



המוקד להגנת הפרט

مركز الدفاع عن الفرد

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Date: April 20, 2015
In your response please note: 78563

To
Advocate Yehuda Weinstein
Attorney General
Ministry of Justice
29 Salah a-Din Street
Jerusalem 91010

**By Registered Mail
and Fax: 02-6467001**

Dear Sir,

Re: **Prohibited Interrogation Measures used by ISA Interrogators**

Reference: our letter 78563 dated September 11, 2014, to the State Attorney's Deputy for Special Affairs, and our letter dated November 10, 2014; Response 118/14/25 of Advocate Rachel Matar dated December 25, 2014.

1. I hereby turn to you with respect to the above referenced matter as follows.
2. HaMoked: Center for the Defence of the Individual (hereinafter: **HaMoked**) is a human rights organization which handles, *inter alia*, complaints of Palestinian detainees of tortures and abuse used in interrogations conducted by the Israel Security Agency (ISA).
3. In this context, we receive many testimonies of Palestinian detainees, who underwent ISA interrogations. The diverse testimonies depict a problematic situation, which points at inappropriate phenomena in ISA interrogations, phenomena which amount to abuse, degrading and inhuman treatment, and even tortures, which are absolutely prohibited by law.
4. When the need to do so arises, HaMoked submits individual complaints of abuse and tortures in the interrogation. We have so acted in a considerable number of cases over the last few months. However, the individual complaints cannot provide a full description of the general picture which arises from the entire testimonies in our possession. A severe picture arises from the testimonies as a whole. In order to rectify the situation and change inappropriate conduct, systemic and across the board treatment is required.

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Our many years of experience show that such a systemic and across the board treatment may not be easily applied based solely on specific complaints.

5. Therefore, we turned to officials at the State Attorney's Office who handle this issue and presented to them a number of inappropriate phenomena which keep recurring in many interrogations, according to the testimonies in our possession. By sending the letter our intention was to cause the officials, who should supervise the conduct of the ISA and its interrogators, to check the system across the board, to ensure that prohibited actions do not occur, and if such actions indeed occur – to immediately uproot them. In addition, the expectation was that interrogation procedures would be changed so as to prevent the recurrence of severe phenomena in the future.
6. To our great regret, our hopes failed and hence our letter to you, as the highest authority in charge of law enforcement. The above referenced response of Advocate Matar, ISA Interrogatee Complaints Comptroller, is disappointing and frustrating. The only thing that Advocate Matar had to say about the phenomena which were described was that the system could not check the issue in view of the fact that the complaint was not specific. Namely, according to Advocate Matar, the body which should supervise the ISA is unable to exercise overall control and supervision over ISA activities, but can only check specific complaints.
7. Said position is even more problematic in view of the fact that as it seems, specific complaints do not bring any change in ISA conduct. Specific complaints encounter different and strange hurdles and obstacles, such as a demand for full cooperation by the complainant as a threshold condition for the examination of the complaint, disregarding the special circumstances of the complainant who is a victim of tortures; the long duration of the examination over many months and even years; the difficulty to prove the truthfulness of complainant's claims in view of the fact that in the examination his version is checked *vis-à-vis* the version of the interrogators and the protocols drafted by them, etc. The results speak for themselves: dozens of specific complaints submitted by HaMoked over the last years did not produce even an iota of systemic change, at least not a change of which we are aware, not to mention punishment of abusive interrogators.
8. Hence, we face a dead end; specific complaints do not lead to any systemic change, on the one hand, and on the other, the system refuses to handle general complaints claiming that it is unable to do it.
9. In view of the severity of the phenomena which keep recurring in ISA interrogations, and the harsh and prolonged violation of the rights and dignity of the interrogees, we cannot accept this bottom line. Therefore, we wish to present to you the details of said inappropriate phenomena, so that the matter will be handled and the situation will be changed (this is also the

case pursuant to section 49(9)(1)(a) of the Police Ordinance [New Version], 5731-1971, which authorizes the Attorney General to institute an interrogation of ISA interrogators), all as specified below:

