

Jerusalem, February 1998

**ROUTINE TORTURE:
INTERROGATION METHODS OF THE
GENERAL SECURITY SERVICE**

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**The Israeli Information Center for Human Rights
in the Occupied Territories**



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מרכז המידע הישראלי לזכויות האדם בשטחים (ע.ר.)

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Introduction

A. Objective of the Report

This report presents the current methods of interrogation used by the General Security Service (GSS) when interrogating Palestinian detainees.¹ The High Court of Justice is about to rule on the legality of these methods.

For the first time, the High Court, in an expanded panel of nine justices, will hear a series of petitions related to various GSS interrogation methods and the legal basis for employing them.² The size of the judicial panel, the scope of the issues, and the theoretical nature of the petitions (i.e., the petitions are not directed against specific methods currently being used against the petitioners) suggest that the High Court ruling will set norms for GSS interrogations.

The GSS methods include holding the interrogees in prolonged isolation from the external world and in filthy and unsanitary conditions, sensory isolation, and disorientation. The interrogators deprive interrogees of sleep for extended periods, threaten and curse at them, and shackle them for prolonged periods so tightly as to cause pain.

1. The GSS has used a few of the methods against Jewish detainees. For example, Avigdor Eskin, arrested for allegedly plotting to desecrate the Temple Mount, contended that his interrogators bound him to a chair and covered his head with a sack for many hours, and at the beginning of the interrogation limited the time he could sleep (see *Ha'aretz*, 29 December 1997). Relatives of Margalit Har Shefi, arrested in connection with the Rabin assassination, claimed that GSS interrogators psychologically pressured her to a degree bordering on psychological abuse, and that the first interrogation session lasted seventy-six hours, during which she was not allowed to sleep (see *Yediot Aharonot*, 3 December 1995). B'Tselem has opposed and continues to oppose the torture or ill-treatment of all persons and in all circumstances.

2. HCJ 5104/94, *The Public Committee against Torture in Israel v. Government of Israel et al*; HCJ 4054/95, *The Association for Civil Rights in Israel v. Prime Minister et al*; HCJ 5188/96, *Waal al-Ka'ka and HaMoked: Center for the Defence of the Individual v. General Security Service et al*; HCJ 6536/96, *Hatem Yusuf Abu Zaida (represented by Andre Rosenthal) v. General Security Service*; HCJ 7563/97, *'Abd al-Rahman Ghaneimat and the Public Committee against Torture in Israel v. Minister of Defense et al*; HCJ 7628/97, *Fu'ad 'Awad Qur'an and the Public Committee against Torture in Israel v. Minister of Defense et al*.

Interrogators compel interrogees to kneel or bind them in positions that lead to extreme pain and exhaustion. They also use direct physical violence, such as shaking, beating, and kicking. B'Tselem estimates, based on official sources, human rights organizations, and attorneys, that the GSS annually interrogates between 1,000-1,500 Palestinians. Some eighty-five percent of them – at least 850 persons a year – are tortured during interrogation.

The GSS uses these methods pursuant to secret procedures that were initially based on the recommendations of the 1987 judicial commission of inquiry headed by retired Supreme Court Justice Moshe Landau. These procedures are revised periodically by a special ministerial committee.

According to the Landau Commission recommendations, the GSS interrogation methods combine "non-violent psychological pressure of an intense and prolonged interrogation with a moderate measure of physical pressure."³ The Landau Commission also suggested the legal support for the use of these methods, which contravene various provisions of the Penal Law. The support proposed by the commission is the "defense of necessity," which removes criminal responsibility where a person "committed an act that was immediately necessary" to save life or property from serious injury, and was done in a reasonable manner under the circumstances.⁴

B'Tselem has published seven reports on torture by the GSS during interrogation.⁵ These reports, and reports of other Israeli, Palestinian, and international human rights organizations describe and analyze in fine detail the various aspects and ramifications of GSS interrogation methods. The state authorities do not deny the routine and systematic

3. Report of the Commission of Inquiry in the matter of Interrogation Methods of the General Security Service regarding Hostile Terrorist Activity, First Part (Jerusalem, October 1987), par. 4.7.

4. Paragraphs 34k and 34q of the current Penal Law. See the detailed discussion in the B'Tselem publications mentioned in fn. 5.

5. *The Interrogation of Palestinians during the Intifada: III-Treatment, Moderate Physical Pressure or Torture?* (March 1991); *The Interrogation of Palestinians during the Intifada: Follow-up to B'Tselem Report of March 1991* (March 1992); *The Death of Mustafa Barakat in the Interrogation Wing of the Tulkarm Prison* (September 1992); *The New Procedure in GSS Interrogation: The Case of 'Abd a-Nasser 'Ubeid* (November 1993); *Torture during Interrogations: Testimony of Palestinian Detainees, Testimony of the Interrogators* (November 1994); *Detention and Interrogation of Salem and Hanan Ali, Husband and Wife, Residents of Bani Naim Village* (June 1995); *Legitimizing Torture: The Israeli High Court of Justice Rulings in the Bilbeisi, Hamdan, and Mubarak Cases* (January 1997).

use of most of these methods (see the specific references to the state's position, mentioned in the body of the report). This report will not reiterate the details provided in the earlier reports, but will update, illustrate, and denote aspects that have not yet been sufficiently emphasized.

