

THE PUBLIC COMMITTEE AGAINST

TORTURE  
IN ISRAEL



# “Family Matters”

**Using  
Family Members  
to Pressure  
Detainees  
Under GSS  
Interrogation**

**The Public Committee Against Torture in Israel** believes that torture and ill-treatment of any kind, under any circumstances, are immoral, undemocratic and inconsistent with the rule of law. PCATI was established in 1990 in response to the longstanding government policy that enabled systematic use of torture and ill-treatment in security-agency interrogations.

In September 1999, following petitions filed by PCATI and other human rights organizations, the High Court of Justice nullified a number of methods of torture and ill-treatment that were being used. The High Court ruling was a significant advance, but left an opening for the use of torture and ill-treatment in Israel. PCATI continues its efforts to protect interrogees' and prisoners' rights, and to realize the complete prohibition on torture, as required by ethical and democratic values and international law.

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The activity of the Public Committee Against Torture in Israel is made possible by foundations in Israel, Europe and the United States, and by private contributions from Israel and around the world. The following donors deserve our special appreciation.

British Embassy in Tel Aviv  
Cordaid (The Netherlands)  
Development Corporation (Ireland)  
European Commission  
Firedoll Foundation (USA)  
Humanitair Fonds (The Netherlands)  
KIOS (Finland)  
Mu'assasat (Denmark, Sweden, Switzerland and Austria)  
RCT (Denmark)  
Royal Norwegian Embassy in Tel Aviv  
SIVMO (The Netherlands)  
Solidariteitsfonds (The Netherlands)  
The Sigrid Rausing Trust (UK)  
United Nations Voluntary Fund for Victims of Torture (Geneva).

This report is based on the **Public Committee Against Torture in Israel's** legal advocacy work, which is supported by the European Union.

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Detainees Under GSS Interrogation**

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April 2008

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Special thanks to Attorney Eliahu Abrams, Attorney Smadar Ben-Natan, Mr. Carmi Lecker, Dr. Ishai Menuchin, and Ms. Hannah Friedman for their comments and contribution in the preparation of this publication.

This report is based on the legal research of the Public Committee Against Torture in Israel, which is supported by the European Union. PCATI, is solely responsible for its content.



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## Introduction

“They said that if I confessed to everything they wanted, they would release my wife, and that she was in the isolation cell because of me.”

“The interrogator told me that my father was in detention (afterwards I discovered that he had lied), and threatened that they would also arrest my grandmother if I didn’t confess.”

These and similar testimonies of detainees interrogated by the Israel Security Agency (GSS, also known as the *Shin Bet* or *Shabak*) during the past year indicate a phenomenon whose gravity must not be minimized: the use of a detainee’s family to “break” him. The Public Committee Against Torture in Israel (PCATI) is determined to combat and eliminate this immoral practice of “psychological torture.”

Psychological torture does not usually receive the same degree of public attention as physical torture. The Israeli public generally associates torture with the terms “moderate physical pressure,” “shaking,” “bending the detainee’s back,” and “painful shackling,” and relatively little attention is given to psychological torture.

There is, in fact, no clear difference between the two types of torture. All physical torture entails psychological suffering, and the fear of the unknown or of renewed use of physical means is just as likely to cause suffering no less than the immediate physical suffering inflicted by physical means. Some interrogation means intentionally combine physical and psychological torture. For example, the GSS deprives detainees of sleep (which is essentially psychological pain), among other means, by shackling them in painful positions (primarily physical pain).

It is undisputed that means of torture that cause psychological suffering can constitute torture just as means that cause physical suffering do. The accepted definition of torture is stated in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Israel is party. The Convention defines torture as “any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession...”<sup>1</sup>

1 Article 1(1) of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was adopted by the UN General Assembly in 1984 and came into force in 1987. Israel ratified the Convention in 1991.

More general human rights conventions, which do not define torture, also have been interpreted as prohibiting psychological torture. For example, the International Covenant on Civil and Political Rights, to which Israel is a signatory, specifies in Article 7 that, "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment."<sup>2</sup> The UN Human Rights Committee, a body of experts appointed to oversee implementation of this Covenant, held in a general comment on this article:

The prohibition in Article 7 relates not only to acts that cause physical pain but also to acts that cause mental suffering to the victim.<sup>3</sup>

Both torture and cruel, inhuman or degrading treatment or punishment (hereafter referred to as ill-treatment) are forbidden under any circumstances, including times of emergency and war.<sup>4</sup> In the landmark judgment given by Israel's High Court of Justice on the General Security Service's (the GSS's predecessor) interrogation methods, Supreme Court President Aharon Barak related to international law's sweeping prohibition on both torture and cruel, inhuman or degrading treatment: "These prohibitions are "absolute." There are no exceptions to them and there is no room for balancing."<sup>5</sup>

The question of whether a particular means of interrogation causes "severe" suffering – i.e., constitutes torture<sup>6</sup> – or "only" involves "cruel, inhuman or degrading treatment" is irrelevant in terms of the state's obligations: it must prohibit both torture and ill-treatment in every situation, without exception.

The drafters of the Convention intentionally refrained from including a list of acts that constitute torture or ill-treatment or from specifying a requisite degree of suffering which, if exceeded, constitutes a breach of the prohibition against torture or ill-treatment. Two of the drafters of the Convention did, however, bring the following example to illustrate the meaning of the concept of torture:

2 The International Covenant on Civil and Political Rights was adopted by the UN General Assembly in 1966 and came into force in 1976. Israel ratified the Covenant in 1991.

3 Human Rights Committee, General Comment No. 20: Replaces General Comment No. 7 concerning prohibition of torture and cruel treatment or punishment (Art. 7), 10 March 1992, para. 5.

4 Article 4 of the Covenant on Civil and Political Rights which prohibits a state from derogating from the prohibition against torture and degrading treatment, even in "time of public emergency which threatens the life of the nation"; Article 2 of the Convention against Torture stipulates that, "No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency," and no "order from a superior officer or a public authority" may be invoked as a justification of torture.

5 HCJ 5100/94, *Public Committee Against Torture in Israel v Government of Israel*, PD 54 (4), 817, 836.

6 The intentional use by public servants of interrogation means that cause suffering already meets the other elements of the definition of torture, that is, the element of intent, of purpose (including intimidation and extraction of information or a confession), and of involvement of public officials.

If the victim is made to believe that he will be killed or that reprisals will be taken against his wife or his children if he does not cooperate. (the act concerned can only be described as torture if the pain or suffering inflicted is severe"<sup>7</sup>)

Examples of threats to harm first-degree relatives of the victim, not to mention actually harming them, are found repeatedly in the legal literature and in case law on the meaning of psychological torture. The cases in which this phenomenon occurs around the world are common to regimes that terrorize their own citizens. In Guatemala, during the civil war at the beginning of the 1990s, a woman was kidnapped in the street on the way to collect her son, a toddler. In her interrogation, which focused on the activities of her former spouse and father of her son, she was led to believe that her son had been kidnapped and was in the hands of her interrogators.<sup>8</sup>

In Surinam, during the military rule in the 1980s, detainees were threatened that their wives, mothers and other family members would be harmed.<sup>9</sup> In Turkey in the mid-1990s, a Turkish citizen was detained shortly after her Kurdish husband had been detained under mysterious circumstances. During the woman's interrogation, she was told that her sons were being detained and tortured.<sup>10</sup> In all of these cases, as in others,<sup>11</sup> international courts considered

7 H. J. Burges and H. Danelius., *The United Nations Convention against Torture -- A Handbook on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (1988), p. 118.

8 Judgment of the Inter-American Court of Human Rights in *Maritza Urrutia v. Guatemala* (*Inter-Am. Ct. H.R., (Ser. C) No. 103*), 27 November 2003. The court ruled that a threat to kill a member of the detainee's family if she did not cooperate, and showing the detainee pictures and correspondence of the family, constitutes, in addition to the use of other methods, a violation of Article 5 of the American Convention on Human Rights, which prohibits torture.

9 Judgment of the Inter-American Commission on Human Rights in *Gobardhan v. Surinam*, Res. No 1/85 Case No 9265 (1 July 1985), para. 6. The Commission held that the threats made to interrogees constitute psychological torture, which is prohibited under the Universal Declaration on Human Rights of 1948.

10 Judgment of the European Court of Human Rights in *Akkoc v. Turkey*, (Application nos. 22947/93 and 22948/93), 10 October 2000, ECHR 2000-X, para. 25, 116, 117. The court emphasized the gravity of the threats and determined that they created intense fear and anxiety in the interrogee, and in light of the severity and cruelty of the suffering caused her, that the threats amounted to torture.

11 See, also, the two following cases:

– The UN Human Rights Committee, in *Miguel Angel Estrella v. Uruguay*, **Communication No. 74/1980 (17 July 1980), UN Doc. Supp. No. 40 (A/38/40) at 150 (1983), even considered** threats of violence against friends of the complainant as sufficiently serious to constitute psychological torture.

– The European Commission of Human Rights, in *Denmark v. Greece*, App. Nos. 3321, 2233, 3344/67. 12 Y.B. Eur. Com.Hum. Rts (1969), included threats to harm family members of the interrogee in the category of psychological torture.

For a comprehensive review of the judgments and literature on this topic, see Irfan Neziroğlu, "A Comparative Analysis of Mental and Psychological Suffering as Torture, Inhuman or Degrading Treatment or Punishment under International Human Rights Treaty Law," *Essex Human Rights Review*, Vol. 4 No. 1, February 2007, p. 16; INTERIGHTS, "Manual on the prohibition of torture and inhuman or degrading treatment or punishment under Article 3 of the European Convention on Human Rights," 2007, 2.2.1 ,p. 8.; (<http://projects.essex.ac.uk/ehrr/archive/pdf/Volume%20IV/pdf%20vol.IV/Psychologicaltorture-Finalversion108.12.06%20CR9.1.07.pdf>).

such use of a detainee's family as a kind of psychological torture, and prohibited it pursuant to the conventions discussed above.

It seems, therefore, that no further explanation is required to prove that this phenomenon constitutes psychological torture. The interrogator treads on one of the detainee's most sensitive nerves: his deep concern for his closest relatives and his willingness to make great sacrifices for them, often his own life. The fear that his family will be harmed as a result of his behavior is liable to create suffering no less serious than that caused by painful binding, sleep deprivation, or severe physical violence.<sup>12</sup> The sages of the Talmud noted that, "Any ache is preferable to heartache,"<sup>13</sup> and the "heartache" – the deep psychological distress – that is the focus of this report is among the cruelest. It should be noted that the causes of this heartache are deeply rooted in the cultural and religious commandments of the interrogees, in the form of the basic obligations and customs of caring for one's close relatives, honoring one's parents, and giving them unbounded love.

The state's use of a detainee's family in psychological torture exploits the individual's sense of familial obligation in order to harm the family members and break up the family, this in breach of the state's obligation to protect the family unit.

International law, particularly human rights law, recognizes the unique nature of the family and its importance both to society and to each and every person. The family is the fundamental social unit, the strong base that provides family members with primary protection from the world, solidarity, care, support, and mutual responsibility.

The Universal Declaration of Human Rights states that, "The family is the natural and fundamental group unit of society and is entitled to protection by society and the State." Following its lead, international instruments specify additional provisions that protect the family. Israeli law, too, recognizes the unique nature of the family unit and the rules related to it, and the need to protect it. Harming family members is deemed especially grave in that it violates the obligation of loyalty and responsibility toward family members.

The state and its agents take advantage of the deep emotional and psychological ties between family members to crush the individual's willpower and the family unit itself. Forcing the interrogee to make the cruel choice between confession, truth, or self-interest and harming his own family is exploited in the most bitter way, in total contradiction to the legislator's intent and to the fundamental values of the Israeli and international legal systems, which are committed to protecting the family unit.

12 A comprehensive study of 279 torture survivors around the world, conducted by three psychiatrists and published in March 2007, found that psychological torture is no less severe than physical torture in terms of the psychological damage caused to the interrogee. See Metin Başoğlu, Maria Livanou & Cvetana Crnobaric, "Torture vs. Other Cruel, Inhuman, and Degrading Treatment: Is the Distinction Real or Apparent?" 64 *Arch. Gen. Psychiatry* 277 (2007).

13 Babylonian Talmud, *Tractate Shabbat*, 11a.

This report presents six cases of the use of family members against interrogees suspected of security offenses. Some of the cases involve the humiliation of innocent relatives, and using them to inflict psychological suffering on the detainee. The more extreme cases involve torture of the interrogee, who becomes a victim to cruel manipulation along with the degrading use of his innocent family members.

Besides being flagrant violations of the prohibition on torture and ill-treatment in international law, most of the cases in this report describe violations of a fundamental principle of every proper legal system: that an innocent person may not be detained for the sole purpose of making him a strategic tool in the interrogation of another person. A prerequisite for detaining a person is the existence of a reasonable suspicion that he has committed an offense. A person's familial relation to a detainee cannot lawfully be grounds for detention, particularly when the latter detention is nothing more than a scheme to assist in the original detainee's interrogation. Such an act constitutes the forced recruitment of an individual in a battle against his relative. Not only does it turn a human being into a means, it turns him into a means aimed at achieving a goal counter to his deepest desires. It infringes the individual's dignity as an autonomous being, his sensibilities as a family member, and his liberty as an innocent person.

It should be emphasized that, even in cases where the person's right to liberty is not infringed, and there is a legal pretext for detaining the family member which calls his innocence into question, there are still no grounds for forcing him to serve as a means of pressure on someone dear to him: a person's autonomy and his familial sensibilities are protected values that are granted him also when he is legally detained.

All the cases discussed below pertain to the exploitation of a spouse or parent. This is especially relevant given the considerable weight in Israeli law, and elsewhere, to the protection of relations between parent and children and between spouses. For example, the Evidence Law states that a person is fit to testify in a criminal trial against his sibling, but not against his spouse, parent, or child.<sup>14</sup>

In each case, the detainees were interrogated under harsh conditions. They were held in solitary confinement in small cells with electric light on round the clock, were interrogated continuously for many hours, unable to move, with their hands bound behind them to the back of their chair. Some of the detainees were interrogated with the use of extreme physical violence, as described in their testimonies presented below. Harsh conditions of imprisonment and interrogation, especially violent methods of interrogation, are highly relevant to the subject of this report. These conditions and acts intensify the psychological pressure illegally inflicted on the interrogee by inextricably linking the outcome of his interrogation to the fate of his family members. Under such circumstances, the very threat to arrest his relative is immediately and justifiably understood by the interrogee as a threat to severely harm that family member. When an interrogee is presented with the potential scenario, which at times actually occurs, that his

14 Evidence Law [New Version] 1971, sections 2, 3, 4.

relatives are at the detention center under the same conditions as his own, this situation is sufficient to make him fear for their fate. All this, together with the harsh physical conditions under which the interrogee is being held, from which he would give anything to be extricated, increases the temptation to capitulate to manipulation that links the fate of his interrogation to the fate of his relatives, with the enormous emotional suffering it entails.

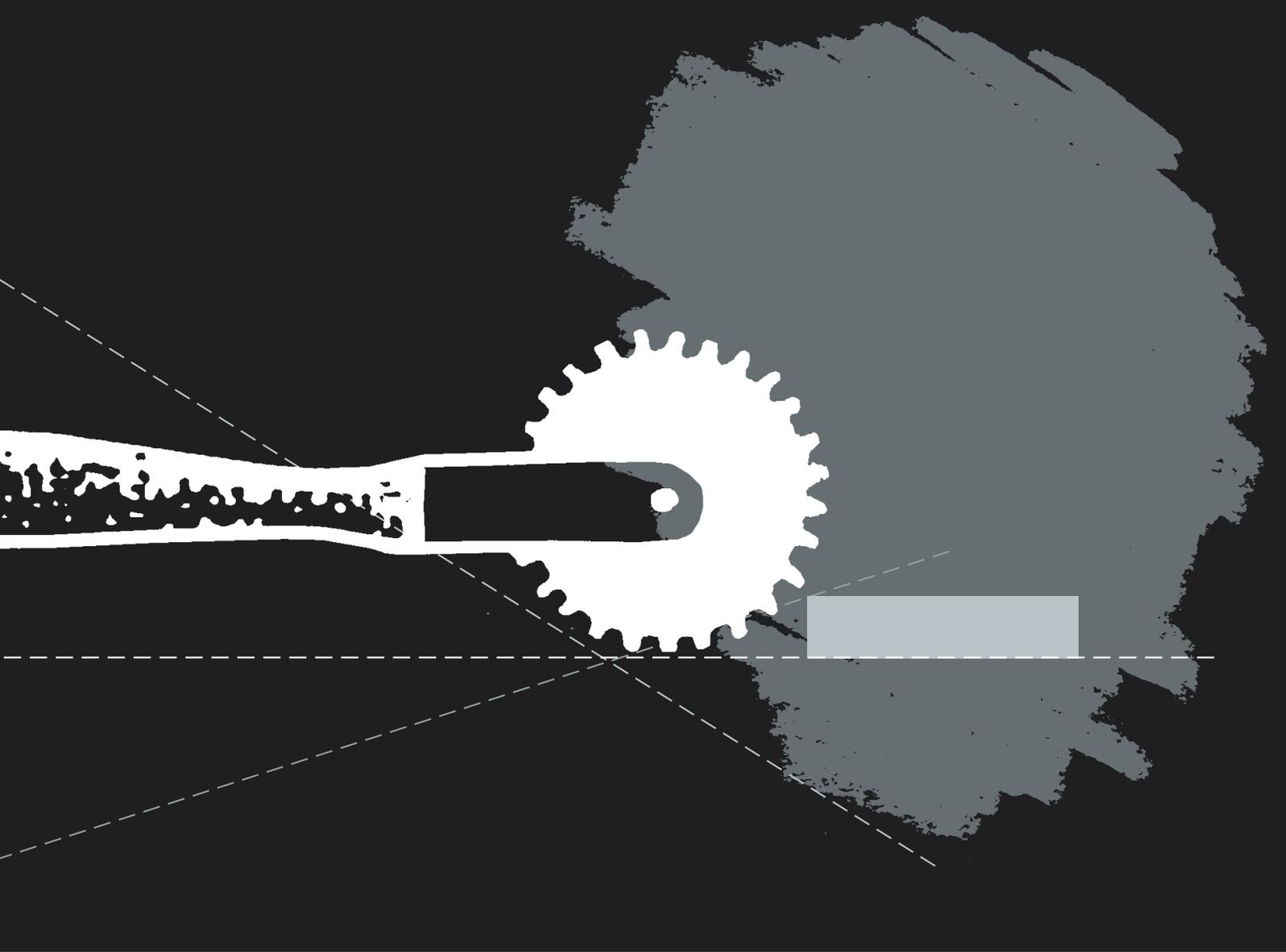
In each of the cases, the interrogee is isolated from the outside world and prevented by GSS orders from meeting with his attorney. In some of the cases, the interrogee is denied the right to meet with an attorney for long periods – up to 55 days in one case.<sup>15</sup> The protracted isolation of the detainee can itself function as psychological ill-treatment.<sup>16</sup> Preventing the interrogee from meeting with an attorney breaches the detainee’s fundamental right to receive legal counsel. Legal counsel would substantially neutralize the effect of the threats against the family. It would also enable the attorney to file a complaint of ill-treatment to the court in “real time” and to work to release the family members from their false imprisonment. The prevention orders leave the detainee helpless and expose him to physical and psychological torture and ill-treatment of the type addressed in this report.

The cases examined in this report occurred in 2007 and in early 2008. Lawyers on behalf of PCATI learned of these detainees by chance in the course of their work representing detainees denied meetings with attorneys and during their visits to detainees under GSS interrogation. The cases involving exploitation of family members were discovered when PCATI lawyers took testimony from these detainees. It is not contended that these cases form a representative sample of GSS interrogations, nor is it possible to estimate the number of cases in which family members have been exploited as a means of pressuring an interrogee.<sup>17</sup> However, the cases presented in the report strongly suggest that exploiting family members and using them to psychologically abuse the detainee is a common method of interrogation.

15 Jasser Abu ‘Omar was arrested on 7 December 2006. Pursuant to order of the Kishon Military Court, he was not permitted to meet with his lawyer until 31 January 2007.

16 “Prolonged isolation and deprivation of communication are in themselves cruel and inhuman treatment, harmful to the psychological and moral integrity of the person and a violation of the right of any detainee to respect for his inherent dignity as a human being.” *Valesquez Rodriguez Case*, Inter-American Court of Human Rights, Judgment, 29 July 1988.

17 In many dozens of other affidavits taken from GSS interrogees during this period by lawyers from PCATI, the detainees complained of threats to arrest relatives, to harm them, or to destroy their homes. These threats were not carried out.



## **Case of the Sweiti Family**

The case of the Sweiti family, residents of Beit Awa near Hebron, dramatically illustrates the harshness and even danger involved in using family members to pressure detainees under interrogation. Without their knowledge or consent, the father and wife of the detainee are placed in a scene staged by the GSS to mislead the detainee into believing that they are in detention.. The response of the detainee, who was indeed convinced by this scenario, was to go on a hunger strike and make two attempts on his own life.

The father of the detainee, 'Abd al-'Aziz Sweiti, relates:<sup>18</sup>

"On Thursday, 1 February 2007, at 2:30 a.m., around ten Israeli military jeeps arrived at the home of my son, Mahmoud. They surrounded the house and the houses nearby, and afterwards began throwing stones at the door of the house. After they also called out and asked him to open the door, my son Mahmoud opened the door for them and they demanded that he lift up his clothing. They searched him while he held up his clothing, and afterwards, they took his I.D. card, tied his hands, and blindfolded him. Before that, they called to his wife, Maisoun, by name, and asked her to prepare clothing for him, and he changed his clothes opposite the house. Afterwards, they put him into a military jeep after a soldier told us that they would return him in three days.

