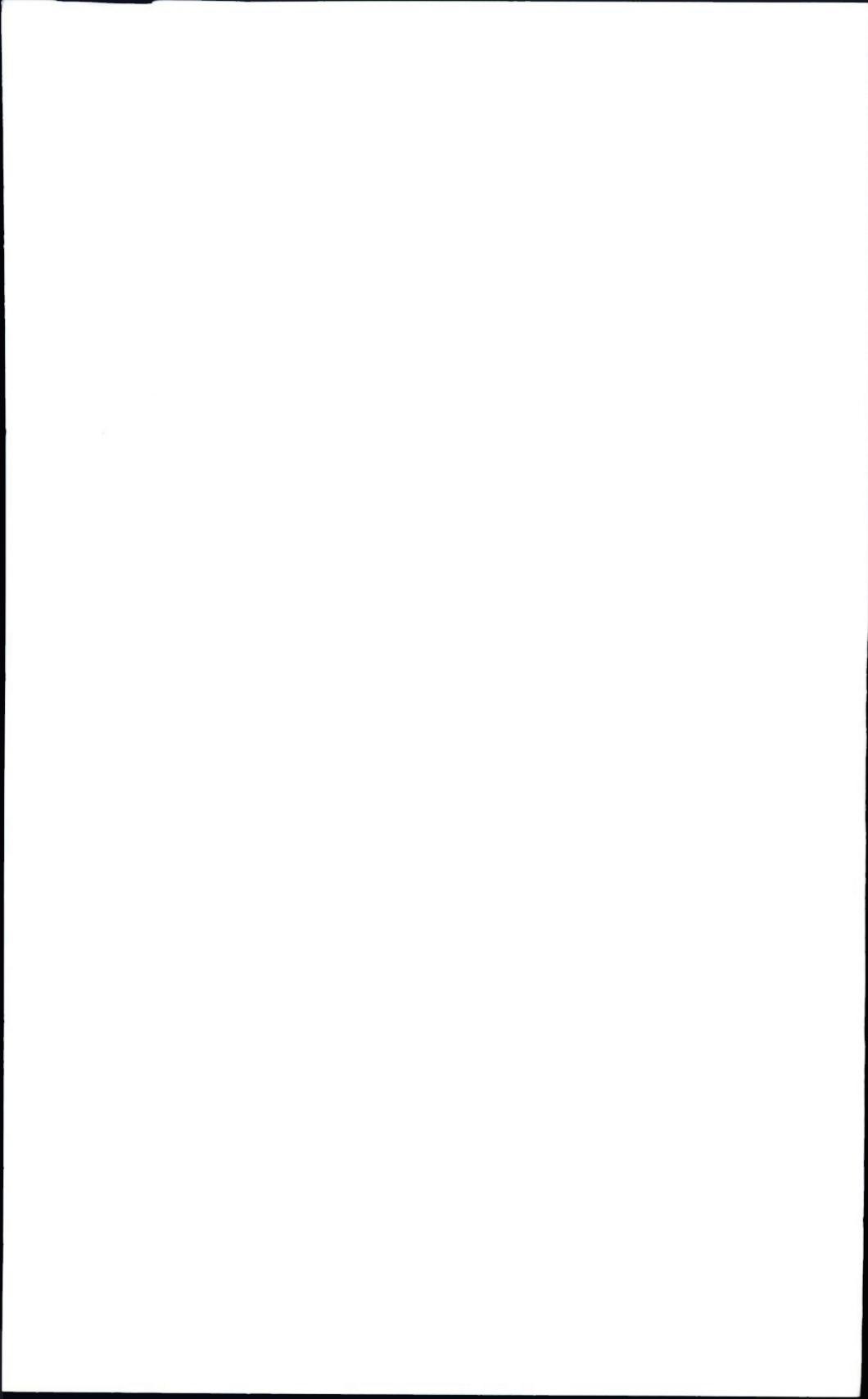
We have recently stepped up the processing of the subjects raised in your letter, and we hope to send you our response, all at one time, regarding the questions you raised in your letter once we get responses to all the complaints mentioned in the letter.

I regret the delay in sending our letter, and we hope to send you our response in the near future.

Sincerely,
Rachel Sucar
Deputy to the Attorney General for Special Tasks

at/342

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B'TSELEM, the Israeli Information Center for Human Rights in the Occupied Territories, was established in February 1989 by a large group of lawyers, doctors, scholars, journalists, public figures, and Knesset members.

B'TSELEM has taken upon itself the goal of documenting and bringing human rights violations in the occupied territories to the attention of the general public and policy and opinion makers and of fighting the repression and denial which have spread through Israeli society.

B'TSELEM gathers information - reliable, detailed and up to date - on human rights issues in the occupied territories, follows changes in policy, and encourages and assists intervention whenever possible. The center is assisted in its work by a lobby of ten Knesset members from various parties. B'TSELEM makes its information available to any interested individual or organization.

B'TSELEM was created through commitment to and concern for the security and humanistic character of the State of Israel. This commitment and concern underlie all of the center's activities and form the core and cause for its existence.