



“Ticking Bombs”

Testimonies of Torture Victims in Israel



public committee against
TORTURE
in israel

May 2007

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Public Committee Against Torture in Israel

P.O.Box 4634 Jerusalem 91046
Tel: 972-2-6429825, Fax: 972-6432847
Email: pcati@stoptorture.org.il
Website: www.stoptorture.org.il

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Written by: Noam Hoffstater

Data coordination: Erez Pery

Editing: Eyal Hareuveni

Summary: Dr. Yuval Ginbar

Editorial staff: Hannah Friedman, Atty. Eliahu Abram, Mimi Baram, Eyal Hareuveni, Orah Maggen

Fieldwork, taking of affidavits and testimonies:

Atty. Muhammed Abu Raiya, Atty. Ahmed Amara, Adnan Basisi, Atty. Luna Barakat, Dr. Meira Glassman, Atty. Labib Habib, Atty. Joa'ne Zamini Khouri, Atty. Mamoun Hashim, Atty. Nizar Mahajne, Iyad Manasrah, Atty. Maher Talhami, Atty. Leah Tsemel, Atty. Taghrid Shbeita

Translation to English: Jessica Bonn, Tamar Bash

Graphic design and illustration: Eli Preminger

PCATI Board Members: Prof. Gideon Freudenthal, Atty. Yuval Elbashan, Lior Elyasaf-Gurfinkel, Prof. Avishai Ehrlich, Channah Arnon, Yaffa Wagner, Tal Zilberstein, Atty. Shlomo Lecker, Atty. Avigdor Feldman, Prof. Emmanuel Farjun

Legal Advisors: Atty. Michael Sfard, Atty. Leah Tsemel

Project Evaluator and Senior Consultant: Dr. Yuval Ginbar

Staff:

Management: Hannah Friedman – Executive Director; Zeev Zamir – Deputy Director

Legal Department: Atty. Eliahu Abram – Legal Advisor and Director of Legal Department, Atty. Samah El Hatib-Ayoub, Atty. Rachela Erel, Yemina Barneis, Ran Gafter Hermesh, Atty. Labib Habib, Carmi Lecker, Atty. Fida Ka'awar, Atty. Tahreer Atamleh-Mahna

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Field Workers: Atty. Tahreer Atamleh – Fieldwork Coordinator, Abd Alsalam Jerar – Jenin Region, Adnan Basisi – Tul Karem Region, Ali Draghma – Nablus Region, Ayman Hussein – Gaza Strip, Iyad Manasrah – Hebron Area, Abdallah Abdakkah – Bethlehem Area

Translation: Muhammed Turq – translation coordinator, Rahiq Basoul, Khaled Hamed, Samira Yusef, Wesal Nesar

Media Department: Mimi Baram, Eyal Hareuveni, Orah Maggen

Education: Louis Frankenthaler – Director, Education Department

Resource Development: Louis Frankenthaler, Director of Development, Twyla Kowalenko

Administration and Coordination of Complaints: Yemina Barneis, Amir Slovetizky

Volunteers: Channah Arnon, Sam Blatt, Yaffa Wagner, Naomi Layish

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The Colonel and the Major / Avigdor Feldman

The Colonel and the Major Steve and Mason
The veteran knights of torture.
Silver-peppered moustaches
Cheeks pinker than liters of gin
The belly bulges beneath the sweat-soaked khaki shirt
Cork hat offset to forehead center

The Colonel and the Major Johnny and Sheriff
The hand that strikes is sprinkled with brown age spots
An open palm, a slap
A sprung fist to the midriff.
A rolled hand punches the head
Two hands box the ears
Cymbals.

The Colonel and the Major Motti and Dani
Return with the old instruments of their faith
The slanted chair
The low chair borrowed from the nearby kindergarten
The putrid head covering
A series of exercises
copied from an old German book from the end of the 19th century
“A healthy body and a good soul.”

The Colonel and the Major – owl and cat
Red fleshy tongue licks the lips
Sentences smeared in toxic grease posing as honey:
“The interrogated was asked how he was and answered that he has never felt better.”
“The interrogated was offered to return to his cell to rest but he preferred to remain with us to chat.”
“The interrogated thanked us for the kind treatment.”
“We asked the interrogated to be serious.”
“To be responsible.”
“To be one of us.”
“The interrogated lowered his head.”

“The interrogated asked to tell the whole truth.”
“The interrogated asked for a pen and a pencil.”
“The interrogated wrote.”
“The interrogated listed down names.”
“The interrogated drew.”
“The interrogated shut his eyes.”
“We kissed the interrogated on his lips.”
“The interrogated passed on to a world of all good things.”
We signed our names in the margins of the confession,
- the Colonel and the Major.

INTRODUCTION

The current report of the **Public Committee Against Torture in Israel** presents the testimonies of nine victims of torture in Israel, all Palestinian detainees who are residents of the Occupied Territories. The testimonies are presented in their simple language, in first person, almost in their entirety with the exception of light editing in order to improve their flow and clarity.

The testimonies, among the most severe to reach the offices of **PCATI** between the years 2004 and 2006, comprise the bulk of the report. We added formal documents such as medical testimonies, General Security Service (GSS) memoranda, and court papers. The factual claims in the testimonies of the torture victims were enumerated in **PCATI** complaints to the Attorney General's Office, and were not concealed or denied by the Justice Ministry.

The nine torture victims are perceived by the Israeli security and legal systems as “ticking bombs” who could only be forced to reveal information through severe torture that might have saved lives. In this report, we cast doubt on the very logic inherent in the concept of “ticking bombs.”

The idea of the “ticking bomb” was first coined as a literary concept by the French author and journalist Jean Lartéguy in his book “Les Centurions,” 1961, which relates to the French occupation of Algeria, which was no less brutal than the Israeli occupation of Palestinian Territories. The book describes the race against the clock of the protagonist, a French paratrooper, to foil a plot to set off explosives all across Algeria. The paratrooper had obtained this information after applying immoderate physical pressure against an Arab detainee. The story is entirely fictional, but it and similar stories lend a false credibility to the legal and public justification for the use of torture.

It is entirely possible that the practice of torture is an effective measure for obtaining information that may save human life (the **Public Committee Against Torture** opposes torture absolutely, regardless of such claims), but the testimonies of the nine terror victims exemplify the extent to which the torture mechanism is rooted in the treatment of Palestinian detainees, and the exceedingly bureaucratic way in which torture is carried out, in an organized, almost blasé manner. We have no way of knowing what information was in the possession of the Israeli security apparatuses that led to the use of such sadistic torture, but it is doubtful that any of the victims fits the very terrible scenario of a “ticking bomb.”

PCATI, like other human rights organizations, found that the legal gate is open and allows torture

under the problematic cover of the “ticking bomb” (as did the Israeli High Court of Justice in its 1999 ruling that limited the GSS interrogation methods with the exception of the “ticking bomb” case). However it is no longer possible to limit the practice of torture to a particular kind of exceptional case. Today in Israel, there is no effective barrier – not legal and certainly not ethical – that stands in the way of using torture. A secret service organization such as the GSS decides independently to use torture and, afterwards, investigates itself as to whether the use of interrogation was justified. The Justice Ministry – from the Attorney General through the State Attorney's Office and the Attorney in charge of the nameless GSS Ombudsman of Interrogees' Complaints – gives systematic and blind backing to the interrogation methods of the GSS. The legal system tends to avoid torture victims' complaints.

When the nations of the world decided in the wake of the world wars of the last century to prohibit the use of torture absolutely and with no reservations, this was an attempt to denote an ethical boundary between the nations of the world and the old, cruel, racist, un-discriminatingly murderous world – to declare that there are deeds that democracies and decent people do not commit. The torture victims, in their painful testimonies, serve to warn us that this ethical boundary is blurred in our society. A state that views itself as a democracy committed to the protection of human rights cannot allow torture that is derived from the darkness of the Middle Ages.

Hannah Friedman
Director, **Public Committee Against Torture in Israel**



Case of Bahjat Yamen

“We’re Going to Break Your Back”

“I simply felt terrified, and I had excruciating pains in my back and I felt that my back was about to really break, and I yelled and cried and begged, but the torture did not stop. When the interrogation was over, at approximately 4 in the morning, they took me down to the cell. And all the time there were noises in the cell – knocking at the door... and I would even hear my own screams during the interrogation, which they had apparently taped”.

Arrest

Bahjat Yamen, a resident of Qalqiliya born in 1977, was arrested on Wednesday, 19 May 2004, just months after getting married. Upon his detention he was taken immediately to the Tzufin military camp, near Qalqiliya.

Interrogation

"I met Captain Avri there, who demanded that I confess and turn in my weapons. I told him that I didn't have any weapons, so he slapped me and told me that I would have to undergo a military interrogation," relates Yamen.¹

"That day, I was taken to the GSS Interrogation facility in Petach Tikvah and brought to the interrogation room there, to the "Colonel" (who presented himself as responsible for the interrogation facilities), the director of the interrogation center in Petach Tikvah, and Major Netzer. They began trying to convince me that I had to confess, and that if not, I would be transferred to a military interrogation. I stayed in interrogation until 4 a.m. I was returned to the cell, and after about four hours, at 8 a.m., I was brought back to the same place."²

From the testimony of the interrogators it appears that Yamen was under interrogation for 46 of the 51 hours that passed from the time of his arrest. The interrogation was carried out over three consecutive segments of 18, 16 and 12 hours, between which were approximately two breaks of two and a half hours each.

"The interrogation was real torture, a most difficult interrogation that included a number

of methods of severe torture: the first method was to handcuff me from behind, with my legs tied backwards under the chair. The interrogator would push me back so that I was sitting on the seat while leaning backwards, and at the same time they kept beating me on the stomach. This position was maintained for about fifteen minutes, and then the interrogator would forcefully yank me forward. And then it would begin all over again. Participating in this method were the director, Avri, Dudu and Ariel.

"A second method was to put a handcuff just below my elbow and press down hard for some time, then let up, and repeat the same action. My arm would swell up and bleed. When it bled they did not stop, but rather put socks on it and pressed again. Avri used this method.

"A third method was that while I was squatting down on the balls of my feet, the interrogators would push me backwards, causing me to feel excruciating pain in my back.

"I simply felt terrified, and I had excruciating pains in my back and I felt that my back was about to really break, and I yelled and cried and begged, but the torture did not stop. When the interrogation was over, at approximately 4 in the morning, they took me down to the cell. And all the time there were noises in the cell – knocking at the door... and I would even hear my own screams during the interrogation, which they had apparently taped.

"This harsh torture was applied continuously, for four to five days, with all of the methods and the interrogation accompanied by

of Yamen's interrogation, main topics that arose, the number of interrogators, and their names. As will become immediately apparent, not everything that occurred during the interrogation is recorded in the memoranda.

¹This testimony, like everything presented here in Yamen's name, is excerpted from the *Affidavit of Bahjat Yamen* from 26 December 2004, taken by Atty. Labib Ghassan Habib at the Shata Prison.

²*Memoranda from 20-21 May 2005*, recorded by Avri and Didi, present a similar version. Over 30 memoranda provide information – albeit partial – regarding the time

slapping and shouting, curses and threats... On around the fifth day of the interrogation, when I felt that I was really going to break, I tried to get up from the torture chair after the begging and crying and shouting didn't help me. Then an interrogator named Dudu violently threw himself on me, and he beat me, bruised and scratched me on my neck and chest, and I found myself with a torn shirt from the blows. Then the director, Avri, and two other interrogators came and extricated me and took Dudu out, and since then, Dudu has stopped interrogating me. They brought me tea-biscuits and cola.

"Then Ariel arrived, and resumed the torture and violent interrogation ... Ariel even told me straight out right then that they had decided to paralyze me, and then 'we'll see what good the Hamas will do for you.' Truthfully, I felt he was serious, and I thought that I was going to die, and indeed it was the most difficult day of interrogation and all the while I yelled and cried, and said that I was innocent, but nothing helped me, and the severe torture continued.

"At approximately 4 a.m. of that day, when I felt that my back was really going to break, I asked for the Colonel. Ariel said that there is no Colonel, and 'we're going to break your back,' and went on. But after about an hour the Colonel arrived and he said that it was 4 a.m. 'What do you want at such an hour?' I, in order to escape the bitter fate that I felt awaited me, told him that I would hand over the weapons. They even required me to sign

a confession that I have weapons etc., and I agreed, just to escape the torture.

"They demanded that I lead them to the place of the weapons. At 7 a.m. they took me to Qalqiliya in a military jeep, accompanied by an army force. Uriel and Herzl were with me. We got to the area there, I began digging, and of course, there were no weapons. Herzl went crazy and began yelling and said to me: 'We went into Qalqiliya and killed a child on the way in, and it's all because of you.'

The incidents described by Yamen are clearly reflected in memos recorded by the GSS interrogators:

"The abovementioned was offered coffee, tea, cola and cookies, [and] wrote the main points of his confession in his own handwriting," they note. "The abovementioned said that he was prepared to reach an understanding with the Colonel... the abovementioned asked to speak with the Colonel for a second time..."³ At 2.45 a.m. 'Oz' joined the interrogation and wrote a memo which said, "During the interrogation the abovementioned asked to speak with me privately. I asked the interrogator Adi to leave the room, and after Adi went out, the abovementioned requested that it be made possible for him to meet his wife privately. I told the abovementioned that this was an abnormal request ... Nevertheless I told the abovementioned that I would consider his request. The abovementioned stated that it was his intention to submit his story in outline form and afterwards he would relate his full version."⁴

The account continues: "Place of

³*Memorandum from 21 May 2004*, recorded by "Adi" (includes documentation of the early morning hours of May 22.)

interrogation: Qalqiliya and during transport. ... When we [‘Yoel,’ ‘Herzl’ and Yamen] arrived at the place where the materials were supposed to be, based on the debriefing of the abovementioned, he exposed the barrel and said that it was empty and that there were no other containers. I asked the abovementioned where the materials were, and the abovementioned said that he did not know. I told him that I had no doubt that he was a liar, and that he had lied throughout his entire story... The abovementioned said that at the beginning he had said that the materials were in a vehicle, but afterwards, he began to lie because the interrogator did not believe him. I told him that his version would be checked, and that it better turn out to be correct, and not another lie.”⁵

In the memorandum there is no mention of Yamen’s torture. However, on 31 August 2005, when the case was being handled by the **Public Committee Against Torture in Israel**, the military prosecution permitted Yamen’s attorney, Labib Habib, to examine the GSS summary report on the manner in which Yamen was interrogated. Atty. Habib was not permitted to photocopy the document, and therefore he instead gave an affidavit reiterating its content, which stated:

“Re: Bahjat Yamen. Urgent to receive information to thwart a terror attack. Interrogated on 20 May 2004 at 9:15 pm, through 22 May 2004 at 2:40 a.m., under the necessity defense, and measures were applied intermittently during the interrogation.”⁶ The document was signed

by “Alias Rani, Interrogation Team Leader, Southern Samaria.” It should be noted that the alias “Rani” also appears on the memoranda as one of Yamen’s interrogators.⁷

Lt. Col. Netanel Benisho, vice-president of the military appeals court, held subsequently that “the interrogators’ use of special measures was not concealed from the defense. It [the defense] is in possession of a document that can serve as proof of the use made of these methods.”⁸

Continuation of interrogation

When the visit to Qalqiliya was over, Yamen heard “Herzl” say:

“That he was going to take me back to the interrogation ‘and we’re going to destroy your house before your eyes.’ Then I lost all my strength, and when we arrived at the interrogation facility in Petach Tikvah, utterly exhausted, two interrogators grabbed me. They apparently thought that I was putting on an act, so they let me go, and then I fell. They took me to the doctor – a tall redhead with white hair, a red face, about fifty years old. He gave me medicine.

“I was returned to the interrogation, which did not include the torture methods described above, and I was interrogated from about 7:30 until 1 or 2 a.m. Herzl interrogated me and there were others.”

According to the memoranda, Yamen was interrogated for 33 of the following 50 hours:

“I reiterated my suggestion to him that in order to return to his wife as soon as possible, he would have to change what he was saying

and reach an understanding with us....”⁹ “We talked about his mother and his brother, who came to take him out of the house where he was hiding... I suggested to him that he think about his mother and his wife, and that he rethink what was best for him.”¹⁰

“[...] I asked him if he missed his mother and his wife. He replied in the affirmative, and cried silently. I consoled him. I told him that ultimately, everything would be found out and at present he was just losing time. I pointed out to him that if I were to discover that his wife was involved with him in the activity, I would look into the possibility of bringing her in for interrogation,” recorded interrogator “Herzl.”¹¹

“He was asked who took care of him when he used to arrive on his visits home. He replied that his mother and wife took care of all his needs, and provided him with food and clothing... I told him that anyone who helps a wanted person is in fact violating the law. He said that he knew this. I stated to him that his mother and wife also helped him – based on what he had said – while he was ‘wanted,’ and therefore, they were likely to be arrested and interrogated.”¹²

Yamen then describes:

“They threatened to bring my mother and my wife. The next day, Avri arrived in a military uniform and said that today it’s ‘either us or you,’ and ‘you’re not getting out of this.’ From approximately 8-12, the interrogators would come in and threaten me that this will be the fateful day between us.”

“Avri” continues:

“I told him that from what he told me in his interrogation, his mother and his wife served as his accomplices. I stated to him that I had in my possession additional information regarding the assistance they gave him, and that he had to understand that assisting a wanted person was a crime by all counts, and therefore, I intended to investigate the matter exhaustively. He said that he understood that his wife and mother had been arrested. I replied to him that it might be true that he understands me correctly, and I stated in his presence that anyone who acts in contravention of the law must bear responsibility for his deeds.”

Yamen continues:

“At around 2 p.m. Avri came and asked if I wanted to see my mother and my wife. He let me look through a door of some kind, and there, indeed, I saw my wife sitting in the interrogation room with the interrogator. He told me that my mother was in the isolation cell. They told me that my mother was very sick (and indeed, she is sick) and that were she to die, I would bear responsibility.”

“Avri” continues:

“I told him that his wife was indeed arrested and to my great joy, in contrast to him, she had reached an understanding with his interrogators. I told him that I did not have any problem proving this to him and I asked him if he wished to see her. He answered in the affirmative... He was taken to the nearby interrogation room and saw his wife through the hole in the door and then was taken back

⁴Memorandum from 22 May 2004, recorded by “Oz.”

⁵May 22, 2004, taken by “Yoel.”

⁶Affidavit of Atty. Labib Habib, 31 August 2004.

⁷Memoranda from June 3, 13, and 22, 2004, recorded by “Herzl.”

⁸Bahjat Fathi Yusef Yamen v Military Prosecutor Request 3029/05, Petition to Order Removal of Classified Status regarding Information Relating to the Petitioner’s Interrogation and Interrogation of the Main Prosecuting Witness. The petition was denied.

⁹Memorandum from 20 May 2004, recorded by “Avri.”

¹⁰Memorandum from 21 May 2004, recorded by “Yael.”

¹¹Memorandum from 23 May 2004, recorded by “Herzl.”

¹²Memorandum from 30 May 2004, recorded by “Herzl.”

to the interrogation room.”

Yamen summarizes:

“The interrogation continued with the interrogators most of the time using the matter of my mother and my wife, and threatening to harm them, and this went on for about two weeks.”¹³

Legal Proceedings

On 24 August 2004, charges were filed against Yamen in the Samaria Military Court. The charges: murder and attempted murder – based on the claim that he had introduced two people who came together to carry out a suicide attack in October 2002; military training, manufacturing firearms, membership in an illegal organization, and possession of means of combat.¹⁴ On 10 January 2007, Yamen was acquitted on grounds of reasonable doubt from the murder charge, and was convicted of membership in the Hamas and the manufacture of weapons.¹⁵

On 6 January 2005, Hannah Friedman, Director of the **Public Committee Against Torture in Israel**, wrote a letter of complaint to Atty. Dudi Zecharia, Senior Deputy State Attorney responsible for the GSS Ombudsman of Interrogees’ Complaints.

“**PCATI** demands an investigation into the manner in which Mr. Yamen was interrogated, and that his interrogators and their superiors be brought to trial if the persons responsible are found.”¹⁶

On 30 November 2005, a response was received from Atty. Naomi Granot, the lawyer in the State Attorney’s Office responsible

¹³GSS version – *Memorandum of 1 June 2004*, recorded by “Herzl.”

for the GSS Ombudsman of Interrogees’ Complaints:

““Every one of the complainant’s claims was examined. The examination revealed that Mr. Bahjat Yamen was arrested for interrogation due to a grave suspicion against him that was based on reliable information, according to which he was allegedly involved in or assisted in carrying out serious terrorist activities that were liable to have been carried out in the very near future, and which could have injured or endangered human life.

“The findings of the GSS Ombudsman of Interrogees’ Complaints were presented to the State Attorney’s Office. After being thoroughly examined by the Attorney General, the State Attorney’s Office and my predecessor, it was decided that the findings of the GSS Ombudsman do not warrant taking legal, disciplinary or other measures against any of the GSS interrogators.”¹⁷

¹⁴*Indictment, Military Prosecutor v Bahjat Fathi Yusef Yamin* [sic], P.A. files 5249/04, Court File 3890/04, Samaria Military Court

¹⁵*Ruling of the Samaria Military Court*, 10 January 2007.

¹⁶*Complaint of Public Committee against Torture in Israel*, letter to Atty. Dudi Zecharia, 6 January 2005.

¹⁷*Letter of Atty. Naomi Granot to Hannah Friedman*, 22 January 2005. Granot succeeded Zecharia in the position of attorney responsible for the GSS Ombudsman for Interrogees’ Complaints.



The Case of Amin Shqirat

“I Must Confess, Or Else He’ll Kill Me”

“After each ‘round’, there would be a short break from the torture, during which they would interrogate me. I did not confess. I insisted I was innocent, and they changed their style. They brought long metal handcuffs and bound my hands behind me with the cuffs on my arms. They would close the cuffs and press on them until the metal dug into the flesh and you felt your arm has been amputated. When I cried out in pain, they laughed and jeered”.

Arrest

On Saturday, 27 November 2004, at about 1:00 a.m., Amin Ahmad Jamil Shqirat, born in 1975, married and father of four, was arrested at his home in a-Sawahra a-Sharqiyyeh, between Bethlehem and Jerusalem. His mother recounts his arrest:

“Police and paratroopers broke into the compound where we live. There were more than 150 of them. They began setting off stun grenades and throwing bombs into the air, which frightened us terribly and we woke up from our sleep. They knocked hard on the door and I went to open the door. I asked them what they wanted, and they said that we all had to get out of the house. They had police dogs with them.

