Tainted by Torture:

Palestinian Detainees in the Israeli Legal System

November 2026



Table of Contents

Introduction 3

Background 5

The Continuum of Coercion:
A Detention Routine of Abuse and Torture 8

Confessions 10

Case Study:
Amiram Ben-Uliel – From an Inadmissible
Confession to Admissible Evidence 14

Judges 16

The Review System – the Mavtan 18

Case Study:
T.B. – 552 Hours of Interrogation,
No Criminal Investigation 20

Conclusion 23

Recommendations 24

Introduction

Israeli authorities use torture as an institutionalized practice. This is not in dispute. It has been investigated, documented and reported by a diversity of sources and in a diversity of platforms: from civil society organizations, foremost among them The Public Committee Against Torture in Israel (PCATI), through UN bodies, to statements by official Israeli commissions of inquiry and by the Israel Security Agency (ISA, Shin Bet) interrogators in court. To date, however, attention has focused on the individual interrogation and the use of physical and psychological violence in ISA interrogations. This report seeks to broaden the focus by examining the continuum of abuse that detainees classified as "security" detainees experience throughout their incarceration and how this prolonged torture translates into legal outcomes that contaminate the entire system that prosecutes Palestinian defendants. This report examines not only the use of torture in interrogation but also how information and confessions produced under prolonged duress travel from the ISA interrogation room to the police, the prosecution, the courts and oversight mechanisms and become embedded in the evidentiary and administrative chain.

What does a law enforcement system steeped in torture look like? This question is particularly urgent now, because Israeli authorities seek to introduce the death penalty as punishment for Palestinians. The death penalty is always wrong, because it's inherently cruel punishment and violates the right to life. Introducing it into a system rife with due process violations is particularly egregious, because errors and wrongful convictions could become lethal.

The database on which this report is based comprises the official ISA complaints that PCATI filed on behalf of Palestinians reporting torture in interrogation over the past decade and for which we have complete documentation. Based on affidavits from detainees, we filed the complaints with the Inspector for Complaints Against ISA Interrogators, an Israeli Ministry of Justice unit responsible for examining complaints about the conduct of ISA interrogators. It's known by its Hebrew acronym, "Mavtan." In total, the database includes 42 cases, and in 37 of them the Mavtan provided a response. The database does not purport to be a representative sample of all ISA interrogations but rather an indication of trends. The complainants' identities and

the documents relating to them are held in PCATI's files and are, of course, known to Israeli authorities. This report also draws on court documents, recent academic research and on reports by civil society organizations. While for ordinary crimes, police are in charge of interrogations, the ISA is responsible for interrogations of so-called "security detainees," primarily Palestinians accused of nationalistic crimes or suspected of harboring nationalistic intentions but held without charge. All cases discussed in this report involve security detainees, including one exceptional case involving a Jewish suspect interrogated by the ISA.

Background

Israel is a party to the Convention against Torture (hereinafter: "the Convention") and formally accepts the international law principle that torture is absolutely prohibited, without exception. Article 1 of the Convention defines torture as any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted, inter alia for the purpose of obtaining information or a confession, when inflicted by or at the instigation of or with the consent or acquiescence of a public official. Accordingly, in 1999 Israel's Supreme Court sitting as the High Court of Justice (HCJ) ruled that the ISA has no authority to use prohibited physical interrogation methods. The ruling, however, left open the possibility that, in extreme situations, an interrogator who spontaneously used physical force against a detainee could avail himself of the ex post facto criminal defense that violence was "necessary" to extract life-saving information.

The HCJ ruling essentially codified a category that Israel's legal system describes as a "necessity interrogation" and that Palestinian detainees, and sometimes the interrogators themselves, call a "military interrogation": an interrogation in which ISA interrogators – after consulting with their superiors and following an internal procedure for documenting their decisions and conduct – torture detainees. Over the years, that supposedly narrow exception ballooned and developed into a sprawling system of legal and administrative exceptions that swallowed the so-called rule, enabling the use of violence while maintaining the appearance of prohibition. In the Tbeish case in 2018, Israel's Supreme Court manifested and sanctioned the gap between the theory of spontaneous, exceptional conduct and the practice of well-known and routine use of "necessity" authorization for torture. In that ruling, the Court gave legal sanction to the ISA interrogators' formalized mechanism of prior consultation to authorize "necessity" interrogations, which creates de facto immunity from accountability for torture.