The first part of the report describes the interrogation methods currently employed by the GSS, based on testimonies and affidavits of eleven interrogees (from among the hundreds of persons who have complained each year to human rights organizations and attorneys). The descriptions are also based on official documents. The principal methods will be illustrated by sketches. This section will also examine again whether these methods constitute torture by reviewing the position taken by Israel and the relevant international legal bodies, as expressed over the past year.

The second part of the report will describe in detail one case, that of 'Omar Ghaneimat, of Surif, Hebron District.

The Ghaneimat case illustrates the workings of the various institutions, in addition to that of the GSS, that affect a detainee under interrogation. The relevant state institutions in this regard are the military court system in the Occupied Territories, the State Attorney's Office (SAO), the High Court of Justice, and the Department for the Investigation of Police (DIP), of the Ministry of Justice. In addition to the testimony of Ghaneimat, the report presents official documents, including the minutes of the High Court hearing, the High Court's decision, and the findings of the investigation conducted by DIP. The report also includes the opinions of two medical experts who examined Ghaneimat, which indicate the physical consequences of the use of the GSS methods of interrogation.

B. The Theoretical Aspect: Torture under International Law and Israel's Position

The Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment, to which Israel is party, defines torture as intentionally inflicted "severe pain or suffering, whether physical or mental" on a person to obtain, among other purposes, "information from him or a third person."⁶

6. Art. 1(1) of the convention was adopted by the UN General Assembly in 1984 and took effect in 1987. Israel ratified the convention in 1991.

The convention unequivocally prohibits torture under any circumstances (art. 2(2)). Other conventions, such as the Covenant on Civil and Political Rights (in art. 7), and conventions dealing with the laws of war,⁷ prohibit torture and other forms of cruel, inhuman, or degrading treatment and punishment (hereafter: ill-treatment) in all circumstances. The prohibition on torture and ill-treatment is, therefore, absolute, and no "exceptional" circumstances may justify derogating from it.

Israel is a State Party to each of these conventions,⁸ and has never made reservations to the articles stipulating the absolute prohibition on torture and ill-treatment. In its statement to the UN Committee Against Torture, Israel reiterated its acceptance of the principle of absolute prohibition:

The prohibition on torture is absolute. As a result, and despite the current predicament of the State and the pressing need to fight terrorism, investigators are never, and never have been, authorized to use torture, even if its use might possibly prevent some terrible attacks and save human lives.

Likewise, as stipulated by Article 16 of the Convention, it is absolutely forbidden to use cruel, inhuman, or degrading methods of interrogation.⁹

This position is fully consistent with the letter and spirit of international law, and B'Tselem welcomes Israel's declaration. This position is clear, unequivocal, and lacks the evasive responses relying on the rationale of "the ticking bomb" or the "defense of necessity."

The problems, then, are not a product of Israel's fundamental position, as stated for external consumption. The problems are the following:

- Israel holds that the GSS methods of interrogation do not amount to torture, or even to ill-treatment.

7. For example: The Hague Regulations of 1907, art. 4, dealing with prisoners of war, and art. 44, regarding civilians; art 3(1), common to the four Geneva conventions of 1949, regarding a non-international conflict; the Third Geneva Convention, articles 13-17, and others, regarding prisoners of war; the Fourth Geneva Convention, articles 27, 31, and 32, regarding civilians under enemy control.

8. Israel also ratified the UN International Covenant on Civil and Political Rights, and the Geneva conventions. The Hague Convention of 1907 is considered customary international law, and as such is part of Israeli domestic law.

9. Permanent Mission of Israel to the Office of the United Nations and to International Organizations in Geneva, *Statement by Ms. Nili Arad and Mr. Shai Nitzan, both of the State Attorneys Office*, Eighteenth Session of the Committee Against Torture (CAT), Geneva, 7 May 1997, par. 4.

- Domestically, and contrary to its declaration, Israel uses arguments that indicate it is permissible to disregard the absolute prohibition on torture and ill-treatment. According to the SAO, the "defense of necessity" and "the ticking bombs" enable GSS agents to harm interrogees physically and mentally, in breach of the Penal Law. This permissible conduct includes, according to the SAO, breach of those provisions that Israel proudly proclaims abroad that through them it enforces the absolute prohibition on torture and ill-treatment.¹⁰

This report is primarily intended to confront the first point above with the facts and the position of international law, and to raise other aspects, including the sweeping use by Israel of the "ticking bomb" threat to justify GSS interrogation methods.

List of Interrogees Quoted in the Report

Note: Unless mentioned otherwise, the persons involved gave their testimony to B'Tselem.

