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B'tselem – The Israeli Information Center for Human Rights in the Occupied Territories

Torture During Interrogations: Testimony of Palestinian Detainees, Testimony of Interrogators

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INTRODUCTION

In March, 1991, **B'Tselem** published a comprehensive report on the subject of the methods used by the security authorities, particularly the General Security Services (GSS), in the interrogation of Palestinian detainees. The report describes the routine, daily and deliberate use of forbidden methods of interrogation. The report stated that, "according to all official criteria, these methods of interrogation...belong to the category of torture." ¹, which is absolutely prohibited by international law.

The forbidden methods of interrogation were previously surveyed in four **B'Tselem** reports ² and in numerous reports published by Israeli, Palestinian and international human rights organizations. This report provides an up-to-date picture of the GSS's and Israeli Defense Force's interrogation methods. It includes testimony and affidavits of Palestinians interrogated by the GSS and the IDF in recent months. The report also presents testimony of GSS agents and police officers that confirms that the GSS employs the interrogation methods described by detainees and cited in reports of the human rights groups. The GSS testimony was given in the course of suppression hearing (mini-trials), which are held when the accused contends that his confession was extracted by unlawful means and is, therefore, inadmissible. When such a contention is made, the court interrupts the trial regarding the criminal charge and determines whether to sustain the accused's claim.

The 1991 **B'Tselem** report exposed some 10 principal means of interrogation used by the security forces when interrogating Palestinians.

1. Insults and abuse
2. Threats to harm the detainee of his family
3. Sleep and food deprivation
4. Covering the head with a sack for hours, and even days.
5. Imprisoning the detainee in solitary confinement, sometimes while in a painful position.
6. Tying up the detainees for extended periods in painful positions.
7. Use of collaborators to extract information or a confession, by or with the threat of violence.
8. Forced physical exercise.
9. Imprisonment under extreme heat, cold or filth
10. Severe blows to the body with fists, sticks, and other instruments

B'Tselem's findings were confirmed over the years by reports of Israeli, Palestinian and international human rights organizations.³ This information sheet presents a gloomy picture, and notwithstanding

¹ **B'Tselem, The Interrogation of Palestinians During the Intifada: Ill Treatment, "Moderate Physical Pressure" or Torture?**, March, 1991, p. 107.

² "Violence Against Minors in Police Detention" (Information Sheet 1990); **The Interrogation of Palestinians During the Intifada: Comprehensive Report** (1992); The Death of Mustafa Barakat in the Interrogation Wing of Tulkarm Prison" (Case Study, 1992); "The New Procedure' in GSS Interrogations: The Case of 'Abd' 'a-Nasser Ubeid" (Case Study, 1993

³ See, for example: **Third Annual Report, January- December, 1992**, The Public Committee against Torture in Israel; **Israel's Use of Electric Shock in the Interrogation of Palestinian Detainees**, Palestinian Human Rights Information Center, Jerusalem, July 1992; **Palestinian Victims of Torture Speak Out**, 'Al-Haq, Ramallah, 1993; **Israel and the Occupied Territories: The Military Justice System in the Occupied Territories; Detention**,

recent political developments in the region, it is difficult to discern any improvements as regards these matters. The habitual use of torture in the interrogation of Palestinians continues.

Interrogation and Trial Procedures, Amnesty International, London, 1991. The organization's annual reports repeatedly mention the "routine" use of torture and brutality in the interrogation of Palestinian detainees. Human Rights Watch recently published a comprehensive report entitled: **Torture and Ill-Treatment: Israel's Interrogation of Palestinians from the Occupied Territories**, New York, 1994 (hereafter: HRW Report).

BACKGROUND

This information sheet focuses on the means of interrogation used on Palestinian detainees. Initially, however, it is important to clarify some of the essential factors which enable the routine use of torture.

1. Severing contacts of the detainee with the outside world

Palestinian detainees are denied any contact with persons outside the interrogation facility for up to 11 days, at which time they are brought before a judge to extend their detention⁴, but even then they are not always allowed to meet with their attorney or family members.

Under the Order Concerning Security Provisions, the detainees may be forbidden to meet with his attorney for 90 days.⁵ This Order applies also for offenses such as lying under oath and stone-throwing. Family relatives of the detainee are not allowed to visit the detainee during the interrogation period.

Incommunicado detention of this duration is unknown in the West. In Israel, a detainee is brought before a judge to extend the detention after 48 hours, and he is entitled to meet with his attorney, "as soon as possible". If required for the country's security, the protection of life, or prevent the commission of a crime, the meeting with the attorney may be delayed for no more than 48 hours. For particularly serious crimes, such as spying and treason, the meeting with the attorney may be postponed for up to 15 days.⁶

No exceptional circumstances whatsoever. Whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture

- *United Nations' Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984) Part 1. Article 2 (2)*

2. Status of the GSS

⁴ Such is the case in the Territories for adults suspected of violent activities ("hostile terrorist activities") Minor and adults suspected of lesser offenses are brought before a judge for the purpose of extending the detention after eight days.

⁵ The Law provides that a person under arrest shall be allowed to meet with his attorney as soon as possible. But if that person arrested is being interrogated, the person in charge of the interrogation, for reasons set forth in writing, can prevent the meeting for a period of up to 15 days. A police officer of the rank of Chief Superintendent and above, the head of the Interrogation Division of the GSS, or an IDF officer holding the rank of Lt. Colonel and above, may prevent the meeting for an additional 15 days. A judge may extend the period for an additional 30 days (sec. 78b-d of the Order Concerning Security Provisions).

⁶ The persons in charge of the interrogation may prevent a meeting between the detainee and his attorney for seven days from the time of arrest. A police officer holding the rank of commander and above, or the head of the Investigations Division of the GSS, can prevent this meeting for an additional 18 days (sec. 29 of the Criminal Procedure Law[Consolidated Version], 1982.

The principal body of investigating Palestinians in the Territories, the GSS, is subject to directives issued by the Prime Ministers Office, and holds extremely broad powers that are not set forth in law. These powers include, according to the recommendations of the 1987 Landau Commission, use of violence during interrogation. The Commission determined that GSS personnel have the authority to employed the "non-violent psychological pressure fo a vigorous and continuous interrogation" and a "moderate degree of physical pressure".⁷ The methods that the interrogators may use are delineated in the confindential part of the report. Although the Commission held that, "the pressure must not attain the degree of physical torture of brutality or severe harm to his [the detainee's] dignity that deprives him of his humanity,"⁸ application of its feasible recommendations resulted in the opposition of the intended. Notwithstanding certin change that have subsequently occurred in the methods of interrogation, the converse of the Commission's intended results remain the norm.⁹

The GSS and IDF interrogation unites act in total secrecy, and the public knows nothing about their methods of operation. This secrecy is aggravated because of, *inter alia*, two additional facts.

A. The absence of documentation of the methods used in interrogations

GSS and IDF interrogators record the progress of interrogation in "memoranda." These notations contain only general information about the detainee's condition. They detail sleep deprivation (during "interrogation" and whie a detainee is "in waiting"), when a detainee was taken fro a meal, etc.

The memoranda do not, hwoever, specify the conditions in which the detainee was held while he was "in waiting" or under interrogation, although the testimony of detainees and interrogators indicate that in these two phases various coercive methods are used, such as making the detainee sit on a small chair. Tying-up, shaking or beating the detainee.

In their court testimony, during which they referred to the memoranda, GSS agents repeatedly insisted that they could not remember which methods were used in a particular case. In File 4221/93, for example, "Nadav" testified that,

When nothing is written down next to [the entry of] in waiting, it means that the accused

was handcuffed in front or behind. It doesn't necessarily mean a head covering...When it says in waiting it could be with a head covering, but that is not necessarily so...When the suspect's head is covered, I do not record anything. When he is handcuffed, or handcuffed with a head covering, I note only in waiting. When he has nothing, I note without handcuffs and without head covering.

The attempt to reconstruct the detainee's state during and between interrogations is difficult and complex, and judges are compelled to rely exclusively on the memory of those involved, which is problematic since most mini-traials take place months after the interrogation is completed.

⁷ Sec. 4.7 of the Commission's recommendations. For an extended discussion of the Commission's report, see **Interrogation of Palestinians**, pp. 22-31.

⁸ Sec. 3.16 of the Commission's report.

⁹ See **B'Tselem**, "The New Proceedure" in the GSS Interrogations: The Case of 'Abed 'a-Nasser 'Ubied (Case study, 1993).

A. Absence of GSS's total responsibility for the detainee under interrogation

The GSS does not administer detention facilities, but it is responsible for the investigation wings in the detention are prison facilities of the police (such as at the Russian Compound and in Petach-Tikah), of Service (in Hebron and Ashkelon. For example)

The GSS has absolute and sole responsibility as regards everything that occurs in the investigation wings, and the persons responsible for administering the facility have no access to that wing (see the response of the Prisons Service to this report).

The investigations wings have no showers, toilets, sleeping cells, or eating areas for the detainees. To satisfy these needs, the detainee must be taken from the investigation wing to the general facility, and the GSS contends that the provision of these functions is the responsibility of the detention facility, and not the GSS.

A situation is created, therefore, in which no one body has overall responsibility for the detainee. The GSS exploits this situation to humiliate and weaken the detainee without bearing the responsibility, GSS agents, who determine if, when, for what purpose and for how long a detainee is transferred to the general facility, deny the detainee a shower or a change of clothes, a visit to the rest room, and the opportunity to eat properly (by allocating the shortest amount of time for this latter need). They relieve themselves of these acts, contending that these areas are not within their responsibility.

The use of these methods will be described in detail in the body of this report.

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

-United Nations Universal Declaration of Human Rights (1948), Article 5

SOURCES OF THE INFORMATION SHEET

This report is based primarily on the testimony of seven prisoners given to **B'Tselem** fieldworkers; an affidavit taken by attorney Eliahu Avram of the Association for Civil Rights; an affidavit taken by attorney Leah Tsemel; and the records of four minitrials.

