

Public committee against

# TORTURE

in Israel



## **BACK TO A ROUTINE OF TORTURE**

**Torture and Ill-treatment of Palestinian Detainees  
during Arrest Detention and Interrogation**

September 2001 – April 2003

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## **Public Committee Against Torture in Israel**

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## Executive Summary

This report is a follow-up to previous reports issued by **the Public Committee Against Torture in Israel**, and is the result of a comprehensive study, based on dozens of affidavits and testimonies taken on our behalf by attorneys and fieldworkers, official documents, High Court of Justice (HCJ) decisions, other human rights organizations, and additional sources.

The report addresses the treatment of Palestinian detainees during arrest and shortly after, and during interrogation, that is, the behavior of the arresting forces, foremost among them the IDF and the Border Police, and the interrogating organizations, foremost among them the GSS.

The report examines this treatment in light of the clear and simple provisions of international law: torture and other ill-treatment of detainees is prohibited, under any circumstances.

The first part of the report presents general data regarding Palestinians detained by Israeli security forces, and specific data regarding that which transpires in GSS interrogation facilities.

The second part describes the violence and degradation that are the lot of many Palestinians at the time of their arrest by IDF soldiers and other arresting security force personnel, and subsequently.

The third and main part describes what transpires in GSS interrogation chambers, and the legal and governmental system that defends GSS conduct and allows it to continue.

### Main Findings

#### Torture and Ill-treatment by IDF Soldiers and Other Detaining Forces

Over 28,000 Palestinians were arrested between the beginning of the Intifada in September 2000, and the beginning of April 2003, and true to mid-May 2003, **5,362** Palestinians were being held in IDF and Israel Prison Service (IPS) detention and prison facilities, of whom **1,107** were detained but neither charged nor tried (i.e. were under administrative detention). The affidavits and testimonies taken by attorneys and fieldworkers on behalf of **the Public Committee Against Torture in Israel** support the conclusions of other human rights organizations, according to which

violence, painful tying, humiliations and many other forms of ill-treatment, including detention under inhuman conditions, are a matter of course.

The ill-treatment of Palestinian detainees by IDF soldiers and other detaining forces is manifested mainly in the following forms:

- **Ill-treatment of relatives of the detainee**, including threats and curses, and destructive house searches.
- **Violence during arrest and on the way to the detention facility** including beatings (sometimes with rifle butts), slapping, kicking, and seating the detainee on the floor of the vehicle and stepping on him.
- **Shackling with “azikonim”**: this is the only method of ill-treatment that is ‘legal’ in the IDF – “azikonim” are disposable shackles, made of flexible but hard plastic; they can be tightened but not loosened. At the time of arrest – and sometimes for many hours following – security force members bind the wrists and sometimes ankles of detainees in such shackles. These often cause swelling, cuts in the skin, and intense pain.
- **Inhuman conditions of detention**, including under the open sky, with exposure to heat or cold and rain, and with no provisions, i.e. blankets, being kept for days on asphalt, being held in a ‘cage,’ being held in a trash dump, poor food and hygiene.
- **Other means of ill-treatment**, including being suspended with legs up, ‘goal’ (a stone-throwing contest at the detainee), forcing the detainee to run blindfolded and tripping him, stripping (sometimes to complete nakedness), intimidation using a dog, cocking a weapon – as if intending a summary execution, and more.

The report includes many descriptions from testimonies and affidavits submitted to **the Public Committee Against Torture in Israel**, which provide concrete examples of these phenomena.

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

Based on official data, GSS agents have interrogated **thousands** of Palestinians per year during the Intifada, and over **200** at any given moment. In July 2002, the GSS related to the press that **90** Palestinians were defined as ‘ticking bombs’ and were tortured (that is, were exposed to

‘physical pressure’). Research by **the Public Committee Against Torture in Israel** shows that the number tortured is actually much greater.

The study carried out by **the Public Committee Against Torture in Israel** demonstrates that GSS agents who interrogate Palestinian detainees torture them, degrade them, and otherwise ill-treat them routinely, in blatant violation of the provisions of international law, mainly in the following manners:

1. **Violence:**
  - Beating, slapping, kicking, stepping on shackles
  - Bending the interrogee and placing him in other painful positions
  - Intentionally tightening the shackles by which he is bound
  - Violent shaking
2. **Sleep Deprivation**
3. **Additional ‘Interrogation Methods’**
  - Prolonged shackling behind the back
  - Cursing, threats, humiliations
  - Depriving the detainee of essential needs
  - Exposure to extreme heat or cold
4. **Secondary Methods**
  - Isolation and secrecy
  - Imprisonment under inhuman conditions

The report includes the findings of a study based on **48** affidavits taken by attorneys on behalf of **the Public Committee Against Torture in Israel** during the first four months of 2003, in which Palestinian detainees describe their interrogation by GSS agents. Among the many findings presented in the report:

- Out of a total of the 48 interrogees, **28 (58%)** were exposed to direct violence, including beatings, slapping, kicking, bending and placing in other painful positions, intentional tightening of shackles, and shaking.
- **52%** of interrogees were deprived of sleep, **90%** had their hands shackled behind their backs, and **79%** were subject to cursing, threats and humiliation.

- The methods were used in combination in most of the cases: three or more methods were used against **34** of the interrogees (approximately **71%**).

The report includes many descriptions excerpted from testimonies and affidavits given to **the Public Committee Against Torture in Israel**, which illustrate the methodical and routine use of these methods. One case, that of Amin Ghalban, is described and analyzed in depth.

**The Public Committee Against Torture in Israel** estimates that a considerable portion of all interrogees, if not most, have been exposed to interrogation methods which “severe pain or suffering, whether physical or mental.” In other words these methods, as applied, cause, at least in their combination and accumulation over time, the level of gravity and cruelty that constitute torture as defined in international law. This matter is explained and exemplified in the report.

**The Public Committee Against Torture in Israel** therefore estimates that, as of the first half of 2003:

- Each month, hundreds of Palestinians have been subjected to one degree or another of torture or other cruel, inhuman or degrading treatment (ill-treatment), at the hands of the GSS and bodies working on its behalf.  
By way of comparison – in September 2001 we estimated that the total number of detainees being subjected to torture and other ill-treatment reached ‘only’ dozens. The numbers have thus increased dramatically.
- Each month, the ill-treatment reaching the level of torture as defined in international law is inflicted in dozens of cases, and possibly more. In other words – torture in Israel has once more become routine.

Information obtained by **the Public Committee Against Torture in Israel** shows that the official sources have admitted to using a large portion of the torture methods, including slapping, ‘bending,’ shaking, sleep deprivation, and prolonged shackling.

## 'Rubber Stamps' for the GSS: The HCJ, The Attorney General, and The State Prosecutor's Office

The bodies which are supposed to keep the GSS under scrutiny and ensure that interrogations are conducted lawfully act, instead, as rubberstamps for decisions by the GSS.

- **The High Court of Justice** has not accepted **even one** of the 124 petitions submitted by the Public Committee Against Torture against prohibiting detainees under interrogation from meeting their attorneys during the present Intifada.
- **The State Prosecutor's Office** transfers the of interrogees' complaints to a GSS agent for investigation, and it is little wonder that it has not found **in even a single case** that GSS agents tortured a Palestinian 'unnecessarily.'
- **The Attorney General** grants – wholesale, **and with no exception** – the 'necessity defense' approval for every single case of torture.

The result is a total, hermetic, impenetrable and unconditional protection that envelops the GSS system of torture, and enables it to continue undisturbed, with no supervision of scrutiny to speak of. The achievements of the HCJ ruling of 1999, which was to have put an end to large-scale torture and ill-treatment, limiting it to lone cases of 'ticking bombs,' have worn thin, among other reasons, as a result of the HCJ's reluctance to enforce international standards which prohibit torture and ill-treatment under any circumstances.

The 'defense of necessity' has also become no more than a veneer. From the research undertaken by **the Public Committee Against Torture in Israel**, it is clear that torture is carried out in an orderly and institutional fashion. We know that cases termed 'ticking bombs,' do not involve a lone interrogator improvising "in the face of an unforeseen event," as the High Court stipulated. Interrogators appeal to their superiors in an orderly fashion, receive approval in advance, and employ certain methods repeatedly, at least some of which (including the 'bending' method) require cooperation between a number of interrogators.

The 1999 HCJ ruling constituted a significant and bold step in the right direction, but the HCJ failed in not prohibiting torture and ill-treatment absolutely, and leaving intact the legal - and moral - concept, according to which a GSS interrogator is authorized to consider, albeit in extreme situations 'only', torture as a legal and legitimate ant legal option. The achievements of the ruling are wearing down due to those failures, due to the GSS' policy of torture, and due to the fact that the HCJ, the State Prosecutor's Office, and the Attorney General have, regarding this matter, transformed themselves from guardians and protectors of the law into sentries at the gates of GSS torture chambers.

As a human rights organization, **the Public Committee Against Torture in Israel** has condemned, and again condemns, any attack targeting civilians, including the terrorist attacks by Palestinians against Israeli civilians. No behavior of the IDF and the GSS, including torture, justifies terrorist attacks. But Israel must understand that to the same extent, no behavior of Palestinians, including terrorist attacks, justifies torture, ill-treatment or other violations of fundamental human rights.

**The Public Committee Against Torture in Israel** again urges the government of Israel to abandon the short-term and destructive 'prevention-by-any-means' approach, which has not brought about the longed for security and peace to the citizens of Israel. The time has come to try a different path, the path of respect for human rights in general and the rights of detainees and prisoners in particular.

At the end of the report a series of recommendations to the Israeli government and the Knesset are presented, the main aspect of which is complete implementation of the provisions of international law, including: making torture and ill-treatment illegal, in any case and under any circumstances; launching a large-scale information campaign in the IDF in order to make clear to soldiers and their commanders the need and obligation to respect the human rights of detainees; effective and complete enforcement of the IDF instructions that prohibit violence against and humiliation of detainees; abandonment of the policy of preventing meetings between detainees and their attorneys, transfer of the investigation of interrogees' complaints to an independent body; documentation of all interrogations - and to this end, installation of recording systems (audio and video) in all interrogation rooms, and more.

## Introduction

Every month, attorneys and field workers on behalf of **the Public Committee Against Torture in Israel** (henceforth: **PCATI**) collect dozens of affidavits and testimonies of Palestinians who underwent torture and other forms of cruel, inhuman or degrading treatment (henceforth: ill-treatment)<sup>1</sup> at the hands of IDF soldiers, border policemen and members of other forces, and General Security Services (GSS or Shin Bet) personnel. The relevant provisions of international law, which Israel voluntarily committed itself to upholding, prohibit torture and ill-treatment of detainees under any circumstances, with no exceptions.

The forces that carry out the arrests – primarily IDF and border police personnel – have no authority, even under Israeli law, to use force against anyone who does not resist arrest. In many cases in which members of these forces beat detainees, ill-treat them and degrade them, they do so against instructions, but their superiors often turn a blind eye.

In contrast, for the interrogators – mainly GSS personnel – the torture of detainees is authorized and approved, as a result of the ruling of the High Court of Justice (HCJ), or at least ostensibly in keeping with it.

This report describes the Israeli authorities' treatment of detainees based on these affidavits and testimonies, and on official documents, HCJ rulings, reports of other human rights organizations, and additional sources. The first section of the report presents general data on Palestinians detained by Israeli security forces, and specific data regarding what transpires in GSS interrogation facilities, based on a comprehensive research of the topic by **the Public Committee Against Torture in Israel**.

The second section describes the violence and degradation that are the lot of many Palestinians at the time of their arrest by IDF soldiers and other security force personnel and following.

The main part of the report – presented in Chapter 3 – is devoted to what transpires in GSS interrogation facilities. This focus was chosen because this matter, in contrast to the conduct of IDF soldiers who detain Palestinians, has not received sufficient attention, even on the part of

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1. The expression “cruel, inhuman or degrading treatment” relates to prohibited acts that are less grave than torture, or those that lack an underlying purpose. See Chapter 3.

human rights organizations. Since the HCJ ruling in 1999 in HCJ 5100/94, **The Public Committee Against Torture in Israel et. al. v. Government of Israel et. al.**<sup>2</sup>, PCATI has been the only human rights organization to have devoted a report to the topic of GSS interrogations.<sup>3</sup>

The report also describes the legal and practical framework that has enabled systematic torture and ill-treatment to continue unhindered. At the end of the report, conclusions and recommendations are presented.

It should be noted that the report focuses only on two aspects: the treatment of detainees during and close to the time of arrest, and their treatment during interrogation. Many other aspects of the treatment of Palestinian detainees and prisoners by the Israeli authorities that the **Committee** deals with<sup>4</sup> will not be addressed here, not because they are unimportant or do not involve grave violations of human rights, but due to considerations of time and space. This report is a continuation and follow-up to the report published by PCATI in September 2001, and covers the period since then and through the end of April 2003.

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

Universal Declaration of Human Rights, Article 5.

“No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.”

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

2. Tak-El 458 (3) 99, henceforth: the HCJ ruling.

3. **Flawed Defense: Torture and Ill-treatment in GSS Interrogations following the Supreme Court Ruling 6 September 1999 - 6 September 2001**, Jerusalem, The Public Committee Against Torture in Israel, 2001, henceforth **Flawed Defense**.

4. Among topics not addressed are the use of Palestinians as “human shields,” administrative detention, legal procedures, and treatment of (sentenced) prisoners and of specific populations, such as minors and women. The topic of conditions of detention will be addressed only partially.

## 1. Data

### A. Palestinian Detainees and Prisoners – General Data

Over 28,000 Palestinians were arrested between the beginning of the Intifada in September 2000 and 8 April 2003, according to Palestinian human rights organization Addameer.<sup>5</sup>

According to official Israeli data received by B'Tselem, as of 15 May 2003:<sup>6</sup>

5,362 Palestinians were held in IDF and Israeli Prison Services detention and prison facilities, of whom:

1,107 detained without charge and without trial – in administrative detention.

### B. Data on Torture and Ill-Treatment by IDF Soldiers and other Detaining Forces

The overwhelming majority of the tens of thousands of Palestinians detained by Israeli authorities were released after a few days or even hours. Given the large numbers, PCATI is unable to estimate the number or ratio of detainees who were treated properly versus those who underwent torture or ill-treatment. At the same time, both the information in the possession of PCATI that will be detailed in Chapter 2 of this report, as well as that published by other human rights organizations,<sup>7</sup> indicate unequivocally that violence, painful tying, degradation and many other forms of ill-treatment, including detention in inhuman conditions (see examples below, chapter 2) are, in the words of one of the reports "Standard Routine."

5. Addameer, press release, 17 April 2003. See also <http://www.addameer.org>.

6. See B'Tselem's website: [www.btselem.org](http://www.btselem.org).

7. **Flawed Defense**, pp. 58-70. For reports of other human rights organizations on the topic, see, for example, Amnesty International, **Israel and the Occupied Territories Mass detention in cruel, inhuman and degrading conditions**, MDE 15/074/2002, and see website [www.amnesty.org.il](http://www.amnesty.org.il) B'Tselem, **Standard Routine: Beatings and Abuse of Palestinians by Israeli Security Forces during the Al-Aqsa Intifada**, Information Sheet, Jerusalem, B'Tselem 2001; **In Broad Daylight: Abuse of Palestinians by IDF Soldiers on July 23, 2001**, Case Study No. 12, July 2001; **Soldiers' Abuse of Palestinians in Hebron**, 3 December 2002, Case Study No. 17, December 2002, Jerusalem, B'Tselem, 2002. See also additional testimonies on B'Tselem's website. In addition, see the chapter on Israel and the Occupied Territories in the annual reports of the Human Rights Watch (HRW), for example **World Report 2003**, New York, Human Rights Watch, 2003, and on HRW's internet site: [www.hrw.org](http://www.hrw.org).

## C. Detainees Interrogated by the GSS (and other entities)<sup>8</sup>

### 1. Official data

Unlike the IDF and the Israel Prison Service (IPS), the GSS does not publish data at regular intervals regarding the number of Palestinians held for interrogation in its facilities. The fact that the Israel Police, in whose detention facilities three of the four GSS interrogation wings are located, also does not publish data regarding the number of security detainees held in its facilities, makes it even more difficult to estimate the total number under interrogation. Following, in any case, are the official data published, followed by the data from the study carried out by PCATI.

**1,768** Palestinians were interrogated in GSS facilities in the second half of 2002.<sup>9</sup>

~ **200** Palestinians were being held in GSS interrogation facilities in mid-May 2003.<sup>10</sup>

**52** Palestinians were detained at the beginning of April 2003 for interrogation in the GSS interrogation facility at the Shikma Prison.<sup>11</sup> The GSS has **three** other known interrogation facilities at police detention centers (in the “Russian Compound” in Jerusalem, in Petah Tikva and at “Kishon,” near Haifa).

**90** Palestinians defined as “ticking bombs” were interrogated, according to official data, using torture (“exceptional means of interrogation”) between September 1999 and July 2002.<sup>12</sup>

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8. In order to handle the enormous number of Palestinians in interrogation the GSS has delegated some of its interrogations to other bodies. Interrogations are thus carried out at the Ofer facility by the Hostile Terrorist Activities Unit, Judea and Samaria police district. See Meir Bardugo, “Motivation to Kill is High,” **Kol HaIr**, 11 April 2003. Director of the unit Yossi Mor told **Kol HaIr** that his staff had already interrogated 500 terrorists, 75 of them in March 2003.

9. Yoav Limor, “90 Palestinian Detainees Defined as ‘Ticking Bombs,’” **Maariv**, 25 July 2002.

10. This statistic was given to the Knesset Law and Constitution Committee on 19 May 2003 by IPS Deputy Commissioner Dani Avidan, based on an article that appeared on the **Haaretz** website on 20 May 2003, but was not published in the print version of the paper. See: <http://www.haaretz.co.il/hasite/pages/ShArt/jhtml?itemNo=295174>

11. Based on GSS data given to B’Tselem on 3 April 2003. This statistic does not appear on the B’Tselem website.

12. Amos Harel, “GSS Used ‘Exceptional Interrogation Means’ 90 Times Since 1999 HCJ Ruling,” **Haaretz**, 25 July 2002.

0 (zero) cases in which the State Prosecutor's Office determined that GSS interrogators apparently acted, *prima facie*, unlawfully. In other words, not a single GSS interrogator, for over three and a half years, committed any "deviation from the stipulations of the Court" in its 1999 ruling.<sup>13</sup>

0 (zero) Cases, over three and a half years, in which the Attorney General determined that a GSS interrogator who committed torture could not be protected by the "defense of necessity" and must be prosecuted.

## 2. Isolation from the Outside World – Efficiency of Judicial Review

The GSS and the Israel Police (at the GSS' behest) regularly issue orders that prevent meetings between Palestinians under interrogation and their attorneys.<sup>14</sup> The only way to try to reverse this harsh decree is through the HCJ. However, between September 2003 and the end of April 2003 (during the present Intifada):

124 petitions were submitted by PCATI to the HCJ against orders preventing detainees from meeting with their attorneys.

0 (zero) times has the HCJ accepted such a petition and revoked the preventing order. HCJ justices sometimes try to mediate and help the parties reach a compromise, but from a legal standpoint, their position is, as reflected in the data, 100% aligned with the GSS.

## 3. GSS Methods of Torture and Ill-Treatment: Findings of the Research

For the purpose of receiving as comprehensive a picture as possible of methods used by the GSS, we examined all of the 48 affidavits taken by attorneys on behalf of **the Public Committee Against Torture in Israel**,

13. Atty. Talia Sasson, Director of Special Assignments Department, State Prosecutor's Office, in a letter to PCATI Executive Director, Hannah Friedman, 23 February 2003. Following is the full sentence:

All that I am prepared to say in this context is that from the investigations by the OCIIC ["Official in Charge of Investigating Interrogees' Complaints"] of the concrete complaints presented to us to date, it does not appear that in the interrogation processes of the GSS there have been any deviations from the stipulations of the Court as pronounced in HCJ 5100/94.

Since the State Prosecutor's Office has conceded, *inter alia* in its letters to the Public Committee Against Torture in Israel (regarding Nasser 'Ayyad, 21 February 2002, and regarding Jerard Shuman, 4 March, 2002) that there were cases defined as "ticking bombs" and that in fact violent methods were used in them, the term "deviations" should be understood as relating to exceptions from what is permitted according to the "defense of necessity" rather than to deviations from non-violent interrogation.

14. On the petition procedure and other legal procedures related to those under GSS interrogation see PCATI: Attorneys' Guide: Protection of Rights of Detainees Under GSS Interrogation, Jerusalem, October 2001.

during the first four months of 2003, in which Palestinian detainees described their interrogations at the hands of GSS agents.<sup>15</sup> **Two** of the affidavits describe interrogations that took place in 2001, **11** describe interrogations that took place in 2002, **6** describe interrogations that began at the end of 2002 and continued into 2003, and **29** affidavits describe interrogations that took place in 2003.

