



Communication by The Public Committee Against Torture in Israel To the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel

Preamble

[The Public Committee against Torture in Israel](#) (henceforth: **PCATI**) was established in 1990 and has continuously sought to abolish the use of torture in Israel. We protect any individual harmed during interrogation, demonstration, detention or incarceration; we represent Israelis, Palestinians, refugees and immigrants who were subjected to torture, or to cruel, inhuman or degrading treatment at the hands of Israeli authorities, including the Israeli Military, Israeli Police, the Israeli Security agency (henceforth: **ISA**, also known as Shin-Bet) and the Israeli Prison service (henceforth: **IPS**).

In accordance with its mandate, PCATI has closely monitored and observed the circumstances leading up to the violent escalation in the occupied Palestinian territory, including East Jerusalem (henceforth: the **oPt**) and Gaza, and especially within Israel proper, during March-May 2021; and appreciates the opportunity to present its finding to the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel, established under the Human Rights Council Resolution on “Ensuring respect for international human rights law and international humanitarian law in the Occupied Palestinian Territory, including East Jerusalem, and in Israel” (A/HRC/RES/S-30/1).

In summary, PCATI has found that reckless conduct by the Israeli Police and its exaggerated use of force against civilians, especially in the context of East Jerusalem, was instrumental in the eruption of violence that later engulfed the entire region. Unprecedented brutality of all security agencies towards Palestinian resident of East Jerusalem and Palestinian citizens of Israel has become a key component of the escalation, amounting in some incidents to Torture and Inhuman and Degrading Treatment, a crime strictly prohibited by International Human Rights Law.

The underlying, systematic lack of accountability prevalent in the Israeli justice system towards such offences, which has been widely documented through PCATI's work, raises the concern that these severe infringements on Human Rights would go unchecked and unaccounted for, and therefore, the Commission's involvement is crucial in establishing the facts and calling on Israel to thoroughly investigate these crimes, punish the responsible actors, and introduce urgent changes to its policy, to prevent such events from reoccurring.

1. Events leading up to the escalation in May 2021, with emphasis on East Jerusalem

In 2020, PCATI has witnessed a rise in **excessive use of force against and arrests of citizens by the Israeli police** in the context of demonstrations, such as weekly protests [against the government](#) (so called ‘Balfour demonstrations’), [clashes with the police in ultra-orthodox neighborhoods](#), where enforcement of the newly enacted health regulations to combat Covid-19 pandemic descended into violent arrests of citizens, or protests [in the Arab towns of Umm Al Fahm and Tamra](#) against the lack of police response to crime in the Arab society in Israel. In all these situations, the police have deployed a crackdown strategy, with many incidents of undue violence against protestors. Violent actions by police officers were also increasingly directed at bystanders filming incidents of police brutality.

Vulnerable minority groups in the Israeli society - including Arab communities in Israel, Jewish Ethiopians, asylum seekers, Bedouins, People with Disabilities as well as activists and human rights defenders - are specifically targeted by violent police action as they are often perceived as "suspect communities". They face unequal and discriminatory treatment by the police, an increased risk to become victims of violence by officers and have diminished access to justice.

This rise in violent incidents is reflected in the number of cases handled by PCATI's legal team: while in 2019, PCATI submitted 12 complaints on behalf of victims of police brutality to the Department of Internal Police Investigations (DIPI), in 2020, 28 new complaints have been filed to DIPI by PCATI alone, out of which 10 complaints were filed only in July – at the height of the public protests. Moreover, a total of 43 reports on incidents of police brutality have been received by PCATI.

As mentioned, in PCATI's view, Police misconduct was instrumental in the following escalation: the Police's decision to [limit the access to the Damascus gate area](#) during Ramadan 2021, together with its violent treatment of protestors in the [Palestinian neighborhood of Sheikh Jarrah](#) in Jerusalem during the following weeks, echoed through the region and heightened the tensions between Jewish and Palestinian communities in Israel and the oPt. PCATI and other Human Rights NGOs have [warned against such steps](#) and their volatile potential, which tragically materialized in the following weeks.