10. **The interrogation chair** – a severe picture arises from the testimonies in our possession concerning the chairs in which ISA interrogees are seated in the interrogation rooms (said phenomena were documented based of testimonies of interrogees who were interrogated in "Shikma" prison, but they may be more general and common to all ISA interrogation facilities). Interrogees are seated on interrogation chairs which may be described as "distorted", for many hours. It was reported, *inter alia*, of a five legged chair – with a fifth leg fixed in the center of the chair, in addition to the four "regular" ones. Said fifth leg is longer than the others, which creates a constant feeling of shaking, and causes the interrogee to make a constant physical effort to balance himself.
11. In addition, it was reported of tilted interrogation chairs, some of which are tilted backwards and some of which are tilted forward. Another version which was brought to our attention is an interrogation chair the backrest of which is tilted forward. These chairs cause the interrogee to be in a stress position, namely, a stressful and painful position.
12. The combination of these "special" interrogation chairs, together with the long periods of time during which the interrogees are seated on them, cause the interrogees to suffer sharp pain (mainly in the back and limbs) during the interrogation, and may cause prolonged bodily injury also after the termination of the interrogation.
13. We are of the opinion that the interrogation power of the ISA interrogators does not include the authority to seat interrogees on such distorted interrogation chairs. *Prima facie*, no security need of any sort seems to exist, but rather an attempt to inflict a bodily and mental injury on the interrogees, by indirect means. It also seems that the above acts violate the holdings of the Supreme Court in its judgment in HCJ 5100/94 **Public Committee against Tortures in Israel v. Government of Israel**, IsrSC 53(4) 817 (hereinafter: the **committee against tortures** case) (particularly paragraphs 26-27 of the judgment, where a painful position in which the interrogees were held was described, a position which included, *inter alia*, a low interrogation chair).
14. **Prolonged and painful shackling** – the vast majority of the testimonies in our possession include complaints of interrogees of prolonged shackling during long interrogation hours. Indeed, in the **committee against tortures** case it was held that shackling constituted a legitimate security measure. However, it was also held that the shackling should be made in a manner which would not cause excessive pain or would unnecessarily humiliate the interrogees.

15. The vast majority of the interrogees reported of having been shackled with both their hands tied behind their back during the entire interrogation session which often lasted almost 24 hours per day, over the course of several consecutive days. Some interrogees also reported that their legs were tied to each other and that they were not allowed to stretch their legs forward, which means that the interrogees were forced to stay with their shackled legs tied to each other underneath the interrogation chair. The combination of shackled hands (which is often painful in and of itself) tied together behind the back, shackled legs tied together underneath the chair, a very lengthy interrogation and the problematic interrogation chair, as described above, causes the interrogee great pain in his limbs.
16. In the hearing in HCJ 5553/09 **Public Committee against Tortures in Israel v. Prime Minister**, TakSC 2010(2) 1998, the respondents declared before the court that they shackled interrogees only subject to medical opinion, which satisfied the court. However, it seems that the frequent use of shackling, as described above, cannot meet the required standards, according to the court's judgments as well as according to international law.
17. **Shouts, curses and threats used by the interrogators** – indeed, an interrogation cannot/is not meant to be a very pleasant procedure, which occasionally requires the use of tough tones by the interrogators. However, the testimonies in our possession depict a grave picture of ISA interrogators' conduct towards the interrogees in the interrogation rooms.
18. With respect to shouts, it is clear that interrogators cannot be expected not to raise their voices at all. However, some of the testimonies before us describe instances in which the interrogators shouted very loudly, over long periods, virtually into the ears of the interrogees. Loud, lengthy shouts which were directed at one ear only. This conduct attests to an inappropriate, systematic use of shouts as a painful and humiliating interrogation method.
19. The use of curses is also inappropriate. Many testimonies describe frequent use by interrogators of malicious, humiliating curses, directed (mostly) towards the female family members of the interrogees. Most curses have degrading sexual connotations. On occasions, the interrogators even blasphemed the creed of a religious interrogee. The severity of the curses is attested by the fact that in many cases they caused the interrogees to lose their mental balance, leading to outbursts of anger towards the interrogators, which in turn resulted in the taking of more extreme physical measures against them (on shackling interrogees to bed, see below).
20. The interrogators also use threats. We were informed of threats to bring the interrogees to what is known as a "military interrogation"; threats to put the