Twenty days later, on Monday, 19 February 2007 at 12:30 a.m., army forces arrived at the home of my neighbor, Muhammad 'Abd al-Rasoul al-Qader Sweiti, and asked him to lead them to my house. And indeed, this man brought them to my house and they knocked on the door a number of times. I was sleeping and had put on a robe and a skullcap from my pilgrimage [to Mecca], the *Haj*. After a number of knocks on the door, I approached and asked who was there, and they said, 'We're the Israeli Defense Forces.' I opened the door, and the outside light was off. Therefore I turned on the light inside, and then I saw a soldier standing opposite me, pointing his weapon at me. Two soldiers asked me to go with him them, and they took me to another soldier who was with them. After this soldier asked me the names of my children, he said, 'My name is Captain Karni and I'm responsible for the detention of your son, Mahmoud, and we want to summon you to come tomorrow, God willing, to the Etzion station at 8:30 a.m. so that you can see your son and rest easy about him.' I said that I would come, God willing.

Afterwards, he told me that he was about to go to the house of Maisoun, Mahmoud's wife, to summon her also to come with me to see Mahmoud. I told him that she was sleeping now, and that she has four children, the eldest of whom is ten, and if he went there, she'd be very frightened. I promised him that I would bring her without a summons. He made out a summons

18 The testimony of 'Abl al-'Aziz Sweiti is quoted below from his affidavit of 24 March 2007 to Atty. Misk of the Public Committee Against Torture in Israel.

in her name and gave it to me, and it was dated 20 February 2007 and said that she was to report to the Etzion station at 8:30 a.m.

The next morning, I went to Maisoun at about 7 a.m. She had already prepared a change of clothes, as the captain who had come to deliver the summons had requested. We reached the gate of the Etzion station at about 8:45 a.m., which is actually the Civil Administration building of the Etzion Bloc. We gave our identity cards to the soldier standing at the gate, and he put them in a plastic envelope. We waited until 12 noon, and then Captain Karni came and called to Maisoun. She went, carrying the clothing bag, but he told her to give the bag to me, and had her come in alone."

According to Maisoun Sweiti:<sup>19</sup>

"I was taken to the search room. I was searched by a female soldier, and afterwards the soldier escorted me along with another man in civilian clothing to the second floor. There, there was an officer in civilian clothes. I knew he was an officer because he was the one who asked me my name and why I had come. I told him that I came because you asked me. He asked me where my husband was, and I told him that you arrested him on 31 January 2007 and since then I know nothing about him. He asked me who his friends were, and I answered him that he had no friends, and that he only knew the merchant whom he worked with. He said to me, I don't know how you can stand living with your husband, because he's stubborn and stiff-necked. He asked me what I know about his military dealings, and I answered him that my husband had no connection to anything military. He said that my husband was involved with the military wing of Hamas, and I told him that my husband had no connection to politics whatsoever. Then he asked me if I wanted to see my husband, and he said, he's here with us now. I said that I wanted to see him and he told me, 'I'll let you see him if you tell him who came to your house.' I told him that no one came to our house. He asked me if I had girlfriends and I said no.

He said, 'It's over, you won't see your husband. He'll be tried and given a life sentence.' I said, 'God help us!' and I asked him, 'Why a life sentence? He didn't do anything.' He said to me, your husband's a murderer. I asked him, "Whom did he murder? Why, my husband is afraid of the color of blood. How, then, could he murder?" He said to me, 'You won't see him except behind bars.' And he added, 'Go home, [and then, in Arabic] *ruhi, ruhi*.'

Afterwards, the female soldier and the other man took me from there, and told me to walk in front of them. We went down to the courtyard, and without holding on to me but while by my side, they stood me in the middle of the courtyard and told me to look towards the window on the second floor. When I looked, I saw my husband, Mahmoud, through the window. His hands were shackled, and he lifted them and waved to me though he was restrained. When

19 The testimony of Maisoun Sweiti which is quoted here is from her affidavit of 24 March 2007 to Atty. Misk of the Public Committee Against Torture in Israel.

he raised his hands, the same interrogator who had questioned me pushed me into the room, and I wasn't able to see him again. My escorts, the female soldier and the civilian, took me out of the station."

We return to the detainee's father, 'Abd al-'Aziz Sweiti, who is waiting at the gate of the station:

"About a half hour after they brought in Maisoun, Captain Karni came and called me. I advanced towards the door carrying the bag, and he asked me what was in the bag. I told him that these were clothes for Mahmoud that he had asked for yesterday, and he said to me, come in and leave the bag outside. I left it with people who were outside, and I entered with him into a small room used for conducting searches. He searched me fastidiously, my shoes, my clothes, and my coat, and asked me to take off my clothes because the machine was signaling something. I took off my clothes and remained in my underwear, and then he told me to get dressed. I told him, 'You're the one who asked me to bring clothes for Mahmoud, and you refuse to let them in.' He took me and went to bring them, and he conducted a fastidious search, and afterwards said, 'Come with me.'

I went with him with the bag, and we went up to the second floor, to the civil administration building. This floor had numbered rooms, and in one of the rooms, I saw Maisoun, with a male soldier and a female soldier. He took me into the adjacent room and left me there. Afterwards, the same soldier who had been with Maisoun came to me and asked about my situation and my work. I told him that I work in Israel, purchasing old furniture. He asked what my children do, and I told him what they deal in. Afterwards, he took me out of the room and sat me down in the hallway. Five minutes later, I saw two soldiers coming towards me from the end of the corridor, wearing green Border Guard uniforms. One of them was Ethiopian, of average height and thin, and the second had Arab facial features, medium height and average build. The second soldier asked me: 'How are you, Haj?'

Five minutes later, they came back and they had an old, tattered brown coat, torn on the inside and dirty. They put the coat on me without any resistance, and the second soldier took the *kefiya* off my head and put it in my hand. Before that, I was wearing a suit jacket, and they put the brown coat on top of the suit and buttoned it so that you couldn't see the jacket that I was wearing under it. Afterwards, they grabbed me under the arm, each of them on one side of me, and walked me down the corridor and took me to the steps. They intentionally forced me to move slowly, and I don't know why.

When I reached the courtyard, with them holding me from both sides, they stood me in the middle of the courtyard and asked me to look out towards one of the windows of one of the rooms on the second or third floor. I looked but I didn't see anything in those rooms. Afterwards, they took me to the search room and told me to take off the coat and put the *kefiya* on my head, and told me that I could now go home."

Maisoun Sweiti:

"After I had been outside for about five minutes, my father-in-law went out and I asked him if he had seen Mahmoud. He told me that he hadn't, and I told him that I did see him. I didn't know what was the point of my coming to this station; only after my father-in-law told people and the neighbors about it, they told him that it was only a show, in order to influence Mahmoud in the interrogation and make him think that they had arrested us.

That had an impact on me, and I felt insulted and humiliated when I thought about seeing him through the window while he was restrained. And afterwards when I discovered that they had taken advantage of us in order to influence Mahmoud, I felt neglected and very sad."

The father related in his testimony that this was not the end of the GSS's attempts to portray him to his son as a detainee. After dressing him in a prison coat for his son to see, they summoned him a second time and photographed him as a detainee:

"Four days later, on Saturday, 24 February 2007, at about 8 a.m., the interrogator Karni called and told me that I had to come to the Etzion station again the following day. I told him that I would come, and we arranged that I would arrive at 9 a.m. And indeed, the next day I went to the Etzion station at about 8:30 a.m., and I waited at the gate until 12 noon. They called me, and Karni was waiting for me. He took me and searched me in the same room where he had the previous time.

Afterwards, he took me inside and brought me up to the third floor and seated me in the corridor. I sat there for ten minutes, and then a large, fat man in civilian clothes with a shaved head came. He told me that he was the interrogator who had interrogated Mahmoud. Before taking me into the room, he photographed me and listed all of the data on the board that was next to me — he wrote my identity number and stood me near a measuring tape to know how tall I was, and all of this was before the photograph, so that I reckon all the data appeared in the photograph.

Afterwards, for nearly three hours he asked me questions about Mahmoud and myself, and when they were finished, they had me leave the station and I went home.

As a result of what happened to me and my being exploited in order to influence Mahmoud in the interrogation, I lost weight due to the worry and the sadness, and I was in a low mood, because from the day that Mahmoud was arrested on 31 January 2007, I did not see him until the day of his trial on 19 March 2007, that is, only fifty days later."

A short time after seeing his wife and his father in the courtyard of the detention station — his father wearing a detainee's coat and without his customary head covering — Sweiti (whose father and wife both testified that prior to his detention he was in excellent mental condition) attempted suicide. This is clear from the affidavit of Sweiti's lawyer, Labib Habib, which states that when he met Sweiti for the first time, "He related that he saw his wife and father, who were presented to him as detainees, and this hit him hard and caused him to feel severe emotional pressure and wish to die. He told me that he tried to choke himself using his clothes, and that

he fainted and his body tightened up. He complained to me that he suffers from hallucinations and from nightmares."<sup>20</sup>

In his trial on 26 February 2007, a representative of the Attorney General's Office confessed that, "Correct, they created a scene as though his father and his wife were detained as part of an interrogation deception, but they weren't detained";<sup>21</sup> the representative also admitted that Sweiti "tried to hurt himself. Once, he bashed his head into a chair, once into the wall, and once they caught him with a coat and thought he was trying to choke himself."<sup>22</sup> A hunger strike was also one of Sweiti's suicidal responses to his predicament, according to information passed on to his attorney, Labib Habib.

On 7 March 2007, as part of a second petition regarding Sweiti submitted by the Public Committee Against Torture in Israel to the High Court of Justice (the first was related to the prolonged prevention of his meeting with a lawyer), the Court justices ruled that the security officials had to inform Sweiti immediately that his wife had never been detained, and also that she was not presently detained.<sup>23</sup>

On 12 March 2007, while Sweiti was still being prevented from meeting with his lawyer, a hearing was held in the Judea Military Court regarding the extension of his detention. Sweiti responded in the negative to the judge's question, "Did they tell you that your wife has never been in detention and also that she is not presently in detention?"<sup>24</sup> Following this, the judge explicitly told Sweiti that his wife was not in detention and had never been detained.<sup>25</sup>

The next day, on 13 March 2007, Atty. Habib finally managed to meet with Sweiti. Atty. Habib found him exhausted, confused, and complaining of terrible pains in his head. Sweiti told him, as previously stated, that seeing his father and his wife as detainees had hit him hard and led him to experience difficult emotional stress and a wish to die. When Atty. Habib asked him if they had revealed the interrogation trick to him, creating the impression that his father and his wife were in detention, Sweiti answered that he did not remember having being told this, and that the first he heard of it was in the hearing to extend his detention, the previous day. Atty. Habib left the meeting with a strong sense that Sweiti was in a difficult emotional state, suspicious and uncertain regarding his environment. In his professional opinion on Sweiti, psychiatrist Dr. Yaakov Elish from the Be'er Yaakov Mental Health Center confirmed that Sweiti was a "security prisoner with no psychiatric history who, due to the hardships of the detention, developed a depressive response with self-destructive tendencies."<sup>26</sup>

20 From the affidavit of Atty. Labib Habib, taken by Atty. Elias Sabag on 14 March 2007.

21 HCJ 1759/07, Mahmoud 'Abd al-'Aziz Sweiti v Israel Police and General Security Service, trial protocol from 26 February 2007, p. 2.

22 Ibid.

23 HCJ 1933/07, Mahmoud 'Abd al-'Aziz Sweiti v Government of Israel, General Security Service, Israel Prison Service, sentence from 7 March 2007.

24 Protocol of hearing, Israel Police's request to extend Sweiti's detention, 12 March 2007, p. 2.

25 Ibid.

26 Affidavit, 8 March 2007.

A detailed complaint regarding this case, submitted by PCATI to the Attorney General,<sup>27</sup> was answered on 11 July 2007 by the Attorney General’s chief assistant, Atty. Raz Nizri, with an admission on the part of the state that it had performed an illegal act: “The GSS,” wrote Nizri, “and of course, the State Attorney, agree that it was improper to make a move that presented the scenario as if Sweiti’s father was in detention.”

On 25 April 2007, charges were submitted against Mahmoud Sweiti for “murder,” “assisting an attempted murder,” and membership and activity in an illegal organization — all of these crimes that, according to the charge sheet, had been carried out three years before it was submitted. The accusations, while clearly very grave, do not justify the severe psychological ill-treatment inflicted on Sweiti during his detention.

27 Letter from Atty. Rachela Erel of the Public Committee Against Torture in Israel to the State Attorney, Mr. Meni Mazuz, 11 April 2007.



## **Case of the Diab Family**

Unlike the previous case, in the case of the Diab family the detainee's relatives were also detained and even tortured. The GSS threatened the detainee, Sa'id Diab, that if he did not cooperate, they would arrest his mother. The threat was carried out: the next day, they brought him to peer through a peephole to see his mother being interrogated aggressively and crying. The following day, he was again taken to the peephole, this time to see his brother 'Amr, who had been detained together with him, tied to a chair. We present the testimony of all three in great detail since it points to, among other things, the continuing practice of physical torture in GSS interrogations eight years after its prohibition by the High Court of Justice.

First the testimony of Sa'id Diab, a resident of Qalqiliya:<sup>28</sup>

"On the night of 28 March 2007 at around 1 a.m., a military force encircled the family home and began shooting in the air and throwing sound grenades at the house. My brother 'Amr and I woke up to the explosive sounds and came out of our room, and then we saw a number of soldiers who had taken positions on the rooftops of the houses near ours. The soldiers wore face masks and were aiming their weapons at me and 'Amr. They instructed us to undress, and 'Amr and I lifted our shirts.

Afterwards, the soldiers propped a ladder against the outer wall of the house and ordered us to climb onto the ladder and come down. 'Amr and I climbed down, and the soldiers, who were standing at a distance of some 10 meters from the house, ordered us to approach them. I went with 'Amr following behind me, and then one of the soldiers grabbed me, pinned me to the wall, and asked me in Hebrew: 'What's your name?' I answered that my name is Sa'id and he yelled to the other soldiers: 'This is him, this is him.'

Afterwards, the soldier began shackling my hands behind my back, and I asked him in Arabic to let me say goodbye to my parents before being moved. The soldier, whose face was masked, told me in Arabic, okay, and when I asked him when he intended to let me say goodbye to my family, he tied me up, pushed me to the ground, and together with four other masked soldiers began beating me over my entire body, with kicks and rifle butts. One of the soldiers even sat on my back and pressed his knee so hard into my back that I felt like I was going to choke. As a result of being attacked, I had bruises up and down my left side, and searing pain in my left arm. I first saw the marks from the beating when I was searched in the nude at the entrance to the Kishon interrogation facility. In addition to the above, while I was being attacked by the soldiers, I heard my brother 'Amr scream from the pain of being beaten, too."

28 The excerpts from the testimony of Sa'id Diab are taken from his affidavit of 24 June 2007 before Atty. Maher Talhami of the Public Committee Against Torture in Israel.

'Amr Diab:<sup>29</sup>

"After my parents and other brothers left the house — nine in number, the youngest of whom is only three years old — the soldiers led me and my brother Sa'id to behind the military jeeps, and there six soldiers grabbed me, pushed me onto the ground, and began beating me everywhere on my body with their feet and hands, and as a result, I suffered pains in my shoulder and back.

Six other soldiers grabbed my brother Sa'id, threw me to the ground, and also began beating me viciously. The soldiers attacked me and Sa'id before my family's eyes."

According to the brothers' mother, Kauthar Diab:<sup>30</sup>

I went crazy when I saw them doing that, and I started to yell. My husband also witnessed it. It was hard for him, too, to see the boys being beaten. Afterwards, the soldiers searched the house, without any of the family members present, and when we came in, we saw that they had turned the house upside down — all of the furniture, clothing, rugs, everything was in piles on the floor. The children's rooms on the roof were also in shambles. A computer, cell phones (6 handsets), albums, and NIS 1,500 from the pocket of Sa'id's clothing also disappeared from there."

Sa'id Diab: "Afterwards, the soldiers stood me up, blindfolded me, and put me and 'Amr into their vehicle. The vehicle was small and the soldiers held us on the floor, one on top of the other. The soldiers took us to the Tzofim camp and put us in a room there. I think about 20 other detainees were being held there.

I was kept in a room, tied up together with the other detainees, until the early hours of the morning. During the night, the soldiers placed me in another room, and a medical person asked me if I suffer from any medical problems and took my temperature. I complained to the medical person that I'd been attacked by the soldiers and that I was suffering from pain in my arm and in my left side, but the doctor ignored my complaint and said that it would pass with time.

In the morning, they loaded me together with 10 detainees onto a military vehicle that brought me to the Hawara camp. I was held at Hawara for three hours, and afterwards they transferred me to Kishon. At the entrance to Kishon, I was stripped and searched, and from there taken to the infirmary, where I again complained of the attack and of the pains I was suffering. Again, the medical person told me that there was nothing to be done, and that it would pass with time.

From the infirmary, they transferred me directly to the interrogation room. The warden who escorted me sat me down on a chair attached to the floor and tied my hands behind my back

29 Testimony (unsigned) of 'Amr Diab, given to Atty. Maher Talhami on 18 June 2007.

30 Excerpts from the testimony of Kauthar Diab are from her affidavit of 21 September 2007 to Atty. Taghrid Shbeita of the Public Committee Against Torture in Israel.

to the chair. In the room, there was an interrogator who identified himself as Adi, and he gave me a form with the detainee's rights and obligations, and I signed it after they freed my right hand. Adi told me that I was prohibited from meeting with a lawyer until my interrogation was over. Afterwards, Adi began taking general information from me about my life and threatened me, saying that this detention would not be like previous detentions and that it would be best for me to cooperate. The interrogation was two hours long, and afterwards, they took me down to isolation cell number 18, and I was held there in solitary confinement for 15 days. The food served to me during my detentions was of insufficient quantity and of extremely poor quality. It was not tasty, and I ate only to survive.

Six days later, at around 8 a.m., they led me to the interrogation room. The warden who accompanied me sat me down on a chair attached to the floor, and tied my hands behind my back to the chair. There were two interrogators in the room, Adi and another one who identified himself as Captain Maimon. Maimon asked me about my ties with someone named 'Ali 'Abd. I told Maimon that 'Abd is my friend who works as a mover, and whose services I sometimes used.

Maimon told me that he was not interested in my personal relationship with 'Abd, and that he was interested in information he claimed I had regarding the action that 'Abd was about to carry out, and about my ties with Khaled Mash'al and the production of Qassam rockets. I told Maimon that I didn't know anything, and then Maimon began threatening me and told me that I would be better off confessing, and that if I didn't confess, he would 'open my ass and make sure I left the interrogation a cripple.' I repeated to Maimon that I had nothing to do with those suspicions, and as noon approached, the interrogators began torturing me.

One interrogator, who identified himself as Major Effi, entered the interrogation room and said to me that we don't play around in his interrogations, and that it was worth my while to cooperate; otherwise, he'd start using his 'tricks' on me. I understood that he was referring to torture, and I told him that I didn't have anything to add. Major Effi left the room and returned with an IPS [Israel Prison Service] uniform and ordered me to put it on, hung a sign on the outside of the door, and closed it. Afterwards, they again tied me to the chair and blindfolded me with a cloth.

Major Effi is 1.9 m. tall, with a solid build. After they tied me to the chair, Effi began beating me hard on my face, punching and slapping and cursing and threatening me. Effi hit me for close to fifteen minutes, and as a result, I was injured on my lower lip and bleeding. Afterwards, the interrogators removed my blindfold and I saw Effi jotting down something on a chart.

Afterwards, the interrogators tied my hands behind my back with long metal shackles, sat me down on a chair attached to the floor with the back of the chair to my right side. Effi sat on the chair opposite me and put my legs behind the front legs of the chair so that I couldn't move them, and laid the bottoms of his feet on the bottoms of my feet, and Adi stood behind me. Afterwards, Major Effi began pushing me down backwards from the chest, until my back was

at an angle of 180 degrees, and then Adi began pushing me downwards from the chest until my head hit the floor, and they were both screaming at me and threatening to cripple me and to bust my balls. As a result of being held in this position [henceforth: 'the "bannana" position,' *qesa'a* in Arabic], I had searing pains in my back, my entire body began to shake, and I couldn't breathe. I figure that I was held in this position for about four minutes, and afterwards they lifted me up, brought me water to drink since I was sweating and my throat was dry. After about half a minute, they again held me in the "bannana" position for four minutes, and so forth. The interrogators held me in the "bannana" position for 20 minutes in a series of four minutes each time, with half a minute's rest.

Afterwards, they took off the shackles, and ordered me to stand. I couldn't stand on my own, and the interrogators caught me and stood me up against the wall. After a number of minutes, the interrogators brought in a detainee named Shadi Hourani, my neighbor, aged 18, and asked him: 'What did you tell us about Sa'id?' Shadi began crying and said that I had given Muhammad Saman and Muhammad Yasin a ride to his house, and immediately afterwards, they took him out of the room. Effi asked me: 'What's your response?' and I said that it wasn't true. And then he slapped me hard on the face and came back and sat me down on the torture chair, and then another series of the "bannana" position for 20 minutes.

At the end of 20 minutes, they removed my shackles, and Effi and Adi caught my arms, stood me up on my feet, took the shackles, and fastened them to my forearms and began to tighten them hard until they couldn't press any more, and afterwards, they grabbed the shackles, each from his side, and began pulling them up and down, which caused terrible pains and bleeding from my forearms. They did this as described for about 10 minutes.

Afterwards, Maimon entered the room and the three interrogators (Maimon, Adi and Effi) forced me to squat in a 'frog position.' My hands were shackled behind my back, and they forced me to squat on my tiptoes. Every time I lost my balance, Maimon would hold me and Adi, who stood behind me, would catch me. The interrogators forced me to squat in this position for half an hour. Afterwards, they released me and I fell onto the floor.