The table below itemizes the means of interrogation used by the GSS in these 48 cases, according to the affidavits. To these can be added prolonged incommunicado detention and inhumane detention conditions in GSS interrogation facilities.

These affidavits cover a minute portion of all the Palestinians interrogated and tortured in GSS facilities in the recent period. While these data do not constitute a scientific statistical sample, they do illuminate what happens in the interrogation wings, in a situation where the penumbra of secrecy is even greater than during the period when interrogations were subject to the secret recommendations of the Landau Commission.

It should be noted that in presenting the data we chose to err on the side of caution. Some of the affidavits were taken under conditions that did not allow for a detailed description of the course of the interrogations, and in other cases, the detainees focused on particular methods and it is likely that they refrained from mentioning others. Even when this created a picture that was not entirely reasonable, such as affidavits that described sleep deprivation but no means for enforcing it (such as shackling or a painful position), we nevertheless refrained from adding methods that were not mentioned explicitly in the affidavits. Similarly, in the category “bending and placing in painful positions” only positions that result in immediate pain were included, such as stretching the body backwards (even though any prolonged sitting when the position cannot be changed causes pain in time); and shackling causing abrasion and pain were not included in the category “intentional tightening of shackles” unless it was explicitly stated that the shackles were tightened.

For a detailed description of the methods see Chapter 3.

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15. We did not include affidavits that described interrogations by persons in civilian dress in facilities such as Etzion and Ofer, although that it is likely that the interrogators were GSS personnel.

<b>Method</b>	<b>No. of Interrogees</b>	<b>Percentage of Total (48 Interrogees)</b> (rounded to closest percent)
Beating, slapping, kicking etc.	19	40%
Bending and placing in other painful positions	17	35%
Intentional tightening of shackles	14	29%
Violent shaking	7	15%
Sleep deprivation	25**	52%
Prolonged shackling behind back	43	90%
Cursing, threats, degradation	38	79%
Deprivation of essential needs*	9	19%
Exposure to extreme heat or cold	5	10%

\* Food, water, urgent medical care

\*\* Three additional interrogees, who were not included in this statistic, complained that their cells were lit 24 hours / day, making it most difficult for them to sleep.

## ADDITIONAL DATA

- **Violence:**

The total number of detainees against whom at least one type of violence was perpetrated (beating, slapping, kicking; bending and other painful positions; and tightening shackles): **28 (58% of all interrogees)**.

- **Combination of Methods:**

Total detainees against whom 'only' one method was used:

**1 (2.1% of all interrogees)**

Total detainees against whom two methods were used:

**13 (27.1%)**

Total detainees against whom three or more methods were used:

**34 (70.8%)**

### Numbers and extent of torture - an estimate

Official data indicate that at any given moment, there are **at least 200** Palestinian detainees in GSS interrogation facilities. To these can be added several dozen detainees, and perhaps more, who are interrogated by GSS agents in other places and by bodies who work under GSS auspices, such as the Judea and Samaria Police 'Hostile Terrorist Activities' unit, and the units of Palestinian collaborator in various prison facilities whose job is to induce detainees to talk ("*medovevim*"). **The Public Committee Against Torture in Israel** estimates that during the first half of 2003, the total number of people interrogated by the GSS and organizations operating on its behalf reaches the several hundreds per month. Based on the research conducted in preparation of this report, we estimate that the rate of interrogees in the sample against whom no method of ill-treatment whatsoever was used is negligible.

It should be noted that all the methods described above, as well as other methods, such as incommunicado detention and detention in inhuman conditions (see elaboration in Chapter 3) constitute violations of the prohibition in international law against torture and ill-treatment. This notwithstanding, not every method in and of itself amounts to torture.

**The Public Committee Against Torture in Israel** estimates that a considerable portion, if not most of those interrogated, have been exposed to 'interrogation methods' that cause 'severe pain or suffering,

whether physical or mental,” that is, methods that reach – at least in combination and in accumulation over time – the level of severity and cruelty that constitutes torture as defined in international law. This topic is elaborated in Chapter 3.

**The Public Committee Against Torture in Israel** therefore estimates that, as of the first half of 2003:

- Each month, hundreds of Palestinians have been subjected to one degree or another of torture or other cruel, inhuman or degrading treatment (ill-treatment), at the hands of the GSS and bodies working on its behalf.  
By way of comparison – in September 2001 we estimated that the total number of detainees being subjected to torture and other ill-treatment reached ‘only’ dozens. The numbers have thus increased dramatically.
- Each month, the ill-treatment reaching the level of torture as defined in international law is inflicted in dozens of cases, and possibly more. In other words – torture in Israel has once more become routine.

## 2. The I.D.F., Border Police, Police – Torture and Ill-treatment During Arrest and Subsequently

As stated, the security forces, above all the IDF, have arrested tens of thousands of Palestinians during the present Intifada. What follows relates to the first period of detention, and not to what is perpetrated in regular detention facilities.

The provisions of international law regarding what is permitted and prohibited during arrest are very simple indeed: if a person resists lawful arrest, official security force personnel are authorized to use reasonable force – that is, only the minimal force necessary to overcome said resistance – in order to carry out the arrest. From the moment that a person is under the control of the arresting forces and is not physically resisting this control, any use of violence against that person is totally prohibited, and any application of force is considered application of excessive force and constitutes ill-treatment or torture. A similar prohibition applies to all conduct towards a detainee that may degrade him/her or compromise his/her human dignity.

Orders issued to IDF soldiers and other security force personnel do not include permission to use violence following an arrest or to humiliate detainees. This notwithstanding, from affidavits and testimonies collected on behalf of **the Public Committee Against Torture in Israel** – and from reports of other human rights organizations – it emerges that many detainees who did not resist arrest, were often exposed to violence – sometimes severe – and to many and varied forms of degradation. The detaining forces have also in many cases intimidated and ill-treated relatives of the detainee, and have arrested Palestinians under inhuman conditions.

A research carried out by **the Public Committee Against Torture in Israel** reveals that ill-treatment by IDF soldiers and other detaining forces, vis-à-vis Palestinian detainees, take place mainly in the following fashion:

- **Ill-treatment of relatives of the detainee**, including threats and curses, and destructive house searches.
- **Violence during arrest and on the way to the detention facility** including beatings (sometimes with rifle butts), slapping, kicking,

and seating the detainee on the floor of the vehicle and stepping on him.

- **Shackling with “azikonim”:** this is the only method of ill-treatment that is ‘legal’ in the IDF – “azikonim” are disposable shackles, made of flexible but hard plastic; they can be tightened but not loosened. At the time of arrest – and sometimes for many hours following – security force members bind the wrists and sometimes ankles of detainees in such shackles. These often cause swelling, cuts in the skin, and intense pain.
- **Inhuman conditions of detention,** including under the open sky, with exposure to heat or cold and rain, with no provisions, i.e. blankets, being kept for days on asphalt, being held in a ‘cage,’ being held in a trash dump, poor food and hygiene.
- **Other means of ill-treatment,** including being suspended with legs up, ‘goal’ (a stone-throwing contest at the detainee), forcing the detainee to run blindfolded and tripping him, stripping (sometimes to complete nakedness), intimidation using a dog, cocking a weapon – as if intending a summary execution, and others.

The following excerpts, from testimonies and affidavits submitted by detainees and former detainees to attorneys and fieldworkers working on behalf of PCATI, support claims of the phenomena mentioned above.<sup>16</sup>

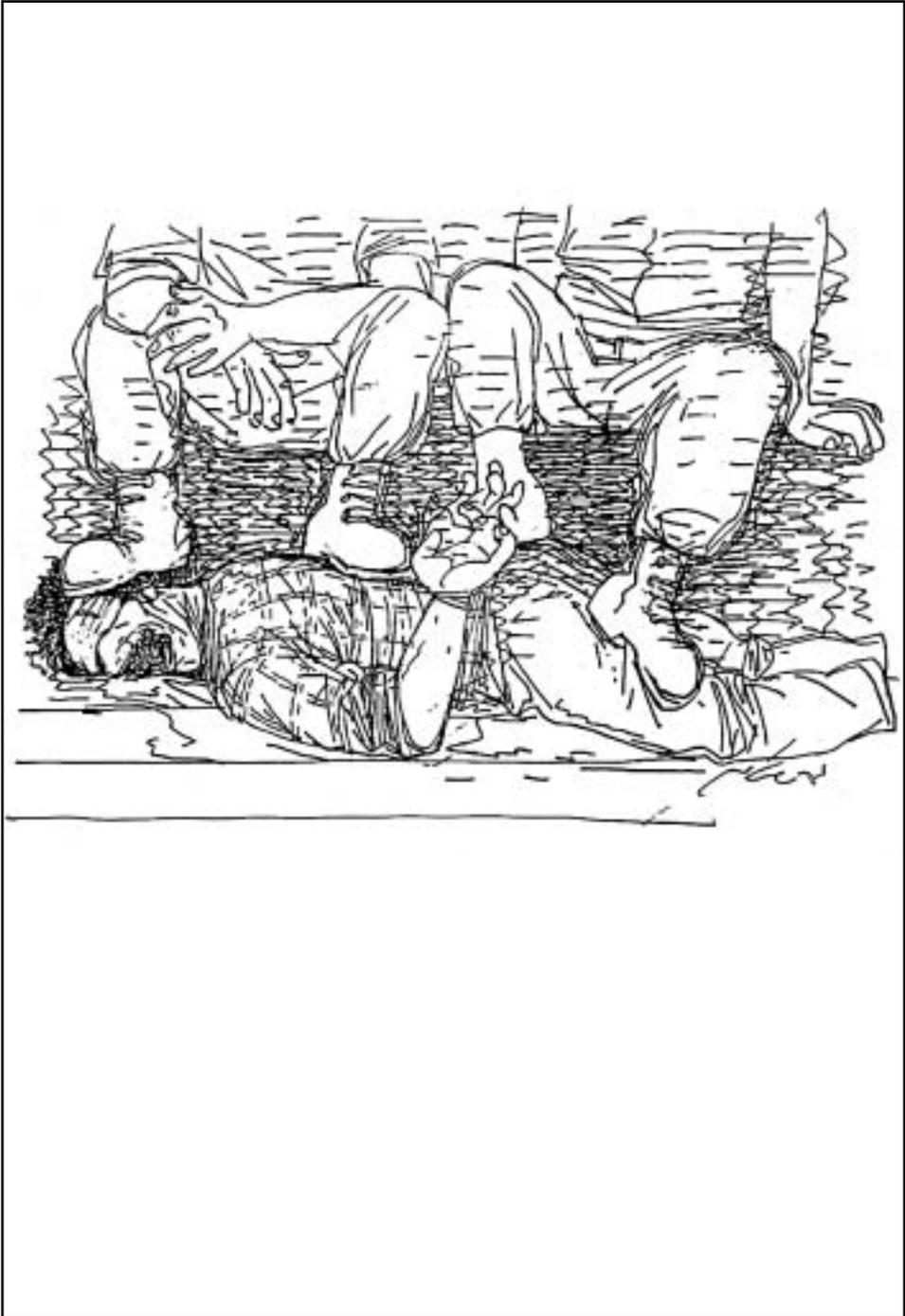
From the affidavit of Hasan Rawajbeh:

I was arrested at my home in Nablus on 5 December 2002 by a special unit that encircled the house and called to me to come down and turn myself in, and they even caught my seven-year-old boy and aimed an M-16 rifle at his head and threatened that if I did not turn myself in, they would immediately shoot him. So I went down, they caught me, shackled my hands and legs, and blindfolded me, and during the arrest they beat me all over my body.<sup>17</sup>

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16. **Note:** Most of the affidavits were collected in detention and interrogation facilities, under time and other pressures, and some were written in Hebrew, translated in situ. In a few cases, minor linguistic and syntactical changes were made in the text in order to clarify, without in the least changing the content of the affidavits. A complete list of affidavits and testimonies is presented in the Appendix at the end of the report. The complete affidavits and testimonies are all on file at the offices of the Public Committee Against Torture in Israel.

17. Affidavit, No. 75 in list of affidavits and testimonies in the Appendix, para. 1.



ill-treatment during transfer to detention center

Tha'er Abu Srur, resident of Nablus, was arrested at his parents' home on 29 October 2002:

After the degrading search to which the house was exposed – they threw all the contents of the house, such as mattresses, clothing, books and kitchenware, onto the floor. They also broke the cabinets and drawers and all that was in them. While one soldier was breaking one of the closets he was injured, and his hand began to bleed, so he got edgy and began cursing in a very loud voice, and went wild to the point that he began tearing the mattresses and pillows and everything within reach of his knife.<sup>18</sup>

Later, Abu Srur was transferred to the Salem camp in the northern part of the West Bank:

During my last two days there I was very close to losing control of my nerves, and that is because I was unable to sleep enough hours, since they threw me into a large yard with an asphalt floor and barbed wire fences. We were 70 people there, - we were very cold at night and hot during the day.

I was permitted to enter the bathroom only twice per day, but it was in a bad state – it was very dirty.<sup>19</sup>

Ra'ed Abu Sunbul describes the arrest and the path of his transfer to the detention facility:

I was arrested on 23 September 2002 at the entrance to my house in 'Ein Yabrud (Ramallah), while speaking with my brother on the cell phone, when suddenly a "Transit" van with yellow plates pulled up by my house, and quickly more than 10 armed soldiers descended, jumped on me, beating me all over my body. I fell to the floor and then they picked me up by my arms and legs and threw me into the van. In the van they were seats around the sides. They sat on the seats around the sides and threw me onto the floor of the van, put shackles on my hands, and pressed and tightened them very much, until I could not feel my palms. When I complained that the shackles were painful, they kicked me all over my body, particularly... on the shackles (on the hands) all during the trip, and until we arrived in

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18. Testimony, No. 5, and report filled out by Atty. Reem Jarrar.

19. Ibid.

Beit-El. They placed their legs on me (on my face, head and all parts of my body) and kept kicking me all the time, and spitting on me all the time, and cursing me all the time (“motherfucker,” “your sister’s cunt,” “you son of a bitch”).<sup>20</sup>

Excerpt from a letter received by the offices of PCATI a few months ago from one of the attorneys who works with the organization (all identifying details have been deleted):

Re: [Palestinian resident of the Territories]

Today I visited the above mentioned at ... [a military detention facility]. He related that while on his way... [from one military detention facility to another], shackled and blindfolded, he was beaten and cigarettes were extinguished on his face.

The detainee refused to give an affidavit, and requested that no complaint be submitted in his name, for fear of more assaults.

Ra'ed Qoqa was arrested on 10 January 2003 at his home in Nablus:

When they [the soldiers] took me, they began kicking my body. I went with them, and they shackled my hands and blindfolded me forcefully with a cloth... and placed me under the legs of the soldiers in a military vehicle, and they stepped on my body with their feet and beat me with the butts of their rifles. From time to time they would push my head between their legs and the side of the military vehicle.<sup>21</sup>

Mazen al-'Ali, resident of Tulkarm, describes a protracted sequence of ill-treatment:

I was arrested on 24 July 2002 when I returned from the university where I study, the American University, at the entrance to the village of Sida in the Tulkarm District. Military vehicles apprehended the car we were traveling in and afterwards they took me out of the car,

20. Affidavit, No. 3, para.1

21. Affidavit, No. 72.

stripped me of all my clothes, and I remained in my birthday suit. Afterwards, they placed me in an armored personnel carrier. My eyes were covered and my hands were tied. When they put me in the APC they beat me on my head with rifle butts. Afterwards, they led me to the Tulkarm liaison offices. At night, the soldiers would beat me on my head and slap my face. They told me to walk with my eyes covered and my hands tied, they would stick a foot out in front of me, and I would fall onto my face.

In the morning, they brought us a meal, and I was unable to eat. I fainted and they took me to Hillel-Yafe Hospital in Hadera where I was examined. From the time I fell until I woke up in the hospital, I was unconscious. When I woke up, they returned me immediately to the same camp.

At the 'Ofer' camp on the evening of 7 August 2002, I felt a very strong pain in my head, where they had hit me. I felt that I had a high fever and I was shaking. I was transferred to the prison infirmary, and they gave me glucose (by infusion), and pressed on the bag... so that it would enter my body within one minute.

Afterwards they beat me with their rifles and cursed me... as a result of the forced flow of glucose, my hand swelled up considerably and turned red... I continue to suffer from a strong pain in the head from time to time.<sup>22</sup>

The method of "placing a stumbling block in the path of the blind" – and other cruel methods – were also used in the case of Suheib Darajmeh, arrested on 14 January 2003:

They arrested me in Hebron; while I was in a cab, undercover forces came and arrested me. During the arrest they beat me. I cannot identify who beat me because I was blindfolded. They punched me and slapped me on the cheek and head.

During the arrest they told me to run, and then one of them stuck his foot out so that I would fall, and indeed I fell, while my hands were [shackled] behind my back, several times.

Those who arrested me told me to run and then while I was running they pushed me to a nearby wall. I felt that I was going to die at that

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22. Affidavit, No. 66.

moment. I was afraid but I didn't know what to do. I begged them so that they would stop abusing me but they did not heed; on the contrary, they began cursing me.

Afterwards, they sat me down at the side with my hands behind my back, and my legs in shackles and blindfolded, and began throwing stones at me and competing who could score a 'goal.' That 'goal' was me.<sup>23</sup>

Nidal al-'Amd, resident of Nablus who was arrested at his home on 14 January 2003, was beaten severely by soldiers while being transferred from his home to the military detention facility at Hawara, near Nablus. When he arrived, he was subjected to more harsh ill-treatment:

When they dropped me off in Hawara, a soldier took me, put a chain on my shackles, and grabbed it and put shackles on my legs, and I was blindfolded, and he dragged me and began making me run in the camp, and I kept falling and fell on things, crashing into them with my head and body.

All along he kicked me in my rear end and body. This went on for about a half an hour.<sup>24</sup>

Ahmad Sadaqah, from the village of 'Anzah in the Jenin District, was arrested on 20 July 2002, and transferred to the Salem camp in the following manner:

I was transferred to the armored personnel carrier... I was in the middle of the vehicle with all of the soldiers stepping on me and batting at my body. On the trip from 'Arrabeh to the Salem Camp I felt that the way was very long, and that the shackles were really, really hurting me... I managed to work both hands free of the shackles and I used my hands to remove the shoes of one of the soldiers from my face, since he was stepping on my face... They put new shackles on me and again began beating me.<sup>25</sup>

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23. Affidavit, No. 25, paras. 2-7, respectively.

24. Affidavit, No. 67, paras. 3,4, respectively.

25. Affidavit, No. 52, paras. 2-5, respectively.

Nasser Qara'qah, a resident of Beit Jala, was arrested at the beginning of April 2002:

For four days I was detained at Etzion with plastic hand shackles and a blindfold, consecutively. They forced me to sit day and night on the asphalt with no possibility of alleviating the difficult conditions.

It was terribly cold. We were exposed to cold and wind all the time, and the soldiers gave us a blanket [one] each; there was nothing covering us.

A group of soldiers... beat me with a stick and with their weapons and cursed me, God, and the Palestinian people, and also stepped on me.

I was with three of my brothers who were also beaten by the soldiers.

I suffer pains to this day as a result of the blows.<sup>26</sup>

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26. Affidavit No. 73, paras. 2, 3, 5, 6, and 8, respectively

**The public is not interested in the “local”**

Following a complaint submitted by **PCATI** regarding the matter of Qara’qah, an investigation was initiated in the Military Police Investigations Department (P.I.D.). The investigation file was transferred to the investigation department of the (blue) police. Following is the letter, in its entirety, in which the director of the Department of Investigations of Police Misconduct (DIPM) in the Ministry of Justice announced on 6 February 2003 that the file was being closed, a copy of which was sent to **PCATI**:

To: Jerusalem P.I.D. – Major Ra’anan Avtavi

Re: *Investigation of the Circumstances surrounding the Complaint of the Local Nasser Qara’qah, I.D. 96864545, Jerusalem P.I.D. File 02/280*

After reviewing the complaint and the investigation material collected to date, I have decided for considerations of public interest that the composite of circumstances of the event does not warrant pressing criminal charges, and I have therefore decided not to proceed with the investigation.

Sincerely

(-)

Herzl Shabiro

Head of DIPM

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Maher Duqan was arrested in Nablus by soldiers in mid-December 2002:

[In] the military camp near the al-Juneid detention center, they placed me in a large yard, where they shackled my hands and beat me harshly, and poured cold water on my head, in very cold weather. They refused to give me water to drink at the end of the day to break the fast - it happened during the month of Ramadan. I remained with my hands tied for 3 days, and I would sleep on the floor without a mattress or blanket, and it rained on me during this period.