interrogee under a long administrative detention; to separate the interrogee – for an unlimited period – from the external world; threats concerning the detention of family members; threats that failure to collaborate would result in the impingement on the livelihood, health and wellbeing of family members (using the fact that many Palestinians need the goodwill of the Israeli authorities to trade, go abroad, work or study, or exit the West Bank to undergo various medical treatments).

21. All of the above described phenomena attest to the fact that humiliation of interrogees is used as a structured interrogation method. Degrading shouts which violate the dignity of the interrogees beyond the physical suffering they cause. Degrading curses which violate the interrogees' dignity, cynically exploiting the fact that the vast majority of the interrogees are religious people who are especially humiliated by curses of sexual connotation, and which completely destabilize their mental health. Threats by the omnipotent interrogators of the state also destabilize the mental condition of the interrogees and misuse innocent family members, who did not sin, to promote the objective of the interrogation. Said interrogation methods are inappropriate, constitute degrading and inhuman treatment which is prohibited by law, and should be stopped.
22. **Shackling interrogees to bed for long hours** – in a considerable number of testimonies we encounter a particularly severe phenomenon of shackling interrogees to the bed for 24 or 48 hours, continuously. Said offensive and humiliating measure is taken under the pretence of defending the safety of interrogees, who ostensibly "threaten to commit suicide". Moreover, this measure is taken in an inherently inappropriate cooperation of ISA interrogators with medical personnel in the interrogation facility (who confirm that the interrogee "may be tied to the bed"), and with what was described by the interrogees as social workers, who enter the interrogation rooms and approve the measure prior to the shackling.
23. On many occasions interrogees "break down" over the course of the long and intensive interrogations. The stressful and painful position, coupled by chronic exhaustion, and horrible curses and degradations, sometimes lead to outbursts of rage and threats of the interrogees that "they would do something to themselves" if the interrogation lingers on. Then, the interrogators call the health care personnel mentioned above, who apparently confirm that the interrogees are in a state of suicide risk, thus causing the interrogees to be taken to special rooms with four hooks beds, to which the interrogees are shackled. The interrogees are held in this position for long hours – sometimes for 24 hours and sometimes for even 48 hours. Yells and cries for help are to no avail. It is a traumatic experience which leaves its mark on the interrogees for a very long time afterwards.
24. The fact that the interrogators systematically shackle interrogees to bed attests to the existence of a problem; It is inconceivable that such a large

number of interrogees suddenly develops suicidal inclinations over the course of an interrogation. An extremely offensive and humiliating measure is routinely taken against interrogees. After these episodes the interrogees return to the interrogation broken and exhausted. It is a measure which amounts to torture and constitutes an inappropriate interrogation method for all intents and purposes.

25. **In conclusion**, and in view of the severity of the above phenomena, we request you to examine the phenomena described above, and check whether they occur systematically in ISA interrogations. If you find that ISA interrogators use said measures systematically, we request you to order that a systemic change will be made, in the context of which the use of said inappropriate measures as interrogations methods will be discontinued. If it is found, in the framework of the examination that ISA interrogators act contrary to the law they should be judged severely, either by disciplinary or criminal means, as you may deem appropriate.
26. We thank you in advance for keeping us informed of the manner by which our complaint is handled, including a detailed description of the examinations made and the acts consequently taken.

Sincerely,
Daniel Shenhar, Advocate