After that, they sat me down on the chair and didn't tie me. All of the interrogators left the room except Maimon, who began playing the role of the good interrogator, speaking to me heart-to-heart and telling me that he didn't want me to suffer and that it would be better for me to cooperate, since they weren't going to let me be until getting what they wanted from me. Again I told Maimon the story from the beginning, and [told him] that I had nothing to do with the suspicions they were laying on me. The conversation continued for some 45 minutes, and Effi entered the room and asked Maimon: 'What's new?' Maimon told him that I hadn't said anything new, and Effi said; 'I don't want him to talk at all. I want to keep beating him and to break him, and to make sure he leaves this interrogation a cripple.' Afterwards, Maimon left the room, Effi slapped me twice on the face, and Adi entered.

Immediately, another round of the 'crushing' position began and this time, Adi sat behind me and would wait until I couldn't hold on any more, and my head would reach the floor, and then

he would catch me by the shirt, lift me, and let me go. Effi, for his part, would get up on my thighs with his knees and press, and jump on me. The torture in this position continued for about 25 minutes. The interrogators would hold me in the "bannana" position for four minutes, and then they would lift me for a moment and start again. I suffered from terrible pains that are beyond description.

Afterwards, Maimon returned to the room and Adi and Effi went out. Maimon brought me a cup of tea and began telling me that I would be better off cooperating, and that there was a decision by the head of the GSS that they would continue the military interrogation against me as long as necessary, until I cooperated. Maimon threatened to use other, harsher methods against me, and that they would harm my family and destroy the family home. After about half an hour, Maimon went out and Effi entered, with another interrogator who identified himself as Eldad.

Eldad said that I'd be better off getting the whole matter over with and that from their standpoint it didn't matter, since it was I who was suffering, and he said that they would continue to interrogate me in teams until I cooperated. Afterwards, Effi held the forearm shackles and began tightening them and shaking them. My forearms were swollen from the previous time, causing me pain beyond words, and he continued tightening the shackles and shaking them for 20 minutes, and they swelled even more. Afterwards, Effi said that his shift was up and that another staff member would continue with me. He tied my left hand to the chair, brought me dinner, and left the room. I didn't touch the food and I didn't eat, since I was suffering from swelling in my throat and I had no desire to eat. I remained alone in the room for an hour.

Afterwards, an interrogator named Peretz entered the room — a relatively older man, tall and solid. He sat me on another chair and began talking to me heart-to-heart for a whole hour, telling me that there was no point to resisting and that I'd be better off getting the whole thing over with. After an hour, he told me that his patience was up, that he was one of the experienced interrogators who had no mercy, and he slapped me on the face. Afterwards, he sat me down on the chair that was attached to the floor, tied my hands behind my back, and left the room. After about a quarter of an hour he returned with Eldad.

Peretz forced me to squat in the frog position for half an hour. I would hold on for 10 minutes at the most until collapsing, and then they would stand me on my feet for a minute and force me to squat again.

Afterwards, Peretz sat me on the chair and, at my request, brought me a cup of water. Peretz held the cup close to my lips, and didn't let me drink, and said to me that he wouldn't let me drink until he finished.

Afterwards, they tied my hands behind my back with short shackles (not linked together in a chain), Peretz sat behind me and Eldad in front of me, and they forced me into the "bannana" position. Eldad would push me from behind, and when I couldn't hold my back straight at 180 degrees, and my head and back would collapse to the floor, Peretz, who sat behind me, would hold his knee so that I would bang into it with the left side of my back, and as a result, my back

would collapse to the floor unevenly, which caused me insufferable pain. I held this position for between half an hour to three quarters of an hour, and every four minutes they would give me one minute's rest. With the end of this series, I was close to fainting, and a medic or a doctor entered the room, checked my blood pressure, gave me some paracetamol [Tylenol], told the interrogators that I was alright, and went out.

Afterwards, Peretz began tightening the shackles on my forearms for half an hour. After that, Peretz pinned me to the wall, grabbed my shirt, and began shaking me so that my head was touching the wall, and I tried to absorb the blows with my body. This went on for some five minutes.

After that, Peretz went out and an interrogator who identified himself as Franco entered. Eldad brought me a cup of tea and began talking heart-to-heart. It was close to midnight and he told me that they would continue interrogating me for the entire night.

After about an hour, Peretz tied my hands behind my back and forced me to squat in the frog position for half an hour. Afterwards, they called the two wardens, and the interrogators told me that they'd take me to the shower. I told them that I wasn't interested in a shower, but they answered that if I didn't get into the shower, they'd throw water on me. I was terribly tired, suffering from pain, and I couldn't walk, and the wardens were forced to lift and drag me to the shower. In the shower, I couldn't go on standing, and the wardens brought me a chair and I sat on it during the shower. Immediately after I showered, they took me up for interrogation while supporting me so that I wouldn't fall.

Peretz, Franco and Eldad began speaking to me and telling me that I'd be better off finishing the interrogation. They spoke to me for close to an hour, and I didn't have anything to say to them. And then Peretz said to me: 'You're better off getting the interrogation over with.' He grabbed me and held me up to the mirror, and said to me: 'See how your face is swollen. See how you look. You'll be better off cooperating and being done with the interrogation.' When I looked in the mirror, I barely recognized myself, but in any case, I didn't answer him, and then they tied my hands in front of my body, sat me down on the chair. Peretz stood behind me and Franco sat in front of me, and they forced me to endure 20 minutes in the "bannana" position.

Afterwards, they sat me on the chair and tied my hands behind my back to the chair. It was close to 5 a.m., according to the interrogator's watch, when they exited the room, leaving me alone tied to the chair for about two hours. During this time I didn't manage to sleep.

At around 7 a.m., Adi entered the room, followed by Effi and Maimon. Adi said to me: 'What, you didn't finish yet? Too bad for you. Now we'll start everything all over again.' Maimon and Effi were going in and out of the room.

After about an hour they held me in the frog position for about 15 minutes, and afterwards, they tied me to the chair again and Maimon brought me a cup of water and began speaking with me.

The interrogation proceeded in this fashion, such that the interrogators would stand me up in the frog position for some 15 minutes, and afterwards, rest and speak with me, and when I would tell them that I didn't have anything to add, they would switch me to the "bannana" position, in a series of five sets, and so on. On that day, to the best of my recollection, I was held in the "bannana" position about 15 times and in the frog position about 15 times until 10 p.m. In addition, the interrogators slapped me and punched me.

At about 10, Maimon told me that he wanted us to sit and talk, and Eldad took me to a nearby room with sofas and a television. Maimon brought me a cup of tea and said to me: 'Listen, Sa'id, I want to speak to you like a brother. Everything that we told you we would do to you, up to now we've done, and I'm telling you that if you don't cooperate, we're going to arrest your mother,' and that the decision depended on me, that there was an army force waiting for a phone call, and if I cooperated, she wouldn't be arrested. And they began telling me that it would be a shame to cause my mother to be arrested. I reiterated to them that I had nothing to add. And then Maimon told me that he was going home, and that they should take me to the isolation cell and that the next time I came up for interrogation, my mother would already be in detention.

Afterwards, they took me down to the isolation cell. I managed to fall asleep for two hours, and then they woke me up and took me up to the interrogation room, and the warden tied me to the chair. A few minutes later, a new interrogator entered who introduced himself by the name of Steven. Steven took off my shackles and said to me: 'Listen, I don't like beatings. It would be a shame for me to go on this way. You're better off finishing.' Steven spoke with me until 6 a.m. At that time, Effi entered the room and began speaking with me for half an hour, and [then] both of them left. Half an hour later, Effi returned and told me that if I kept on this way, the matter wouldn't end well, that everyone confesses in the end, even at the price of a broken back, as happened to another detainee. After about an hour, he left the room and returned with Steven.

Ten minutes later, Steven and Effi asked me to come along with them. I couldn't walk from so much pain and fatigue, and they grabbed me and led me to the room at the end of the corridor, and told me to look through the peephole. I looked but I didn't see anything, and then Effi put a rag in my mouth and opened the door enough for me to see my mother sitting on a chair. She saw me, too, and then they closed the door. Afterwards, they took me back to the interrogation room, and Effi said to me: 'You see, we arrested your mother.' I told him that in the end they would release me, and then he banged on the table and began telling me that I had no feelings and I didn't care about my mother or about anyone, and that my mother might die, and that everything would be my fault. He slapped me hard across the face, grabbed me by the shirt, and shook me."

Sa'id's mother, Kauthar Diab, testifies regarding the circumstances of her arrival:

"On Friday, 6 April 2007 at 1:30, a week and a half after the arrest of Sa'id and 'Amr, soldiers again came to our house. They knocked on the door. I went out to them and asked them what they wanted. I asked them what else they wanted after taking my two sons.

One soldier (there was also a female soldier with them) said that they didn't want to come in, and they were asking me to bring the identity cards of all the residents of the house. I brought the cards, and then, when they saw my I.D. card, they asked where Kauthar Um Sa'id was. I said that that was me, and just then his cell phone rang. He answered and told me that it was 'Captain Ashraf,' and that he wanted to speak with me. 'Captain Ashraf' asked me on the cell phone: 'Are you Um Sa'id?' I said yes. He said: 'You go along with the soldiers and come so that we can do the morning prayers together at Tzufin [a settlement near Qalqiliya].' I said okay. I went into the house, and the female soldier came with me. I got dressed and went out to them.

They put me into the jeep and we took off. We reached Tzufin. They brought me in to a military doctor, and he asked me if I had any illnesses. I said no. He checked me and then they took me back to the jeep. We started moving, and on the way I heard the muezzin announcing the morning prayers.

When we reached the Za'atara checkpoint, I understood that I was no longer in the area of Tzufin. We reached an isolated place, a military camp whose location I don't know. The female soldier told me to go to the bathroom. I went and washed my hands. When I emerged, the male soldier asked the female soldier to shackle my hands with metal shackles from the front, as well as my legs.

They hoisted me onto a white car, similar to an ambulance. I was in it alone. It was a narrow space that only one person could sit in. The car took off, and I saw that we were going north. We went on for at least half an hour. We entered a prison with high walls. I thought that we'd reached the Gilboa because in the past I'd gone to visit my son at [the] Gilboa [prison]. Later, I understood that I had erred — it was Kishon.

They brought me into a female doctor wearing white. She asked me about diseases and checked me. I told her that I felt good, and that just sometimes I had tension in my back, a little bit of pain. When I went in to the doctor, they took off my shackles, and when I left her, they shackled my hands again and my legs too, and took me to another place. The female soldier came and asked that I deposit what I had with her. There was my wedding ring and prayer beads. I gave them to her but I didn't agree to sign, since I didn't want them to use my signature for things I didn't know about.

From there, I went to a room between the cells, and she asked me to take off my clothing. After the search, she placed me in the isolation cell alone. Only at this stage did I understand that I was in detention.

I was there for between half an hour and an hour. I rested on a mattress until they came to call me.

A female and male soldier shackled my hands and legs, led me down the stairs, and brought me into a room. One interrogator came and asked me ordinary questions. Afterwards, he asked if I knew why I was there. I told him that I didn't know, and that he should tell me why. He

said that my children had turned me in, and that they wanted to know where I went out. I told them that I didn't go out anywhere. He said that they had a photograph that proved I go out. Then I said that yes, sometimes I go to the market, or to the pharmacy to buy medicines for my husband. They kept telling me that my sons had turned me in, and that they had recordings of me talking to my son Sa'id on the cell phone. I told him that I wasn't guilty — every mother speaks with her son to ask how he's doing and when he'll be coming home.

I remained on the chair, with my hand in shackles tied to the chair from behind. For about two hours, interrogators went in and out of the room, claiming that my sons had turned me in.

At a certain point, the interrogator swiveled the chair to which I was tied from behind with my legs shackled, so that I was facing the door, and suddenly I saw Sa'id for a moment. He was standing in the middle with a soldier on either side of him. I didn't have time to see him well. It was just for a moment and immediately they closed the door and left."

The testimonies of Sa'id Diab and Kauthar Diab regarding their momentary meeting is corroborated by a memorandum recorded by the interrogator, "Effi," from his interrogation of Sa'id on that day, 7 April 2007:

"The above [Sa'id Diab] was told that his mother was in detention in light of information in our possession that she assisted the above in his activity with the Hamas — the above denies...

The above was taken to the interrogation room after seeing his mother for a moment sitting in the interrogation room.

The above was returned to his room; it was again made clear to him that his mother was being interrogated on suspicion of giving the above assistance as part of his activity in the Hamas.

The above again denies."

Sa'id Diab relates: "Afterwards, they returned me to the interrogation room and Effi said to me: 'You see, we arrested your mother.' I told him that they would ultimately let her go, and then he banged on the table and began telling me that I had no feelings, and that I didn't care about my mother or about anyone, and that my mother could die and it would all be my fault. He slapped me hard across the face, grabbed me by the shirt, and shook me.

Afterwards, Effi sat me down on the torture chair and said to me: ' Now I'm going to break your back. And he held me in the "bannana" position for half an hour, and each time that my head touched the floor, Effi would press on my chest, which added to the pressure that he was already applying to my back and to the pain. Afterwards, he allowed me to rest a bit, and said to me that a new team would soon be arriving that would make me see stars, and I heard Effi say to Steven that Jimmy was coming, and he told me that soon they would bring in my mother so that she could witness my torture, something she surely wouldn't be able to stand.

Steven and Effi tied me to a chair and left the room. After about an hour, two new interrogators entered, Jimmy and Yoel. Both of them introduced themselves as GSS interrogators from

Petach Tikvah, and said that they had come to Kishon on a special mission, and that I had better cooperate since they had no mercy, and all that I had endured till now was nothing compared to the pain that they would cause me.

Jimmy was a tall and solid guy with a very scary appearance. Yoel was tall, thin, with blond hair. Yoel told me that he was going out to speak with my brother, 'Amr, and that Jimmy would stay with me for the meanwhile. Jimmy began speaking to me, and after about an hour, Yoel came back and he told me that he had seen 'Amr and he was okay, and after half an hour of talking, he got annoyed, threatened to beat me, went out and returned after about half an hour, and he and Jimmy forced me to get in the squat position for half an hour. The torture on that day continued until 4 p.m., and during that whole time, they forced me into the frog and "bannana" positions, and Effi would come in from time to time and beat me. Jimmy never beat me.

After 4 o'clock, Effi and Jimmy led me into the room where my mother was held, and told me to look through the peephole. When I looked, I could make out my mother's face, Yoel and another female soldier, and Yoel was yelling at my mother in a crazed way and my mother was crying."

This second fleeting encounter between mother and son is also documented by the GSS itself, in a memorandum recorded by the interrogator "Jimmy" from his interrogation of Sa'id later that day, on 7 April 2007:

"The above was told that he had to act sensibly and to understand that the time had come to reach an understanding with us, and to tell us what he hadn't told. The above responded that he had told everything.

The above was told that he was behaving selfishly and that it was his fault that the interrogation of all those related to him was not ending...

The above was told that he was continuing to lie and that he was harming not only himself but also his relatives being interrogated with him in the facility, his mother and his brother, who were also involved in military activity of the Hamas. The above responded that he had told everything.

[He] was told that if he did not believe us that his brother and mother were also being interrogated, then we were willing to prove it to him.

The above was taken out of the room and transferred to the interrogation room where his mother was staying. We enabled the above to stay near the door of the interrogation room and to hear his mother's voice. We also enabled him to see through the peephole that his mother was indeed in the room.

The above was asked what [he] heard and answered that he heard his mother."

Sa'id Diab: "Afterwards, Effi and Jimmy brought me back to the interrogation room and sat me down on an armchair, and said to me: 'You see how your mother is being interrogated. In the

end we'll submit charges against her and she'll sit in jail. But if you talk to us, we'll let her go. I told them that I had nothing to add, and I started shouting at them because they arrested my mother. Effi told me that I was a liar, and that if I didn't cooperate, they would arrest my sister, Kifah, who is 18, and they would rape her, and that they would arrest my father and destroy our house. Afterwards, they forced me to undergo another round of "bannana" position for fifteen minutes, and after a few minutes of rest, they stood me on my feet (since I couldn't stand on my own) against the wall, out of a concern that I might fall, tied my hands behind my back, brought me metal shackles and began tightening them on my forearms for about fifteen minutes. The pain was horrific. At about 10 p.m. they told me that a new shift would replace them, and they left. And then a new interrogator came in who identified himself by the name of Amir, who said that he was also from Petach Tikvah.

After some time, another interrogator entered who identified himself as Victor. After an hour of talking, Amir began slapping me on the face with both hands, and afterwards, they forced me to squat in the frog position and the "bannana" position until dawn. In the course of the night, at around 3, when they forced me to switch to the "bannana" position, I fell to the ground all at once and fainted. When I woke up, I found myself in the shower, and wardens were pouring water on me and slapping me so that I would wake up. Afterwards, they returned me directly to the interrogation room and tied me to the chair. Amir was in the room and said to me: 'Maybe you'll end it already.' He continued speaking with me until 7 in the morning.

At 7, Adi and Maimon came into the room and Amir left. They told me that my mother was being held in the isolation cell and that on Tuesday, they would extend my detention by 15 days. After about half an hour they began beating me and afterwards, they forced me to switch to the "bannana" position and to sit in the frog position until the afternoon hours. Then I fainted again. I don't remember what position I was in when I fainted. When I woke up, the medic was standing over me, checking my blood pressure, and I remember him saying that my state was abnormal, and then they took me to the isolation cell for a few hours. I couldn't sleep. Afterwards they took me back again to the interrogation room, and Maimon asked me why I wasn't eating. During this entire period I ate nothing since the food was disgusting and I had no appetite. After half an hour of talking, Maimon began yelling at me and insulting me, and he and Adi forced me to squat in the frog position with him standing in front of me and Adi behind me, and each of them began yelling into the ear on his side.

Maimon and Adi continued interrogating me, [switching] between the frog and the "bannana" positions until the night. At around 10 p.m. Eldad and Elad entered the room and replaced Maimon and Adi. Elad, a new, very strange interrogator, talked and moved his hands a lot. He began yelling at me and slapping me with both hands, and told me that if I didn't confess that night, he would open my ass and bust my balls, and they both started with the banana and the "bannana" positions. After about an hour, Effi came in and asked me if I wanted to see my brother 'Amr. I told him, 'Why not,' and he asked me: 'What do you prefer, for us to bring him into the room to see you being tortured, or for us to torture him and for you to watch?' I said

that I preferred to go to him, and then they brought me to the door across. I looked through the peephole and saw 'Amr tied to the chair. They asked me: 'Do you want to speak with him?' and I said 'Why not?' and then they opened the door. I wasn't tied and they let me shake his hand. 'Amr didn't say anything and began to cry."

This testimony by Sa'id Diab is also verified by a memorandum recorded by "Jimmy" from Sa'id's interrogation of 7 April 2007:

"The above (Sa'id Diab) was asked if he was interested in seeing his brother and understanding that he was also in interrogation, and that we would not let them be until we achieved a result. The above responded that he was interested in seeing his brother.

The above was taken to the interrogation room where his brother 'Amr was and greeted him. Afterwards, he was taken out of the room.

The above was asked if he understood that the time had come for us to get a result from him, and he responded that he didn't know what to answer us."

'Amr Diab testified: "The interrogators did not use physical violence against me, but they threatened me on the second day of the interrogation with a military investigation, and in the middle of the interrogation, they brought my brother Sa'id into the interrogation room. Sa'id looked tired and worn out and barely managed to walk as a result of the back pains he suffered due to the interrogation. Sa'id said nothing to me, and was taken out of the room, and the interrogators in the room — Maimon and Adi and additional interrogators — told me that Sa'id had undergone and was still under military interrogation, and that I should collaborate, or else I too would be put under military interrogation.

After they took my brother Sa'id out, they apparently put him in the room next door and left the door open a crack so that I could hear my brother screaming in pain as a result of being beaten."

According to Sa'id Diab's testimony, this was an act staged by the GSS: "After I saw 'Amr, the interrogators took me back to the room, tied me to the chair, and Elad began shouting [in Arabic] 'Yomma, yomma [mother, mother], in God's name, enough,' [to make it seem] as if I were uttering these sounds."

For the first 45 days of his detention, Sa'id Diab was prohibited from meeting with a lawyer. Regarding the isolation cell where he spent the first 51 days of his detention, he testifies that "its area was 1.5 m. x 2.5 m., bumpy walls, with a sink and a hole in the floor, and dim lighting emanated from a red lamp 24 hours a day. The isolation cell was close the wardens' room, and noise could be heard round the clock. I suffered from terrible pains in my arms, legs and back because of the torture that I endured, and keeping me in a small isolation cell exacerbated my medical condition."

Sa'id's mother, Kauthar, was also held in an isolation cell, and her health was compromised as well. Three days after the meeting with Sa'id in the detention station, she was brought to

the military court in Kishon for a hearing on extending her detention. Her lawyer, Atty. 'Abd Muhammad, argued before the court that she was a mother of seven, five of them minors, that her husband was an invalid, and that they had nothing to do with the suspicions against her son. The court ruled that "Even if it should ultimately transpire that the learned defense counsel is correct that the suspect is not linked to the grave suspicion that is the object of this request, the convenience and the violation of the suspect's freedom at this stage must be deferred to the interrogators' need to explore in depth the degree of the suspect's involvement in the matter and/or the information that she can supply in order to investigate the truth and clarify this grave affair."<sup>31</sup>

The court did not enumerate its arguments for this dubious decision and did not even state exactly what the "affair" was or how its "severity" was manifested. (We point this without detracting the position of the Public Committee Against Torture in Israel that the exploitation of family members as a means of pressuring the detainee is illegal regardless of the severity of the suspicions against him).

"When I left the court," relates Kauthar Diab, "they immediately took me to the interrogation room. The interrogator said that I was bringing this on myself, and that I should confess. I had nothing to confess, and the interrogator kept on accusing me of concealing information and of misguiding my children. It went on. On Thursday Atty. Kifaya arrived, Atty. 'Abd's wife, and she calmed me down.