“We took all the babies outside as well as everyone else who was in the houses, although it was raining and very cold. They went in and searched the houses, breaking glass and cupboards and blasting open the doors inside the houses, even though I said I would open the doors – they refused and blasted the doors open. I ran after them inside the house and found my son, Amin, with them, his hands bound behind his back, sitting on his knees with his head lowered.”¹ Amin Shqirat reports:

“At 12:30 a.m., I awoke to the sound of three strong terrifying blasts. I brought my youngest daughter to her mother and went out to see what had happened outside. I was surprised to see a large army force besieging my home and the area. They demanded that the house be evacuated.

“My wife and children left the house. The weather was rainy at the time. Because I did not go outside with them, some of the interrogators began questioning my son, who was then five years old. Then they broke into my brother’s house next to mine, threatening him with their guns to hand me over and tell them where I was. After a short time, I went outside myself.

“They bound my hands and feet back with plastic shackles and left me in the house. They threw me onto my face, next to the kitchen door, and intelligence officers arrived to establish my identity. After doing so, they interrogated me inside the house, threatening that they would blow up the house if I didn’t confess to what they wanted. I denied all the suspicions against me.

“They brought digging and demolition tools in order to break down the walls and search for weapons. They began breaking them down in front of me, and I said I would sue them for damages. They said: forget about the law, because we’re here on a mission that we have to carry out. When they persisted and started to break and destroy things, I told them I would get them the weapons they wanted, and they stopped. I took them to the kitchen cabinet and told them (mockingly) that there was a kitchen knife inside. They became raving mad, and dragged me outside with my hands and legs shackled.

“A few minutes later, they released my legs from the restraints and blindfolded me, trying to bargain with me to stop resisting in exchange for seeing my mother. I refused,

and they told me I wouldn’t see her again.

“They walked me a long way, 800-1000 meters, in heavy rain. When we were a distance away from the residential area, one of them pushed me and said, ‘Run away.’ I said there was no reason to escape, as I had done nothing I had to worry about. Afterwards they put me in a truck, and took me to [the General Security Service’s interrogation facility in] the Russian Compound, blindfolded.”²

Interrogation

“I arrived at the Russian Compound on Saturday before dawn, and they put me in solitary confinement until Sunday morning without anyone speaking to me. On Sunday morning, they dragged me to the interrogation room, sat me down on a chair and removed my blindfold. I saw three interrogators who introduced themselves as Nissim, Abu ‘Omar and Captain Gur. They gave me a list of my rights and told me to read and sign it, and I signed.

“They began asking me questions, asked my name and age, information about me and my work, and where I had been. I answered the questions, and then one of them, Gur, left the room and the others asked me questions I did not know how to answer. At that moment, Gur entered the room aggressively and attacked me, shouting at me that I was a dangerous person. He warned his colleagues about me and said I had to be dealt with cruelly. This was a terrible shock to me.

“There were three tables and three interrogators in the interrogation room.

They sat me down on a metal chair with a plastic seat that was attached to the floor by a metal lock. They bound my hands behind me, with a lock attached to the back of the chair, and bound my feet with metal shackles. Gur began threatening me that I had to confess to the acts I was accused of, otherwise he would kill me. He made a lot of threats, and I responded by saying that I would file a complaint against him. He said he would release me, take off my restraints and say I escaped, and then he would kill me in the outside courtyard.

“The interrogators interrogated me continuously until 10:00 p.m., and then transferred me to a solitary confinement cell. The next day, they took me back to interrogation, and this time it was more difficult. It went on for three days straight, without sleep, until I felt fatigue in my eyes and head and had difficulty breathing. During this interrogation an interrogator arrived and introduced himself as Major Moti, in charge of the interrogation. He told me: ‘You’ll spend the rest of your life in prison.’

“On Friday, after about seven days, they stopped the interrogation and took me to solitary confinement, where I slept deeply. There was a detainee there who I believe was meant to get me to talk. On Sunday they brought me back for interrogation and started over again, but this time more extensively. They let me know some of the accusations against me, including very serious ones such as murder and injuring soldiers.

“The uninterrupted interrogation continued

¹*Testimony of Ms. Alia Shqirat*, taken by Iyad Manasrah, PCATI’s field researcher, on 3 February 2005.

²*Affidavit of Mr. Ahmad Jamil Shqirat* from 15 August 2006, taken by Atty. Ahmed Amara. Except where otherwise indicated, all of Shqirat’s statements here are taken from this affidavit.

until Thursday, and during this week a police interrogator interrogated me as well... After giving my testimony to the police, I was sent to Beersheba Prison where I stayed for 19 days with the collaborators³, from 10 December 2004 to 28 December 2004 at noon. I was then brought back to the interrogation facility at the Russian Compound. They brought to me to a doctor who examined me and then returned me to the interrogation, blindfolded and handcuffed. They sat me on a chair, tied my hands behind the back of the chair and removed the blindfold.

"Then I saw a group of seven interrogators. Gur patted my shoulder and told me I was suspected of throwing a hand grenade in 1994, murdering two guards and injuring three soldiers in 2003, and conspiring to abduct soldiers. He interrogated me about my conspiracies, and I, of course, confessed to nothing. I ignored it, and he cursed me and insulted my honor using insufferable words. He was very provocative, and was surprised at my reaction. He brought a tape player and played words he said were mine.

"Following a heated argument with Gur, after he insisted that I confess and I refused, Gur blindfolded me with a piece of cloth and replaced the hand restraints with short chains. The Major arrived (I recognized his voice) and demanded that I confess, otherwise he would kill me. I refused, and he slapped my face hard, stunning my whole head. They then fell upon me, beating, kicking and yelling at me, and after a few minutes I almost lost consciousness. Then an interrogator named

Abu Nissim came in and shouted into my ear, and I began to regain consciousness, but I was disoriented and unbalanced.

"The interrogators sat me on a chair, with the chair's back to the right of me. One interrogator sat facing me, and another behind me, and they forced me to wrap my legs around the legs of the chair. One of them stepped on my feet and pushed me back at a certain angle, which caused me a lot of pain around my stomach and abdominal muscles. When I tried to straighten myself, the one behind me would pull me back, until my strength was exhausted and I lay back on the floor behind me, because I could no longer restrain myself due to the cramps in my abdominal muscles. "That's not all. When I started leaning my head back, one of the interrogators hit me in the stomach and in the abdominal muscles, and held my legs and shook them, which caused tears in my stomach.

"This method of torture continued over the entire military interrogation period. On the first day I couldn't determine how long it went on, but I am thoroughly aware that I reached the point where I could not breathe.

"After each 'round', there would be a short break from the torture, during which they would interrogate me. I did not confess. I insisted I was innocent, and they changed their style. They brought long metal handcuffs and bound my hands behind me with the cuffs on my arms. They would close the cuffs and press on them until the metal dug into the flesh and you felt your arm has been amputated. When I cried out in pain,

they laughed and jeered. After they removed the shackles from my swollen arms, there was a brief interrogation, bargaining for a confession in exchange for stopping the torture, but I refused each time.

"They started a new method of torture: I stood at a 45-degree angle, that is, with my legs and knees bent at an angle of 45 degrees, standing on my tiptoes. This caused cramps in the muscles of my legs, thighs and abdomen. During this torture, someone would hit my face with his hand. The final 'round' would be to bend my hips and knees until nearly sitting on the tips of my toes, which caused me acute pains in my knees.

"The interrogators would pour cold water over me and put me under the shower to wake me up and not allow me to sleep during the interrogation. They would spray me with shower-cleaning liquid. They would aim the nozzle at my ears, which caused damage to my ears, and I now use medication given to me by the detention center's physician.⁴

"As a result of the torture, I now suffer from tears in the cartilage of my right knee, and I have been scheduled for surgery but they keep putting it off. I suffer from great pain in my kidneys, stomach and back, which required that I be transferred to the infirmary. There they found an accumulation of large amounts of salt, and a sharp increase in my blood sugar, and one of them said that this was caused by the stress, and that if I would confess, everything would go back to normal. This torture continued for four days, until 2 January 2005, and I slept very little.

"On around 2 January 2005, they decided to change their approach and brought in my father and brothers and even my wife, who was in her final month of pregnancy. They proposed that I confess in exchange for their release, but to no avail. This situation went on for a few days, until they released my parents.

"The interrogators threatened me that they would arrest my wife and torture her. Afterwards they told me that she had been taken to the detention center and tortured, that the torture had caused a miscarriage and that the fetus had died."⁵

Alia Shqirat, mother of Amin Shqirat:

"On Sunday, 2 January 2005, at 1:30 p.m., Border Patrol soldiers and an intelligence officer named Barak along with more than 40 soldiers broke into the home of my brother who had been arrested that morning, while on his way to work along with his children and wife.

"They searched the house and broke things inside, and opened up the sacks of the feed intended for the sheep. They threw them on the floor and mixed them with sand, and did the same with the sacks of wheat. Afterwards, they went to my house, sent everyone out, and started searching and breaking glass and cupboards, and told me that they were going to take me and my husband to see Amin.

"They took us in an army jeep to the interrogation center in the Russian Compound and sat us down in the interrogation room and started asking me about Amin. They pressured me to give them information. The

³Palestinian stool pigeons whose job is to induce detainees to talk.

⁴*Affidavit of Mr. Amin Ahmad Jamil Shqirat* from 15 January 2005 taken by Atty. Mamoun Hashim.

⁵*Affidavit of Mr. Amin Ahmad Jamil Shqirat* from 15 January 2005 taken by Atty. Mamoun Hashim.

interrogation lasted for four hours, and they forced me to sign a document whose content is unknown to me, after threatening me that they wouldn't release us unless we signed. After the end of the interrogation and the signing, at 10:00 p.m., they released us from the detention center and told us to go home. It was cold and rainy."

Shqirat recounts:

"On around Wednesday, 4 January 2005, an English girl and a Swiss man from the Red Cross came to see me and saw the signs of severe torture that were obvious on my arms and legs and face. I filed a complaint through them in order to put an end to this torture and sleep prevention.

"The interrogation continued but was conducted less intensely until 16 January 2005, when I was placed in a solitary confinement cell. On 19 January 2005, a Red Cross representative named Jans came to see me, bringing sweets for 'Eid al-Adha, as well as some clothes. He asked about the torture, and I told him it had stopped, and that I had been alone in solitary confinement for three days.

"After he left, I returned to the solitary confinement cell. After an argument with an interrogator who came to the cell and threatened me, about half an hour later, a large number of members of the special forces came in. They wore black helmets and khaki uniforms. They bound my hands, sat me down and stepped on my neck. They bound my hands behind me, and sat me on the floor, leaning against the cell wall. They

stepped on my neck until my head was glued to my legs, and then to the floor, and then took me out of the cell, and set upon me, beating me with their hands and clubs. They dragged me back to the cell and started to suffocate me with a folded blanket that they put over my face. One of them began kicking me in the genitals and I don't know what happened next.

"I woke up wet with my clothes on in the bathroom. I made an effort to get up and went to the toilet to urinate, and was surprised to find that the color of my urine was reddish. I banged on the cell door and asked for a doctor immediately. They made me wait until evening, and then took me to see the doctor at the Russian Compound clinic. I told him I had received blows to the genitals and other body parts, and he looked at me and that is how he examined me. He gave me a pill for the pain and sent me back to the cell. My medical condition deteriorated quickly. My head exploded with pain, and I had pain in my right kidney and in both testicles, and my legs were swollen. Fortunately, my court date was near and the marks were still on my body. I complained again before the judge and told him everything, and he wrote a recommendation to transfer me to the hospital.

Following the torture I underwent at the hands of the interrogators at the Russian Compound, I would make confessions; and after waking up, I would recant because I did not do any of those things, but I was just trying to prevent the severe torture."⁶

Medical Treatment

In the detention center's clinic record from the date of Shqirat's arrest, Dr. Jacob Alexander wrote:

"27 November 2004, 5:30 a.m., wing 19/20. Shqirat Amin. Age: 30. Blood pressure: 120/80. Pulse: 86. Temperature: 36.6. New detainee. States he is healthy, denies taking medication. Upon examination is found in overall good condition." Dr. Jacob elaborates, and signs "satisfactory examination."

Thirteen additional visits by Shqirat are recorded in the record by 3 February 2005, in which he complains of many problems.

After the continuous interrogation on 1 December 2004: "Complains of lower abdominal pain and pain in finger 1 of left hand." Dr. Pavlov Michael did not diagnose a problem.

On 28 December 2004, the date of Shqirat's return from Beersheba Prison: "Arrived from the Israel Prison Service (IPS). Complains of pain in the area of the left rib cage – for a month. Reports that he went to a physician in the IPS – did not receive any treatment." Dr. Romov Alexander: "At this stage there is no need for treatment."

Two days later, during which Shqirat described severe torture: "He claims that during the interrogation he was slapped, also claims that he was chained to a chair for a long time ... complains of pain in the forehead... complains of pain under left ribcage." In this examination, Dr. Domov found "a number of

brown, yellow, blue subcutaneous bruises on the arms and elbows...mild edema of the hands." He prescribed monitoring of blood sugar levels and made a follow-up appointment for Shqirat four days later. At the follow-up exam (2 January 2005): "Edema of the hands persists."

Later, Shqirat was treated for diabetes, from which, as stated, he did not suffer prior to his arrest.

On 19 January 2005, the day Shqirat was beaten by the men in black: "Complains of headaches, pain in the waist, thighs, claims he was hurt by policemen today." Dr. Alexander Hefetz found signs of injury to the forehead and left calf.

On 24 January 2005, after the court hearing Shqirat described, Dr. Romov wrote: "Examined by court order. Claims that about six days ago sustained injuries from policemen to the back, head, legs. No story of loss of consciousness. Complains of pain in the right hip, pain under left ribcage. Upon examination, general condition satisfactory."⁷ The following day, Shqirat was examined at Sha'arei Tzedek Hospital, where only an ECG exam was conducted. In his discharge report from the emergency room, listed under "recommendations" was the recommendation: "take Acamol [paracetamol – an over-the-counter painkiller] every six hours as needed for pain, follow-up by family physician."⁸

Dr. Meira Glosman, medical advisor to the **Public Committee Against Torture**, wrote in her response to Dr. Zlot, director of the

⁶*Affidavit of Mr. Amin Ahmad Jamil Shqirat* from 15 January 2005 given to Atty. Hashim Mahmoud.

Sha'arei Tzedek emergency room:

"The patient has hyperglycemia, and blood in the urine. Nowhere in the summary did I find a record of blood and urine tests. I do not claim that they were not done, but that they were apparently not recorded. I hope you will agree that this is not an acceptable standard of summary for such an important hospital as Sha'arei Tzedek, especially not for such an impressive emergency room."⁷ Sha'arei Tzedek Hospital never responded to this letter. The only internal exam he underwent was on 6 February 2005: an abdominal ultrasound test.

Dr. Nudelman, Deputy Chief Medical Officer for Israel Police detainees, in response to PCATI's appeal regarding Shqirat's treatment, wrote that: "This detainee, according to entries in the clinic record, suffered two medical problems: diabetes, which was discovered due to the vigilance of the detention center infirmary's physician, and a urinary tract infection... the patient received medical treatment accordingly... I cannot accept or understand your statement that 'treatment of this detainee is unsatisfactory' on the basis of my examination of the entries in the clinic record and the clinical results: an improvement in the patient's condition."¹⁰

Complaint and Legal Proceedings

Shqirat was not allowed to meet with an attorney from the day of his arrest until 6 January 2005 – a total of 40 days – at which time the State, following a petition filed by PCATI, announced a removal of the ban.¹¹

⁷From *Journal of district infirmary*, attached to letter of medicine officer Jerusalem to PCATI, 3 february, 2005.

⁸*Discharge Letter, Sha'arei Tzedek Medical Center dated 24 January 2005, signed by Dr. Ze'ev Wimperheimer.*

⁹*Letter from Dr. Meira Glusman to Dr. Zlot, Director, Sha'arei Tzedek Hospital Emergency Room, 14 February 2005.*

On 2 March 2005, an indictment was submitted against Amin Shqirat. He was charged with three offenses: membership and activity in a prohibited organization, Hamas; possession of weapons; and conspiracy to commit "a shooting attack on guards at the separation wall in 2003." The indictment states that "the conspiracy did not materialize." The indictment lists two witnesses for the prosecution, both in detention.¹²

A week later Hannah Friedman, Executive Director of the **Public Committee Against Torture in Israel**, wrote to Attorney Dudi Zecharia, Senior Deputy to the State Attorney and responsible for the GSS Ombudsman of Interrogees' Complaints, detailing the torture Shqirat was subjected to during his interrogation, and its inadmissibility from a legal perspective.¹³

One year and two weeks later, Zecharia's replacement, Atty. Naomi Granot, responded: "Every one of the complainant's claims was examined. The examination revealed that Mr. Amin Shqirat was arrested due to a grave suspicion against him that was based on reliable information, according to which he was allegedly involved in or assisted in carrying out serious terrorist activities that were liable to have been carried out in the very near future and which could have injured or endangered human life.

"The findings of the GSS Ombudsman of Interrogees' Complaints were presented to the State Attorney's office. After being thoroughly examined by the Attorney General, the State Attorney's Office and the undersigned, it

¹⁰*Letter from Dr. Nudelman, Deputy Chief Medical Officer for Detainee Matters, to Dr. Glusman, The Public Committee Against Torture in Israel, 21 February 2005.*

¹¹*Protocol of HCJ 125/05 Anonymous vs. Minister of the Defense and the General Security Services, 6 January 2005.*

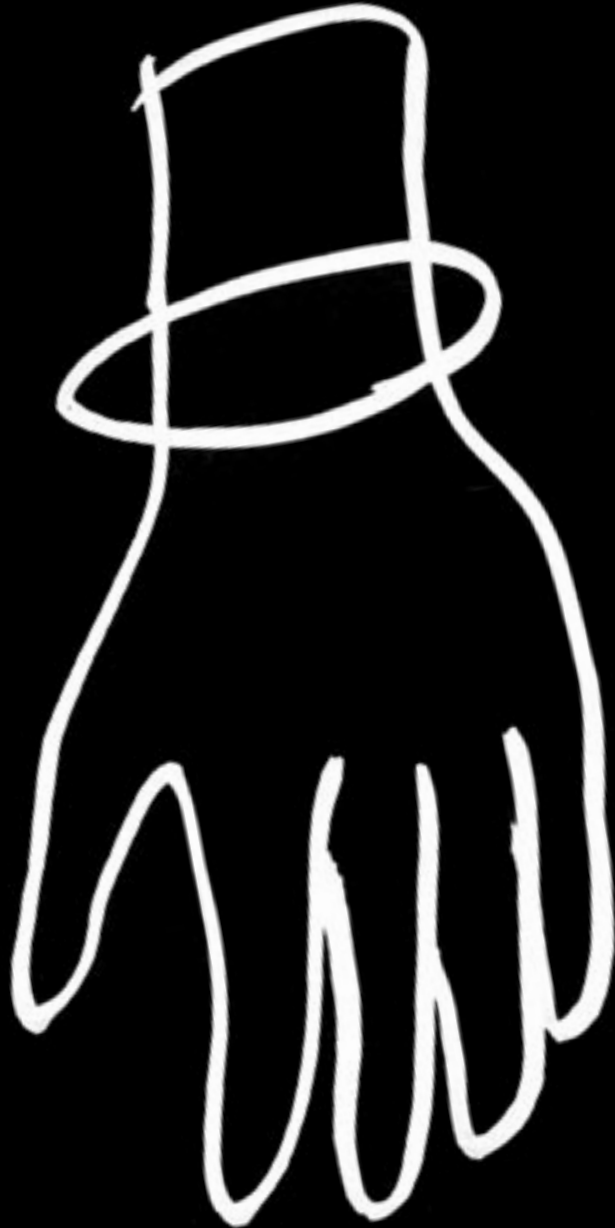
¹²*Indictment of Amin Ahmad Jamil Shqirat, submitted to Judea Military Court, 2 March 2005.*

was decided that the findings of the GSS Ombudsman did not warrant taking legal, disciplinary, or other measures against any of the GSS interrogators."¹⁴

As of the date of this report, Shqirat is still in detention and awaiting trial.

¹³*Letter from Hannah Friedman, Executive Director of the Public Committee Against Torture in Israel to Atty. Dudi Zecharia, Senior Deputy to the Attorney General, 10 February 2005*

¹⁴*From Letter from Atty. Naomi Granot, supervisor of OCGIC, to Hannah Friedman, Executive Director of the Public Committee Against Torture in Israel, 22 February 2006.*



The Case of Luwail Ashqar

“I’m Going to Emerge from the Interrogation Room Paralyzed”

“I would lose consciousness from so much pain, particularly in my back. The edge of the chair was sharp. When I sat on it, it would press into my lower back while the interrogator beat me on my thighs, and that would hurt me very much. This activity was repeated many times, from April 22nd through Tuesday, April 26th”.

Arrest

On Friday, 22 April 2005, at 2 a.m., IDF soldiers came to the home of Luwaili Ashqar's family, in the village of Saida near Tulkarm. Ashqar, age 29, an aluminum worker, had gotten married on the first day of that year. Four and a half months later he was taken from his bed and transported to the Kishon detention facility. His father, Sati Muhammad Yusef Ashqar, recounts:

"At 1:30 the Israeli army surrounded my house... The soldiers began throwing stun grenades at the house, and shouting and banging on the doors, and saying: "Come out of the house..." The soldiers aimed their weapons at us and asked us to lift up our garments after leaving the house. They sat us down on the graves located near our house. We were twenty people: babies, women and men. With the soldiers was a commander who took Ashqar aside and began asking him questions in a low voice, and I heard Ashqar answer him: "Come in and look inside the house, and if you find something, I'm responsible for it." Afterwards, they blindfolded Ashqar and shackled his hands. The soldiers loaded Ashqar onto a small jeep and took him with them and left the place."¹

Before the interrogation began, Ashqar was examined by a physician of the Israel Prison Service. The physician's record for the day of the arrest summarizes the examination of prisoner Ashqar Luwaili Sati from wing 40, I.D. number 900097270, with the acronym "LPF" – "Lacking pathological findings."² Ashqar's physician, who had examined him a month

earlier, also determined that he was "free of any mental or physical handicaps."³ Similarly, the Saida village council formally confirms that "Mr. Luwaili Sati Muhammad Ashqar, I.D. 9000972720, resident of the village of Saida, enjoyed a good and healthy medical state – worked in aluminum, with no handicaps or physical limitations, until 22 April 2005."⁴ Ashqar himself declared that: "When I was arrested and prior to the arrest, I did not suffer from any pains... I was completely healthy."⁵

Interrogation

"In the first interrogation of the morning," Ashqar relates, "the interrogators told me that I am supposed to participate in a military activity against Israel on Sunday or during the Passover holiday, which begins on April 24th . I denied this, and immediately afterwards they began threatening me with a military interrogation, for several consecutive hours. Eight or nine interrogators took part in the interrogation.