They would curse me and prevented me from eating for 3 days. During my sleep, they would come to me and wake me up and beat me severely...

They did not permit me to go to the bathroom to relieve myself, except for one time during the first three days, despite my outbursts and repeated requests. Afterwards, I was transferred to the Hawara camp and during the trip I was attacked and beaten severely by soldiers...<sup>27</sup>

Sami Khalil, a resident of Nablus, was arrested on 10 February 2003. The soldiers who arrested him found a unique way to torment him:

I estimate that no fewer than 50 soldiers participated in the kicks that I received on my body, on all parts of my body. They put me in a military vehicle and a large number of soldiers sat on me. At the same time, before I reached Hawara, I almost suffocated.

In addition [the soldiers], with their boots, kicked my belly, my testicles, and my head.

When they took me down from the vehicle, they put a bandage over my eyes and threw me into an open area, and let a dog that was there come near me and bark to frighten me.

While I was cast in the open area with the barking dog at my side, they cocked their weapons, as if to shoot me... I feared for my life.<sup>28</sup>

“Rushdi,” [actual name and complete details on file at **PCATI**], a resident of a refugee camp in the West Bank, was arrested in his home in November 2002, and transferred to the Etzion military facility:

When we got out, they [the soldiers] began cursing me using words such as: bastard, asshole, son of a whore.... We stayed in the outside courtyard for two hours in the cold.

That night, “Rushdi” was transferred to the Ofer military prison facility near Ramallah:

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27. Affidavit, No. 23

28. Affidavit, No. 35, paras. 2-6, respectively.



The tripping game

[...] During the trip... my hands were shackled and my eyes covered. They pushed us violently on the chairs, and made sure to push our heads downwards. They cursed us: "Motherfuckers, sons of bitches. If you want Arafat then let him get you out of jail."<sup>29</sup>

Attorney Da'ud Dar'awi, resident of a-Ram, arrested on 21 February 2002 for being present in East Jerusalem without a permit, had an argument with a Border Police officer following his arrest, which cost him dearly:

I was transferred to Etzion by the same Border Police jeep, and on the way, when we reached the tunnels roadblock near Bethlehem, that same Border Police officer with whom I had argued got out, and told the soldiers at the roadblock that I was a dangerous terrorist.

The other Border Police officers there took me off the jeep and moved me, while my hands and legs were shackled, to a military truck parked near the roadblock. A soldier who was about 40 years old with a beard arrived, and punched me in the face... in the truck sat four more soldiers, one of them... took me off the truck forcibly, took the shackles off my hands, brought a rope, and tied my hands behind my back and threw me hard onto the ground – it was raining outside – and I fell onto my face into a puddle of water, and immediately there they covered my eyes and began beating me all over my body – kicking, punching, slapping, pouring water on me and wetting all my clothes. Under the blindfold I noticed that one of the people who beat me was that same Border Police officer, because he was wearing pants of a different color than the others.

Afterwards, they grabbed me and threw me onto the floor of the truck and went to Etzion, and all the way they placed their feet on my face and belly and pushed.

When we arrived at Etzion, when they took me off the truck, one of the soldiers knocked me on the head with the door of the truck, which dislocated my lower jaw. They immediately took me to the infirmary, I was treated and my jaw returned to its place, and they gave me tranquilizers.

Afterwards, they placed me in a cage outside in the rain, while I was totally wet, from 1:00 a.m. until 10:00 a.m. the next morning, while all the time it was raining and terribly cold.<sup>30</sup>

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29. Testimony, No. 42.

30. Testimony No. 26, para. 2.

### The “cage” at Etzion

The complaint of keeping detainees in a “cage” at the Etzion military camp, when they are totally exposed to the elements, is not unique to Atty. Dar’awi.

According to the description of Mohammad al-Zugheir:

I was arrested on 14 March 2003 at home in Hebron, by IDF soldiers at 2:00 a.m. They searched the house, shackled my hands and covered my eyes, and took me to the Etzion camp, and there they put me in a small cage outside of the area of the camp in the cold, until 8:00 a.m., during which time I was continuously in shackles that were tight on my hands, and a blindfold.<sup>31</sup>

Similarly, Iyyad ‘Abd al-Hadi, also from Hebron, arrived on 7 October 2002 at 2:00 a.m., related that he stayed in a “cage outside... while all the time I had shackles on my hands and a blindfold, until 14:00 the next day.”<sup>32</sup>

‘Undar ‘Asidah was taken to the military detention center at Beit El on 3 September 2002, after attending a court session held on his case at the High Court of Justice:

Before I got into the cell the soldier in charge asked me to take off all my clothes. I told him that I had just arrived from the court, where they had searched me...

The soldier continued to treat me crudely, shouting and nervous. So I took off my shirt, and he demanded that I take off my undershirt, and I took it off. I took off my pants and he demanded that I also take off my underpants.

The soldier shackled my hands behind my back and placed the detecting device under my underpants. Afterwards, during the search, he threw me to the ground... during the search that soldier hit me on my legs and head. He also put his foot on my head and hit my hands and the rest of my body. Then they put me in the cell.

31. Affidavit, No. 32, para. 1.

32. Affidavit No. 60, para. 1.

Afterwards they took me from the cell so that they could take me to the court at Beit-El. The soldier left me in the sun, with my eyes closed and hands shackled, for two hours.<sup>33</sup>

Samer al-'Issawi, a resident of East Jerusalem, described harsh violence and ill-treatment that reached life-threatening proportions:

I was arrested on 11 April 2002 in the al-Isra' building in Ramallah... a special force arrived at the building... they caught me, and immediately stripped off my clothes and began beating me all over my body with their hands and legs and clubs that they were holding, and also using weapons that they had. They put shackles on my hands and legs and covered my eyes and dragged me to a nearby building in which they were staying, and put us on the third floor. They took off my blindfold and began beating me and threatening me that if I don't confess they would treat me harshly. Two of them even took me out to the porch, caught me by my legs, and pushed the upper part of my body downwards, threatening that if I didn't cooperate and confess, they would let go and make me fall.

They continued hitting me and slapping me and torturing me, and also hit me with a glass plate that was there, until it broke on my head and caused cuts in my head, shoulders and hands, and this went on for several hours. Afterwards I was taken to the Ofer Prison, where I stayed for several hours, all the time with the shackles pressing on my hands and legs.<sup>34</sup>

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33. Affidavit, No. 68, paras. 2-9, respectively.

34. Affidavit, No. 64, paras. 1 and 3, respectively. It is possible that al-'Issawi was the victim of a GSS 'field interrogation.'

### Sanitation Dump qua Detention Cell

According to the affidavit of Haitham Minawi, who was detained during July 2002 in the military detention facility at Hawara, before being transferred to a GSS interrogation facility:

At Hawara they threw me into a place full of trash and human garbage, with my hands shackled... there were lots of biting insects there that covered me from head to toe and bit me... I began to scream, me and four other guys – I don't know all of them... A physician came to visit me and told me that my situation was not worrisome, although my body was full of bites. After the physician left, I suffered the same torture again, until 4 p.m....<sup>35</sup>

Shadi Jaradat was arrested in his home in the village of Sa'ir in the Hebron District on 2 October 2001, and interrogated at the Qiryat 'Arba police station:

When we arrived at the jeep, they tied my hands with plastic shackles behind my back, and covered my eyes and bound my feet with metal shackles, and sat me on the floor of the jeep and put the pants and shoes that were with me on my head, placing their feet on my body. During the trip, they hit me with their weapons and feet in the area of my back, and knocked my head. We continued along until we arrived at the Qiryat 'Arba police station, and there I heard the call of the muezzin announcing the morning prayer.

They took me off the jeep and took off what had been on my eyes and left my hands and legs tied, and put me in an outer courtyard for 15 minutes while I was sitting surrounded by three soldiers. Afterwards, they brought me into the interrogations room and an interrogator wearing shorts questioned me... he and three more soldiers beat me and the interrogator hit me on my right arm with a stick. Afterwards, the tone of his interrogation shifted to persuasive and calm, after he had been on edge, and he tried to calm me, and despite this, I denied

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35. Affidavit, No. 47, paras. 3 and 4, respectively.

any connection... therefore he hit me on my head from behind and cursed me with curses such as “fuck your sister, motherfucker, you son-of-a-whore.”

The soldiers attacked me... they hit my arms, legs and face, and the barrage of hitting continued for half an hour until my nose began to bleed and they stopped.<sup>36</sup>

Ra’uf Dar Yasin attempted to protest the detention conditions in the Etzion military detention center, through a hunger strike:

On that day I received food that was very bad, and the mattress was very dirty, and the room was also dirty and very small. I ran into problems with the bathroom because we were allowed to use it only at a particular time. And on the second day, because of the poor quality of the food, we refused to eat it as a protest against its quality, and as a result, a military force arrived at the detention center and opened the room where I was and a number of soldiers and officers took me out of the room and hit me with clubs on my legs and body, and I stayed in the hall for a half hour, until they returned me to the room.

Later, Dar Yasin was transferred to the Ofer military prison. Following is a description of the transfer:

I was placed with some other guys on a bus, where there were a number of soldiers, and they tied the shackles to the chair and the bus took off. After ten minutes, the soldiers began hitting me on the head with the butts of their rifles and with clubs on the chest and all over my body. The bus continued travelling for over two hours, while we were being hit, and I would hear the shouts of the detainees as a result of the beating. I heard one of the detainees say to the soldiers: “I’m going to die,” and then one of the soldiers answered him in Arabic: “I’m going to kill you.” I felt that because of the beating, my head was going to fall apart.

At the same time, there was a lot of movement of ambulances, and the soldiers began saying in Hebrew “terror attack” and the pace of the beating began to increase.<sup>37</sup>

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36. Testimony, No. 22.

37. *Ibid.*

*Attempted Rape – And Appropriate Response by IDF authorities*

As'ad al-Haimuni, resident of Hebron, was arrested on 17 November 2001, and transferred to the Ofer military prison facility, from there to the Ketziot military prison facility in the Negev, and from there, at the end of April 2002, back to Ofer. When he arrived at Ofer he was sexually and physically assaulted by an IDF officer. Following is his description of the case:

1. On 28 April 2002 at 11:30 at night, I was transferred from the Negev prison [Ketziot] to the Ofer Prison to report to the court in Beit El.
2. During the trip, I asked the officer to go to the bathroom, but he refused and said to me: "When we get to "Ofer" you'll go to the bathroom."
3. After we arrived at "Ofer" I asked him to go to the bathroom and he said to me: "When we get off the bus, go to the bathroom." When we got to the prison I asked him if I could go, after another guy had gone before me – I asked to go to the bathroom. Another officer from "Ofer" answered and said to me: "Shut-up and don't say anything." I said to him: "I only want to go to the bathroom." He screamed at me, saying: "I don't want to hear a single word from you." I said to him: "Don't scream at me. I'm asking you politely to go to the bathroom, so don't scream."
4. He came close to me and tried to hit me. I said to him: "Don't hit. I only want to go to the bathroom." He said: "You're fresh. I'll show you what I'm going to do."
5. He demanded that I get up, and asked the policeman to bring water. He took me to behind the infirmary.
6. There he put a glove on his right hand and said to me: I want to put my hand into your rear-end. I said to him: No one can put his hand in my rear end. He said to me: Let's see if I can or not.

“At the time of the incident, I was 100% certain that he was going to rape me. I was afraid. It was just me and him. I would have preferred him to shoot me. I didn’t understand what was happening. After that incident I couldn’t stand anything. If a friend touched my shoulder there would be trouble. I couldn’t sleep.”<sup>38</sup>

7. He put petroleum jelly on his right hand and said to me: take off your pants. I refused to take off my pants.
8. He told the policeman to take off my pants. The policeman refused to take off my pants and said: “It’s illegal.” The officer said: “I’m in charge. Do what I’m telling you.” The policeman refused.
9. He ordered the policeman to leave the place, after ordering me to take off my jacket and shirt, and tied my hands behind my back; afterwards the policeman left and he stayed alone with me.
10. He said to me: “I’m going to do more than put my hands in your rear end.” He said: “This petroleum jelly won’t be enough,” and he put jelly on his hand again.
11. He took off the pants and I began screaming at him not to do anything, while I was tied behind my back and couldn’t do anything. He said to me: “Don’t scream.” I told him: “Don’t take off my pants. Leave the pants alone.”<sup>39</sup>

The officer beat Haimuni, causing a fracture in his left hand. Other officers, who heard the shouting, arrived on the scene and put an end to the abuse.

The first complaint reached the offices of **the Public Committee Against Torture in Israel**, through MK ‘Issam Mahul. Atty. Allegra Pacheco took the affidavit, some of which is quoted above, after Haimuni was released (with no legal steps taken against him).

38. Additions and corrections to the sworn affidavit made to Atty. Allegra Pacheco on 3 August 2002. They were given to Yuval Ginbar of the Public Committee Against Torture in Israel in Hebron, 10 August 2002.

39. From affidavit, No. 29.



The "cage" in Etzion

Following complaints by **PCATI** and other organizations, the military police opened an investigation into the case. At the end of the investigation, it was decided to bring charges against the officer. He was accused of deviating from authority, using threats and inappropriate behavior.<sup>40</sup>

**The Public Committee Against Torture in Israel** has not yet received information regarding the trial and its outcome. This notwithstanding, it could be said that at least to this point of the trial, the IDF authorities have acted in this case as required by international law: the matter was investigated promptly and thoroughly; Haimuni himself was questioned at length and signed a detailed statement after reading it; and the officer was charged. There were no extraneous delays, no attempt to whitewash, no evasions or claims that the complaint by “a local” was not a matter of public interest.

In this case, the IDF authorities proved that they possess both the tools and the ability to act properly against illegal behavior on the part of soldiers. **PCATI** can only welcome this, and calls upon the IDF authorities to act with the same degree of efficiency and determination against the much more “routine” and widespread phenomena of violence, threats and degradation of Palestinians at the time of arrest and subsequently.

These actions must first and foremost focus on prevention. Measures should include educating and instructing soldiers and commanders to respect the human rights of Palestinian residents of the territories, and implement the absolute prohibition that applies to any violation of the dignity or body of detainees – including those who are suspects or “wanted.” Where such instruction, coupled with determined action against violators of the law, are lacking, responsibility for violations of the provisions of international law in this area lies not only with the violent and abusive soldiers, but also with their commanders.

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40. In the District Military Court, Central District, file 434/02. The charges were filed on 29 September 2002.

### 3. The G.S.S.: Torture and Ill-treatment Authorised and Approved

#### Introduction – International Law and the HCJ Ruling

The Palestinian detainee in Israeli custody is protected by two international legal systems: one is that of human rights law which, by its very nature, applies to every human being, and the second is the laws of war, where Palestinian detainees are still considered residents of an occupied area, and Israel as the occupying power.

In 1984, the United Nations approved a convention dedicated to the fight against torture.<sup>41</sup> The convention prohibits, unequivocally, use of torture under any circumstances [in Article 2(2) – see above]. This convention was preceded by a long string of other treaties, such as the International Covenant on Civil and Political Rights<sup>42</sup> (see Article 7) and treaties on the laws of war,<sup>43</sup> all of which prohibit torture, as well as other forms of cruel, inhuman or degrading treatment and punishment, under any circumstances whatsoever. International law recognizes that in a state of emergency there is sometimes no avoiding derogation from certain human rights provisions. In contrast, the prohibition against torture and ill-treatment is absolute, and no “ticking bomb” or any other “exception” can justify derogation or deviation from it. This prohibition constitutes a rule of customary international law (namely a rule that is binding even on states that did not pledge to uphold it in a treaty) in the opinion of all legal bodies that have dealt with it, and the overwhelming majority of legal commentators.

Israel is party to all the above-mentioned treaties,<sup>44</sup> and has never

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41. Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, UNGA res.39/46 adopted 10 December 1984, entered into force 26 June 1987. For text see UN Center for Human Rights, *Human Rights: A Compilation of International Instruments*, vol. 1 (First Part), New York and Geneva, UN, 1994, pp. 293 ff. The complete version of all the international documents presented here can also be obtained from the website of the UN Human Rights Commission: <http://www.unhchr.ch>

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

43. For example, Regulations annexed to the Hague Convention IV Respecting the Laws and Customs of War on Land, 1907, Reg. 4 – regarding prisoners of war; Reg. 44 – regarding civilians; Article. 3(1) common to the 1949 Geneva Conventions – regarding non-international armed conflicts; The Third Geneva Convention, arts. 13-17 et al. regarding prisoners of war; The Fourth Geneva Convention, arts. 27, 31, 32 – regarding civilians under occupation or otherwise under the power of a party to a conflict.

44. Israel ratified the Convention Against Torture in 1991, and during that same year, the Covenant on Civil and Political Rights. The Geneva Convention was ratified by Israel already as early as 1951. The Hague Regulations of 1907 are considered a customary treaty, and as such, constitutes part of domestic Israeli law.

submitted reservations to provisions that prohibited torture absolutely. In statements before the UN Committee Against Torture, Israel has declared that it accepts that total prohibition, without qualifying it in cases such as “ticking bombs.”

All international and regional legal bodies and mechanisms which deal with human rights and humanitarian law, without exceptions, have emphasized unequivocally the absolute prohibition on torture and ill-treatment. On this topic, noteworthy is the ruling of the European Court for Human Rights, which has dealt with many cases involving the torture and ill-treatment of terrorists (real or imagined), and in all of them ruled that no exception may be made to the prohibition in any situation.<sup>45</sup>

In its ruling of 1999, the HCJ described accurately the position of international law on the topic:

International treaty law – to which Israel is a party... prohibits the use of torture... “cruel or inhuman treatment...” and “degrading treatment” ... these prohibitions are “absolute.” They have no “exceptions” and no balances.<sup>46</sup>

The HCJ failed, however, to apply these provisions to GSS interrogations. Instead, the HCJ created an opening in the absolute prohibition on torture and ill-treatment, by ruling that “physical pressure” (that is, torture, even though the HCJ avoided using this term) would still be allowed (retroactively) in the case of a “ticking bomb.” In such a case, the defense of necessity would apply to the (torturing) interrogator and the Attorney General would be able to determine, *ex post facto*, that he would not even face trial. Alternately, this defense can be invoked in his trial. In addition, the HCJ sanctioned sleep deprivation as long as it is the side-effect of a protracted interrogation, and tying interrogees as a means of protecting

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45. See, for example, *Ireland v. the United Kingdom*, judgment of 18 January 1978, Series A. no. 25; *Tomasi v. France*, judgment of 27 August 1992, Series A. no. 241-A; *Ribitsch v. Austria*, judgment of 4 December 1995, Series A no. 336; *Chahal v. the United Kingdom*, judgment of 15 November 1996, **Reports** 1996-V; *Aksoy v. Turkey*, judgment of 18 December 1996, **Reports** 1996-VI; *Aydin v. Turkey*, judgment of 25 September 1997, **Reports** 1997-VI; *Selmouni v. France*, judgment of 28 July 1999, **Reports** 1999-V. The case of Selmouni is discussed in detail below.

46. HCJ ruling, para. 23

47. For an analysis of the HCJ ruling see **Flawed Defense**, Chapter 1.

the interrogators.<sup>47</sup>

Most unfortunately, the creation of this opening, that was meant to have been small, was enough to bring about a torrent that swept away the dam, as described below.

## A. Current GSS Interrogation Methods - General Description

Methods of torture and ill-treatment used by the GSS against Palestinian interrogees will be described here in brief, followed by excerpts from affidavits of interrogees, which describe these methods in more detail.

### 1. *Violence:*

The most prevalent forms of violence in interrogation are:

- **Beating, slapping, kicking, stepping on shackles**
- **Bending the interrogee and placing him in other painful positions.** The “bending” method is usually carried out through forcing the interrogee, who is tied to a chair with no backrest (or placed such that the backrest is not behind him), leaning him backward at an angle of 45 degrees or more, for a half hour or more each time. This is often done by applying pressure to the chin or body of the interrogee, in combination with beating, stepping on shackles, etc.

Other forms of placing in painful positions often used are forward bending, forcing the interrogee to stand, to lift his arms, or remain in a position that is somewhere between standing and squatting for long periods.

- **Intentional tightening of handcuffs**, at times to the point of bleeding.
- **Violent shaking.** The interrogator grabs the interrogee, who is sitting or standing, by his shoulders or by his shirt collar, and shakes him violently, so that his fists are beating the interrogee’s chest, and his head is thrown backwards and forwards.

