

**The Public Committee
Against Torture
Annual Report 2022**

Content

List of Abbreviations	3
About PCATI.....	4
Context.....	5
Institutionalized Torture by Israel’s Security Agency.....	5
Police Brutality towards civilians	5
Impunity and Lack of Accountability.....	6
General Activities	6
Public Advocacy.....	9
National advocacy.....	9
International Advocacy	11
Forensic Work	15
Promoting the Istanbul Protocol	15
Guidebook for activists and protestors	16
Challenges	16
Anticipating backlash for the submission to the ICC	16
Limited resources	17
Political radicalization	17
Organizational Development: New Strategic Outlook.....	17
Thank you do our supporters and donors.....	18

List of Abbreviations

CSO	Civil Society organisation
DIPI	Department of Internal Police Investigations
HCJ	High Court of Justice
HR	Human rights
HRC	Human Rights Commission
ICCPR	International Covenant on Civil and Political Rights
IDF	Israel Defence Forces
IHL	International Humanitarian Law
IHRL	International Human Rights Law
IIC	Investigator for Interrogee Complaints
IP	Istanbul Protocol
IPS	Israel Prison Service
ISA	Israeli Security Agency
MK	Member of Knesset
Moj	Ministry of Justice
oPt	occupied Palestinian territories
PCATI	Public Committee against Torture in Israel
UN CAT	UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
UPR	Universal Periodic Review

About PCATI

PCATI is a non-profit organization, founded in 1990 by a group of human rights activists in response to systematic violations of basic rights of detainees and prisoners, especially the widespread and systematic use of torture and ill-treatment during interrogations and detention. PCATI's mandate is to abolish the use of torture by Israeli authorities through increasing accountability for perpetrators of torture and ill-treatment and by instituting viable and sustainable safeguards protecting future victims from torture and ill-treatment. PCATI is the only Israeli organization specifically mandated to promote the abolition of torture and other forms of ill-treatment in Israel practiced by the Israeli Security Agency (ISA), Israel's Police and the Israeli Prison Services (IPS). With this report we want to highlight our activities, achievements and challenges during the year 2022.



Context

Israel is a signatory to both the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UN CAT) and the International Covenant on Civil and Political Rights (ICCPR). Both treaties prohibit torture and other forms of ill-treatment in all circumstances, even during a state of war or other public emergency. They also require states to take effective legislative, administrative, or judicial measures to ensure that this prohibition is enforced.

Institutionalized Torture by Israel's Security Agency

While Israel is still considered a democracy governed by the rule of law, it stands out among other democracies in its use of torture during interrogations and detention and as a matter of practice and policy.

The ISA's use of torture is applied mostly against Palestinians in the occupied Palestinian territories (oPt) suspected of terrorism. Since the beginning of the Israeli occupation, the Israeli Defense Forces (IDF) carry out frequent arrest campaigns across the West Bank and in occupied East Jerusalem targeting Palestinian men, youth and women. Palestinians arrested by army forces are transported to military camps in Israel to be investigated and judged by military judges in military courts. In addition to Palestinians, torture has in rare cases also been applied to Israeli citizens suspected of terrorism, such as in the case of Jewish extremists suspected of having set a house on fire in the Palestinian village of Duma, causing the death of several family members¹.

ISA detention practices are characterized by nighttime arrests, detention of minors, incommunicado detention for up to 60 days without the right to consult a lawyer and interrogation techniques amounting to torture and methods of ill treatment. In several cases, detainees who are interrogated by the ISA, reported of being taunted, threatened, beaten, forced into painful stress positions for hours of time, humiliated and undergoing sleep deprivation, in order to retrieve information regarding suspected terrorist activities, or force a confession of terror acts supposedly committed by the interrogee.

Police Brutality towards civilians

PCATI also notes forms of torture and ill-treatment perpetrated by the Israeli Police, especially against minority groups in Israel. In recent years there has been an increase in violent interactions between police personnel and citizens, coupled with institutional police impunity by virtue of a deficient investigatory system of the Department of Internal Police Investigations (DIPI) regarding cases of police violence. The extreme use of force against protesters is seen to be most serious against marginalized groups, such as Palestinian citizens of Israel, East Jerusalem Palestinians, Bedouins, Jewish citizens of Ethiopian descent, People with Disabilities and the Jewish Ultra-Orthodox community. PCATI has noticed peaks of brutal reactions towards protesters in the weekly "Balfour" protests against the Prime Minister, governmental health regulations during Corona as well as the May 2021 clashes. Yet, for marginalized communities, this is an almost daily routine. Throughout its work on the issues of police violence, PCATI has witnessed both over-policing (excessive use of force) and under-policing (lack of protection) of minority groups. Over-policing occurs in the public space, from unlawful apprehensions and arrests based on racial profiling to the unlawful use of force against non-violent protesters, while under-policing occurs in towns and villages or in the private space, where police is not present, failing to protect minorities from crime or failing to investigate crimes retroactively.