Heading the interrogation was an interrogator named 'Maimon,' who did not beat me. In contrast, Major Effi and another interrogator named Gilad began torturing me and beating me, particularly the interrogator Effi who beat me extensively until he broke one of my teeth."⁶

From this point on, Ashqar recounts a saga of torture:

"During the interrogation I sat on a chair with a crooked back, special for interrogations. The chair was attached to the floor of the

interrogation room, and each of my legs was tied to a leg of the chair, and my hands were tied to the chair from behind. Interrogator Effi would push me backwards on my chest until my head reached the floor, and would then grab my shackled hands and pull them towards him.

"I would lose consciousness from so much pain, particularly in my back. The edge of the chair was sharp. When I sat on it, it would press into my lower back while the interrogator beat me on my thighs, and that would hurt me very much. This activity was repeated many times, from April 22nd through Tuesday, April 26th .

"In addition, the interrogators would force me to stand on my tip-toes for an hour to an hour and a half, while my hands were shackled and stretched. My hands, when they were shackled, were swollen and blue...

"From 22 April until 26 April, they gave me water only, and no food, and they would not allow me to sleep. The interrogators rotated every four hours.

"During the interrogation, the interrogators brought detainees whom I didn't know, who claimed that they knew me and had ostensibly informed on me. These measures were intended to force me to confess."⁷

"Before I was taken to the hospital, I would leave the interrogation room crawling on all fours... They told me that they would stop the military interrogation only after I confessed to what it was they wanted me to confess to... During this period, the interrogator would tie me to the chair, which hurt a lot. Then I

decided to confess that I was behind the explosion of the two towers in New York, and therefore, at the end, the interrogator read me a confession, and under pressure and torture, I confessed. After I confessed, they began heaping other accusations on me, and continued the interrogation for another hour."⁸

In the memoranda recorded by Ashqar's interrogators during the interrogation, they repeatedly claim that "he was asked how he was doing, and answered that he was doing fine." This formulation occurs in most of the interrogations.⁹ On one of the occasions, the GSS interrogator even maintained that he was forced to convince Ashqar that he would have to undergo a medical examination due to the pain in his back, and in a later part of their meeting, "the jailers were instructed to take him to the detention center infirmary" and he "stated that he had visited the infirmary and received treatment."¹⁰ These two versions of course contradict Ashqar's affidavit. The GSS interrogators' versions of Ashqar's treatment during the interrogation also contradict the diagnoses of the Israel Prison Service physicians.

After the confession, Ashqar was permitted to take a shower:

"For the first time, on Tuesday, 26 April, the interrogator let me shower. In the shower I tried to remove my underwear, but I couldn't, even though I used hot water. The reason was that the undergarment had stuck onto the bone at the bottom of the spinal cord, which had become exposed due to so much torture.

¹*Affidavit of the Father*, taken by Adnan Basisi, fieldworker of the **Public Committee Against Torture in Israel** on 26 July 2005.

²Physician's Record, Israel Prison Service, Medical Services Division, 22 April 2005.

³*Medical Examination Summary* by Dr. Yasser M. Hourani, 27 March 2005.

⁴*Declaration of Hassan Rashid Hasssan Ashqar, head of the Saida village council*, 18 September 2006.

⁵*Affidavit of Mr. Luwaili Sati Muhammad Ashqar* taken by Atty. Muhammed Abu Raiya on 17 August 2005. Henceforth: "*Affidavit A*."

⁶*Ibid.*

⁷*Ibid.*

⁸*Affidavit A and Affidavit of Mr. Luwaili Sati Muhammad Ashqar*, taken by Atty. Jo'ane Khouri, 17 May 2005, henceforth, "*Affidavit B*."

⁹Par. 1 of the memoranda from the interrogations between the dates of 23 April and 9 June, 2005.

¹⁰*Memorandum from 27 April 2005, recorded by "Maimon."*

The underwear was stuck to that bone.

“I asked one of the interrogators to take me to the infirmary to heal the bone, which was stuck onto the undergarment at the bottom of my back. The interrogator, whose name was Maimon, said that if I finished and told them everything, they would take me to the infirmary. Ultimately, they brought me to the infirmary, but the physician was not prepared to check my claim, and he merely gave me painkillers. On one of the occasions when they brought me to the infirmary and the physician who was there asked me about the wound on my back, I told him that it was because of the interrogations, and I heard him say that the wound was infected and that I needed to be taken to the hospital, but the interrogator refused to transfer me to the hospital and said ‘We’ll take him tomorrow.’ But in fact, only on May 1st 2005 did they transfer me to the Rambam Hospital in Haifa.”¹¹

“In the Rambam Hospital they shackled my hands and legs. The doctor who came to check me asked what happened. When I started to tell him, the guards asked me to be quiet, and asked the doctor to go out with them. After the doctor returned, he conducted an intrusive exam. When it was finished, he said to me “There’s nothing wrong with you, and you’re released.” I received medications, he put cream on the injured vertebra, and I was taken back to Jalameh [the Kishon prison facility]. In light of my situation, and out of apprehension that something bad would

¹¹Affidavit A.

happen in light of the violent interrogation carried out against me, I was compelled to confess to what they asked me to confess.”¹² Three of Ashqar’s five confessions before police interrogators from the dates of 2 May, 3 May and 10 May, 2005,¹³ were taken not only subsequent to the torture described above and during the course of intensive interrogations, but also while he was being denied the right to meet with an attorney. Denial of the right to meet with his attorney was extended seven times, and in total Ashqar was prevented from meeting with an attorney for 30 out of the 35 days immediately following the first intensive interrogation, from 26 April until 31 May, 2005.

Medical Treatment

Approximately six weeks later, Ashqar was transferred to the Gilboa facility.¹⁴ His medical file shows that on 19 June, 2005, the medical officer of the Gilboa Prison Facility, Dr. Boris Lachman, sent an urgent request for an orthopedic exam for Ashqar, due to grave findings: “Left foot colder... decline in gross motor as well as feeling in left foot,” writes Dr. Lachman, and diagnoses “LT Drop Foot” – ‘dragging’ left foot with lack of mobility. At the same time, he also noted a referral for an x-ray, to examine Ashqar’s pelvic spinal cord. “Due to the serious nature of the findings, I would like to have him summoned for a consultation as soon as possible!!!!!!” Lachman emphasized.¹⁵ The orthopedist recommended an additional examination: CT

¹²Affidavit B.

¹³Confessions of Mr. Luwail Ashqar to the Israel Police on 2 May, 3 May and 10 May 2005, were taken by Advanced Staff Sergeant Major Hashem Halabi, and Advanced Staff Sergeant Major Lutuf Mar’i.

¹⁴Affidavit of Mr. Luwail Sati Muhammad Ashqar, taken by Atty. Maher Talhami on 13 August 2006, henceforth “Affidavit C.”

of the spinal cord, and an EMG. “Urgent,” he emphasized twice, and added, “Since this is a process that has gone on for two months, there is no place for an urgent surgical intervention.”¹⁶ In other words, the tremendous delay greatly decreased the possible utility of suitable treatment. Ashqar’s detention was extended for 8 additional days on 29 June 2005,¹⁷ and Dr. Lachman sent an urgent request for an examination outside of the Israel Prison Service in the HaEmek Hospital in Afula, since examinations through the IPS medical center¹⁸ involve a prolonged wait and traveling for many hours in an uncomfortable position.”¹⁹

“The journey to the IPS medical center is long and causes me a lot of pain. It takes us 14 hours to arrive there so that the doctor can examine me, and when I ask him regarding the results of the examination, he tells me that the results will arrive at the prison, but I never received results,” Ashqar relates.²⁰

Dr. Lachman refers Ashqar to CT and EMG examinations at HaEmek Hospital.²¹

The next day, on 7 July 2005, the first hearing regarding Luwail’s case was held at the military court in Salem. His father, Sati Muhammad Yosef Ashqar, spoke about his son’s situation:

“I saw my son, Ashqar. I did not manage to speak with him. I saw him standing on one foot. When the judge asked him to stand, he stood with the help of the wall. I heard Ashqar tell the judge that he was beaten severely and tied onto a chair in the painful ‘shabah’

¹⁵Request for Orthopedic Exam and Referral to Radiology Institute, Dr. Boris Lachman, 19 June 2005.

¹⁶Recommendation and Treatment Instructions, Dr. Ya’akov Feshin, 28 June 2005.

¹⁷Extension of Detention Order, signed by Lieut. Col. Anat Zisser, 30 June 2005.

¹⁸Reference to the “Magen” Center in the Ramleh jail.

¹⁹Request for Extraction of Prisoner for Medical Treatment, Dr. Boris Lachman, 29 June 2005.

²⁰Affidavit C.

position for long periods. Ashqar asked the judge for a wheelchair with a toilet seat because his leg was paralyzed, and the judge promised to help him.”²²

Ashqar’s attempts to receive medical assistance continued. While the CT exam was carried out within a week, the EMG was set for November 2005. The **Public Committee Against Torture in Israel** received information about Ashqar’s situation and intervened: “In light of the continually deteriorating medical situation the he reports, and in light of the LT Drop Foot diagnosis, a medical finding diagnosed only after his detention and interrogation, I request that the necessary medical examinations be carried out urgently, in order to prevent pain and suffering and the possibility of irreversible paralysis of the leg... Utmost priority should be given to the EMG scheduled for two months from now,” wrote Hannah Friedman, in an urgent letter to the Chief Medical Officer of the Israel Prison Service on 15 September 2005.

On Monday, 19 September 2005, the offices of the **Public Committee Against Torture** received a brief response in writing from the Chief Medical Officer of the Israel Prison Service, Dr. Alex Adler:

“The medical state of the prisoner is good. The state of his leg is improving and there is no deterioration. There is no need to schedule the EMG earlier or for urgent medical examinations” (emphasis in original).²³ Never the less the examination was carried out ten days later, on 28 September. Following

²¹Referrals from 6 July 2005.

²²Affidavit of Father, 26 July 2005.

the examinations, on 29 November 2005, Dr. Lachman referred him to a neurologist.²⁴ Ashqar saw the neurologist only on 26 July 2006, eight months after the referral. The neurologist recommended an MRI and an additional EMG.²⁵

Ashqar was taken to the military prison facility at Meggido and continued to suffer from excruciating pain. In addition, he was placed in isolation there for seventeen days, since – according to one of the guards – he reacted jubilantly when a Katushya rocket fell on the prison during the Second Lebanon War.²⁶

“In the presence of the judge, I asked the prison director to give me a special chair that would help me go into the bathroom, and painkillers that I had grown accustomed to taking on a regular basis and that help me greatly in lessening my back pain. In the presence of the judge, the prison director promised me that I would get everything I asked for. Four days passed, and every day I asked for the chair and the pills from the prison officer, and everyone responded with the same answers, “We’ll look into it.” I remained in this state during my entire time in isolation, and every night I moaned with pain, until I would lose consciousness. The back pains grew stronger when I tried entering the bathroom without the special chair, and as a result I fell to the ground a number of times...”²⁷

Ashqar, who –according to the IPS physician, his personal physician, his employer in the local council, and his family members– was healthy upon his arrest by the IDF and upon transfer to GSS interrogators, now has

difficulty functioning in daily life. “My spinal cord was fractured, which led to paralysis of my left leg,”²⁸ he testified –echoing the promise of ‘Major Effi,’ who “would say during the interrogation, that if I don’t confess I will hope to die, but death will not come to me, and I will leave here, the interrogation room, paralyzed.”²⁹

Legal Procedures and Response of the State Attorney’s Office

The indictment against Ashqar was submitted on 14 July 2005, to the Samaria Military Court. Ashqar was accused of “giving cover” to “wanted people,” “forgery and use of a forged document,” “violation of an order regarding a closed area,” and “possession of weapons.” The military prosecutor based the indictment on his confession, taken under torture, and the testimonies of six people, four of whom were also detainees.³⁰

On 6 September 2005, PCATI’s Legal Advisor, Eliahu Abram, submitted a complaint regarding Ashqar to Atty. Dudi Zecharia, senior deputy to the Attorney General and responsible for the GSS Ombudsman of Interrogees’ Complaints, and to Atty. Haim Shmulevitz, Legal Advisor to the Israel Prison Service. The complaint included a detailed description of Luwaili Ashqar’s torture, as related in his affidavit. Among other things, the letter stated: “It does not take many words to characterize the essence of the deeds attributed by the complaint to the interrogators: this is true torture, prohibited under Israeli law and under international law.”

²⁷Ibid.

²⁸Ibid.

²⁹Affidavit A.

²³Chief Medical Officer’s Response to PCATI request, 19 September 2005.

²⁴Request for Neurological Exam – Israel Prison Service Medical Center, by Dr. Boris Lachman, 29 November 2005.

²⁵Diagnosis and Treatment Instructions by Dr. Shlomo Flechter, neurologist, 26 July 2006.

²⁶Letter by Luwaili Sati Muhammad Ashqar to the Committee for the Palestinian Prisoner, 6 September 2006.

On 27 February 2006, Ashqar was convicted in the framework of a plea-bargain agreement.³¹

On 23 April 2006, Major Carmel Wahbi sentenced Ashqar to 26 months in prison from the day of his detention. In the summary arguments, prosecutor Orli Oren declared that: “In handling this case, the prosecution had to take into account the **predictable difficulty in proving the admissibility of evidence** concerning the defendant, in terms of the ‘costs’ of conducting a trial, because it would have required calling up many GSS interrogators to testify and carrying out a *voire-dire* mini-trial.” Major Wahbi chose to state in the verdict that one of the considerations for adopting the plea bargain in the case was “**the fact that it did not involve grave crimes.**” (our emphasis)³²

The response to PCATI’s complaint by Atty. Naomi Granot, responsible for the GSS Ombudsman in the State Attorney’s Office, was received two weeks later, on 7 May 2006. She wrote:

“Every one of the complainant’s claims was examined. The examination revealed that the complainant was arrested for interrogation due to a grave suspicion against him that was based on reliable information, according to which he was allegedly involved in or assisted in carrying out serious terrorist activities that were liable to have been carried out in the very near future, and which could have injured or endangered human life.

The findings of the GSS Ombudsman of Interrogees’ Complaints were presented to the

³⁰Indictment, *Military Prosecutor v Luwaili Sati Muhammad Ashqar*, P.A. 3590/05, Court file 2981/05, Samaria Military Court, 14 July 2005.

³¹Legal Sentence, *Military Prosecutor v Luwaili Sati Muhammad Ashqar*, file 2981/05, Samaria Military Court, 27 February 2006.

State Attorney’s Office. After being thoroughly examined by the Attorney General, the State Attorney’s Office and my predecessor, it was decided that the findings of the GSS Ombudsman do not warrant taking legal, disciplinary or other measures against any of the GSS interrogators.”³³

³²Summaries and sentence, *Military Prosecutor v Luwaili Sati Muhammad Ashqar*, file no. 2981/05, Samaria Military Court, 23 April 2006.

³³Response of the State Attorney’s Office to the Complaint of Mr. Luwaili Sati Muhammad Ashqar, letter no. 2006-55-238, 7 May 2006.



The Case of Muhammad Barjiyye

“We Have Methods That No One Will Discover”

“Gur placed cloth black glasses over my eyes, so that I couldn’t see a thing, and began slapping me hard, relentlessly, on both cheeks. Oscar said that I was carrying all of Palestine on my shoulders and that the military interrogation would make me set it down. He released my hands, placed them in front of me and shackled them again. He said that from now on they didn’t want me to talk. They wanted me to show ability and endurance”.

Arrest

Twenty-two-year-old Muhammad 'Abd al-Rahim Barjiyye, a fourth-year business student at Bethlehem University, was arrested before dawn of Friday, 17 June 2005.

"At 4:00 a.m. many soldiers arrived at our home, and threw stun grenades into the house. I realized that the house was being attacked. They started calling my name and that of my brother, Abbas. Fifteen days earlier, they had arrived and destroyed the entire contents of the house and arrested my older brother, Hamza.

"We went outside, all members of the household. The soldiers held photos by which they identified us. They lay my brother and me on the floor, and tied my hands back with plastic shackles. Afterwards, they blindfolded me with a striped white cloth. As they searched the house, at least three soldiers stepped on me as I lay face down, so that I wouldn't move. About ten minutes later, they lifted me up and threw me onto the jeep floor. I was on my back. Then they brought my brother and threw him on top of me, onto the floor. At least three soldiers came in and sat in the seats around us.

"They brought us to a thorny area. Three of the soldiers lifted my brother Abbas by the hands and feet and threw him into the thorns, and then did the same to me. My hands were still tied behind my back. The position was very painful.

"We stayed there for about an hour. We wanted to get up to relieve our hands, but the soldiers wouldn't let us move. After an

hour, the soldiers walked us to the steps of a military vehicle. I couldn't go up because of the pain and because I couldn't see the step, so the soldiers lifted me up and threw me into the truck, onto the floor.

"There were soldiers in the truck. There was also a dog that kept sniffing at my brother and me. A soldier gave the dog instructions. I couldn't understand what the soldier was saying to the dog. The soldiers cursed us in Arabic during the ride, and sang and talked among themselves in Hebrew.

"The truck drove for 15-20 minutes, and then it stopped. They helped us get out of vehicle, then lay us down on our stomachs on the asphalt. They distanced my brother from me. The asphalt was hot at this hour. I was in this position for at least an hour and a half. I asked them to loosen the handcuffs a little, but they would not respond.

"About an hour and a half later, we were transferred to another car. They placed me in a seat in the car, back-to-back with my brother. After about a 15-20 minute drive, they took us out again and lay us down on our stomachs, in the sun, for about two hours. We were then transferred to yet another car that took us to the Russian Compound detention center. We arrived there at about 11:30. I saw the time on the watch of the guard who searched me.

"When we arrived, they separated us. They put me into a room, and removed the shackles and the blindfold. They took everything I had into deposit, and searched me thoroughly. They didn't tell me where I was. They didn't talk to me at all. A policeman named Hasid

searched me. Later, in the interrogation room, I understood that I was in the Russian Compound. After the search, Hasid put dark sunglasses on me, like the ones pilots wear, shackled my hands in front with metal handcuffs and moved me to another room."¹

Interrogation

"Hasid sat me down on a chair that was secured to the floor. He released one of my hands from the handcuffs, took it and attached it through a ring on the back of the chair, so that my hands were on either side of the ring and the chain of the handcuffs ran through it. He removed my glasses, and I saw an organized office-type room with a computer. I stayed like this, alone, for at least two hours.

"About two hours later, an interrogator came in and said his name was Abu Wadi. As soon as he entered, he gave me a paper that listed my rights. The paper said that I had the right to receive medical treatment and to shower once every three days, that I was allowed to go to the bathroom, and to meet with a lawyer after completion of the interrogation, but that everything depended on the interrogator's will and approval. He told me to sign the paper and I did.

"He started working at the computer, and didn't speak. After an hour, he asked my name and requested personal information. He started telling me jokes and stories about his life, and then asked if I was a student, and said that a lot of people had testified against me, and that there is a completed file ready against me. He showed me a file and said it

was mine and that he didn't want to go into it, took it and threw it into the garbage, in front of me.

"He said that what interested him was a military thing, and started to talk about my brother, Hamza. He said that he had tried to make a hero of himself, carried out military operations and had not wanted to confess, and that in the end 'we showed him and he talked about everything and even incriminated you.' He showed me a page written in Arabic and said it was a confession by my brother. I know my brother's handwriting and what he showed me was not his writing. I realized he was inventing things.

"We stayed together for about six hours, while I sat in the same position. During this time they brought me food and water. During my stay with the interrogator, I told him my eye hurt. Just two days earlier stitches had been removed from an injury to my eye, caused by a blow I received from the butt of the rifle of the officer who had arrested my older brother on May 1, 2005.

"About four hours later, Hasid came and took me to the doctor, who looked at my eye and said that everything was fine and sent me back. Five or six hours later, Abu Wadi said he was going to his wife, and that someone else would come to stay with me until morning. A new interrogator entered -- Aaron or Iron. He also sat at the computer for about an hour, then turned to me and said: 'piece of shit.' He shouted and said that I must confess. Now and then he spit into my face. He demanded names and information about objects,

¹This, like all of Barjiyye's statements in this chapter, is taken from the **Affidavit of Mr. Muhammad 'Abd al-Rahim Barjiyye dated 25 July 2006.**

explosives belts and the like.

"He cursed my mother and father very crudely, threatened to arrest them and threatened to destroy my house. I told him: "If you can, do whatever you want." Every four hours or so, he would leave me alone for an hour, and then return.

"After breakfast, at about 8:00 a.m., he left. Another interrogator arrived, who stayed with me until lunch. He mostly sat and worked at the computer. In the afternoon, four interrogators in civilian clothes came in: Oscar, Abu Wadi, Gur and Micha. Gur and Micha were the most active, the 'stars of the film.'"

"They started shouting at me and threatening that they would take me to a military interrogation. Micha said that the following day they would get a permit for a military interrogation from the High Court, 'and then we'll see how brave you are.' Until dinner time, they would come in, shout and leave. Then they took me out to eat in the small isolation cell, for about twenty minutes. I was able to communicate with the detainee in the next room. This was probably a trick. When I went in, the detainee in the next room asked 'who's there?' I told him I didn't know him, and refused to talk because I knew they were listening.

"They took me back to the interrogation room. Captain Micha was there. He said that I would yet see that I would confess to everything, and left. I was left alone on a regular chair with a back, without arm rests but with short legs, so that one's legs had to be bent. They were

shackled. Every time I moved, they yelled at me not to move. After an hour or two, the four interrogators came back into the room. Micha had a form in his hand, and he said, 'Mabruk (congratulations), you have been authorized to go through a military interrogation.' I asked to see the form, to see if it was true. I told him it was my right to see the paper, but Micha said I had no rights here.

"Gur placed cloth black glasses over my eyes, so that I couldn't see a thing, and began slapping me hard, relentlessly, on both cheeks. Oscar said that I was carrying all of Palestine on my shoulders and that the military interrogation would make me set it down. He released my hands, placed them in front of me and shackled them again. He said that from now on they didn't want me to talk. They wanted me to show ability and endurance.

"They put me into a new position – at the side of the chair, with the armrest at my side and nothing behind my back. They tied each of my legs to a chair leg, then took off my blindfold, saying they wanted to see me. Oscar the interrogator sat across from me and stepped on my feet so that I would not move. Micha and Gur yelled all the time. Oscar said that he would grab my shirt from the front upwards, and that I should lean back. He said I had to lean midway, because if I leaned all the way back my back would break, and if I sat up the regular way he would hit me. And that he wanted to see how long I could endure it.

"I stayed this way for maybe an hour, with my eyes blindfolded again. When I could no longer manage and wanted to sit, he hit me

hard below the chest. The blow threw me back. I felt as if my back was coming apart. I couldn't get up again. My head was on the floor and the pain was excruciating. He told me to get up, but I couldn't. I felt a sour liquid pouring out of my nose, and my stomach hurt. I stayed this way for about fifteen minutes. Micha sat me down on the chair.