A. The Palestinian Witnesses:

1. **"Isam Ibrahim"** (fictitious name; actual name withheld from **B'Tselem**), from the West Bank. Detained on June 29, 1994, held for forty-three days in Ashkelon Prison (GSS facility), released without being tried for any criminal offense.
2. **Amjad Zrayer**, aged 22, from East Jerusalem. Detained on August 12, 1994, held in the GSS wing at the Russian Compound in Jerusalem for twenty-four days, released without being tried for any criminal offense. His testimony was given by affidavit to attorney Leah Tsemel.
3. **"Salah Daud"** (fictitious name; actual name withheld from **B'Tselem**), resident of East Jerusalem. Detained on August 17, 1994. Held in the GSS wing at the Russian Compound in Jerusalem for eight days, released without being tried for any criminal offense.
4. **Hani Salah Muzheir**, aged 21 from Nuseirat refugee camp in the Gaza Strip. Detained on July 13, 1994, held in the GSS facility at Ramallah until at least the end of September, 1994. Accused of "membership in an hostile organization", participating in training and mobilization activities for that organization, and attempted attack on a Palestinian. Muzheir is currently being held in detention until the end of the proceedings against him. His testimony was given by affidavit to attorney Eliahu Avram of the Association for Civil Rights in Israel.
5. **Mahdi Muhammad Shahrur** aged 15, resident of Hawarah village, Nablus district. Detained on May 18, 1994, held in the Tulkarm detention facility (GSS interrogation center), where he was interrogated for two days. Convicted of stone throwing and sentenced to fifteen months in prison, reduced on appeal to seven.
6. **Munqith Muhammad Mahmoud Jenaida**, aged 25, from Dura village, Hebron District. Detained on July 13, 1994, held for twenty-eight days at Farah detention facility (IDF interrogation facility, under GSS supervision), released without being tried for any criminal offense.
7. **"Taisir Salman"** (fictitious name; actual name withheld from **B'Tselem**), from the Ramallah area. Detained on May 29, 1994, held for forty-three days in Farah detention facility, after which he was placed in administrative detention for two months.
8. **'Abd a-Nasser al-Kisi**, from al-'Azza refugee camp near Bethlehem. Detained on August 10, 1994, held in the GSS interrogation center at Ramallah for fifty-one days, released without being tried for any criminal offense.

9. "**Munir Ali**" (fictitious name; actual name withheld from **B'Tselem**), aged 20, from the Ramallah area. Detained on June 29, 1994, interrogated for forty-five days in Ashkelon Prison (GSS facility), released without being tried for any criminal offense.

B. Minitrials:

1. **File 2332/92** - *The Military Prosecutor v. Muhammad Adawi* (Hebron Military Court) before Judge Major Michal Rapoport-Rahav.
2. **Criminal File 201/93** - *State of Israel v. Abdul Hakim Jibali* (Tel Aviv District Court) before Judge Moshe Telgam (decision dated March 9, 1994).
3. **File 10304/93** - *Military Prosecutor v. Jalal Ra'i* (Hebron Military Court) before Major Michal Rapoport-Rahav, judge and president of the court; Lt. Eran Simon, judge; Major Ariel Ginsburg.
4. **File 4221/93** - *Military Prosecutor v. Muhammad Saleh* (Ramallah Military Court), before Lt. Col. Shlomo Isaacson, judge and president of the court; Lt. Col. Itzik Mina, judge; Captain Eduardo Nafdanski, judge.

METHODS OF INTERRIGATION

Testimonies given to **B'Tselem** fieldworkers and statements made by GSS agents in minitrials show that IDF and GSS interrogators routinely employ a broad range of forbidden methods during interrogation of Palestinian detainees. Detainees are degraded, weakened physically and mentally, and subjected to violence. The following descriptions, based on the testimonies of Palestinian detainees and on statements made in court by GSS interrogators, indicate the various prohibited means employed during interrogations.

A. Degradation in Interrogations

Despite the Basic Law: Human Dignity and Freedom, and contrary to the recommendations in the published section of the Landau Commission report, interrogators use methods that are demeaning and degrading. Prisoners are threatened and humiliated in various ways, including not being permitted to wash, and to eat in small isolation cells containing a dug-out toilet in the floor¹⁰.

1. Insults and abuse¹¹

All the witnesses who were interviewed for this report stated that they had been threatened and humiliated during their interrogation. The main targets of the threats were the detainee and his family, and some threats were of a sexual nature. In some cases the interrogators threatened to prolong the detention or to place the detainees in administrative detention. In one case a detainee was made to strip. Vicious curses were commonplace.

In five of the nine cases documented in this report the detainees reported they had been threatened with severe bodily injury.

'Abd a-Nasser Al-Qaysi testified that the GSS interrogators repeatedly called him "Akawi,"¹² and when he insisted that that was not his name, he was told: "I call you Akawi because if you do not cooperate with us your fate will be the same as Akawi's."

Hani Muzheir's interrogators threatened to cripple him or drive him insane:

The interrogator "Cohen" and another interrogator called "Dori" showed me a photo album: a picture of a cripple and a picture of a naked man dancing like a madman, and other photographs of the same kind, of people with defects, or crazy people. The interrogators told me that I would end up like them, and that I would come out [of prison] like them.

Threats to keep the detainee in prison indefinitely or to place him in administrative detention recurred in four of the nine cases surveyed. **Salman** testified that his interrogators said: "You will confess in the end, even if you have to stay here for two hundred days."

Mahdi Shahrur, the 15-year-old, said that GSS interrogators ordered him to strip. "I took off [my clothes] except for my underpants. He said: 'Take them off'. I said: 'No'. He said: 'Take them off'. Finally I took off all my clothes. He took a handkerchief and grabbed my testicles. He said: 'This is so you will confess.' He grabbed me hard, it hurt. I screamed: 'Ah, ah'. It went on for about five minutes."

¹⁰ As regards this last matter, see below, p. 14.

¹¹ See also, **Interrogation of Palestinians**, pp. 56-57; **HRW** Report, pp. 199-204

¹² Mustafa 'Abdulla Mustafa al-'Akawi, resident of Wadi Joz, aged 36, died from heart failure in the GSS interrogation wing of Hebron prison on February 4, 1992. Although the pathologist on behalf of the family determined that the physical and mental conditions to which 'Akawi had been subjected hastened his death, the investigation file was closed without any legal proceedings being initiated.

Other detainees told of being the object of verbal and sexual abuse. **Amjad Zeghayer** testified that: "During the entire interrogation they cursed me incessantly with the dirtiest curses I have ever heard. The curses were directed against my parents and my sisters and all the women in my life. They threatened to bring my sister and showed me [the picture of] a girl whose clothes were being removed and said: 'This is your sister and we are stripping her.'"

No physical or moral coercion shall be exercised against protected persons, in particular to obtain information from them or from third parties.

-The Fourth Geneva Convention (1949), Article 31

Asked in court about the use of threats against interrogees, GSS interrogators did not explicitly admit the use of threats, but it can be understood from what they said that they were aware of the practice. For example, the interrogator known as "**Itai**" said: "I do not remember making threats against family relatives...I am not aware that anyone threatened the accused or anyone from his family. Events like this might be reported, or they might not" (File 10304/93). At the same hearing another interrogator, "**Arik**," said: "If I had threatened his family, I would have written it down."

2. Prevention of Washing¹³

In five of the nine cases the detainees were not permitted to shower for periods ranging from fifteen to forty-three days. Two others were permitted one shower a week, and one detainee was released after six days in custody, during which he had not been permitted to shower. By comparison, security prisoners and detainees in the Farah and Tulkarm facilities who are not undergoing interrogation may shower several times a week.¹⁴

Even if the detainee's physical condition deteriorates, no flexibility is shown about letting him shower. '**Abd a-Nasser Al-Qaysi**, who was permitted to shower only after fifteen days in detention, stated: "I began to urinate uncontrollably (during the interrogation) but they would not let me take a shower or change my pants."

Besides the unpleasantness and humiliation entailed in not washing for a lengthy period, the detainee's health may suffer. **Munqith Jenaida** told the **B'Tselem** fieldworker that, "I did not shower once during the month of detention, even though I also asked the medic. I started to get sores on my back. I showed them to the medic and I asked the medic if I could take a shower. The medic just told me to drink water."

GSS interrogators emphasized that showering is "the responsibility of the Prisons Service" and that they neither decide nor know when a detainee showers: "As for food and showering, that is a matter for the Prisons Service and not our responsibility... I didn't know that he had not showered during that period. It's a matter for the Prisons Service, I don't keep track of it. He didn't tell me and the smell didn't bother me" [File 10304/93, GSS interrogator "**Amir**"].

¹³ See, also, **HRW** Report, pp. 180-181; **B'Tselem**, Case Study No. 3

¹⁴ This information was provided to **B'Tselem** during visits to these detention facilities

According to the testimony of **Staff Sgt. Major Yossi Ohayon**, the policeman who took the detainee's statement in the above case, it is not unusual for detainees to be held in unsanitary conditions: "I meant that I don't remember him as anything out of the ordinary. For example, if a person arrives at an interrogation asleep, or his eyes are blue from being beaten –that is unusual. A person who smells is not out of the ordinary" [File 103004/93].

In practice, it appears that the responsibility of the Prisons Service for the detainee's hygiene does not empower its staff to take a detainee to shower, even after he has gone for weeks without being permitted to wash, without the permission of the GSS. This lack of authority is evident from cases in which GSS interrogators prevent detainees from washing by interrogating them without a break, or by holding them tied up "in wait" and permitting the Prison Service to take them only for meals.¹⁵

In its response, the Prison Service Spokesperson chose not to relate to this subject.¹⁶

B. Physical and Mental Degradation

1. Sleep Deprivation¹⁷

GSS and IDF interrogators openly admit to using deprivation of sleep routinely during interrogations (see below). In some of the instances presented in this report, the interrogators conducted an interrogation continuously for several hours. In other instances, the interrogees were made to sit on a small chair, were tied-up in painful positions between interrogation sessions, or were held in a tiny cell (the "closet").¹⁸

Sometimes a soldier or a warden would patrol among the detainees to make sure that they did not sleep; loud music was frequently played non-stop, day and night.