There is currently no publicly available information to determine the extent of necessity interrogations; we don't know how frequently internally authorized torture takes place in ISA interrogations. Ministry of Justice officials claim that authorizations for necessity interrogations are given "sparingly." Human rights organizations have

documented dozens of such cases in recent years, and these are based on information from only a small percentage of interrogees. The uncertainty about the number of interrogations in which authorized torture is carried out stems first and foremost from a lack of transparency. Israeli authorities have denied repeated freedom of information requests on the subject, claiming that the answer would constitute "information whose disclosure raises concern of harm to state security."

A separate question is what exactly happens during interrogations that have received such authorization. Here too, official information is lacking, because Israeli authorities refuse to preserve even available documentation. Since 2018, interrogations in some interrogation rooms have been broadcast on a closed circuit audiovisual feed, and in some cases an ISA supervisor observes the feed at random. But the ISA refuses to preserve the audiovisual feed. Thus, when an interrogee reports that prohibited methods were used against him and the interrogators deny it, there is no objective, complete and continuous record to determine which version is true. The chance that a supervisor will be watching a particular interrogation at precisely the moment an interrogator engages in torture is small, and it is far from clear that the supervisor would regard torture as an impermissible interrogation method. The cameras are thus transformed from a tool meant to provide neutral evidence into a tool at the exclusive disposal of the agency conducting the torture.

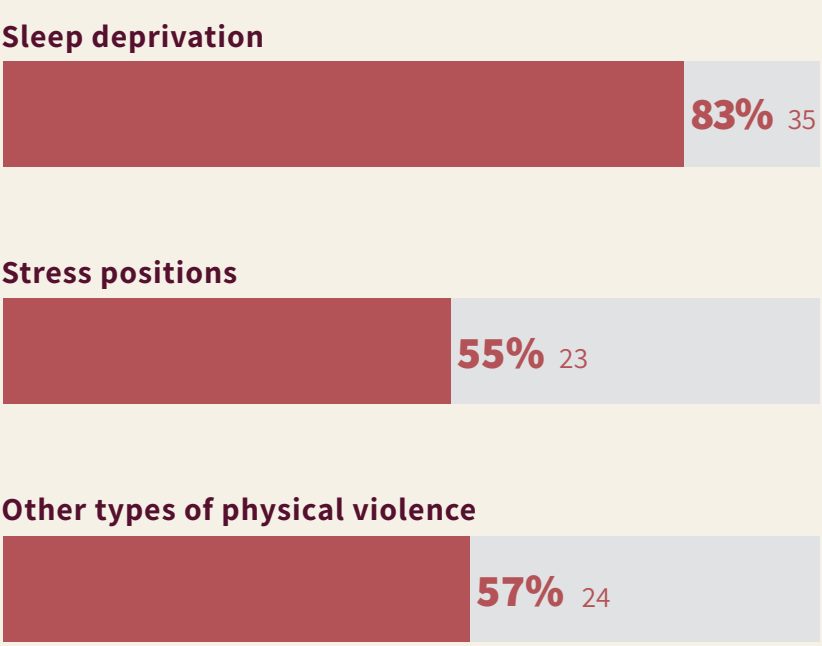
The ISA refuses to preserve the audiovisual feed.

Obstructing audiovisual documentation undermines the ability to establish what actually happened in the interrogation, to investigate complaints and hold perpetrators accountable, and to engage in meaningful judicial review of the circumstances in which suspects confessed. Over the years, in hundreds of testimonies, Palestinian detainees have consistently described interrogations employing extreme sleep deprivation, physical violence such as slapping and kicking, threats, sexual violence, and above all stress positions. Stress positions are those in which a person is forced to hold his body in unnatural postures that put pressure on the muscles and nerves. They cause severe pain at the time and lasting damage and pain afterwards, sometimes permanent.