"Oscar grabbed me by the shoulders and began shaking me for maybe ten minutes, shouting at me to confess. I felt as if heat waves were rising from the nape of my neck and spreading throughout my head, and I had an intense pain in my neck. Afterwards he put me back into the leaning-back position. I couldn't take it for long and I sat up, and again I received the same blow to the stomach, and I fell down again for fifteen or twenty minutes. Then they picked me up and shook me again.

"I told him I knew that he was forbidden to shake me under international law. Oscar said that I was forbidden to complain about anything, that I could talk only if I wanted to confess. He gave me three cups of water to drink and then repeated the same drill. This time he left me down for about an hour. The water he had given me to drink drained and leaked through my nose. Drinking the water had been a disaster for me.

"This lasted for about eight hours. I had a very intense headache, pain in my chest and back. I felt as if my head was exploding. Abu Mussa, an interrogator, lifted me up and took me to the toilet. He told me he was sorry this was happening to me, because he was fond

of Arabs... that he had eight children, that he hated the interrogators and felt sorry for me. Every time I was taken in or out of the room, my blindfold was changed. That's how I could see as I came in that there was a new interrogator.

"They tied my hands behind me. Micha told me to bend over and lean on the tips of my toes. I could not stay in this position for long, and every time I moved they slapped or punched me, which caused me to fall. After a half hour or an hour, he would stand me up in the regular way, count to ten, then tell me to sit again on the tips of my toes. This went on for hours. I got to the point where I couldn't sit in this position. I threw myself onto the floor and said: 'Whatever happens, happens.'

"I was then punched and slapped by the new interrogator. He shouted that I was weak, unable to withstand the interrogation, and therefore I had to confess. After 10-15 minutes of blows and shouting without interruption, they sat me down on the chair again and leaned me back. I could not hold on for long.

"My entire body was shaking. I hadn't slept, I couldn't eat. At one point, the team was replaced. Micha said he was going to his wife and that I would continue with another team, until I was "cooked." Four more interrogators came in, and Gur remained. They went through the same drills.

"At one stage, before breakfast, they removed my shirt and I remained in an undershirt. They placed an elastic bandage on my hand, like

athletes' shields, and placed strange shackles on my hands, connected by a relatively long chain and whose tightness could be adjusted. Gur stood behind me, grabbed my neck from behind and put his knee in my back. Two others held each of my hands and started tightening the handcuffs, and a fourth stood facing me, shouting at me to confess.

"I shouted from the pain and they cursed. I remember all of them, some by their face and others by name.

"They tightened the handcuffs each time for many minutes, until my hands turned blue and I couldn't move my fingers. Then they would loosen them. They did this many times. Then they put me back into the chair position. One time I told myself that maybe if I held my neck rigid the shaking wouldn't hurt me. I did this, but Gur noticed and slapped me on the ear.

"Then they brought my head all the way back, bent me backwards, and bound my hands and feet together behind me, for hours. Sometimes they would release me for a few minutes, then return me to same position. Like a banana.

"During the next shift, Abu Nissim replaced Gur, who had been with me all night. Oscar said that if I wanted to be a hero, he'd show me. He told me that Abd al-Samed Harizat² hadn't wanted to confess and they had broken his back on this chair, and he didn't make it, and died. 'We'll do the same to you, with new methods. We have methods no one will discover; we'll cause you damage that won't leave any signs but that will kill you.'

"I asked to pray and they forbade me, and said I should tell my God that Gur didn't allow it.

"On Wednesday, they used a new method: they sat me on the floor and Micha told me to place my hands with the chain of the shackles on the chair facing me. Oscar sat behind this chair and pulled it hard. Two others sat on the chair behind me, pulling my leg shackles back so that my face was in the air and my hands on the chair, pulled back forcefully. My legs were in the air, with only their tips reaching the rear chair behind. I was like a bridge in the air. Another interrogator put his foot on my back and I stayed like this for 15-20 minutes at a time, for several rounds. They shouted at me to confess. Even if I had wanted to talk, I couldn't. I think this was the hardest position I endured.

"I asked to go to the toilet, where I saw that I was urinating blood. When I returned, I asked to be examined by a physician. Micha and Oscar were there. They mocked me and continued to torture me for three-four hours more, and then took me to see a medic. I told the medic that everything hurt me, and that I was bleeding. He said there was nothing wrong with me, gave me paracetamol (an over-the counter painkiller) and that was it.

"This went on from Saturday until Thursday morning. Then they told me that they were taking me to a lie detector. I told them I was willing, on the condition that they let me rest and sleep for one night (because I hadn't slept till then). They agreed. They put me back into

²The ruling by Chief High Court Justice Aharon Barak, stated that "Shaking is an unacceptable interrogation method. It causes bodily harm to the person being interrogated. It violates his dignity. It is a violent method that does not comprise part of a legal interrogation." This ruling was handed down following the killing of Harizat,

the isolation cell. I couldn't sleep because of the pain. Half an hour later, breakfast arrived. After the meal, Micha arrived in different clothing, and told me that now that I had slept a whole night, I had to go take the test. I told him it wasn't true, that I hadn't slept yet and that it had been a short time, not a night. I refused to go with him to take the test.

"After I refused to go, they repeated the same methods, until the afternoon. Then they told me I had to take a lie detector test, and gave the test. Of course, they said that it revealed that I was lying. On Thursday, after they finished interrogating me, they let me write my confession, and from there I was sent to a different division in the Russian Compound. I knew there was no jail in the Russian Compound, so I immediately understood that these were people meant to get me to talk. When they realized I was not cooperating, they gave me the cold shoulder... they spread a rumor among the detainees who arrived after me that I was sent to get the others to talk and a collaborator. I said I didn't care, they could say whatever they wanted. Finally, after seven days, they brought me back."

Legal Proceedings

On 26 June 2005, Barjiyye's representative, Atty. Luna Barakat of the **Public Committee Against Torture in Israel** submitted an administrative appeal to the State Attorney's office, stating that since his arrest, Barjiyye had not been allowed to meet with an attorney. Atty. Barakat asked to know how his interrogation was proceeding and "the state

a victim of shaking torture by GSS interrogators. (HCJ 5100/94, **Public Committee Against Torture in Israel v The Government of Israel and the General Security Service**)

of the detainee's health."³

The State Attorney's office responded that "At this time, the order barring a meeting is valid until July 1, 2005 at 12:00 a.m. At the time of the order's expiration, it will be decided whether to extend it beyond this period. I have also been informed that his interrogation is being carried out lawfully."⁴ The order barring the meeting with an attorney was signed by "Head of the Interrogation Team, known as Oscar."⁵

"I saw the Red Cross after about 20 or 30 days," Barjiyye reports, "and the attorney was some time afterwards. I don't remember when or whom. Every time I went for an extension of detention, I told the judge⁶ what had happened but he didn't care. I also showed him the marks.

"I don't remember which attorney visited me. It was too long ago. I remember that I didn't trust him. I thought that maybe he was also part of the system."

All of Barjiyye's confessions were obtained before he met with a lawyer – prior to 30 June 2005.

The indictment submitted on 26 June 2005 was based on Barjiyye's confessions and testimonies of additional detainees. It includes eleven charges, eight related to "membership and activity in an illegal association," "maintaining a position in an illegal association," and "performing a service for an illegal association" (Jami'a Islamiyye and the Palestinian Islamic Jihad), from March 2004 to March 2005. Three charges were related to "conspiring to murder" during

³*Letter from Atty. Luna Barakat to Atty. Osnat Mendel, Dept. of HCJ Petitions in the State Attorney's Office*, 26 June 2005.

⁴*Letter from Atty. Renana Kedar, Assistant to the State Attorney to Atty. Luna Barakat*, 26 June 2006.

⁵*Prevention of Detainees' Meeting with a Lawyer* document, 23 June 2005.

May and June of 2005.

Barjiyye made a plea bargain with the State, and was sentenced to 54 months' imprisonment and 24 months' suspended sentence.⁷

On September 4, 2005, Atty. Rachela Erel from the **Public Committee Against Torture in Israel** wrote to the Attorney General, "demanding that a criminal investigation be opened against the GSS interrogators," due to the extensive torture inflicted on Barjiyye.⁸ The Attorney General forwarded the complaint to Atty. Naomi Granot, the lawyer in the State Attorney's Office responsible for the GSS Ombudsman of Interogees' Complaints.⁹

"Following the complaint made by the Red Cross on 13 July 2005, the complaint was examined by the GSS Ombudsman of Interogees' Complaints. Following the GSS Ombudsman's examination, a response was sent on 18 January, 2006 to the Red Cross explaining that the findings of the Ombudsman's examination do not warrant taking legal, disciplinary or other measures against any of the GSS interrogators," Granot informed the **PCATI**.¹⁰

Barjiyye relates that "someone came to see me after I spoke with the lawyer, asked for information and wrote it down. He said they were going to investigate the torture I went through. He said he came on behalf of the court. This was in the building across from Beersheba Prison. I think it's a police or a GSS building. We sat together for over an hour. I didn't feel that he was serious or sincere. I felt that maybe he belonged to the

⁶The following presided at Barjiyye's extension of detention hearings: *14 June 2005, Maj. Shmuel Fleishman; 19 July 2005, Captain Shimon Leibo; Detention Pending Completion of Proceedings on 26 July 2005, Captain Daniel Kfir.*

⁷*Sentence. Military prosecution V Mohammad 'Abd Al-Rahim Hussein Barjiyye, File#3275/05, 29 January, 2006.*

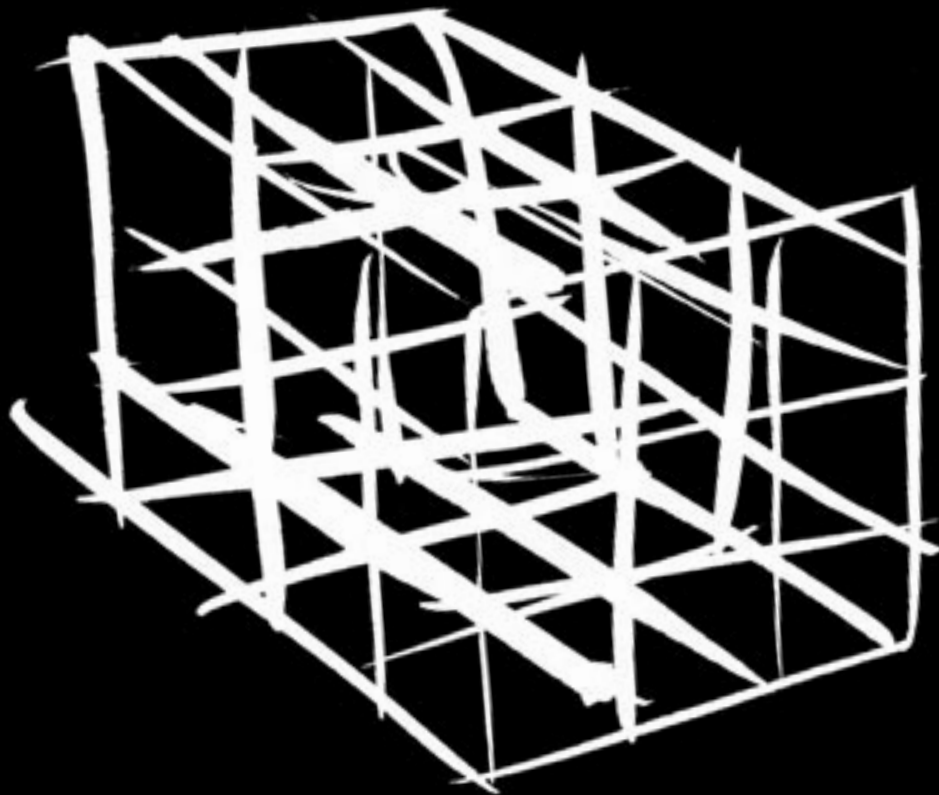
interrogators. I said what I had to say but I didn't trust him."

⁸*Letter from Atty. Rachela Erel to Attorney General Meni Mazuz, 4 September 2005.*

⁹*Letter from the Attorney General's Office Manager Ms. Nika Steinhoff to Atty. Rachela Erel, 11 September 2006.*

¹⁰*Letter from Atty. Naomi Granot to PCATI Executive Director Hannah Friedman, 19 September 2006.*

Case of 'Abd al-Halim 'Eiz a-Din



“I’d Better Confess, Otherwise They’ll Kill Me”

“I remained in Salem for a short time, and from there I was transferred on the same day to Jalameh [the Kishon Prison Facility] straight to the interrogation. I was received by Sagiv and with him, Segal, the Major and others... They gave me a form that said that I could remain silent but that this would harm me. There were apparently rights written there that I don’t remember in full. I remember, for example: to be represented, to remain silent, that they can’t use force, that I have the right to sleep, to eat, etc. None of these was implemented”.

Arrest

On Thursday, 27 October 2005, 'Abd al-Halim Raif Khalil 'Eiz a-Din was arrested in his Jenin home.

"Special units arrived, followed by army people. They broke into the house wearing civilian clothing. I knew that I was 'wanted' and I had no problem. I was relaxed. During my arrest, immediately when they came in, my little nephew, who thought that they were local people coming to cause trouble, stood up. They lifted him into the air and smashed him to the floor.

"They also beat my wife. They pushed her inside. My wife was pregnant, approximately in her second month. Apparently as a result of the pushing and the subsequent fall, my wife miscarried our baby. The interrogators know this. In the interrogation, I said to the interrogator Elad that they caused my wife to lose the fetus, and he said that it happens because these are special forces.

"During my arrest with the shackles on me, I was beaten continuously.

"From home I was taken to [the base at] Salem. My hands were shackled behind me and I was blindfolded. They arrested me, my brother, my nephew, my neighbor, and other people whom we had been hosting at my house – even the driver who had brought my brother's family to us."¹

Interrogation

"I remained in Salem for a short time, and from there I was transferred on the same day to Jalameh [the Kishon Prison Facility] straight to

the interrogation. I was received by Sagiv and with him, Segal, the Major and others... They gave me a form that said that I could remain silent but that this would harm me. There were apparently rights written there that I don't remember in full. I remember, for example: to be represented, to remain silent, that they can't use force, that I have the right to sleep, to eat, etc. None of these was implemented.

"The violence began when one of the interrogators grabbed me from the side and pulled me into the room across the way. My son's computer was there... In order to get into the computer you need a name and code, and I have no connection to this. I don't know how to use a computer. In his opinion, this was a lie on my part. He began beating me, and I shouted and asked him to stop. He also banged my head against the wall. At a certain stage he pressed his finger against my throat and blocked the air. I felt that I was choking. This happened more than once. The Major in particular used this pressing, and he was the one who was the most violent.

"They took me into another room, sat me down on a chair with the backrest to my left, and behind my back side there was no support, and then the Major began the nightmare. The chair and the chair legs were made of metal. He put my legs inside and wrapped them around the legs of the chair, and in order to steady my feet, he put his feet on them and pressed. And then he pushed me backwards. It is impossible to describe the pain in this position. Added to this were beatings that everyone gave me (4-5 interrogators), from my

head and to the bottom part of my belly. There were Segal, the Major (the one in charge), his deputy Sagiv, my main interrogator Elad, and a female interrogator named Einat. She said that I'd better confess, or else they'd kill me, but she didn't participate in the beating.

"That's how it was from the night hours until the evening of the second day – about 20 hours. The entire round of pulling on the chair went on for about an hour. Between the rounds, they would reseat me. I felt that I was going to become paralyzed. I had also heard of a person to whom this had happened, from the village of Saida, and I think that he is paralyzed to this day.²

"During the pulling backwards I began to fall, and when I was no longer able to be bend backwards, I would throw myself to the sides. I said that I couldn't go on this way, and that I felt cold in my feet; I shouted that I was becoming paralyzed. When I fell onto the floor, they would beat me.

"Then the Major pushed me against the wall, standing, and pressed his finger to my diaphragm, until the air was cut off, and then he let up. It hurt intensely. I don't remember how many times he did that. Sometimes, when I was sprawled on the floor, he would sit me up and come from behind, put his arm on my throat, and press, until I felt that my body had relaxed and I was about to choke. This also happened a number of times.

"At a certain stage, when I was being beaten on the chair, they told me to stand up. When I wasn't able to – and that happened all the

time – they beat me brutally, all over my body. At a certain stage I tried to stop myself from getting up by catching my legs on the chair... and then one of them kicked my hand. I felt a tremendous pain and thought that my finger was broken.

"Later, my finger swelled up (next to my right thumb) and I saw that the bone was not in its place. A few days after the blow, I pulled my finger outward forcefully myself, so that the bone would return to its place. It seemed to help and I began to feel my finger. The pain also subsided."

'Eiz a-Din's torture, it turned out, helped the GSS, also in matters unrelated to the suspicions against him:

"During the torture, they apparently introduced another detainee in order to intimidate him, so that he would learn a lesson and would know what awaited him. I learned of this later: I met Walid Zakarna from Qabatiya last week in the courthouse. He told me that they had brought him to me to the interrogation room, placed him behind me, had him witness my torture, and asked him to keep quiet. He saw them torture me and heard me say: 'My hand, my hand was broken.' He saw them stretching me backwards, bending my back backwards. When we met he asked me right away how my hand was. I wondered how he knew and then he told me that he had seen and heard me, and that he had prayed for me all this time.

"They delivered blows to my stomach. I started coughing up blood and a thick white liquid. The Major gave me a tissue for wiping myself.

¹As with all the quotes from 'Eiz a-Din in this chapter, this testimony is taken from the **Affidavit of 'Abd al-Halim Raif Khalil 'Eiz a-Din** from 24 May 2006, taken by Atty. Taghrud Shbeita.

²About six months before 'Eiz a-Din's arrest, Mr. Luwail Ashqar arrived entirely healthy from the village of Saida for a GSS interrogation. He left the interrogation suffering from paralysis of his leg as a result of similar torture methods. It is likely that this is the case to which 'Eiz a-Din is referring. See chapter on Ashqar in this report.

During the interrogation the Major, who had beat me the most, would lift me on my head, give me a bit of water, and continue. Only after some days did I realize that in fact they hadn't let me fast for Ramadan. Apparently the water had been essential, or perhaps these were the orders they had received.

"Another torture method was during the first days, during the first twenty hours, when I was in the stage of being pulled on the chair, when they were beating me... at a certain stage I rebelled. I said – 'Kill me. I'm not sitting on that chair!' Then two interrogators came, Segal and perhaps Lieut. Sagiv, put a thick bandage on my hands and put two handcuffs on me, each handcuff on a different hand. They took a large quantity of paper towels and put them on their hands so it wouldn't hurt them, and together they pulled my hands backwards and began tightening the handcuffs. That causes a kind of pain that is indescribable. I felt that I had lost feeling in my palms, and particularly in my left palm, for two or three months. But I still feel pain in the bone between my wrist and my hand. Sometimes when I sneeze hard, I feel pain in the bones of my arms.

"I feel pain in my teeth. Apparently, from the pressure on my teeth and also from the blows I received to the sides of my face, small pieces broke off my teeth, as if they were disintegrating, and that causes me pain.

"The pains in my spine went on for over a hundred days. Now I have attacks now and then, not like in the beginning.

"My ribs around the back, on the left side, I think that the lower rib or the one above it, it seems to me that it was broken or fractured. I

don't know if the damage was incurred during the arrest or during the interrogation. I asked them to x-ray it but they refused. They said that in any case ribs aren't put into casts, and that it would pass on its own. After twenty long hours, they took me down to the lockup cell.

"Four hours later, they brought me back to the interrogation. I understood that they had taken me down in order to prepare for the polygraph machine... From there I was again taken into interrogation from 9 a.m. until the following evening. They returned me to the isolation cell and then I slept a full night for the first time.

"In the cell there was a fellow (another detainee) who helped me a lot. I tried not to eat so that I wouldn't need to go to the bathroom, because I couldn't move. It was difficult to stand or to walk, and the fellow helped me reach the bathroom when I had no choice. The next morning, they took me back to the polygraph test. The results the second time round were similar. They again told me that I came out a liar. From that moment on, they stopped torturing me physically, and began with psychological torture.

"At this stage of the interrogation Elad stayed on, and another interrogator, named Abu-Munir, was added. Abu-Munir kept saying that I hadn't seen anything yet, and if I didn't talk then he'd start with the real torture, which until now had just been pampering and that I still hadn't experienced Abu-Munir's hands. All this time I had a feeling that he was about to bring his fist flying down onto my ears.

"During the first week they interrogated, threatened and pressured me for many

consecutive hours, and allowed me to sleep at irregular times. Sometimes they let me stay on the chair all night and they switched off, keeping watch so I would not fall asleep. Only during the second week did things calm down."

Medical Treatment and Complaint

'Eiz a-Din testifies that he went to various doctors to receive treatment, but was only treated superficially:

"The Major's deputy promised to send me to a doctor, whom I really did get to a number of times. Each time I was at the doctor at the Kishon prison facility, I reported my pains, and showed my hands. At least twice I went to the same doctor who wasn't willing to listen at all, and also did not examine me. At most, he gave me a painkiller. One of the doctors said that 'this is not hotel here' and that I was now under interrogation, so why was I demanding examinations?

"I told the second doctor that I had been beaten on the stomach and that I was spitting up blood. I complained of pains in my back. I asked them to send me to get an x-ray and I spoke about my ribs and my finger. I said that even if they didn't want to treat me, I at least wanted to know what my condition was. The doctor gave me medicine that he said was suitable for relieving back pain. The medicine didn't help. The stomach pains got worse, the pain spasms got longer and also the stomach medicine didn't help. I asked them to stop supplying me with medicine for my back, and to continue with medicine for my stomach.

"I don't understand why the visits and the

complaints don't appear in the medical record. Apparently, here the doctors also lie. I had a wound on my hand with dry puss, a serious infection – I showed this too to the doctor, and I told him that a putrid smell was emanating from my hand. He said that it wasn't so bad, that the wound and the infection were the result of pressure from the shackles. In the end, one of the GSS employees took pity on me and gave me a bandage for my hand, and each time that Elad sat with me, he asked if I needed to have my bandage changed. I don't understand how this could not appear in the medical record."

'Eiz a-Din and his attorneys worked in parallel to have their torturers brought to justice:

"In the hearing regarding extension of detention in Kishon, I complained before the judge regarding the torture methods. The judge said he'd look into it. When I returned, the Major's deputy came to me and said – 'What did you complain about against us?' I said that I hadn't complained – that the lawyer had asked and I answered (I was afraid to admit that I had complained). He said that he didn't care, because they had to beat me, and if he went to court, he would say that that's what I deserved. And then the Major came and began teasing: "Do you know what they're going to do to us in court? Maybe they'll hang us, what do you think?"

"I said – 'I'm sure that they won't punish you. Maybe you'll get a badge of honor.' They said that they were not afraid to confess that they used their methods, and that they were not like the Palestinian security services force

that beats people and then denies it.”