On Friday and Saturday they didn't interrogate, but on Sunday Atty. Muhammad 'Abd came and sent me greetings from the family. He said that I was here only to bring pressure on my children, and that I shouldn't be afraid and shouldn't worry. I asked about the children. He said that they were being prohibited from meeting with a lawyer, but that they were all right, and that I should hang in.

On that day in the evening, I heard the young people knocking on the doors, and asking each other 'Who's there?' and 'From where?' I did as they did. I knocked on the door and shouted that I'm here and I'm from Qalqiliya, and that I'm the mother of Sa'id and 'Amr's.

One of the prisoners shouted to 'Amr and said to him, 'Your mother's here.' He began asking how long and how was I and I calmed him down. I told him not to be afraid, that I was okay.

I also communicated with 'Amr on Monday and asked him how he was. I asked if he had been visited by a lawyer, and he said no."

'Amr testifies that in his case, too, the maneuver of peeking through the peephole at his mother being interrogated was used: "They day after they brought my brother into the interrogation room, about a week after my detention, they took me up to the interrogation room, and there Adi and Maimon the interrogators told me that they had arrested my mother and that they had

31 Protocol of trial for extension of detention of Kauthar Diab, 10 April 2007, pp. 1-2.

brought her to the Kishon detention [facility]. Immediately afterwards, the interrogators brought me to the opening of another room, and there, through the hole in the door, I saw my mother being held in the room, her hands tied behind her back. Afterwards, they brought me back to the interrogation."

The mother, Kauthar Diab, continues her testimony regarding the harsh conditions of detention: "After a week, they transferred me to a cell with a shower and toilet. When I wanted to purify myself [for prayer] I used water from the faucet, and I didn't agree to shower. The interrogator asked me from time to time why I didn't shower, and I said that I didn't want to. The truth is that I was afraid that maybe there were cameras in the shower and therefore I didn't want to get undressed.

Every day they took me for an hour or two for a talk with the interrogator, with me shackled to the chair and my legs also shackled. After those six days, they moved me to a very small isolation cell, near the police and [holding??? no] deposit station. In this isolation cell there was a very powerful air conditioner, very cold and noisy, as if it were the central air conditioner and there was a motor there. The noise was unbearable. I put paper in my ears to plug them up.

An hour later, I felt that I was choking. My heartbeats were too strong. I held my chest because I felt that my heart was going to jump out of my chest. My headache was enormous, I felt that my head was exploding. I couldn't sleep or sit. I dragged myself to the door and began banging on the door with my [wedding] ring.

They ran to me, and as soon as they opened the door I fell. My eyes were open but I couldn't speak. I fell at the feet of the warden. The warden immediately made a call on his radio. Everyone ran, and the paramedic came and told me not to be afraid. He checked my pulse.

When I began breathing normally, I began to recuperate. Together, the female soldier and the paramedic took me to the doctor's room.

The doctor put me on the bed and said that he was going to do a heart examination. He also sketched my heart. The doctor pricked my finger, and began shouting at them that I had no sugar, that my sugar level was very low. The doctor began feeding me candies, said that I was too yellow, and that my blood pressure was abnormal, and that now I had to eat candies. The doctor tried to convince me to take two pills. He said they would help me. At first I refused to take them because I was afraid. But he said that he was a doctor and that he had my best interest in mind, and that I had to trust him.

He asked why it happened to me. I told him that it was a result of staying for one hour in that isolation cell, that I didn't have diabetes and that I didn't know why my blood sugar had suddenly dropped like that.

The doctor said to them: 'She got what she got because of staying in that isolation cell.' He asked them to move me out of there. The doctor knows how to speak Arabic, and he spoke with me and calmed me.

They heeded the doctor and put me in a corridor until they prepared a new isolation cell for me. They put me into the new isolation cell, with regular noise, and it wasn't especially cold there.

To this day, I can still hear that noise [of the air conditioner]; when I put my head on the pillow I hear it. When people call me, sometimes I can't hear — I only hear when they come close to me. I think that my hearing was damaged. The noise in my head is only when I put my head on the pillow.

Besides that, since the detention I have a headache all the time. My eyes always hurt. There they hurt me all the time because I didn't see light, only four concrete walls with red lights. There were two red-colored bulbs there. At night they turned one off and left the other one on. The red light makes it impossible to sleep. When I wanted to sleep, I would wrap my head in a towel in order to not see the bulb. Only then could I sleep. When I would go out to meet the lawyer or to the court, it was hard for me to open my eyes. It was hard for me to meet the light. But on the other hand, I felt that there was enough air to breathe, as if I were emerging from a grave or from under water.

I stayed in the new isolation cell until Thursday (for two days), and they took me to another department. My legs and hands were shackled, and [blindfold] glasses on my eyes. While I was sitting in the room, they took off my blindfold and I saw a policeman standing across from me. The policeman said that he wasn't an interrogator, that he was a policeman and that he wanted to take a confession from me.

The policeman asked, I answered, and he wrote. At the end, he wanted me to sign the confession and I refused. Then he took my finger and palm prints after the confession. Atty. Kifaya came to meet with me.

At about 2 p.m., a warden came and asked me to come out of the isolation cell. I came out, he shackled me, and we went off. We came to the policemen. They told me that I was being released.

They returned my 'deposit' to me, including the prayer beads. I did not agree to sign anything. That was on the twelfth day.”

Six months later, at the end of October 2007, Kauthar Diab testifies that soldiers again came to her house, this time with the declared goal of arresting her:<sup>32</sup>

“On 29 October 2007, at 2 a.m., soldiers arrived, knocked on the door, and asked for my identity card. They asked about the boys and about my husband. I got all of us outside and later, they took us inside. They searched the house. At a certain stage, their officer said that they wanted to arrest me. I asked to get dressed. My little son burst into tears and carried on when he saw the soldiers taking me.

32 The following quote is from the affidavit of Kuter Diab from 7 November 2007 to Atty. Taghrid Shbeita of the Public Committee Against Torture in Israel

They put me into a jeep and we arrived at Tzufin. They brought me a chair and I sat there for about half an hour. Afterwards, we went to the Ramle area, my [female] neighbor Fardos Amin Muhammad Zeid and I. We passed a sign pointing to Ariel, and that's how we knew the direction we were going in. They took us out one by one to the doctor. The doctor checked my blood pressure, and I told him that I had sugar problems. I refused to sign what the doctor wrote.

After we were both examined, Fardous and I, they again put us into the jeep, back to Tzufin, where they sat us on chairs from 5 a.m. until 8:30 a.m. without any shackles or blindfolds. They offered us water and we refused because we were both fasting.

At 8:30, before putting us in another jeep, they put us both in a room, body-searched me, shackled my hands in front of me with metal shackles, and my legs too, with metal shackles. They left my eyes with no covering.

We drove till we got to Sharon Prison. They took me out to a small room for both of us, and removed the shackles. We stayed there for about two hours, after which we were taken to be photographed.

From the time we arrived at Sharon Prison until Tuesday, 6 November 2007, we were with the girls in Wing 11, and no one interrogated us or asked any questions. On Tuesday, they took us for an extension of our detention in Salem. There we were both put in the waiting room. The waiting room is small and square, with no urinal or windows. It was very hot in the room because it is made of concrete on all sides, and there are no windows. There isn't enough air in the room. There is only a small window in the door, and it's closed. Each time we opened it so that the air would come in, the escort came and closed it.

At noon, the female soldier offered me food on a tray: rice and other food topped with a swarm of flies. I refused to eat because it was disgusting (I should state that in the morning no food was served in the Sharon Prison, and we'd left without eating because it was early). We asked for water, the escort said okay, left, and didn't come back. In effect, we didn't drink.

In the trial for the extension of detention, the prosecutor said that I was giving shelter to a suspect. I said that it wasn't true — my two sons were in jail and I had no connection with any wanted person. Atty. Wissam, who represented me (after he saw me to his surprise by chance in court, without knowing about my detention), said that the detention was intended essentially to pressure the boys, and that we wouldn't be interrogated. The prosecutor requested an extension of 14 days, and the judge decided to extend my detention by three days. The judge ordered an immediate investigation

"When we finished this meeting, the escort arrived, the one who had come with us from the Sharon, and took us to the interrogation room at Salem, each to a separate room. I was in the room with the escort and an interrogator whose name I don't remember.

The interrogator asked questions in Arabic, and whether I knew why I was in detention. I said

that I didn't know. He said that there was a person who was accusing me of things. I told him, 'Not true. Let me confront him.'

He told me that I was giving shelter to a wanted person — my son 'Amr. I said that it wasn't true, that he wasn't wanted. He was at home all the time, and they didn't look for me. The interrogator kept reiterating that 'Amr was wanted and living at home.

Afterwards, he asked if I know Fardous. I said yes, that we met at the Red Cross offices when coming to ask for visitation permits for our detained sons. Afterwards, he simply asked me how my disabled husband and I make a living, and how the family members live. I answered the questions, and I didn't agree to sign. The interrogator convinced me to sign a paper with squares, and said that it was so that I would be able to pass through roadblocks.

They took me to the jeep again, with metal shackles on my hands in front of me, and metal shackles on my legs. I waited until they brought Fardous, and then the jeep went back to Sharon. That was yesterday, and after that, we did not speak with each other. Tomorrow we are supposed to appear again at Salem.

I would like to note that on the day before my arrest, I visited the court for a hearing regarding the extension of my son Sai'd's detention, and I understood from him that he had not confessed to anything.

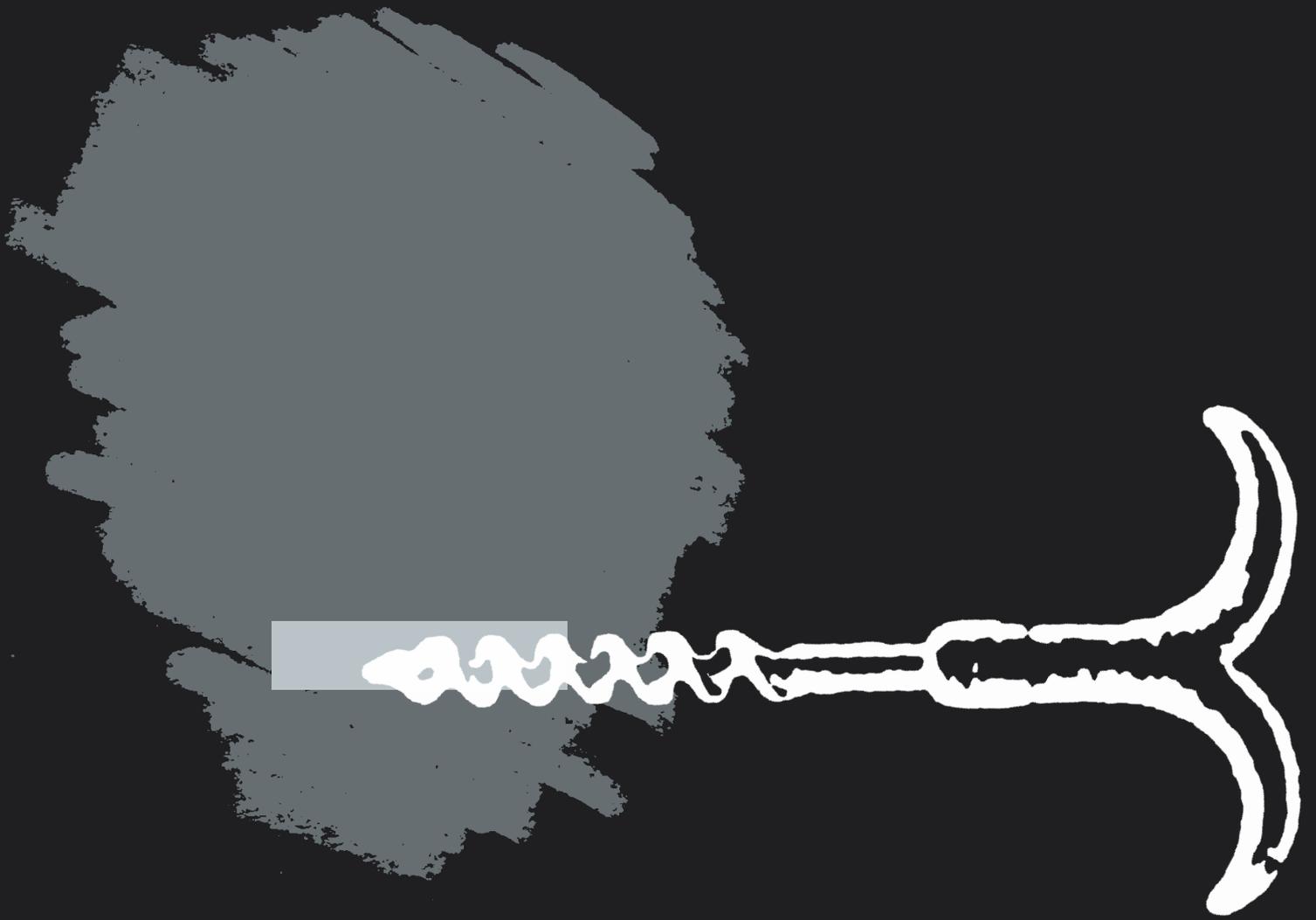
I don't know why they are keeping me. The only possibility that I can think of is a new attempt to pressure Sa'id.”

Ultimately, dubious charges were filed against Kauthar. She was accused of passing letters from some wanted person or other to his mother, with no claim that the mother herself was wanted, and without any effort on the prosecution's part to prove that these letters contained any dangerous content.<sup>33</sup> During her interrogation, Kauthar herself vehemently denied having passed on the letters. The clear impression created by the submission of such dubious charges is that the authorities tried retroactively to fabricate an ostensibly legitimate excuse for Kauthar's detention, thereby concealing its true goal: to inflict illegitimate psychological pressure on her sons. In effect, it appears from the affidavit she gave during her first detention that she was not interrogated then regarding any suspicions. The “suspicions” behind the charges filed against her arose only during her second detention, suggesting that when the first detention took place, there was no excuse for detaining her legally. This impression is further supported by the fact that during the extension procedure for her second detention (in the Samaria Military Court), the security authorities concealed from the court her first detention, which took place in the Kishon Military Court.

Sa'id Diab and his brother 'Amr were eventually accused of two factually separate affairs: Sa'id, for plotting a terror attack in Israel, and 'Amr, for agreeing to help someone transport

33 Charge sheet in file 4470/07 of the Samaria Military Court, **Military Prosecutor v Kauthar Di'ab**.

ammunition. Not only were the threats used against them during their interrogation entirely unjustified, but their momentary encounter at the detention station points to the manipulative use of family members, pitting them one against the other.



## **Case of the 'Abd Family**

As in the previous case, a detainee was threatened that if he did not cooperate, his mother would be arrested. The next day, he was taken to peer through the peephole of a door; inside, his mother was being interrogated. The detainee was 'Ali 'Abd, a resident of Qalqiliya, who was arrested after his booby-trapped car exploded near his home. His testimony follows:<sup>34</sup>

"I was arrested on 28 March 2007 and taken immediately to Jalameh. During the first stage, I was interrogated intensively for five days. The entire time I was tied to the chair. They beat and slapped me. Once, while I was tied to the chair, one of the interrogators slapped me across the left ear. The blow threw me off the chair, the shackles were pulled by the force, and my body hit the floor. It was very painful. The pain that began in my ear has not gone away to this day. At first, I was hearing loud noises in my ear; today it's much less.

For three days, they didn't let me sleep, and I still didn't speak. They saw that I wasn't cooperating and that I wasn't delivering the goods. On the fifth or fourth day, the interrogators told me that they would bring my mother and put her next to me in an isolation cell if I didn't start talking. I thought that they were just threatening, and I told them "Bring her!" I didn't believe for a moment that it would happen. "At night I slept, and in the morning the warden came and took me to the interrogation chair. I sat on it and they tied me, and began interrogating me for about two hours, and then the interrogator came (the one who had beaten me). He was tall, with a full body, razor-short hair, Israeli-colored skin, not too light and not dark. He told me that he was responsible for the interrogations department. He is the same interrogator who threatened that he would arrest my mother, and he is the one who slapped me on the ear.

This interrogator said to me, 'Get up!' and didn't say why. He took me and we went together with another interrogator and we got to another interrogation room, a bit far from the one where we had been. Before we got to this room, while we were still in the corridor, he put a piece of cloth over my mouth, sealed it up, and said to me, 'Look through the peephole.' I looked and suddenly I saw my mother sitting inside. She was sitting on a regular chair. I couldn't absorb the sight.

After a moment, he took me back to the interrogation room we'd come from. On the way to this room, I didn't understand and didn't digest that it had really been my mother. I said to myself that maybe it just seemed that way. So I asked him to take me to that room again, so that I could look again and be sure that it was really my mother.

He took me there and again let me look. I looked and saw her again, and there was a soldier next to her (I saw a girl with her). Then they returned me to the interrogation chair. I said to the

34 From 'Ali 'Abd 's affidavit of 1 October 2007, taken by Atty. Taghrid Shbeita of the Public Committee Against Torture in Israel.

interrogator that I still didn't believe it, and I wanted him to bring me something from her, some object that would prove that it was indeed she.

He asked if I wanted to see her purse, and I said yes. He left me and went off. He came back with my mother's purse. I opened it, and then I was certain that it was indeed mother, without a doubt. He asked what I had to say, what I thought. I said that he should just send her back, and I was willing to confess to whatever he wanted. My mother is sick, and I feared for her health because I understood that if I didn't confess, he would put my mother in the isolation cell."It killed me. It broke me, totally. I said that I was willing to confess to whatever he wanted, but that he should just take her back home. The interrogator said he would if I gave him something to go on. I said, 'Okay.' I said that I had known that there were explosives in the car. I understood that they were releasing her. The interrogators left me alone in the interrogation room. The interrogator said that within two hours my mother would go home."While I was alone in the interrogation room, I heard my mother crying, but it seems that she didn't know that I was close to her and that I heard her. My mother's voice grew more distant. I was exhausted. I didn't even answer her, even though I could. I was in shock. What could I say to her..."

'Ali 'Abd's mother, Fathiya Shbeita, testifies that two days after her son's arrest, the following occurred:<sup>35</sup>

"A man named Hadi called me. He said that he was speaking on behalf of the Israel Police at Jalameh. He asked if I was Israeli. I told him yes. He said, 'If so, we want you to come to Jalameh on Sunday.' I said that I didn't know how to get there, and I didn't know where that place is. He asked: 'What time to you want to set out for Jalameh? When you decide to leave, speak with me and I'll explain to you how to get here.'

I didn't ask what he wanted from me, but he volunteered the information that they had 'Ali and that they needed me. I was even happy about it. I told myself that I would see him. On Sunday, I set out at 7:30 a.m. At 8:00, while I was en route, Hadi called my cell phone and asked where we were. I let him speak with the [taxi] driver and he explained how to get there.

We got there, and I heard them calling me on the loudspeaker. I waited for a bit near the gate, and then someone came and told me that he was Hadi. He was in uniform. I don't remember exactly which color, but not the police-blue.

Hadi led me to a place. We went up the steps and he put me in a room and sat me down on a sofa across from a table. A girl came in and sat down there. She was there the whole time, but I didn't hear her speak at all. Hadi left after bringing in another fat guy, who sat on a chair behind the desk. The fat guy and the girl each sat in his place. I sat there, too. That's how the scene went...

35 Testimony of Fathiya Shbeita is quoted from her affidavit of 2 October 2007, taken by Atty. Taghrid Shbeita of the Public Committee Against Torture in Israel.

We sat in silence for about half an hour, and then someone with green eyes came in, named Victor, about 60 years old. He said, 'Come with me.' I followed him. We went into a room where there was a chair attached to the floor with chains fastened to it from all sides. The chair was in the middle of the room. It was a scary sight.

The interrogators — Victor and another interrogator — sat behind the desks. This is how it was: I sat, and to my right, behind the desk, sat Victor, and across from me, behind the second desk, sat the second interrogator.

When I saw the chair with the chains, I thought that soon they were going to tie me to that chair. In the room was the same girl who followed us. Victor turned to me and said: 'Now we want to talk.' They didn't tell me that I was in detention. They only asked me if I preferred to speak in Arabic, and I said yes, since I hadn't used Hebrew for a long time.

They asked me what I do. They knew details about my work. They asked why my husband didn't have an Israeli identity card. They asked what happened with the car. They said that 'Ali was a good man and that his wife was also good. I said: 'Right, they're both good.' They asked me if I knew what had happened. I told them what I know; I don't know much — that there was an explosion in the car, and that I didn't know why, that I thought that it was the result of a lightning bolt. They questioned and interrogated me for about two hours.

The car wasn't damaged much. Later, they took it to the garage, and the car was repaired and went back to working as usual. There wasn't any serious damage, and therefore I didn't suspect anything. ( The car was confiscated).

At the opening stage of the interrogation, they took my purse, emptied it out on the desk, and after some time, the interrogator put the things back into the purse and I helped. There were personal things in the purse. They dumped out its contents twice. After the interrogator put the things back in the purse, he took it and went out. I didn't ask where he went, and he also didn't say. After a few minutes, he came back, put the bag on the desk, and said nothing.

At a certain stage, they said that they wanted to show me a picture on the computer. They turned the computer [towards me] and I saw the picture of a woman on the screen. They asked me if I knew her. I said that I didn't recognize her. I said that I don't know everyone in Qalqiliya. The interrogator pressed me, and said that I was lying and acting as if I 'don't see.'

I said that I saw, but that I didn't recognize the picture or the woman. The interrogator said that I was lying and that made me crazy. I started shouting at him. I said that he was accusing me of lying and that he didn't have a right to do that because I'm not a liar. I shouted because they were being violent. They shouted at me and banged on the desk (the two interrogators). One of them left and brought a file with pictures of some guy. He said that he was the son of that same woman. I said and I swore that I didn't know the woman or her son.