Analysis of the 42 complaints against ISA interrogators that PCATI filed on behalf of detainees since 2016 shows this pattern clearly:

Interrogation methods in the database

Percentage of 42 complaints



*A single complaint file may include more than one method.

The Continuum of Coercion: A Detention Routine of Abuse and Torture

Violence in the interrogation room does not occur in isolation from conditions of detention and abuse during incarceration. It is part of a continuum of coercion and intimidation requiring detainees to provide information and confess to offenses. For years, civil society organizations, Israel's State Comptroller and the Israeli Public Defender's Office have documented conditions of detention amounting to severe abuse and violence by prison guards. Since October 7, 2023, however, conditions have sharply deteriorated. Prisoners are held in their cells for about 23 hours a day, sometimes in extreme overcrowding and without a bed. According to reporting by the Israel Prison Service (IPS), at the end of October 2026 there were 4,225 prisoners without a bed, 92% of them in prison wings designated for "security" detainees, primarily Palestinians. Human rights organizations have also documented restrictions on washing and access to hygiene products, to the point of detainees going weeks without a shower and months without a change of clothing. Unsurprisingly, they experienced outbreaks of disease. This is the reality in which detainees live before, during and after interrogation. It forms part of a broader context of ongoing physical and mental injury and dismantling safeguards against abuse.

Detainees consistently described daily hunger.

After October 7, 2023, Israeli authorities significantly reduced the amount of food supplied to Palestinian security detainees. In dozens of affidavits that PCATI has taken during prison visits and following release, detainees consistently described daily hunger. In the Nafha, Shatta, Ofer and Ktziot detention centers, PCATI documented practices in which prison authorities provided a meal sufficient for one person - to be divided among eight to ten prisoners. A PCATI client, M.G., lost 30 kilograms of body weight over eight months of incarceration in the Megiddo and Ramon prisons. A child

examined in May 2025 had lost 20 kilograms in seven months of incarceration and suffered life-threatening malnutrition, according to information that Physicians for Human Rights-Israel submitted to the UN Committee Against Torture. Another child, Walid Khaled Abdullah Ahmad, aged 17, died in Megiddo in March 2025. According to the post-mortem findings, he suffered from severe and prolonged malnutrition. In September 2025, the Israeli High Court of Justice ruled that the food rations supplied to security prisoners did not meet the minimum required by law.

In parallel with the worsening of living conditions, since October 2023 human rights organizations have documented a significant increase in severe and persistent violence by IPS staff and soldiers serving in military facilities. Palestinian prisoners are subjected to severe physical, psychological and sexual violence, including beatings, kicking, attacks with dogs, electric shocks, threats, humiliation, touching and hitting genitals, and rape. The violence has been documented in cells, during searches and roll calls, in areas without cameras and during transfers. In some cases it has caused fractures, serious injuries and deaths.

For example, while S. was detained at the Damon facility in 2026, guards burst into her cell shouting and began beating the women with batons, while other staff stood around mocking them. S. was then taken to the clinic, where she was seated on a chair and beaten with batons in front of medical staff who neither intervened nor prevented the violence. Since October 7, 2023, at least 103 Palestinian detainees have died in Israeli custody. Of ten post-mortem examinations reviewed by Physicians for Human Rights-Israel, five showed signs of physical assault and six showed evidence of medical neglect.

Indeed, according to established medical-legal principles no interrogation method should be examined in isolation. Severe pain and suffering may result from the accumulation of methods and their interaction over time, as in the conditions described here. Sleep deprivation in particular at times operates as part of a constellation of detention conditions and interrogation methods, each of which exacerbates the effects of the other.

Confessions

In its 1999 ruling, the Israeli High Court of Justice justified leaving an opening for interrogators to conduct "necessity interrogations" by reference to the principle of "preventive necessity" or the so-called "ticking bomb." The ticking bomb describes a situation in which interrogators believe the interrogee possesses concrete information whose acquisition is, they say, essential to preventing future attacks. Although international law prohibits torture without exception, ISA interrogators and Israeli officials in charge of reviewing complaints of torture to this day rely on this legal defense provided by the HCJ. In practice, ISA interrogators invoke "necessity" routinely, well beyond even the flawed conception of an imminently ticking time bomb. For example, in one case for which PCATI filed a torture complaint, ISA interrogators conducted a "necessity" interrogation after holding the interrogee in detention for a year.