¹ <https://www.haaretz.com/israel-news/.premium-sources-ag-approved-torture-of-jewish-suspects-in-duma-murder-case-1.5384308>

Impunity and Lack of Accountability

In contempt of the international obligation to take legislative, administrative or judicial measures, no law exists in Israel prohibiting torture or other forms of ill-treatment, hence, torture is not criminalized by the Israeli legal system and Israeli domestic standards and military rules fall far short of its international treaty obligations.

Despite all PCATI's efforts throughout the years, the obstacles to systematically banning torture continue. One of the greatest impediments has been the clear resistance of policy makers and implementers to advance torture-prevention activities. Moreover, accountability procedures remain inefficient and often artificial, leading to impunity. This is most apparent in the case of the ISA, whose agents have continued to use interrogation methods that constitute torture, relying on the court's recognition of the "ticking bomb" exception, and they have never been held accountable for these acts.

Since 2001, over 1,400 administrative complaints regarding the use of torture have been filed against the ISA, yet, as of today, only three criminal investigations have been initiated, and no indictment against perpetrators has ever been filed – thus breaching Israel's commitment to hold perpetrators of torture accountable and provide redress to victims of torture. The numbers are similar regarding complaints of police brutality. Through freedom of information act requests filed in December 2021 and January 2022, PCATI discovered that not only are most complaints of police brutality filed with the DIPI closed, most are closed without a criminal investigation ever being conducted. The trend is particularly worrying: while in 2017 17.43% of the 826 cases that were filed were closed after a criminal investigation was opened, that number gradually decreased to a mere 6.01% out of 682 filed cases in 2021. The most common official reason for dismissing a complaint without carrying out a criminal investigation is that opening a criminal investigation is not appropriate under the circumstances of the case, a vague and meaningless phrase.

PCATI believes that compelling Israel to uphold the commitments it ratified, such as UNCAT, ICCPR and other relevant mechanisms, is a crucial step in the battle to abolish the use of torture in Israel, and would save dozens of individuals a year from falling victim to this severe violation of their humanity, as well as to maintain Israeli society's moral ethics and conduct.

In September 1999, following a series of petitions filed by PCATI jointly with other human rights organizations, and by Palestinians interrogated by the ISA, Israel's High Court of Justice ("HCJ") ruled that Israeli law does not empower ISA interrogators to use torture in interrogation. The judges ruled that several of the specific methods discussed in the petitions, including painful binding, shaking, placing a sack on a person's head for prolonged periods of time and sleep deprivation, were unlawful. However, the judges also held that ISA agents, who exceed their authority and use "extraordinary methods", may not necessarily bear criminal responsibility for their actions, if they are later found to have used these methods in a "ticking bomb" case, based on the "necessity defense" argument. The supreme court's landmark decision of 1999 has gradually eroded in law and practice, and the use of torture continues to proliferate.

General Activities

PCATI adopts a holistic approach to combatting torture and other forms of ill-treatment, employing a number of strategies to achieve individual justice as well as systematic change.

In the legal sphere, we document instances of unlawful violence during interrogations, demonstrations, detention, and in other settings. We submit complaints and petition the courts in Israel on behalf of the victims. We also initiate legal proceedings on issues of principle in order to prevent the use of torture. PCATI also works with international legal institutions and recently became the first Israeli organization to submit a complaint to the International Criminal Court in

The Hague. The complaint argues that the torture used by Israel against Palestinian residents of the Territories is tantamount to a war crime mandating the Court's intervention.

In the public sphere, we work with the Knesset and with government ministries in order to promote policy and legislation to criminalize torture and to enhance enforcement and penalization of those responsible for torture. We advocate the enactment of a law against torture – something that has not yet been undertaken in Israel; the full and exhaustive investigation of complaints of torture; and the strengthening of the mechanisms of supervision and control over interrogations conducted by the security forces in Israel and in the Territories. We work to raise awareness of the phenomenon of torture among the Israeli public through public events, professional training sessions, and media exposure.

In the international arena, we work with institutions and individuals in the international and diplomatic community in order to encourage Israel to realize its international undertakings, particularly to the UN Convention on Torture, of which it is a member.

In the field of forensic expertise, PCATI is the leading Israeli organization in the introduction of the Istanbul Protocol: Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to Israeli professional audiences and the judiciary. The Protocol has been recognized by the UN and a series of international bodies as the minimum standard for effective examination of claims of torture. A group of PCATI volunteers, including medical professionals, mental health experts, and jurists, conducts forensic assessments in accordance with the Istanbul Protocol and inculcates the professional knowledge it has acquired in the community of experts in Israel and abroad. Through our legal and public initiatives, PCATI works to consolidate the status of the Istanbul Protocol as a recognized and accepted tool in the Israeli legal system.