In the hearing for extension of detention at the Samaria Military Court on 1 November 2005, the judge, Lieut. Col. Aryeh Avriel, ordered: “The suspect’s complaint of the beatings he received must be forwarded through my present decision to investigation by the body authorized to investigate police-interrogator violence.”³

That same day, the police investigator, Advanced Staff Sgt. Major Lutuf Mar’i, in a memo to the captain of the Samaria Interrogations Wing, wrote: “The detainee complained to the judge that he had been tortured during his interrogation and beaten, and that he had pain in his hands. The detainee’s lawyer, Atty. Nizar Mahajne, asked to complain against the interrogators. And in the judge’s decision he gave orders to forward the suspect’s complaint to the authorized body. It should be noted that the complaint is against the GSS interrogators, since the detainee has not yet been interrogated by the police, and therefore, the matter was transferred to be dealt with by the head of the GSS interrogations team, known as ‘Segal.’”⁴ It should be noted that this initiative does not conform to proper procedure, according to which in the case of “suspicion that police or GSS interrogators have committed a criminal offense, which came to light following statements of the court in a ruling” it is incumbent to “transfer the decision immediately to review by the Director of the Police Investigations Department, with the

³*Hearing of Request to Extend Detention Order of ‘Al-Halim Naef Khalil ‘Eiz-aDin* at the Kishon Military Court, 1 November 2005.

⁴*Memorandum of Advanced Staff Sergeant Major Lutuf Mar’i to Samaria Interrogations Wing Officer*, 1 November 2005.

⁵*Guidelines of the State Attorney’s Office, Guideline no. 11.10 – Suspicion that police or GSS interrogators have committed a criminal offense, which came to*

knowledge of the State Attorney, so that he can decide whether to launch a criminal investigation.”⁵

Three weeks after the court ruled on the matter of ‘Eiz a-Din, on 23 November 2005, the **Public Committee Against Torture in Israel** wrote to Atty. Herzl Sheviro, head of the Police Investigations Department, to ask “...if the Police Investigations Department has already begun checking the detainee’s complaint.”⁶ Two additional letters⁷ were required until the Police Investigations Department sent a reply, according to which:

“...The matter is not being handled by our department. After receiving your original request, it was made clear that according to the decision of the Attorney General, pursuant to the military court’s decision, an investigation of the case was undertaken by the GSS Ombudsman of Interrogees’ Complaints soon after the event, even before you contacted our department...”⁸

This response confirms the apprehension that the investigation of the complaint would automatically be forwarded to the Ombudsman – a GSS employee. ‘Eiz a-Din relates: “When I was at [the] Megiddo [detention facility] someone came to me who said he was from the Ministry of Justice. He had a tape recorder and he also took notes. I told him about the interrogation methods and he said: “So what did you think a military interrogation was supposed to be?” I had thought that he was neutral and I was surprised by the way he viewed the matter. His inquiry took almost an

light following statements of the court in a ruling, 96 26.10; 1.8.02, last updated 1.1.03. It should be noted that the Police Investigations Division (P.I.D.) is an investigative unit within the Justice Ministry, and is formally independent of the police.

⁶*Letter of Atty. Luna Barakat, Legal Department of the PCATI from Atty. Herzl Sheviro, Head of P.I.D.*, 23.11.05.

⁷*Atty. Eliahu Abram, legal advisor of PACTI, to Atty. Herzl Sheviro, Deputy director, P.I.D., Atty. Samah Al-*

hour. I told him about what I had undergone, I provided the names of interrogators and I saw him writing down what I said. He spoke with me in Arabic.

Meanwhile, ‘Eiz a-Din, accused of “membership in an enemy organization,” the Islamic Jihad, is awaiting his trial. “Until now they have not let my wife visit me. Only my ten-year-old son comes to visit me, and last time, he brought my six-year-old daughter,” he relates.

“I’m ready to tell everything, anywhere, although I’m afraid of revenge by the GSS. If it can help others – good enough. I’ve already suffered my portion; I was tortured and it’s already behind me. But maybe they’ll learn not to do this to others in the future. I’m prepared to appear before them in any trial. Let them come and say that they did not torture me. Let them say I’m lying – it doesn’t matter. I’ll report and tell exactly what they did. I want to see them hearing the descriptions – let them say it’s not true.”

On 25 January 2007, Atty. Naomi Granot, the lawyer in the State Attorney’s Office responsible for the GSS Ombudsman of Interrogees’ Complaints, replied to the Director of **PCATI** that after the findings of the Ombudsman “were thoroughly examined” by the Attorney General, the State Attorney’s Office, and Atty. Granot herself, it was decided not to launch an investigation of ‘Eiz a-Din’s complaint. “Every one of the complainant’s claims was examined. The examination revealed that the complainant was arrested for

interrogation due to a grave suspicion against him that was based on reliable information, according to which he was allegedly involved in or assisted in carrying out serious terrorist activities that were liable to have been carried out in the very near future, and which could have injured or endangered human life.”⁹

Khatib Ayub, Public Committee Against Torture in Israel, 2 August 2006, *to Atty. Herzl Sheviro, Deputy director, P.I.D.*

⁸*Atty. Gil Shapira, Deputy Director, P.I.D., to Atty. Samah al-Khatib Ayyub, Public Committee Against Torture in Israel*, 2 August 2006.

⁹*Atty. Naomi Granot, Responsible for the GSS Ombudsman in the State Attorney’s Office, to Director of the PACTI, Hannah Friedman*, 25 January 2007.

The Case of Amjad Abu-Salha



“Those Who Enter Petach Tikvah Don’t Come Out”

“He said that there are testimonies against me, and that if I didn’t speak, they would beat and torture me, forcing me to speak. Then Major Rani, responsible for the department, came in and said: “You see that chair. The greatest have sat on that chair and confessed.” I insisted on my version”.

Arrest

Amjad Muhammad Qasem Abu-Salha relates:

"I was born on 31 October 1973, in Nablus. I'm not married. I'm a construction worker. I was arrested on Saturday, 19 November 2005, at around 3 a.m., at home. Military personnel came – more than ten soldiers – to arrest me. They entered the house and told me to lift my shirt and turn around. I did so, and they checked me. Before they put me into the car, they blindfolded me, and put me in the back.

"While I was sitting in the car, a soldier began beating me. It was with a metallic object and based on the blows, I think that it was his rifle. He beat me on my arms, the back of my head, and also the front. At a certain stage he took my head and put it between his legs while he passed gas, all the time cursing. Along the way, they decided to transfer me to another vehicle. They wanted me to get out. I said that I couldn't see how to get out. One of the soldiers pushed me forcefully and then I fell and was injured on my forehead. My face swelled up immediately.

"The man opposite me asked me for my name, my ID number, my family members, etc. Somebody came up to me from behind and tightened the hand shackles. I shouted and said that it hurt, and that I couldn't move my hand. He asked why I was shouting. I said that it was very painful. And then, in response, he tightened them even more and I shouted even more. Then he again asked what was

happening, and I said – 'The shackles hurt.' Suddenly he pushed me onto the ground, and cut the shackles on my hands and feet.

"They spread my arms and legs, making my body into a cross, and then he kicked me in the testicles with full force. My face was to the ground. At least two people took part in this; one jumped and dropped his full weight on my wrist. It hurt very much, and to this day, I am unable to lift my arms freely; it still hurts. And another one bore down hard on my legs from the back.

"Then they lifted me up and took me to a doctor to examine me. I was still blindfolded. They didn't say that this was a doctor and he didn't introduce himself as a doctor. I guessed because I saw under the blindfold that he was wearing white. He asked me to lift my shirt and I lifted it. He put an instrument on my chest and asked if something was hurting me. I said that I was unable to lift my arms because I had received a severe blow. He did not look at my arms at all, and asked only if I had any prior illnesses. I said I did not. He was interested to know if I had any chronic illnesses, and not what had happened to me and what was hurting me now."¹

The Pre-Incarceration Detainee Examination Form of "Amjad Muhammad Qasem Abu-Tzalha," of 19 November 2005, was signed with an indistinguishable signature. The form, belonging to the Haruv battalion's 'battalion collection point' stated: "Clinical interview – healthy. Past illnesses / accidents / hospitalizations / surgeries – none. Blood

¹*Affidavit of Mr. Amjad Muhammad Qasem Abu-Salha* taken by Atty. Taghrid Shbeita on 5 March 2006, henceforth Affidavit Mar. 06.

pressure [faded and unclear]. Pulse – 60. No medical counterindication for detention in facility," concludes the unidentified physician.²

Interrogation

After the physician's examination, "Soldiers arrived, and placed me in the back of a car... the car went on for a long time. When we arrived, someone said: 'Ahalan, Amjad.' I asked 'Who's with me?' He said: 'I'm Captain Yoel, and you are in the interrogation facility of the GSS at the Petach Tikvah police station.' I asked him what they wanted from me, and he said that they had been looking for me for a long time and now I had reached them on my own. I said that there was no reason to wait for me, and that I would definitely be going home immediately. He said that a person who goes into Petach Tikvah doesn't come out.

"They took me to the doctor. He examined me. I complained to him about the pain in my arm. He wrote this down,³ and it turned out that they used this information against me in the interrogations. They removed my blindfold and I saw Captain Yoel and the physician.

"They took me up to the interrogations room. This is an office room, with a computer and a chair. I was received by Captain Abu-Amir.⁴ He sat me down on a regular chair, and demanded personal information. Abu-Amir accused me of membership and activity, shooting, production [of arms], plots... He did not say to which organization he was referring. Amjad al-Hanawi was assassinated

before I was arrested; he asked me about him and insisted that I knew him. He said that there are testimonies against me, and that if I didn't speak, they would beat and torture me, forcing me to speak. Then Major Rani, responsible for the department, came in and said: "You see that chair. The greatest have sat on that chair and confessed." I insisted on my version.

"Immediately they said to me – Rani, Herzl, Amos, Yoel and Arad – that now I would switch to a military interrogation. I asked what that was, and they said – 'You'll see yet.' Then they let me change my clothes to Israel Prison Service clothing and said that the interrogation was beginning.

"They sat me down on a regular chair, with my hands shackled with metal handcuffs from behind. The back of the chair was on my left side, and not behind my back. They added triangular-shaped bars to the chair. The metal triangle began from the foot of the chair and extended to the bottom of the seat. They put my feet in – my left foot into the left foot of the chair and my right foot into the right foot of the chair. My feet faced outwards, in opposite directions.

"He would lean me backwards at an angle. I couldn't hold out. When I wanted to lift myself up, they would beat me on the stomach, on my right foot, and on my thighs. Sometimes they decided that they didn't want this, but wanted me to bend over backwards. They bent me downwards and my head touched the floor.

²*Pre-Incarceration Detainee Examination Form* of Battalion Collection Station 93, illegibly signed on 19 November 2005.

³In Abu-Salha's medical file, which was sent to the PCATI, representing Abu-Salha in the legal proceedings of the IPS against him, there is no trace of this examination – or of any other examination – until 19 December 2005, a few days after he was transferred from the GSS facility to the Beersheba prison.

⁴An interrogator named 'Amir' indeed signed the memorandum from Abu-Salha's first interrogation (Memorandum from 19 November 2005, recorded by Amir). The name appears two more times during the interrogation, prior to the two polygraph tests that Abu-Salha took. In addition, according to the GSS, also participating in this first interrogation were interrogators "Rani," "Herzl" and "Avri." al-Khatib Ayyub, PCATI, 2 August 2006.

“One of them, in civilian garb, opened my mouth and stretched it with his fingers, and slapped me on the face. My legs were confined the whole time in the metal triangles at the sides of the chair, and they hit and pressed until my legs were cut. I thought that the cut would reach the bone. I bled, and later, my left leg swelled up and I got an infection with puss. I couldn’t walk. At night, they took me down for two to three hours, and again took me up for interrogation.”⁵

“I felt that my back was breaking apart from the positions. When my left leg was injured, I struggled and wanted to take it out of the triangle. Then one of the interrogators tied my leg with shackles so that I could not move it. He tightened them to the legs of the chair and shackled my hands behind me, and then tightened them to the back of my legs. My body was bent backwards. Sometimes they left me in this position for hours. I can’t gauge for how long.

“Sometimes they asked me if I was tired out, and I said yes and asked to drink. I begged for water the entire time. They would bring me a small cup of water with a straw, and then, after giving me some, they would let me drink a few drops. I felt dehydrated from so much screaming and crying and sweating.

“Sometimes when I said that I had gotten tired out and I couldn’t move, they told me to stand with my back to the wall. And then, they ordered me to slide downwards with my back, with my feet together, until I was in the shape of a straight angle. Each time that I

lost balance they would kick me on the outer side of my thigh. I reached a state where I couldn’t walk. Every little touch hurt intensely. Sometimes, when they wanted to transfer me from the isolation cell to the interrogations room, they would have to lift me.

“There was also a tall one who interrogated me, a colonel – I don’t remember his name, and one who said he was a general. They said that they were from the GSS. They made a lot of use of the ‘exercise’ with the wall. Another ‘exercise’: they told me to stand on my tiptoes, with my hands shackled behind me, and to stand that way for a long time, until I would fall. And then one would grab me and beat me, as a punishment for losing my balance. When I held on and didn’t fall, he would grab my shirt and shake me until I lost balance, and then beat me – slapping and pulling backwards and forwards on my shirt.

“During this torture, the Major would hand-write notes on a piece of paper, in Arabic: that I, Amjad, declare that I will not give in until death, and I do not collapse under military interrogation. I refused to sign, and then they began to beat me, he and other people. He felt that I was taunting him by not signing the paper that he gave me.

“In another interrogation method, they would take my hands behind my back and place shackles on the middle of my arm, not at the bottom. That caused swelling in my right hand; I couldn’t move my fingers. My hands were swollen for about ten days. That stretching caused me to feel as if they were tearing the ribs out of my chest.

⁵According to GSS memoranda, Abu-Salha was under interrogation for the 46 hours immediately following his arrival to Petach Tikvah (in addition to the tribulations of the arrest), save a two-hour respite after the first 25 hours of interrogation. See *Memoranda from 19-20 November 2006, recorded by Amir, Herzl and Amos.*

“Sometimes, when my hands were shackled from behind, someone would come from behind and beat my leg, and pull my hands backwards with force. To this day I have marks – dark spots, on my hands and legs, from the friction with the metal, and from the infections I had there. From this trick of pulling my hands backwards I lost consciousness three times. When this happened, they would spray water onto my face, and then I would wake up.”⁶

“The one who would press on my legs until they were cut, and would lift my arms while they were shackled, upwards, behind my back, was the interrogator named Rani, who was known there as ‘Major.’ Captain Amos and Herzl would beat me on the face, and would press my back backwards while I was sitting on the chair. And Major Rani was the one who would press the shackles together with Captain Amos and Herzl, and the other interrogators who would go in and out, until my hands were swollen.”

“In the interrogation, I confessed to things that I did and to things I did not do in order to get the interrogation to end, because I couldn’t stand it any more.”⁷

“Six days later, I said that I was prepared to confess to what they said. I gave over the names of people whom I didn’t know. They waited until I was able to write, maybe for 12 days, and then I wrote my first confession... I was terrified. I feared terribly. During the entire time I was in pain and I cried... no one can imagine how you feel and how you just aren’t capable of thinking.”⁸

⁶*Affidavit Mar. 06*

For 12 days I didn’t get into the shower because there was no time. They were always interrogating me and messing with me. Only then did they start treating my arms, with massage and warm water. Twenty or twenty-five days following the arrest, the Red Cross met with me, and they saw the injuries on my legs and my bleeding hands, and that I couldn’t move my fingers.”⁹

Threats

In addition to the physical torture, Abu-Salha was subjected to much psychological pressure. In an interrogation between 21 and 22 November 2005, GSS interrogator “Arad” wrote that the detainee Nabia Masri, whom the GSS suspected of operating with Abu-Salha, was brought into the latter’s interrogation room. “Nabia said that he had given a police statement. He was asked if it contained all of his activities with the abovementioned. He answered in the affirmative.

“He was asked whether he had something to say to the abovementioned. Nabia said yes, and begged him to tell the truth and finish his interrogation, since there was no point to it. Nabia said that it was enough that he had undergone a difficult interrogation and that everything had been said, and there was no reason to carry on with denials.”¹⁰

In a manner similar to Nabia, four additional detainees were brought into the interrogation room, one after another. One of them was Taimor Muhammad Sa’id al-Haraaz.¹¹

On 27 July 2006, al-Haraaz told Atty. Taghrid Shbeita of the **Public Committee Against**

⁷*Affidavit of Mr. Amjad Muhammad Qasem Abu-Salha* taken by Atty. Taghrid Shbeita on 5 March 2006, henceforth *Affidavit Mar. 06.*

⁸*Affidavit of Mr. Amjad Muhammad Qasem Abu-Salha* taken by Atty. Taghrid Shbeita on 28 June 06, henceforth: *Affidavit Jun. 06*

⁹*Affidavit Mar. 06*

Torture in Israel:

"I was arrested on 14 November 2005 at Petach Tikvah, and I remained in detention for eight days, ten of which were in the Ashkelon detention facility. Herzl interrogated me and then he said that he wanted to take me to a detainee so that I would advise him to confess and feel pressured by the prospect of torture. He kept threatening me with a military interrogation. I asked him who it was, and he said: "His name is Amjad Abu-Salha.

"Herzl took me into a different interrogation room where Amjad was, and said that was Amjad Abu-Salha. When I entered I saw them beating him. They stopped when we came in. His legs and hands were shackled behind him. Even before I went in I heard him crying and shouting. He begged in God's name that they leave him alone.

"When I went in I saw Amjad stand, and his shackled legs had pressure marks and blood. The interrogators moved him from chair to chair. He sat down and stood up, and I could see black and blue marks on his arm.

"There were two chairs in the room. The interrogator said to Amjad, pointing: "This is the torture and interrogation chair, and this is the chair for understandings – choose one of them." Amjad chose the torture chair, the interrogation. They told me to advise him to confess and to speak, and to spare himself the torture. I said: 'If you have something to say, speak and spare yourself; Nothing is worth it. Speak and don't continue to be tortured.' And then they took me out, and Amjad remained there.

¹⁰Quotes and information from *Memorandum of 21-22 November 2005*, recorded by Arad, and corroborated by *Affidavit June 06*.

¹¹*Memorandum mentioned in note 10.*

"On another occasion, I sat in my isolation cell. There was another room adjacent to mine. There was a water pipe that passed through both, around which they left a space of about half a centimeter. You can speak through this space. Someone in the next-door room asked: 'Who's next to me?' He presented himself as Amjad Abu-Salha. I said: 'Ahalan. I'm Taimor. I was in your interrogation room.' And I asked what happened with him. He told me: 'They beat me, pressed on my shackles. I was injured on my hands and legs. They took my back apart.'

"Then we met again, about two months later. He told me that he had told the judge in the military court at Salem and showed him the signs of torture on his body... they brought me in to Amjad to show me that this is the fate of one who does not cooperate with them in interrogation. It is true that I did not see him physically torn to pieces, but imagine, a young proud fellow sitting there and crying and begging aloud, so that his voice can be heard from far off."¹²

"When I was alone," said Abu-Salha, regarding the interrogation period, "I saw even the guard only at meal time. I could not guess the time of day. I didn't know when to pray. It stressed my soul, the uncertainty. I kept thinking 'Why is this happening?' I began speaking to myself, feeling that I was losing my head, feeling that I was going crazy. During the first period I would wake up terrified from my sleep, cry out in my sleep – a type of illusion – I would wake up sweating and trembling.

"After six days, they sat me on the chair every

day, from morning till night. I would sit on the chair, my hands and legs shackled behind me to the chair back. It depended on the timing of the interrogators. They did that almost every day. The interrogator would sit and work, cursing crudely, and everyone who passed through would do the same thing, until he finished his work on the computer.

"All during the interrogation I asked for a doctor... they made seeing the doctor conditional on the confession that they wanted, and after I provided the goods and they arrested people, they would take me for an examination."¹³

When the swelling in his hands went down, Abu-Salha wrote out a confession in front of a policeman.¹⁴

On 30 November 2005, before his first polygraph examination, Abu-Salha retracted his confession. According to notes taken by the GSS, after "responses characteristic of false statements" on the polygraph,¹⁵ Abu-Salha was interrogated for the next 30-35 hours. Afterwards, he required a doctor's examination. In one of the interrogations, which went on for fourteen consecutive hours, interrogator "Amos" reports that they went over some seventy numbers extracted from Abu-Salha's cellular phone. It is not stated what happened during the long hours during which they were not doing this.¹⁶

In addition, the interrogators threatened Abu-Salha and his family:

"They told me that they had arrested my family and took me to see them in the Hawara camp. In the end, they weren't there. For a long time

¹²From the *Affidavit of Mr. Taimor Muhammad Sa'id al-Haraaz* to Atty. Taghrid Shbeita on 27 July 2006. Abu-Salha gives a similar description of the event in *Affidavit of June 06*.

I was in isolation. Sometimes – for [a few] hours or a day, they would bring someone to the cell to get me to talk."

Afterwards, "The police dictated to me and I wrote exactly what they dictated. When sometimes I would refuse to list things, they would bring an officer (Rani, Amos) who threatened that if I would not do it and write down what they were saying, they would take me back to the military interrogation. And then I gave in and wrote."¹⁷

After his second confession, Abu-Salha was sent – while still being denied a meeting with an attorney (see below) – to the Beersheba Detention Facility, where he sat with a group of collaborators sent to make him talk. He denied his confession to them:

"The men sent to make me talk humiliated me with curses. They threatened that I'd be sent to civilian prison and that my security case would become a criminal one. They said that I had murdered Amjad al-Hanawi, that I had turned him in – that if I would not talk, that would be the situation. If I would not tell them where the materials and storage sheds were – then I was a traitor. There were seven of them surrounding me, as if they were internal interrogators, and they wanted me to confess to everything again. I told them that I had lied in the interrogation – in the story of the interrogation chair, the cursing and the confrontation with the other people."¹⁸

According to the GSS records, when Abu-Salha returned from the Beersheba detention facility:

"He was asked what, then, was the truth, and

¹³*Affidavit of June 06.*

¹⁴*Confession of Mr. Muhammad Abu Salha to Israel Police* on 27 November 2005, recorded by Sergeant Major 'Awni Maqaldah.