ISA interrogators torture suspects to obtain evidence for criminal convictions.

And contrary even to the justification the HCJ endorsed, ISA interrogators torture suspects to obtain not just intelligence information but also evidence for criminal convictions. In a considerable proportion of the PCATI files reviewed in which the detainee reported the use of unlawful interrogation methods, the interrogation also produced a confession, which made its way into criminal proceedings. Of the 42 files from the past decade in which a complaint was filed through PCATI against ISA interrogators for the use of torture, 33 included a confession given during or following the interrogation, although some interrogees later retracted their confessions.

The information extracted is not confined to the purpose of preventive intelligence. Israeli officials systematically convert information from ISA interrogations into evidentiary statements, including by having police officers record a subsequent confession and add it to a detainee's criminal file. In this context, the widespread use of sleep deprivation has direct evidentiary implications. Beyond the pain and suffering sleep deprivation causes, it also impairs attention, memory and the

capacity for complex judgment, and it increases susceptibility to external influence. Depriving detainees of sleep in order to obtain information is not only unlawful - it also undermines the reliability of evidence collected in the case. In about one in four of the PCATI files reviewed (11 of 42), the information that interrogators extracted under torture included information about other people or statements incriminating others. In other words, torture of one individual led to arrests of additional people.

Some legal systems, most prominently in the United States, have adopted a rule known as "the fruit of the poisonous tree." That rule requires courts in criminal trials to exclude any evidence obtained unlawfully, as well as evidence derived from it. The Israeli legal system, however, does not accept this principle. Instead, under Israeli law, a defendant's confession is admissible if provided "freely and voluntarily" (Section 12 of the Israeli Evidence Ordinance; the Issacharov rule). This legal structure allows a subsequent confession made to police officers to be examined separately from the ISA interrogation that preceded it. In other words, after ISA interrogators use prohibited interrogation methods to extract an initial confession, a subsequent confession, taken hours or days later, could be deemed "free" and "voluntary," and therefore admissible in court.

In one of PCATI's cases, R. was arrested in 2021 and underwent a month-long series of violent ISA interrogations that included humiliation, threats against family members and physical violence. He confessed during the ISA interrogation and was taken to a police station to sign the confession, but he retracted it. After he retracted, ISA officials resumed interrogating him under torture, he confessed again, and ISA officials returned him to the police station, where he again retracted his confession. This happened multiple times, until he signed the confession in the presence of police investigators, according to him – just to make the torture stop. The prosecution then sought to submit this confession as evidence against him, relying on the practice of Israeli courts under which such a confession is admissible.

This mechanism of torture creates a risk of false confessions, and R.'s confession was the rare confession that Israeli authorities acknowledged to be false. After months in prison, video footage was found proving that R. had not been at the scene at all when the crime was committed, and that the confession could not have been truthful. In this

exceptional case, R. and his brother, who had also been charged, were acquitted and released. In many other cases, torture survivors have been convicted after confessing under torture. Of the 33 PCATI cases in which interrogees gave confessions, in four the court recognized that the confession was false. The detainees were released after long months in prison, including after external information emerged that contradicted the content of their confessions.

The confession obtained under torture “paid off” for the prosecution, which used it to convict a survivor of torture.

In the military courts in the West Bank set up to try Palestinians, the vast majority of trials end in plea bargains. One reason is that Palestinian defendants are routinely detained for extended periods pending the outcome of their trial, meaning that defendants may be held in pretrial detention for a period exceeding the sentence they would receive if convicted, creating an overwhelming incentive to plead guilty. The shift to plea bargains means that in most cases the fact-finding stage never takes place at all.