### 2. *Sleep Deprivation*

This is carried out through what is called a “protracted interrogation,” the main part of which involves keeping the interrogee in the interrogations room, whether or not he is being interrogated, often combining different

forms of violence (see above) and/or additional methods described here – shackled to a chair in a variety of uncomfortable positions (that in time becomes painful) – loosely termed “*shabeh*” by detainees [see descriptions below], questioning replete with shouting, curses etc., transferring to the cell and back, and turning on a cold air conditioner in the interrogation room or the cell. Interrogees are often deprived of sleep for periods of three or more consecutive days. In other cases, they are allowed to sleep for two or three hours in 24, over the course of many days.

### 3. *Additional “Interrogation Methods”:*

- **Prolonged shackling behind the back.** In most cases hands and legs are tied to each other, and both behind the back, to the chair, throughout the interrogation sessions, which often last many hours. In some of the cases, only the hands are tied.
- **Curses, threats, humiliations.** These include for the most part curses of a sexual nature; threats to use methods indeed taken by the IDF, such as demolition of the suspect’s home, detention or even assassination of family members; and spitting. In addition, **the Public Committee Against Torture in Israel** has documented a case of stripping and a case of physical sexual abuse.
- **Deprivation of essential needs.** During a “protracted interrogation” the interrogee is deprived, sometimes, of food, water, use of the bathroom and medical care.
- **Exposure to extreme heat or cold.** This is done mostly through streaming cold (and sometimes hot) air into the cell or the interrogation room using an air conditioner.

### 4. *Secondary Methods*

- **Isolation and secrecy.** Prevention of outside scrutiny, visits by attorneys, independent physicians or family members for weeks and months – with the routine and sweeping approval of the HCJ, as stated – provides torturers with a shroud of secrecy and total protection from the law, which is meant to protect the rights of detainees as well. At the same time, incommunicado detention constitutes an additional method of ill-treating the detainee.

**From the resolutions of the UN Human Rights Commission, 2003:**

[The Commission] reminds all the States that prolonged incommunicado detention is likely to enable use of torture and likely in itself to constitute a type of cruel, inhuman or degrading treatment, or even torture, and calls upon all the States to respect the methods that assure the freedom, security and dignity of human beings.<sup>48</sup>

- **Imprisonment under inhuman conditions.** Palestinian interrogees are held mainly in filthy cells, are not permitted to shower, sometimes for two weeks or more, receive food in a poor state and do not receive a change of clothes. These conditions too are methods of degrading interrogees and pressuring them.

### **The State's Position**

Various official publications and documents<sup>49</sup> demonstrate that Israel admits to use of the following methods:

- Slapping and hitting
- Bending – for up to one half hour each time
- Shaking
- Sleep deprivation
- Isolation and secrecy

The State justifies the use of some of these methods – including the violent methods and sleep deprivation by the “ticking bomb” claim, and others with needs such as “the security of the interrogators” (for shackling), “the needs of the interrogation” (regarding preventing meetings with attorneys), etc.

48. U.N. Doc. E/CN.4RES.2003/32, adopted without vote on 23 April 2003, para. 14.

49. For reasons of confidentiality, not all of them can be named here.

### What is permissible in the case of a “ticking bomb”? A GSS interrogator’s version

In July 2002 the daily paper *Ma’ariv* published an interview with three unnamed GSS interrogators. One of them was asked, among other things, regarding what an interrogator may and may not do in the case of a “ticking bomb.” His response was as follows:

It’s a really serious problem. The interrogee has all the time in the world. If he’s already started the ball rolling and all that’s left is to carry it out, you’ve got a problem. Here you use all the possible manipulations to the point of shaking and beating, and you will beat the hell out of him. To say that it always succeeds? – it doesn’t. I also had a case when we thought mistakenly that someone was a bomb [sic.], and only afterwards it became clear that he was an activist, but not related to that specific terrorist attack.<sup>50</sup>

## B. Interrogation Methods – Descriptions by Interrogees

The rapid deterioration in the ethics of GSS interrogations during the past two years makes it very difficult to distinguish between “regular methods” and “special methods,” as was done in the previous report.<sup>51</sup> This notwithstanding, we will attempt to present the descriptions from the affidavits in an order of increasing severity.

Taleb Abu Sneineh, resident of Hebron, was arrested on 18 March 2002 and transferred to a hospital he could not identify, and from there to interrogation at the GSS interrogation facility at the Shikma Prison in Ashkelon. In his affidavit he related, *inter alia*:

During the first two weeks of my detention I was subjected to a protracted interrogation that lasted about 20 hours a day. During this time, I was seated on a chair with my hands tied behind me,

50. Amit Navon, “Stories from the Interrogation Chambers, *Ma’ariv*, *Weekend*, 5 July 2002.

51. *Flawed Defense*, Chapter 2.

my upper body naked, and I was sometimes held in “*shabeh*” for an entire night in the outer courtyard, while being prevented all night from going to the bathroom.<sup>52</sup>

Sami Khalil, resident of Nablus, was arrested on 10 February 2003, and following an arrest that included severe ill-treatment (see Chapter 2), he was interrogated at the GSS interrogation facility within the police detention center at Kishon:

During the period of interrogation they would tie my hands behind me on a chair tied to the wall, and place shackles on my feet, and this went on every morning until 10 p.m. and sometimes until midnight. It continued for two weeks.

The interrogators threatened me a number of times, with both electric shock and a lie detector...<sup>53</sup>

#### **Detention Conditions in the GSS Wing at Kishon, as described by Sami Khalil:**

Meals: food that is not fit for eating – rotten eggs, rice that is not well-cooked, hummus that is beyond its use-by date and is not suitable for eating.

Showers: At first, I was not allowed to shower – that lasted for two weeks. Afterwards, they let me every few days.

Change of clothes: Since I was arrested, I have not changed my clothes – and they do not let me shave.<sup>54</sup>

Usamah Natsheh, resident of Hebron, was arrested on 12 February 2002 and interrogated at the GSS interrogation facility within the Shikma Prison:

They did not beat me during the interrogation, but they tied me to a chair from the early hours of the morning until the evening for a period that exceeded 10 days. My hands were shackled behind me and also my legs were shackled. They threatened that they would demolish my

52. Affidavit, No. 4, para. 10.

53. Affidavit, No. 35, paras. 15-16, respectively.

54. Report filled out by Atty. Muhammad Abu Raya on behalf of PCATI, 18 March 2003.

house if I didn't confess, and the [Palestinian] collaborators threatened me with murder if I didn't confess. I was with them for 10 days.

They placed me in an isolation cell for 7 days, where I was under emotional pressure in an uncomfortable position, and they told me that I was going to rot in detention until I confessed.

The treatment of the detainees is very bad, and the food is unacceptable and not suitable even for animals.<sup>55</sup>

Samer Duqan, a resident of the Balata refugee camp in Nablus, was detained on 9 October 2002 and transferred to interrogation in the GSS interrogation facility within the police detention center in Petah Tikvah:

They seated me on a chair and tied my hands behind my back... during the interrogation they cursed me and my family a lot, they threatened to demolish my house and to bring my wife and place her in detention... they threatened me with administrative detention if I didn't confess.

On Sunday they transferred me to a particular cell for two hours. That cell was very small, its area was 2X2 meters, it had no window or sink in the bathroom. Together with me were two other people about whom I know nothing. After that, I was transferred to the interrogation room, and they again asked me the same questions, the same accusations and the same threats. At the end of the day they would take me to the cell again, and I would stay there for two hours only. Then they would take me again to the interrogations room. This cycle continued for 10 consecutive days, during which I was not permitted to sleep more than the two hours [each day] when I was taken to the cell. They did not allow me to sleep in the interrogation room.

The food was served to me in the interrogation room, I ate it with my hands tied in front of me. The food was very bad...

They allowed me to go to the bathroom only rarely, and for the first ten days they did not allow me to shower.

For the ten days that followed they did not interrogate me at all, although I was present in the interrogations room for a lot of time and the door of the room was closed and cold air entered the room. This situation would continue until 5 p.m. and after that they would

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55. Affidavit, No. 51, paras. 2-4, 6, respectively.

transfer me to the cell... in the morning they would bring me into the interrogations room again and seat me on a chair with my hands tied behind me.<sup>56</sup>



Humiliation during interrogation

## GSS Subcontractors

As stated, the commander of the Hostile Terrorist Activities Unit of the Judea and Samaria District police, related that interrogation of detainees at Ofer are conducted by this unit, under the auspices of the GSS. From following description, taken from the affidavit of Ra'ed Abu Sunbul, who was interrogated at Ofer, it appears that the interrogation methods are not essentially different in the two units:

I was brought into the interrogation at around 9:30 a.m. and they began to interrogate me, and every answer or word of mine was accompanied by blows to my face and body, and kicking. At the beginning of the interrogation they told me to stand and to bend my knees so that I would be half standing, and if I moved from that position I would immediately be slapped and kicked, and this situation would continue for a long time, to my estimate for close to two hours, until finally I couldn't take any more of the pain in my knees and hands (because of the tight handcuffs) and the difficult position, and then I fell to the floor and they began to beat me and to kick me and demanded that I stand again, but I said to them that they could hit me as much as they wanted because I couldn't stand up any more.

During the entire interrogation that continued until 15:00... they cursed me: "Fuck your sister, you son-of-a-bitch, you father-of-a-bitch, I want to fuck your sister."

During the interrogation they spat in my face and also into my mouth, and the whole time they scared me and said that I don't have any rights here and that they can do anything to me that they feel like.

During the interrogation, they punched me on my left ear. I felt that the ear had exploded, and it hurt me terribly. Until today, my ear hurts very much, and I hear a constant ringing and I can't sleep at night due to all the pain...<sup>57</sup>

56. Affidavit, no. 24.

57. Affidavit, no. 3, paras. 7-10, respectively.

The interrogation of Atty. Da'ud Dar'awi, who was arrested on 10 September 2001 and interrogated at the Shikma Prison, included exploiting a previous back operation in order to cause him pain, as well as arresting his wife as a way of pressuring him:

During the first 20 days they interrogated me consecutively and intensively every day from morning till night. Afterwards the interrogations were at shorter intervals. Prior to my arrest I had undergone a back operation - I had a slipped disk at vertebrae 4 and 5. Despite this, all during the interrogation I was seated in the *shabeh* position - on a small, tilted chair, with my hands and legs in very tight shackles to the point that I bled, and tied together, and my back was leaning back very hard, which caused strong pain in my back and a sharp limitation of movements. The whole time they would curse me like: You asshole, we're gonna screw you, we're gonna screw your family, you son of a whore, etc. They threatened to bring my family to the interrogation and to demolish my house, etc., and they really did bring my wife to a 4-hour interrogation as a way of pressuring me and threatened that they were going to do bad things to her.<sup>58</sup>

Ra'ed Qoqa was arrested on 10 January 2003 at his home in Nablus (see also Chapter 2):

On Sunday [12 January 2003] they brought me to Kishon, and afterwards transferred me to a detention center that I do not recognize. In other words - I slept one night at Kishon, and afterwards at a detention center known as the "secret interrogation detention center" (Arabic: *a-tahqiq a-sirri*).

I stayed at that detention center, for 10 days, from 8:00 until 20:00 in interrogation, except for Tuesday [14 January 2003] when I was not interrogated. I was at all times in the *shabeh* position, on a chair made of hard wood. They would tie me on the chair with my hands tied behind my back and my legs also tied back.

The interrogator - whose name is Avi - would slap me on the face with his hand, would grab me by the clothes at the chest and press me to the wall... in addition, he would seat me forcefully on the chair and continue to slap me.

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58. Affidavit, no. 26, para. 1.

During the interrogation the interrogator would threaten to crush or wring my balls... in addition, he would curse my mother and my father, and he would curse the Islamic religion.

On 21 January 2003 I was returned to Kishon.<sup>59</sup>

Khalil Marwan al-Khalili, resident of Nablus, was arrested on 17 June 2002 and interrogated at the GSS interrogation facility in Petah Tikvah, and at other places of detention and interrogation, including secret ones. In his interrogation, he was subjected both to severe violence and to ugly degrading treatment:

They placed me in the *shabeh* on the interrogation chair for all of my interrogations; I would sit on a chair while shackled and with my back leaning towards the floor, and they did not allow me to sit in a regular manner, until I fainted.

They would stand me up at the wall in a half-stand, and when I grew tired I was hit forcefully in the face. This situation went on for a period of four days, until I confessed to them.

They prevented me from sleeping for the first ten days of the interrogation, during which I was not allowed to sleep at all; each time I fell asleep they would hit me. I took a shower one night, that is, they forced me to shower four times in one night, since during my time in the *shabeh* I would wet myself, and that happened twice, as a result of the force of the torture and the beating and from lack of sleep.<sup>60</sup>

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59. Affidavit, no. 71, pp. 1-3, and report complete by Atty. Abu Raya.

60. Affidavit, no. 36.



"Shabeh"

### **Isolating the Interrogee, Giving his Attorney the “Run-around”**

The GSS keeps Palestinian detainees absolutely incommunicado from the outside world for long periods - sometimes entire months - while employing various and strange methods. Apart from issuing orders that prevent meeting with an attorney, GSS personnel give attorneys the ‘runaround’ by relaying unclear information, transferring detainees from place to place, and sometimes, transferring them to a secret place of detention or interrogation. Following is an affidavit given by an attorney who handled the case of al-Khalili, which exemplifies the phenomenon:

#### Sworn Affidavit (Translation)

I, the undersigned, Atty. Samir Khalil ‘Abd al-Latif of Jerusalem - hereby declare as the legal representative of the detainee Khalil Marwan Khaled al-Khalili, identity number 901552828, resident of Nablus, who was arrested by the Israeli army on 17 June 2002, that until today I have not been given an opportunity to see my client, or even to know the place of his detention; rather than be informed of this, I was told again and again that he is in a secret place of detention. Even yesterday, namely on 13 August 2002, I was not permitted to meet said client when a [court] hearing was held for the purpose of extending his detention in the Jalameh (Kishon) Prison, on the grounds that he had been prohibited from meeting his attorney for a week beginning 13 August 2002. His detention was extended by 15 days, following which he was taken to an unknown location.

Sincerely,

(signature and stamp)

Given on 14 August 2002.

Atty. ‘Abd al-Latif was allowed to see his client only on 18 August 2002 following intervention of the Public Committee Against Torture in Israel.

The degrading treatment suffered by Malek Salhab, resident of Bethlehem, who was arrested on 11 February 2003 and interrogated in the GSS interrogation facility in the police detention center at the Russian Compound, was of a sexual nature:

During the interrogation I was held in *shabeh* on a small chair intended for a 7-year-old child – on that same day in the afternoon hours and until the next day. After this I was held in the *shabeh* every day on the same chair between 6-9 hours for six consecutive days.

They threatened to destroy my house and arrest my whole family, and also threatened to harm and tarnish my good name... An interrogator named “Solly” assaulted me sexually during the interrogation. He said he would begin interrogating me as they interrogate women, since according to his claim interrogating me as a man had been useless. Afterwards he got up and put his hand on my body and said that he was about to sexually molest me. He began touching my body. I shifted away from my place and stopped him forcefully.

Afterwards I lost consciousness for about an hour and a half. When I woke up I asked that they refer me to a doctor, but they refused many times. They also refused to remove the shackles from my hands and feet.

Two or three days later, and after I had insisted that they refer me to a doctor they did that, but his treatment was not human and had no professional ethics or morals. He slapped me twice on the face and told me to drink a glass of water, and that after that I’d get better.<sup>61</sup>

Ra’ed Haddad, resident of Gaza, was arrested on 5 December 2002 and interrogated at the GSS interrogation facility in Petah Tikvah:

I was interrogated for about 52 days.

During the entire interrogation period I was alone in the room. The room... is called “the freezer.” It was the coldest room I have seen in my life, and this was done even though I explained to the interrogators that I have a serious injury in my leg and cannot stand cold weather of any kind – it simply causes severe pains in my legs.

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61. Affidavit, no. 56, paras. 2-6, respectively.

During the entire period of the interrogation they tied my hands behind the chair.

Sometimes I was interrogated for 14 consecutive hours...

During the interrogation the interrogators continued speaking in a degrading way, such as "I'm going to fuck you. I'll fuck your sister and your mother together..."

During the entire period of the interrogation the shackles were tight on my hands, and when I asked my interrogators to ease them they refused and even sometimes tightened them more and more.

During the interrogation I was slapped over 10 times – on my head, on my face, and on the back of my neck.

The room (the isolation cell) where I was staying was lit all day, 24 hours, thus preventing me from sleeping comfortably.<sup>62</sup>

### **Shower as a Method of Sleep Deprivation**

The GSS sometimes instructs policemen in the detention facility to awaken interrogees in their cells in the middle of the night on various pretexts. Thus, for example, Muhammad Ayyub Darwish, resident of Beit 'Ur a-Tahta in the Ramallah area, who was interrogated on July 2002 in the Russian Compound, stated in an affidavit that,

During the period of the interrogation I did not change my clothes and they would let me shower in the middle of the night – indeed, the shower became a method of punishing the detainee.<sup>63</sup>

Hani Laimun, resident of Tulkarm, was arrested on 23 January 2003. It should be noted that his interrogation, in the GSS interrogation facility at the Kishon police detention center, began no less than 18 days after his arrest:

62. Affidavit, no. 34, paras. 2-6, 8-10, respectively.

63. Affidavit, no. 27, paras. 2,4,10, respectively.

...Here I'm interrogated intensively every day for 24 hours with a 2-3 hour break. Sometimes they don't let me sleep for a few days.

During interrogations I'm always with shackles on my hands and feet, and seated on a very small chair with my hands and feet tied together and my back leaning backwards, and all the while they slap me on the face and hit me in the stomach, and step on my shackles and put tight shackles on me and press very hard until I bleed from my hands and legs, shake me and curse at me all the time with curses like: "You asshole, son-of-a-whore, we'll fuck you, your mother's cunt, your sister's cunt etc."<sup>64</sup>

Muhammad Zeid, resident of Tubas, was arrested on 26 November 2002 and interrogated at Kishon:

When I arrived at Jalameh (Kishon) they placed me in a room, sat me down slanted on a small chair, with my hands tied together with my legs, and my back leaning hard backwards. A GSS interrogator came into the room and sat with me for almost an hour, and he threatened me and said to me: Speak quietly without violence. If you don't speak, there are guys outside who are hot for you and dying to come inside and beat the hell out of you.

When I didn't speak he went out and a group of interrogators came in, 5 or 6. They began shouting and hitting and slapping me. One caught my chin and pushed backwards while the other stepped on my leg shackles, causing great pain in my back, and I felt that I was choking and going to die.

Then, while I was in that position, a third came and stepped on my stomach with his foot. Afterwards they took the shackles off my hands, then tied a shackle to each hand, and pulled me by the shackles, each one in a different direction, and I felt that my hands were about to burst and be torn plucked out of their place.

Afterwards, they tied me again with my hands and feet on the chair, as I explained in the beginning, but this time they tightened my hand shackles in a horrible way, and I remained that way until my hands began to bleed.

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64. Affidavit, no. 43, paras. 1-2, respectively.

This continued for the first three days, during which I didn't sleep for even a moment. Afterwards there was a break of a few hours and they let me sleep from 8:00 a.m. until 11:00 a.m. and then the interrogation and ill-treatment began again, where this time 5 GSS agents entered the room who began beating me to death. They threw me on the floor and started kicking me all over my body. This continued until my clothes were torn and I fainted. Then they woke me up using water and tied me again to the chair in a position with my hands tied to my feet and my back leaning backwards, and continued slapping me in the face until I began bleeding from the nose and mouth. All during the interrogations they would humiliate me and curse me like: "Your mother's cunt, your sister's cunt, you son-of-a-whore, we'll fuck your sister," etc...

This interrogation continued for two days, during which I did not sleep at all, that is, during 5 days of interrogation and ill-treatment I slept only 3 hours.<sup>65</sup>

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65. Affidavit, no. 33, pars 2-6, respectively.

### Sleep Deprivation - Save a Life, or Extract a Confession?

In October 2002 the daily newspaper **Ma'ariv** published an article about the interrogation of Marwan Barghouti.<sup>66</sup> The article was based on "the GSS's logs of Barghouti's interrogation." According to the article, Barghouti's interrogators "tried to extract a confession from him immediately at the beginning of the interrogation." From this and the article in general, it is clear that obtaining a confession was indeed the main purpose of the interrogation from the outset, and not obtaining essential and urgent information that could foil terrorist attacks. The material provided by the GSS to the **Ma'ariv** correspondent leaves no room for doubt: the interrogators deprived Mr. Barghouti of sleep with the aim of extracting confessions from him, and even said so explicitly. Following is a quotation from the article, which in turn quotes a GSS document:

Interrogator: "We won't let you sleep unless you confess at least in general terms to all the activities for which you're responsible."

Following publication of the article, **PCATI** asked the State Prosecutor's Office, among other things:

Does the State Prosecutor's Office consider the desire to extract a confession from an interrogee a sufficient reason, under the HCJ ruling, to use interrogation methods such as sleep deprivation against him, ...?