Nine of the persons interviewed for this report were deprived of sleep in varying degrees. Eight were deprived of sleep for periods ranging from seventy-two hours to eighteen days. **Mahdi Shahrur** was interrogated for two days without being allowed to sleep during the intervening night.

Amjad Zeghayer provided the following description:

The whole time they made sure I didn't eat or sleep. A warden went by especially and hit everyone who seemed to be asleep, and I was struck many times with a kick or a blow on the head so that I would not fall asleep. In the interrogation room, when I was held there in the freezing cold, the interrogator would make sure to pass by and pound the door so I wouldn't fall asleep [...] In the first fifteen days I was there the interrogator only sent me to rest twice. Once he sent me for two hours, but I was in such pain that I couldn't sleep, and another time he sent to me to rest but after half an

¹⁵ See below in the sections relating to deprivation of sleep and tying-up in painful positions.

¹⁶ See the response of the Spokesperson, below, p. 31.

¹⁷ See, also, **Interrogation of Palestinians**, pp. 57-58; **HRW Report**, pp. 163-174

¹⁸ As regards these interrogation methods, see below, pp. 15-20

hour they came to call me back to the interrogation. In one of the two times they took the handcuffs off my feet.

Hani Muzheir testified as follows:

For the first eighteen days I could not sleep at all. They played music all the time and the soldier would come in every quarter of an hour, look at me, move me, and prevent me from sleeping. They did not let me sleep at the Russian Compound, either [...]

After the first eighteen days they let me sleep, but only for a few hours every three or four days, until about the thirty-fourth day of my detention, and on Fridays and Saturdays they didn't take me to the Russian Compound but let me rest and sleep.

No law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment, nor may any law enforcement official invoke superior orders or exceptional circumstances such as a state of war or a threat of war, a threat of national security, internal political instability, or any other public emergency as a justification of torture or other cruel, inhuman or degrading treatment or punishment.

-United Nations' Code of Conduct for Law Enforcement Officials (1979), Article

5

On August 9, 1994, Malchiel Blass, a senior deputy to the State Attorney, wrote to lawyer Dana Alexander from the Association for Civil Rights in Israel, regarding Hani Muzheir: "Until the aforementioned meeting, and afterward as well, there will be no limitations placed on the petitioner as regards sleep, and he will be permitted to sleep like any other detainee." This is an implicit admission that sleep deprivation is used against detainees.

Similar admissions appear in testimonies of GSS interrogators at minitrials. Sleep deprivation, it emerges, is used almost universally, and between interrogations -- when detainees are "in waiting," in GSS terminology -- they are usually held in conditions that preclude sleep. This is not the same as the so-called "rest" situation in which the interrogee rests in the interrogation area or is sent to a cell which is usually located outside the interrogations wing.

GSS interrogators explain "in waiting" as follows:

"in waiting" by definition is a situation in which the accused cannot sleep, and it can take the form of: either the accused is handcuffed in front or behind, or he is sitting in a waiting cell where it is impossible to sleep, or he has no mattress and blankets ["**Cohen**," File 4221/93].

According to "**Nadav**" [File 4221/930]:

Rest means that the accused is in a place where the conditions allow sleep. Being in waiting is when the accused is in a situation in which he cannot sleep. He might be handcuffed in back or his head might be covered.

In reply to questions by defense lawyer Shlomo Laker, interrogator "**Thompson**" explained:

As for sleep deprivation, if according to the memoranda it says that he was not in a state of rest, that means he did not rest. During that period he did not sleep, according to the memoranda.

Question: And if a person who is in waiting wants to sleep, what is your stand?

Answer: As regards sleep deprivation, every interrogee [is] ask[ed] to talk and right after [that] he can go to sleep. If I wanted him to go to sleep, I would send him to sleep. That is our stand. [File 2322/92]

Agent "**Arik**" noted that "As regards sleep while being "in waiting"— it depends on the each individual. I can sleep on a chair, [but] I've never tried it with handcuffs and a sack on my head" [File 10304/93]

19

All Persons under any form of detention or imprisonment shall be treated in a humane manner and with respect for the inherent dignity of the human person. Principle 1

No person under any form of detention or imprisonment shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. No circumstances whatever may be invoked as a justification for torture or other cruel, inhuman or degrading treatment or punishment. Principle 6*

The term "cruel, inhuman and degrading treatment or punishment" should be interpreted so as to extend the widest protection against abuses, whether physical or mental, including the holding of a detained or imprisoned person in conditions which deprive him, temporarily or permanently, of the use of any of his natural senses, such as sight or hearing, or of his awareness of place and the passing of time. Comment to Principle 6

*-United Nations' Body of Principles for the Protection of
All Persons under any Form of Detention of Imprisonment
(1988)*

¹⁹ From the findings of attorney Shender, in his letter to the State Attorney, September 13, 1994.

Interrogation of Jewish Settlers in the "Underground" Organization

Since the beginning of September, fifteen settlers, most of them from Kiryat Arba, have been arrested (as of this writing) on suspicion of involvement in an organization whose purpose was to attack Palestinians. Most of the detainees were released without further legal measures being taken against them. Some had certain restrictions imposed on them. Charges were laid against four of the original detainees.

B'Tselem is still investigating the methods that were used in the interrogation of the suspects. However, it is already clear that some of their basic rights were violated.

1. Circumstances of Detention

- (a) Secret arrest, without immediate notification to the families.
- (b) No meeting with a lawyer permitted for up to fifteen days.
- (c) Remands based on "secret material" that was not shown to the detainees or their lawyers.

It should be emphasized that some of the detainees who were not permitted -- with the court's approval -- to meet with a lawyer or with their family members were released following their interrogation with no charges being laid against them. For example, on August 12 the High Court of Justice rejected the request of lawyer Naftali Wurtzberger to meet with his client, Eliashiv Keller. Six days later Keller was released without being charged.

2. Claims of Improper Treatment in Detention

The families and lawyers of some of the detainees claimed that the GSS and the police used inadmissible methods during the arrests and interrogations. The complaints of one detainee, Lt. Oren Edri, were examined by lawyer Eran Shender from the State Attorney's Office.⁷ Most of his complaints -- having his head covered with a sack, being shoved by a policeman, being subjected to verbal abuse, sordid detention conditions including a blocked toilet and mice in his cell, food deprivation (in one case), toilet deprivation (for a limited time, while he was being moved in a vehicle), and being made to ride in a vehicle on the Sabbath -- were found to be justified. Shender preferred not to take a stand on other complaints, relating to police violence and the admissibility of Lt. Edri's statements. He did not accept Edri's complaints that he was deprived of food, was denied medical treatment, and was not permitted to pray.

More serious complaints by other detainees are, as noted, being investigated by **B'Tselem**. Even if the measures that were taken against them are far more moderate than those that the GSS, the police, and the IDF use against Palestinians, **B'Tselem** rejects the use of inadmissible methods against all detainees and urges their total prohibition.

B'Tselem regrets that the courts continue to deny prisoners the basic right of meeting with a lawyer, citing "secret" material that often turns out to be unfounded. It is essential that legislation be enacted, in Israel and the territories, to guarantee the right of every detainee, without exception, to meet with a lawyer within not more than forty-eight hours of being arrested.*

* See Article 7 of the U.N. Basic Principles on the Role of Lawyers, adopted by the General Assembly in Resolution 45/121 on December 14, 1990.

2. Food and Drink Deprivation²⁰

Food and drink deprivation takes several forms: allowing just minutes for a meal, the total denial of food and drink when a detainee is being held in the "closet," and making the availability of food and drink conditional on a confession.

This are routine, and all the witnesses said they had suffered from it in varying degrees.

Detainees who were held at military detention facilities said that they were frequently deprived of food and drink. The same occurred at the Farah detention facility, where the interrogators are from the Military Police Investigators (who receive instructions from the GSS), and at the Tulkarm military facility, where the interrogation wing is run by the GSS.

Salman stated that:

On May 31, 1994, they took me out of solitary confinement and put me in al-Shabah in the yard. They tied my hands behind my back and blindfolded me. I stood up. When I tried to rest the soldiers hit me. When I asked for a drink, a soldier brought a flagon and poured water in my ears, on my head, and on the back of my neck, but he didn't give me anything to drink.

In his testimony, **Munkadh Janeida** indicated that :

I did not get lunch or supper while I was in the closet [...] It went on for the whole thirty days of my detention -- from the closet to solitary to interrogation. If it was time for lunch or supper and I was in the closet, I would miss the meal because no food is brought into the closet.

The normal procedure in GSS facilities is to transfer detainees to the authority of the Prisons Service for a meal three times a day. The actual provision of the meal is the responsibility of the Prisons Service. Often food deprivation in these facilities takes the form of giving the detainee a very short time, which is clearly insufficient, to eat his meal.

Hani Muzheir, who was held at the Ramallah interrogation facility, related: "When food was served they undid my hands, but they gave me two minutes and then they took the food away and tied my hands again."

²⁰ See also, **Interrogation of Palestinians**, p. 59-62; **HRW Report**, pp. 179-180.

Eating in Isolation Cells Containing Toilets

Palestinians interrogated in the Prisons Service's facilities are transferred to the general wing of the facility for meals, but the meals are served in isolation cells which also contain a hole in the floor used as a toilet. The detainees therefore, eat their meals in distinctly unsanitary conditions, and they suffer from the stench of the location. "At 6:30," **Ali** said, "I was taken to solitary, where a policeman was waiting. He told me: 'Get into the cell, eat, go to the toilet, and pray, [all] in five minutes.' In the cell I barely managed to eat." **Daud** said that the interrogations stopped so that he could eat, but "They put me with the food into a cell where there was a toilet."