¹⁵*Memorandum from 1 December 2005, recorded by Ofir.*

¹⁶*Memorandum from 1-2 December, recorded by Ofir, Amos, Didi and Herzl.*

said that his confession regarding [the names of the other detainees] was incorrect... He was told that his story was not logical, and he went silent. He was interrogated regarding the location of the combat means, materials, storage sheds and the like, and answered that he had nothing to say. He was interrogated regarding additional activity with [name of detainee] and denied it.”¹⁹

“The abovementioned said that he had nothing new to say. He was told that this was indeed behavior characteristic of an inexperienced detainee.”²⁰

Even when Abu-Salha was again brought together with other detainees, he did not cooperate with his interrogators. His confession of January 2006 is much narrower in scope than his previous confessions.²¹

Medical Treatment

After he was evaluated upon arrest by an IDF physician and found to be healthy (see above), records found in his medical file indicate that Abu-Salha complained of pains every time he met with a physician: “The abovementioned complains of pains in the neck, hips, right wrist. Claims he was beaten,” “complains of lower-back pains,” “complains of pains from his neck to his pelvis.”²²

However, the complaints led to local treatment only.

“Every now and then, after they finished the military interrogation, they would take me to the doctor. He would change the bandage and apply disinfectant. This happened at Petach Tikvah six or seven times. He also bandaged my arms.

¹⁷*Affidavit June 06*. See *Confession of Mr. Muhammad Abu Salha to Israeli Police* on 11 and 12 December 2005, recorded by Advanced Staff Sergeant Major Hashem Halabi and Sergeant Major 'Awni Maqaldah.

¹⁸*Affidavit June 06*.

“In the Gilboa prison facility, I told the physician who was with a medic about the pain in my back, in my spine, and he asked if I was sentenced or detained. I said “detained” and that I wanted an x-ray. He gave me some medicine and said that now there would be no x-ray.”²³

On 8 January 2006, Atty. Neta Oren, deputy to the State Attorney, assured the legal advisor of **Public Committee Against Torture in Israel**, Atty. Eliahu Abram, in response to a letter regarding a number of detainees, including Abu-Salha, that “all the abovementioned detainees were examined by a doctor and their medical condition was fine.”²⁴

On 19 February 2002, in the hearing to extend his detention until the conclusion of legal proceedings, Abu-Salha’s defense attorney pointed out that “they ill-treated him” and Abu-Salha “presented signs on his right arm and his left leg.”²⁵ The judge, Major Eyal Nun, added to the hearing’s protocol the following decision: “I realized that I had overlooked the need to state in the protocol of the detention that the detainee should be examined by a doctor and to the extent necessary should be referred to an orthopedist.”²⁶

In response to a letter of the **Public Committee Against Torture in Israel** on this matter, Chief Medical Officer of the Israel Prison Service, Dr. Alex Adler, stated that “the prisoner is being monitored by the prison doctor and receiving treatment accordingly. As the honorable Samaria Military Court ordered, “the detainee should be examined by the prison facility doctor, and to the extent

¹⁹*Memorandum of 18 January 06*, recorded by Yoel.

²⁰*Memorandum of 18 January 2006*, recorded by Arad.

²¹*Confessions of Mr. Amjad Abu-Salha* to Israel Police from 11 and 15 January 2006, taken by Advanced Staff Sergeant Major Mayuns Hadhad and Staff Sergeant Major Awni Maqaldehy.

²²From *Medical File of Prisoner Amjad Abu-Salha* of 19 December 2005, 8 January 2006, 28 May 2006.

necessary and based on medical discretion, he should be referred to an orthopedist – indeed, the prisoner was examined by the prison doctor” [emphasis in the original].²⁷ Despite the repeated complaints and other signs of beating and torture on his body, Abu-Salha was not referred to any examinations or treatment.

In November 2006, the psychologist Dr. Muhammad Saleh visited Abu-Salha at the Gilboa Prison, and he states that “signs of torture can still be seen on his hands and his feet... Abu Salha complains of severe pains in various parts of his body and particularly his back, shoulders and legs... and is concerned about internal injuries.”

In his written opinion, Dr. Saleh concludes: “Abu-Salha is constantly in a defensive position from threat and attack, but his helplessness in face of this is very prominent and his internalized anger is great.”²⁸

Legal Proceedings

During the months of November 2005 through February 2006, Abu-Salha’s detention was extended five times, each time before a military judge at the Petach Tikvah detention center. On the fifth day of his detention, he was brought for the first time before a military judge:

“I couldn’t walk. Two people took me to the courtroom, because I couldn’t walk on my own. They carried me until I reached the courtroom.”²⁹

The military judge did not relate in the protocol of the hearing to Abu-Salha’s physical state.

²³*Affidavit of June 06*.¹³*Affidavit of June 06*.

²⁴*Letter of Atty. Neta Oren, Assistant to State Attorney, to Atty. Eliahu Abram*, 8 January 2006.

²⁵*Discussion of request to extend detention order, to Judge Major Eyal Nun*, 19 February 2006.

²⁶*Decision on file 1581/06, Major Eyal Nun, 19 February 2006*.

“The judge said that I was prohibited from meeting with a lawyer, and didn’t say until when. I was terrified due to the torture I had suffered; I was very fearful. During the entire time I was in pain and I cried. I assume that because of my psychological state, I didn’t dare to speak at all (about the torture)... no one can imagine how you feel and how you just aren’t capable of thinking.”³⁰

On 2 January 2006, the military prosecutor submitted a written request to hold a hearing regarding the extension of Abu-Salha’s detention in his absence: “The respondent’s interrogation is currently at a stage where, were he to be present at the hearing, it would cause critical damage... A secret report, with an explanation regarding the need to hold the hearing regarding extension of the respondent’s detention in his absence, will be made available for the judge’s review during the hearing regarding this request on the part of the prosecution [emphasis in original].”³¹

And indeed, on 3 January 2006, Abu-Salha’s detention was extended in his absence – in contravention of the law, with the approval of the judge, Captain Adi Fogel, based on the decision of the Head of the Samaria Military Court, Lieut. Col. Carmel Wahbi.³²

During the first eight weeks of the detention, between the dates of 19 September 2005 and 11 January 2006, Abu-Salha was also denied the right to meet with a lawyer. On 4 January 2006, Captain Fogel, who had also ruled to bar the meeting, wrote that “the requested period of prevention is indeed exceptional,

²⁷*Letter of Dr. Alex Adler, Chief Military Officer, IPS, to Atty. Rachela Erel*, 6 July 2006.

²⁸*Written psychological opinion of Dr. Muhammed Saleh from November 2006*.

²⁹*Affidavit, 5 March 2006*.²⁶*Decision on file 1581/06, Major Eyal Nun, 19 February 2006*.

and the applicant admits this. And yet, the development of the interrogation, the needs of the interrogation and the security of the area, as enumerated in the classified report, require the prohibition.”³³ During these hearings, Abu-Salha was held in the Beersheba Prison Facility, under the threats of the collaborators sent to make him talk.

The indictment against Abu-Salha was submitted on 19 February 2006. He was accused of membership and activity in the Hamas from 1994-96; unauthorized military activity in 2001; “giving cover” in 2002, 2003, 2004 and the beginning of 2005; membership and activity in the ‘Eiz a-Din al-Qassam organization in 2003 until his detention; and trading weapons in 2002, at the end of 2003, the beginning of 2004 and the beginning of 2005.

In the hearing for the extension of Abu-Salha’s detention until the conclusion of proceedings, held that same day before military judge Major Eyal Nun, in which for the first time Abu-Salha was represented by his lawyer, he said to the judge: “They ill-treated me and I still have signs,” and he also presented “signs on his right hand and left foot.” The judge quotes Abu-Salha in the protocol.³⁴

On 11 December 2006, Abu-Salha was convicted in a plea bargain agreement, which obviated a mini-trial on the admissibility of his confessions taken under torture. According to the agreement, finalized with Abu-Salha’s lawyer, he was sentenced to 25 months’ imprisonment and is scheduled to be released at the end of 2007. The Deputy President of

the Samaria Military Court, Major Ami Preisz, stated in Abu-Salha’s sentence that all the crimes of which he was convicted under the plea bargain were “light in terms of their circumstances” and there is no “temporal continuity between them.”³⁵

The **Public Committee Against Torture in Israel** was involved in representing Abu-Salha’s claims regarding prevention of his meeting with a lawyer and his torture. Atty. Rachel Erel of **PCATI** wrote to the Attorney General, asking that the conduct of the GSS interrogators in the interrogation be investigated.³⁶ **PCATI** was informed that: “The complaint was transferred for investigation to the GSS Ombudsman of Interogees’ Complaints.”³⁷

³⁰*Affidavit supplement, 28 June 2006.*

³¹*Military Prosecutor v Amjad Qasem Abu Salha*, request to hold discussion regarding extension of detention in respondent’s absence, Samaria Military Court, 2 January 2006.

³²*Discussion of Samaria Military Court*, 2 January 2006; *extension of detention order before Judge Captain Adi Fogel*, 3 January 2006.

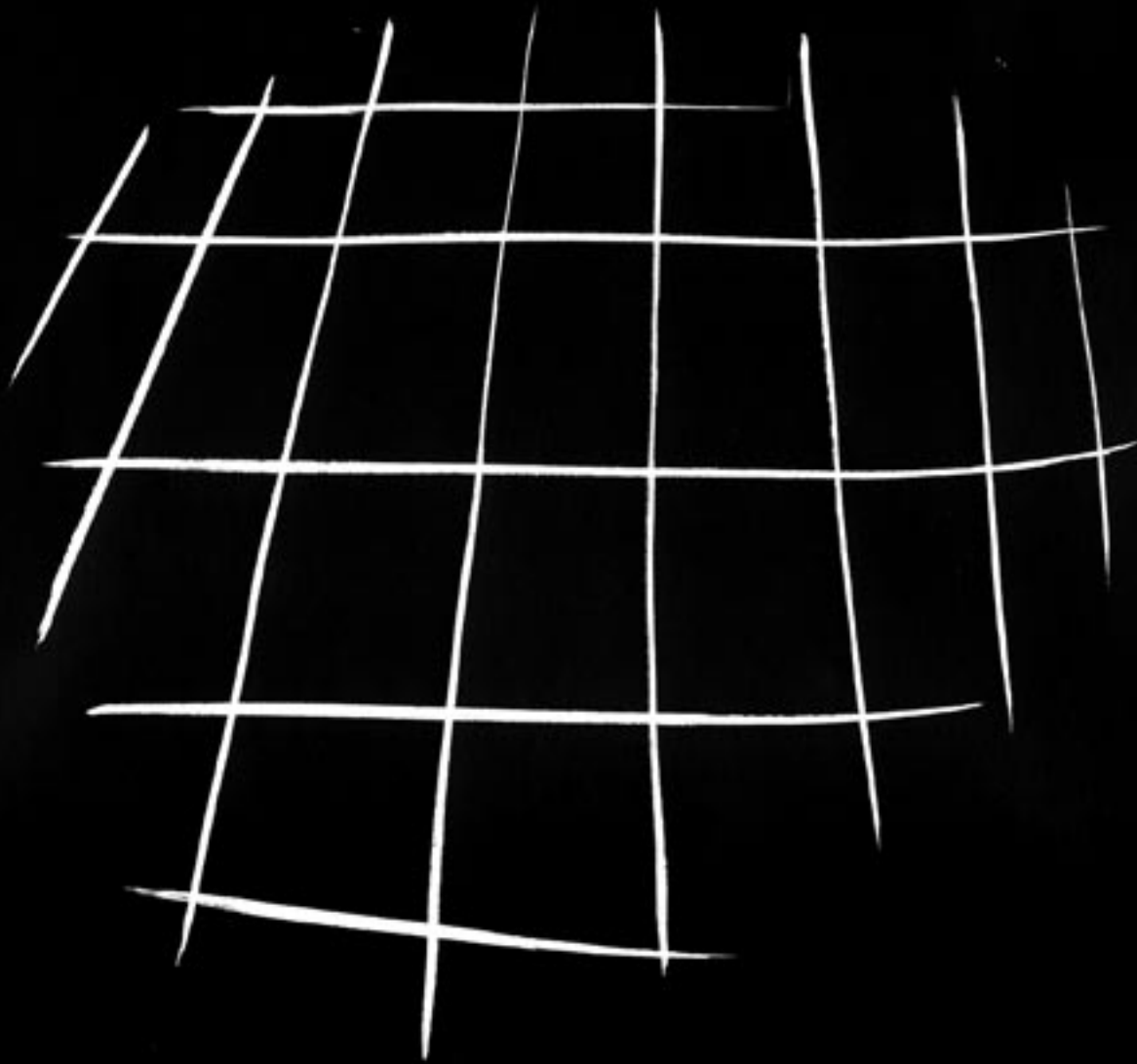
³³*Discussion of Samaria Military Court 2.1.06; extension of detention order before Judge Captain Adi Fogel*, 3 January 2006.

³⁴*Discussion Regarding Extension of Detention Order before Judge Major Eyal Nun*, 19 February 2006.

³⁵*Sentence of Samaria Military Court*, 11 December 2006.

³⁶*Letter Atty. Rachel Erel to Mr. Meni Mazuz, Attorney General*, 20 June 2006.

³⁷*Letter of Atty. Naomi Granot, in charge of OCGIC, to Hannah Friedman, Executive Director of the Public Committee Against Torture in Israel*, 27 September 2006.



The Case of A.

“He’ll Only Talk If They Let Him Have It”

“He said that there are testimonies against me, and that if I didn’t speak, they would beat and torture me, forcing me to speak. Then Major Rani, responsible for the department, came in and said: “You see that chair. The greatest have sat on that chair and confessed.” I insisted on my version”.

Arrest

On Tuesday, 7 March 2006, soldiers came to arrest A., a resident of Nablus. A., a 24-year-old bachelor, had been a media photographer in the past, and was employed in the snack bar in a Nablus school during the months leading up to the arrest.

"I was arrested at 3 a.m. I slept, and the soldiers came to my house, encircled the building, and then went inside. I live with my parents. One soldier knocked on the entrance door, and said that the entire family needed to come out. He took the identity cards of the males among us. He asked, 'Who is A.? I answered that it was me, and he said to me – 'come.'

"He took me down to the stairwell, where he handcuffed me with plastic shackles, and blindfolded me. Then he asked for my father to come. He told him that I was ruining myself, because according to his information, a particular organization was brainwashing me and I was working against state security. He spoke in Arabic. He told my father, 'We're taking him in for interrogation, and if he doesn't talk, we'll show him.'

"The put me into the jeep, sat me down on the floor, and one of the soldiers pulled my head back. The jeep went for a long time, and then they took me and sat me down on a bench outside. I remained on the bench for about an hour. Then they took me in to the doctor. They took off my blindfold and I saw that I was facing an army man who said he was a doctor.

"He checked my throat, my chest and my

back, and asked me if I had any illnesses. I told him that I had undergone surgery on my lower stomach. The doctor looked, and then they took me to be searched. They put me in a room, and I sat there on a chair and stayed until dark, all day long. In the evening, they put me into one of the rooms. There were five or six more detainees with me there."¹

On the Pre-Incarceration Detainee Examination Form of Paratroop Battalion 202, Lieut. Dr. Amit Mor declares that he examined A. upon his arrest. The results of the examination were normal, and in particular: The detainee "denies chronic illness, sensitivity." Under the section "general appearance (scars / scratches / bruises / burns / breaks / wounds)" appears: "overall appearance good, with no sign of bruising / scratches / wounds / sores / burns or breaks. Scar from stomach surgery." "Head: symmetrical without signs of bruising, sores or scars."

Interrogation and Sexual Abuse

A. Taken to Detention Facility at the Hawara Camp where he was left:

"I was left in the same place for eight days, without anyone speaking to me regarding my detention. On 14 March 2006, eight days later, they took me to the military court in Salem. There they requested to extend my detention by 16 days. They told the judge that at stake was 'damage to security of the region.' The attorney did not respond and did not intervene. Within two minutes, they took me out of the courtroom and explained to me that my detention had been extended by 16

days."

The form for extension of a detention order stated "there is agreement for 16 days" on the part of A's attorney. Justice Brig. Gen. Vered Oren substantiates: "This is an arrest for purposes of initial interrogation. After reviewing the secret information submitted to me in the report I decided to allow the request."

A. was taken back to the Hawara Camp.

"On Wednesday, 22 March, 2006, at 8 a.m., Manuel came in, and said that they wanted to send me to court. He asked me to get ready and returned half an hour later. He blindfolded me, shackled my hands behind my back, and took me to a long jeep.

"We went to some place where they took me out of the car and put me into a room. In the room were one or two people. I didn't see because my eyes were still covered. But I heard them speaking. One of the people asked me to extend my arms, cut the plastic shackles, and shackled me from behind with metal handcuffs. He asked for my name and where I lived, and then he sat me down on a chair with my shackled hands behind the back of the chair.

"He asked me if I knew why I was there with him. I told him no, and he said that before he would tell me, he wanted me to cooperate. He said that if I wanted to resolve the matter now, I had to cooperate. I answered that I didn't know if I would cooperate, and he slapped my face. He repeated the question, and said that now he was just touching me gently – it wasn't hard yet – it was just touching.

"He said that they knew everything, but they wanted to hear from me exactly what I had to say, and if I would talk, they would be prepared to help me. After about half an hour had passed, I heard him leaving the room. He said that he'd come back, and that he'd give me time to think. All during this time I had a thick sack over my head, tied or held with elastic around my neck. The sack caused me to sweat all the time and suffocated me – I was breathing with difficulty.

"After about half an hour, someone came in and said: "The person who was here before me wasn't connected to you, but I'm Captain Nidal and I'm responsible for your interrogation. He asked me personal questions, from the beginning – the same questions that the one before him had asked. The interrogator said that I was there because I was a member of the Jihad and asked if I knew things about the Palestinian Islamic Jihad. I told him that I didn't know anything and he said that I was lying. He said that he was calm now, and that I shouldn't annoy him. I didn't respond.

"He said that he knew that I was from the Islamic Jihad and that I intended to carry out a terror attack. He wanted to know about people whom I didn't know. I didn't answer or I said that I didn't know. When I didn't answer, he would slap me. I heard him hit something. I think it was the table. He shouted and slapped me again, very hard. After about a half an hour he left.

"Then, again, another person arrived. He told me that his name was Captain Daniel and he said that he was in charge, and not the two

¹All the descriptions of the detainee in this report are quoted from the *Affidavit of A. of 30 March 2006*, taken by Atty. Taghrud Shbeita.

who had come before him. He again asked me the same questions. He asked me if I had a brother in the United States, and I said that I did, that he was studying there. He asked if my brother didn't belong to al-Qaida and I said that he was just studying.

“He said that he wanted information about people in the organization, and then he would help me. Each time that I didn't answer I was slapped. And then he got annoyed and began beating me on the chest and on the stomach and on the face. Later I saw blood coming out of my mouth. I was injured on my upper lip, which hurts me to this day... he pressed with his leg on the chain holding the shackles. The shackles began cutting into my hands. It hurt and I was bleeding... I said to him that there was a place where I had been operated on. He said that he wanted to undo it and pointed to my stomach. He said that apparently I was a type who would only talk if they let him have it, and he would let me have it.

“He asked me if I had experience with screwing from behind and I said no. He said -‘Now I'm going to do that to you. Now you'll know what it is.’ I didn't answer. He asked again: “Do you have experience with a sexual organ entering you from behind, that's stuck in from behind you?’ I didn't answer. I just said that God will help me. He said – ‘I want to show you this myself. I want to show you how it's done, how it enters and comes out of you.’

“And then he moved my chair back, lifted my legs very high, and rested them on a

protrusion that was on the wall. He told me to tilt my head back. My face was facing the ceiling. Then he lifted my legs up, till they could go no more. The position was like when a mother wants to diaper a baby, and she lifts his legs up. That's how I was.

“And then he took off my pants. I remained in my underpants. He brought something and began inserting it in my rear end. He inserted and removed it many times... During the time when the interrogator inserted ‘the thing’ in my rear end and removed it, he held my testicles very tight, and pulled on my genitals, as if he wanted to tear them from their place. He said that he wanted to cut them off and throw them to a dog... I shouted and said that it hurt, and each time that he inserted and removed it he asked me to confess. He said: ‘I did after all promise you that I was going to enter from the rear, to screw you.’ This went on for at least ten minutes. The entire time I hollered from pain.

“It was very painful. Not to mention the feeling of humiliation. Then he put my legs down, pulled my pants up, and left. I heard the door close. This person, of course, I did not see. I am not sure of his name – Daniel or Yaniv. What I remember is that his voice was very thick. It was a trauma.”

Fifteen minutes after the sexual abuse, A.'s interrogation continued:

“Another one came in and said that he was responsible for me and wanted to interrogate me. He stood behind me, removed my head covering, and took off my shackles and blindfold, and then I saw him. He was in

civilian clothing. And he asked why my eye was red. I told him that maybe it was from the beating. He said that it wasn't right to do that, and that he was going to reprimand whoever it was who had touched me.

“I told him what had happened to me, and I showed him the blood on my hands and mouth. He called someone and spoke in Hebrew, and told me that he spoke with him about the hemorrhage in my left eye and that it was prohibited. Afterwards he began asking questions... He said that I was accused of being from the Islamic Jihad, and that I was intending to perpetrate a terror attack. I denied it, and he said: “There's definitely something, because people don't get here without having done anything. There must be something.’

“He said that they thought that I was dangerous and that there were witnesses against me [who said] that I visited the Islamic Jihad internet site to learn how to make explosives. I said that I didn't know how to use a computer.

“I spoke with him, and he took notes in Hebrew. He asked about names, ages and professions of all my family members, and asked me to sign what he had written. I refused to sign, because everything was in Hebrew and I wasn't sure what he wrote. I said that I wanted a lawyer who would be allowed to tell me what was written, and that if it was what we had really talked about, I would sign.

“He threatened that if I didn't sign, he would send a serious report to the court that could put me in jail for a very long time... I insisted

that I had nothing to confess, and then he said that if I didn't confess and sign they would come take me to the isolation cell, they would beat me up and nobody would hear or help.”

A. did not sign. According to the confession form from his last interrogation, he again denied any connection to the accusations raised against him.² He was returned to Hawara at 4 p.m., he estimates.

“I asked all throughout the day to eat and drink and they refused, and I remained without food and drink until I returned to Hawara. I was destroyed when I arrived, and immediately I ate and slept. It was very hard for me to walk – my body hurt all the time... Now it hurts me to make a bowel movement. I am afraid that I have an infection there. To urinate is intense suffering.”