No answer has as yet been received.

Suheib Daraghme, resident of Hebron, who was arrested on 14 January 2003 (see Chapter 2) was interrogated in the Shikma Prison:

I arrived at Ashkelon at about 1:00 a.m., and was immediately taken for interrogation. I was interrogated by an interrogator named

66. Noam Amit, "Barghouti in the Cellars of the GSS," **Ma'ariv Supplement**, 18 October 2002.

“Patrick,” or at least that’s what he said his name was. Patrick tied my hands and legs behind the chair.

This same Patrick asked me repeatedly to open my legs; when I did so, he pushed his leg between my legs and pushed hard against my balls. It hurt me very much; I thought that I would never be able to have children...

Patrick interrogated me from 1:00 until 8:00 a.m., without a break. During the interrogation they gave me neither water nor food.

...After Patrick finished at 8:00 a.m., an interrogator named Tony came to me immediately and interrogated me for three consecutive days. Even when he left the room for two or three hours he would make sure to leave a policeman with me, and I remained tied on the chair for three days.<sup>67</sup>

Ja’far Khalil Abu ‘Arqub, a resident of Dura, was arrested on 15 January 2003 and interrogated in the Shikma Prison:

I solemnly declare that I was hit hard on my right eye, causing me to lose sight in this eye completely, and I only see in my left eye and I suffer from pain in my right eye all the time and especially when it’s cold.

I solemnly declare that I told them during the interrogation that my eye hurts but they were apathetic and didn’t stop beating me.

I demanded a few times to receive medication to care for it or to ease the pain, and they have not responded to this day.<sup>68</sup>

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67. Affidavit, no. 25, paras. 9-13, respectively.

68. Affidavit, no. 9, paras. 2-5, respectively.

## Handcuffs, the “Safety” of Interrogators and the Torture of Interrogees

Ostensibly the High Court of Justice ruling permits “shackling the interrogee” only “for the purpose of preserving the investigators’ safety.” The HCJ also ruled that “cuffing” is not a reasonable method of interrogation when “the hands of the interrogee are tied behind the back, of all things” and added that “there are other ways to prevent escape from legal custody or to protect interrogators, which do not involve causing pain and suffering to the interrogee.”<sup>69</sup>

However, the GSS prefers to shackle the overwhelming majority of interrogees, and “behind the back, of all things.” In addition, in some of the affidavits interrogees stated that the interrogators would leave the interrogations room for many hours and leave them tied to their chairs while not being interrogated at all, that is, without even attempting to obscure the tying with the excuse of “preserving the investigators’ safety.” For example, Muhammad al-Haimuni stated in his affidavit:

I would like to emphasize that during the period when I was interrogated, the interrogators left me with shackles on my hands and feet behind my back, while my eyes were blindfolded, for many hours without being interrogated at all.<sup>70</sup>

The GSS personnel know well, that even vis-à-vis the most dangerous interrogees, the presence of an armed policeman is sufficient to assure the safety of the interrogators. Tha’er Abu Srur, interrogated by two IDF officers, relates that “they let me sit after searching me, and took the handcuffs off me.”<sup>71</sup>

The GSS, however, has other reasons for shackling detainees. Shackles serve as auxiliary equipment for inflicting slow and accumulating pain, for sleep deprivation, for placing the interrogee in a wide variety of positions, for rapid infliction of pain by stepping on them and tightening them – in short: as instruments of torture.

69. HCJ 5100/94, Public Committee Against Torture in Israel v. Government of Israel, ruling of 6 September 1999, para. 26. Note that the Official English translation of this paragraph is not completely accurate, and was therefore used in part only.

70. Affidavit, no. 30, para. 7. See also the affidavit of Suheib Daraghmeh, above, and the affidavit of Medhat Muhammad, below.

71. Testimony, no. 5.



The "bending" method

*“Flawless” Interrogation according to the State Prosecutor’s Office*

Medhat Tareq Muhammad, resident of ‘Issawiyya in East Jerusalem, was arrested in Be’er Sheva at the end of August 2001, and interrogated at the Russian Compound. In an affidavit made to Atty. Hanan Khatib of PCATI, on 4 November 2001, he gave a harrowing account of his torture. Following are some excerpts from his affidavit:

[The interrogators] asked me about the purpose of my visit in Be’er Sheva. I told them that I reserve the right to remain silent. And then the interrogators said to me: “Who do you think you are? Aryeh Der’i? [an Israeli politician imprisoned for corruption] You stinking Arab.” They cursed me, my mother and my sister. My interrogation was accompanied by threats. One of the interrogators said to me: “You’re worth a 5.56 caliber bullet and you’ll be finished off.”

“Adam” hit me hard, punched me and slapped my face hard several times. As a result, one of my fillings broke.

I was seated on a chair while shackled... the interrogator “Adam” was behind me and “Nir” sat in front of me. They turned my body so that my back was in the air without the back support, along the width of the chair. “Nir” pushed hard on my chest, so that my back was at a slant. When my came down towards the floor, I was beaten severely by “Adam,” who was behind me. This continued on and off for about two days. I felt horrific pains. During the time I was sweating, the room was cold, my body was trembling, I was dehydrated.

### The “Bending” Method

The GSS often uses the “bending” method, described in Muhammad’s affidavit, and official sources have even admitted to its existence. The method often combines an extremely painful position and beating. Following are three additional descriptions of the method.

Nidal al-Jeneidi, resident of Hebron, was arrested on December 2001 and interrogated in the GSS interrogation facility in the police detention center at the Russian Compound:

During my interrogation “Captain Itai” hit me on the face, and “Cohen,” as well as other interrogators, beat me.

They tied me to a chair in a very painful position, like “hanging,” with my back hanging in the air, stretched back, and not supported by the backrest of the chair.

I shouted and begged the interrogators to release me from the painful position, but it wasn’t done.<sup>72</sup>

George Qurt, resident of Ramallah, was interrogated in October 2002 at the Russian Compound in Jerusalem. He described the “bending” method in the following manner:

Afterwards [the interrogator] Itai put me on a chair and bent my back backward, and Ghazal [another interrogator] would grab my legs and they would twist my back backwards. Itai would grab my throat and bend my back backwards and push, and my back would hurt and I would shiver...<sup>73</sup>

Ruhi Salamah was arrested on 31 January 2003 in the Nazareth area and transferred to the Nazareth police station, where he was severely beaten by interrogators whose identity is unclear to us. From there he was transferred to the GSS interrogation facility at Kishon. Following is his description of the “bending” method:

72. Affidavit, no. 18, paras. 2-4, respectively.

73. Affidavit, no. 73, para. 5.

Two interrogators interrogated me continuously throughout the weekend until Sunday without allowing me any sleep, and during the whole period I was seated on a chair diagonally with my hands shackled behind my back and tied by shackles to my feet, so that my back would slant backwards, and during the whole time received blows to my face and stomach.<sup>74</sup>

As a result of the blows I received and the torture I underwent, and as the pain became intolerable, I confessed, on 29 August 2001... and signed a statement in front of a policeman. Only then did they take me to the infirmary. The doctor gave me... as well as medications.

Later I was returned to the interrogations room I was again made to sit shackled by my hands and feet with my hands behind me and another handcuff tied to the chair which is fixed to the floor. An air-conditioner made the interrogations room cold. They didn't interrogate me seriously. They left me for hours alone without interrogation. The interrogators would come and from the door of the room they would say: "Nu, do you want to finish?" I felt that I was not sleeping at all. I could not estimate the time. It was for about 10 days or more. Afterwards the hours of interrogation were reduced...<sup>75</sup>

In response to a letter sent by **PCATI**, Atty. Talia Sasson of the State Prosecutor's Office wrote, inter alia:

The complaint of Mr. Medhat Tareq is being investigated thoroughly by the OCIIC ["Official in Charge of Investigating Interrogees' Complaints" - see Chapter 4]. For purposes of the investigation, he examined all the documents relevant to the manner in which the interrogation was carried out, received medical material with the complainant's consent.

After the claims of the complainant were examined one by one, and after his interrogators were themselves questioned regarding

74. Affidavit, no. 25, para. 21.

75. Affidavit, no. 45, para. 6, 9-12, respectively.

what he related in his complaint, the Attorney General reached the conclusion that the conduct of the interrogators vis-à-vis the complainant was flawless, and therefore there is no place for taking any legal step. Therefore, while I thank you for contacting us, we reject the complaint.<sup>76</sup>

The letter contains no denial of even one of Medhat Muhammad's factual claims. Therefore, the **PCATI** Executive Director asked, in an additional letter, whether the conduct of the interrogators as described in Muhammad's affidavit was indeed considered "flawless," or whether, alternately, the State Prosecutor's Office's investigation uncovered factual findings different from those described in the affidavit. No reply has as yet been received to this letter, sent on 6 October 2002.

Information which has reached **PCATI** from other sources, has confirmed that the "flawless" interrogation of Muhammad did in fact include severe torture, as described in his affidavit.

### C. Sample Case – Amin Ghalban's Interrogation under Torture

#### 1. *Arrest, Interrogation, 'Interrogation Methods'*

Amin Ibrahim Ghalban, a resident of Gaza, was arrested on his return from Egypt on 11 January 2002, and interrogated at the Shikma Prison. Following, in its entirety, is the first part of his affidavit, describing the arrest and interrogation.

1. I was arrested on 11 January 2002. I was visiting Egypt and wanted to enter Gaza through the Rafah border crossing. Soldiers arrested me there at the border, placed shackles on my hands and blindfolded me and took me from there to a nearby camp, whose name I do not know. I was there for a few hours, until 12:00 – 1:00 a.m., all the time shackled and thrown outside in the cold, and all the while the soldier who was guarding me threatened that he would murder me and shoot me.

Afterwards at 1:00 a.m. I was taken to the GSS interrogation facility at the Shikma Prison in Ashkelon, and immediately I was brought into the interrogations room, and an interrogator named Avner interrogated me while I was in very tight hand shackles with my

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76. Letter No. 2002-087-2129, from Atty. Talia Sasson, Director of the Special Tasks Department of the State Prosecutor's Office, to Hannah Friedman, **PCATI** Executive Director, on 1 October 2002.

hands behind my back, and tied to a small chair on which they sat me. The interrogator asked me to confess and if not, he would show me hell, and then he began slapping and kicking and pushing and shaking me, and he spit in my face a number of times and threatened to urinate on me, and all this while I was continuously in shackles and tied to the chair. This interrogation went on for two days, Fri. – Sat., with no break and without allowing me to sleep or even eat.

2. Afterwards, with no break, the interrogator was replaced by ten interrogators who entered the room and began shouting and pushing me. At a certain stage they stood me on my feet and began kicking and slapping me all over my body, and tore off my clothes and threatened that if I did not confess they would rape me and degrade me sexually. This went on for another day, and then they let me rest for a few hours. I slept a bit and I ate. The names [i.e. the nicknames] of the interrogators who interrogated me were: Shawqi, Oscar, Patrick, Tzion, Yoav, Bassem, Amir, Abu Hadi and Geis.
3. The interrogation went on in this format for 86 days, while I was all the while in the GSS facility at Shikma, in the isolation cell. They tried pressuring me by showing me pictures of my brother Yasser who was also being detained at Ashkelon, crying from so much torture, and they would show him being beaten by them, and threatened that if I didn't confess they would bring my entire family. And that is indeed what happened: After 50-60 days from the beginning of the interrogation they arrested my third brother and my two brothers Hani and Yasser were in the GSS facility in Ashkelon. Hani was sentenced to 9 months imprisonment and Yasser to 10 months, and by now they have both been released.
4. As I stated, during the entire interrogation (86 days) I was in isolation in cell No. 3 which is a very cold cell. Each time that they took me out for interrogation, and it was every day, once I returned to the cell I would find that they had urinated in my water cup, and that they had thrown dirt and garbage into the room and on the mattress that I slept on.
5. During the interrogations they would often interrogate me for a number of days without allowing me to sleep.
6. After 86 days of interrogation they took me out of the GSS facility to the transitory detention at Shikma...<sup>77</sup>

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77. Affidavit, no. 19.

## 2. *Incommunicado Detention*

With the arrest of Ghalban, the GSS issued an order prohibiting any attorney from visiting him for the first 11 days of the interrogation. It should be recalled that detainees interrogated by the GSS are not eligible for family visits. On 22 January 2002 Atty. Rami Wakileh was allowed a 15-minute visit with Ghalban. Ghalban told Atty. Wakileh briefly about the shaking, threats and prolonged interrogations. On that same day, the order preventing such visits was renewed until 29 January 2002; the order was again renewed until 4 February 2002. On that day, Atty. Avi Licht of the HCJ Petitions Department of the State Prosecutor's Office informed the office of Atty. Leah Tzemel, who had worked on the matter on behalf of PCATI, that the order had been extended for three more days, that is, to 7 February 2002.

## 3. *High Court of Justice Approves Incommunicado Detention*

On 5 February 2002 Atty. Tzemel appealed to the HCJ requesting that it order the Israel Police and the GSS to explain why they were not allowing Ghalban to "meet with an attorney [in order] to interview him, to apprise him of his legal rights, to record his complaints, and to provide him with legal protection."<sup>78</sup> As an interim measure, the court was requested to order non-renewal of the order preventing meeting with the attorney pending completion of proceedings in the case.

In this sense, the petition is similar to over 120 other petitions requesting the revocation of orders preventing detainees under GSS interrogation from meeting with their attorneys, submitted as stated on behalf of PCATI over the past two and a half years. But this petition also mentioned the torture Ghalban had endured, including the "shaking."

The following day, 6 February 2002, the HCJ discussed the petition and issued a ruling. The ruling was revised on 11 May 2003, to also include the words of the State Prosecutor's Office representative regarding the claims of torture. Following is the ruling (revised) in its entirety:

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78. HCJ 1101/02, *Amin Ibrahim Muhammad Ghalban and the Public Committee Against Torture in Israel v. Israel Police and GSS, Petition for Order Nisi*, 5 February 2002, Preamble.

## The Supreme Court Sitting as High Court of Justice

HCJ 1101/2

Before: Hon. Justice E. Matza  
 Hon. Justice Y. Engelrad  
 Hon. Justice M. Naor

Petitioners: 1. Amin Ibrahim Muhammad Ghalban  
 2. The Public Committee Against Torture

v.

Respondents: 1. Israel Police  
 2. General Security Service

### Petition for an *Order Nisi*

Date of meeting: 24 Shevat 5762 (6 February 02)

Counsel for Petitioners: Atty. Labib Habib

Counsel for Respondents: Atty. Dina Zilber

Atty. Zilber: The interrogation of the Petitioner has been conducted in ways permitted by law. The Petitioner's claims regarding the past are denied, and he can of course submit a complaint. As for the present, I declare that in the interrogation of the petitioner no use is made of pressure methods, either physical or mental. The order preventing a meeting is in force until tomorrow, and it has not yet been decided if it will be renewed. I am in possession of classified information that supports my claim that the prevention arises from considerations relating to the needs of the interrogation and security needs.

Atty. Habib: I agree that the court reviews the classified information *in camera* and in my absence.

### Ruling

With the consent of Counsel for the Petitioner, the Court reviewed the classified information presented to it by a representative of the GSS *in camera*. Our conclusion is that the material at hand constitutes convincing evidence that the order preventing the petitioner from meeting with an attorney is indeed obligatory for the needs of the Petitioner's interrogation

at this time and for considerations of safeguarding the security of the State.

When we brought our conclusion to the knowledge of Counsel for the Petitioners, he informed us that the Petitioners are withdrawing the petition.

The petition is rejected.

Given on 24 Shevat 5762 (6 February 02)  
Revised today, 27 Adar 5762 (11 March 02)

Justice

Justice

Justice

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The HCJ therefore approved, as it has in all the rulings it has issued regarding orders preventing a Palestinian detainee from meeting with his attorney, the continuation of Ghalban's stay in absolute incommunicado detention for at least 16 days. This is after he had already been in such isolation already for 11 days. In other words, the HCJ approved a period of 27 days without meeting with an attorney, with the exception of 15 minutes.

It should be noted that Atty. Habib's "withdrawal" of the petition was in light of the "conclusion" of the judges, and was intended to prevent rejection of the petition, which may have led to financial costs. It does not, of course, constitute an agreement on the part of the petitioners that preventing the meeting was justified. In all of the cases in which petitions have not been withdrawn, as well as in some cases where they have been (for similar reasons), the HCJ rejected the petition.<sup>79</sup> As stated, in recent years not a single petition for revoking of an order preventing a meeting between a Palestinian under GSS interrogation and his attorney has been accepted.

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79. See, for example, the following recent cases regarding preventing meeting with an attorney, in **all** of which the petitions were rejected: HCJ 1116/02 *Nadim Abu Halaf v. General Security Service*, ruling of 29 December 2002 (the Petitioners withdrew); HCJ 4096/03, *Muhammad Jamil 'A-Ghani Hamad v. Minister of Defense and General Security Service*, ruling of 8 May 2003 (Petitioners withdrew); HCJ 4209/03 'Imad Khalil 'Aish Abu Hur v. Minister of Defense and General Security Service, ruling of 14 May 2003 (Petitioners did not withdraw); HCJ 4210/03 *Muhammad Ribhi Hussein Salah v. Minister of Defense and General Security Service*, ruling of 14 May 2003 (Petitioners withdrew); HCJ 4211/03 *Muhammad Yusuf Ishaq Burqan v. Minister of Defense and General Security Service*, ruling of 14 May 03 (Petitioners did not withdraw).

#### 4. Was Shaking Used or Not?

On 13 February 2002 MK Tamar Godzanski submitted a parliamentary interpellation to the Prime Minister regarding Ghalban's interrogation, in which she related to the latter's claims of torture and requested, specifically, to know whether, in fact, "shaking" had been used in his interrogation.

On 6 March 2002 Minister Dani Naveh responded to the interpellation in the Knesset plenary:<sup>80</sup>

The Gaza resident to whom MK Godzanski is referring was interrogated for ties and activity in a terrorist organization. His interrogation was conducted in a manner similar to all GSS interrogations as stated also regarding prior interpellations, in accordance with the HCJ decision of 6 September 1999. However, that same Gaza resident, or anyone on his behalf, has the right to complain to the department for the investigation of interrogees' complaints in the State Prosecutor's Office,<sup>81</sup> if he thinks that there is room for such a complaint.

MK Godzanski tried again to receive the piece of information that she had requested:

...I asked factually... I am asking whether use was at all made of the "shaking" method, with or without permission, and the gentleman did not answer my simple question of whether "shaking" was carried out in the interrogation in question and in other interrogations.

Minister Naveh responded:

Most unfortunately, MK Godzanski, I am unable to be more specific than in my previous response. [...] I cannot tell you, since this is the type of thing that I do not think it will be proper to elaborate or to lay out on the Knesset floor, what type of interrogation method precisely the GSS used with a man suspected of terrorist activity.

80. 15<sup>th</sup> Knesset, 291<sup>st</sup> meeting, 6 March 02, **Response of Minister Dani Naveh to Interpellation No. 3074.**

81. We would point out that no such department exists in the State Prosecutor's Office, or in any other government office. Regarding procedures of handling interrogees' complaints, see continuation of this chapter.

However, in the case of Ghalban, an official and public response had been issued by the State Prosecutor's Office, according to which "the Petitioner's claims regarding the past are denied" – that is, that there was no shaking. This response had been published in the HCJ ruling and made available on the court website.<sup>82</sup> There was thus no reason – "security" or otherwise – preventing Minister Naveh from "elaborating or laying out" the facts in this case, since the State had already declared that Ghalban had not been shaken, before the HCJ and to the world at large.

Israel thus officially spoke on the issue of Ghalban's torture in two voices. One vehemently denied that any torture, including "shaking, had taken place." The other cast a shroud of security-related secrecy over those "interrogation methods" whose existence the State Prosecutor's Office had denied. **The Public Committee Against Torture in Israel** complained about the case to the State Prosecutor's Office on 29 January 2002. On 3 February 2002 Atty. Talia Sasson of the State Prosecutor's Office wrote to **PCATI** that the matter had been handed over to the OCIIC. Since then, despite the fact that over a year has elapsed, the State Prosecutor's Office, as of June 2003, had not sent the findings of the investigation to **PCATI**.

It is difficult to avoid the conclusion that, assuming that Minister Naveh knew the facts, he indeed had something to hide. In light of the material presented above, and the similarity between Ghalban's description and those of many other interrogees, it is also difficult to avoid the conclusion that, Ghalban indeed was tortured during interrogation, as described in detail in his affidavits, the unequivocal statements of the State Prosecutor's Office representative to the contrary notwithstanding. The torture, which continued for many weeks, included "shaking," beating, severe degradation, threats, sleep and food deprivation, prolonged tying with tight shackles to a small chair, and exposure to cold. The prolonged incommunicado detention, that the HCJ enabled and approved, distanced Ghalban's torturers from scrutinizing and critical eyes. At the same time, they constituted an additional method for pressuring him and causing him suffering.