The interrogator yelled at me and said that the guy's name was Saman. I still didn't know who it was. The interrogator got annoyed, took the file, and left. A few minutes later, he came back

and three tough guys with prominent, bulging muscles were following him. They tried to scare us. I looked at them scornfully. I said to myself: 'What are they trying to say? Do they want to beat me? Let them do what they want!'

I was very tired. I told them that I was a diabetic, that I hadn't yet taken my insulin shot, and that my entire body was down. The interrogator then said: 'What, do you want to eat in order to hold up?! I said that I couldn't eat without my insulin shot. I also told the fat interrogator that I needed a menstrual pad because I had my period, and that I wanted to go to the bathroom. He called to ask permission, and asked for a pad for me. I stood up to go to the bathroom, and then he took shackles and wanted to shackle my hands. Confused, I asked what the shackles were for, and then he asked the girl if they had brought me in without shackles. She said yes, so he gave in.

This is how we went out, him in front of me and the girl behind me, and I went to the bathroom. I walked out of the bathroom and returned to the room where my purse was, with everything scattered about. Victor entered the room, asked me to collect my belongings, and [said] that I was released to go home. When we were walking in the corridor, I asked the second interrogator who had been with Victor to let me see 'Ali. He said that it was impossible now. I burst into tears and I shouted, and I begged them to let me see 'Ali. They refused. I said that they should at least give him the clothes I had brought for him. They said 'Okay, we'll take the clothes.' They came outside with me, I brought the clothes from the car, they checked them and took them from me.

When I started crying in pain, the interrogator promised me that in a few days they'd let me speak with 'Ali. I left the jail and returned home in a taxi. After I arrived home, Victor called my cell phone, asked how I was and if I'd arrived safely. I said yes, that I arrived safely and that I felt good. Victor said: 'Good, I'll let you talk with 'Ali, but I'm listening and don't tell him anything about our conversation, or else I'll disconnect you.'

He gave me 'Ali and I spoke with him. I asked how he was, and he said that I shouldn't worry and that he was okay. His wife also spoke with him, and she began to cry. 'Ali said, 'Enough. They want to hang up the phone,' and we finished the call."

Returning to the testimony of 'Ali 'Abd, who heard his mother crying on the other side of the wall of the interrogation room:

"The interrogators came back after mother's voice disappeared, and wanted me to provide more details. I began telling them things, but the interrogator felt that I wasn't saying everything that he wanted. After a few minutes, he became disappointed with what I was telling them. He told me that the papers for my wife's arrest were ready and waiting for him to sign. He promised that he would arrest my wife after he signed the papers. I believed him, of course, because he had already done this to my mother. I immediately imagined my two daughters without a mother. I broke totally, and I began telling him and admitting things. I wanted to end the matter so that he'd stop threatening me.

There were some things that I admitted that are true, and there are some things that I added on so that he would understand that I was ready for everything, and that I was not hiding anything. I thought that if I gave him a lot of information, the interrogator would see that I had provided a lot of goods and he would say 'enough.' I spoke for days! For more than two weeks I told things and I confessed; I talked endlessly."When I wrote my confession, the policeman ordered me to write down that I belonged to Hamas. I refused because it's not true, but he yelled at me and said that I had to write it. He claimed that that's what I had said in the interrogation. He was lying, but I didn't have a choice

The policeman sat across from me with the papers, read from them, and dictated to me whatever he wanted. When I objected to certain things, he shouted and claimed that that's what he had written, that I'd said it at the interrogation, and that I didn't have a choice but to write down exactly what was on his papers.

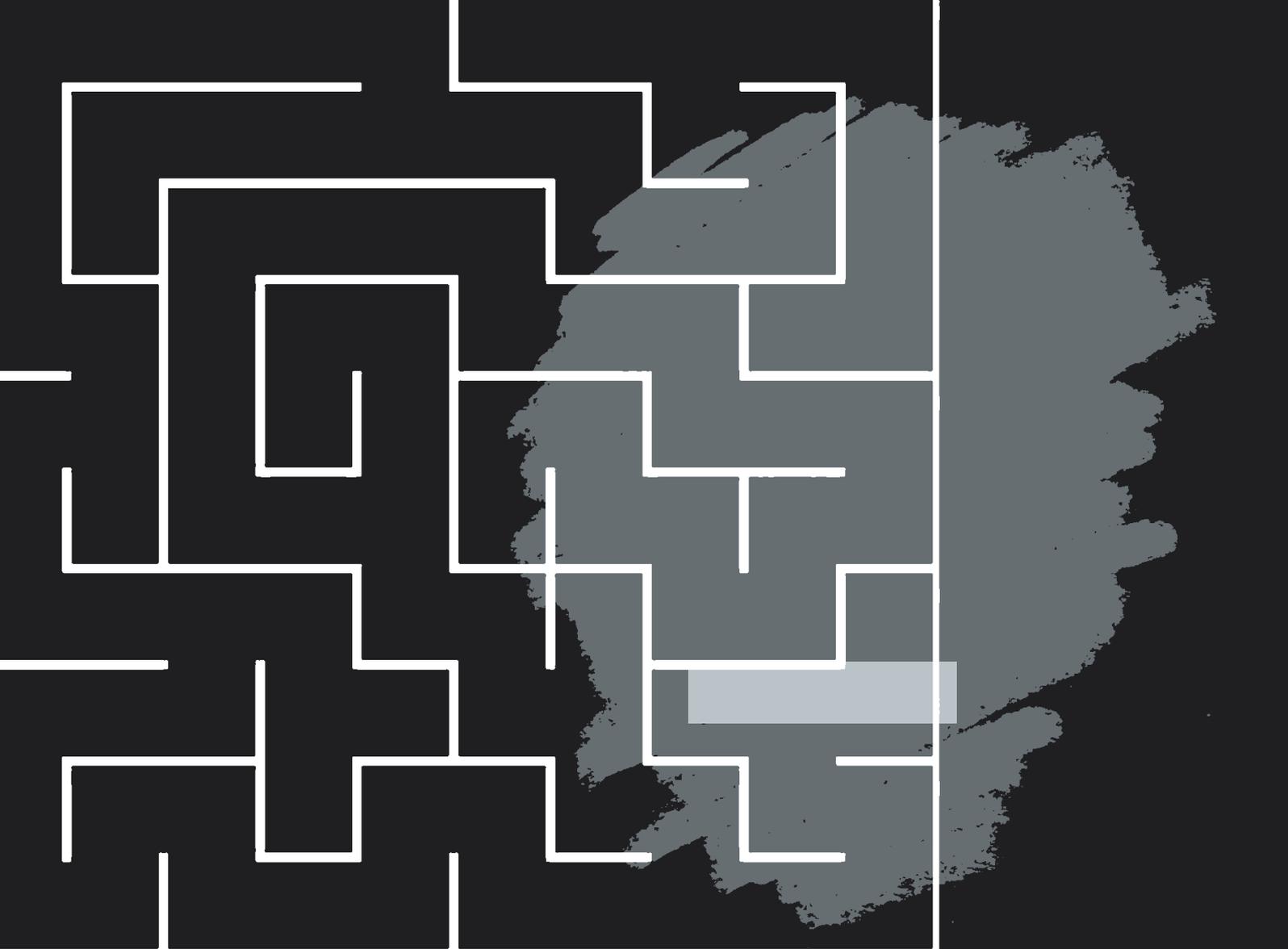
Afterwards they sent me to Beersheba, to [Arab] collaborators whose job was to get me to talk (I found this out later). I stayed there for a week. I said nothing there, because there was nothing more to add, and not even anything to invent. Most of the time I was silent. The collaborators wanted to frame me with more things that I never heard of. I wanted to swear by the Koran that I had nothing to add, and they put even more pressure on me.

I was absolutely desperate; I was emotionally exhausted. I thought of suicide. The whole time I kept thinking of ways to kill myself, but I didn't find a rope or a knife to kill myself with. If they had given me a pistol, I would have shot myself.

When I returned to Jalameh, they put me back in the isolation cell. I couldn't eat. I said to myself that I had to stop eating, and that way I'd eventually die. From the pressure during the interrogation period, I felt that I was buried in a grave of the living. The whole time I was picturing my mother, my wife and the girls."

Charges were ultimately filed against 'Ali 'Abd for attempted murder, based on the three times that he had brought a booby-trapped car into Israel. Each time he'd had regrets and gone back.

The way 'Ali 'Abd's mother was used against him in this case is grave, and the gravity is exacerbated by the fact that the mother had a serious case of diabetes. Using her as a means of pressuring her son could have significantly and seriously undermined her health. In the following pages, we present a case in which the health of a detainee's relative was in fact seriously harmed.



**Case of Jasser Abu 'Omar  
and Hawla Zeitawi**

Jasser Abu ‘Omar and Hawla Zeitawi are a couple from the village of Jam’in who have two little girls. At the time of the events described below, one daughter was two years old, the other six months. As will be seen below, even these children were played like a card by the GSS in order to put pressure on their parents.

Let us begin with the testimony of the father, Jasser Abu ‘Omar:<sup>36</sup>

“On 7 December 2006, I was arrested at the Hawara checkpoint at 11:00 a.m. I passed through the checkpoint as required. On 7 December I reached the checkpoint as usual. The soldier checked my identity card and asked me to stand aside, put me in the *jora* [a small, crowded detention cell located at the checkpoint complex]. The officer told me that I was wanted [by the authorities].

After about three hours a military jeep arrived. They blindfolded me and tied my hands behind me with plastic shackles. They put me onto the jeep. I think that they sat me on a chair — I can’t even remember.

The jeep reached Hawara [the detention center], and then they took me out and sat me down, maybe on a piece of wood, for four and a half hours. My eyes were covered, and I couldn’t see anything. At a certain point they took me to a room where there was a person. The soldier told me we were going to the doctor. All that time my eyes were blindfolded, and I was shackled. The soldier checked my temperature and said that it was alright. And then they put me into the detention rooms there.

“I stayed in Hawara with the young people young people for about ten days. After a few days, they took me out to meet Captain Ghazal, and he asked me personal details and why I had gone to Jordan.

During these ten days, they took me to the doctor in Hawara, and he checked me. I said that I felt pain in my chest on my left side. The doctor said that everything was alright. Eight days later, they took me to Salem for extension of my detention. Atty. Haraz, who had volunteered to represent me, was there. They extended my detention by 14 days. From the court, they returned me to detention in Hawara. I stayed there until Sunday (the tenth day since my detention), and then they transferred me to Petach Tikvah. I was transferred to Petach Tikvah on a Sunday. Immediately a doctor examined me. I again complained of strong pains on the left side of my chest. The doctor did not respond but he took notes.

36 The quoted testimony of Jasser Abu ‘Omar is from his affidavit of 7 February 2007 to Atty. Taghrid Shbeita of the Public Committee Against Torture in Israel.

After the exam, they took me immediately to the interrogation. I was received by Captain Ariel. They sat me down on a chair and chained my hands to the chair with metal shackles. Captain Ariel let me read a paper stating my rights that said (from what I remember) that I could be represented by an attorney, and that they could prevent this. He said that I was prohibited from speaking with an attorney; he didn't say until when. I asked them to inform my family, because they didn't know where I was. He said that they would inform them. I don't know if they did inform them.

He began asking me ordinary questions. This went on until 8 p.m. . They didn't give me food or drink. They offered me something to drink but I refused. I answered his questions. I asked to know why I was there, and he refused to answer. He said that I surely knew what they wanted from me. At 20:00p.m they took me down to the isolation cell, in solitary confinement. At 8:00a.m they again took me to interrogation, where I was interrogated by Captain Tamir.

I was in the same position. He asked the same questions. I stayed in the interrogation room until 8 or 10 p.m. During all that time, I was shackled to the chair, except for 15 minutes once a day, when they let me stay in a small room next to the interrogation room to eat. Then I was returned to the isolation cell in solitary confinement.

On the third day, Captain Eldar interrogated me in the same position. I was also with him until the evening. I stayed that way until Thursday. On Thursday, one of the interrogators said to the policeman that I could shower, and that was the first day that I showered. At the end of Thursday, they took me down to the isolation cell. On Friday-Saturday they don't interrogate. The entire time I was asking to see a lawyer, and they said that I was not allowed to.

On Sunday and Monday, they resumed interrogating me in the same way. There was no violence. Sometimes he pulled my neck and shook me, but not too much. Only on this Monday did the interrogator tell me that I was accused of maintaining ties with foreigners. I denied any such relations.

The interrogator, Eldar, asked me if I was willing to take a polygraph test. I said yes. On Tuesday afternoon (before I saw the Red Cross people for the first time in the morning), they sent me to a polygraph test. When I approached the machine, I wanted to understand what it meant . His words are enough, and they didn't tell me. I therefore refused to take the test. I said that I wanted to see a judge's order, or to have a lawyer with me to explain to me what was happening, what was allowed and [what was] forbidden.

Eldar got angry and everyone came and began shouting. They threatened to show me what it meant to refuse. They took me straight to the interrogation room where Eldar, Avri, Tamir, and Akiva were. Eldar was apparently the one responsible for me. I stayed at the interrogation until 3 a.m., and I continued refusing. At 3:00 they took me down to the isolation cell. On the fourth day, they extended my detention by an additional 15 days. At 8:00 they took me again until the next morning at 3 a.m. This scenario went on until Thursday.

On Friday-Saturday I wasn't interrogated, but they put me in the isolation cell with another

detainee. On Sunday, the next day, I was again taken to interrogation and I stayed there until 10–10:30 p.m., and then they took me down to the isolation cell. Monday was the same. The whole time on the chair, shackled, and interrogated without a break.” On Tuesday, as usual, they took me to the interrogation room; Akiva was there. The interrogation began as usual. In the afternoon hours Avri, Ariel, Akiva and Eldar arrived and said that they had been at my house that night. They showed me pictures of money and said that they had taken the photos at my house. I said, so what’s new?

They showed me a digital copy machine [camera], opened it, and on the [camera] screen showed me a picture of my wife and me from our wedding day, and a picture of my wife holding my 6-month-old baby girl.”

Abu ‘Omar’s wife, Hawla Zeitawi, testifies regarding the circumstances in which the picture with the baby was taken:<sup>37</sup>

“After my husband’s arrest, some 20 days later — it was the fourth day of the al-Adha holiday, at 10 p.m. — I heard voices over the intercom speaking in Hebrew. When I opened the door, I saw about 10 soldiers pointing their weapons at me. They asked me to come outside. I went out with the little one.

Eldar, who was with them, asked, ‘Who’s at home?’ I said my older daughter. He asked, ‘Salsabil?’ I said ‘Yes.’ They brought me back inside and made me into a human shield. They were behind me and had me go into each room and lower the curtains. They searched every corner of the house.

In the end, they took me into a room alone and interrogated me about things and about the computer. They took a lot of things from the house. During this visit, Eldar said that he had promised Jasser to bring a present for Salsabil, and gave her a little toy and said that Jasser had asked for my picture. I had the little one in my arms. I didn’t have a chance to answer and Eldar clicked on the camera and photographed me with the baby.”

Returning to Jasser Abu ‘Omar, sitting in the interrogation room and being shown the pictures of his wife with the baby, and the picture of his wife on their wedding day:

“I was very angry about our wedding picture, because my wife is devoutly religious and in this picture she appears without a head covering and traditional dress according to the religion. I felt humiliated — that they had invaded my privacy.

They said that they would bring her in. Eldar said that the officer of the area wanted to bring her in, but he convinced him not to do so. After this incident with the photographs and the objects, I said that I was willing to admit whatever they wanted. I asked them to give me the picture of my wife and my daughter. They let me hold it a bit and then they took the one of my wife and

37 The testimony of Hawla Zeitawi is quoted from her affidavit of 4 February 2007 to Atty. Taghrid Shbeita of the Public Committee Against Torture in Israel.

left the picture of the baby. They cropped the part of the picture where you see my daughter, and they gave me that part, and I still have it.

I remained in detention until the following Monday or Tuesday. They took me to write down the confession. I wrote my confession with Captain Hisham. He did the writing because I was very tired and worn out, and I didn't want to write. I didn't have the strength to hold the pen. Hissam wrote based on his papers. He read from them and asked me to verify. I said 'yes' and he wrote himself. I signed at the end.

That period, about a week ago — between the pictures and the recording of the confession, their threats to me and the fear for my wife and daughter, and the intensive interrogation — knocked me out. Broke me entirely. For a week I barely slept. I was totally tense. The threats were so tough and I couldn't stand up to them. I don't want to talk about this too much. I can't.

On Wednesday, after writing my confession, they took me for an extension of detention [hearing], and I received an additional 15 days. Still without a lawyer. After the extension they took me to Beersheba. The policeman who took the confession had said that I'd finished the interrogation, and that they would take me to jail at any moment.

I was in Beersheba for 13 days. I thought that I was in jail. When we arrived, they put me into a unit with three rooms. They put me into a room with a *mardawan* [a representative of a group of prisoners or detainees] named Abu 'Ali. There were eight people in the room. The *mardawan* introduced me to the other young people and said that there were security committees who had to know who I was and what I was accused of.

He said: 'Anyone who refuses to speak, we'll turn him in to the management and they'll put him in isolation for an undetermined period.' He said that they had to warn people outside, so that they could safeguard my security and explain my rights to me. That I had to talk, so that they could protect me and help me. I believed him.

The *mardawan* said that I would meet a certain person, 'Amir al-Juma'a,' and two others. And they would ask me questions and I had to say such and such. He reviewed the things with me and asked me to remember them by heart. He blew things out of proportion and said that the better I can prove that I'm a 'heavy' in the organization and an important person, the greater my chances of being among those included in the prisoners' deal. I believed him, and I worked hard to learn everything he taught me. They said they were preparing a list of names for the deal.

I did this on the last day there. There were three people opposite me. One was visible and the other two were hidden in Bedouin clothing, and it was impossible to recognize their faces. I asked why I couldn't see them, and I was told that they were from the security committees and that they were the ones who were going to determine whether to include me in the prisoners' deal.

After this important conversation was over, Captain Ariel suddenly arrived and said, 'Hey,' and

the other two uncovered themselves, and I saw before me Eldar and Akiva, the interrogators. I was in shock. I understood that I had dug my own grave.

They immediately shackled my hands and feet and took me to the office. They wanted to take a confession and I felt that my world had been destroyed. I refused to write a confession. I said that everything that I had said was a repetition of untrue things. That they had tricked me. One time I gave a letter to my wife to one of the people whose job it is to get you to talk, who called himself the 'security coordinator.' The GSS interrogators now showed me the letter. I knew that he had given it to them.

They immediately took me to Petach Tikvah because the show was over. When we got there, they took me to be interrogated by Tamir. I refused to admit to what happened in Beersheba. I said that they already had my first confession and that I didn't have anything to add. Captain Tamir said that if I didn't confess, they would bring in my wife. I said that my wife had taken no part in things and had nothing to do with them. Tamir said that I'd better think carefully about my wife and girls. And if I was stubborn, what would my wife and girls do without me? "I was very tired and I refused to add anything. I said that I was not prepared to confess to what was said in Beersheba, because everything was blown out of proportion and could be the end of me. The interrogator, Tamir, got annoyed, called a policeman (tall, fair-skinned; I could identify him if I saw him). He suddenly got tough. Tamir said to him: 'Pay attention to him, deal with him, and take him to the doctor to examine his head,' because I was complaining of pain and pressure in my head." On the steps, the policeman pushed me — I almost lost my balance. I asked why he did this and he began cursing me coarsely and shouting. When we got to the bottom, he began pushing me and I refused to move. He called three more policemen and together, they all pushed me to the doctor. I had a blindfold on and couldn't see. When they pushed me, they injured my right foot with the shackles." The doctor heard this, because I was across from him. The doctor didn't check me. He wanted to give me a sedative. I refused to take it, and that's how he ended up taking me back to the isolation cell. The policeman who pushed and cursed me came later and asked me to forgive him. He said that he hadn't meant it. I told him that he had meant it because he had also shouted at me.

After a few minutes, the one in charge came. He said that he was the boss. He asked what had happened. I told him. Instead of helping me, he decided to punish me because in his opinion I was making problems. He gave an order to bind my hands with metal shackles and put me into the isolation cell. They left me shackled in the isolation cell from Tuesday evening until Saturday evening.

During the days that I was under interrogation, they switched the shackles to the back of the chair. On Wednesday night, they took me to the car used for prisoner transfers (white). I rode in the car with my feet and hands shackled; my eyes were not blindfolded. The car went to the Ariel junction. The car stopped and we waited until midnight. "At midnight, a large [military] force arrived. They put me onto a military jeep and blindfolded me. In the jeep, they took off my glasses and I saw Captain Ariel and Eldar across from me. They said that I was on my way

home, and that they want me to show and give them the objects that I mentioned in the letter to my wife.

They took me without my seeing anything. I sat among the soldiers on the floor of the jeep, from midnight until 5 a.m. My eyes hurt because the straps of the glasses were too tight. I asked that they take them off, and they refused. I said that I had nothing to relate. They asked once and weren't insistent, and then at 5:00 the jeep began returning. We got to the meeting place at the Ariel junction, and they transferred me [back] to the same car. "I heard them say 'Take her' on their radio, and I understood that apparently they were referring to my wife. I asked if it was my wife, and they didn't answer. We returned to Petach Tikvah. When I got out of the car, I heard my wife crying out loud. That drove me crazy.

She was crying and shouting outside there, in the courtyard in Petach Tikva. They took me to the isolation cell. I heard her voice. I was in the isolation cell, close to the reception, and she was apparently at the reception and crying. I heard her and began calling her name. She answered me. The policemen got angry and silenced me. Later, I began calling her name again, and she answered me and said that she was in the isolation cell."

Regarding the conditions surrounding her arrival at Petach Tikva, including being cut off from her nursing infant, Hawla Zeitawi testifies:

"I was arrested on 25 January 2007 at 4 a.m. Some 12–15 soldiers arrived at midnight, entered the house, and said that they had an order to take me or the computer. I didn't see such an order. I said that there was no computer. They said I was lying. They said that I had to tell the whole story, 'and then we won't take you.' I asked what story.