We see an example of this mechanism in the case of M., a journalist arrested in 2019 who underwent a long and violent ISA interrogation. Like R., she confessed to ISA interrogators and was brought to a police station to repeat the confession but retracted it. And like R., she was returned to the ISA interrogation until she finally agreed to sign a police confession, in order, she said, to make the torture stop and to protect her brother, whom the interrogators had threatened. M. pleaded guilty to a charge of prohibited political involvement. The interrogation methods and the confession they extracted built the criminal case against her, were used as evidence in hearings to extend her pretrial detention and undermined the starting point from which she negotiated a plea agreement. In other words, the confession obtained under torture “paid off” for the prosecution, which used it to convict a survivor of torture.

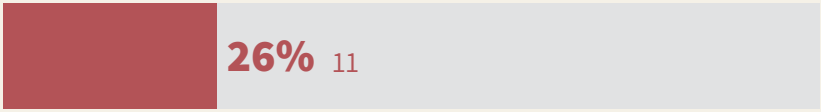
Interrogation outcomes in the database

Percentage of 42 cases

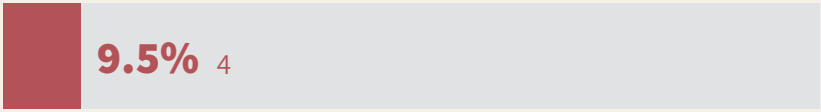
Files in which a confession was given



Files in which information about others or incriminating statements are known to have been given



Cases in which the confession was recognized as a false confession



Case Study: Amiram Ben-Uliel – From an Inadmissible Confession to Admissible Evidence

The Amiram Ben-Uliel case provides an exceptional and clear illustration of how information obtained through illegitimate interrogation methods can continue to taint criminal proceedings even if the original confession is excluded from evidence. Ben-Uliel, a Jewish Israeli citizen, was convicted of murdering three members of the Dawabsheh family in an arson attack on their home in the West Bank village of Duma in 2015. During his ISA interrogation, a rarity for Israeli Jews, he underwent two "necessity interrogations" in which "special methods" were used against him. The head of the interrogation team confirmed in his court testimony that the methods used were "painful and perhaps even very painful." The District Court itself described the interrogation mechanism in explicit terms: "The deliberate infliction of pain on an interrogee in order to obtain the information demanded constitutes a use of the interrogee as a tool in the hands of the interrogators."

The head of the interrogation team confirmed that the methods used were "painful and perhaps even very painful."

It's worth noting that the court acknowledged that the effect of violent interrogation methods may persist after the ISA interrogation ends and carry over into the subsequent police confession. On that basis the court indeed excluded a confession Ben-Uliel gave to police one day after the ISA "necessity interrogation." Yet in his case too, the court ultimately admitted another confession given 36 hours after the violent ISA interrogation, in which he repeated what he said in the first confession. This case is exceptional in that the court accepted the interrogee's version of events and even excluded some of his testimony because of the use of "special methods." We are not aware of any parallel case involving a Palestinian interrogee.

The District Court explicitly refrained from deciding whether the ISA methods used against Ben-Uliel amounted to torture as defined in international law or in case law. It held that, for the purpose of ruling on the admissibility of the confessions, it sufficed that the methods had seriously violated the integrity of his body and mind. The court's refusal to rule on the issue is especially striking, because the court found that the purpose of the violence used during the interrogation was the deliberate infliction of pain to obtain information – which is how the UN Convention against Torture defines torture. On appeal, Israel's Supreme Court rejected the argument that, after ISA agents use "special methods" against interrogees, their subsequent confessions must also be automatically excluded.

The Ben-Uliel case thus illustrates the problem: even in the rare cases when courts exclude a confession obtained under duress, they don't break the chain extending outward from the outcomes of that duress. Information already extracted can reappear in a subsequent confession, in a re-enactment and in the body of evidence used in the criminal case. It can continue to carry legal weight even in the rare cases in which courts acknowledge that it was initially extracted through methods that are illegitimate.

Judges

Israeli judges fail to fulfil the explicit role assigned to them under the Israeli legal system and international law as safeguards against torture. This failure manifests at three different points in the process. First, at the interrogation phase, while the torture is actually taking place, when judges encounter interrogees during remand hearings to extend their detention. Second, at the evidentiary stage, when the court examines the admissibility of confessions and the circumstances in which they were obtained. Third, in subsequent review, when the courts are asked to rule, retroactively, on the legality of the interrogation methods and the authorities' version of events.