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82. <http://62.90.71.124/files/02/010/011/f02/02011010.f02.HTM>. For the Supreme Court's website see: <http://www.court.gov.il>.

## 5. Is this Torture? Comparison with a Case Considered by the European Court of Human Rights

The definition of “torture” in Article 1(1) of the UN Convention Against Torture contains four elements:

- **The element of intention:** the act (causing pain and suffering) was intentional;
- **The element of pain or suffering:** the act caused the victim severe pain or suffering, whether physical or mental;
- **The element of purpose:** the act was performed for a purpose – including obtaining information or a confession from the victim;
- **The element of official involvement:** the act was performed by officials, or, at the very least, with official consent or acquiescence.

Ahmad Selmouni was arrested on 25 November 1992 by detectives of the Paris police, on suspicion of involvement in drug trading. His interrogation included violence and degradation. Selmouni appealed to the European Court of Human Rights and complained, inter alia, that he had been tortured. Following is Selmouni’s description of his interrogation. It should be noted that in its ruling,<sup>83</sup> the European Court of Human Rights found this description to be accurate.<sup>84</sup>

After I had been subjected to a body search ...my interrogation... began. One of them [the policemen], who appeared to be in charge, made me kneel on the floor and began pulling my hair while another one hit me in the ribs with a stick resembling a baseball bat.

He then kept tapping me on the head with the bat.

83. *Selmouni v. France*, European Court of Human Rights, judgment of 28 July 1999, *Reports* 1999-V. For another case discussed in the International Criminal Tribunal for Rwanda, in which a person was convicted of torturing since he was responsible for the beatings and threats used against many people, see, *Prosecutor v. Jean-Paul Akayesu*, *Case No. ICTR-96-4-T*, judgment of 2 September 1998.

It should be noted that Akayesu was convicted – separately - of a string of other crimes, including rape and genocide.

84. Case of Selmouni, paras. 102-103.

The three other police officers were also actively involved, punching me and some of them standing on my feet and crushing them [...]

On 26 November 1992 I was questioned again by several police officers – three or four – at some point in the day. I believe it was at about 10 a.m. On that occasion they pulled my hair, punched me and hit me with a stick.

In the evening of the same day [...] I was questioned again by six police officers, who were particularly brutal to me. I was punched, and beaten with a truncheon and a baseball bat. They all carried on assaulting me until 1 a.m. I think that this session of ill-treatment had begun at about 7 p.m. At one point they made me go out into a long office corridor where the officer I presumed was in charge grabbed me by the hair and made me run along the corridor while the others positioned themselves on either side, tripping me up.

They then took me into an office where a woman was sitting and made me kneel down. They pulled my hair, saying to this woman 'Look, you're going to hear somebody sing'.

[...]

I was then taken back out into the corridor, where one of the police officers took out his penis and came up to me saying 'Look, suck this'; at that point I was on my knees. I refused, keeping my mouth closed because he had brought his penis up to my lips.

When I refused, that officer urinated over me at the suggestion of one of his colleagues.

After that, I was taken to an office and threatened with burns if I did not talk. When I refused, they lit two blowlamps which were connected to two small blue gas-bottles. They made me sit down and placed the blowlamps about one metre away from my feet, on which I no longer had socks. At the same time they were hitting me. Following that ill-treatment, they brandished a syringe, threatening to inject me with it. When I saw that, I ripped open my shirt-sleeve, saying 'Go on, you won't dare'; as I had predicted, they did not carry out their threat.

My reaction prompted a fresh outburst of violence from the policemen...<sup>85</sup>

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85. *Ibid.*, para. 24, which quotes Selmouni's statement in the presence of the police officer at the Fleury-Mérogis Prison on 1 December 1992.

The European Convention for Human Rights and Fundamental Freedoms does not include any definition of torture, and the European Court of Human Rights, in discussing the matter in 1999, examined, among other things, the question of the severity of the suffering caused to Selmouni – in the context of the question of whether he had been tortured – in light of the definition of the concept “torture” in the UN Convention Against Torture.<sup>86</sup> The French government claimed, on this issue, that even if Selmouni had been caused suffering, it did not reach a level of severity that justifies classifying it as torture. However, the Court ruled that:

the Court is satisfied that the physical and mental violence, considered as a whole, committed against the applicant’s person caused “severe” pain and suffering and was particularly serious and cruel. Such conduct must be regarded as acts of torture for the purposes of Article 3 of the Convention.<sup>87</sup>

No one argues that in the case of Ghalban – as in that of Selmouni – other elements of the definition of the concept “torture” existed: members of an official authority who intentionally used violence and humiliation, for the purpose of obtaining information or a confession. What remains is the matter of the severity of the methods used and of the pain and suffering they caused.

Following is a comparison between the methods used in the interrogations of Selmouni and Ghalban:

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86. See *ibid.*, paras. 97-105.

87. *Ibid.*, para. 105. This article stipulates that “No one shall be subjected to torture or to inhuman or degrading treatment or punishment.”

Interrogation Method	Selmouni Case	Ghalban Case
Direct Violence	Punching, hitting with a baseball bat and with a truncheon, hair pulling; having him run along a corridor and tripping him; stepping on his legs.	Slapping, kicking, pushing; shaking
Other pain-causing methods	-	Tying to a small chair with the hands shackled to behind for up to three consecutive days; tight shackles.
Humiliation	Forcing him to kneel beside a woman while she was told: 'Look, you're going to hear somebody sing'; a policeman brought his penis to his mouth; he was urinated on.	Spitting in the face; urinating in his drinking cup; throwing dirt and trash into his cell.
Threats	Threatened with burning through bringing blow-torches near his body; threatening with a syringe.	Threatening urination, rape, and "hell."; presenting pictures in which his brother is crying from torture and threatening to bring other family members.
Sleep deprivation	One night interrogation (until 1 a.m.)	Alternately, for 86 days, up to three consecutive days on one occasion.
Food deprivation	-	For three full days and nights
Isolation and incommunicado detention	None. [Brought to a judge on the day following his arrest, with no preventing of his meeting with an attorney. <sup>88</sup> ]	Prevention of meeting with attorney for 11 days, meeting for 15 minutes and then preventing meeting for 16 more days; keeping in isolation for 86 days.
Other methods	-	Exposure to cold (in the cell).
Period methods were used	Three incidents of use of violence and degradation, the longest of which was for 6 hours.	Intermittently, for 86 days, with intensive periods of interrogation for up to three days and nights.

88. In the remainder of his statement, quoted above, Selmouni declared that he told his attorney about past ill-treatment. The statement was related, as mentioned, six days after his arrest.

It should be first noted that Selmouni was on several occasions examined by physicians not answerable to the police, beginning with the day following his arrest, which enabled the court to be convinced of the validity of his claims.<sup>89</sup> In contrast, the system of secrecy and isolation that shrouds the GSS makes it impossible to assess the severity of violence based on prompt and independent medical examination. At any case, in both cases, there was no apparent long-term physical damage.<sup>90</sup>

The Court reiterates that Article 3 enshrines one of the most fundamental values of democratic societies. Even in the most difficult circumstances, such as the fight against terrorism and organised crime, the Convention prohibits in absolute terms torture or inhuman or degrading treatment or punishment. Unlike most of the substantive clauses of the Convention... Article 3 makes no provision for exceptions and no derogation from it... even in the event of a public emergency threatening the life of the nation.

Para. 95 of the *Selmouni* ruling.

Without therefore trying to enter a detailed and superfluous quantitative comparison of the extent of suffering cause in each of the cases, suffice to state that in both, harsh violence was used. In the case of Selmouni it was accompanied with severe humiliations and threats, and in that of Ghalban, with humiliations – perhaps less grave – but also with concrete and “reliable” threats, using detained family members. Even if we were to assume, to exercise utmost caution, that the violence and humiliation that Selmouni underwent were more harsh and intensive, the wider “range” of means used against Ghalban and their combination, including painful tying and sleep deprivation, and the fact that these were implemented for a period several times longer, create at least a “balance,” and it can safely be determined that methods of similar degree of cruelty and severity were used against both.

89. See *ibid.*, paras. 11-20.

90. On 2 December 1992, that is, seven days after Selmouni was arrested, a physician declared that “These injuries are healing well.”

In other words: Ghalban, like Selmouni, underwent torture as defined under international law in general, and in the UN Convention Against Torture and the European Convention on Human Rights in particular. Since the case of Ghalban is not exceptional in its severity – as is reflected in other cases presented here – it can be concluded that the GSS is a governmental body that uses torture, that GSS interrogators are torturers, and that GSS interrogation facilities are torture chambers.

HCJ justices, who have often claimed that their Court's jurisprudence is compatible with international law, now face a situation in which torture occurs in the State of Israel every day as a result of their ruling.

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91. *Flawed Defense*, Chapter 1.

## 4. Rubber Stamps for the GSS: The High Court of Justice, The Attorney General, and The State Prosecutor's Office

In a modern state such as Israel, torture of this severity and prevalence cannot exist in a vacuum. Since under international law, and ostensibly under local law as well, torture is a grave crime, one might have expected determined action by the authorities – foremost among them the judiciary, under the leadership of the High Court of Justice, and those responsible for enforcing the law – headed by the State Prosecutor's Office and the Attorney General, in order to eradicate the unacceptable phenomenon.

Most unfortunately, however, these three bodies have instead chosen to unite in providing GSS interrogators with two remarkably efficient systems of protection, essential to sustaining widespread torture and assuring its continuation.

The HCJ ruling of 1999 was the culmination of a protracted struggle spearheaded by **the Public Committee Against Torture in Israel** and other organizations, and it is not our intention to make light of this achievement. The ruling constituted a significant and bold step in the right direction. At the same time, the deficiencies in the HCJ ruling, which we have pointed out in the past,<sup>91</sup> are now being fully exposed and exploited. The HCJ failed in not prohibiting torture and ill-treatment absolutely, under all circumstances, and in leaving intact the legal – and ethical – concept according to which a GSS interrogator may consider, – albeit in extreme situations – torture as a legitimate and legal option.

In addition, the HCJ today enables torture to take place as far as possible in time and place from the discerning eyes of attorneys, and through them also of the detainees' families, human rights organizations, and the public at large. The State Prosecutor's Office takes care, by relying on internal GSS investigations, to reject every complaint of torture, and the Attorney General accepts unquestioningly, without exception and wholesale the "ticking bomb" and "defense of necessity" claims presented to him by the GSS.

## A Melancholy Victory

Following the persistent struggle of Attys. Andre Rosenthal and Mustafa Yihya on behalf of **the Public Committee Against Torture in Israel**, the State Prosecutor's Office determined that the GSS would give every detainee in interrogation a "Detainee Information Sheet" in Arabic, containing a "list of rights to which you are entitled to and the limitations those responsible for the interrogation and the detention center are authorized to impose."<sup>92</sup>

Obviously, the attorneys of detainees under interrogation can explain to them their rights in a more detailed and professional manner. In a **PCATI** press release it was stated, among other things, that "the information sheet is a step forward, but it cannot replace prompt access to lawyers for detainees under interrogation. In this sense, the information sheet is a lesser evil."

Regarding this matter, the UN Special Rapporteur on Torture has determined that:

Legal provisions should ensure that detainees are given access to legal counsel within 24 hours of detention.<sup>93</sup>

The "information sheet" includes a list of "legal rights" (including the right to avoid self-incrimination), "rights pertaining to the conditions of detention," "obligations and limitations," and "general provisions."

Readers of this report may not be surprised to learn that one right is not mentioned or even hinted at: the right of every person to freedom from torture and from cruel, inhuman or degrading treatment or punishment, under any circumstances.

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92. State of Israel, General Security Service, "*Detainee Information Sheet*." A Hebrew version of the information sheet was sent to Atty. Rosenthal on 15 April 2003 by Atty. Shai Nitzan, responsible for security matters in the HCJ petitions department of the State Prosecutor's Office, and is on file at the **PCATI** offices.

93. U.N. Doc. E/CN/4/2003/68. 17 December 2002, para. 26(g).

This is not a tendency of the HCJ, the State Prosecutor's Office or the Attorney General to prefer GSS interests, versions of events or legal interpretations, but rather an automatic and total acceptance of the GSS position in 100% of cases:

- **HCJ:** As stated, the HCJ has not accepted **even one** of the 124 petitions submitted by **the Public Committee Against Torture in Israel** against the prohibition of meetings between detainees and their attorneys.<sup>94</sup> The possibility that GSS personnel and those of the State Prosecutor's Office who represent them were not mistaken in issuing a prevention order – even in one single case out of over 120, is remote. The reasonable alternative is that the HCJ relies on GSS assessments 100% of the time. At any rate, zero successful cases, or zero percent of rulings in favor of petitioners in so many cases, cannot be described as judicial review.
- **State Prosecutor's Office:** As stated, although since the GSS ruling – for three and a half years – there have been hundreds of cases of torture and ill-treatment on the part of the GSS; and although many dozens (and perhaps already hundreds) of them were “official” cases in which GSS agents confessed that “exceptional interrogation methods” were employed, no State Prosecutor's Office investigation, not even one single time, has found that an interrogator used “unnecessary” violence – even under the terms set by the HCJ ruling, which we do not accept. Not even once, if the State Prosecutor's Office is to be believed, has an interrogator “got carried away” and beaten someone where such beating was not “necessary,” or beyond what was “necessary.” The IDF, the Border Police and Israel Police have all admitted cases of illegal violence by their members. The idea that, in contrast, GSS interrogators are all as pure as snow and completely infallible, simply does not hold water. The alternative explanation is that the problem lies in the way in which the State Prosecutor's Office “investigates” complaints of interrogees: every complaint

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94. In other cases, the HCJ refused to even order the GSS to inform the Palestinian detainee of the existence of the order preventing a meeting with the attorney, or of his basic rights, such as the right to remain silent, and this for “reasons of state security.” See *HCJ 801/00 Bassam Natshe and The Public Committee Against Torture in Israel v. The Erez military Court*, ruling of 1 February 2000, p. 2. See similarly, *HCJ 9314/01, Usamah 'Ali Shreithah and The Public Committee Against Torture in Israel v. The General Security Service*, ruling of 27 November 2001, in which the HCJ prohibited both informing the detainee that Atty. Rosenthal had been appointed to represent him, and the sending of a written message apprising him of his right to remain silent, on the grounds that such information would harm “the interests of the interrogation” and “the security of the area,” p. 2, *ibid.*

of GSS interrogees is investigated for the State Prosecutor's Office by a GSS agent, known as the "Official in charge of Investigating Interrogees' Complaints" [OCIIC] in the GSS, who **invariably** favors the version of his colleagues over the version of the interrogee. Thus the State Prosecutor's Office has created a system of whitewashing where thorough and independent investigations should be.

- **Attorney General:** According to the HCJ ruling, the Attorney General's role is to determine under what "the circumstances in which investigators shall not stand trial, if they claim to have acted from a feeling of "necessity" **in a lone instance.**"<sup>95</sup> [our emphasis]. In the "self-instructions" in the wake of the HCJ ruling, Mr. Elyakim Rubinstein determined that "the defense of necessity was intended... to apply in **very exceptional situations** and cannot be included in routine interrogation work."<sup>96</sup> [our emphasis]. This approach too is unacceptable to us, inasmuch as it allows torture and ill-treatment which are absolutely prohibited by international law. In any case, since these careful words were published, Mr. Rubinstein has approved, retroactively, dozens and perhaps hundreds of cases of torture on the grounds that "the defense of necessity" applies to their perpetrators. Not even in one of these torture cases, some of them most severe, as described here, has the Attorney General seen fit to bring criminal charges against an interrogator, despite the fact that even before the court he may be protected, under the HCJ ruling, by the "defense of necessity."

The result has been a complete, hermetic, impenetrable and unconditional protection that envelops the system of GSS torture and enables it to continue undisturbed, with no supervision or scrutiny to speak of. The HCJ enables GSS agents to hold the tortured Palestinian detainee in incommunicado detention as long as they wish – with the exception of contact with persons inside the system, such as military judges (and sometimes Red Cross representatives, who are obligated to act only through quiet channels). GSS agents know that it does not matter how much they torture and whom – it does not even matter if an interrogee faints, is hospitalized, or complains: the examination will be investigated

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95. para. 38 of HCJ ruling. Official translation followed only in part.

96. The Attorney General, **GSS Interrogations and the Defense of Necessity – a Framework for the Attorney General's Considerations (following the HCJ ruling)**, Jerusalem, 28 October 1999, para. 5(b)(2)g. The document is on file at the PCATI offices.

by the OCIIC – his colleague and mate – and his conclusions will always be the same: the interrogation was “flawless.” The State Prosecutor’s Office, for its part, will approve for every case, with no exception, the conclusions of the “investigation” by the GSS official, and the Attorney General will always determine that the tortured interrogee was a “ticking bomb” and his torture was therefore justified.

**The Public Committee Against Torture in Israel**, naturally, does not possess the intelligence material which the Attorney General relies on in reaching his conclusions. However, it is a fact that the Attorney General has received dozens of complaints in which the same interrogation methods appear again and again; it is a fact that some of them are used for hours and days on end, by more than one interrogator; it is a fact that they are used with **advance approval** from those responsible for the interrogation.<sup>97</sup> These facts negate the possibility that every case involves “improvisation” of the interrogator in an “isolated case” as required by the HCJ ruling.<sup>98</sup> It is difficult to avoid the conclusion that the handling of the complaints of GSS interrogators by the State Prosecutor’s Office and Attorney General, at the very least, borders on contempt of the HCJ’s ruling.

The HCJ, the State Prosecutor’s Office and the Attorney General have, regarding this matter, transformed themselves from guardians and protectors of the law into sentries at the gates of GSS torture chambers.

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97. Based on information from official sources on file at the offices of the Public Committee Against Torture in Israel.

98. See paras. 36 and 38 of the ruling, respectively.

## Not Everyone Believes the GSS

The data we have presented illustrates that the HCJ always accepts, without objection, the information it receives from the GSS regarding the need to hold detainees in incommunicado detention. In contrast, lower-level courts have in two cases been openly skeptical of information related by the GSS.

In May 2003, the Tel Aviv-Jaffa District Court acquitted a Palestinian citizen of Israel who was accused of a security offense. This was despite the fact that he had confessed to the offenses in front of GSS interrogators. The court determined, inter alia, that:

The claim of the [GSS interrogator] “Roni” that the accused suddenly announced: “OK, now I want to confess,” like his claim that he recorded the words of the accused exactly as they were stated, **raises a doubt regarding their validity**. GSS interrogators have confirmed in their testimonies, and it has even been evidenced in protocols that were recorded, that **the accused reached a state in which he announced to them that he is prepared to sign anything they wrote**, even while at the same time he continued to emphasize that he had no relation to the accusations attributed to him, because he loves the State and would never harm it<sup>99</sup> [our emphases].

In an earlier case, in 2001, a Jerusalem Magistrates Court justice, Haim Lahovitzki, remarked the following as an aside to his decision regarding extension of the detention of Jerard Shouman:

As an aside let it be said: The Respondent claims, through his attorney, that presently as well, , his interrogators tie him during his interrogation with his hands behind his back. To the question posed by Atty. *Tzemel* to the police representatives for this matter, the latter replied that it was done for security reasons. **I take the liberty of doubting this argument.**<sup>100</sup>[emphasis added]

99. Tel Aviv-Jaffa District Court, Criminal Case 1074, *State of Israel v. ‘Asi Muhsen*, verdict of 28 May 2003, para. 86.

100. Jerusalem Magistrates Court, the Honorable Haim Lahovitzki presiding, 007453/01 40, *Israel Police v. Shouman Jihad*, 2 February 2001, the decision (p. 9). On this matter see **Flawed Defense**, pp. 27-28.

## Conclusions and Recommendations

It has been the consistent position of the **Public Committee Against Torture in Israel**<sup>101</sup> – like the position of international law – that attacks targeting civilians, including those carried out by Palestinian organizations in Israel and in the occupied territories, are blatantly illegal (not to mention immoral) and constitute crimes against humanity, as defined, for example, in the statute of the International Criminal Court.<sup>102</sup> This position is shared by the most important international human rights organizations.<sup>103</sup>

However, the need - and the obligation - of Israel to protect itself from cruel terror, which is contemptuous of all law, cannot be an excuse for trampling the law on its own part. Israel has failed miserably in its treatment of Palestinian in not upholding international legal standards of conduct which it has undertaken to uphold.

This failure is apparent in the behavior of the detaining forces, first and foremost IDF soldiers, in that of those bodies which interrogate Palestinian detainees, primarily the GSS, and those responsible for overseeing them.