Fu'ad Mahmud Salim Shamasneh, 24, student at Bir Zeit University, resident of the village of Qatanah, Ramallah District. He was arrested on 10 April 1996 and administratively detained for six months. On 26 May 1996, the authorities transferred him to the GSS facility at Kishon Detention Center, where he was held until 14 August 1996, when he was transferred to detention until the end of the criminal proceedings against him. On 29 August 1996, Shamasneh was sentenced to six months' imprisonment and six months' probation. He was released on 25 November 1996.

Ziyad Mustafa Ahmad a-Zaghel, 23, student at Bir Zeit University, resident of Ras-al-Ammud, in East Jerusalem. He was detained on 14 March 1996 and taken to the Russian Compound, in Jerusalem. On 7 April 1996, the military commander issued a six-month administrative detention order. Upon appeal, the military judge reduced the period by twenty-five days, and he was released on 12 September 1996. HaMoked: Center for the Defence of the Individual and attorney André Rosenthal handled his case.

'Abd al-Rahman Khader al-Ahmar was detained in February 1996 and interrogated at the Russian Compound for three weeks. Since then, he

10. Among these provisions are the section prohibiting the use of pressure by a public official (sec. 277 of the Penal Law); malicious bodily harm (sec. 329); grievous bodily harm (sec. 333); assaulting a minor or defenseless person (sec. 368B); assault (sec. 380); assault in aggravating circumstances (sec. 382) and others, all mentioned in par. 13 of the SAOs statement mentioned above, as proof of the absolute prohibition on torture and ill-treatment under Israeli law.

has been held in administrative detention. He gave affidavits to attorney Allegra Pacheco on 8 and 11 March 1996.

'Abd al-'Aziz Muhammad 'Abd al-'Aziz Ladadweh, 23, student at Bir Zeit University, resident of Mizra'ah al-Qibliyyah, Ramallah District. He was detained on 24 February 1997 and taken to the Russian Compound. He was interrogated until 29 April 1997 and then sentenced to seventy-five days' imprisonment (including the interrogation period). He was released on 9 May 1997.

Samer Muhammad 'Abd al-'Aziz Ladadweh, 21, student at Bir Zeit University, resident of Mazra'ah al-Qibliyyah, Ramallah District. He was detained on 13 May 1996 and taken to the Russian Compound. He was sentenced to ten months' imprisonment, and was released on 19 December 1996 after serving two-thirds of his sentence.

Falah 'Uthman Abu Rumeileh, detained on 27 January 1997, was taken to the Russian Compound and interrogated by the GSS. He gave his affidavit to attorney Leah Tsemel on 6 January 1998. He was released on bond in July 1997. His trial has not yet begun. The Public Committee against Torture in Israel and attorney Leah Tsemel are handling his case.

'Omar 'Abd al-Rahman Ahmad Ghaneimat, 45, who transports workers for a living, resides in Surif, Hebron District. He was detained on 10 April 1997 and taken to the Russian Compound. On 9 June 1997, he was sentenced to ninety days' imprisonment (including time spent in interrogation). He was released on 8 July. His entire testimony appears in the second section of the report. Attorney Allegra Pacheco is handling his case.

Nawwaf Isma'il Hussein al-Qaysi, 23, resident of al-Aza refugee camp, Bethlehem District. He was detained on 13 January 1997 and taken to the Russian Compound. He was interrogated until 4 April 1997, when he was transferred to administrative detention. He was released on 18 September 1997. The Society of St. Yves and attorney Sahar Francis handled his case.

'Issam Sadeq 'Abd al-Halim al-Halman, 27, resident of Bethlehem, was detained on 24 July 1997 and taken to the Russian Compound. He was interrogated until 3 August 1997, and then kept in his cell until being released on 23 August 1997.

N.S. was detained in October 1997 and taken to the Russian Compound. He was interrogated for ten days and released three days later. HaMoked: Center for the Defence of the Individual and attorney André Rosenthal handled his case. His full name and particulars are on file at B'Tselem.

Ma'mun Wazwaz, detained on 11 December 1997, gave his affidavit to attorney Sahar Francis at the Russian Compound on 19 January 1998.

Section One

The Interrogation Methods and their Status under International Law

A. Interrogation Methods

1. Conditions of Imprisonment and Detention

Whether intentionally or not, the prison and detention conditions in the General Security Service wings greatly influence the interrogees' mental condition.

A. Prolonged Isolation from the Outside World

Palestinian detainees may be held without any external contact for up to eleven days. The authorities must then bring them before a military judge for a hearing to extend the detention.¹¹ The authorities may preclude detainees from meeting with their attorney for up to ninety days.¹²

B. Physical Conditions

Jerusalem District Court Judge Ruth Ohr described conditions in the GSS interrogations wing:

... The small, overcrowded cells, lacking the minimal living conditions – which are at the disposal of the GSS.¹³

11. This is the case for an adult from the Occupied Territories suspected of hostile terrorist activity.

12. Under sections 78 b-d of the Order regarding Security Regulations, the head of interrogations may, upon a written decision giving reasons, preclude detainees from meeting their attorney for up to fifteen days. A police officer of a rank of Chief Superintendent and above may extend the period for an additional fifteen days. A military judge may extend the period of preclusion for thirty days more, and the chief judge or the on-duty chief judge may extend it for an additional thirty days.