It is extremely rare for judges to address, of their own accord, the medical condition of detainees brought before them. That is the case even though judges regularly encounter detainees during hearings to extend their detention, held at intervals of up to 15 days in ordinary cases, which usually take place in the midst of ISA interrogations. Even when detainees complain to judges about torture, it has little effect. In 2019, T.B. was brought to court for remand hearings between long and violent interrogation sessions lasting more than 40 consecutive hours. As the record reflects, he told the court: "I am undergoing a very difficult interrogation day and night ... I suffer from very severe pain in my body, I don't sleep and I am [placed] in a very difficult position on a chair, shackled hand and foot." The court extended his detention without any reference to his claims.

A., a long-term prisoner, suffered severe violence from guards on his way to a court hearing in November 2025. The hearing transcript records his lawyer saying that "the petitioner wishes to raise the fact that he was beaten on his way here and the guards threatened him in Hebrew that he would be beaten on his return to prison." A. was then given the floor and said: "They beat me half to death." The State's representative responded that "regarding what was raised about the guards, such claims should be addressed elsewhere." There too, the hearing continued without the judge making any reference to the prisoner's allegations, either in real time or thereafter.

The fact that judges don't intervene in real time is only part of the problem. When judges evaluate allegations of torture in ISA interrogations after the fact, they do so based on a fundamentally problematic factual basis. In proceedings challenging

the use of torture in ISA interrogations, judges rely on "memoranda." These are interrogation summaries written by the ISA interrogators themselves after the interrogation. In the absence of audio or video recording, the memoranda become a central basis for reconstructing what happened in the interrogation room. But a memorandum written by ISA interrogators is not a neutral protocol or transcript of the interrogation.

Irit Ballas and Netanel Dagan, who examined 688 ISA interrogation memoranda, documented how, over and over again, ISA interrogators recorded detailed descriptions of the coffee, biscuits and cigarettes they gave detainees and the conversations they had with them about values and football, together with information about the investigation. The effect of these details is to represent the ISA interrogation as humane, and the memoranda are used in legal proceedings as evidence that the interrogee's confession was lawfully obtained. In other words, the only official record relevant to the dispute over what took place in the interrogation room is conceived and written by the interrogators themselves. There is no way to corroborate that record, the ISA creates it while stubbornly refusing to preserve audiovisual documentation of the interrogation, and judges then accepted it as evidence to determine facts in dispute.

A. was then given the floor and said: "They beat me half to death."

For example, in the petition of Imad Ali v. State of Israel, Ali claimed that his confession had been extracted through illegitimate means, reporting lengthy and harsh interrogations. Justice Miriam Naor, however, rejected his testimony and relied on the memorandum. She wrote that "the atmosphere in the interrogation that is the subject of memorandum P/9 was good," and that Ali drank coffee and smoked cigarettes. She later held simply that "memorandum P/9 reflects what took place in the interrogation." The memorandum was thus used not only to record the content of what the interrogee said. It was also used as a factual finding about the nature of the interrogation as a whole, as justification for rejecting the petitioner's claims of illegitimate methods.

The Review System – the Mavtan

The system for examining complaints of torture in the ISA, the Mavtan, is a central component of the accountability framework that Israeli authorities offer to oversee the conduct of ISA interrogators. Israeli authorities claim that the very existence of internal examination and investigation mechanisms negate the need for external intervention by international or foreign tribunals. Under the principle of complementarity, international or foreign courts are meant to intervene only when the state itself does not genuinely and effectively investigate and prosecute. In practice, the Mavtan's activity takes the form of long, complex and detailed examinations that peter out to nothing.

Despite extensive evidence that unlawful interrogation methods are widespread, Mavtan examinations do not lead to criminal investigations, except in extremely rare cases. According to official responses to freedom of information requests, of more than 1,680 complaints of abuse in interrogation filed with the Mavtan between 2001 and 2024, the Inspector recommended opening a criminal investigation in only five cases; these files, too, were ultimately closed without indictment. The table below lists justifications the Mavtan provided for refraining from opening criminal investigations in responses to 37 complaints filed by PCATI for which a response was received between 2016 and 2026.