They said that my husband and I had gone to Lebanon and trained with the Hizbollah. I said, 'Not true.' They asked for the computer again, searched for it and didn't find it. They sat in the house. One might say that they settled in and made themselves at home. They said that they weren't going to leave without what they were looking for." They went out and brought in their [cooking] gas from the car, and started preparing food and drink, and settled down in the house. They were rowdy there, wild, and they didn't allow me to be present during their searches, but at the end, when we went in to take things out of the bedroom, I saw that they had ripped apart the bedclothes and opened up the pillows. "My little one woke up and cried to be nursed. They began shouting at me and asked me to call the neighbors to come and take the girls. At a certain stage, someone came in whom I didn't know and took the two girls. They didn't let me say goodbye to them.

They brought in my husband's brothers, one after the other, to convince me to turn in the computer and give it to them. I insisted that there was no computer at home. They looked for themselves and didn't find one. My brothers-in-law didn't understand what was happening; they were surprised. The soldiers said that if the computer wasn't found, they were going to arrest me.

My brothers-in-law went crazy and struggled against the soldiers. I was afraid that they'd start shooting at my brothers-in-law. I began shouting at the soldiers to leave them alone and to take me, quickly. I didn't want any harm to come to my brothers-in-law. They put me onto a jeep. They sat me down on the floor. The female soldier wanted me to sit on the bench of the jeep, but another soldier shouted at her and ordered me to sit on the floor. Earlier they had said that I could bring clothes with me because I was being arrested.

I was surrounded by some eight or nine male soldiers and a female soldier. They sang and shouted along the way, but they didn't bother me. The jeep took off and we got to a certain point. They took me off the jeep, put me into the back of another jeep and blindfolded me, and tied my hands behind me with plastic shackles. I didn't hear anything and of course didn't see anything, because before they took me off the jeep they blindfolded me. The second jeep traveled on until we got to Petach Tikva.

On the way, and also at home, I was crying all the time. And they said that they were crocodile tears because I didn't care about my daughters. We went into [the facility at] Petach Tikva; a doctor examined me. I told him that I had an ulcer, and that I ate in a particular way and avoided things that caused me stomach pains. After the doctor's exam, I was crying the whole time and I asked for my baby. The whole time they kept saying that this was an interrogation.

On the way and also in transit to Petach Tikvah, the interrogator Eldar, who had been in my house, approached me and said that I had made a mistake by not handing over the computer. He addressed me by name, and then suddenly I heard my husband shout my name and ask what was happening with me. He told me to hang on, and that he was also outside. Eldar got annoyed and began shouting, 'No, no,' and pushed me inside, pushed me into the isolation cell and pushed me away so that I wouldn't communicate with my husband."

Returning to Jasser Abu 'Omar, who now knows that his wife is being held in the isolation cell next to his:

"The next day they took me to interrogation. They said that if I admitted to everything they wanted they'd release my wife, and that she was in the isolation cell because of me. I said that if my wife was guilty of something, they wouldn't release her in any case, and if she was innocent, why were they using her to pressure [me]. They said that if she was guilty, they would release her as a humanitarian case because of the girls and her special situation. I refused to cooperate with them.

I tried calling to her when I returned from the isolation cell, and she didn't answer. On Friday, I didn't communicate with her. On Saturday night, she apparently didn't feel well. I heard her crying and I felt that she was suffering. She was on her way to the doctor at 4 or 5 a.m., and I began calling her. She answered: 'What's with you, my love?' I told her that she had to hold up and be patient, and that God was looking after the girls and that she should not worry. (I said that for no reason because really, who knew what would happen to them?).

My wife is sick and she has stomach pains. She takes medicine and has to eat according to a certain diet. Otherwise she gets a stomach ache. On Sunday morning, I asked officer Yihya what was happening with my wife, and he said that she was okay and being treated at the hospital. I didn't understand what they meant and what hospital they took her to. After the last birth, she suffered from stomach aches. She has a problem in her uterus, suffers terribly during her menstrual period. They claimed that they took her to the hospital and that she was in good condition."

However, Hawla Zeitawi testifies that at this stage, she was not faring so well. This is how she describes the chain of events that led her to the hospital, from the point when she was placed in the isolation cell:

"I remember that I went into the isolation cell alone. I collapsed and was crying hysterically. I prayed and sat down a bit. A policeman came and took me to the interrogation. They shackled my hands and put black glasses on my eyes and took me to the second floor for interrogation.

There were three interrogators in the interrogation room, Major Ivri and two others. The interrogators said that they knew I was active before I got married. That I needed to be a good mother and that they knew that it had been hard for me to get pregnant (indeed it's true; it took us four years to get pregnant). They said that I had to be good and responsible. They showed me a picture that they apparently took from the house, a picture from our wedding. They enlarged this picture and hung it on the wall. This was embarrassing because we were embracing. They asked, 'Why did you get married? To conceal the fact that you're terrorists? Fear for your girls!' Each time that they mentioned the girls, they said: 'Imagine what the big one, the two-year-old, Salsabil, what she's doing. What will she say when there's no mother and father..."

They asked if she [Salsabil] was asking about her father. 'The Major' drew his face up to mine and shouted loudly to frighten me. He said that we thought we were acting like heroes, that we [thought we] would save the nation.

Each time they mentioned my girls, I cried and screamed. They asked me if I knew who took the girls and where they were now. I really didn't know, because they gave them without my knowledge to whom and didn't tell me. They told me that my girls were now orphans, without a father and mother. The whole time they kept asking me to give them the computer or tell them where it was, and then they'd release me. That day passed until night, with them talking about the girls and making threats, and saying that I could just go on crying forever. They said that my husband had incriminated me and that I had nothing to hide, that they didn't need me, they didn't have any interest in me, but they wanted me to tell about my husband and the things on the computer. "They told me that I had to tell the story about the trip to Lebanon and the training with the Hizbollah. We did, indeed, go to Turkey, but we were never in Lebanon. They insisted that we stole from Turkey into Lebanon and that we underwent training, and I couldn't provide the goods for them, because we really didn't go to Lebanon. At the end of the day I said, 'Even if my husband is guilty of something, I'm not involved. What do you want from me?!'

They said that the next day, they'd check me on the polygraph, which is a machine that is scientifically based, and that it would discover the truth. I agreed to be checked.

In the evening, they let me off to sleep in the isolation cell. They put me into a cell with a woman named 'Umm Muhammad.' She convinced me to trust the machine and to say what they wanted (apparently she was a plant, put there to get me to talk). 'Umm Muhammad' also said that they had brought her there to put pressure on her brother, who was wanted.

The next day, they took me to a polygraph test. I was in a difficult condition because I hadn't nursed for two days, my chest hurt a lot, my stomach hurt a lot, and I was tired. They sat me down and asked questions, and I answered. It took maybe three hours. Then they said that there was a break. The break was for about ten minutes, and then they called me. The person ostensibly 'in charge' of the device said that he couldn't go on because I was lying all the time. He said that the device said that I was a member of a prohibited organization, and that I had broken the computer. He suggested that they take me back to the interrogation and that I'd surely confess. That it was worth my while to reach an agreement with the interrogator." I returned to the interrogation. And they went back to the same old song, saying that I was selling my daughters for Nasralla. I said that Nasralla was of no interest to me, and that I don't like Shi'ites, and that everything they said was incorrect. They showed me a picture of me and my younger daughter in my arms and said that I should have mercy on her.

The picture killed me; I cried until I couldn't go on. They said that I wouldn't see her until she was a teenager, and she wouldn't recognize me — she would think that I was an aunt or a grandmother. This is the picture that they showed me later, the one that broke me.

At the end of the search they had taken my husband's cellular phone. Among other things, they also took the flash that I was holding.

I cried no end, and they pressed on more and more and kept saying that my girls would only see me when they were teenagers. They asked me to help them so that they could let me go home. I said that I had broken the computer long ago. They didn't believe me. They said that we had gone to Lebanon. I denied it, and they didn't believe me and said that apparently I didn't love my daughters because I wasn't helping them.

In the end I said that I was willing to say whatever they wanted, if they would just let me go home. They said they would also do my sister in. She's in Kuwait — how they knew this, I don't know. They said that I would never see my parents (my parents live between Jordan and Kuwait). In short, I said that I was prepared to say and to repeat everything they wanted if they would just let me go and take me back home." The interrogator told a tale: He said that I was a student and that I had recruited my husband. I said: 'Okay, yes.' "He said that we had snuck from Turkey to Lebanon and that we underwent training. I said, 'Yes, right. Just send me home!' He said that there had been another girl. 'Say her name,' and I threw out some name. I chose a random girl's name. I said to myself that she had nothing to do with anything, and it wouldn't hurt if I mentioned her name. I mentioned the name of a girl I once knew, whose name

is Jada. He located her telephone and said: 'Is that her number?' I said 'Yes.' (He took it from an old phone book that they had taken from my house during the search). The whole time I was asking if they would release me if I said what they wanted. They kept saying yes, and that in fact they hadn't wanted to detain me in the first place. Eldar said that the State of Israel doesn't allow itself to look bad in the world, and for people to say that it took a mother and father into detention and left their two girls as orphans. Eldar said that they didn't even want me; they wanted my husband. That I should tell my version and they would immediately take me back home themselves. I should confess, they charged.

I was afraid. I believed that they indeed meant what they said. My husband had been in detention for a long time, and I was afraid that if they didn't get what they wanted, I would also be held for a really long time like him, and the girls would be abandoned. Everything that they wanted, I said. They said things and I confirmed them; I tried to make the picture look logical and acceptable, so that they would like it. They transferred me to write down a confession and said that as soon as I finished writing it, they would give me the phone handset and let me speak with the girls. A policeman named Hisham insisted that I write in my handwriting. He read from a printed page what had been said in the interrogation, and we wrote down every detail that was there. I understood that I had to go along with him and to write down exactly what he wanted according to what was on the printed page. I wanted to get it over with already. Everything he wanted me to confess on a matter relating to myself or my husband, I confirmed. I just wasn't prepared to incriminate other young people. That's what they wanted, and I refused. I signed my confession.

I asked them to pay their debt: to let me speak with the girls. They took me to the interrogation room. The phone was on speakerphone, and they only let me say that I was in Petach Tikvah and ask how the girls were. I called my sister-in-law, my husband's sister; I thought the girls were there. She answered and began to cry. She said that the little one refused to eat and hadn't made a bowel movement for three days! She said that she cried all the time and that they weren't letting her sleep at night. I asked about the big one, Salsabil, and she said that she was sleeping and that she was okay."My sister-in-law told me that she'd been to my house and looked for the silver and gold. I had 150 Jordanian dinar and two thousand shekels, and she couldn't find them! The gold from the wedding was also gone. During the interrogators' visit to my house, on the day of my arrest, they didn't say anything about silver or gold. The first time, the interrogator said that he saw silver and gold, and he asked me to confirm that everything was undisturbed in its place and that nothing was gone. The second time, he didn't do that."I wanted to speak with Salsabil, but she was sleeping. I asked the interrogator when I could speak with her. He said that today was Friday, tomorrow was the Sabbath, and that maybe we could speak on Sunday. I was returned to the isolation cell. 'Umm Muhammad' was there. I cried the whole time, because I felt that I had fallen and that I had brought down my husband.

I became hysterical. I began screaming and vomiting in the isolation cell. I felt that I was choking, that I had no air, and that my heart was beating very fast. I had a severe stomach

ache. Umm Muhammad also saw that I was about to die. She began banging on the door, and we both shouted for someone to take me to the doctor.

After I wrote my confession, they had taken me to the interrogator, Mikki, who said after my confession that on Sunday they would again take me to the polygraph in order to know whether I had spoken the truth, and if so, they would release me.

They came and took me to the doctor in the Petach Tikvah facility. The doctor did not know how to communicate with me and asked for someone to come translate. Eldar came to translate. I begged them to take me to the polygraph so that they would release me. He refused. The doctor spoke with him. I didn't understand what they were saying. I told them that I had a very strong pain in my stomach, that maybe I was pregnant because I was nauseous and had vomited. The interrogator said that they'd take me to the hospital. He took me back to the isolation cell, and a few minutes later, female police officers arrived, put shackles on my legs and arms separately and then connected the shackles to one another and took me to the hospital.

The shackles on my legs were very painful. Even when they did the ultrasound, they didn't release the shackles. They only removed the shackles that connected my feet to each other and my hands to each other. They put me in an examination room. They put me on the table, shackled, with a lot of women and men around me. I felt like an animal and not a person. They checked me in front of everyone. I felt humiliated and trampled. They're exposing my body and checking on the ultrasound in front of so many strangers."They didn't see anything on the ultrasound. They said that maybe I was pregnant, but it was too small, and hard to see on the ultrasound. They decided to continue checking. They asked me to give a urine sample so that they could check; I couldn't. Two policewomen and the doctor went with me into the little bathroom and wanted me to urinate. They pressured me, and suddenly I couldn't.

After more than fifteen minutes I could. They took the urine and checked. They said 'there's no pregnancy.' The entire move to the hospital was with shackles and my eyes blindfolded. They took me to a breast exam. They removed my blindfold. The doctor checked for lumps in the chest, feeling with his hands. It bothered me that it was a man who checked my breasts.

They sat me down on a chair on the side and again blindfolded me. They began asking about sensitivity to medications. They checked my temperature and pulse and said that everything was alright. They brought me back to Petach Tikvah, to the isolation cell.

At the beginning, on the way to the doctor, I heard my husband shouting. Apparently someone had told him that I was sick. He wanted to know if I was okay. I asked the policeman to tell him that I was okay."

Jasser Abu 'Omar describes the following events:

"I went on a hunger strike until they let me see her directly. I explained to them that she has no one in Israel. Her entire family is in Jordan, her husband [I] am in detention, and she has two

daughters. They refused to let me meet with her. I went on a hunger strike from Wednesday through Tuesday afternoon. I only drank, and sometimes had an apple.

On Tuesday, Major Avri told me that my wife had finished her interrogation. I was in the interrogation room. Suddenly they opened the door and my wife entered. She was sobbing and her face was red. I tried to calm her down. I spoke to her. The Major got angry, began yelling at me and immediately removed me. I apologized for angering the Major. I said that I hadn't meant to, because he should have told me not to speak to her if he didn't allow it. I asked him to bring her in again. I begged. He agreed, released my shackles and brought her in.

I asked if we could be together, and they refused. There were four interrogators and a female soldier there. I calmed her down a bit. She calmed down, but not totally. I asked them if they had beaten her or something. She said that they had promised to let her go when she finished writing the confession and then she would return to her daughters. I didn't have time to ask her if she had really been in the hospital. After a few minutes they took her away. I remained in interrogation until the evening.

Later, I asked to see my wife, and the interrogator said that he would think about it. Even now I'm willing to confess things, on the condition that they release my wife and return her to the girls. It's important to me that she leave here and return to the girls. When we met, my wife asked me if I was pleased with her. I understood from her that she had confessed things because she thought she was making it easier for me and taking things upon herself to lighten my own load. I don't know what [specifically] she was referring to."Returning to Hawla, who was being brought back from the hospital to the isolation cell:

I threw myself to the floor and wanted to speak. My legs were swollen from the tightness of the shackles. They hurt very much. Later, the person distributing the food said that the doctor had given me a pill to dry up the milk. I refused [to take it]. I said that I wanted to go home to nurse her and didn't want to dry up the milk! He got annoyed.

The next day, I was again checked on the polygraph. They prepared me for this, said that it was exactly what they were expecting from me. I said exactly what they wanted, and they promised that as soon as we finished they would take me to separate from my husband with a handshake, and we'd go home.

I was examined for hours. At the end they gave me a break and afterwards they said that I neither passed nor failed. That I was hiding things. They were referring to particular questions. I said that I had nothing to add. The person in charge of the machine advised me to cooperate with the interrogators. The interrogator took me again, and again I insisted that I had not been asked to carry out any missions. Then he gave up. I heard him speaking with someone on the phone. Major Ivri [said] I told him that I'd said everything there was. "The interrogator said that Ivri had promised something, and he wanted to follow through. He took me to the room next door, we went in, and I saw Ivri, my husband, and another interrogator. It was the first time I'd

seen my husband. He smiled and wanted to come towards me, but he was shackled. I cried the whole time, and he saw that.

My husband asked why I was crying, and Ivri went nuts and said that he heard me speaking and began shouting 'No, no,' and they took me out and brought me back to the interrogation room, to Eldar. I begged them to bring me back to him. We waited about half an hour. He dialed Ivri again and again, and Ivri agreed that they take me back. They brought me in to him, and this time he wasn't shackled. There were six interrogators surrounding us. Each one asked how the other was doing. My husband wanted to calm me down. He said that I had to restrain myself. He asked about my vomiting and how I felt.

He asked what had happened in my interrogation, and if I had incriminated myself. I said yes, that I had incriminated myself and gotten a raw deal. Suddenly he got mad and his eyes teared and he said: 'Why were you in such a rush to do that? Why did you incriminate yourself?' He asked if there were things they used to pressure me. I said that they promised to bring me back to the girls if I confessed. I also wanted them to hear that my confession wasn't valid. My husband kept saying: 'It's going to be okay,' and 'Calm down.' It lasted maybe five minutes, and then they took me to Eldar." I was exhausted. I was crying and I thought that I was going to choke. I asked them to tell the people in charge that I had said everything that they wanted, and that they had promised to take me home and they had to follow through. In the end, he said that from today, I could meet a lawyer, and I also understood that I wasn't on my way to freedom and that they had tricked me.

On Wednesday, they took me to the court. Attorneys Nizar and Safawn were there. They both said that I had a private lawyer whom my uncle had sent. A lawyer named Miriam Hevron. She didn't speak with me. I tried speaking with her, and she said 'Later.' They extended my detention until 15 February 2007. The judge and the translator said that I was being transferred to a prison and that they would soon bring my daughter to me."

These testimonies of husband and wife are corroborated by the testimony of a detainee named Ahmad Mounir Muhammad Barawi. While in detention at Sharon, Barawi met with Atty. Taghrid Shbeita from the Public Committee Against Torture in Israel. In addition to complaining about his conditions of detention, Barawi said:

"I want to tell you about a very unfortunate detainee who has a special story. His name is Jasser Abu 'Omar and his wife's name is Hawla Zeitawi. He has been under interrogation for 52 days and is prohibited from meeting with a lawyer. I met him this morning because the sewage overflowed in our room and they had to move us to another room, where Jasser was.

They aren't letting him meet with a lawyer; they threatened to kill his wife. Jasser said that they would bring in his wife and force her to incriminate him. That's how they threatened him. And in fact, we heard her last Wednesday night, when she arrived. They put her alone and we heard them calling to one another. The interrogator told Jasser that yesterday he extracted a confession from her that incriminated him. They [Jasser and his wife] can shout from a

distance and communicate by shouting. Yesterday, after the interrogator told him that she had incriminated him, he shouted and asked if she confirmed it.

The interrogators let his wife call home, to discover that the child (the baby girl) was sick. She asked them to bring her the baby so that she could nurse her; they refused. I know that he was taken to interrogation again today. Jasser asked me to tell his story if I met with a lawyer since he isn't permitted to himself. He asked me to ask for one favor on his behalf: to bring the baby girl to her mother so that she can nurse her, because they are both sick and suffering."<sup>38</sup>

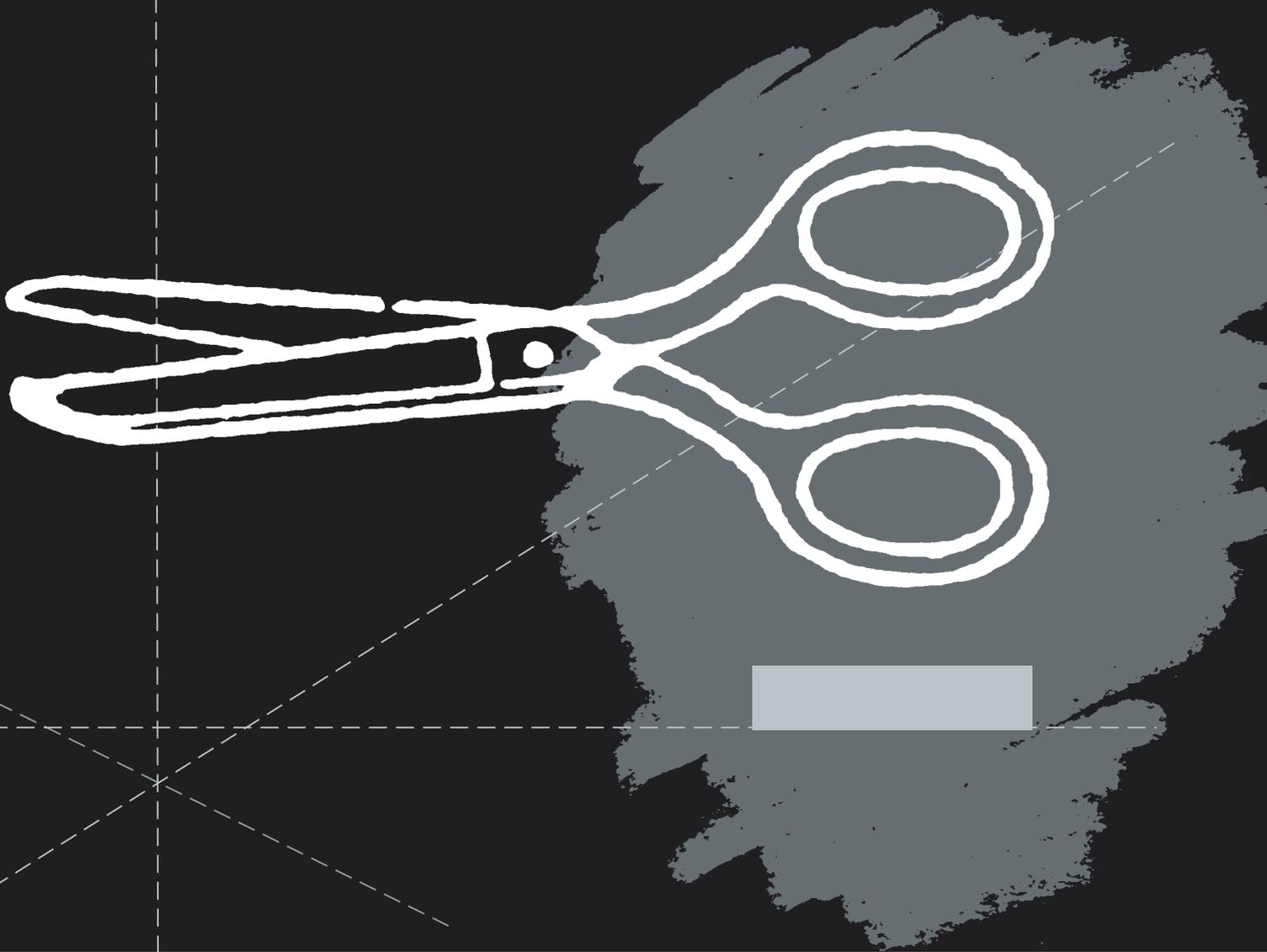
Following a plea bargain agreement, Hawla Zeitawi was ultimately indicted for membership in the Hizbollah; Jasser Abu 'Omar was given a similar charge. The prosecutor himself admitted to the court that in both cases "there was no actual activity"<sup>39</sup> in the organization, "except for the fact that they met with unidentified people whose identity is unknown to us and were instructed by them as to how to use the internet and encoded email."<sup>40</sup>

The only testimonial basis for the indictment was the couples' confessions which, as shown above, were obtained under unbearable physical and psychological torture, and whose reliability is therefore highly questionable. Even if what was stated in these confessions is the truth, however, this does not detract from the gravity of the GSS's manipulative use of this husband and wife against each another during their detention: bringing them together for a moment not for the purposes of obtaining information; casting them into neighboring isolation cells; cruelly forcing the husband to choose between confessing himself or continuing his wife's detention; presenting each of them with family photographs to break their spirits; and endlessly waving the question of their daughters' fate before them, hinging it on their cooperation with the interrogators. All these testify to anything but "moderate" psychological pressure on the couple through exploitation of their familial sentiments towards each other and towards their little girls.