13. Petition 13/96, *Al-Natashe v. Israel Prisons Service*, decision of 12 March 1996.

Other relevant facts are the following:

- *Change of clothes:* The authorities do not allow the detainees to change clothes, not even their underwear, even where the interrogation period lasts for months.
- *Showers:* The authorities allow the detainees to shower once a week.
- *Meals:* Detainees receive small quantities of food and ten minutes to eat it, sometimes less. They are fed in a filthy toilet-facilities cell, without the minimal sanitary conditions, and without eating utensils.

Duration

Detainees suffer these conditions throughout the period of interrogation, which may last for weeks or even months.

Testimonies of Interrogees

From the testimony of N.S.:

You eat in the bathroom, which is worse than you could ever imagine. Facing the entrance is a toilet – a hole in the floor. There is a separation of about 100x70 cm, and a person with a bit of a waist can't sit. It is extremely filthy and smelly. You eat standing up. The policeman takes you to the bathroom, gives you no more than five minutes, and then takes you out.

They let me shower once a week... According to the regulations, they were supposed to let me shower once every three days for fifteen minutes. There is a pipe in the bathroom, just above the "toilet." The pressure and temperature of the water is controlled from outside the room. Sometimes the policeman outside saw me sitting on the "toilet" and turned on the water. They give you less than two minutes to shower. They did not give me even one change of clothes, and throughout the interrogation, I wore the same clothes.

From the testimony of 'Abd al-'Aziz Ladadweh:

In the morning, they took me to eat. They took me to a small room with a toilet. In the morning, they give you an egg, bread, and nine olives. Always nine. They do not give you anything to drink, but there is a water faucet. They give you six to eight minutes to eat, no more. He [the police officer] pounds the door all the time, "Finished? Are you finished?"

From the testimony of Nawwaf al-Qaysi:

They let me shower once a week. There is hot water. They did not let me change clothes, and for three months I remained in the same clothes. It really smelled.

2. The *Shabeh* Combination

Description

Shabeh is the combination of methods, used for prolonged periods, entailing sensory isolation, sleep deprivation, and infliction of pain. Regular *shabeh* entails shackling the interrogee's hands and legs to a small chair, angled to slant forward so that the interrogee cannot sit in a stable position. The interrogee's head is covered with an often filthy sack and loud music is played non-stop through loudspeakers. Detainees in *shabeh* are not allowed to sleep. Sleep deprivation is achieved by using the aforementioned methods and by having the guard on-duty wake up any detainee who dozes off.

In many cases, the GSS add to and vary *shabeh* as follows:

- "Refrigerator" – exposing the interrogee also to an air-conditioner shooting cold air directly at him. The GSS usually uses this method when the interrogee is in *shabeh* in the interrogation room.
- Standing *shabeh* – compelling the detainee to stand, his arms tied behind him and to a pipe affixed to the wall.
- Standing *shabeh* with the detainee's arms drawn backward and upward, so that the upper body is forced forward and down.

Duration

The GSS generally uses "regular *shabeh*" for several days at a time, with extremely short breaks. At times, the interrogators totally deprive the interrogee of sleep for several consecutive days. Sometimes the detainee is denied sleep in cycles of forty-eight hours, and is allowed to sleep for a few hours (up to five) in the cell or interrogation room, and is then returned to *shabeh* for another forty-eight hours. This happens on Sunday through Thursday. When the interrogators leave for the weekend, most detainees are able to relax in their cells until Sunday (see insert). However, at the Russian Compound, in Jerusalem, the GSS also keeps some detainees in *shabeh* over the weekend. Detainees may be kept in *shabeh* for weeks, and even months. 'Omar Ghaneimat, for example, was kept in *shabeh* from the time he was detained, 13 November 1997, until at least 8 January 1998.

Some of the *shabeh* methods are used during the period that the GSS and SAO call "waiting for interrogation," i.e., while the detainee is neither being interrogated nor in his cell, but rather is in the corridor or yard. Some of these methods are also used when the detainee is being interrogated. During interrogation, which can last for minutes or hours, the sack is usually removed, as are, at times, some or all of the shackles, and the music is turned down. However, the GSS generally conducts the interrogation while the detainee is seated on a small chair,



"Regular Shabeh"

shackled to one degree or another, and not allowed to sleep. During the few minutes allowed for eating and showering, the shackles and sack are removed.

Regarding the additions and variations of *shabeh*, a detainee may be held in the "refrigerator" over an entire weekend or even longer, as in the case of Ghaneimat. Standing *shabeh*, even with the arms tightly bound behind the detainee, may last for twenty-four hours, with breaks for interrogation and meals, as in the case of N. S.