GSS interrogators deny the use of such methods, yet they also claim that responsibility for food, including the time allotted for meals, rests only with the Prison Service. They claim to have no idea whether detainees have eaten or not.

Agent "**Nadav**" testified as follows:

When the interrogee is in our facility he must eat three meals a day in the holding wing...Obviously, I break off the waiting and the interrogation for the food. The Prison Services provides three meals at fixed hours...A person goes to eat from an interrogation or from being in waiting...He goes to eat, the warden allots him time, and brings him back to me. [File 4221/93]

Interrogator "**Itai**" confirmed that he had no precise knowledge regarding the food intake, if any, of detainees. "Food in the interrogation facility is the responsibility of the Prisons Service, and to the best of my knowledge he received meals as required [File 10304/93].

It remains unclear, then, whether the Prisons Service staff who are responsible for meals can ensure that detainees have enough time to eat. GSS agents admit that a set time is allotted for meals, but they prefer to cast the responsibility on the Prisons Service.

In the response, the Prison Service Spokesperson chose not to relate to this subject.²¹

²¹ See response of the Spokesperson, below, p. 31.

C. Violence in Interrogations

During interrogations, the interrogators tie the detainee in painful positions, make him sit on a small chair, place a sack over the head, force them to bend while standing on the edges of his toes, and lock him in a tiny cell. A detainees may be kept in these situations for hours, sometimes days, with very short breaks to eat. Beatings may be administered, or the detainee may be shaken violently back and forth, causing intense pain. The above are intended to deprive the detainee of sleep, keep him under intense pressure, and force him to confess to the accusations against him.

1. Tying Up Detainees in Painful Positions²²

Interrogees are kept tied up in various positions for lengthy periods. Descriptions given by detainees and testimony by GSS agents in mini-trials suggest that interrogators employ three main ways in tying up:

- a. The detainee's hands are tied behind him and to a pipe or bar that is affixed to a wall. The height of the pipe or bar from the floor varies in each case.
- b. The "banana tie," which has two forms: (i) the detainee's legs are tied to the front legs of a chair that has no backrest and his hands are then tied to the chair's back legs; (ii) the detainee's hands are tied to his legs, causing his body to arch backward.
- c. The detainee is tied to a small chair, of a kind that is found in kindergartens. Often his head is also covered with a sack.

All those interviewed for the report said they had been tied up in at least one of these positions for periods of hours and sometimes days.

'**Abd a-Nasser Al-Qaysi** was subjected to binding in all three forms:

He let me out of the chair and put a sack on my head. I was taken to a corridor with an asbestos roof. He tied me to a pipe with my hands behind the pipe and the palms of my hands facing outward. He covered my head with a sack. I could not stand. I tried to bend but it was impossible to reach the ground and my shoulders seemed to be coming out of their sockets, so I had to stand. I stood like that for maybe an hour and a half. It was hard to breathe and there was a terrible pain in my kidney...He sat me down on a small chair that was bolted to the floor. The chair was about 30 cm high and the seat was about 30x35 cm (rectangular). The back was less than 20 cm high. "Captain Cohen" chained my legs together at the ankles, above the knees while I was sitting on the chair, and tied my hands behind me, and then he took an iron chain and tied my legs to my hands behind my back and behind the chair, and he pulled. The pain was unbelievable. My shoulders felt like they were being torn out. After two or three hours I fainted and then they untied me and brought me around. This time no medic came in. They put me back in the regular al-Shabah.

Five of the detainees were tied to a small chair.

Hani Muzheri was kept in that position for eighteen consecutive days, with short breaks for meals:

On the first night of my arrest, near dawn, I was brought to a very small chair about 25 cm high, with a very small backrest, and I was handcuffed with my hands behind me.

²² See, also, Interrogation of Palestinians, pp. 62-67; HRW Report, pp. 114-129, 143-144.

My hands were tied behind the back of the chair, to the backrest of the chair itself... During my entire detention, from July 13 for the next eighteen days, I was tied to a low chair the whole time...Even after the period of eighteen days they continued to bind me to a low chair, but they untied me for about two hours every three days...Cohen would put three pairs of leg irons on my legs and another pair to pull the three back from the chair. My hands remained tied in back of the chair. This happened many times, and once I was bound in this this position non-stop for forty-eight hours.

Amjad Zeghayer was kept tied to a small chair, his head covered with a sack, for fifteen days (other than breaks for meals):

When I was not being interrogated, I was tied up the whole time on a very low chair, about 25 cm from the floor. The seat was made of wood and the backrest was wood, and the chair was deliberately tilted so that whoever sat on it would not be able to lean backward, but would keep sliding off. The chair was close to the wall. My handcuffs were attached to a pipe coming out of the wall. If I leaned my head against the wall to rest, they would move the chair away from the wall and tie my hands behind me, to the chair. That position was meant to ensure that I would not be able to fall sleep. The whole time a khaki-colored sack was on my head. Sometimes the sack stank, but at other times it didn't. The sack is not used for just one person but for a few people, and I saw many sacks lying on the floor and people stepping on them as they walked past. I sat tied to the chair for about fifteen days in a row, and even when the interrogator took me to the interrogation room he made sure that I would be tied again to the chair in the same way.

Governments shall further ensure that all persons arrested or detained, with or without criminal charge, shall have prompt access to a lawyer, and in any case not later than forty-eight hours from the time of arrest of detention.

-United Nations' Basic Principles on the Role of Lawyers (1990), Article 7

In File 4221/93 defense lawyer Avigdor Feldman requested that the small chair to which the detainees were tied be shown to the court. After seeing the chair, the judges stated:

It is our impression that this chair is about 20 cm high, with a seat of about 30x30 cm, more or less. The backrest is about the same size. The accused confirmed to the court and to his lawyer that this was in fact the chair that is mentioned in sec. 3 of the minitrial arguments.

Interrogator "**Nadav**" told the court:

The chairs are low in order to preclude sleep, to aid concentration during interrogation, and to prevent falling in the event of sleep.

GSS interrogator "**Chaim**," who was in charge of the interrogation in this case, also admitted that the low chair was used, but claimed this was for security reasons. Asked by defense counsel why the chair was so small, he replied:

I don't know. I can speculate based on the experience that has been accumulated in the work of the GSS. In the first place, to ensure the security of the interrogators against detainees who become unruly during the interrogation. To make sure that the interrogator can defend himself better, he has to be allowed to sit on a higher chair than the detainee being questioned...Sometimes the interrogees fall asleep and fall off the chair. To minimize the damage, the chair is smaller. The interrogee is sometimes bound with handcuffs and there is a danger that he will fall. If they fall from a big chair they could be hurt. Besides those two reasons, I can't imagine any other reason.

Torture in Interrogations by the Palestinian Security Services

In early July 1994 Farid Hashem Jarbua, aged 28, from Rafah, who was being held in the custody of the Palestinian Police, died. The Palestinian justice minister [??], lawyer Farih Abu Madin, confirmed that Jarbua had died owing to the violence with which he was interrogated.

The press has reported other instances of violent interrogations conducted by the Palestinian security forces.

B'Tselem takes a grave view of these phenomena and calls on the Palestinian authorities to put an end to them and to introduce interrogation procedures that respect the dignity and health of detainees and disallow injury to them.

B'Tselem strengthens the hands of the various Palestinian groups, particularly the human rights organizations, which are working toward that end.

In fact, detainees are almost always interrogated handcuffed, and sometimes with leg irons as well, so it is almost impossible for an interrogee to injure the interrogator. As regards the need to protect the detainees from falling, giving the detainee his right to rest would obviate that "need."

GSS interrogators also admit tying detainees to a bar affixed to the wall. Interrogator "**Mussa**" said in his testimony (File 2332/92):

There are cases when a person is handcuffed in the front, and cases when he is handcuffed behind. If he is handcuffed in front, one ring of the handcuffs is placed on each wrist. His hands are in a parallel position. If behind, it is the same as in the front, only behind. Sometimes, if it is behind, one cuff moves and is fastened around the backrest of the chair. Sometimes the cuffs on the detainee's hands are linked to another pair of handcuffs, which is attached to a bar embedded in the wall.

According to interrogator "**Itai**, tying a detainee to the wall is one of the ways in which he is kept "in waiting:"

There could be a situation in which he is handcuffed or may be not...It could be that he will have a sack on his head, and that he is also chained to a low hook on a wall. There is no positive indication that it is not so.

GSS interrogators have also admitted that sacks are placed on detainees' heads. Indeed, their testimony suggests that this is routine practice:²³

For example, interrogator "**Nadav**" testified that:

There are several situations of being in waiting, and one of them is to be handcuffed with a head covering...When the suspect's head is covered I do not note anything [in the memoranda]. (File 4221/93)

"**Mussa**," elaborated:

The sack is from cotton fabric in a khaki army color. The top there is encircle with a sponge material. It drops down as far as the lower chin. The bag is placed on the head; it is not tied." (File 2332/92). "**Thompson**" added: "The sack is of cloth and is big enough to put over the head of a detainee – a reasonable size. The sack has no holes for the eyes and nose. The sack does not have a bad smell" (File 2332/92).

A public servant who does one of the following is liable to imprisonment for three years:

- 1. uses or directs the use of force or violence against a person for the purpose of extorting from him or from anyone in whom he is interested a confession of an offence of information relating to an offence;*
- 2. threatens any person, or directs any person to be threatened, with injury to his person or property or to the person or property of anyone in whom he is interested for the purpose of extorting from him a confession of an offence or any information relating to an offence.*

-Israeli Penal Law (1977), Section 277

2. Locking the Detainee in a Small Cell (the "Closet")²⁴

Another method used by the GSS is to lock a detainees in a tiny, unventilated, dark cell for a prolonged period. It is impossible to lie down in these compartments, and sometimes also impossible to stand. Two of the persons interviewed for this report said they had been held in the "closet."