Even when Israeli officials acknowledged the use of physical methods of interrogation and the need for "clarification" or "tightening procedures," they did not open a criminal investigation. This official practice renders the Mavtan in practice to function as a mechanism to sort, normalize and legitimize incidents of torture. Contrary to the official position of the Ministry of Justice, the existence of the Mavtan does not satisfy any requirement of accountability. Rather, it legitimizes torture after the fact by labelling it as action taken in accordance with procedures, or possibly as a matter for future clarification.

Grounds given in the Mavtan's response

Percentage of 37 responses



* Multiple reasons may be cited for closing a single case; the total therefore exceeds 100%.

Case Study: T.B. – 552 Hours of Interrogation, No Criminal Investigation

T.B., a Palestinian lawyer, was arrested in February 2019 and interrogated by the ISA for almost a month. According to official interrogation records provided to PCATI by the Mavtan, over 27.5 days, or 660 hours, he was under interrogation for about 552 hours: on average he was under interrogation about 20 hours of every 24-hour day. Interrogation cycles lasted dozens of hours without a break. State documents, namely the ISA memoranda and the Mavtan's findings, record 14 prolonged interrogations; the shortest lasted 27 hours and 35 minutes and the longest almost 48 hours. Even the 108 (out of 660) hours during which he was not being interrogated were not all available to him for rest: they included, among other things, the time in which he was transported to court hearings to extend his pretrial detention and his participation in those hearings.

T.B. warned of his condition in real time. During one of the hearings to extend his pretrial detention he told the court: "I am undergoing a very hard interrogation day and night... I barely sleep... I suffer from very severe pains in my body." On March 18, 2019, while the interrogation was still ongoing, lawyers filed a complaint on his behalf demanding that the ISA stop those interrogation methods and that authorities open a criminal investigation into his treatment. This was not a claim that arose after the fact: both the court and the authorities that examined the complaint were presented with the allegations while the interrogation was under way. It should be noted that in its 1999 ruling, the HCJ explicitly prohibited sleep deprivation when used as a deliberate interrogation method, because sleep deprivation is recognized as a method of torture that causes acute suffering and pain and may even lead to psychotic states.

The Mavtan's response to the complaint did not dispute the facts, including the sleep deprivation. That is, the ISA admitted that he was under interrogation for an average of 20 hours a day for nearly a month. In its decision to close the file the Mavtan wrote that "the complainant's interrogations were indeed intensive,"

but that they took place after the required authorizations had been obtained and in accordance with procedures. Despite their extent, the Mavtan wrote: “We did not consider that this warrants opening a criminal investigation. However, we considered that it warrants clarifying the matter with the ISA.” In August 2025, Israeli officials rejected an appeal PCATI filed against the decision to close the complaint without criminal investigation.

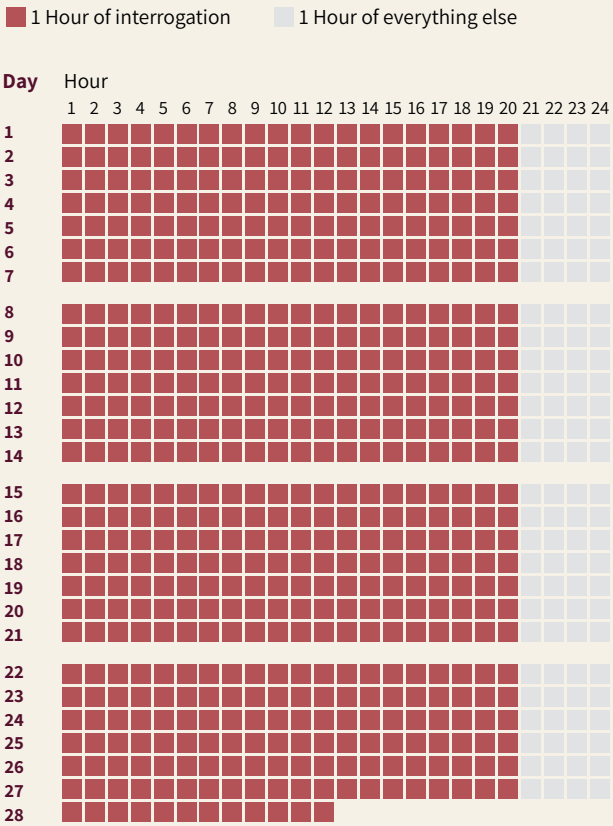
T.B. was later convicted of involvement in shooting attacks on soldiers and on Israeli buses. His case illustrates how the review mechanism, even when it acknowledges an extreme, undisputed set of facts, treats the conduct as an administrative matter of procedures and how to make future improvements, rather than focusing on the legality of the conduct and holding perpetrators accountable under criminal law.