The State's Position

The GSS and SAO admit to using *shabeh*, at least "regular *shabeh*." The state generally argues that most of the methods – shackling, covering the head, and playing loud music – are "security measures" (see insert), and are not methods of interrogation.

- Covering the head is done because of the "fear that the Petitioner will identify other interrogees alongside him waiting to be interrogated. Identification can prejudice the interrogation and cause other damage to security";¹⁴
- Playing of loud music "is not done to oppress the Petitioner, as the petition claims, but to prevent interrogees from speaking with other detainees, which could prejudice their interrogation";¹⁵
- Binding the detainee to a small chair "is done to protect the security of the security facility and the interrogators" (see insert).

In other words, these acts are not interrogation methods.

On the other hand, the state contends that sleep deprivation is necessary for "intensive interrogation."¹⁶ The state further contends that the interrogators usually allow interrogees to sleep for some hours after they have been totally deprived of sleep for forty-eight hours.

14. HCJ 4025/96, *Bal'al Hanihan et al v. General Security Service, Answer*, 2 July 1996, par. 13. Similar responses to petitions have been filed in comparable cases, for example, in *Mubarak, a-Zaghel, Qur'an, and Ghaneimat*, all mentioned in this report.

15. *Ibid.* (*Hanihan*), and see the similar arguments in the other petitions mentioned above.

16. The High Court accepted these arguments in its decision, of 17 November 1996, in HCJ 3124/96. *Khader Mubarak and HaMoked: Center for the Defence of the Individual v. General Security Service*. See B'Tselem, *Legitimizing Torture*.

Testimony of Interrogees

From the testimony of Nawwaf al-Qaysi:

After the first interrogation, they put me in *shabeh*. They sat me down on a low chair, my two arms handcuffed with metal cuffs to the backrest of the chair. They shackled my legs and covered my head with a sack. The sack had been worn by lots of people before me, and the stench had become embedded in the material. Apparently, some detainees had vomited in the sack.

They kept me in *shabeh* continuously for about fifteen days, including Friday and Saturday. They did not let me sleep even for one hour. I would doze off when I could, while leaning against the wall.

They also put me in standing *shabeh* in the yard or corridor, with my hands fastened to a pipe coming out of the wall behind me. Sometimes they tied them normally, and sometimes with my hands pulled up, forcing my body forward.

Playing of loud music and the insufficient budget

Attorney Shai Nitzan, in a hearing in a-Zaghel held on 27 March 1996, stated:

As for playing of loud music – if there would be a budget to build a separate cell for each [detainee], loud music would not be played. This is the only way to prevent conversations between them, so they won't be able to hear each other.¹⁷

From the testimony of N.S.:

Shabeh is on a low chair that is fastened to the floor, your hands tied behind you on both sides of the backrest. Most of the time, your legs remain free. A sack covers your head. The sack has a type of elastic on it to make it tighter. It is hard to breathe with the sack on. It smells as if it had been soaked in a toilet bowl. They keep you in *shabeh* in the corridor mostly. There was loud music – songs in Hebrew and other languages. They take you to

17.HCJ 2210/96, *Ziyad Mustafa a-Zaghel v. General Security Service*, p. 3 of the protocol.



"Standing Shabeh"

Shackling the detainee during shabeh: "To protect the security of the interrogation facility" or to put pressure on detainees?

The SAO is inconsistent when it argues why the GSS uses prolonged binding in painful positions. On the one hand, the SAO persuaded the High Court to state, in *Mubarak*:

The first argument is that he has been interrogated with his hands shackled in a painful position, his arms stretched backwards, through a low chair on which he sits. Regarding this issue, we have heard the explanations of counsel for the Respondent that shackling at the back during waiting for interrogation is done *in order to safeguard the security of the interrogation facility and of the interrogators*, and in order to prevent the interrogee from attacking his interrogators, which indeed has happened in the past. In any case, *it was stated before us that shackling interrogees, including the Petitioner, is not for interrogation purposes.* [our emphasis]

This argument, that holding the interrogee in these ways is a "method" used "in order to safeguard the security of the interrogation facility and the interrogators" was also raised by the SAO in the case presently being heard by the High Court, *Ghaneimat* (par. 6 of the SAO's statement), and in numerous other instances.

On the other hand, in the Attorney General's response to the application for an interim injunction in HCJ 5304, *Raji Mahmud Saba' and HaMoked: Center for the Defence of the Individual v. General Security Service*, attorney Yehuda Shefer states, in par. 11:

As for Petitioner's contention in his affidavit that he was compelled to sit in uncomfortable positions, we wish to point out that the use of these methods results from the interrogators' evaluation that *use of these methods are vital to make progress in the interrogation.* As noted previously, the Respondent argues that it would have been permitted to use these methods, since in the case under review the conditions for the defense of necessity were met. [our emphasis]

In his affidavit, mentioned above, Saba' complained about being held "in *shabeh*" (par. 2 of the affidavit, which was submitted on 11 November 1996), and about being forced to kneel "in the frog position" (par. 8 of his affidavit). Since the attorney for the Attorney General (twice) used the term "methods," he is clearly describing the two of them as methods of interrogation and not as methods to protect the security of the interrogation facility.

the toilet only when it suits them. Once, when I asked to go, they didn't take me, and I had to go in my pants.