Munkadh Jenaida was held in such a cell several times:

After lunch I was taken to a closet that is 60 cm wide, 70 cm long, and about two meters high. It had no ventilation or window, no electricity, no place for toilet facilities or a bottle of water, and no mattress. The door was made of iron. When I was in the closet my hands were not tied and my eyes were not covered...This went on for the whole 30 days of my arrest -- from the closet to isolation and to interrogation.

²³ See, in this regard, the incident relating to the "underground" organization detainee, Lt. Oren Edri. Above, p. 12.

²⁴ See, also, Interrogation of Palestinians, pp. 59-61; HRW Report, pp. 129-134, 139-143.

From the decision in Criminal File 201/93, Judge M. Telgam:

A period of imprisonment in a 'waiting cell', with the defendant being bound in a narrow compartment, sometimes with a sack on his head as well, can break the will and ability of any person to stand up to an interrogation.

GSS interrogators admit the existence of these small cells. "**Nadav**" told the court that interrogees were placed in such cells while they were "in waiting:"

They can wait in the open cells in the corridor. I don't know the measurements of those cells...It is a place where you can sit and stretch your legs and also lie down half-way. It is impossible to lie stretched out, but you can stand there...This is part of the waiting for interrogation. It is meant to cause inconvenience and make them concentrate in the interrogation.

The interrogators admit, therefore that they routinely use painful and oppressive methods of pressure also during the period between interrogations, these means include tying the interrogees while standing and seated, seating them on the small chair, detention in small cells, covering the head with a sack.

In most instances, the interrogators use several of these means, and sometimes all, for hours and days, with almost no interruption or rest for the interrogee.

3. Forcing Detainees to Squat²⁵

In "squatting", the detainee is forced to assume a kind of semi-sitting position, on the edges of his toes, for a lengthy period. Three of the witnesses for this report indicated that they had been forced to sit in this position.

Ali stated that he had been kept in that position for a full hour:

On that day the interrogator, whose name was "**Hilmi**", ordered me to put my legs together and to take a half-sitting position for ten minutes. When I started to feel pain from the chain around my legs, the interrogator pulled me up, grabbed me by the shirt collar, and shook me...He ordered me [afterwards]to put my legs together and take a half-sitting position. I did this for a whole hour continuously. It is very painful. I was in that [position] twice that day.

Ibrahim testified that:

Every so often the interrogator would grabbed me by the shoulders and push me to the wall and tie my hands behind, and I would have to sit on the toes of my feet for half an hour. When I got tired and sat down, the interrogator hit me and told me to sit on my toes.

GSS interrogators admit using this method. Agent "**Elias**", in his court testimony, explained the reason:

²⁵ See, also, **Interrogation of Palestinians**, p. 68.

Later in the interrogation I asked him to sit in a squatting position, time after time for about an hour alternately...The squatting thing is to display control in the room...Most of the time he sat, except for an hour when he squatted on his legs; in other words, he stood in a squatting position with his hands behind his back. When he said he was tired he sat on the chair. This went on alternately for about an hour. [File 10304/93]

4. Beating and Shaking Detainees²⁶

All the witnesses said they had been either beaten and/or shaken roughly by their GSS interrogators.

Mahdi Shahrur stated, *inter alia*, the following:

Then someone came and dragged me when my hands were tied (they were tied behind) and took me in to be interrogated. They did not remove the blindfold even during the interrogation. He said, "Do you want to go the good way or the bad way?" He began to beat me all over...It went on for maybe two hours. Beating the whole time. He would leave the room for fifteen minutes and come back and beat me. The blows were mainly in the face, the knees, and kicks in the testicles. I was screaming. There were also fists in the stomach, they pulled my hair...

Ibrahim testified that:

The interrogator beat me hard on the chest with his fists. He sat me on a chair, tied my hands behind the backrest, and my feet were tied to the legs of the chair. He hit me with his hands all over my body for three and a half hours, without asking me any questions. Afterward they put me back into al-Shabah.

"A Pleasant Interrogation"

From the testimony of GSS agent "Amir" (File 10304/93):

... Handcuffing is decided according to the atmosphere in the interrogation, whether it is pleasant or more pleasant.

... There is no particular way of standing, an interrogee sits during the interrogation, I remember that the accused sat the whole time with me. That is the nature of a pleasant interrogation including being handcuffed behind the back.

... The pleasant interrogation is when the interrogee is with me in the office and the interrogation proceeds with questions and answers. The waiting is intended for the continuation of the interrogation. I interrogated for three days consecutively with the accused going and coming from being in waiting to the interrogation, handcuffed and with a sack on his head. That is what I call a pleasant interrogation.

From the testimony of **Salman**:

He began beating me with his fists and with kicks. He grabbed me by the neck and kicked me in the testicles. That went on for an hour and forty-five minutes. Then the interrogator went out and two other[s] came in. They sat me on a chair and tied my

²⁶ See, also, **Interrogation of Palestinians**, pp. 71-74; **HRW Report**, pp. 187-198.

hands behind the backrest of the chair. One of the interrogators took a plastic ruler and began to hit me with the end of the ruler, and told me to confess.

From the testimony of **'Abd a-Nasser al-Qaysi**:

He grabbed my sweatshirt and started to shake me back and forth viciously, hitting me on the chest with his fist. He did this about ten times. To this day I can feel the pain in my chest from when he roughed me up. He used tremendous force. My chest hurt and my neck swung back and forth like a pendulum, with great force...He would talk for a few minutes and then ask, "Do you want to reach an understanding?" I would say no and he would shake me again. Maybe three times this was repeated. I felt a strong pain in my chest...he grabbed me by the shoulders while I was still tied to the chair, and began to shake me vigorously. He ripped my clothes. There was so much pressure that the sweatshirt I was wearing was torn...when they left, "Dori" and "Choen" started shaking me again with great force. When one of them got tired the other started. I fainted. They brought water, threw some on me, and brought the medic. He told them, "This one is very ill." They said, "We know." He left. They put me back in al-Shabah and went out.

From the affidavit of **Amjad Zeghayer**:

One of the interrogators began to hit me... and he especially hit me in the chest. You could say that he concentrated particularly on blows to the chest with punches until I could not feel my chest, and afterward he beat me on my upper arms until I could not feel my arms. The interrogator "Martin" also beat me in the same way. "Captain Robby" would grab the bone in my neck and press on it and that hurt me tremendously. He would also grab me by the shirt and shake my whole body. My shirt tore because of that... That is how they treated me the whole first day of the interrogation and at night also. Many interrogators came and replaced each other and did similar things.

All the GSS interrogators whose testimonies in minitrials were examined for this report denied beating detainees. They did, however, admit shaking them. "**Elias**" claimed this was done "in order to demonstrate control in the room:"

During the interrogation I shook him by grabbing his shirt and giving him a shaking... I did not throw him on the floor, I only shook him, as I said before. I did not hit him with my fists, I only grabbed him by the shirt and shook him... I did not slam his head into the wall even when I shook him by the shirt. I did this to demonstrate control in the room. I did not pick him up off the chair in order to shake him. He stood and then I shook him. I did not push him on the table and I did not hit him in any way. It was a light jostling.

The difference between a light jostling and a violent shaking, and between that and punching a detainee in the chest while shaking him is indefinable. If an interrogator considers shaking a detainee while holding him by the shirt to be permissible, it is permissible for him, in effect, to beat the interrogee. The repeated claims of Palestinian detainees that they were beaten during interrogation are, then, confirmed, although in milder forms, by GSS agents.

USE OF TORTURE TO EXTRACT CONFESSIONS

The main justification cited by official spokesmen for the use of harsh and violent methods of interrogation is the need to obtain information from interrogees who are reasonably suspected of having information about planned attacks. The Landau Commission report of 1987, which laid down the interrogation methods of the GSS that are still in force today, employs the same justification and speaks of the "dilemma between the vital need to preserve the very existence of the State and its citizens, and to maintain its character as a law-abiding State which believes in basic moral principles"²⁷ The Report holds, therefore, that "the degree (means of pressure) used must be weighed against the degree of anticipated danger"²⁸.

This contention, like the rules propounded by the Landau Commission, are inconsistent with international law. The United Nations "Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment" (1984), which has been formally ratified by Israel, provides that
No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.²⁹

GSS agents torture detainees not only to prevent a concrete danger, but also to extract confessions for crimes of varying degrees of seriousness committed in the past.

Palestinian detainees repeatedly insist that they were tortured, in many cases, solely to make them confess. Confession extracted under pressure are not admissible in court.³⁰ In order to prevent, inter alia, interrogees from admitting, as a result of the pressure placed on them, to crimes they did not commit. Mini-trials are held to make this determination.

GSS agents admit using pressure to extract confessions. An example is the following:

Q: Are you aware that the waiting is meant to break the interrogee and therefore you kept the accused in waiting for such a long time?

"Thompson:" If I wanted a person to sit at rest during the whole interrogation, he would do so. On the contrary, I am in favor of their resting.

Q: That they should rest after making a confession?

"Thompson:" Yes.

²⁷ Landau Commission Report, p. 77.

²⁸ Landau Commission Report, p. 61.

²⁹ Article 2, Sec. 2.

³⁰ Sec. 12 of the Evidence Ordinance [New Version], 1971, provides: "Testimony of the accused's confession that he committed an offense shall be admissible only if the prosecutor presents testimony concerning the circumstances in which the confession was made, and the court finds that the confession was made voluntarily and willingly." Nevertheless, the courts accepted, and in two instances the Supreme Court sustained, confessions obtained by means of pressure that did not employ means that are "extreme" degrading, or contradict basic values. See Interrogation of Palestinians, pp. 17-18.