Medical Examination and Legal Proceedings

Upon receiving A.'s affidavit, Atty. Samah El Hatib-Ayoub of the **Public Committee Against Torture in Israel** sent urgent requests to Brig. Gen. Hezi Levi, Chief IDF Medical Officer, and to the Commander of the Hawara prison facility, to refer A. to a medical examination, and to also allow him to report to an examination scheduled at the Institute of Forensic Medicine.³

On 6 April 2006, A. was taken to the Institute of Forensic Medicine at Abu Kabir in Tel Aviv, where he met a representative of **PCATI**, Atty. Shbeita. “I met him in the examination

²Record of Testimony from 22 March 2006, recorded by Sgt. Major Nadir Sader.

room, on the second floor of the Institute," she relates. "Two soldiers escorted me, and the prisoner was blindfolded. I asked the soldiers to remove the blindfold and to let him drink water, and they acquiesced. To my question, A. answered that he didn't know where he was, or why."⁴ Atty. Shbeita explained A.'s situation, and he agreed to be examined. The written opinion of the examining physician, Dr. Constantine Zeitzev from the National Center of Forensic Medicine states:

"In the mucous membrane of the anal passage between the hours of five and six (clockwise) was a 0.5 centimeter hemorrhoid, and at seven-o'clock (clockwise) there was sub-membranous bleeding in the shape of a kind of horizontal stripe." "Sub-membranous bleeding in the mucous membrane of the anal passage could be consistent with local pressure such as the insertion of a hard object into the anus or during excretion of hard feces from the anus one to two days prior to my examination."

"... I hereby am of the opinion that the wounds at the base of the palms that were covered with scabs could be consistent with being held with shackles some two weeks prior to the date of the examination... the wounds at the base of the palms are consistent with the complaint."

"Scar found in the mucous membrane of the upper lip to the left; of which the date and mechanism of creation cannot be determined to a sufficient level of certainty."⁵

A., who was healthy and sound when he was arrested, suffered from wounds consistent

³Letter of Atty. Samah al-Khatib-Ayyub to Brig. Gen. Hezi Levi, Chief IDF Medical Officer, and to (Lieut.) Ron Roman, Army Spokesperson, 2 April 2006; and letter by Atty. al-Khatib-Ayyub to Commander of the Samaria Prison Facility in Hawara, 4 April 2006.

⁴Report made on accompanying A. to the Institute of Forensic Medicine in Tel Aviv, written on 8 April 2006 by Atty. Taghrid Shbeita.

with the description of the torture he suffered during the long day he was interrogated – the injury from the shackles and the injury on his lip.

In parallel to the medical examination, the legal proceedings continued. On 4 April 2006, a hearing was held regarding the A.'s detention. The military judge, Maj. Adrian Agassi, decided to hold the evidentiary part of the hearing in the presence of the prosecution alone, due to the classified nature of the prosecution's materials. In his decision the judge affirmed a military administrative detention order against A. for six months.⁶

A week later, a one-and-a-half page indictment against A. was submitted, most of which relates to other detainees. A. is charged with "conspiring to murder" based on a conversation he is alleged to have held with a man in an internet café in Nablus, four months prior to his arrest.

In May 2006, A. was transferred to the Ketziot prison facility.

In August 2006, Atty. El Hatib-Ayoub sent a letter to the Attorney General, stating:

"I hereby honorably request that you immediately investigate the complaint of my client, Mr. A., according to which he was the victim of sexual abuse and severe violence during his interrogation. This complaint is based on his affidavit...; Significant portions of the complaint are backed by findings of the forensic medical examination... This factual basis and the gravity of the complaint require launching a criminal investigation, without an 'investigation' by the GSS Ombudsman

⁵Professional written opinion, Dr. Constantine Zeitzev, National Center of Forensic Medicine, written 1 May 2006.

⁶Trial Protocol from single-judge panel, M.M. Judea and Samaria 1739/06, 4 April 2006.

of Interogees' Complaints – whether the interrogators involved are GSS employees or policemen..."⁷

On 5 September 2006, **PCATI** received a letter from Atty. Naomi Granot, the lawyer in the State Attorney's Office responsible for the GSS Ombudsman of Interogees' Complaints:

"On 3 September 2006, I received Mr. A.'s complaint through the State Attorney's Office, to which it was referred. The examination I conducted revealed that Mr. A. was not interrogated by the GSS, but by the police. His complaint was therefore transferred by the Ombudsman to the care of the Police Investigations Department (P.I.D.)."^{8,9}

A. did not trust the investigator from the P.I.D. who came to the prison during September 2006, and asked to be examined again in the presence of his attorney – among other things based on the right of a crime victim to be examined in the presence of an escort.¹⁰ The legal proceedings against A., charged with 'conspiring to murder,' continue.

⁷ Letter of Atty. Samah al-Khatib-Ayyub to Mr. Menni Mazuz, Attorney General, 27 August 2006.

⁸Letter of Atty. Naomi Granot to Ms. Hannah Friedman, Director, Public Committee Against Torture in Israel, 5 September 2006.

⁹The Police Investigations Department is an investigative unit within the Justice Ministry formally independent of the police.

¹⁰Letter of Atty. Samah al-Khatib-Ayyub to Atty. Herzi Sheviro, Director, P.I.D. 28 September 2006.



The Case of Hassan Ledadiya

“They’re About to Paralyze My Arms”

“At the end of this stage, Itizk or another interrogator would go over to the paper that they had shown me, and mark off that they had completed one of the torture stages, and again they’d start over... these are the stages that were repeated over time for three consecutive days”.

Arrest and Interrogation

On Sunday, 4 June 2006, Hassan 'Abd a-Rahman Hassan Ledadiyah was arrested. A 45-year-old real estate dealer and resident of Mizra'ah al-Gharbiyyeh, Ledadiyah relates:

"On 18 April 2006, the security forces came to my house – I wasn't at home. The soldiers conducted a search, and according to their claim, they found in the outer courtyard of the house a bag containing weapons. As such, they arrested my sons, Hamze (20), and Anis (21), and searched for me. But since I wasn't at home, I was not arrested.

"After that date, they continued to search for me, and they would even come to the area of my residence every day, and hold up my brothers, so that they would give them information about me. Afterwards, they arrested the clerks who work in my office, and in May 2006, they detained my wife for eight days.

"On 4 June 2006, in the afternoon (around 4 p.m.), military forces encircled the area of a-Tira and the house where I was staying, and over the loudspeakers they asked me to leave my house and turn myself in. After that, I turned myself in...

"They tied my hands behind my back with plastic shackles, and blindfolded me. Afterwards, two soldiers held me from both sides and dragged me for several meters... they pushed me forcefully and threw me into the jeep, so that my chest and face were on the floor of the jeep. Afterwards, I felt and heard dogs entering the car and I felt them sitting on me...

"They took me to the GSS interrogation facility at the Russian Compound, where I met a

number of interrogators whom I know from previous detentions, like Itzik, for example...

"They took me straight to the interrogations room. We were in an office where there were two interrogators' chairs side by side, and next to each seat was a table and a computer... and there was also a chair that I sat on, bolted to the floor. The interrogator Itzik asked me to sit on the chair, and shackled my hands from behind, and also attached my hand shackles to the chair back. Then Major General Haim came in, who identified himself as responsible for interrogations in the West Bank.

"Interrogator Haim, whom I know since my detention in 1991, and another interrogator from the Russian Compound facility, or Moskobiyya as it is called, whose name I've forgotten, told me to confess, or else they'd start a military interrogation, which is different from the regular interrogations since torture is allowed in them and there are no limits. The interrogator even showed me a piece of paper and said that it was a permit from the highest echelon in the state to interrogate me with an unlimited military interrogation. In addition, they threatened that they would cause my arms to become paralyzed.

"Since I refused to answer the questions, they released my hand shackles from the tie that kept them locked flush against the chair, and changed my sitting position such that the chair back was to my right, and they ordered me to lean backwards at a 45-degree angle. One interrogator was behind me and the second was in front, such that each time I lost the ability to hold up my body and my back the interrogator who was behind me would push

me forward or the one across from me would push me backwards.

"I remained that way until I felt that my back and my stomach muscles were tearing. This affair went on for about fifteen minutes each time. Afterwards, an interrogator named Rami came in. Itzik and Rami began threatening me that they would beat me, and again they repeated the same 'exercise.' I contorted my back backwards at a 45-degree angle, and it hurt so much that I could not control myself. I fell backwards, the edge of my head hit the floor and my arms were under me. The interrogator who stood across from me pulled my two hands hard from under the chair, until they were touching my legs, which were near the front legs of the chair. They pulled me in the shape of a bow. This stretching caused me severe pain in my back and stomach. This continued until I lost all my strength.

"And again there was a minor and very short remission, during which they questioned me, of course with Itzik cursing incessantly. He even spit in my face, and when I spit back, he released my hands from the shackles and shackled them from the arm. An additional interrogator arrived, who held my other hand, and they both began pressing on the shackle with the intention of closing it as tightly as possible, which stopped the blood flow in my hands and caused very severe pains. This matter continued for about ten minutes, until my hands swelled dramatically.

"Afterwards, they released the shackles and I was commanded to sit in a 'frog' position – to sit on my toes, with my knees partially bent, for 45 consecutive minutes, and all the while my hands were shackled behind me. Each time

that I would lose strength and fall, or lower my foot to the floor, one of the interrogators would lift my body and the second would slap me and beat me on the soles of my feet.

"Afterwards, they propped me back onto the chair, shackled my hands behind the seat of the chair, blindfolded me and began questioning me, and suddenly I received a blow to the head that stunned me, and I felt dizzy. They slapped me a few times, and, ultimately, they took off my blindfold.

"In what followed, they released me from the chair and told me to stand in the corner of the room, standing up, on my tiptoes, and without moving. In fact, this was the last stage in the stages of the interrogation. At the end of this stage, Itzik or another interrogator would go over to the paper that they had shown me, and mark off that they had completed one of the torture stages, and again they'd start over... these are the stages that were repeated over time for three consecutive days. Three interrogators would come to me every 12 hours.

"After three days of torture, and their not letting me rest at all, except for half an hour here, half an hour there, I felt a tremendous pain in my left arm, different from the pain I had felt on the first and second day, that manifested in the fact that I could not move my hand or my fingers. After I complained many times, they took me to the infirmary. There I was given an entirely superficial examination and a report was filled out and I was taken back to interrogation, and the interrogators continued to work according to the five stages that I described above.

"On the fifth day, when Major Haim arrived

and saw my completely swollen arms, he returned me to the infirmary and then the doctor decided to transfer me to Sha'arei Tzedek Hospital... where they took an x-ray and conducted a superficial exam, which showed that I had no breaks. This matter went on for two or three days. My pains increased and my hands continued to swell, and I almost collapsed.

"All along, the interrogators kept demanding that I confess to being one of the senior people in the military arm of the Hamas... and to possession of large quantities of combat means. At this stage of the interrogation, I didn't confess to anything.

"Two or three days later, I returned from Sha'arei Tzedek, and since the torture continued incessantly, my situation became worse and I was transferred to the infirmary. There the doctor told the interrogators that I could not take any more torture, and asked them to transfer me to the hospital. The next day, I was transferred to Hadassah Hospital where a specialist gave me a comprehensive exam, and told me that I had a cut artery and that I was bleeding internally in my left hand, and he referred me to be examined by a professor at Hadassah Hospital at Ein Karem.

"Already that day I was returned to the interrogation room and the interrogators did not believe that I was really suffering from such an injury. They repeated the same stages of torture. At this stage, I began to confess and tell them that I was a member of Hamas, but

that I was not a senior member and that I was not connected to the military arm.

"Two or three days later, my medical situation got worse, and my hand swelled terribly. They took me to Hadassah Hospital at Ein Karem, where I was examined by the professor, who said that I had no cut [in the artery], but only a blockage of the main artery in my arm, which was preventing the flow of blood to my hand. He said that there was no pharmacological or surgical treatment, but that I just had to massage my hands.

"I returned to the interrogation room, and only then did the torture stop for five days, and they began to interrogate me in the regular way, and even gave me two polygraph tests."¹

Medical Treatment and Complaint

The **Public Committee Against Torture in Israel** wrote to the medical division of the Israeli Prison Service to request Ledadiya's medical documents.²

The IPS medical officer, Dr. Alex Adler, wrote to **PCATI** that:

"I would like to make clear that the Russian Compound Detention Center is not part of the Prison Service, but of the Police. I recommend forwarding your request to the Chief Medical Officer of the Israel Police."³

Attorney Ran Gafter Hermesh of **PCATI** submitted a complaint regarding the

¹*Affidavit of Mr. Hassan 'Abd a-Rahman Hassan Ledadiya*, taken by Atty. Ahmad Mustafa Amara on 9 August 2006.

Ledadiya's interrogation and medical treatment to the Attorney General's Office and to other officials, including Commander Dr. Tzvi Lankowski, Chief Medical Officer of the Israel Police.⁴

Dr. Lankowski responded:

"Your request for an opinion from detention physician, Jerusalem. The physician's opinion, and all of the documented medical material regarding your client, was transferred for my review. According to the opinion of the detention physician, Jerusalem, and documentation in the medical notes, it was found that: a. your client was examined in the detention center infirmary a number of times, in a thorough and fastidious manner; b. your letter claimed that your client was returned after examination to the interrogation. In effect, complete rest was recommended by the doctor, and he was summoned for a check-up two hours later and referred to the emergency room that very day; c. in addition, on 6 June, the doctor sent a report of the prison commander to the Deputy Commander of the Jerusalem District regarding your client's complaints."⁵

Ledadiya's discharge record from the Hadassah Hospital at Mt. Scopus in Jerusalem, on 14 June 2006, stated that he was diagnosed with a 'biceps tear.'⁶

Atty. Gafter Hermesh of the **Public Committee Against Torture in Israel** described the torture undergone by Ledadiya during his interrogation in a complaint to the Attorney General:

²*Letter of Ms. Yemina Bernas from PCATI to the IPS Medical Division*, 12 September 2006.

³*From Letter of Chief IPS Medical Officer, Dr. Alex Adler, to Atty. Ran Gafter Hermesh of PCATI*, 17 September 2006.

⁴*Letter of Atty. Ran Gafter Hermesh to Attorney General, cc: Commander Tzvi Lankowski, Chief Medical Officer of the Israel Police*, 20 September 2006.

⁵*Letter of Commander Dr. Zvi Lankowski, Chief Medical Officer of the Israel Police, to Atty. Ran Gafter*

"It seems that in this case, the boundaries were overstepped. I ask that the Police Investigations Division⁷ be ordered to launch an investigation against the GSS interrogators who apparently ill-treated Mr. Ledadiya and against their commanders.

"I also request that you respond to the question as to whether official permission was granted to the GSS interrogators to torture our client. If so, we request that you order the Police Investigations Division to also investigate the criminal responsibility of the person who approved the torture."⁸

The office of the Attorney General sent notice that **PCATI's** complaint had been transferred to the care of Atty. Naomi Granot, the lawyer in the State Attorney's Office responsible for the GSS Ombudsman of Interogees' Complaints.⁹ Atty. Granot wrote that "Pursuant to the complaint of the Red Cross regarding the abovementioned, the complaint was transferred to the Ombudsman already on 16 August 2006. We will inform you once the findings become clear and the decision has been made."¹⁰

Professor Avinoam Reches, Chairman of the Ethics Board of the Israeli Medical Association, to which **PCATI** sent a copy of the complaint, asked **PCATI** "to forward to me the response of the Attorney General. Following this I will be able to decide how to proceed with this complaint."¹¹

On 22 February 2007, Atty. Granot responded: "Every one of the complainant's claims was examined. The examination revealed that the

Hermesh, 17 October 2006.

⁶*Discharge Sheet of "Hassan 'Abdal Rahman Ladawa," illegible signature*, 14 June 2006.

⁷*The Police Investigations Department is an investigative unit within the Justice Ministry formally independent of the police.*

⁸From *Letter of Atty. Ran Gafter Hermesh to Atty. Meni Mazuz, State Attorney*, 20 September 2006.

⁹From *letter of Ms. Nika Steinhoff, Manager of the Attorney General's Office*, to Atty. Ran Gafter Hermesh, 26 September 2006.

complainant was arrested for interrogation due to a grave suspicion against him that was based on reliable information, according to which he was allegedly involved in or assisted in carrying out serious terrorist activities that were liable to have been carried out in the very near future, and which could have injured or endangered human life.” Granot added that after the findings of the Ombudsman were examined “thoroughly” by the Attorney General, the State Attorney, and by Granot herself, it was decided that “the findings of the Ombudsman do not warrant taking legal, disciplinary or other measures regarding any of the GSS interrogators.”¹²

¹⁰Letter of Naomi Granot, OCGIC to Ms. Hannah Friedman, Executive Director of the PCATI, 22 October 2006.

¹¹From Letter of A. Rekhes, Chairman of the Ethics Board of the Israel Medical Association, to Atty. Ran Gafer Hermesh, 23 October 2006.

¹²Letter of Atty. Naomi Granot, responsible for OCGIC, to Ms. Hannah Friedman, Executive Director, Public Committee Against Torture in Israel, 22 February 2007. illegible signature, 14 June 2006.

The Case of Mustafa Abu-Mu'ammr



“The Interrogators Did Shifts on Me”

“I was interrogated in this manner for about seven days, without rest and without a break, and each day they resumed the series of exercises that I mentioned. Each time I would faint and lose all contact with reality; I couldn't understand or hear what they were saying to me. Only then did the interrogators stop for five minutes, pour water on me, and resume the questions”.

Arrest and Interrogation

On Thursday, June 22, 2006, Mustafa 'Ali Hammad Abu-Mu'ammar, a bachelor and student at the Islamic University, 21 years old from Rafah, was arrested. He relates:

"Israeli army forces broke into my parents' house in Rafah with a number of dogs. They came to the room where I was sleeping and immediately many soldiers attacked me and began beating me with their legs and their weapons. They made me lie on the floor, tied my hands and legs with plastic shackles, and placed me on a stretcher. They blindfolded me and even covered my ears, and put me onto some kind of vehicle.

"After a trip that was approximately an hour long, they took me off the vehicle without taking the shackles off my feet. Two soldiers dragged me over a short distance and then they removed my blindfold. I saw a lot of soldiers there, and I understood that I was in an army base. Immediately afterwards, I was taken by three people in civilian dress, who identified themselves as my interrogators. They placed me in a room with a table and a chair.

"One of them was short and fat, with white skin, and they called him 'the Colonel.' After a number of days, I learned that he's known as Motti. The second is tall and bald. I learned that he's known as Mason. And the third is tall, heavyset, with very short blond hair. Afterwards I learned that his name is Alex.

"They sat me down on a chair, shackled my hands behind the back of the chair – and my legs – and began questioning me. When I

answered that I didn't know what they were talking about, they would cover my head with a piece of fabric and begin slapping me hard across the face. I don't know who slapped me because my head was completely covered.

"They continued to ask me questions, and threatened that if I didn't answer they'd beat me even more. Since I continued saying that I didn't know anything, they changed my sitting position on the chair. They forced me to bring my legs flush up against the legs of the chair, with the back of the chair to my right, and there was no support for my back. They pushed my back backwards and instructed me to exercise, which caused my stomach muscles to become cramped, and after about an hour, brought about insufferable pain. Each time that I would break and bend forwards, I would receive harsh blows to my face. This exercise went on for about an hour, followed by a break of about five minutes, and then it was repeated.

"After about two hours of this torture, when I was already out of breath and I couldn't hold up any longer, the interrogators released my hand shackles and covered my arms with pieces of sponge, and then closed the shackles over the sponge higher up along my arms, not near my hands. Afterwards, two interrogators grabbed me, one arm each, and began tightening the shackles with force, which blocked my arteries, and after ten minutes of pressure like that my arms swelled very much, to the point that they were unable to remove the handcuffs from them.

"The interrogators again told me what I had

planned to do, and when I did not respond, they attacked me with punches and slaps. Then they informed me that they were about to take me to another place, so they could interrogate me better. It turned out that they were referring to the Shikma Prison.

"When I reached [the] Shikma [detention center in Ashkelon], they brought me straight into the interrogation room and began interrogating me from the morning until almost midnight, and again repeated the actions that they had carried out on the military base, but this time for much more time. Most of all they did the stomach exercise, where they would sit me on a chair with the back to my right, and two interrogators would tighten my legs to the leg of the chair and bend my back backwards and order me to hold my back in the air – which caused me very severe pains.

"In addition, they again pressed the shackles into my arms, and they again swelled tremendously, but without leaving marks. Each time that I denied the suspicions that they raised, they would attack me with beating and slapping. I remained in the interrogations room, as I have related, almost until midnight, without letting up. Three of the interrogators simply did rotations on me. At this stage, after my strength was sapped and I was unable to hold up, I told the interrogators that I was about to tell them. I started to talk and to provide made-up and insignificant information, with the hope that they would leave me alone. But usually, the torture would grow worse.

"A day or two later, the three interrogators came to me at six in the morning (later I learned that the soldier [Gil'ad Shalit] had been kidnapped that same morning). They didn't ask questions, but attacked me, beating, kicking and slapping. The interrogator Moti choked me until I felt that I was about to die, and the two others caught him and took him out by force. Afterwards, they began to interrogate me, asking me about my plans and the tunnels I had dug. When I didn't answer, they repeated the exercise with the stomach muscles. All the while, they cursed me and my mother and my father, and threatened that if I didn't collaborate they would destroy my house, and told me that they had also arrested my brother and that they were torturing him.

"When I didn't cooperate with them, they ordered me to stand on my tiptoes, to bend my legs and my upper body; and at a certain stage they told me to stop and not to move. This is a very difficult way to stand, which induced severe pains in my leg muscles. The interrogators forced me to do this for hours and hours, and each time I would rest my foot on the floor, or move up and down, I would be beaten. During this exercise they yelled at me, cursed me, and threatened that they would bring my mother to them. They told me how much my brother was crying, how much they were torturing him, and ultimately, they told me that he had broken down.

"I was interrogated in this manner for about seven days, without rest and without a break, and each day they resumed the series of exercises that I mentioned. Each time I would

faint and lose all contact with reality; I couldn't understand or hear what they were saying to me. Only then did the interrogators stop for five minutes, pour water on me, and resume the questions.

"Afterwards, I started telling them that I was prepared to tell them what they wanted, if only they would stop, but that didn't help either. The interrogators did not let me sleep or rest, and I didn't know what to tell them. Until one day they brought me my brother, who is a doctor, who had arrived two months before the arrest from the place where he was studying in Sudan and was arrested together with me on that same night. We were brought in together with the interrogators, and I saw that his hand was bandaged, and I thought that they had tortured him and broken his hand. This was the hardest thing. I couldn't hold on, and what added to the suffering was that he began shouting at me and begging me to cooperate with them (later I learned that his hand had been bandaged following a bite from a dog who had been with the army forces that had arrested him.)

"Following this, I began telling them all kinds of made-up stories that have no connection to reality, related to the matter of the kidnapping. The interrogators would go out to verify the content of the information that I'd given, and after they saw that it did not correspond to what they knew, they would come and attack me, slapping and kicking. One of the times, they shackled my hands behind me, sat me on the chair, and fastened the chair to the interrogator's table. One interrogator, who was

on the other side of the table, would pull my hands behind me forcefully, while a second interrogator would press my shoulders and push them forward. After some ten minutes I couldn't control my hands or move them at all.