EXTREME SLEEP DEPRIVATION

552 of 660 hours under interrogation

One man, questioned on average for 20 of every 24 hours, for four weeks straight.



83.6%

of all his time in custody was spent being interrogated

20.1 Hours

a day of interrogation

3.9 Hours

a day left for everything else: sleep, meals, washing, prayer, the toilet; participation in court hearings

*552 hours of interrogation shown as an even daily average (20 per day); the actual daily schedule may have differed.

Conclusion

The findings described in this report indicate that the Israeli law enforcement system does not prevent torture, nor does it wish to. Moreover, the legal system absorbs the information extracted through torture, processes it and imbues it with legal life and legal effect. Accordingly, the torture of Palestinian "security" detainees by Israeli officials is not a contained, bounded problem. It is a phenomenon that corrupts and contaminates the entire legal system. Material produced in the interrogation room migrates to the police, the prosecution, the courts and the detention system; it is retained in the criminal file, it influences decisions and it shapes outcomes. The court encounters the detainee during the period of interrogation, when he is clearly bruised, and it takes no action. Judges hear complaints of violence without moving to stop it or effectively examine the interrogation methods, and they later rule on the admissibility of the information generated in that same interrogation.

When the entire institutional chain routinely makes use of the outcomes of coercion, and the conditions in which information is extracted lead neither to its exclusion nor to investigation or accountability, torture becomes embedded within that chain and shapes how it operates. The system allows information extracted under coercion to pass from hand to hand, to accumulate institutional standing and to shape a person's fate even after the violence itself has ended. This violates not only the interrogee's right not to be tortured. It violates the principles on which the entire criminal process is supposed to rest: the presumption of innocence, the burden of proof borne by the State, the requirement of proof beyond reasonable doubt, and the ability to effectively examine the reliability of the evidence presented by the prosecution.

The way the Israeli legal system functions for Palestinian security defendants is especially grave, given initiatives to impose the death penalty by Israeli authorities for the first time since 1962. The death penalty is always wrong, because it's inherently cruel and irreversible and violates the right to life. Executions would be particularly grave under the circumstances described in this report. Torture undermines the foundation on which the judicial decision is to be made. A legal system that applies the death penalty in an environment so contaminated by torture will turn itself into an instrument of execution, and nothing more.

Recommendations

PCATI calls on Israeli authorities to end the use of torture completely, including in interrogations, during detention and in the various incarceration facilities. The Israeli authorities should prosecute the perpetrators of torture, prohibit torture absolutely in dedicated legislation, repeal the death penalty laws and, in the meantime, refrain from implementing them. PCATI calls on third states to review their relationships with the State of Israel so as to avoid contributing to grave human rights violations, including torture and executions.



WWW.STOPTORTURE.ORG.IL

Research and Writing: The Public Committee Against Torture in Israel
Graphic Design: Noki | dropouts.me
Illustration: Michael Mysh Rozanov | Instagram: @michael_mysh_rozanov

The Public Committee Against Torture in Israel is proud of the support it receives from individuals, foundations, governments and professional associations. As a result of its cooperation with governments and international organizations who support our work promoting human rights, a majority of PCATI's funding comes from non-Israeli state entities.