Q: As for your account regarding the sleep of the accused, or whether he can sleep while in waiting, and regarding their sleep after making a confession, what did you mean?

"Thompson:" I meant a situation in which the interrogee confesses and then goes to rest.

In his testimony in File 4221/93, GSS agent **"Cohen"** stated: "What I wanted was that he should admit to the information in our possession."

CONCLUSION

On March 9, 1994, District Court Judge Moshe Talgam, in his decision disallowing the confession of a defendant, stated:

The interrogators testified and completely denied that there had been any physical injury, but they admitted that the interrogations were lengthy and that it was possible that defendant was not allowed to rest for seventy-two hours... I have no doubt that under the system in which interrogators rotate, and interrogate the defendant for twenty-four hours consecutively once, and for nearly forty-eight hours consecutively a second time, the interrogee experiences very great suffering. ("minitrial" in Criminal File 201/93):

The U.N. Convention Against Torture, ratified by Israel, defines "torture" as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person...(Art. 1)

In citing the language of the Convention Against Torture, the Israeli District Court joined a long list of human rights organizations that have stated, in recent years, that the methods of interrogation used by the GSS constitute, at least in their cumulative effect over time, torture according to the criteria of the international community.

As this report reveals, sleep deprivation is only one of numerous methods which the GSS admits using. The GSS admits to routinely employing methods that degrade and humiliate detainees, impair their physical and mental health, and cause them great pain. Frequently, these prohibited methods are used to facilitate obtaining a conviction in court.

Of the nine Palestinians who were interviewed for this report, seven were released without any legal measures being taken against them, one was sentenced to seven months in prison, and one is still awaiting trial. The repeated claim that "pressure" was used against detainees because of the need to prevent murderous attacks is a mere pretext in these cases; the same is true of the overwhelming majority of the cases in which detainees are tortured. In any event, the interrogation methods are inconsistent with the total prohibition on torture.

In the beginning of November, 1994, the media reported that the Ministers' Committees on GSS Matters decided to permit GSS interrogators to use additional methods of pressure during interrogations of Palestinians.

B'Tselem is of the opinion that not only are additional methods unwarranted, but that the use of any method contrary to international law must be prohibited. The government of Israel to take urgent steps that will put an end, once and for all, to the torture of detainees in interrogation.³¹

1. First and foremost, the use of violence against detainees and every other form of torture should be banned outright. Appropriate legislation should be enacted, in accordance with international

³¹ For more detailed recommendation, see B'Tselem, *Interrogation of Palestinians*, pp. 109-112.

criteria, which will be incorporated in the orders issued to all the security forces, without exception.

2. The length of time that a detainee may be held in custody until he is brought before a judge should be reduced to forty-eight hours, and he should be permitted to meet with a lawyer shortly after his detention. This should apply to every detainee, in Israel and the Territories, without exception.
3. All wings of the detention and incarceration facilities and the prisons should be open to periodic visits by external bodies, including human rights organizations. Additional monitoring of interrogation should be conducted by means of *inter alia*, videotaping (including the period between interrogations), viewing of interrogations through peepholes into the interrogation rooms, maintaining precise records of the interrogation, and strict monitoring of the conditions of the health of the interrogee.
4. The medical staff in the interrogation centers must be well-trained and must continuously monitor the physical and mental condition of the interrogees. They should be conscious of medical ethics involved, which include the duty to report every case in which a detainee is humiliated and abused.

APPENDIX

Testimony of 'Abd a-Nasser Isma'il Hussein al-Kisi, ID #962061933 Resident of al-'Azza Refugee Camp, Bethlehem

Testimony culled by Yuval Gingar in al-'Azza, October 2, 1994

Abd a-Nasser Isma'il Hussein al-Qaysi, a student at Bir Zeit University, was arrested on August 10, 1994 and held at the GSS interrogation facility in Ramallah for 51 days. He was then released without any criminal charges being filed.

...From there they took me to Ramallah prison. It must have been about 3:30 a.m. when I got there. First they took me to the doctor. He asked, "Is there anything wrong?" I said there wasn't. They put me in al-Shabah (with a sack over my head) for about half an hour, and then I was taken to the captain who was waiting for me. They tore off the plastic handcuffs and put on metal handcuffs, again from behind. The sack was removed. It was a kind of office. I was standing. The "captain" said, "What is your name?" I said, "Abd a-Nasser". He said, "Sit down." I sat down. For about half an hour he told me about the Shabak, about their ability, how they don't arrest anyone unless there is suspicion. His name was "Captain Cohen"; that was how he identified himself.

A little while later I stopped him and asked, "What do you want?" He said, "Are you in a hurry?" I said, "No." He said, "Do you have a meeting or something?" I said, "If I did, it has already been canceled." He wrote on a piece of paper: Membership, weapons, military operations. I read it and started to laugh. He asked, "Why are you laughing?" I said, "Because of what you wrote. Is it just for show or is it meant for me?" He said, "No, it is meant for you. He said, "Let's understand each other." I said, "I have nothing to understand with you." He said, "Alright, I am going to sleep. We will meet tomorrow."

He called a soldier and told him what was to be done with me. The soldier put handcuffs on my hands, covered my head with a sack, and took me to a different interrogation room. Until then they treated me well.

In the room the soldier removed the sack. The room contained a computer, tables, and chairs. It was like all the interrogation rooms I saw. He sat me down on a small chair that was bolted to the floor. The chair was about 30 cm high and the seat was about 30x35 cm. The back was less than 20 cm high. He closed the door behind him. He released my hands and tied me so that one hand was over the back of the chair and one on the front side, both hands behind my back.

I sat like that from about 4:30 a.m. until 5 p.m. with short breaks for meals. In the morning they took me to eat breakfast. They gave me food and five minutes in the "hole" to eat it. There is also a toilet in that cell. After five minutes they told me to stop eating and come out. The same thing at noontime. Because of the pain and being so tired I couldn't eat that day, but I drank water.

In the morning they brought a glass of completely cold tea, but I drank it. At lunchtime they brought a glass of juice. I drank it. My back hurt and instead of eating I stretched my back.

At about 5 o'clock "Captain Siri" came in and started telling me again about how the Shabak only arrests people who have done something. I said that was not true, at least not in my case. He said, "You're a different kettle of fish, but there is something against you." He took a piece of paper and wrote down the same accusations as "Captain Cohen", only he added: Membership in the Popular Front. I said, "That is not true." He sat and talked with me for about an hour or an hour-and-a-half – I saw the time on his watch. He said, "Either we reach an understanding or there will be problems." I said, "Do what you want." He said, "You are choosing the option of problems." Until then he had not been violent. In fact, "Captain Siri" never used violence.

He said, "When do you want to confess?" I said, "I have nothing to confess to." He stood me up but tied my hands behind my back again. Again he tried to get me to confess, but I refused. He spoke to someone on the phone and another person came in, called "Captain Dori." They told me their names. "Dori" came in. He is young and powerfully built, muscular. Dori said, "You don't want to reach an understanding?"

When I replied that I had nothing to reach an understanding about, he took off his watch. I saw that they were going to beat me. I moved back a little and stood sideways to them so they would not hit me in the center of the body. Dori said, "Why did you back away?" I said, "I am trying to get ready for when you hit me." He said, "You are getting ready?" He grabbed my sweatshirt and started to shake me back and forth viciously, hitting me on the chest with his fist. He did this about ten times. To this day I can feel the pain in my chest from when he roughed me up.

He used tremendous force. My chest hurt and my neck swung back and forth like a pendulum, with great force.

He said, "Do you know Akawi?" I said, "No." They said, "He died in an interrogation. Do you want the same thing to happen to you? He refused to reach an understanding and he died." I said, "He refused to reach an understanding because he didn't do anything. If you want to kill me, then kill me. I will not confess to something I did not do." He said, "You want to hold out for ten days –I will leave you like this for ten days." They went on talking about killing and the like until about seven o'clock. He would talk for a few minutes and then ask, "Do you want to reach an understanding?" I would say no and he would shake me again. Maybe three time this was repeated. I felt a strong pain my chest. Afterward they said, "We are going home now, to our wives and children, but you will sleep here, in al-Shabah." "Dori" grabbed me and tied me to the chair again.

Before going they said, "There is someone here who will spend the night with you." I said, "Whatever you like."

A soldier came and took me for supper. My body hurt, and I was tired. He unties you, puts a sack on your head, takes you to where you get food, and puts you in the hole to eat. I couldn't eat. I drank cold tea and I stretched my back. I barely had time to do that when the soldier came and put me back in al-Shabah. The same chair, the same tying up. My kidneys began to ache. I have had kidney problems for a long time. I called the soldier and told him I had pains. "Captain Cohen" came and I told him I had

pains in my side, He said, "Let it hurt." He went out and closed the door. They did not shut off the light.

At about midnight "Captain Cohen" came back. I could not sleep at all. He began to question me. He said they has the whole Popular Front that night. I said, "I have nothing to do with that. He said, "You are from the Popular Front." He said that there were people who had confessed about me, and that they had proof, etc. He did not say anything specific, such as taking part in a particular operation. Only general accusations. In the entire thirty-five days of the interrogation they did not mention one specific thing that I was supposed to have done.

He stayed with me until about 1 a.m. and then left. At about 3 a.m. he came back. He said, "I want to reach an understanding." I said I had nothing to reach an understanding about. He said, "This will be your fate: either we understand each other, in which case you will go free, or your fate will be the same as Akawi's."