Legal Work

PCATI's work is intended to eliminate the use of torture in Israel by decreasing impunity for violations, increasing accountability in the Israeli judicial and security systems, and instituting viable and sustainable safeguards to protect present and future detainees and prisoners from torture and ill-treatment. We work towards this goal by way of para-legal and legal work, such as conducting prison visits to collect testimonies and data about the extent to which torture is carried out, submitting complaints to the IIC and the DIPI on behalf of individual victims of torture, appealing decisions against the closure of cases without investigation, as well as principled legal actions against authorities and petitions to the HCJ.

Overall, in 2022:

- PCATI's legal team attended to 85 new and on-going cases;
- PCATI's lawyers conducted 69 prison visits to new and existing clients;
- 30 new testimonies were taken from victims;
- 24 new complaints were submitted on behalf of 18 victims, two on behalf of minors, and three on behalf of women;
- 13 appeals were filed against the decision to close a case without investigation;
- 2 police officers were indicted following complaints PCATI submitted. In one case, the police officer was convicted, the second trial is still on-going.

Two examples of cases that were closed by the Ministry of Justice without an investigation are described in our [2022 Situation Report](#):

48 hours of Interrogation without sleep

The case of Attorney Tarek Barghout

- East Jerusalem Attorney Tarek Barghout was arrested in February 2019 by the police and the ISA. While he was still under interrogation, he filed complaints of torture by his interrogators, including extreme sleep deprivation.
- In response, the ISA admitted that Barghout was interrogated 14 times for protracted periods, the shortest of which was 27 hours and 35 minutes and the longest 47 hours and 55 minutes, while shackled. This, allegedly after “all the relevant authorizations had been received... according to the procedures.” The complaint was dismissed.
- The ISA procedures for conducting interrogations have never been disclosed. It is therefore impossible to know whether these procedures are legitimate and whether the ISA observes the provisions they establish.
- **Sleep deprivation for 48 hours causes severe physical and psychological damage to the victims, and constitutes absolutely prohibited torture. The perpetrators of this crime must be held accountable, including the echelon that approved the use of torture in this instance.**



The V.I.P. Room Degradation and Sexual Violence in the Interrogation Room

- A., a young Palestinian woman, was arrested in 2020 and taken for interrogation by the ISA. Her interrogation lasted 43 days, including two weeks during which she was prevented from meeting with her legal counsel.
- On one of the interrogation days, while A. was suffering serious psychological distress and was exhausted due to protracted sleep deprivation, she was taken to a cell the interrogators called the “VIP room.” She was interrogated in complete darkness, unable to see the people who were questioning her. She could only guess where the people in the room were as they spat on her face, while screaming insults at her – “bitch, slut, scum” and other curses of a grossly sexual nature.
- Her complaint was dismissed on the grounds that “no support was found for most of the complainant’s allegations.” Regarding the use of degrading sexual slanders, the ISA argued that “these statements are legitimate,” are not considered unusual, and are used in accordance with the procedures.
- **Sexual degradation, threats and terrorizing victims by placing them in a completely darkened room, with the fear of the interrogator’s physical presence, all constitute inhuman, cruel and degrading treatment. The perpetrators of such acts must be held accountable.**



Testimonies of victims of police brutality and an overview over PCATI’s work in that domain can be found in a number of videos we produced for a media campaign on police brutality in March 2022:

- <https://www.facebook.com/Stop.Torture/videos/507320310760572/>
- <https://www.facebook.com/Stop.Torture/videos/3277697205786369>
- <https://www.facebook.com/Stop.Torture/videos/643904136873805>
- <https://www.facebook.com/Stop.Torture/videos/4602300989875237>

As part of PCATI’s strategy to create precedent and a broad improvement for victims of torture, we submit principled complaints against Israeli security authorities, sometimes preceded by letters of warning. For example, we sent a principled letter to the Ministry of Justice opposing two new regulations that severely impede our work: the first is a ban on electronically copying investigation materials from our client’s cases (which leads to our lawyers spending hours copying materials by hand) and a ban on disclosing materials related to our cases to any third

party or making use of it outside of the drafting of an appeal (preventing us from using cases for our advocacy, even when clients are in favor of us doing so).

In another case, PCATI and the Association for Civil Rights in Israeli (ACRI) sent a principled letter to the head of the Israeli police regarding the use of water cannons and 'skunk-water' in ultra-orthodox neighborhoods, in violation of Supreme Court rulings and Police regulations. PCATI sent a second letter to the head of the police opposing the increased use of batons to disperse demonstrations, which had led to many cases of illegal and illegitimate use of excessive force towards protestors and violates the right to bodily integrity.