38 From the affidavit of Ahmad Mounir Muhammad Barawi, taken by Atty. Taghrit Shbeita from the Public Committee Against Torture in Israel on 29 January 2007.

39 Trial protocol of 28 August 2007, file 1629/07, Samaria Military Court, p. 1.

40 Ibid.



**Case of R.N**

In this case the detainee testifies that his interrogators told him that his father was in detention, a statement that later turned out to be false. The case is particularly grave due to the detainee’s young age, 16. The European Commission of Human Rights and the European Court of Human Rights have already ruled that in order to determine the minimal level of severity that constitutes “torture, inhuman or degrading treatment” prohibited by the European Convention on Human Rights, the age of the victim, among other things, must be taken into consideration.<sup>41</sup> Following is the testimony of this young man, R.N., from the ‘Askar Refugee Camp near Nablus:<sup>42</sup> “On 2 May 2007 at 9:30, I was arrested at the Hawara checkpoint. The soldiers pointed their weapons at me and placed me in a small detention room near the checkpoint. After a number of hours, the soldiers took me towards a military jeep, tied my hands behind my back with plastic shackles, blindfolded me, and sat me down near the back wheel of the vehicle.

The soldiers found a missile and three explosive devices in the bag that I was holding. The soldiers exploded them while I was sitting next to the jeep. Twenty minutes later, my father arrived at the checkpoint with my uncle and aunt. I saw them from under the blindfold. My father began asking me: ‘Who sent you?’ The soldiers wanted my father to leave, but he insisted that I speak with him, and then the soldiers cocked their weapons and pointed them at him, and afterwards shot into the air.

Afterwards, they transferred me to the other side of the checkpoint, took me off the jeep, released the shackles, and removed my blindfold. A man wearing a blue shirt, with two girls alongside him in blue shirts, approached me. The man, whose description I do not remember but who had a Bedouin accent, said to me that if I moved he would shoot me, and he said: ‘Now confess everything and tell me who sent you.’ At first I told him that I was supposed to give the arms to a guy named Jabber ‘Aash, and then he said to me that that couldn’t be since he was wanted and never left Balata, and he said that I was lying and he slapped me. And then he said to me: ‘You wanted to be arrested so that you could do your matriculation exams.’ I told him that this was true, and then he slapped me again and took me behind the jeep, and there the soldiers tied my hands behind my back and blindfolded me and sat me down by a rock.

Afterwards, they took me to the waiting room at Hawara, sat me down on a rock, and bound my hands with a metal rod. The soldiers held me in the room until 9 p.m., and every three hours, they would take off my shackles for five minutes. While I was bound to the rod, a few soldiers posed for photographs with their feet resting on my head, while others posed with their weapons resting on my chest; and later, soldiers would come out of the nearby rooms and

41 *Ireland v. The United Kingdom* — 5310/71 [1978] ECHR 1 (18 January 1978), Series A No. 25 at para. 162.

42 The following testimony of R.N. (initials used to protect identity of a minor) is quoted from his affidavit of 20 August 2007, taken by Atty. Maher Talhami from the Public Committee Against Torture in Israel.

throw small stones at me. The whole time that I was held in the room, the soldiers didn't bring me water or food. The soldiers who were around me didn't speak Arabic, and one of them, who understood that I wanted water, brought me a cup of water, but I refused to drink since I managed to see that the liquid in the cup had a pink color.

The next day at about 9:30 a.m., they took me together with another detainee named Fuad to the interrogation facility at Petach Tikvah. The warden who went with me to the interrogation room sat me down on a chair attached to the floor and bound my hands behind my back to the chair. In the room, there was an interrogator who identified himself as Amos. Amos read me a form with the detainee's rights and obligations, which I did not agree to sign, and told me that I was prohibited from meeting with a lawyer.

He interrogated me regarding the arms that I was caught with, who I intended to give them to, and who had given them to me. I told the interrogator that I intended to give them to 'Aash and then he said to me: 'What, are you trying to fool me? You think that I'm a little kid?' and he punched me on the chest. The interrogation continued until 1:30 p.m., and afterwards they took me to isolation cell number 6. At 9 p.m. they brought to the isolation cell another detainee named Mouhanad Za'atar, from Nablus, and we were held in this isolation cell for six days.

The isolation cell was 1.5 x 2 meters. In the cell, we lay on mattresses. It had a hole for performing our necessary functions. There was no shower in the cell, the light was weak, a yellow color, lit for 24 hours a day, and the walls of the cell were rough so we couldn't sleep.

In the isolation cell next to ours were two other detainees, and later, I found out through another detainee that they were collaborators. They would speak with us through the pipe that connected between the two cells, and then they would tell us that there were witnesses against us, and if we didn't confess, they'd leave us in the cell for 90 days.

After six days, when the other detainee and I were in the isolation cell without interrogation, we got fed up with being held in the cell. I felt suffocated and exhausted. Then we asked the warden to take us up to interrogation so we could confess.

That same day they took us up to the interrogation room. At the beginning of the interrogation, they tied me to the chair, but after about 10 minutes, they released me and I sat unencumbered. Amos interrogated me for two hours, and he showed me pictures of me with my friends, who were wanted, and he said that my father was in detention at Hawara (which I later found out to be a lie) and threatened that they would also arrest my grandmother if I didn't confess. During this interrogation I confessed to everything, and I told the interrogator who had sent me and who I had intended to give the weapons to, and I confessed to other things as well. I decided to confess because of the stress I felt as a result of being held in the isolation cell, and since I was afraid that they would keep my father in detention and that as a result he would not be able to support the family.

On the eighth day of the detention, I was transferred to the military court in the Kishon detention facility and there my detention was extended by eight days. I was not represented by a lawyer

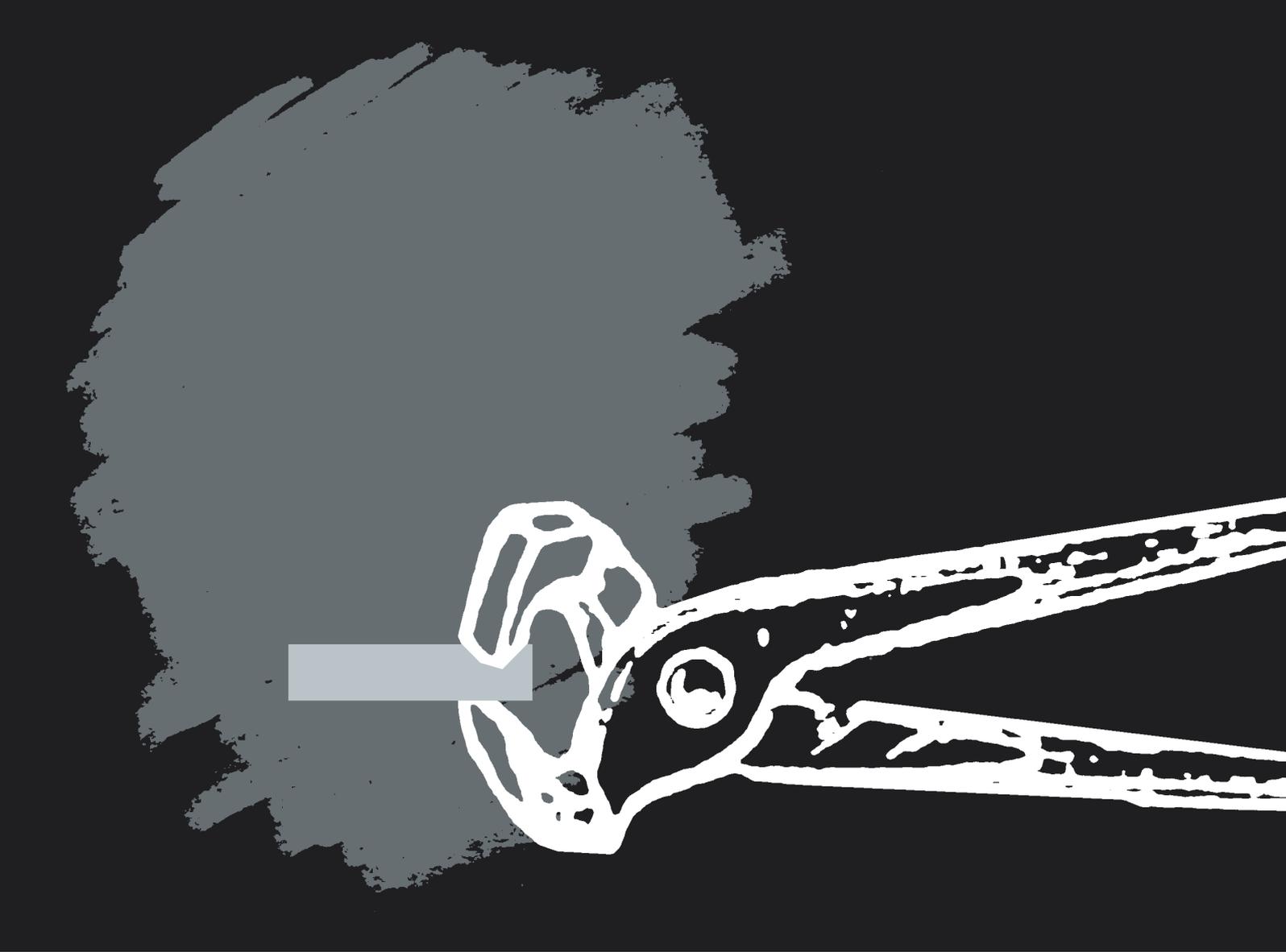
in the trial, and I don't remember that they told me that I was prohibited from meeting with a lawyer. After the trial, they transferred me to the collaborators' wing at Kishon. I thought that my interrogation was over, but later I found out that I was in the collaborators' wing. I was held there for three days.

In this wing, I was kept in the isolation cell alone, and the collaborators would talk with me through the window of the door. One of them was named Abu Islam. On Sunday, I told him everything I had said in interrogation, and on the second day, I told him another thing that I hadn't said in the interrogation. And then I began to be suspicious of him, and I asked him to put his hand through the opening. I tied his hand with my shirt, and then he called to the wardens and the other collaborators, and a warden came and opened the door for them, and they came in and beat me all over my body. The collaborators were Abu Islam, Abu Taha, Abu Khaled, and one named Hader. The warden left after opening the door for them.

On the third day, Abu Taher told me that they were transferring me to the juvenile wing, but in fact I was transferred to Petach Tikvah. I was held in Petach Tikvah for about four days. Amos came there, interrogated me, and I confessed to the things I had told the collaborators. On the second day, they extracted another confession from me.

On the fifth day, they transferred me for [an] extension [hearing] at the military court in Petach Tikvah, where my detention was extended by 16 days. In this hearing, I was represented by a lawyer. On that same day, I was transferred to the Sharon Prison. After 16 days, my detention was extended by another eight days, at the end of which charges were filed against me. On 7 August 2007, the charges were read aloud and I pleaded not guilty."

At the time of writing, plea bargain negotiations were underway for R.N.'s case. The crimes of which he was accused: membership and activity in an unlawful organization, assisting a criminal, and plotting murder. R.N. did not confess to any of these. Even if he did perpetrate them, there was no justification for misleading him to believe that his father was in detention, nor was there justification for the threat to arrest his grandmother if he didn't confess. These are forms of psychological ill-treatment of the detainee and were utterly unwarranted.



## **Case of the Sawafta Family**

In this case, the detainee provides testimony about repeated threats to arrest his parents if he does not satisfy his interrogators, after which he is brought to see his parents at the detention facility. The descriptions of the harsh physical violence to which he was subjected during his stay at the detention facility are presented in great detail since they are inextricably linked with the psychological effect of the threats to detain his parents, and the very sight of his parents at the facility. The detainee is Jalal Khaled Muhammad Sawafta of Jenin. We will begin with the testimony of his mother, Samia Sawafta, which illustrates the exploitation of familial sentiments from the stage of the arrest:<sup>43</sup>

“On the evening of Jalal’s birthday on 1 February 2008, army personnel arrived at our house at 2 a.m. One of them shouted to open the door. My husband opened the door for them and an army person asked for everyone to step outside. He said that if anyone remained inside the house, they’d shoot him. I was forced to wake everyone up (I have six daughters and two sons), and we all sat in the street. He entered the house. They were very muddy, they made a mess, and left a lot of dirt. During the searches, they asked about Jalal. My husband said: ‘Jalal is a good boy.’ The officer said to my husband: ‘Bring me Jalal, or else I’ll bring him to you in a bag.’ He meant a corpse in a bag. He stayed, searching, until 4.30 a.m., and left, after returning and threatening that if we didn’t turn Jalal in, he’d come home in a bag.”

Following is the testimony of Jalal Sawafta himself:<sup>44</sup>

“I was arrested on 1 February 2008 because I understood from my mother that they had come to arrest me on Thursday and hadn’t found me at home. My mother asked me to turn myself in, so I went and turned myself in at the Salem checkpoint. I went up to the soldiers and told them and asked to turn myself in. The soldiers called in and then took me to the camp. The soldiers tied my hands in front with plastic shackles and blindfolded me. They sat me down outside. A jeep arrived with soldiers to take me. Before that, I was examined by a doctor. I said that I had no ailments. (A female physician). During the examination, the doctor took off my blindfold and a soldier cut my plastic shackles.

They took me to another office, searched me, asked me about the thing they were arresting me for, and told me what the accusations were against me. I denied them. From there, a jeep arrived and took me to Jalameh. Again they searched me and had me put on prison clothes, upon which they immediately took me to the interrogation room upstairs.

43 The following testimony of Samia Sawafta is excerpted from her affidavit taken on 10 March 2008 by Atty. Taghrid Shbeita of the Public Committee Against Torture in Israel.

44 The testimony of Jalal Sawafta is excerpted from his affidavit taken on 20 February 2008 by Atty. Taghrid Shbeita of the Public Committee Against Torture in Israel.

When I entered the interrogation room, there were a number of guys in civilian clothing. They asked questions. I answered some. From the first day they said that they were from the GSS and that I was under military interrogation. They sat me down on a chair attached to the floor. They shackled my hands behind the chair, and shackled my legs. At first, they asked questions while I was sitting on a regular chair with my legs shackled and my hands free.

After they saw that I wasn't answering some of the questions, they said that if that's how you want it — I was going to talk now, and then they switched me to a chair attached to the floor, and shackled me from behind, and the show began. The shackling from behind was hard and tight. It was hard for me to move. Already on Sunday when I hadn't answered, the interrogator had changed my position and seated me with the back of the chair to my side rather than behind me. An interrogator confined my legs with a chair and with his legs pressing down on my legs inwards into the chair, and pressed my back backwards. My hands were tied behind me with metal shackles. At first, I sometimes tried to lift myself up when it hurt, and afterwards, I couldn't do it any more, even when he asked me to lift myself up.

In this position, with my back leaning backwards, my hands shackled and my legs confined and pressed into the chair, I began to sweat a lot. I felt a desperate thirst, and my back hurt very much. Even when I tried to lift myself up, the interrogator would throw me backwards, and I had no strength to resist. It's hard for me to gauge how many times they did this to me — countless times. They used this method every day for six-seven days, every day from the morning hours until late into the night, and then they would take me down for a few hours to the isolation cell and after some time, it would begin anew.

Sometimes they used a different trick: they sat me down on a regular chair, and behind me was a table slightly higher than the chair, and then they would pull my arms backwards, put them on the table in a painful stretch, and leave them like that for a long time, shackled behind me. Sometimes the interrogator asked me to bring my stretched arms down onto the table from behind, but I couldn't. As this drill went on, I lost feeling in my arms. I felt that I didn't have any arms to pull up from the table. As if they were paralyzed. They just didn't move.

Sometimes the interrogator decided to change the drill, and reverted to the first one. On the second or third day, they brought a new kind of metal shackles — the ring looked bigger. They shackled my hands from the arms, on both hands (between the root of the hand and the elbow). Two interrogators each pressed down on the ring of the shackle on my arm — both of them pressed together. This caused me horrific pain. Of course, these shackles were in addition to the regular shackles that were on my hands the whole time. I shouted and it didn't help me.

They did the drill with the large shackles twice on the second day, and again two days later. Between every question and answer that they didn't like, they performed one of the drills that I mentioned. To this day, I have a pain in my chest, particularly because one day when they did the bending backwards drill, one of them came and dug his knee into my chest, pulled my two shoulders towards him with both of his hands, and pressed with his knee onto my chest. I felt like my ribs were breaking. I shouted the whole time.

On the sixth day in military interrogation, after they had threatened for days to arrest my father and mother, on the sixth day they brought in both of them. One day they blindfolded me and took me to another room, removed the blindfold, and then I saw mother and father sitting there on the sofa in the room, opposite me. I shook their hands. And through my father, the interrogator began pressuring me to talk about the booby-trapped car. My father asked me to admit to everything. I said that I'd told them everything and that I didn't know anything about where the car was.

I was trembling all over and my mother was crying the whole time. The interrogator told my father that if I didn't speak and there was a terror attack, they'd demolish his house. I wasn't cold, but I shook. After ten minutes, they took my parents out and I stayed behind. They asked if I was sure that I had nothing else to add. I said yes."

Jalal's mother, Samia Sawafta, also gave testimony regarding this encounter contrived by the GSS between the detainee and his parents:

"When they called our house and said come, both of you (my husband and I), Jalal wants to see you, I was happy because I really wanted to see my son and to know what was happening with him. We took a cab and went to Salem. We handed in our identity cards and waited. After a body search, we went in. I thought that soon they would take us in to see Jalal, but they took us to a car, without telling us where it was going. Only after we came back and told people did we understand that we had been at Jalameh.

We got to a certain place, they let us out, and we went with an escort of about five people in civilian dress. We went up some steps, and they took us to a room with armchairs that looked like an office. There were another three-four guys who were standing the whole time, in addition to the interrogator who sat across from us. He was the one running the show.

After a few minutes, the interrogator asked if we knew why we were there. I said: 'Yes, we know. We came to see Jalal.' He said, 'Yes, you'll see him, but we want your cooperation, because Jalal is 24 but he's not so mature. For his good, he has to say everything that he knows. You'll have to convince him.' He added that Jalal thinks that he's a hero and that he had information that he wasn't divulging, and that soon they'd bring Jalal to us, and we would have to find a way to convince him that he was making a mistake. And then he said: 'I ask that you not use violence against him or beat him.' I was surprised. I was so longing to see my son and that interrogator thought that I was going to beat him to force him to say what they wanted. The interrogator said, 'Jalal will come in any minute. Shake his hand and kiss him, without hitting.' He added that we should know that Jalal was being accused of something grave and that he was convinced that Jalal was lying.

After saying all that, the interrogator said to one of the men present: 'Go bring Jalal.' The man asked 'Shackled?' And the interrogator said, 'No, release them.' After a few minutes, they brought in Jalal. His escort held him and helped him stand and walk. Jalal was unable to stand and walk. The escort let him go and gave him to his father, and then they embraced

and kissed. Jalal turned to me, and then I hugged and kissed him. He was shaking terribly. He wasn't capable of speaking or standing, and I sat him next to me on the sofa.

I saw that his hands were swollen. I kissed his hands and I felt that he was trying to clasp my hand and that he couldn't. After making an effort, using both hands, he took my hand and kissed it. He put his hand on my hands, tried clasping my hands to show warmth, but couldn't. I don't understand why. I felt his hands but there was no strength in them.

I hugged him. He was shaking a lot and tried to close his open coat. Under the coat he was wearing a t-shirt. I wanted to see if there were marks on his body. From in front I couldn't see, but I looked at his neck from behind — I bent him down to me and looked. I saw black-and-blue marks on the area between the neck and the shoulder.