2. Reports from the field on Police Brutality during clashes within Israel

Incidents of police violence climaxed in May 2021, as Israeli police deployed a crackdown against Palestinian citizens of Israel protesting against Israel's policies in East Jerusalem and the military offensive on Gaza. Demonstrators were confronted with extreme force by the Israeli police and various units of Israel's security apparatus. Hundreds of protestors, including minors, were subjected to extreme physical and psychological violence during and after their arrest. PCATI's lawyers reported of arrested protestors with severe bruises who were denied medical assistance, denied access to lawyers, or arrested minors who were interrogated without their parents present. Further detail on observations from the field, can be found in a [report](#) prepared by volunteer lawyers, *unassociated* with PCATI, dated 15 May 2021, which describes various infringements of the Israeli Police and on civil and human rights of Palestinian protestors in Israel by Israeli Police.

As noted in a [letter](#) sent to the Minister of Internal Security by a [list of civil society organizations](#), including PCATI, on May 30 2021, the subsequent "Law and Order" campaign launched by the police, allegedly aimed at restoring peace in mixed Jewish-Arab cities of Israel, has also [disproportionally targeted Palestinian citizens](#), thus bringing about more mistrust and hostility between the Palestinian community in Israel and the State's law enforcements agencies. Nonetheless, the operation continued and police was given a free hand in its conduct, with the backing and [support](#) of the most senior decision makers in Israel at the time.

One extremely alarming phenomenon documented by PCATI's lawyer was of illegal strip-searches of female Palestinian protestors in Police stations in the Haifa District. In two separate incidents, female protestors have testified that after being arrested during a demonstration against the Israeli policy in May 2021, they were taken to different police stations, where they were forcibly strip searched and humiliated by female police officers, in what seemed to be a racially and politically motivated assault on them as Palestinian activists.

Since sexual assault is an extremely sensitive topic, especially in the Palestinian society for both



traditional and political reasons, none of the victims was willing to file an individual complaint into the matter; and therefore on June 16 2021, PCATI has filed a principled letter of complaint to the Police describing the incidents only in general terms. On 25 October 2021, the Disciplinary Unit of the Police replied to our letter, claiming that without disclosing the names and identification of the women involved, as well as the specific dates and locations of the alleged abuses, they could not take the case further. The Police's response, however, disregards the extreme sensitivity of the issue, as explained in PCATI's letter, and the victims' need for protection of their privacy; as well as PCATI's other demands which went beyond the investigation of police officers involved, and included a scrutiny of the procedures and conduct of searches of detainees at Police stations in that district, to make sure such incidents do not reoccur.

3. Documented cases of Torture and Inhuman and Degrading Treatment by PCATI in the context of the May 2021 escalation

Beyond the general observations and reports collected by PCATI's lawyers and others during April-May 2021, PCATI has also provided legal representation in six separate incidents in which police and ISA misconduct amounted to Torture and/or Inhuman and Degrading Treatment, all in the context of the ongoing unrest in Israel:

- **Y.K., a 14-year-old resident of Haifa**, returned from a visit of a friend's house in May 2021, accompanied by his friend's father and his friend. Suddenly, four undercover policemen got out of a vehicle and ran towards him. Y.K., fearing an attack by a violent Jewish militia, started running. The undercover policemen caught him and violently carried him into the car, causing Y.K. to believe he was being kidnapped and fearing for his life. Y.K. sustained severe bruises, his phone was crushed and his nose broken. He was taken to a police station, instead of receiving medical care. Still bleeding in the police station without help, he was told by policemen that he would have to clean the floor from his blood. Only after several hours Y.K. was taken to the hospital, where his parents were finally allowed to see him. Afterwards, Y.K. was brought back to the police station where he was detained until the next morning. Following a hearing, the judge released him and Y. remained in home detention for five days. PCATI has filed a complaint against the policemen to the DIPI, currently still pending. It is worth noting that the all allegations posed against Y.K. at the time of his arrest were later dropped by the Police, thus corroborating his claim that his arrest was unjustified in the first place.
- **L.M. and R.M.**, brothers and residents of Jaffa, were falsely accused of involvement in an attack on an Israeli soldier in the city of Jaffa during the violent escalation in May 2021. Their interrogation included beatings, painful handcuffing, sleep deprivation, curses, and threats to be placed under indefinite administrative detention. They were not allowed to consult with their lawyer for over a month. Both admitted to participating in the attack, and only after many efforts by their lawyer, who found surveillance videos showing they have arrived at the crime-scene only after the attack, confirming their confessions retrieved under torture and threats were false, they were exonerated and released in early September 2021. PCATI has files formal complaints on behalf of both victims, currently still pending.
- **M.H. and A.H.**, cousins and residents of Lod, were arrested by police in July 2021, under suspicion of involvement in attacks against Jewish residents in the city during the escalation (while the two claimed that they were in fact the ones attacked by a Jewish mob). After their arrest, they were transferred to an ISA facility, where they were interrogated for security