Other principled legal actions included letters to authorities opposing the appointment of a problematic police officer as a judge to a police disciplinary tribunal, and rejecting the procedure of DIPI to contact us and inquire details of complainant when closing a case and transferring it to the police disciplinary department. Overall, in 2022 PCATI's legal team prepared 8 principled legal actions.

Last but not least, two of the complaints PCATI filed on behalf of victims of police violence led to the indictment of the police officer in question. In the first case, the police officer in question was ultimately convicted, and in the second case, the trial is ongoing. In both cases, the victim was exercising their freedom to protest, and was attacked without reason in violation of police regulations. What distinguishes these cases from the many others that PCATI regularly deals with is that, in one case, there was clear video evidence of the attack, and in the other, the police failed to cooperate adequately with the investigation. In the latter case, the DIPI demonstrated that they took note of the attitude of the Israeli Police and the lack of remorse that was shown throughout the investigation. Given the rise in police violence towards civilians and the high rate of cases that are closed by the DIPI detailed above, these two indictments (and one conviction) are a major achievement for PCATI and for the fight against impunity.

Public Advocacy

In the public sphere, we work with the Knesset and with government ministries to promote policy and legislation to criminalize torture and to enhance enforcement and penalization of those responsible for torture. We advocate for the enactment of a law against torture – which does not exist in Israel despite Israel's obligation by virtue of the UNCAT, to which Israel is a party, to enact such legislation. We also advocate for the full and exhaustive investigation of complaints of torture, the strengthening of the mechanisms of supervision and control over interrogations conducted by the security forces in Israel and in the occupied territories and challenge the dismissal of cases. In the international arena, we work with institutions and individuals in the international and diplomatic community in order to encourage Israel to realize its international commitments, particularly to the UNCAT. Besides Israeli and international duty-bearers and decision-makers, we also target the Israeli public and work to raise awareness of the phenomenon of torture through public events, and media exposure.

National advocacy

On the national level, PCATI upped its advocacy efforts in the Knesset in 2022. Throughout the year, we held 21 meetings with Israeli parliamentarians from both coalition and opposition parties on various topics relating to the fight against torture and upholding human rights, including in preparation to the filing of the complaint to the Prosecutor of the ICC (see below). We also had meetings with decision-makers in government offices on a number of issues.

For example, after the new Basic Law: Defendants' Rights in Interrogations was introduced, PCATI demanded that the new Basic Law would include the specific prohibition of the use of torture (which is non-existent in Israeli law), alongside several other amendments to the wording of the law to include safeguards to investigations and detention conditions and the right to legal representation.

After a suggested amendment to the Evidence Act, PCATI emphasized in meetings with decision-makers that the law lacks a clear prohibition of the use of evidence acquired through torture and ill-treatment, including secondary evidence. The law was adopted, resembling the Fruit of the Poisonous Tree Doctrine, the doctrine that evidence obtained illegally is inadmissible, but it does not mention torture as a form of illegal investigation, and it grants discretion to judges regarding the use of evidence acquired through illegal acts, including torture.

The detrimental impact of this law was already visible in the decision regarding Amiram Ben Uliel. Ben Uliel was convicted in 2020 of killing three members of the Dawabshe family of the village Duma in the West Bank. During ISA interrogations, he was subjected to torture. Ben Uliel appealed to the Supreme Court. PCATI submitted an Amicus Curiae to the Supreme Court in 2021, arguing that torture is prohibited by international law, and all of Ben Uliel's confessions, obtained through the use of torture, should be rendered inadmissible. On September 1, 2022, the Supreme Court handed down its decision in which it admitted Ben Uliel's confession as evidence. The new legislation did not compel the judges to exclude the confession given in front of the police which was based on the use of torture during a previous interrogation by ISA.

PCATI used the momentum of the Ben Uliel decision to launch a media campaign regarding the use of confessions which are based on torture:

- Channel 99 (the Knesset), 4.9.2022, [מנכ"לית הוועד טל שטיינר בראיון לערוץ הכנסת בעקבות דחיית ערעורו של עמירם בן-אוליאל](#)
- Walla, 1.9.2022, [העליון דחה את הערעור: עמירם בן אוליאל, שרצח את משפחת דוואבשה, יישאר בכלא](#)
- The Times of Israel, 1.9.2022, [Supreme Court rejects appeal by Israeli killer of Palestinian family in arson attack](#)
- Ynet, 1.9.2022, ["בן גביר וסמוטריץ' יצאו להגנת רוצח משפחת דוואבשה: "הרשעתו – שפל](#)
- Makor Rishon, 1.9.2022, [בית המשפט העליון אישר את הרשעת עמירם בן אוליאל ברצח בני משפחת דוואבשה](#)
- Haaretz, 1.9.2022, [העליון דחה את ערעורו של עמירם בן אוליאל, רוצח בני משפחת דוואבשה](#)
- Haaretz, 1.9.2022, [Israeli Convicted of Murdering Three Palestinian Family Members in 2015 Loses His Appeal](#)
- 103fm, 1.9.2022, [בשפותחים את הדלת לעיניים אין לזה אפוטרופוס](#)