Several times, they put me in *shabeh* in the interrogation room. I was alone. The chair is like the one in the corridor. They turn on the air conditioner full blast, and you feel as if you are in a freezer.

Shabeh continues all the time. From Friday night to Sunday morning they put you in a cell to sleep, and even then an interrogator comes now and then, and takes you for interrogation once or twice.

From the testimony of Falah Abu Rumeileh:

The front legs of the stool being shorter than the rear legs, it is impossible to sit for even a second in a comfortable position, and you are always making sure you don't slip off the flat seat because of the seat's angle.

Shabeh succeeds in doing what it was designed for: prevent the body and mind from sleep and rest. The body hurts all the time, the muscles and flesh hurt. Intense pain develops in the lower part of the body, which is constantly sliding and rubbing against the chair. The hands and legs swell up, and the whole body hurts. The pain is especially felt in the back because of the prolonged sitting in an abnormal position, and I still suffer from those pains... and I am still receiving medical treatment.

Ticking Bombs and Weekends Off

The SAO continuously argues that the GSS is allowed to deprive Palestinians of their sleep because the GSS is fighting the clock to thwart serious attacks. Par. 8 of the *Statement by the State Attorney's Office*, of 31 December 1997, submitted to the High Court in *Ghaneimat*, states:

As for the argument that the Petitioner is being held *many hours without sleep*, as was explained above, according to security officials, the Petitioner has vital information that must be obtained in order to thwart terrorist attacks. Under these circumstances, it is natural that the Petitioner undergoes intensive interrogation. Therefore, the interrogators do not let him sleep as he wishes... [emphasis in the original]

The document attorney Shai Nitzan provided to attorney Leah Tsemel, of The Public Committee against Torture in Israel, during the hearing on the petition before the High Court on 6 January 1998 indicates that, on part of the first weekend he was detained (on 14 November 1997), Ghaneimat indeed was deprived of sleep. However, during all *the seven weekends* that followed, the GSS allowed Ghaneimat to rest in his cell. During each of these seven weeks, the GSS deprived Ghaneimat of sleep, to one degree or another, *but only on weekdays*.

Ghaneimat's case is not unique. In *Mubarak*, mentioned above, the SAO argued successfully before the High Court a similar contention regarding Mubarak's claim that "the interrogators deprive him of sleep for prolonged periods of time":

Regarding this subject, it appears to us that the necessities of security, the reasons for which the Petitioner was detained, and the pressing need to prevent loss of life, as brought to our attention *in camera*, justified an intensive interrogation of the Petitioner in the way it was conducted...¹⁸

18. The quotations are taken from the High Courts decision, dated 17 November 1996, in this case. See the complete text in *Legitimizing Torture*, pp. 20-21.

In this case also, the GSS submitted a document setting forth the period of interrogation and of sleep deprivation. Here, too, there was a respite from sleep deprivation on weekends, and it was only used during the week.¹⁹ SAO documents in other cases and testimonies of interrogees portray a similar picture in most cases.

"Intensive interrogation," then, is rather peculiar. The lethal bomb ticks away during the week, ceases, miraculously, on the weekend, and begins to tick again when the interrogators return from their day of rest.

19. See *Ibid.*, where the document is presented in full.

3. Threats and Curses

Description

Interrogators use this method during the interrogation. They threaten to murder the interrogee, mentioning detainees who had died during interrogation or detention, and to harm his relatives. Some of these threats are of a sexual nature.

The State's Position

The SAO tends to ignore these complaints. However, the Landau Commission, in the disclosed portion of its report, which the government adopted, explicitly mentions threats as constituting a legitimate method of interrogation.²⁰

Testimonies of Interrogees

From the testimony of Nawwaf al-Qaysi:

They threatened me a lot. They said things like, "You're going to leave here dead," and "You are going to be held in administrative detention for three, four years." Another example is when "Major Shawki" said, "I killed Ibrahim a-Ra'i and 'Abd a-Samad Harizat." They told me they would bring my brother, 'Abd a-Nasser, who was in detention in Jericho, and would kill him. They cursed at me regularly. They said things like, "Your mother's cunt." "Your sister's cunt," and "We'll screw your mother."

From the testimony of Fu'ad Shamasneh:

They cursed a lot – particularly the interrogators Shevah, Yiftah, and Sefi (who only interrogated me once). They cursed my mother and my sister, using disgusting words. In addition, one of the interrogators said that this guy and that guy had died from interrogation, and that it is impossible to make it through interrogation without confessing.