I asked him how he was feeling. He couldn't speak well. He was shaking so much and couldn't talk. Because of the shaking, I thought he was cold, or that he had a fever. I asked him if they were torturing him, if they were leaving him outside at night and pouring cold water on him (the nights were very cold at the time). Jalal didn't answer. The interrogator began laughing and making fun of my questions.

The interrogator said: 'Here's Jalal. Tell him why you came. You know why you're here. Talk to him.' Jalal's father said to him: 'Tell them everything and get the matter over with.' Jalal spoke with great effort: 'I said what I know, but they want things that I don't know about.'

I asked: 'What about the car, son, tell them.' He swore that he had told everything he knew: Friends asked him to find them a storage place for a car, and he himself had never seen the car and hadn't looked for a shed. That's all there was.

I said to the interrogator: 'My son isn't lying. He's telling the truth.' The interrogator asked how I know. I said: 'When I hugged him I felt that he was telling the truth, and he can't make a false oath to God in front of his mother. Therefore I'm sure that that's all he has to tell.'

The interrogator said that it wouldn't work. I said: 'What do you want? For him to confess to something he didn't do, and then you'll be pleased?' The interrogator got annoyed and said: 'You and your husband and the entire neighborhood you come from make no difference to me. I'm prepared to destroy the entire neighborhood to get to that booby-trapped car, whatever the price. If that car makes it into Israel and explodes, we'll destroy his house and the house of everyone who knew.'

It seemed that they'd given up on Jalal confessing. Jalal stayed in the room. We said goodbye to him and went out. We went down to the car that had taken us to Salem. The interrogator said that they don't bring parents every day. He does it rarely, but he knows that Abu Jalal educated his sons well and that they were disciplined, and therefore, he chose to bring us to sway him and convince him.

From Salem we went home. I felt like I was dead. I felt that my son had experienced severe torture. I saw marks on his body and I had a feeling that my son was gone. That night I dreamt

that Jalal was angry with me. Muhammad my son tried to calm me and said that it wasn't true, that Jalal wasn't angry. I keep imagining him, dreaming about him. In the dream I ask him if they're torturing him, and he says that [the torture is] more than I think, much more severe than what I saw.

Jalal's father isn't functioning. Most of the time he sits and cries like women do. I beg relatives, his brothers and his brothers-in-law to take him, to get him out of the house, so that he won't go crazy."

Returning to Jalal Sawafta, who testifies to the chain of events in his interrogation and detention following the meeting with his parents:

"The nightmare went on for six-seven days, and then, on this last day, they confronted me with a young guy, in detention, who had apparently told them that I knew the location of the booby-trapped car. They said that he had changed his mind, and on the second day he had said that I wasn't connected and I didn't know the location. They brought me and he apologized to me for getting me into a mess. They said that it was over, that I'd completed the interrogation, and after a few days of being alone in the isolation cell, I was taken to write a confession. They understood that I didn't have anything to add.

They wrote a confession in my name because by then I couldn't write due to the pains in my arms and the limpness of my hands. After the confession, I asked to see a doctor. They took me to the doctor. At that time, I couldn't even lift a cigarette between my fingers. My hands were swollen and red. The infirmary doctor at Jalameh looked and asked them to take me to a doctor at a hospital.

The female doctor checked my arms and my chest and said that it would pass with time. The male doctor didn't speak Arabic, nor did the female doctor.

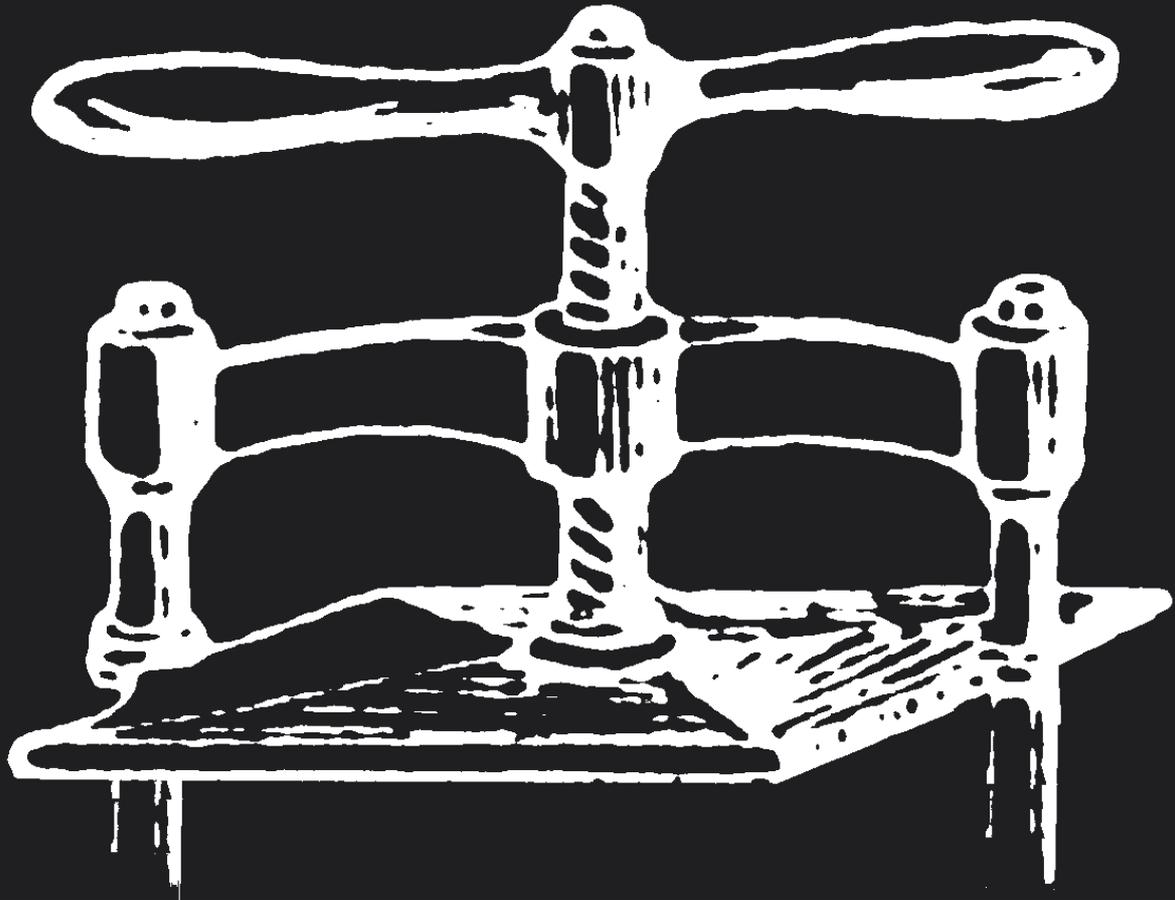
They brought me back to Jalameh to the isolation cell. Now and then, they would bring in to me another detainee, then take him out. I remained there for two to three days without any interrogation, and then they came and said: 'We're done. You're moving to Meggido.'

After a week at Meggido, they said that I was having a visit. I went out and thought that I was being transferred to another wing, but what happened was that I found myself being returned to Jalameh. When we arrived at Jalameh, I was in the isolation cell for a few hours, and then I was taken to an interrogator. He asked a number of questions to emphasize the matter, questions that I had already answered. After some time, he took me down again, returning me to the isolation cell, and two hours later he came and got me again. He showed me the picture of a particular young man on the computer, asked if I recognized him, and I said no.

Today also, at around 10 o'clock, they took me and wrote down a new confession. Again the policeman did the writing himself because I was still unable to write. These are the only two written confessions I gave, and that's it.

About half an hour later when I returned from writing that day's confession, they came, took me, and said that there was an attorney who had come to meet me, but they took me back along the way and said, 'Later.' About three-four days since my detention, they said that I couldn't meet with a lawyer, and they never said when it would end. Just yesterday I saw a lawyer about the extension of my detention by 15 more days.”

At the time this report was written, no charges had yet been filed against Jalal Sawafta. This appears to be a case in which recruitment of family members against the detainee, besides being illegitimate in itself, also failed to 'break' the detainee, i.e., to extort from him the desired confession. Needless to say, this means of interrogation remains illegitimate even in those cases where it does succeed in 'breaking' the detainee. The illegitimacy of this means is derived not from its results, but from its very use.



## **Summary and Recommendations**

As can be seen from the cases discussed in this report,<sup>45</sup> torture – physical and psychological – continues in the State of Israel, even following the High Court of Justice’s ruling of 1999.<sup>46</sup> Beating and kicking, shackling, and painful positions such as bending the interrogee’s back (or the “banana position”), for example, are still used; the degrading and violent treatment of other kinds continue to occur in interrogations; detainees are still sent to isolation cells; and interrogees are still deprived of sleep.<sup>47</sup> All this is highly relevant to the topic of psychological torture. Under the adverse circumstances with which an GSS detainee must cope in general, and particularly because of the physical torture or ill-treatment during interrogation, the detainee’s very exposure to a family member at the detention facility is enough to arouse his grave concern about his relative’s fate. It is not necessary to make explicit threats regarding the horrors that will befall the interrogee’s relative if he does not cooperate.

This situation, of course, also constitutes ill-treatment of the family member. Sometimes relatives are enticed to the detention center – to bring a change of clothes to their detained relative (see the Sweiti family case),<sup>48</sup> or for odd excuses such as “morning prayers” (see the Diab family case), for example.<sup>49</sup> The relatives anticipate seeing their loved one, and it does not occur to them that not only will they not see him, but that they are going to be used against him. The deceived family member becomes a tool in the hands of the interrogators. He is transformed from a human subject to a human object, exploited to achieve an objective that he opposes. He is degraded, sometimes also tortured, and cruel manipulations are used against him that link the fate of his relative to the outcome of his interrogation (see the case of the couple Jasser Abu ‘Omar and Hawla Zeitawi).<sup>50</sup>

Some of the cases involved extremely grave charges against the detainee, and some involved less serious charges. Whatever the severity of the charge, however, and whatever the outcome

45 Previous reports of PCATI reach the same conclusion. See *Flawed Defense: Torture and Ill-treatment in GSS Interrogations Following the Supreme Court Ruling, 6 September 1999 – 6 September 2001*, Jerusalem, September 2001; *Back to a Routine of Torture: Torture and Ill-treatment of Palestinian Detainees during Arrest, Detention and Interrogation*, Jerusalem, June 2003; *Ticking Bombs - Testimonies of Torture Victims in Israel*, Jerusalem, May 2007. Another relevant report is *Absolute Prohibition: The Torture and Ill-Treatment of Palestinian Detainees*, Joint Report of B’Tselem and HaMoked: Center for the Defence of the Individual, Jerusalem, May 2007.

46 See note 5, above.

47 The reports mentioned in note 45 above revealed, among other things, means of torture such as exposure to extreme heat and cold, constant exposure to artificial light, deprivation of basic needs during “prolonged interrogation” such as food, water, access to a bathroom and medical care, as well as violent shaking.

48 Page 11 above.

49 Page 24 above.

50 Pages 42–56 above.

of the trial (it should be noted that the accused may ultimately be exonerated), exploitation of family members and psychological ill-treatment of the detainee are prohibited and unacceptable in a democratic society based on human dignity. Furthermore, it is impossible, in any case, to know if the confessions and information obtained under such circumstances are true.

The Public Committee Against Torture in Israel informed the Attorney General of these six cases in the framework of a complaint containing a larger number of cases,<sup>51</sup> and also as individual complaints in certain cases.<sup>52</sup> In response to the specific complaint regarding Mahmoud Sweiti, the Attorney General's chief assistant, Attorney Raz Nizri, wrote that the Attorney General accepts the following principles:

Detention of an interrogee's family member is permissible when it involves the same criminal matter, and there is a legal basis for detaining the family member. Under such circumstances, the GSS sees no reason why one family member should not be aware of the other's detention, including having them meet.

As a rule, in a situation where the detainee's relative is not in detention, and there is no legal basis for detaining him, it is improper to present the interrogee with a scenario whereby it appears that his relative has been detained.<sup>53</sup>

This response is unsatisfactory and problematic. First, the nature of the "meetings" between the interrogee and his relative is difficult to understand. This is not a legitimate maneuver such as confronting one suspect with another suspect (under controlled conditions) in an attempt to arrive at the truth (in the Diab brothers' case, the mother even explicitly requested to be taken to confront her son, and the interrogators refused.), but is an interrogation maneuver specifically intended to give the detainee the impression that his relative has also been detained by the GSS, with all that entails regarding the treatment to which that relative is being subjected.

As the cases presented here illustrate, such "meetings" between family members at the detention facility are fleeting and often one-sided: a glimpse through a keyhole, a peek through a window, sometimes a brief glance without eye contact. It is clear that the GSS's conscious, intentional objective is to use family members to cause the interrogee psychological pain that will break his spirit and lead him to confess to crimes or divulge information. The message of

51 Letter of 30 October 2007 from Attorney Rachela Eral, of PCATI, to Attorney General Menachem Mazouz raising the general question of exploitation of family members in interrogations and discusses the cases involving the Diab family, the couple Jasser Abu 'Omar and Hawla Zeitawi, and 'Ali 'Abd and his mother Fathiya Shbeita.

52 Letter of 11 April 2007 from Attorney Eral to Attorney General Mazouz regarding the Sweiti family; letter of 29 May 2007 from Attorney Ran Gafter Hermesh, of PCATI to Attorney General Mazouz regarding the couple Jasser Abu 'Omar and Hawla Zeitawi; letter of 5 September 2007 from Attorney Samah El Hatib-Ayoub, of PCATI, to Attorney General Mazouz regarding the minor R.N.; letter of 26 November 2007 from Attorney Eral to Attorney General Mazouz regarding Jalal Sawafta.

53 Letter of 11 July 2007 from the Attorney General's Office to Attorney Eral.

the GSS is clear: do as we command, or your relative will suffer. Such intentional stimulation of psychological suffering for the sake of extracting information or a confession and the use of family members as a tool for causing such suffering are forbidden and illegal. They constitute punishment or ill-treatment of both the interrogatee and his relative, which is prohibited by international law whatever the circumstances. As a result, be Attorney Nizri's pretext “legal” or not, it makes no difference in this context.

The cases of Mahmoud Sweiti and ‘Ali ‘Abd prove the intensity of suffering resulting from the use of this method: the very thought that their parents were being detained by the GSS made these detainees suicidal.

The second problem with Attorney Nizri's response is that the expressions “the same criminal matter” and “a legal basis for detention” are vague, sweeping concepts that can be easily exploited by the authorities to arrest a person for the purpose of abusing his relative. This concern grows in light of the broad interpretation given by the military courts, and even more so by the investigating and prosecuting authorities, to broad, catch-all offenses such as “giving refuge” or “membership in a hostile organization.”

The expression “as a rule” (“As a rule ... it is improper to present the interrogatee with a scenario whereby it appears that his relative has been detained”) in Attorney Nizri's response raises further concern. The GSS's system of torture operates on the understanding that while torture and ill-treatment are prohibited in general under Israeli law, the Attorney General – according to the interpretation of the High Court of Justice – has the authority to exempt from punishment, even from standing trial, interrogators who used torture in a situation of immediate need to prevent harm to persons, because they were sheltered under the shadow of the “defense of necessity.”<sup>54</sup> The “need,” therefore, offers a pretext or excuse for every wrongdoing, and PCATI fears that for good reason the Attorney General began with the words “as a rule,” this to make it possible, in “exceptional” cases, to create a situation in which the family member is detained even if there is no “legal basis for detention.”

What is, in fact, the appropriate legal response to this phenomenon? Israel ratified the UN Convention against Torture, the International Covenant on Civil and Political Rights, and the Geneva Conventions. All of these instruments state an absolute prohibition against torture and other forms of ill-treatment, both physical and psychological. However, these instruments have never been integrated into Israeli law through Knesset legislation. Israeli domestic law does not define torture as a specific crime, nor does it include an absolute prohibition against torture and ill-treatment. Nevertheless, this should not be deemed a silent stamp of approval for the psychological torture discussed in this report. There is no doubt that most of the acts perpetrated against the detainees' family members are criminal offenses, coming within the prohibition on the use of threats by a public servant to extract an admission or information, or

54 See, *Ticking Bombs - testimonies of torture victims in Israel*, Jerusalem, The Public Committee Against Torture in Israel, May 2007.

psychological abuse of a helpless person.<sup>55</sup> In addition, they contravene the Basic Law: Human Dignity and Liberty, which prohibits disproportionate harm of a person’s dignity and liberty.

Despite the High Court of Justice’s ruling, which unequivocally holds that GSS interrogators do not have the authority to harm a detainee or ill-treat him, and despite international law, which negates any justification for torture or ill-treatment during interrogation, a system of automatic immunity for GSS torturers has evolved that also covers acts such as use of family members as a means of interrogation. Complaints against GSS interrogators – including those filed in the cases discussed above – are forwarded by the Attorney General for examination by an internal GSS appointee. This appointee, charged with examining the complaints of interrogees, consistently recommends that the files be closed without a criminal investigation and without disciplinary or criminal action against the interrogators, and his recommendations are regularly accepted by the Attorney General and the State Attorney’s Office.

This de facto immunity, which protects GSS interrogators who use torture, is further extended to protect physicians who take part in the system of torture. Confronting the severe physical injuries that are clear evidence of the torture suffered by detainees, these physicians turn a blind eye to the circumstances in which the injuries occur and decline to speak out against the violence, or to recommend a protracted period of rest and recovery and absolute cessation of violent conduct against interrogees. Rather, they approve the interrogee’s return to the violent routine of the interrogations, knowing full well that he will consequently require further medical care, and the process repeats itself. In so doing these physicians are accomplices to a crime and must be held no less accountable than the direct perpetrators, the interrogators.

In its ruling, the High Court of Justice left an opening for the GSS and the police to use “various machinations and specific sophisticated activities.”<sup>56</sup> However, a “machination” in the form of an interrogatory ruse that involves psychological ill-treatment of a detainee and innocent family members is not “sophisticated,” but is a brutal act that clearly contradicts the Court’s own ruling.

PCATI recently sent a written demand to the Attorney General to issue a positive, unequivocal statement regarding the prohibition against psychological torture that uses family members as a “machination” to apply psychological pressure in interrogation.<sup>57</sup> In particular, PCATI called upon the Attorney General to issue a clear order to all authorities engaged in interrogations in Israel specifying that henceforth:

- Intentional psychological harm against an interrogee, by using family members as a tool for applying pressure during an interrogation, is prohibited;

55 Offenses under sections 277(2) and 368C of the Penal Law, 5737 – 1977.

56 See note 5 above, at para. 23.

57 See note 51.

- Detention of an innocent person for use as a tool in the interrogation of others is prohibited. In particular, it must be emphasized that an interrogee's relative is not to be arrested on the pretext, for example, of such having given refuge to a wanted person or having aided him with food, clothing or shelter, when the clear purpose of the detention is only to exert psychological pressure on a relative under interrogation;
- GSS interrogators do not have the authority to use machinations that inflict psychological pressure that amount to torture or ill-treatment under international law, and interrogators who employ such machinations are not to be exempted retroactively from trial and punishment.

Needless to say, even such guidelines on the part of the Attorney General cannot take the place of an explicit prohibition against torture, enshrined in Israeli legislation, as defined in the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Grave as the suspicions may be against interrogees, they and their families are also human beings, and a democratic, law-abiding country does not have the right to violate their humanity. Therefore, PCATI further recommends:

- Ensuring that every detainee be allowed to exercise his basic right to meet with a lawyer from the day of his arrest onward, so that he will not be isolated and can complain of ill-treatment or torture in his interrogation and receive legal counsel that may mitigate the effect of the threats against and exploitation of his family;
- Ensuring that the complaints of every interrogee regarding psychological or physical ill-treatment by his interrogators are given a thorough, expeditious and transparent investigation by an independent investigative authority, not subject to GSS dictates, and unbiased, and that persons responsible for psychological or physical ill-treatment of an interrogee or his relatives face criminal prosecution;
- Ensuring that the entire course of security interrogations – including the use of detainees' relatives – is documented on video;<sup>58</sup>
- Ensuring that the military prosecutor's office does not request the detention of relatives against whom there is no reasonable suspicion they have committed an offense, and against whom there is no substantive reason to detain them other than for the purpose of obtaining information against the detainee's relative.<sup>59</sup>

58 The Criminal Procedure (Interrogation of Suspects) Law, 5762 – 2002, requires video documentation of all interrogations of serious crimes. However, this law does not apply to the GSS, unless the Minister of Public Security issues an order, with the approval of the Knesset's Constitution, Law, and Justice Committee, to expand the law to apply to the GSS. In addition, the law does not apply to security interrogations that took place prior to July 2008, and the Ministry of Public Security has already requested that the law take effect even later.

59 As in the case of Kauthar Diab, above, p. 18.

In the international arena, PCATI recommends that the State of Israel:

- Adopt a new, cooperative approach with professional UN institutions engaged in safeguarding human rights, and make use of their experience, expertise and assistance to improve the supervision of conditions of imprisonment and interrogation methods in Israel. It is particularly recommended that, as an immediate step, the UN Special Rapporteur on Torture be invited to Israel and that state authorities open all detention and interrogation facilities for him to visit and allow him to speak freely with every detainee with whom he wishes to speak;
- Sign the optional protocol to the Convention against Torture,<sup>60</sup> which enables professional, independent supervision, local and international, of the actions taking place in detention and prison facilities;
- Establish, in accordance with the aforesaid protocol, an independent body with unlimited access to prison and detention facilities in general, and to GSS interrogation wings in particular,<sup>61</sup> to monitor the safeguarding of the detainees' and prisoners' human rights.

60 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.

61 The Minister of Public Security appoints independent persons to serve as official visitors in prison facilities (attorneys from PCATI served as official visitors in 2007), and regular inspections are conducted by the Public Defender's Office and the Israel Bar Association. However, none of these organizations is permitted to enter GSS interrogation wings inside the detention facilities.