I told him that I had done nothing, He stood me up and then told me to sit on the edges of my toes with my body leaning on my heels, and he tied my hands behind me. I leaned on the wall, but he moved me away from it. He unbolted the al-Shabah chair and moved it away, to keep me from leaning on it. He began calling me, "Ya Akawi." After a quarter-of-an-hour my knees hurt terribly and my legs had fallen asleep. I would tell him, "The blood has stopped flowing to my legs, I want to let them rest." He would say, "It is forbidden –unless we reach an understanding." I started to fall. He would grab me and force me back into the same position. He brought a chair and placed it in such a way that my knees were under the seat so that I would not fall. He sat on the chair and grabbed my shirt. He pressed my legs between his legs so that I could not free them even a little.

That went on for an hour. At about 4 a.m., he let me get up and tied me to the al-Shabah chair again. He said, "I am going to rest now. You will remain like that in al-Shabah."

Once he said, "This is a battle which I do not win and you, as the Popular Front, do not win." I said, "I am not the Popular Front, I am 'Abd a-Nasser." He said, "You are not 'Abd a-Nasser, you are Mustafa al-Akawi."

I was left in al-Shabah until about 4 p.m. They took me out for breakfast and lunch. I ate very little. I wanted to eat, but I couldn't. When I asked to go to the toilet they said no, do it in the food.

The pain in my kidneys grew worse, and in my back too. But I did not consider confessing. At one point I said to "Captain Dori", "I accept that you are hurting me and that [other] people are hurting me, but I will not hurt myself."

At 4 p.m. I was taken to another interrogation room. "Captain Siri" came in. He said, "What's doing, Akawi?" I said, "I am not Akawi." He said, "Yes you are." I said, "If you want to kill me, then kill me, but I do not accept this behavior." He said, "I call you Akawi because if you do not cooperate with us your fate will be the same as Akawi's." I was very tired. When I was alone in al-Shabah I would put one foot on the other and try to lean my head on my foot, but that pulled my arms from behind, and my

shoulders and back hurt even more. I managed to doze off now and then for maybe five minutes at a time but the pain in my back and shoulders did not let me sleep more than that.

"Dori" entered and said "Tomorrow is Friday, which is a holy day for us, and we will take you for a walk." At about 5 p.m. they took me to the Russian Compound in Jerusalem. They tied my hands behind my back and blindfolded me with a piece of cloth.

At the Russian Compound they took me to see a doctor. He asked me whether I had any problems and I said I did not have any, because I know that they cooperate in the torturing and I did not trust him.

They put me on a small chair again and tied me up. I told the police that I was tired and wanted to sleep, but they refused. I was in al-Shabah until the morning, and then they took me to eat. I couldn't eat. I lay down to give my back a rest.

At about 10 a.m. [on Friday, August 12] another interrogator came, then another one. They began to question me. I told them I had nothing to tell. I said, "Should I lie?" He said, "Go ahead and lie, as long as it matches our information." I said I would not lie. He said, "Tell the truth." I said, "I did not do anything."

He grabbed me by the shoulders -- I was still tied to the chair -- and began to shake me powerfully. He ripped my clothes. There was so much pressure that the sweatshirt I was wearing was torn along its whole length in the back. I began to urinate uncontrollably but they would not let me take a shower or change my pants. They said they would bring in my father and arrest him. He said, "We will bring your sister, we will fuck her, etc." I said, "Bring whoever you want. Do whatever you want."

That went on for about an hour. Every so often, when I did not respond as they liked, the interrogator would shove and shake me. One was violent and the other one would restrain him. Then they left me alone and went out. One of them returned at about 6 p.m., after I had eaten very little at lunch. After about fifteen minutes another one came in. They repeated the same methods. The pain was already excruciating. I could barely lift up my head to look at them. I said I had done nothing. They stayed for less than an hour and left.

I remained in al-Shabah without being interrogated Saturday evening. Then "Captain" or "Major Abu Nihad" came in -- I know him as the Shabak chief in the Russian Compound. He sat with me and said, "I want us to reach an understanding." I said, "About what?" He said, "About your story." I said, "I have no story." He sat there like that for about an hour. He talked a lot about politics. He did not use force, but I was in al-Shabah, hurting and exhausted. My neck, my back, my legs -- from the night with Cohen.

I stayed in al-Shabah until Sunday morning [August 14]. Then they took me back to Ramallah. I was so exhausted that I could barely get up. They took me back to the interrogation room and to al-Shabah in the chair. "Captain Cohen" was waiting for me there. He said, "What happened to you in Jerusalem?" I said, "Nothing." He said, "Does Akawi want to confess or keep being stubborn?" I said, "I have not done anything."

He let me out of the chair and put a sack on my head. I was taken to a corridor with an asbestos roof. He tied me to a pipe with my hands behind the pipe and the palms of my hands facing outward. He covered my head with a sack.

I could not stand. I tried to kneel but it was impossible to reach the ground and my shoulders seemed to be coming out of their sockets, so I had to stand. I stood like that for maybe an hour-and-a-half. It was hard to breathe and there was a terrible pain in my kidney. I shook my head and the sack fell off. Then "Cohen" came back after an hour and a half and asked why the sack had fallen. I said, "I wanted to breathe." He said, "How are you now?" I said, alright -- even though the pain and the exhaustion were killing me. He said, "Do you want to sleep?" I said, "If it is possible then yes, if it is not, then no." He said, "Give me the main points of a confession and go to sleep." I said, "I did not do anything." He said, "Then stay like that." He went out, but first he put the sack back on. I succeeded in removing it again. There is extremely loud music in the corridor, which you can also hear in the interrogation rooms. That makes things even worse.

He came back an hour later and untied me. He took me back to the interrogation room, tied me to the chair again, and left.

In the evening "Captain Dori" came. He said, "What's doing, Akawi?" I said, "I am not Akawi." He said, "Don't you want to resolve the story?" I said, "I have no stories." He said, "Tonight we have to finish everything. You have to put everything on the table." I said, "I have nothing." He said, "We will meet at night." I stayed in the al-Shabah the whole time, except for meals. At about 1 a.m. he came back. He said, "What will be, 'Abd a-Nasser?" I said, "Now you have admitted that I am not Akawi." He said, "Do you want to eat?" I said, "I am full." He asked the soldier to bring me food. He brought chips, salads, and a Coke. He put the food on the table in front of me. He said, "What do you say to eating with me?" I said, "I don't want to." He said, "Will you have a Coke?" I said, "I don't want any." He said, "As you like."

He kept on telling me that I was the Popular Front, etc. He said, "You people think a confession is treason, but everyone in the Popular Front says the same thing at the beginning and afterward they confess." I said, "Whoever confesses has something that he did, but I have nothing." He said, "The law allows me to hold you like this for 180 days." I said, "Fine." He went on trying to persuade me. He said, "Get up" (he had taken me to another room and had not tied my hands). I got up. He said, "Sit on the edges of your toes." I said I was tired and I did not know how to kneel. He said, "For us in the army there is no such thing as 'don't know.' Say 'I don't want to' ". I said, "That is in your army." In the end I kneeled down like that. He sat and ate and all the while he kept asking me questions and saying that my comrades in the Popular Front had confessed, etc.

Then he asked me about 'Ali Jerdath. I said, "I don't know him." He said, "Do you know someone named 'Abd al-Latif Ghith?" I said, "I don't know him." He asked, "Do you know George Habash?" I said, "No." He said, "I don't mean personally. Have you heard of him?" I said, "I have." He said, "Talk about everyone that you have heard is from the Popular Front." I said, "I don't know anyone in the Popular Front." He said, "Get up." I stood up. He grabbed me by the shirt and began to shake me.

I understood that they did these things according to a plan, not out of irritation or momentary anger. Everything was calculated. They also made sure to leave no marks. Once one of the captains left a mark on my cheek by pulling my shirt collar so tight around me, and "Major Nadav" reprimanded him for it.

I fell on the floor from all the shaking. "Dori" picked me up and shook me again. I fell again -- my legs could no longer hold me. He said, "Get up." He picked me up and sat me on the al-Shabah chair. He said, "I am leaving you to think, I will soon be back." I said, "Whatever you want. I have done nothing." He said, "I am not asking whether you did anything. The question is how we will reach an understanding. The easy way, or with blows." He tied me to the chair again and left.

He did not come back. In the morning they took me to eat but I could not eat anything. I could not move my neck. My ribs, my shoulders -- everything hurt terribly. They put me back in al-Shabah. At noon I tried to eat some soup and I managed to get a bit down, but even that was difficult. A medic would come into the interrogation room once a day. He would ask, "Do you want anything?" I would say, "My head hurts, I have pains here and there." He said, "So what should I do?" I said, "Why did you come?" He said, "If your head hurts, drink water." I asked to see a doctor but they refused.

... When they left, "Dori" and "Cohen" started shaking me again with great force. When one of them got tired, the other started. I fainted. They brought water, threw some on me, and brought the medic. He told them, "This one is very ill." They said, "We know." He left. They put me back in al-Shabah and went out.

The next day [Tuesday, August 16] they took me to eat in the morning and at lunchtime and then put me back in al-Shabah. They did not give me even a minute to sleep properly.

"Captain Siri" came in at about 3 p.m. He started to interrogate me. Then "Captain Dori" came in. "Dori" said, "He is of no use." He stood me up and began to shake me. "Captain Siri" told him, "Stop, 'Abd a-Nasser is a good fellow and he will soon begin to talk." I told him that I had nothing to say. This happened three or four times. "Dori" would shake me, "Siri" would stop him, "Dori" would go out, return -- and so on and so forth. This went on for about an hour or a bit more.

"Captain Dori" brought metal handcuffs, bound my legs (while I was standing) just above the soles. Then he sat down. That lasted for about half-an-hour. Then he led me to the pipe in the corridor, tied me to it, and put a sack on my head. I shook it off. He said, "Put it back." I said, "I am suffocating." He put it back on. He said, "The same thing will happen to you that happened to Akawi, you will die and no one will ask about you." I said, "If I die, I die."