Another issue we addressed is the issue of unsatisfactory detention conditions. In 2017, the HCJ ruled that the size of a prison cell must be at least 4,5 meters. The ruling has never been implemented, and parliamentarians have notably attempted to exclude so-called "security prisoners" from this rule via legislation. In 2022, after intense lobbying on substandard living and detention conditions of prisoners, the Knesset decided that the legislative process to exclude security prisoners from the living space requirement would not continue under the new government. This implies that such legislation would have to be newly initiated. So far, this has not occurred.

Another way we advocate for policy change is by participating in Knesset Committee hearings and speaking about issues arising from legislation of proposed bills. We actively took part in 9 Knesset Committee hearings, where our position was put forward to parliamentarians and ministerial professionals.



Executive Director Tal Steiner participating in a Knesset Committee hearing

Notably, PCATI initiated a hearing about sexual violence in ISA interrogations. After hearing about a few detailed cases of sexual harassment during ISA interrogations, the committee members severely criticized the IIC's functioning and requested information about the documentation of the interrogations. As a result of that hearing, Chair of the Committee, Aida Touma-Suleiman (Joint List), requested the Ministry of Justice to reveal the procedures in which incidents of sexual violence are reported by the inspectors of the CCTV screenings of interrogations. The Justice Ministry exposed for the first time the procedure governing the conduct of supervisors of interrogations. This is a great achievement for granting transparency of IIC procedures, which will form the basis of future principled legal work.

We also participated in a discussion of the Knesset Committee for Interior Affairs regarding means of crowd dispersal at protests, advocating for ending the use of water cannons and skunk during protests.

In order to increase the reach of our positions on the issues mentioned above, we send position papers to parliamentarians and other decision-makers. In 2022, we disseminated 7 position papers;

International Advocacy

PCATI successfully made considerable advocacy and public outreach efforts in 2022. We submitted 6 significant reports to international bodies, which not only raised awareness to the bodies who receive the reports, but to a broader international as well as local audience, as some of the reports were made public.

Submission to the ICC (Communication under Art. 15 Rome Statute)

On March 3, 2021, the ICC Office of the Prosecutor (OTP) opened investigations into the [Situation in the State of Palestine \(ICC-01/18\)](#), looking into alleged crimes committed in the occupied Palestinian territory, including East Jerusalem, since 13 June 2014. Following the preliminary examination, the Office of the Prosecutor (OTP) found a reasonable basis to believe that war crimes have been committed, and concluded that the events identified in the preliminary examination are illustrative only, emphasizing that her investigation will not be limited only to these specific crimes that informed the assessment at the preliminary examination stage. This opens the door to introduce further areas in which war crimes and

crimes against humanity have occurred in the context of the Situation in Palestine, including the issue of torture of Palestinians by Israeli security agents, the unlawful deportation of Palestinians to Israel for the purpose of committing these acts, as well as the denial of the right to fair trial inherent to such incidents.

PCATI decided to bring the ICC Prosecutor's attention to the continuous commission of these crimes in a setting of belligerent occupation, with the aim that these acts by Israeli officials will be investigated as crimes by the OTP, perpetrators be held accountable and ultimately to create a chilling effect on Israeli officials which will lead to the prevention of such acts in the future.

The [submission of information](#), also called a Communication under Art. 15 of the Rome Statute, prepared by PCATI together with its partner [FIDH](#), was sent to the ICC on June 7. It is based on information gathered through PCATI's 30 years of work, as well as the testimonies of 17 Palestinian victims of torture represented by PCATI since 2014, whose complaints have all been dismissed by the Israeli Ministry of Justice, without proper investigation or prosecution. The submission states that the systematic dismissal of such complaints and the fact that to date no ISA interrogator has ever stood trial for torture and ill-treatment in Israel points to the Israeli justice system being both unable and unwilling to grant justice to victims of torture in Israel.

Turning to an international court against its own authorities bears several risks. This can be perceived as hostile in Israel, and we feared the possibility of right-wing smear campaigns and backlash on our work from members of the government; we even anticipated attempts to interfere with our work. However, although the submission was promoted within the Israeli public through social and traditional media, thankfully, there was no backlash by members of the government or other groups against PCATI or its members. This may be due to the Israeli government's dispersal only a week after the submission, or a calculated tactic from the side of decision-makers not to acknowledge any interaction with the ICC in order to not draw attention to the legal proceedings. Notwithstanding, we partly ascribe this to our long and thorough preparation preceding the submission.