offences. A.H. testified that during the first week of the interrogation, he was painfully shackled with his arms behind his back to a low chair in the interrogation room, constantly questioned, denied sleep, denied a shower, and was given very little food. Interrogators expressed severe threats towards him ("we will break your face", "we will destroy you", "the judge doesn't interest us"), and screamed in his ears when he fell asleep.

In August 2021, after their interrogation was over, M.H. and A.H were moved to a detention facility operated by the Israeli Prison Service. There, prison guards entered their prison cell, shackled them and, while other prisoners were present, threw them to the ground and battered them all over their body, using their clubs, hands and feet. As a result, A.H. suffered injuries to his face, eyes, teeth and testicles. He only received medical attention hours after the incident. M.H. was hit directly in his chest, where he previously underwent surgery, and despite his pleas to the guards not to hit him there. As a result, he sustained injuries to his face, scalp and eye. This attack by prison guards seems to be racially and politically motivated, and stemming from the brother's identification by the prison guards as responsible for the inter-communal violence in Lod. PCATI has filed formal complaints on behalf of the brothers, currently still pending.

4. Lack of accountability in Israeli Justice system to offences by security agencies

The above described of human rights violations of Palestinians in the oPt and Israel during the 2021 May escalation, should be considered against the backdrop of the systematic lack of accountability towards police brutality, as is prevalent in Israel today. As PCATI has recently argued in the context of its alternative report submitted to the [UN Human Rights Committee in reference to the Fifth Periodic report on Israel](#), Police investigations are plagued by a general lack of a rigorous and professional response to crimes committed by police officers.

When evaluating DIPI's performance Statistically, the bleak picture arising is that of gross incompetence and a rooted, systematic lack of accountability: according to data collected by the Association for Civil Rights in Israel (ACRI), between the years 2015 and 2019, an average of 87.79% of complaints filed to DIPI are closed annually without reaching trial. Even more alarmingly, according to the data collected by ACRI, out of an average of 1,428 complaints filed annually to DIPI, indictments have been filed against rouge police officers in only an average of 1.74% of the cases each year between 2015-2019, and only an average of 2.11% more cases were referred to disciplinary procedures. This last, staggering figure speaks volumes on the shortcomings and indeed, lack of accountability by the mechanism tasked with enforcing the rule of law within the Israeli police force.

As for violations of human rights of people interrogated by the ISA, the picture becomes even darker: Since its establishment in 2001, the Inspector of Interrogee Complaints Unit (IIC) in The Justice Ministry has only twice recommended that a criminal investigation be launched into a suspected case of torture by an ISA interrogator; both cases were subsequently closed without charges being brought. Of the over 1,300 complaints examined from 2001 to 2020, not a single one led to criminal charges being filed; and only two cases have even passed the threshold of a preliminary examination, and were awarded a full investigation process. This is despite the fact that many of the complaints describe systematic and egregious violations of the absolute prohibition on Torture, and many are backed by substantial medical evidence.



Summary

In PCATI's view, the eruption of violence in Israel and oPt during May 2021 was unfortunately not surprising, and was compounded to a great extent by misconduct and recklessness of the Israeli Police and Israeli decision makers. This has led to unprecedented level of unchecked and rampant use of violence towards the Palestinian population within Israel's borders; violence which under the facade of restoring the peace and rule of law – operated outside the law, to target and persecute protestors executing their democratic rights. This has occurred against the backdrop of a systematic lack of accountability prevalent in Israel today, which encompasses sever violations of human rights by different Israeli security agencies, among them the Police, ISA and IPS.

PCATI believes the rampant violence of the Police and other security agencies towards Palestinians, citizens of Israel and residents of the oPt alike, is an important component of the escalation of May 2021, which should not be overlooked, and encourages the Commission to make note of it in its concluding observations – as well as to call on the Israeli duty bearers to put an end to this prevalent lack of accountably, hold perpetrators responsible, and take steps to ensure such human rights violations will never reoccur.

Tel Aviv,

30 March, 2022