He left me like that for about an hour. Then they took me to eat supper and brought me back to the pipe. At about 9 o'clock "Captain Adnan" arrived. He said he was in charge of the Rafah area. He was strong and well-built. I was at the end of my tether. He took me to the interrogation room. He sat me on a regular chair with my hands tied behind. He started to interrogate me. I said I had done nothing, He said, "I did not ask you about that. The question was whether you want to solve the problem the good way or the bad way." I said, "Whatever way you want." He said, "In other words, you have chosen the

bad way." He grabbed me by the shirt and began to shake me with tremendous force. He also threatened to do all kinds of things to my sister. He went on questioning me like that, sometimes shaking me and sometimes telling me to kneel down. That went on for about an hour and a half, and then he put me back in the al-Shabah chair and left. The next evening [Wednesday, August 17] "Captain Cohen came" and continued the interrogation using the same methods. That went on for about an hour.

I would fall asleep for a few minutes and wake up again. I never managed any proper sleep.

The next day [Thursday, August 18] "Siri" came in at about 3 p.m. and questioned me, but without violence. He has an M.A. in psychology from the Hebrew University, he said. "Dori" studied economics and political science at Tel Aviv University.

He went after about an hour and on the same day they took me back to the Russian Compound. There they took me to see the doctor again.

During this whole time I had not taken a shower. The doctor asked, "Does it hurt you anywhere?" I said no. He did not examine me. He wrote it down and said, "Go."

It was the same routine again: *al-Shabah* and interrogations.

On Sunday [August 21] they took me back to Ramallah. On that day they took me to court. I was wearing the torn shirt and sweat shirt -- from the shakings -- and the escort asked me to change clothes, but I refused.

The lawyer Iliya [Theodori, from Ramallah] was there and came into the courtroom, but they did not let him talk to me. The judge asked, "What is your name?" I said, "I don't know." In the interrogation they call me 'Akawi but my ID card says 'Abd a-Nasser. The lawyer said that it was obvious that I was in a serious health situation. I told the judge that I had pains in my kidney. The judge said nothing. He decided to remand me for fifteen days. This was after the Shabak wanted a month and they agreed with the lawyer on fifteen.

After the court session they took me back to the interrogations and the same routine continued until Wednesday [August 28].

On Thursday evening they put me in a cell and let me shower and sleep. I slept a lot and I ate better.

On Sunday morning [August 28] they took me back to the interrogations and al-Shabah. I was there again like that until Thursday, day and night, and on Thursday they took me back to the cell.

On that day [Thursday, September 1, 1994] they took me out of the interrogations for a first visit by the Red Cross [after twenty-two days]. A woman came in. She told me her name, but I have forgotten it. I told her everything that I had been through. She said she would complain to the authorities, but they

were afraid to do so right away because the interrogators would harm me if there was a complaint, so they preferred to wait until after the interrogation.

At the weekend I was able to rest again.

The following week [on September 4, according to Iliya Theodori] I was remanded again for eighteen days.

On Monday [September 5] "Captain Cohen" chained my legs together above the sole and above the knees, this while I was sitting on the chair, and tied my hands behind me, and then he took an iron chain and tied my legs to my hands behind my back and behind the chair, and he pulled.

The pain was unbelievable. My shoulders felt like they were being torn out. After two or three hours I fainted and then they untied me and brought me around. This time no medic came in. They put me back in the regular al-Shabah.

The interrogations and al-Shabah went on all during the week. They did not tie me with chains again. During that week [on September 8, according to lawyer Theodori] the lawyer Theodori visited me. We spoke for about half an hour. Then they put me back in al-Shabah.

On Saturday evening [September 10, 1994] I was taken again to the Russian Compound. The next day [September 11] "Captain Dori" from Ramallah came. He told me again that I was a member of the Popular Front and when I denied it he punched me with his fists in the head, the back, the shoulders, and the testicles. It all looked planned again, not a nervous outburst.

Every time they interrogated me they wrote down everything that was said.

I was there for three days and every day "Captain Dori" came to interrogate me. The blows repeated themselves. On Tuesday [September 16] they took me back to Ramallah. Then the Jews' holy days began. On the holidays and on Sabbaths I was in the hole with another guy. Sometimes they would come and take us at night after the end of the Sabbath or the holy day, so that we would not get too much rest.

That week a new captain arrived, "Billy", who asked me, "How many days have you been here?" I told him, "More than thirty." He said, "You have a long time until 180 days." I said, "Even if I stay here another 180 days I will still not talk."

On September 29 there was another remand hearing. I forgot to mention that I had been remanded again [on September 21, according to lawyer Theodori] for eight days before the same judge who had remanded me on the previous occasions. The judge asked the Shabak men, 'Haven't you finished the interrogation yet?' They said they had not. They wanted a remand for another thirty days. The judge said that without evidence he would not extend the detention. They sent someone to bring evidence and at the same time asked the judge for permission to talk to me.

They took me back to the interrogation room and tried to extract a statement from me using every method. It didn't matter about what. "Dori", "Cohen", and "Major Nadav" were there.

"Dori" put a sack on my head and began to strangle me. They threatened, they shook me again and again, but finally, after about an hour, they gave up. It was about 3 p.m.

"Nadav" called me over. He said, "The court wants to release you but we want you because we haven't finished the interrogation yet. We want you to come to us in Bethlehem after you get home." He gave me a subpoena [ordering him to report to "Captain Munzar" at the Civil Administration office in Bethlehem on October 4, 1994.]

The judge released me.

When I went in I weighed 65 kilos [143 pounds]. When I came out I weighed 55 kilos [121 pounds]. I went to the doctor and I am still on medication.

The following comments are by lawyer Iliya Theodori, as conveyed to B'Tselem on October 4, 1994:

When 'Abd a-Nasser was taken for his first remand, on August 21, 1994, I drew the judge's attention to the condition of the detainee, on whom the signs of suffering, exhaustion, and filth were apparent. The judge said he was under interrogation, not on holiday.

In the remand hearing on September 21, three or four secret documents were submitted to the judge (Yossi Shapira). At my request the judge signed the documents and dated them. During the remand hearing on September 29 the Shabak again submitted secret material, which turned out to be the same papers. The judge said: I will not accept this. Are you making fun of the court? They said they had additional secret material. He said: Then go and bring it.

The Shabak agents asked for a break and went out with 'Abd a-Nasser.

They returned about an hour and a half later, at 4 p.m., and since they had no new material the judge decided to release 'Abd a-Nasser.

RESPONSE OF THE ISRAEL PRISONS SERVICE

Office of the Commissioner

ISRAEL

October 26, 1994

PRISON SERVICE

Mr. Yizhar Be'er
Executive Director
B'Tselem
43 Emek Refaim Street
Jerusalem 93141
Fax: 02-610756

Dear Sir,

Re: Response of the Prison Service to draft of the report;
Torture During Interrogations.
Ref: Your Letter S.M. 4299, dated October 18, 1994
with an enclosed copy of the report

The Prison Service is not involved in interrogations, and the investigations facilities are not within its responsibility or control. The Prison Service has no contact with interrogations and the manner in which they are conducted, and any contentions in this regards should be directed to the parties involved in interrogations.

Sincerely,

Dubi Ben-Ami

Prison Service Spokesperson

RESPONSE OF THE IDF

IDF Spokesman's Office
16 November 1994

IDF Spokesman Response to the "Betzelem" Report Concerning Methods of Investigation

(The response relates only to the sections regarding IDF detention facilities)

The IDF has a clear and strict set of regulations governing actions permitted, as well as behavior prohibited during questioning in IDF detention facilities. These rules determine that violence, threat of violence or any kind of humiliating or degradation may not be used against a person being questioned. These rules, in their most updated version, are in effect in every facility used for questioning by the IDF.

Furthermore, every complaint made by a person being questioned in an IDF facility regarding the use of violence is investigated by the military police.

All detainees in IDF detention facilities are examined by an IDF medic to ensure they have not taken ill or are suffering from a disease that could be exacerbated by their detention.

Whenever a medical problem is raised by the individual being questioned or is detected by the investigator, the medical staff is called, a medical orderly or doctor deals with the problem, and a formal protocol is written, in addition to the medical report.

The IDF is responsible only for the investigation taking place in the IDF facilities. The IDF focuses only on questioning individuals suspected of violent activity.

Four years ago, the IDF on its own initiative, appointed Maj. Gen. (res.) Refael Vardi to provide an independent and external review of the propriety of investigations conducted in IDF facilities. Maj. Gen. Vardi's conclusion and recommendations have been adopted almost in their entirety by the senior command and have been implemented by the IDF.

In addition, advisory committees presided over by a military judge holding rank of Col. have been appointed and are responsible for periodical reviews and oversight of the investigation facilities. The findings of these committees are passed on to the senior command level of the IDF. Following the IDF Military Police Criminal Investigation Division's investigation of cases in which evidence of offences committed by investigators is found, the IDF has not hesitated to file charges against the offending investigators. In cases where investigators have been convicted, significant punishments have been imposed, including prison sentences.

RESPONSE OF THE ISRAELI POLICE DEPARTMENT

Unclassified

National Headquarters/Investigations
Department of Investigations and Claims
Telephone 02-309330
Fax 02-309111
Jerusalem November 16, 1994

B'Tselem
43 Emek Refaim Stree
93141 Jerusalem

Dear Sir:

Re: Report on Torture During Interrogations

Ref: Your S.M. 4299 of October 18, 1994

1. I acknowledge receipt of the aforementioned report.
2. The Israeli Police Department faithfully enforces the law and acts in accordance with the powers granted to it by law
3. In each instance in which its personnel deviate from the legal framework in which they are obligated to operate, the matter is examined by the appropriate authorities, and the necessary actions are taken
4. As regards suspicions against police personnel that arise from the activities referred to in the report, you can contact the Department in charge of investigating policeman, Ministry of Justice
5. For your information, at your request

Sincerely

s/

Att, Amira Shavti, Commander

Head, Department of Investigations and Claims

Unclassified