From the testimony of N.S.:

Sometimes one interrogator questioned me, and sometimes there were two or three. After the first interrogation, they were not as nice. The interrogator "Dori" told me, "I am going to kill you just like I killed 'Abd a-Samad Harizat." They said they would

20. See paragraphs 3.15 and 4.20.

do nasty things to my mother and sister, and they threatened to arrest my relatives – my brother and my uncle, who is an imam at the mosque. They said that if I didn't talk willingly, I would be forced to talk, and that the same thing would happen to me that happened to Khalid Abu Diyah. They used the "good guy, bad guy" technique of questioning, but they all cursed and threatened me at one time or another.

4. *Qas'at a-Tawleh – Painful Stretching using a Table and Direct Pressure*

Description

This method has been used with increasing frequency during the past two years. The method combines a painful position with the application of direct violence by the interrogator, and is used during the interrogation itself. The interrogator compels the interrogee to kneel or sit down (on the floor or on the *shabeh* chair) in front of a table, with the detainee's back to the table. The interrogator places the interrogee's arms, bound and stretched behind him, on the table. The result is intense pain. Sometimes the interrogator sits on the table, his feet on the interrogee's shoulders, and pushes the interrogee's body forward, stretching his arms even more, or pulls his legs, creating the same painful effect.

Duration

Interrogators are liable to force the interrogee to remain in this position for hours, with the interrogators adding the direct pressure at will.

The State's Position

The state has not admitted to using this method. However, it has, as mentioned previously, admitted to applying pressure by compelling the interrogee to remain in various positions.

Testimonies of Interrogees

From the testimony of Nawwaf al-Qaysi:

Another method they used is called *qas'at-a-tawleh*. They had me kneel, my back to the table, my hands tied behind my back and my legs bound as well. The interrogator sits on the table,



"Qas'at a-Tawleh"

places his feet on my shoulders and pushes my back forward. They used this method several times during some fifteen days of interrogation. Each time, it lasted for about three hours, and from time to time, when the interrogator felt like it, he would push me with his feet for fifteen to thirty minutes, depending on the interrogator.

From the affidavit of Ma'mun Wazwaz:

They would tie me to a low chair that was tilted forward, my hands bound behind me and placed on a high table. Then they pulled my legs forward, which caused incredible pain. They would keep me like that for a period of half an hour to an hour and a half. After being kept like that, I couldn't move my arms and legs and couldn't even raise my hand to touch my mouth.

From the affidavit of 'Abd al-Rahman al-Ahmar:

This technique became the cornerstone of the interrogation. They bound my hands [behind me] with handcuffs tightened forcefully. The cuffs were clasped to another pair of handcuffs, and my hands were placed on a high table. They sat me on the small chair and put pressure on my shoulders forcing my shoulders forward (while he pulled the handcuffs in the opposite direction). They did this for a long time, from two to three hours.

5. Qambaz - the "Frog Position"

Description

The GSS uses this method during the interrogation itself. The interrogator compels the interrogee to kneel on his toes, his arms tied behind him. If the interrogee falls, the interrogator forcefully compels him to return to the position, at times by beating and kicking him.

Duration

Interrogators are liable to force the interrogee to remain in this position for hours, sometimes with breaks interspersed.

The State's Position

The State admitted to using *qambaz* as an interrogation method for up to an hour each time (see the table).

Total To From Date

מס' כ	עד שעה	ממ	תאריך
00:40	22:00	21:20	2.6.96
00:40	17:05	16:25	3.6.96
00:30	20:30	20:00	3.6.96
01:00	15:35	14:35	5.6.96
00:20	17:05	16:45	5.6.96
01:00	15:20	14:20	6.6.96
01:00	16:30	15:30	6.6.96
-----	-----	-----	-----
00:40	02:40	20:00	13.6.96
01:00	07:00	06:00	15.6.96
00:20	17:45	17:25	26.6.96
00:10	09:20	09:10	27.6.96
00:05	09:25	09:20	27.6.96

01:00 1.3

This GSS document states the periods of time Ahmad al-'Awaidah was compelled to kneel (qambaz). The State annexed this document, as Appendix R/2, to its Answer in Hanihan, 9 July 1996.



Gerstein

"Qambaz"

Testimonies of Interrogees

From the testimony of Fu'ad Shamasneh:

When you don't cooperate, he [the interrogator] forces you to do *qambaz*. In *qambaz*, you kneel over onto your toes, your hands tied behind you. If I tried to change my position, the interrogators beat me. *Qambaz* was a part of each interrogation. The duration varied. One time, the interrogator called "Captain Yiftah" forced me to kneel from ten at night to two in the morning. I saw the clock on the telephone on his table. While I was keeling, he would play a game on the computer, so each time I saw he was concentrating on the game, I would switch to a more comfortable position, and when he would look, I would switch back to the regular *qambaz*. He did not interrogate me.

