

TORTURE IN ISRAEL 2021: SITUATION REPORT

OVER 1,300 COMPLAINTS OF TORTURE WERE SUBMITTED TO THE MINISTRY OF JUSTICE SINCE 2001, RESULTING IN: 2 CRIMINAL INVESTIGATION AND 0 INDICTMENTS

IS THERE TORTURE IN ISRAEL? THERE MOST DEFINITELY IS.



- * Every year, dozens of complaints are received by the Public Committee Against Torture in Israel (PCATI) alleging severe torture employed by the ISA [Shin Bet] interrogators. Torture methods reported include painful shackling, sleep deprivation, exposure to extreme heat and cold, threats, sexual harassment, and religion-based humiliation.
- * In addition, the rights of citizens prisoners, and residents are routinely abused, in violation of the laws and standards which prohibit torture and ill-treatment.

IS IT LEGAL? NO. ↓

- * Torture and cruel treatment are absolutely prohibited, both by international as well as Israeli law. Nonetheless, Israel has yet to enact a law explicitly prohibiting torture, despite its previous commitment to do so.



These are the only two criminal torture investigations ever opened against interrogators. Both were closed this year. No charges have been filed ↓

1. A rape with no perpetrators

- N. was arrested in 2015.
- She underwent an internal cavity search twice, in spite of her objections, under the guise of an "operational need".
- This humiliating search is in fact illegal, constituting the criminal felony of rape and violating standard arrest procedures.
- In 2018 a criminal investigation was opened by the Department of Internal Police Investigations (DIPI) and the military investigatory unit.
- 8 people involved in the case were questioned. All admitted that the illegal search did indeed take place, but the military and the ISA field commanders blamed one another.
- In April 2021 the case was closed and those involved were cleared of wrongdoing "because of lacking evidentiary basis".

2. A stately beating

- Samer Arbeed was in good health when arrested in 2019.
- His first interrogation lasted 30 hours, after which he was rushed to hospital in critical condition.
- 6 of his ribs were broken; his body was covered with bruises. He suffered acute kidney failure and his life was in grave danger.
- Arbeed was sedated and intubated for 18 days. As soon as he regained consciousness he was returned to ISA interrogations.
- DIPI investigated the case, deposing documents and witnesses.
- In January 2021 the Attorney General closed the case, citing "the lack of an evidentiary basis for proving the commission of a crime".
- In response, Nadav Argman, head of the ISA, said that he "supports the ISA interrogators, who accomplished their mission in a professional and stately manner".

THE LONG AND WINDING ROAD OF A TORTURE COMPLAINT SUBMITTED BY PCATI



A testimony of torture is collected by an attorney. In some cases, the complainant undergoes assessment by health professionals based on the Istanbul Protocol, a set of UN-recognized guidelines for documentation and identification of torture



A complaint is submitted to the Attorney General for preliminary review by the Investigator of Interrogees Complaints (IIC), a unit in the Ministry of Justice



The IIC conducts a preliminary examination, a process which may last several years



Only if the complaint crosses the preliminary examination threshold would a criminal investigation be opened by DIPI, which would then decide whether to press charges



On average, the IIC response is delivered a staggering 55 months from the date of the original complaint. Apart from two cases, the response is invariably the same: no evidence of torture was found; no criminal investigation is warranted.

THE IIC'S AVERAGE PROCESSING TIME OF A COMPLAINT:*

4 1/2 YEARS

* Based on cases handled by PCATI which were closed in 2020-2021

SO HOW DO WE STOP THE TORTURE?

Adequately examine and investigate allegations of torture



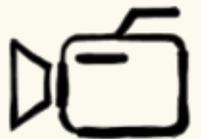
Enact an explicit law barring torture



Prosecute and severely penalize those convicted of torture and ill-treatment



Record ISA interrogations fully and allow victims access to documentation



WHY ARE COMPLAINTS DISMISSED? ↓

* The IIC repeatedly dismisses complaints at the preliminary stage, arguing that the victim's version "could not be substantiated". Since interrogations are only sporadically CCTVed and since footage is not retained, the investigation mainly consists of pitting the interrogee's version against that of the interrogators. The IIC always takes the interrogators' side.

State loud and clear, in all possible platforms: torture and cruel treatment are wrong and prohibited, always and unconditionally



THE COMMITTEE AGAINST TORTURE
اللجنة لمناهضة التعذيب



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