The submission of the Art. 15 Communication to the ICC was a key achievement in itself. PCATI is the first Israeli NGO that has actively and publicly submitted information to the ICC. The submission was accepted by the OTP and is under consideration.

PCATI's mandate is to eliminate torture and cruel, inhuman, and degrading treatment by all legal means; and it is our obligation to the victims we are representing to exhaust all legal avenues available to them in their pursuit of justice. We see our request to the ICC's Office of the Prosecutor to include torture into the investigation of the Situation in Palestine as a consequent, legitimate and promising tool to achieve justice for the victims, and potentially motivate the Israeli government to take efficient steps to finally eliminate the use of torture in Israel.

PCATI launched a media campaign around its submission to the ICC. The campaign included posts on Facebook in [English](#) and [Hebrew](#), [Twitter](#), [Instagram](#) and one item on PCATI's [webpage](#).

The submission was mentioned in a number of articles in traditional media as well:

- Middle East Eye ,10.6.2022 , [Israeli anti-torture body refers Israel to International Criminal Court](#),
- Arab48, 10.6.2022, [منظمة حقوقية تتوجه للمحكمة الجنائية الدولية ضد التعذيب في إسرائيل](#),
- Yediot Acharonot, 10.6.2022, [הם הולכים להאג](#),
- Kan Reshet Bet (Morning Show), 14.6.2022, [Interview with PCATI CEO Tal Steiner regarding submission to ICC](#),
- Arab48 , 13.6.2022, [Interview with PCATI lawyer Janan Abdu regarding submission to ICC](#)
- Jerusalem Post, 21.6.22, [NGO explains why it filed ICC war crimes complaint against Shin Bet](#)
- Asharq al Awsat (Circulation of 300,000), 11.6.2022, [Human Rights Group Calls on ICC to Prosecute Israeli Officers](#)

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 את חסר'ם דוד אסור לפנסס
 מנחם | YouTube

Jerusalem Post > Israel News

NGO explains why it filed ICC war crimes complaint against Shin Bet

PCATI head Director Tal Steiner said that her organization finally decided to go to the ICC with 17 different case files after multiple factors fell into place.

By YONAH JEREMY BOB Published: JUNE 21, 2022 16:36
 Updated: JUNE 22, 2022 10:46



ASHARQ AL-AWSAT

Human Rights Group Calls on ICC to Prosecute Israeli Officers

Saturday, 11 June, 2022 - 07:45



Tel Aviv - Asharq Al-Awsat

The Public Committee Against Torture in Israel (PCATI) presented a communication to the Office of the Prosecutor of the International Criminal Court (ICC) denouncing alleged crimes committed by the Israeli Security Agency against Palestinian detainees.


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Israeli anti-torture body refers Israel to International Criminal Court

Public Committee Against Torture in Israel says after 30 years it has concluded Israeli authorities not interested and unable to stop abuse of Palestinians



The UN Human Rights Committee's 5th Periodic Review of Israel under ICCPR

In January 2022, PCATI submitted an alternative (shadow) report to the Human Rights Committee (HRC) for Israel's 4th period review under the ICCPR, followed by direct advocacy initiatives with members of the HRC. The report addressed children's rights in detention, arrest, interrogation and incarceration; freedom of assembly and protest; torture and ill-treatment; treatment of persons deprived of their liberty; lack of effective training of officials; civil society and its delegitimization. In March 2022, the HRC issued significant and compelling recommendations to the State of Israel in regards to torture and ill-treatment, which closely reflect the points laid out by PCATI in our alternative report submitted to the Committee, picking up four of the five recommendations suggested by PCATI.

Independent International Commission of Inquiry on the Occupied Palestinian Territory

In March 2022, PCATI submitted information to the Independent International Commission of Inquiry on the Occupied Palestinian Territory, including East Jerusalem, and Israel about the circumstances leading up to the violent escalation in the oPt, East Jerusalem, Gaza, and especially within Israel proper, during March-May 2021. In our submission, we argued that that misconduct and recklessness of the Israeli Police and Israeli decision makers led to an

unprecedented level of unchecked excessive violence towards the Palestinian population within Israel, which in turn, was instrumental in the eruption of violence in early 2021. After the fact, because of the systematic lack of accountability in the Israeli justice system towards offenses of excessive violence and infringements of human rights, the concern is that these offenses would go unchecked and unaccounted for. Therefore, we recommended that the Commission of Inquiry be involved in establishing the facts and that it call on Israel to thoroughly investigate these crimes, punish the responsible actors, and introduce policy changes to prevent like events from reoccurring.

