

TORTURE IN ISRAEL

Situation Report 2023

הוועד נגד
THE COMMITTEE
AGAINST TORTURE
اللجنة المناهضة للتعذيب



TORTURE EXISTS IN ISRAEL

Every year, the Public Committee Against Torture in Israel (PCATI) collects dozens of testimonies alleging physical and psychological torture used by ISA (Shabak) interrogators. Torture methods reported include painful shackling, sleep deprivation, exposure to extreme heat and cold, threats to family members, sexual harassment, and religion-based humiliation. In addition, instances of cruel, inhuman or degrading treatment by the Israel Police and Israel Prison Service are regularly reported regarding Israeli citizens and residents; these practices are prohibited by the very same laws and rules that ban torture.

WHAT DOES THE LAW SAY?

Torture and cruel treatment are absolutely prohibited, both by international as well as Israeli law. However, Israel has still not enacted a law explicitly prohibiting torture, despite its commitment to do so. It continues to argue that interrogators who employ “special means” during investigations, due to an immediate need to obtain information from the interrogee, will be exempt from prosecution. In practice, this “necessity defense” doctrine, which is not found in any other democratic country, grants a priori permission for the use of torture, even in cases when there is no need and no urgency to obtain the information.

1,450 COMPLAINTS

submitted between 2001–2022 have resulted in:

3 criminal investigations 0 indictments

Average period of time from submitting a complaint to granting a decision: **three years and four months**; the longest period was **eight years and two months**.

THE CASE OF M.R.

M.R. was arrested in the West Bank by the IDF in 2014. The arrest was so violent that he was rushed to the ER before beginning the ISA interrogation. During his interrogation, which lasted a month, the interrogators held M.R. in “pressure positions” – torture positions intended to cause severe physical pain. These include sitting on a chair with the body bent backward (the “banana position”) and other positions, repeatedly for 30 minutes at a time over a number of times. The interrogators beat and slapped

M.R. and kicked his knees. A female interrogator scratched his face, and **interrogators threatened to rape him and his wife, and stabbed him in the buttocks with a sharp object. M.R. was deprived of sleep for protracted periods of up to 45 consecutive hours.** Although the complaint was submitted in 2014, a response was only provided in 2022 – over eight years after it was filed.

In the decision to close the investigation, the Inspector of Interrogee Complaints did not argue

that the complainant had lied or exaggerated the facts in his testimony. He even **admitted that it is doubtful whether the “necessity defense” applied in E.R.’s case. Despite this, it was decided not to prosecute the ISA interrogators who subjected him to torture.** The decision manifests the extend of the immunity regime applied to ISA interrogators. Even when the state admits that it is doubtful whether there was any justification for the severe torture employed by the interrogators, the complaint against them is closed without any consequences.

UNDER THE SHADOW OF THE WAR IN GAZA: TORTURE AND HUMILIATING AND LIFE-THREATENING TREATMENT TOWARD PALESTINIAN DETAINEES IN ISRAEL



Sde Teiman detention center | Photo: Haaretz Newspaper

1 Following the war crimes committed against Israeli citizens by Hamas on October 7, 2023, Israel launched a war of unprecedented scale in the Gaza Strip. During the war, tens of thousands of Palestinians have been arrested in the Gaza Strip and West Bank. As of the end of 2023, **almost 10,000 Palestinians were being held in the IPS prisons – twice as many as in normal times.**

2 Accordingly, the Israeli government approved a policy of severe overcrowding in prison facilities, exposing detainees to **harsh and degrading living conditions, including sleeping on the floor, a shortage of food and hygiene, inadequate medical treatment, etc.** Dozens of reports have been received concerning arbitrary violence by guards against Palestinian detainees, including beatings, curses, sexual humiliation, etc. According to the IPS, at least seven Palestinian detainees have died in prisons since the outbreak of the war.

3 Under Israeli law, all the detainees from the Gaza Strip are defined as “Unlawful Combatants.” The law was amended after the outbreak of the war, so that **detainees can now be held for up to 45 days without a detention warrant; 75 days**

without judicial review; and be denied the right to meet with an attorney for up to 90 days. Their families are not given any information about where they are being held or how they can be contacted, and ICRC visits to the places of detention are prohibited.

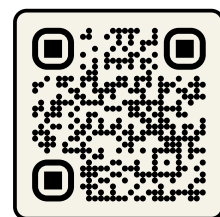
4 Most of the detainees from the Gaza Strip have been held at military bases converted for use as detention centers. **Detainees were reportedly held in cages in the open air, shackled and blindfolded for 24 hours a day.** They were forced to kneel for most of the day and sleep on the floor. They suffered from hunger, filth, and inadequate medical treatment and were subjected to arbitrary abuse by army soldiers. Detainees were isolated from the outside world, including their families, and were not entitled to ICRC visits. According to media reports that have not been denied by the IDF Spokesperson, at least 27 people have died in military detention facilities.

5 As of the end of 2023, **all petitions submitted to the Supreme Court challenging this situation, have been dismissed by the court.**

RECOMMENDATIONS

- ✿ Israel must uproot the phenomenon of torture, introduce a law banning torture, video document what happens in the interrogation rooms, and hold to account perpetrators of torture.
- ✿ The courts in Israel must reject the “necessity defense” and insist that any instance of alleged torture is investigated properly.
- ✿ The military detention facilities should be closed immediately, and it should be ensured that all persons detained by Israel are held in humane and safe conditions. All the deaths that occurred during the war in prisons must be the subject of an independent and public investigation.
- ✿ The international community should ensure that the State of Israel meets its undertakings in accordance with international law, including enacting a law against torture and prosecuting those responsible.

Support PCATI's work so that
we can continue to combat
torture in Israel



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