"During the interrogations I was put into the cell of al-Asafir [collaborators sent to make detainees talk] who also questioned me. I also told them stories, but immediately after I went out, I told the interrogators that I was retracting my confessions. At present, I am at the Shikma Prison in Ashkelon."¹

Legal Proceedings

The indictment against Abu-Mu'ammam was submitted on 20 July 2006. It contained eleven charges, including dozens of crimes dating from 2003 up until just a few days prior to his arrest in June 2006: activity in a terrorist organization (Hamas), contact with an outside agent, conspiring to commit a crime, prohibited military training, conspiring to trade arms, conspiring to convey information to the enemy with the intention of harming state security, transmitting information to the enemy with the intention of harming state security, attempting to provide the means for committing a crime, weapons-related crimes (possessing weapons, bearing weapons, bearing ammunition), conspiring to a crime (murder), attempted murder, conspiring to kidnap for murder.²

The complaint of the **Public Committee Against Torture in Israel** regarding "cruel torture during a GSS interrogation" in the

¹*Affidavit of Mr. Mustafa 'Ali Hamad Abu Mu'ammam to Atty. Ahmed Amara*, 31 July 2006.

case of Abu Mu'ammam was sent to the Attorney General's Office on 31 August 2006. The complaint tells the story of the arrest and interrogation, and states explicitly in a letter by Atty. Tahrir 'Atamleh Mohana of **PCATI**:

"The GSS interrogators caused severe and ongoing physical pain to Mr. Abu-Mu'ammam with the intention of forcing him to convey information. Their deeds qualify as torture according to the definition of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment... The instructions of the Attorney General from 28 October 1999 regarding "GSS interrogations and the necessity defense" make clear that everything stated in the instruction regarding the possibility that the Attorney General will consider not bringing an interrogator to trial in circumstances of necessity – 'will not apply to means of interrogation taken within the framework of "torture" as defined in the Convention against Torture..."³

Naomi Granot, the lawyer in the State Attorney's Office responsible for the GSS Ombudsman of Interogees' Complaints, informed **PCATI** that "the complaint was transferred for investigation by the GSS Ombudsman of Interogees' Complaints. When the findings become clear and a decision is formulated we will inform you."⁴

²*State of Israel v Mustafa ben 'Ali Abu Mu'ammam, HP 1085/06, Indictment*, 20 July 2006.

³*Letter of Atty. Tahrir 'Atamleh Mohana of the Public Committee Against Torture in Israel to Atty. Meni Mazuz, Attorney General*, 31 August 2006.

⁴*Letter of Atty. Naomi Granot, responsible for the OCGIC, by Atty. Taghrir 'Atamleh Mohana of PCATI*, 27 September 2006.

Summary: The Disgrace of Torture, Vicious Cycles of Silence, Bubble of Immunity

a. Soldier Violence

The **Public Committee Against Torture in Israel (PCATI)** is concerned regarding complaints of ill-treatment carried out by Israel Defense Forces (IDF) soldiers and other security personnel who make arrests, against detainees and their families, as described in this report – in terms of both frequency and severity. Such behavior is in violation of the orders and the professed policy of the IDF.

The rules of international law regarding detention are simple and logical:¹ the security forces making the arrest must identify themselves to the suspect and announce to him that he is under arrest. If the suspect resists arrest, the use of reasonable force is permitted as a last resort, but this is only to the extent necessary for overcoming his resistance. From the moment that the detainee ceases to resist, to the extent necessary, reasonable measures may be used to prevent his escape, such as restraining him with shackles while transporting him from place to place. Beyond this, any use of force is entirely prohibited.

Based on the descriptions in this report, and on a substantial number of other cases documented by **PCATI**, there is cause for grave concern that the IDF permits its soldiers to severely ill-treat Palestinian detainees, following their arrest, in transport to detention facilities, and during their stay at military bases.

In contrast to the General Security Service (GSS), the IDF occasionally punishes soldiers who ill-treated detainees, although this is rare relative to the abundance of complaints of ill-treatment. The impression created is that in all that pertains to the detention of “wanted people,” the restraining hand of the law is particularly weak and inefficient.



Most of this concluding chapter will be dedicated to the methodical element of the torture described in this report, carried out, with permission and authority, by a relatively small group of a few dozen GSS interrogators. This torture takes place, as described here, behind the closed doors of the GSS interrogation wings in police and GSS facilities, and sometimes in IDF bases.

¹See, for example: International Covenant on Civil and Political Rights, adopted by UNGA 2200A (XXI) of 16 December 1966, entry into force 23 March 1976, Articles 9, 10; UN Code of Conduct for Law Enforcement Officials, adopted by General Assembly resolution 34/169 of 17 December 1979; United Nations Economic and Social Council, Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, adopted by the Eighth

United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August – 7 September 1990.

Despite the positive steps set in motion by the High Court of Justice (HCJ) ruling in 1999,² the flaws in the ruling, which we have pointed out in the past,³ have been exposed – yet again – in this report, in their full severity. The HCJ failed in not unequivocally prohibiting torture and ill-treatment, as required by the instructions of international law. Instead, it left intact the legal – and ethical – perspective according to which a GSS interrogator is permitted to consider torture as a legal and legitimate option and to retroactively enjoy the protection of the “necessity defense” – and not only in extreme cases. Thus did the HCJ make possible the torture described in this report, essentially laying a foundation stone for the system that the perpetrators. In addition, the HCJ decision now enables torture to take place in locations and at times that are as distant as possible from the discerning eyes of attorneys, and consequently, from the eyes of detainees’ families, human rights organizations and the community at large. This takes place due to the wholesale and systematic permission granted by GSS orders, as well as those preventing detainees under interrogation from meeting with their lawyers for days and weeks. **PCATI** petitioned the HCJ in hundreds of cases, with the request to lift orders preventing interogees from meeting with their attorney. Not even one of the petitions was granted.

This summary will focus on three aspects of the system of torture in Israel – the silence of the organizations and people in the circles closest to the GSS interrogators who torture detainees, the complete cover of secrecy that the Justice Ministry grants the torturers, and the international legal aspects of this secrecy.

b. Silence

Descriptions of detainees including the documents presented here, paint a dismal picture in which can be discerned various categories of secret-keeping collaborators, who, in keeping silent, protect the GSS’s system of torture:

The police and GSS personnel – are silent. Those who lead detainees to GSS wings, and on to the detention cells, the showers or the infirmary – people who are injured, in pain, terrified, some of whom walk with great difficulty, some who have fainted. These people, whose job is to enforce the law, are in fact witnesses to crimes – prima facie – people whose job is to arrest apparent-criminals, and particularly, violent criminals, who collaborate with violence, but who remain silent.

The medics and doctors in the police and GSS facilities – and also in the hospitals – are silent. Those who see people in pain, with wounds on their bodies, swollen hands, cramped muscles, obvious signs of violence – and relate to – or ignore – the symptoms as

²HCJ 5100/94, **Public Committee Against Torture in Israel** et al v Government of Israel et al, PD 53(4) 817.

³*Flawed Defence: Torture and Ill-Treatment in GSS Interrogations Following the Supreme Court Ruling, 6 September 1999 – 6 September 2001, Jerusalem, Public Committee Against Torture, 2001, Ch. 1*

if they appeared miraculously, as if a mysterious hand has struck out against these people. They act as if they do not know that these people are the victims of torture. Physicians, who took an oath to not harm or do ill by their patients in any form in most cases return their patients to additional rounds of torture, and remain silent.

The members of the sub-committee of the Knesset Foreign Affairs and Defense Committee – are silent, as are members of the government committee whose job is to oversee the GSS interrogation wings, but in fact are confined to the destructive concept of sanctioning torture in the name of security. If they do speak, it is in secret – also in the name of security. As far as can be seen, given that torture continues – they are silent.

Over the years, unavoidably, the circles of silence and collaboration with the system of torture have expanded. If a rare statement is made, it is after the fashion of reports by the Chairman of the Knesset Constitution, Law and Justice Committee, Professor Menahem Ben-Sasson, regarding an investigation he conducted on “the question of interrogation and torture techniques” following claims raised by **PCATI** staff summoned to the committee meetings. What were the investigation’s findings? The GSS does not employ torture – torture simply “does not exist.” As for the manner of investigation, it is predictably: “We met with Security Service personnel.”⁴

Yet at the same time, there is a growing hope that sooner or later the circles of silence, denial, and the uncontested acceptance of justifications for the cruel treatment of detainees, will be broken. Until now, the **Public Committee Against Torture in Israel**, almost single-handedly, has spearheaded the proper response to torture in Israel – not silence, but a cry, not denial but the plain facts, not acceptance but protest, and we hope that this circle will in fact soon expand.

c. Immunity

The interrogator-torturers are also protected by a formal system, under law. Rather than a total prohibition on torture and ill-treatment with no exceptions, as required by the rules of international law, the Attorney General and the State Attorney grant GSS interrogators who use torture absolute, total, unconditional immunity from being brought to trial. Complaint files regarding torture are opened and processed in a routine manner, and the trend is invariable to close them at the end of proceedings. The outcome is therefore known in advance – the only question is under what pretense the file will be closed. In order to investigate complaints that **PCATI** submits, the State Attorney’s Office enlists the assistance of the officer in charge of GSS interogee complaints (OCGIC). He questions the complainant and his interrogators, examines

⁴Seventeenth Knesset, First Plenary Session, Protocol 17 of the Law, Constitution and Justice Committee (unabridged version), Monday, 30 Sivan (26 June) 2006, 12.00 p.m., see, <http://www.knesset.gov.il/protocols/data/html/huka/2006-06-26.html> (in Heb.).the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August – 7 September 1990.

the documents, and based on its findings, the State Attorney’s Office makes its decision. And yet this person himself, as stated by the State Attorney’s Office representative on the Knesset Committee, “is a senior GSS interrogator, and receives professional guidance from me.”⁵ **PCATI**’s complaint is therefore transferred to investigation by a GSS employee. What ensues routinely is illustrated by the following flow outline:

If the interogee retracts his complaint (for example, due to a fear that it places him in danger), the GSS employee (the OCGIC) will conclude – and the State Attorney’s Office in suit – that the complaint is not credible. The file will be closed without court involvement.

If the interogee remains firm in his claims but the GSS interrogators deny them, the GSS employee (the OCGIC) will – without exception, and followed directly by the State Attorney’s Office, favor the GSS position. The conclusion, here as well, will be that the complaint is not credible. The file will be closed without legal recourse.

If the GSS interrogators do not deny that indeed torture was used, they always claim – as does the GSS employee (the OCGIC), the State Attorney’s Office and the Attorney General, in suit, that the suspect “was esteemed to be a ticking bomb” and his torture was necessary in order to obtain urgent, life-saving information. This response, which does not deny the fact of torture and instead, in effect, justifies it (and goes something like: “...a strong suspicion against him based on reliable information, according to which he was ostensibly involved in or complicit to commission of a terrorist act” as cited in some of the cases presented in this report⁶) will be sent to **PCATI**. The file will be closed without legal recourse.

In pure theory, of course, a fourth possibility is that the OCGIC, the State Attorney’s Office or the Attorney General will prefer the version of the detainee to that of the interrogator, or will find that the interrogator used torture in a situation that did not involve a “ticking bomb” or exceeded the ‘necessity’ inherent in the situation; or they could even apply the instructions of international law, which does not recognize the “necessity defense” for torturers (see below) and bring the interrogator to trial. In practice, this has not occurred even once in the seven years that have passed since the HCJ ruling. The GSS interrogator who decides to torture a Palestinian detainee therefore does not have to deliberate too much – he knows that no evil will befall him in any case. The most extreme measures taken against interrogators who tortured or ill-treated detainees ‘unnecessarily’ – or perhaps beyond ‘necessity’ – were merely symbolic disciplinary measures.

The above flow outline therefore describes the predetermined path of every one of the hundreds of complaints of GSS interogees submitted by the complainant through **PCATI** to the State Attorney’s Office – in effect, to the trash bin of the State Attorney’s Office.

⁵ Statement by Atty. Talia Sasson, Protocols / Constitution Committee 6610, Jerusalem 19 Sivan, 19 June 2003.

⁶See above. In two previous cases, **PCATI** received a written response explicitly stating that the complainant was deemed to be “a ticking bomb” and the “necessity defense” applied to his interrogators (case of Nasser ‘Iyyad, 21 February 2002, and case of Girard Shuman 4 March 2002), but

The flow outline does not describe the system for protecting a more fundamental human right – complete freedom from torture and ill-treatment – of a country that upholds its international obligations. These include, for example, the obligation that “each State Party shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction,”⁷ and that “each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature.”⁸

Prompt? Investigation of GSS interogees’ complaints is far from expeditious – many of PCATI’s complaints are answered only many months later. Moreover, there is no ostensible need for interogee complaints to be submitted through PCATI – detainees can complain while still in the interrogation rooms, when they meet with their lawyers or when they are brought before a judge. However, in a system under the auspices of staff from the State Attorney’s Office, this is purely theoretical: the possibility that a tortured person will complain in the presence of his torturers is fantastical; hundreds of orders are issued yearly that prevent interogees from meeting with their lawyers for days and weeks; and it is difficult to expect a Palestinian detainee to complain before a military judge freely and without fear that it will be to his detriment – it happens only on rare occasions. Most interogee complaints are investigated only after PCATI (collapsing under the weight of complaints received) sends letters⁹ and as stated, the responses arrive only several months later.

Impartial? As stated, investigations of GSS interogee complaints are internal. The GSS employee (OCGIC) is sent by the State Attorney’s Office to investigate the complaints against the very organization to which he belongs. The detainee, who claims he was tortured by a GSS employee, is asked by another GSS employee to reiterate and enumerate his claims. The GSS employee (the OCGIC) also questions his fellow employees in the organization – the interrogators – and examines the interrogation file prepared by them. In any case of contradiction, the GSS employee (the OCGIC) unsurprisingly, prefers the version of his colleagues. The State Attorney’s Office, on its part, accepts his conclusions without objections.

Appropriate Penalties? We reemphasize: GSS employees who perpetrated torture are not punished – they are not even brought to a criminal trial. At all. Ever. Even if there is no argument that torture was indeed carried out, as described in some of the cases in this report. We repeat: since the GSS ruling in 1999, no Israeli court has sentenced even one

⁷Article 12, UN convention against torture.

⁸Ibid, article 4(2).

⁹In certain cases, PCATI is informed that an investigation was launched following a complaint by the International Committee of the Red Cross.

GSS employee who tortured interogees. This is not the result of a weakness on the part of the courts, since, as stated, no GSS employee has been brought to trial for torturing interogees. This fact arises, in turn, from the policy of the State Attorney’s Office to defend interrogators in 100% of the cases, with no exceptions and no matter the circumstances – whether by denying the claim of an interogee who was tortured, or justifying torture using the “ticking bomb” pretext.

d. Immunity Forever?

Even if at this moment it seems impossible, the bubble of immunity, sooner or later, will rupture. We steadfastly hope that the change will occur – that the legislative and judicial authorities in the State of Israel will come to their senses and relate to torture in the only way it should be treated – as a grave crime, always and in any situation, and that suspected perpetrators be brought to trial and punished accordingly if indicted, rather than granted immunity.

Moreover, international law relates to torture as one of the gravest crimes, and orders states to promise that its perpetrators are brought to trial. International law does not recognize exceptions, justifications, defenses or protections, such as “necessity”, for torturers.¹⁰ The rules of international law stipulate that every state must bring torturers to trial is not limited to torture carried out within the state itself. Countries that ratified the UN Convention Against Torture are thus committed to applying universal jurisdiction against torture suspects located in their territory, namely, to bring to trial such suspects or to extradite them for trial in another country. This requirement is independent of the identity or citizenship of the torturers (or the tortured), or the state in which the torture occurred.¹¹ A similar rule applies to countries that ratified the Geneva Conventions applying to situations of war – it therefore applies to the territories occupied by Israel in 1967.¹² Thus, each of the 142 states that ratified the UN Convention Against Torture, and of the 193 states who ratified the Fourth Geneva Convention (in effect all the nations of the world) are required to bring to trial, or to extradite for trial, any person in their territory who is suspected of involvement in GSS torture – whether the person in question is an interrogator, responsible for interrogators, a high-ranking GSS official or a political official involved in the decisions regarding interrogation policy. It has been proven, as in the decision of the House of Lords in Great Britain regarding Augusto Pinochet, the former Chilean tyrant,¹³ that this possibility is not merely theoretical.

An additional possibility is for Israelis suspected of involvement in torture to be extradited to the International Criminal Court in the Hague, whose purpose is to try the gravest of crimes – genocide, crimes against humanity, and war crimes. This option is extremely complicated at

¹⁰See for example Art. 2(2) of the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment (1984). Israel ratified the convention in 1991. See also, in specific relation to the State of Israel and HCJ ruling, the conclusions of the UN Human Rights Committee: Report of the Human Rights Committee, UN Doc.A/58/40 (2002-3, Vol. I), par. 85(18).

¹¹See Art. 5 of the UN Convention Against Torture.

¹²See, for example, Arts. 146-147 to the Fourth Geneva Convention (1949). Israel adopted the convention in 1951.

present due to the fact that Israel has not ratified the court's constitution. And yet, it may become possible in the future, for example through a request by the UN's Security Council.

In all that relates to GSS torturers, the Israeli mills of justice do not grind slowly – they have grinded to a full halt. Quite unfortunately, as described above, the Justice Ministry in its 1999 decision, decided to turn the exception of “necessity” of the “ticking bomb” case created by the HCJ, into total immunity for torturers.

Meanwhile, no country has applied its universal jurisdiction on GSS higher-ups or to other members of the responsible political echelon visiting its territory. However, there is no statute of limitations in international law for such grave crimes as torture. Sooner or later, one country or another, during a visit by a GSS employee or a member of the political echelon, will fulfill its legal obligation.

The consistent position of the **Public Committee Against Torture in Israel**¹⁴ – like the position of international law – is that intentional attacks on civilians are outright illegal (not to mention unethical). In the Israeli-Palestinian context, the attacks against civilians carried out in Israel and the Occupied Territories by members of Palestinian organizations constitute crimes against humanity by definition, for example, in the constitution of the International Criminal Court.¹⁵ It is clear that those guilty of these crimes must be arrested, tried and punished. Supporters of this position include the most important international human rights organizations.¹⁶

As far as **PCATI** is concerned, this is not merely a theoretical position. **PCATI**'s offices are located in Jerusalem. In the dark days of the peak of the Intifada, **PCATI** staff were also exposed to the dangers of the attacks, fearful for their lives and the lives of their loved ones, pained – sometimes personally – at the loss of life, and outraged at the horrific lack of humanity in the acts of terror.

The blood of our brothers and sisters who fell sacrifice to the terror indeed calls out to us from the ground, but this is not, in our opinion, a call to lash out with iniquitous responses for iniquitous attacks, or to turn “terror prevention” to a Molekh upon who's altar one can sacrifice all the

¹³See, *R. v. Bow Street Metropolitan Stipendiary Magistrate And Others, Ex Parte Pinochet Ugarte* (No. 3) [2000] 1 AC 147.

¹⁴See for example: *Flawed Defense*, Summary.

principles of freedom, humanity, justice and human rights.

An ethics that does not set limits on human behavior, even if these limits can be breached “only in exceptional situations,” an ethical system that maintains that certain ends justify monstrous means – is the ethics of the terrorist, and adopting such an ethics is a victory for terror. Moreover, the efficacy of torture has not been proven. Quite to the contrary: the prevailing fact is that the GSS has been torturing detainees for dozens of years, almost twenty of them in a “legal” manner (under the Landau Commission and following the HCJ ruling) and not even the most extreme supporter of torture has ever claimed that during that period terror was weakened.

Torture does not prevent terror. Torture compromises the morality of the torturer, and the body and soul of the tortured. Torture reflects and at the same time perpetuates a view of the other as one undeserving of humane treatment, and as such, also reduces the chances of escaping the cycle of fear, hatred, mutual killing and ethical deterioration.

Recommendations

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

Following are the main steps required by these instructions:

1. Legislation

To completely and unequivocally prohibit torture by law, as defined in the UN Convention Against Torture. Any person who violates or orders another to violate this prohibition will be punished in a manner relative to the severity of the deed;

To clarify through legislation that defenses such as “necessity” or “justification” shall not apply to those who perpetrate torture and ill-treatment;

¹⁵See articles 7 (1) and (2)(a) of the Rome Statute of the International Criminal Court, adopted on 17 July 1998 (A/CONF.183/9). For text see e.g. the Court's website, <<http://www.icc.int>>.

¹⁶See for example: *Human Rights Watch, Erased in A Moment: Suicide Bombing Attacks against Israeli Civilians*, New York: HRW, 2002; Amnesty International, Israel, the Occupied Territories and the Palestinian Authority: Without distinction - attacks on civilians by Palestinian armed groups, July 2002, AI Index: MDE 02/003/2002.

To stipulate by law that all detainees, without exception, be apprised of their rights immediately upon their arrest, including the right to remain silent, the right to proper legal representation, and of course the right to be free of any torture or ill-treatment;

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

To bring an end to the delayed implementation of the Criminal Law (Interrogation of Suspects) 2002, which deals with documentation of the interrogation of detainees suspected of security violations through audio and video taping, and to implement it explicitly and immediately with regard to GSS interrogations.

In keeping with the instructions of the optional protocol to the U.N. Convention Against Torture,¹⁷ which went into effect in June of this year, and which enables independent oversight – both domestic and international – over all detention and prison facilities: to establish an independent and impartial body, with unlimited access rights to prison and detention facilities in general, and to GSS interrogation facilities in particular, and for all detainees and prisoners without exception, and that will oversee goings on in them in all that relates to the prisoners' human rights. To anchor the authorities of this body in legislation that will ensure its independence and professionalism, and will ensure allocation of the resources necessary for its operation;

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

To anchor in law the assurance of minimal humane conditions in all prison and interrogation facilities.

2. Government Action

To undertake wide-scale public relations activities and education in the IDF in order to explain to soldiers and commanders the need and obligation to respect detainees' human rights

To ensure effective and complete enforcement of the IDF orders prohibiting violence against detainees and degradation, including bringing soldiers and commanders who acted unlawfully to trial in keeping with international standards regarding fair trial;

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

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

To sign and ratify the Optional Protocol to the UN Convention Against Torture (see above);

To instruct the GSS to cease immediately the application of any means of torture or ill-treatment

¹⁷Israel has not yet joined this protocol:

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, entered into force 22 June 2006.

mentioned here, and to work from here on using only methods of "reasonable interrogation" as defined by the HCJ ruling, but without resort to sleep deprivation or shackling in the interrogation room as permitted by the ruling;

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

To eliminate the role of the "Official in Charge of GSS Interrogees' Complaints" (OCGIC) and to replace this position with an independent official who is not related to the GSS in any way.

To ensure that the results of every interrogation of torture or ill-treatment are related to the complainant in their entirety, and that his right to petition its conclusions is assured;

To urgently allocate resources for installing recording systems (audio and video) in all interrogation rooms.