Universal Periodic Review of Israel 2023 (Fourth Cycle)

In November 2022, PCATI, jointly with its partner FIDH, submitted an alternative report² in regard to Israel's upcoming review under the UPR, which took place in May 2023. The report highlighted severe violations of IHRL and IHL committed against Palestinian detainees by members of the Israeli security apparatus amounting to the war crimes of arbitrary arrest and detention, including torture and ill-treatment, denial of access to justice and fair trial and the right to effective remedy and the lack of prohibition of torture and ill-treatment. PCATI also participated in the NGO roundtable preceding the review, which took place in April 2023 in Geneva. 21 member states introduced recommendations regarding torture and detention conditions raised by PCATI in our submission.



Executive Director Adv. Tal Steiner at the Human Rights Council in Geneva

Report to the US Embassy for State Department

PCATI submitted a report to the US State Department in October on the state of human rights in Israel following an invitation by the US Embassy in Tel Aviv to civil society and NGO partners to submit information to be considered in the drafting of the 2022 Human Rights Report. The report highlighted the lack of accountability for torture by Israeli authorities, the degrading living conditions in ISA facilities that aren't controlled by the Israeli Prison Service, the lack of documentation of ISA interrogations, the continued lack of criminalization of torture under national legislation, the impunity for police violence during arrests and demonstrations, and the IIC's attempts to stifle PCATI's ability to legally represent victims and advocate for its cause, for example by demanding our signature promising that materials and evidence won't be used outside of the framework of an appeal (see above). The final State Department Human Rights

² Available at: <https://www.ohchr.org/en/hr-bodies/upr/il-stakeholders-info-s43>, Joint Submission 2

Report included all of the points that PCATI highlighted: our work was quoted 13 times in the report.

Special Rapporteur for the occupied Palestinian territories

In November, PCATI submitted a report to the UN Special Rapporteur on the situation of human rights in the occupied Palestinian territories providing input on torture to be considered in her [thematic report](#) to the Human Rights Council's 52nd Session on the deprivation of liberty in the occupied Palestinian territories.

Forensic Work

Promoting the Istanbul Protocol

The [Istanbul Protocol](#) (IP) is the international Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It was developed by experts in human rights, health and law to aid in the proper assessment and documentation of allegations of torture and is approved by the UN. The IP serves as a global standard against which the delivery of expert legal and medical evidence can be benchmarked in the investigation and prevention of torture.

PCATI is the leading organization in establishing this standardized tool of assessment of torture in Israel. In 2012, PCATI, with the help of a training by the Turkish Human Rights Foundation (HRFT), created a pool of experts, named the Forensic Group of Experts, which has since become an independent body. The Forensic Group carries out IP assessments in cases of alleged torture and ill-treatment. PCATI regularly trains medical and legal professionals on the guidelines of the Protocol and how to use it in the field. Moreover, through our legal and public initiatives, PCATI works to consolidate the status of the Istanbul Protocol as a recognized and accepted tool in the Israeli legal system.



Istanbul Protocol training session

In May, PCATI's Head of the Legal Department administered an Istanbul Protocol training for the staff of the Public Defender's Youth Department in the Jerusalem District. 15 public defenders participated in the training. The aim was to introduce them to the IP and encourage the use of IP assessment in 'trials within trials' or so-called 'Zuta' proceedings – proceedings dedicated to the question of acceptance of evidence within the larger proceedings. The discussion touched on non-physical torture practices such as sleep deprivation, shouting and threatening of minors who are being interrogated for security offenses under the Counter-Terrorism Law (2016). We consider our training to members of the Public Defender's Office a great success and we had tried to set up such a training for a long time, as the members of the Public Defender's Office play an important role in the treatment of young people who have been facing violence by police

officers. The participants were very interested in the Istanbul Protocol assessment and seemed willing to use it in criminal procedures.

In June, a training was held for 45 medical practitioners of the Israeli Prison Service, including those who examine ISA interrogees. It was part of a two-day training session of the entire IPS medical staff. One of PCATI's board members, together with a physician and psychologist and member of the forensic group affiliated with PCATI, administered training sessions about torture injuries, non-physical torture and trauma, documentation and professional ethics. This was a unique opportunity, as attempts by PCATI and professional bodies to organize a training for IPS physicians were previously unsuccessful.

Guidebook for activists and protestors

During times of Corona, PCATI was unable to hold in-person IP or other trainings. This prompted the idea to produce an accessible and concise booklet for first responders (health care providers, attorneys, activists) building their capacity in proper documentation of injuries of torture and ill-treatment and supporting legal advocacy, in cases such as undue violence applied by security forces directly inflicted on a one-on-one level, violence during arrests of a suspect and against family members, excessive use of force in repressing demonstrations, etc.

The booklet aims to assist activists and demonstrators injured by security personnel and to strengthen their legal case - and ultimately to break down impunity and lack of accountability for torture by Israeli security forces (military, Police, Israeli Security Agency, Israeli Prison Service).