The research carried out by **the Public Committee Against Torture in Israel** demonstrates that the detaining forces use violence against helpless detainees, degrade them and ill-treat them in the following forms:

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- **Ill-treatment of relatives of the detainee;**
- **Violence during arrest and on the way to the detention facility;**
- **Shackling with “azikonim”(plastic shackles);**
- **Detaining under inhuman conditions;**

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101. See, for example, **Flawed Defense**, summary.

102. See paras. (1) 7 and (a)(2)7 of the Rome Statute of the International Criminal Court, adopted on 17 July 1998 (A/CONF.183/9). For text see e.g. the Court’s website, <http://www.icc.int>.

103. See, for example: Human Rights Watch, *Erased in a Moment: Suicide Bombing Attacks against Israeli Civilians*, New York: HRW, 2002; Amnesty International, *Israel, the Occupied Territories and the Palestinian Authority: Without distinction – attacks on civilians by Palestinian armed groups*, July 2002, AI Index: MDE 02/003/2002.

### **Other means of ill-treatment.**

Although human rights organizations have been sounding the alarm about these phenomena for a long time, the IDF authorities and other forces are not doing enough to put an end to them, and it appears that no steps are taken against a large portion of those who carry out beatings and other ill-treatment. The extensive proportions of these phenomena also indicate that the IDF and other bodies do not take care to educate the soldiers to respect the rights of detainees, and to view them as human beings, rather than as objects for venting their impulses and frustrations.

The main part of the report is devoted to what happens in the interrogation rooms of the GSS. Here as well, the report reveals a multi-dimensional failure to implement the very simple and clear provision of international law: the torture of detainees is always prohibited, as is ill-treating them in any other way.

The research conducted by **the Public Committee Against Torture in Israel** has shown that the GSS agents who interrogate Palestinian detainees torture, humiliate and otherwise ill-treat them as a matter of course, mainly in the following forms:

#### 1. Violence:

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- Beating, slapping, kicking, stepping on shackles
- Bending the interrogee and placing him in other painful positions
- Intentionally tightening the shackles by which he is bound
- Violent shaking

#### 2. Sleep Deprivation

#### 3. Additional 'Interrogation Methods'

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- Prolonged shackling behind the back
- Cursing, threats, humiliations
- Depriving the detainee of essential needs
- Exposure to extreme heat or cold

#### 4. Secondary Methods

- 
- Isolation and secrecy
- Imprisonment under inhuman conditions

However, in contrast to the IDF, torture of Palestinian detainees is not carried out in violation of the instructions, or when the authorities turn a blind eye. Rather, it is authorized and approved - at the instruction or permission by high-ranking GSS agents, with the retroactive approval of the State Prosecutor's Office and Attorney General, and within a bubble of secrecy and isolation that the High Court of Justice allows to exist, by allowing the prevention of detainees from meeting with their attorneys.

The achievements of the HCJ ruling of 1999 have been ground to dust. The HCJ's attempt to allow torture "only" in extreme conditions as the improvisation of an interrogator in an "isolated case" that can be recognized as legal "only" retroactively, has failed completely. Today, dozens and maybe hundreds of Palestinian detainees are tortured monthly, with torture and ill-treatment being the rule, and what the HCJ termed "reasonable interrogation" being the exception.

It is clear from the study carried out by **the Public Committee Against Torture in Israel** that torture is carried out in an organized and institutionalized manner. The system of permissions established by the Landau Commission has been replaced by a system that is no less bureaucratic or organized. We know that in cases termed "ticking bombs," there situation is not one where a single interrogator uses an action that is "an ad hoc endeavour, in reaction to an event" or "improvisation given the unpredictable character of the events" [HCJ ruling, para. 36]. Interrogators make orderly requests from their superiors, receive permission in advance, and use certain methods again and again, at least some of which (including the method of "bending") require collaboration between a number of interrogators.

But the GSS and the State Prosecutor's Office can deny all this, and there is no way to refute their denial in an independent manner. GSS interrogations are not exposed to electronic monitoring (through recordings) or independent visits, and complaints of interrogees are not clarified by an outside body, but rather by a GSS agent, whose conclusions are invariably accepted by the State Prosecutor's Office without question. To the extent that other entities, such as the State Comptroller or the subcommittee of the Knesset Foreign and Security Affairs Committee oversee GSS interrogations, their activities, like the torture activities of the GSS themselves, are carried out under a shroud of secrecy. In any case, it is clear that these entities do not act effectively to stop torture - if they act

in this direction at all.

In this context, it should be noted that in 2002, the Knesset passed a law that would require “visual documentation” (video and audio) of police interrogations concerning serious crimes.<sup>104</sup> **The Public Committee Against Torture in Israel** views this law as an important step in the right direction. At the same time, PCATI regrets that the law stipulates that “documentation” of interrogations of those suspected of security offenses will not be required for five years from its passing into law,<sup>105</sup> and the law does not state explicitly that it will apply to GSS interrogations.

The High Court of Justice, the State Prosecutor’s Office, and the State Attorney General, grant protection to the GSS torturers, the statistical aspect of which is reminiscent of the results of elections in totalitarian regimes, and not the judicial review and balanced governmental policies that take place in a democratic country: no cases of petitions to cancel an order preventing a meeting between a detainee and his attorney were accepted; 100% of cases in which interrogators’ claims that their victims were “ticking bombs” were accepted; no cases in which interrogators who deviated from their authority were criminally charged.

In the report published by **the Public Committee Against Torture in Israel** in September 2001 it was stated, inter alia, that:

The many years of widespread use of torture and ill-treatment against Palestinian detainees have not brought Israel peace and quiet – quite the opposite.

Regrettably, during the 20 months that have passed since publication of that report, the phenomena of ill-treatment and the policy of torture have become more severe and widespread, but the security situation has only deteriorated. The simple fact is that suffering creates bitterness and hatred, and those who sow the seeds of mass suffering, such as that caused by the IDF and GSS through their behavior towards Palestinian

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104. Criminal Procedure Law (Interrogation of Suspects), 2002.

105. Art. 17 of the law.

detainees, will most likely reap large-scale rage and hatred. No behavior of the IDF and GSS, including the torture of detainees, can ever justify terrorism, but Israel must understand that to the same extent, no behavior of Palestinians, including acts of terrorism, can ever justify torture, ill-treatment or other violations of basic human rights.

**The Public Committee Against Torture in Israel** again calls upon the government of Israel to abandon the short-term and destructive “prevention-by-any-means” approach, and embark on a different path, the path of respect for human rights, and particularly, the rights of detainees and prisoners.

## **Recommendations**

**The Public Committee Against Torture in Israel** reiterates its recommendations to the Israeli authorities, which can be condensed into a single recommendation: to fully implement the provisions of international law concerning the treatment of detainees and prisoners.

Following are the main steps required by these provisions:

### **Legislation:**

- To prohibit by law torture, as defined in the UN Convention Against Torture, absolutely. Anyone who transgresses or issues instructions to transgress this prohibition will be punished in a manner that befits the severity of the deed;
- To prohibit by law any cruel, inhuman or degrading treatment, absolutely;
- Anyone who transgresses or issues instructions to transgress this prohibition will be punished in a manner that befits the severity of the deed;
- To clarify through legislation that defenses such as “necessity” or “superior orders” will not apply to torturers and perpetrators of ill-treatment;
- To stipulate by law that every detainee, without exception, will be apprised of his or her rights immediately upon at the time of detention, including the right to remain silent, the right to proper legal representation, and of course the right to be free of any torture

- or ill-treatment;

To stipulate by law that every detainee, without exception, will be brought before a judge as quickly as possible, and within 48 hours

- at the most;

To stipulate by law that every detainee, without exception, will be able to meet with a lawyer immediately upon arrest, and within 48

- hours at the most;

To revoke the provision for delaying the application of the Criminal Procedure (Interrogation of Suspects) Law 2002 concerning the documentation, through video and audio recording, of interrogation of suspects to security detainees, and to apply it explicitly, and

- immediately, to GSS interrogations as well;

To anchor in law a system of inspections, including surprise inspections, of detention and interrogation facilities, to be conducted by a Knesset committee, and by government bodies, human rights

- organizations and other NGOs;

To anchor in law assurance of minimal humane conditions in all detention and interrogation facilities;

### **Government Action:**

To undertake large-scale information dissemination and education activities in the IDF, in order to make clear to soldiers and their commanders the need and obligation to respect the human rights of

- detainees;

To ensure effective and complete enforcement of IDF instructions that forbid violence against and degradation of detainees, including bringing soldiers and commanders who acted unlawfully to trial

- under internationally recognized standards of fair trial;

To take the legal steps necessary in order to open Israel to UN committees and experts, so that it will be possible to bring the complaints of individuals to these committees and to learn from

- their experience.

As an immediate measure – to invite the UN Special Rapporteur on Torture to visit Israel, to open all the detention and interrogation facilities to him, and to enable him to speak freely with any detainee

- he wishes;

To sign and ratify the Optional Protocol to the UN Convention Against Torture,<sup>106</sup> which provides for independent supervision,

- both local and international, of all detention centers and prisons;

To create, under the aforementioned Protocol, an independent and impartial body, with powers of unlimited access to detention and prison facilities in general, and GSS interrogation facilities in particular, and which would monitor such facilities, and generally

- the human rights of persons deprived of their liberty;

To instruct the GSS to cease immediately the application of any means of torture or ill-treatment mentioned here, and to work from here on using only methods of “reasonable interrogation” as defined by the HCJ ruling, but without resort to sleep deprivation or shackling in

- the interrogation room;

To ensure that GSS interrogators undergo a complete retraining from violent and degrading interrogation methods to humane interrogation methods. This retraining must include thorough instruction in the topic of human rights in general, and detainees’ rights in particular. Only those interrogators who have truly internalized the humane

- approach to interrogation may remain in their jobs;

To eliminate the role of the “Official in Charge of Investigating Interrogees’ Complaints,” and to replace him with an independent

- official who is not related to the GSS in any way.

To ensure that the results of every interrogation of torture or ill-treatment are related to the complainant in their entirety, and that

- his right to petition its conclusions is assured.

To urgently allocate budgets for improving the conditions in prison

- facilities in general, and detention facilities in particular;

To urgently allocate resources for the purpose of installing recording

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106. Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading treatment or Punishment, G.A. res. A/RES/57/199, adopted 18 December 2002.

systems (audio and video) in all interrogation rooms.

## Appendix - List of Affidavits and Testimonies

Following is a list of detainees and former detainees whose affidavits or testimonies were used for preparation of this report. All the affidavits and testimonies are on file at the offices of **the Public Committee Against Torture in Israel**.

**1. Ibrahim Mahmud Ibrahim Abu Zur**, resident of the Balata refugee camp in Nablus. Arrested on 14 February 2003 and transferred to the GSS interrogation facility at the Shikma Prison in Ashkelon. His affidavit was taken on 6 March 2003 at the Shikma Prison by Atty. Ma'mun Hashim, on behalf of **the Public Committee Against Torture in Israel**.

**2. Muhammad Subhi Abu Sbeih**, resident of Jenin, was arrested on 28 July 2002, and interrogated in the GSS interrogation facility in the Kishon police detention center near Haifa. His affidavit was taken on 13 September 2002 at the Kishon detention center by Atty. Wasim Darawsheh on behalf of **the Public Committee Against Torture in Israel**.

**3. Ra'ed 'Abd al-'Aziz Ahmad Abu Sunbul**, resident of 'Ein Yabrud, Ramallah. Detained on 23 September 2002 and transferred to the Beit El detention center and from there to the 'Ofer military prison near Ramallah, where he was interrogated. The affidavit was taken on 14 October 2002 at 'Ofer by Atty. Fida' Qa'war on behalf of **the Public Committee Against Torture in Israel**.

**4. Taleb Akram Abu Sneineh**, resident of Hebron. Arrested on 18 March 2002 and transferred to an unidentified hospital, and from there to interrogation in the GSS interrogation center at the Shikma Prison in Ashkelon. His affidavit was taken on 15 April 2002 at the Shikma prison by Atty. Mahamid Saleh on behalf of **the Public Committee Against Torture in Israel**.

**5. Tha'er Salem As'ad Abu Srur**, resident of Jenin, was arrested on 29 October 2002 and transferred to the military camp near the Kadim settlement, and from there to Salem in the northern West Bank. He was released three days later with no legal proceedings. His testimony was

taken on 20 February 2003 at his home by Atty. Reem Jarrar on behalf of **the Public Committee Against Torture in Israel**.

**6. Malek Muhammad Abu 'Aishah**, resident of Hebron. Arrested on 1 January 2003 and transferred to the GSS interrogation facility at the Shikma Prison in Ashkelon. His affidavit was taken on 15 April 2003 at the Nafha Prison near Mitzpeh Ramon by Atty. Fida' Qa'war on behalf of **the Public Committee Against Torture in Israel**.

**7. Riyyad 'Adnan Abu 'Aishah, resident of Hebron**. Arrested 21 January 2003 and transferred to the Hebron area brigade's bas, from there to the Etzion military detention facility, and from there, three days later, to the GSS interrogation facility at the police detention center in the Russian Compound. His affidavit was taken on 9 April 2003 at the Sharon Prison by Atty. Fida' Qa'war on behalf of **the Public Committee Against Torture in Israel**.

**8. Muhammad Shadi Abu 'Aqer**, resident of Bethlehem. Arrested 23 January 2003 and transferred to the GSS interrogation facility at the Russian Compound. From there he was transferred to the GSS interrogation facility at the Shikma Prison in Ashkelon. His affidavit was taken on 15 April 2003 at the Eshel Prison, Be'er Sheva, by Atty. Fida' Qa'war on behalf of **the Public Committee Against Torture in Israel**.

**9. Ja'far Khalil Abu 'Arqub**, resident of Dura in the Hebron District, was arrested on 15 January 2003 and transferred to the GSS detention center at the Shikma Prison in Ashkelon. His affidavit was taken on 10 March 2003 at the Shikma Prison by Atty. Luwai 'Oqeh on behalf of **the Public Committee Against Torture in Israel**.

**10. Muhammad Salameh Abu Ras**, resident of Hebron. Arrested on 23 January 2003 and transferred to the GSS interrogation facility at the Russian Compound, and from there to the GSS interrogation facility at the Shikma Prison in Ashkelon. His affidavit was taken on 6 March 2003 at the Shikma Prison by Atty. Luwai 'Oqeh on behalf of **the Public Committee Against Torture in Israel**.

**11. Maher 'Abdallah Abu Sharar**, resident of Hebron, was arrested on 16 January 2003 and transferred to the Etzion military detention facility and from there to the GSS interrogation facility at the Shikma Prison in Ashkelon. His affidavit was taken on 3 March 2003 at the Shikma Prison by Atty. Luwai 'Oqeh on behalf of **the Public Committee Against Torture**

in Israel.

**12. Hasan Muhammad al-Atrash**, resident of Gaza, was arrested on 14 October 2002 and transferred to the GSS interrogation facility at the Shikma Prison in Ashkelon. His affidavit was taken on 18 November 2002 at the Shikma Prison by Atty. Fahmi 'Aweiwi on behalf of **the Public Committee Against Torture in Israel**.

**13. Raja Muhammad Raja As'ad**, resident of East Jerusalem. Arrested on 8 March 2003 and transferred to the GSS interrogation facility at the police detention facility at the Russian Compound in Jerusalem. His affidavit was taken on 21 March 2003 WHERE\*? by Atty. Fares Abu Ahmad ON BEHALF OF?\*

**14. 'Ala' Muhammad Hasan Breijah**, resident of Bethlehem. Arrested 6 April 2002 and transferred to the Etzion military detention facility, and from there to the GSS interrogation facility at the police detention center at the Russian Compound. His affidavit was taken on 6 March 2003 at the Russian Compound by Atty. Fahmi 'Aweiwi on behalf of **the Public Committee Against Torture in Israel**.

**15. Muhammad Ibrahim Jaber**, resident of the Deheisheh refugee camp in Bethlehem. He was arrested on 13 February 2003 and transferred to the Etzion detention facility, and from there to the GSS interrogation facility in the police detention center in the Russian Compound. His affidavit was taken on 6 March 2003 at the Russian Compound by Atty. Fahmi 'Aweiwi

**16. Sabri Isma'il Jaber**, resident of Bethlehem. Arrested on 4 March 2003 and transferred to the Etzion military facility and from there, after 24 hours, to the GSS interrogation facility at the Russian Compound. His affidavit was taken on 16 March 2003 at the Russian Compound by Atty. Ma'mun Hashim on behalf of **the Public Committee Against Torture in Israel**.

**17. Ra'fat Nafeth Rashed al-Jawabarah**, resident of Bethlehem. Arrested on 16 December 2002 and transferred to the GSS interrogation facility at the police detention center at the Russian Compound in Jerusalem. His affidavit was taken on January 1 2003 at the Russian Compound by Atty. Ma'mun Hashim on behalf of **the Public Committee Against Torture in**

**Israel.**

**18. Nidal Muhammad al-Jeneidi**, resident of Hebron. Arrested at the beginning of December 2001 and interrogated at the GSS interrogation center at the police detention center in the Russian Compound. His affidavit was taken on 6 June 2001 at the police detention center at the Russian Compound by Atty. Allegra Pacheco on behalf of **the Public Committee Against Torture in Israel**.

**19. Amin Ibrahim Ghalban**, resident of Gaza. Arrested 11 January 2002 and transferred to the GSS interrogation facility at the Shikma Prison in Ashkelon. His affidavit was taken on 16 February 2003 at the Ketziot Military Detention Center by Atty. Fida' Qa'war on behalf of **the Public Committee Against Torture in Israel**.

**20. Muhammad Yusuf Jarada**, resident of Silat al-Rihaniyyah, Jenin. Arrested 2 October 2001 and transferred to the Kishon police detention center near Haifa. His affidavit was taken 3 October 2002 at the Kishon detention center by Atty. Wasim Darawsheh on behalf of **the Public Committee Against Torture in Israel**.

**21. Shadi Sharif 'Abd al-Ghaffar Jaradat**, resident of Sa'ir. Arrested 2 October 2001 and transferred to the Kiryat 'Arba police station, and from there to the 'Adorayim ("al-Majnuneh") temporary detention center. His testimony was taken on 15 January 2003 at his home by Iyyad Manasrah on behalf of **the Public Committee Against Torture in Israel**.

**22. Ra'uf Tawfiq Mahmud Dar Yasin**, resident of Bethlehem. Arrested on 8 July 2002 and transferred to the Etzion detention facility, and from there, 8 days later, to the 'Ofar military prison facility near Ramallah, from which he was released after 7 more days. His testimony was taken on 22 January 2003 in Bethlehem by Aminah 'Odeh on behalf of **the Public Committee Against Torture in Israel**.

**23. Maher Subhi Taleb Duqan**, resident of the Balatah refugee camp in Nablus, was arrested on 9 October 2002 and transferred to the Hawara military detention facility near Nablus. His affidavit was taken on 16 January 2003 by Atty. Hasan Shqeidhaf in his office in Nablus, on behalf

of the **Public Committee Against Torture in Israel**.

**24. Samer Tawfiq Sabri Duqan**, resident of the Balata refugee camp in Nablus, was arrested on 9 October 2002 and transferred to the Hawara military detention facility near Nablus, and from there to the GSS interrogation facility at the Petah Tikvah police detention center. His affidavit was taken on 20 January 2003 by Atty. Hasan Shqeidhaf in his office in Nablus, on behalf of **the Public Committee Against Torture in Israel**.

**25. Suheib Rafiq Tawfiq Daraghmeh**, resident of Hebron. Arrested on 14 January 2003 and transferred to the Etzion military detention facility and from there, one day later, to the GSS interrogation center at the Shikma Prison in Ashkelon. His affidavit was taken on 20 February 2003 at the Shikma Prison by Atty. Husam Yunis on behalf of **the Public Committee Against Torture in Israel**.

**26. Da'ud Dar'awi**, resident of a-Ram, was arrested twice: he was first arrested on 10 September 2001, and transferred to the GSS interrogation center at the Shikma Prison in Ashkelon. On the second occasion he was arrested on 21 February 2003 and transferred to the Etzion military detention facility, and from there to the Ofer military prison facility near Ramallah and from there to the Ketziot military prison facility in the Negev. His affidavit was taken on 14 April 2003 at Ketziot by Atty. Fida' Qa'war on behalf of **the Public Committee Against Torture in Israel**.

**27. Muhammad Ayyub Darwish**, resident of Beit 'Or a-Tahta, Ramallah area. He was arrested on 10 July 2002 and was transferred to the Ra'fat military camp, and from there to the GSS interrogation facility at the police detention center at the Russian Compound. His affidavit was taken on 1 April 2003 at the Megiddo military prison facility by Atty. Muhammad Abu Raya on behalf of **the Public Committee Against Torture in Israel**.