The short best-practice guidebook was launched by means of an online webinar on November 15, 2022 with 112 participants. It is the first such guidebook in Israel. It addresses the lack of adequate access and knowledge concerning the medical and psychological (forensic) documentation of victims of torture, and subsequent legal actions needed. The guide was produced in collaboration with ActiveStills and with the consultation of a range of medical professionals, which are members of the Forensic Group. The 13-page long guide contains explanations and visual material regarding ways of taking photos and videos of physical injuries with mobile devices for legal use.

[Link](#) to guidebook

Link to online webinar:

https://us06web.zoom.us/rec/share/UwutLa6p1bKIVcF64VoeAPTOM7x4TDjn2QFhrHsz1_SCUvFb_f8VFbKSRhmRqjl.Gk4eU_WDER EUsoRx

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Challenges

Anticipating backlash for the submission to the ICC

PCATI's submission of information to the ICC entailed the high risk of verbal attacks or smear campaigns against our organization or individual staff members. However, PCATI prepared well for this submission. PCATI undertook discussions and consultations with a local consultancy firm, which created a security strategy for PCATI. In light of this strategy, PCATI enhanced its digital security abilities, as well as the security of its physical office. In addition, we held preparatory meetings with the international community stationed in Israel regarding the submission and possible delegitimization efforts against PCATI in order to receive support against such backlash in case it occurs. With these combined efforts we mitigated possible attacks against PCATI. Up to date, PCATI did not face any repercussions for its submission to the ICC; however, the risk, particularly with the new government, remains.

Limited resources

Not all cases of alleged torture or ill-treatment could be followed up by PCATI's legal team during the project period, given limited resources and staff. Therefore, PCATI is required to vet cases in terms of their possible success as well as their potential for principled legal action. We take specific cases regarding a principled legal question to the Israeli Supreme Court, not only to promote principled issues addressing the prevalence of torture and lack of accountability for it, but also to create a precedent for other similar cases and to build on them in our advocacy for broader policy changes.

Political radicalization

A growing risk from the political developments in Israel following the November elections manifested during the last two months of the reporting period. The risk is twofold: On the ground, there is growing risk of escalation in violence in the oPt and East Jerusalem, leading to increase in volume and brutality of arrests and interrogations. This might be further magnified by legislative initiatives that are being propelled by the new government. On the organizational level, we risk growing institutional challenges to our anti-torture work, particularly as a human rights organization that advocates on behalf of Palestinians. This includes both direct attacks of de-legitimization, and more complex ones via means of taxation and other legislation which would limit our possibility to operate. Our legal and public advocacy strategies might therefore shift in 2023, to account for such developments.

Organizational Development: New Strategic Outlook

After beginning a strategic planning process in 2021, our strategic plan for 2023-2025 was finalized at the end of 2022. The new strategic plan recognizes and emphasizes the connection between the ongoing Israeli occupation of the West Bank and Gaza Strip and the use of torture by Israeli security agents as a tool to uphold the occupation. Firstly, torture is used as a means to perpetuate the violent oppression of a civil population subject to occupation. Secondly, Palestinians in the territories are subjugated to a military legal system that does not provide proper procedural safeguards for detainees and interrogees, thereby enabling and facilitating the use of torture. Thirdly, the harmful practices used by the Israeli security services against Palestinians in the oPt also gradually trickle into the conduct of security authorities toward residents and citizens of Israel itself, particularly in the case of minority groups within Israeli society. For all these reasons, we regard the struggle against the occupation as an inseparable part of the struggle against torture.



Strategic planning session

In addition, we aim to expand our work on the Istanbul Protocol. PCATI now aims to enhance our proactive and precise use of the human and professional resources available to us – the volunteers in the Forensic Group. We will do this both by continuing to prepare opinions in individual cases and pursuing legal proceedings, and by disseminating information and enhancing the professional legitimacy of the Protocol among the professional community in Israel and abroad, as an indirect means for influencing the Israeli justice system.

After almost five years of political instability, an extreme right-wing government has been established in Israel. Many of the members of the government hold overtly nationalistic and even racist attitudes. The government is expected to be hostile to human rights. In the face of these challenges, PCATI is determined to continue to disseminate a clear moral message against torture and to act on behalf of our clients through all the means at our disposal, including lobby work in the Knesset, meetings with Members of Knesset and relevant ministries, and strengthening our alliances with like-minded members of the opposition.

Thank you do our supporters and donors

We look back on a successful year 2022, and we are extremely proud of the work that everyone at PCATI has accomplished in all the different arenas we are active in. These achievements would not have been possible without the kind support of our donors and friends, the cooperation with our partners, and the loyalty of everyone who takes time to support us on social media, read our newsletters and publications, and helps share our message that human rights are indispensable, and everyone has the right to be free of torture. We would like to say thank you, and we look forward to continuing these meaningful relationships in the years to come.