**28. Iyyad Musbah al-Haimuni**, Hebron resident. He was arrested on 5 January 2003 and transferred to the Kiryat Arba Police, and from there to the GSS interrogation facility at the Shikma prison in Ashkelon. His affidavit was taken on 3 March 2003 at the Shikma prison by Atty. Luwai 'Oqah on behalf of **the Public Committee Against Torture in Israel**.

**29. As'ad Haimuni**, resident of Hebron. Arrested 17 November 2001 and transferred to the Ofer military prison facility near Ramallah, from there to the Ketziot military prison facility in the Negev, and from there

back to Ofer. His affidavit was taken on 3 August 2002 in his home in Hebron by Atty. Allegra Pacheco; a supplementary testimony was taken on 10 August 2002 at his home in Hebron by Yuval Ginbar of **the Public Committee Against Torture in Israel**.

**30. Muhammad 'Abduh al-Haimuni**, resident of Hebron. He was arrested on 22 January 2003 and transferred to Kiryat Arba and from there, on the same day, to the GSS interrogation facility at the Shikma Prison in Ashkelon. His affidavit was taken on 31 March 2003 at the Shikma Prison by Atty. Husam Yunis on behalf of **the Public Committee Against Torture in Israel**.

**31. 'Abdallah Fathi al-Huraimi (minor)**, resident of Bethlehem. Arrested on 21 January 2003, and transferred to the GSS interrogation facility at the police detention facility at the Russian Compound. His affidavit was taken on 9 April 2003 by Atty. Fida' Qaw'aer on behalf of **the Public Committee Against Torture in Israel**.

**32. Muhammad 'Abd al-Salam al-Zughayer**, resident of Hebron. He was arrested on 14 March 2003 and transferred to the Etzion military detention facility, from there to the Ofer military prison near Ramallah, and from there to the military prison facility at Ketziot in the Negev. His affidavit was taken on 14 April 2003 at Ketziot by Atty. Fida' Qa'war on behalf of **the Public Committee Against Torture in Israel**.

**33. Muhammad 'Abd a-Rahman Radwan Zeid**, resident of Tubas, was arrested on 26 November 2002 and transferred to a camp whose name he didn't know, and from there to the GSS interrogation facility at the Kishon police detention center near Haifa, and later to the GSS interrogation facility at the Shikma prison in Ashkelon. His affidavit was taken on 22 January 2003 at the Shikma prison by Atty. Fida' Qa'war on behalf of **the Public Committee Against Torture in Israel**.

**34. Ra'ed Jamal Hamdi Haddad**, resident of Gaza. He was arrested on 5 December 2002 and interrogated at the GSS interrogation facility at the police detention center in Petah Tikvah. His affidavit was taken on 9 February 2003 at the Shikma Prison by Atty. Husam Yunis on behalf of **the Public Committee Against Torture in Israel**.

**35. Sami Ahmad Khalil**, resident of Nablus. He was arrested 10 February 2003 and transferred to the Hawara military detention facility near Nablus

and from there, three days later, to the GSS interrogation facility at the Kishon police detention center near Haifa. His affidavit was taken on 18 March 2003 at the Kishon detention center by Muhammad Abu Raya on behalf of **the Public Committee Against Torture in Israel**.

**36. Khalil Marwan Khaled al-Khalili**, resident of Nablus. He was arrested on 17 June 2002 and transferred to the Hawara military detention center near Nablus, and from there to the GSS interrogation facility at the police detention center in Petah Tikvah, and to other places of detention and interrogation, including secret ones. His affidavit was taken on 18 August 2002 at the Kishon police detention center near Haifa by Atty. Samir 'Abd al-Latif on behalf of **the Public Committee Against Torture in Israel**.

**37. 'Arraf Salameh Haribat**, resident of Dura. He was arrested on 15 January 2003 and transferred to the Etzion military detention facility and from there, a day later, to the GSS interrogation facility at the Shikma prison in Ashkelon. His affidavit was taken on 20 February 2003 at the Shikma prison by Atty. Husam Yunis on behalf of **the Public Committee Against Torture in Israel**.

**38. Bahaa Hamdi 'Isa Hatu**, resident of a-Ram. He was arrested on 13 April 2002 and transferred to the GSS interrogation center in the police detention center at the Russian Compound. His affidavit was taken on 8 March 2003 at the Eshel Prison in Be'er Sheva by Atty. Fida' Qa'war on behalf of **the Public Committee Against Torture in Israel**.

**39. Muhammad Saleh Hasan Taha**, resident of the al-Bureij refugee camp in the Gaza Strip. He was arrested on 3 March 2003. During the arrest he lost consciousness and was taken to Soroka Hospital in Be'er Sheva, where he remained for two days. From there he was taken to the GSS interrogation facility at the Shikma Prison in Ashkelon. His affidavit was taken 13 March 2003 at the Shikma Prison by Atty. Fida' Qa'war on behalf of **the Public Committee Against Torture in Israel**.

**40. Sa'id Qusam Sa'id Tubasi**, resident of Jenin. He was arrested on 1 November 2002 and interrogated at the GSS interrogation facility at the Kishon police detention center near Haifa. His affidavit was taken 10 November 2002 at the Kishon detention center by Atty. Wasim Darawsheh on behalf of **the Public Committee Against Torture in Israel**.

**41. Raslan Talal Tuqan**, resident of the Balata refugee camp, Nablus.

He was arrested on 13 November 2002 and transferred to the Hawara military detention facility near Nablus, from there to the Kedumim camp, and from there to the GSS interrogation facility at the police detention center in Petah Tikvah. His affidavit was taken on 24 November 2002 at the Petah Tikvah detention center by Atty. Fida' Qa'war on behalf of **the Public Committee Against Torture in Israel**.

**42. "Rushdi"** [complete details on file at PCATI], resident of a refugee camp in the West Bank. He was arrested November 2002 and transferred to the Etzion military detention facility, and from there to the Ofer military prison facility near Ramallah. His testimony was taken 5 February 2003 at his home by Iyyad Manasrah On behalf of **the Public Committee Against Torture in Israel**.

**43. Hani Laimun**, resident of Tulkarm. He was arrested on 23 January 2003 and transferred to the military detention camp at Tulkarm, from there to Kedumim, and 18 days later to the GSS interrogation facility at the Kishon police detention center near Haifa. His affidavit was taken on 18 March 2003 at the Kishon detention center by Atty. Fida' Qa'war on behalf of **the Public Committee Against Torture in Israel**.

**44. Muhammad Jihad Muhammad**, resident of the Jabalya refugee camp in the Gaza Strip. He was arrested on 5 December 2002 and transferred to the Erez camp, and from there to the GSS interrogation facility at the police detention center in Petah Tikvah. His affidavit was taken on 9 February 2003 at the Shikma prison in Ashkelon by Atty. Husam Yunis on behalf of **the Public Committee Against Torture in Israel**.

**45. Medhat Tareq Muhammad**, resident of 'Isawiyyah. He was arrested 26 August 2001 and interrogated at the GSS interrogation facility at the police detention center in the Russian Compound. His affidavit was taken on 4 November 2001 at the Russian Compound by Atty. Hanan Khatib on behalf of **the Public Committee Against Torture in Israel**. A supplementary affidavit was taken on 17 February 2003 at the Eshel Prison by Atty. Fida' Qa'war on behalf of **the Public Committee Against Torture in Israel**.

**46. 'Abd al-'Aziz Ahmad al-Mu'ti**, resident of Bethlehem (Jordanian citizen). He was arrested on 5 February 2003 and transferred to the GSS interrogation facility at the police detention center at the Russian Compound. His affidavit was taken on 9 March 2003 at the Russian

Compound by Atty. Fahmi 'Aweiwi on behalf of **the Public Committee Against Torture in Israel**.

**47. Haitham 'Allam Thib Minawi**, resident of Nablus. He was arrested on 5 July 2002 and interrogated at an unknown location, from there transferred to the Hawara camp, from there to the GSS interrogation center at the Kishon police detention center near Haifa, and from there to additional interrogations at an unknown location. His affidavit was taken on 3 September 2002 at the Ofer military prison facility near Ramallah by Atty. Samir 'Abd al-Latif on behalf of **the Public Committee Against Torture in Israel**.

**48. Mazen Malsa**, resident of Ramallah. He was arrested on 5 June 2001 and transferred to the Ofer military prison facility near Ramallah, and from there to the GSS detention facility at the Shikma Prison in Ashkelon. His affidavit was taken on 16 February 2003 at the Eshel Prison in Be'er Sheva by Atty. Fida 'Qa'war on behalf of **the Public Committee Against Torture in Israel**.

**49. 'Ali Na-el Mqasqas**, resident of Jenin. He was arrested on 9 April 2003 and interrogated at the Salem roadblock in the northern West Bank. His affidavit was taken on 29 October 2002 at the Ofer military prison facility near Ramallah, by Atty. Fida 'Qa'war on behalf of **the Public Committee Against Torture in Israel**.

**50. 'Izz a-Din Khaled Khalil Marahin**, resident of the village of Rumaneh, Jenin. He was arrested on 5 June 2002 and interrogated at the Kedumim detention center, and from there transferred to the Megiddo military prison facility. His affidavit was taken on 29 October 2002 at the Megiddo prison facility by Atty. Muhammad Abu Raya on behalf of **the Public Committee Against Torture in Israel**.

**51. Usamah Hasan Natsheh**, resident of Hebron. He was arrested 12 December 2002 and transferred to the GSS interrogation facility at the Shikma prison in Ashkelon. His affidavit was taken on 15 January 2003 at the Shikma prison by Atty. Fahmi 'Aweiwi on behalf of **the Public Committee Against Torture in Israel**.

**52. Ahmad Walid Ahmad Sadaqah**, resident of the village of 'Anza in the Jenin area. He was arrested on 20 July 2002 and transferred to the Dotan camp, from there to the Salem camp in the northern Gaza strip, and from there to the GSS interrogations facility at the Kishon police detention center near Haifa. His affidavit was taken on 20 August 2002 at the

Kishon detention center by Atty. Muhammad Abu Raya on behalf of **the Public Committee Against Torture in Israel**.

**53. 'Abbas a-Sayyed**, resident of Tulkarm. He was arrested on 8 May 2002 and transferred to the GSS interrogation wing in the Kishon police detention center near Haifa. His affidavit was taken on 9 April 2003 at the Kishon detention center by Atty. Fida' Qa'war on behalf of **the Public Committee Against Torture in Israel**.

**54. Ahmad Reshad Sakani**, resident of Gaza. He was arrested on 9 December 2002 and interrogated in the GSS interrogation facility at the Shikma Prison in Ashkelon. His affidavit was taken on 9 February 2003 at the Shikma Prison by Atty. Husam Yunis on behalf of **the Public Committee Against Torture in Israel**.

**55. Ruhi Ibrahim Salameh**, arrested on 31 January 2–3 in the Nazareth area and transferred to the Nazareth police, and from there to the GSS interrogation facility at the Kishon police detention center near Haifa. His affidavit was taken on 18 February 2003 at the Kishon detention center by Atty. Fida' Qa'war on behalf of **the Public Committee Against Torture in Israel**.

**56. Malek 'Abd al-Halim 'Abd al-Ghani Salhab**, resident of Bethlehem. He was arrested on 11 February 2003 and transferred to the Etzion military detention center and from there to the GSS interrogation facility at the police detention center in the Russian Compound. His affidavit was taken on 7 March 2003 at the Russian Compound by Atty. Fahmi 'Aweiwi on behalf of **the Public Committee Against Torture in Israel**.

**57. Mahmud Ibrahim Salahat**, resident of Wadi Beidan, was arrested on 7 August 2002 and transferred to the Ofer military prison facility near Ramallah, where he was interrogated. His affidavit was taken on 14 April 2003 at the Ofer camp by Atty. Fida' Qa'war on behalf of **the Public Committee Against Torture in Israel**.

**58. Za'd Sami 'Abd al-'Aziz Salman**, resident of the village of Ramun, Tulkarm area. He was arrested on 5 January 2002 and transferred to the "Hafes" camp and from there to a temporary at Adorayim ("al-Majnuneh"), from there to the Megiddo military prison facility, and from there to the GSS interrogation facility at the Kishon police detention center near Haifa. His affidavit was taken on 10 January 2002 at the Kishon detention center by Atty. Muhammad Darawshehh on behalf of

### **the Public Committee Against Torture in Israel.**

**59. Habib Rashad Sa'dallah**, resident of Gaza. He was arrested on 25 December 2002 and transferred to a settlement in Gush Katif, from there to the Erez camp where he was interrogated for four days. On 29 December 2002 he was transferred to the GSS interrogation facility at the Shikma Prison in Ashkelon. His affidavit was taken at the Shikma Prison on 9 February 2003 by Atty. Husam Yunis on behalf of **the Public Committee Against Torture in Israel**.

**60. Iyyad Kamel 'Abd al-Hadi**, resident of Bethlehem. He was arrested on 10 February 2003 and transferred to the Etzion military detention facility. His affidavit was taken on 14 March 2003 at the Ketziot military prison facility in the Negev by Atty. Fida' Qa'war on behalf of **the Public Committee Against Torture in Israel**.

**61. Iyyad Musa Salem 'Abayyat**, resident of Bethlehem. He was arrested on 10 February 2003 and transferred to the Etzion military detention facility and from there, to the GSS interrogation facility at the police detention center in the Russian Compound. His affidavit was taken on 10 March 2003 at the Russian Compound by Atty. Ma'mun Hashim on behalf of **the Public Committee Against Torture in Israel**.

**62. 'Aid Khalil Muhammad 'Abayyat**, resident of Bethlehem. He was arrested on 10 February 2003 and transferred to the Etzion military detention facility and from there, two days later, to the GSS interrogation center at the police detention facility at the Russian Compound. His affidavit was taken on 10 March 2003 at the Russian Compound by Atty. Ma'mun Hashim on behalf of **the Public Committee Against Torture in Israel**.

**63. Lu'i Muhammad 'Odeh**, resident of Dahiyat al-Barid. He was arrested on 6 April 2002 and transferred to the GSS interrogation facility at the police detention center in the Russian Compound in Jerusalem. His affidavit was taken on 28 April 2002 at the Russian Compound by Atty. Hanan Khatib of the Palestinian human rights organization LAW.

**64. Samer al-'Issawi**, resident of East Jerusalem. He was arrested on 11 April 2002 and transferred to a building taken over by the IDF in Ramallah, and from there to the GSS interrogation facility at the police detention center in the Russian Compound. His affidavit was taken on 17

February 2003 at the Eshel Prison in Be'er Sheva by Atty. Fida' Qa'war on behalf of **the Public Committee Against Torture in Israel**.

**65. Shadi al-Issawi**, resident of East Jerusalem. He was arrested on 16 February 2002 and transferred to the GSS interrogation facility at the police detention center in the Russian Compound. His affidavit was taken on 17 February 2003 at the Eshel Prison in Be'er Sheva by Atty. Fida' Qa'war on behalf of **the Public Committee Against Torture in Israel**.

**66. Mazen Ahmad Sa'id al-'Ali**, resident of Tulkarm. He was arrested on 24 July 2002 and transferred to the Israeli-Palestinian liaison office in Tulkarm, from there to Hillel-Yafeh Hospital in Hadera, and from there to the Ofer military prison near Ramallah. His affidavit was taken on 12 August 2002 at Ofer by Atty. Fares Abu Hasan on behalf of **the Public Committee Against Torture in Israel**.

**67. Nidal Muhammad al-'Amd**, resident of Nablus. He was arrested on 14 January 2003 and transferred to the Hawara military detention facility near Nablus, and from there, 12 days later, to the Ofer military prison facility near Ramallah. His affidavit was taken at the Ketziot military prison facility on 16 February 2003 by Atty. Fida' Qa'war on behalf of **the Public Committee Against Torture in Israel**.

**68. 'Undar 'Asidah**, resident of the village of Tal in the Nablus district. He was arrested on 18 July 2002 and was a candidate for deportation to Gaza due to the activities of his brother. His affidavit was taken on 11 September 2002 at the Ofer military prison facility near Ramallah by Atty. Labib Habib.

**69. Hasan 'Abd al-Fattah Muhammad 'Araisheh**, resident of the Balata refugee camp in Nablus. He was arrested on 14 February 2003 and transferred to the Samaria Regional Brigade, from there, three days later, to the Beit-El military detention facility, and from there to the GSS interrogation facility at the Shikma Prison in Ashkelon. His affidavit was taken on 6 March 2003 at the Shikma Prison by Atty. Ma'mun Hashim on behalf of **the Public Committee Against Torture in Israel**.

**70. Mazen Muhammad Suleiman Fuqha**, resident of Tubbas. He was arrested on 5 August 2002 and interrogated in the GSS interrogation facility at the Kishon police detention center near Haifa. His affidavit was taken on 14 October 2002 at the Kishon detention center by Atty. Amir

Yihya on behalf of the **Public Committee Against Torture in Israel**.

**71. Thabet Muhammad Hasan Sari'**, resident of Yatta in the Hebron District. He was arrested on 9 February 2003 and transferred to the Kiryat Arba police station, and from there to the GSS interrogation facility at the Shikma Prison in Ashkelon. His affidavit was taken at the Shikma Prison on 10 March 2003 by Atty. Luwai 'Oqah on behalf of the **Public Committee Against Torture in Israel**.

**72. Ra'ed 'Ali Qoqa**, resident of Nablus. He was arrested on 10 January 2003 and transferred to the Hawara military detention facility near Nablus, and from there to the Kishon GSS interrogation facility near Haifa. His affidavit was taken on 5 February 2003 at the Kishon detention center by Atty. Muhammad Abu Raya on behalf of the **Public Committee Against Torture in Israel**.

**73. George Mansur Qurt**, resident of Ramallah. He was arrested on 24 October 2002 and transferred to an unknown site, and from there to the GSS interrogation facility at the police detention center in the Russian Compound. His affidavit was taken on 11 March 2002 at the Russian Compound by Atty. Leah *Tzemel* on behalf of the **Public Committee Against Torture in Israel**.

**74. Nasser Hassan Qara'qah**, resident of Beit Jala. Arrested on 9 April 2002 and was transferred to the Etzion military detention facility and from there to Yasser Arafat's presidential compound, from there back to Etzion and from there to the Ketziot military prison facility in the Negev. His affidavit was taken on 30 April 2002 at Ketziot by Atty. Allegra Pacheco on behalf of the **Public Committee Against Torture in Israel**.

**75. Hasan Rawajbeh**, resident of Nablus. He was arrested on 5 December 2002 and transferred to the Hawara military detention facility near Nablus and from there, four days later, to the GSS interrogation facility at the police detention center in Petah Tikva, where he remained for only two hours, before being transferred to an unknown interrogation facility. His affidavit was taken on 11 March 2003 at the Kishon detention center near Haifa by Atty. Fida' Qa'war on behalf of the **Public Committee Against Torture in Israel**.

**76. Isma'il Farid Munir al-Rajabi**, age 15 (born in Hebron, 6 June 1987), resident of Haifa. He was arrested on 5 March 2003 at his home and

transferred to the GSS interrogation facility at the Kishon police detention center near Haifa. His affidavit was taken on 10 April 2003 at the Kishon detention center by Atty. Humahhad Abu Raya on behalf of **the Public Committee Against Torture in Israel**.

**77. Nahed 'Abd a-Rahman Rajabi**, resident of Hebron. He was arrested on 25 March 2003 and transferred to the GSS interrogation facility at the police detention center at the Russian Compound. His affidavit was taken on 11 April 2003 at the Russian Compound by Atty. Fahmi 'Aweiwi on behalf of **the Public Committee Against Torture in Israel**.

**78. Muslem Kamel Muslem Sha'lan**, resident of Bethlehem. He was arrested on 13 March 2003 and transferred to the GSS interrogation facility at the GSS police detention center in the Russian Compound. His affidavit was taken on 10 April 2003 at the Russian Compound by Atty. Fahmi 'Aweiwi on behalf of **the Public Committee Against Torture in Israel**.

**79. Hisham Hmeidan a-Sharabati**, resident of Hebron. He was arrested on 5 September 2002 and interrogated at the GSS interrogation facility at the Shikma Prison in Ashkelon. His affidavit was taken on 28 October 2002 at the Shikma Prison by Atty. Fahmi 'Aweiwi on behalf of **the Public Committee Against Torture in Israel**.

**80. Ibrahim Thawabet**, resident of Beit Fajjar. He was arrested on 23 July 2002 and interrogated at the GSS interrogation facility at the police detention center in the Russian Compound. His affidavit was taken on 29 October 2002 by Atty. Fahmi 'Aweiwi at the Russian Compound on behalf of **the Public Committee Against Torture in Israel**.