From the testimony of Samer Ladadweh:

In the third week, the interrogators started to use *qambaz*. They started to interrogate me three or four times a day. The interrogator would ask me about something, I would say that I don't know, and he would say, "*Qambaz!*" When I could kneel no longer, he would grab me and tighten the shackles on my arms and legs until they bled.

From the testimony of 'Issam al-Halman:

They didn't accept it, bound my hands behind me and forced me to kneel [*qambaz*] over and over again for four to five hours. In *qambaz*, your hands are tied behind you, and you kneel on the front of your toes. Whenever I got tired and straightened up, one of them would grab my shirt, pull me, and force me to kneel again.

6. Violent Shaking

Description

In this method, direct, potentially lethal, force is applied. It is used during the interrogation itself. The interrogator grabs the interrogee, who is sitting or standing, by the lapels of his shirt, and shakes him violently, so that the interrogator's fists beat the chest of the interrogee, and his head is thrown backward and forward.

Duration

Violent shaking lasts for several seconds – up to five seconds according to testimonies – each time.

The State's Position

The state admits to using violent shaking as an interrogation method. In April 1995, 'Abd a-Samad Harizat died as a result of being violently shaken by GSS interrogators. Even though the state acknowledged this, and though it could not guarantee unequivocally that violent shaking would not cause deaths in the future,²¹ or even less severe injuries, it has continued to use this method.

Testimony of Interrogees

From the testimony of Nawwaf al-Qaysi:

They also used the method known as "al-Hazz" – shaking. They shook me three times over the course of one week. One of them occurred when I was sitting. "Cohen," who is a large man, grabbed my clothes below the collar and shook me forcefully. It lasted only a few seconds. The second time, "Adnan" shook me. I was standing. When he finished, I passed out and fell to the floor. They took me to the doctor. He gave me some oxygen, checked my pulse and gave me a pill. Immediately after that, they continued the interrogation. The third time, there were several agents – "Nadav," "Cohen," "Gilly," and "Dory." I was standing. "Dory" shook me, more gently than before, but it affected me severely, and I lost all sensation in my head.

From the testimony of N.S.:

They used violent shaking twice. I don't remember when it was. I sat on the chair, and the interrogator, who was strong, grabbed my shirt on both sides of the collar and shook me with great force, maybe five seconds each time. I felt my eyes rolling around in my head, and I couldn't speak.

21. See, for example, Respondent's answer in HCJ 4054/95, *The Association for Civil Rights in Israel v. Prime Minister et al.* In par. 23, the SAO states that, "The guidelines contain restrictions intended to guarantee that the danger inherent in the use of this method will be as small as possible." In par. 27, the SAO states that, "The expected life-threatening danger, as a result of shaking, of an individual interrogated by the GSS is rare." [our emphasis]



"Violent Shaking"

7. Slapping, Beating, Kicking, Causing Direct Pain by Use of Shackles, and the Like

Description

These violent methods are used during the interrogation. In addition to slapping, punching, and kicking, the interrogators tighten the shackles to cause pain greater than that normally suffered when remaining shackled for a prolonged period. One of these violent methods is where the GSS interrogator tightens the shackles and, grasping the shackles, drags the interrogee along the floor.

The State's Position

The state does not admit to using these methods. However, the Landau Commission also mentioned "a slap to the face" as being a legitimate interrogation technique.²²

Testimony of Interrogees

From the testimony of N.S.:

A big, strong interrogator came in during the third interrogation. He hit me in the stomach and face. Everything was done methodically, and not out of agitation. It was clear that he intended his blow to hit a certain spot. He said that the next time he would break my bones.

From the testimony of 'Issam al-Halman:

"Adnan" twice grabbed me by the throat while I was in *qambaz*. His thumbs were squeezing my throat, and he shook me. Each time they interrogated me they slapped me once or twice, but not very hard.

From the testimony of Fu'ad Shamasneh:

Once, it was around the eighth of June, at one a.m., I was on the chair in *shabeh* and the police officer took me to "Captain Sefi." The moment I entered, "Sefi" swore at me, kicked me in the thigh, and said to me, "Kneel!" I refused. I was tired. He beat me, grabbing me by the shoulders and smashing them into the wall. When he did that, the handcuffs that bound my hands behind my back would hit the wall and squeeze my wrists. I thought they were bursting... Then he put the sack on my head

22. Par. 3.15 of its report.

again and dragged me forcefully by pulling the sack. He did it so hard that the sack tore...

They used *qambaz* in every interrogation. Once I refused, when "Captain Shevah" was interrogating me. "Shevah" brought his chair, which is high, and forced my head between his legs. He did this three times during that one instance. The first time, I fell forward and my head hit the floor. The second and third times, he pulled my [bound] hands behind me to force me to kneel. The third time I felt my arm tear, and heard a clicking sound. I shouted, and he stopped. My arm hurt for some twenty days after that, but they did not call for a doctor.

From the testimony of Nawwaf al-Qaysi:

In another method, the interrogator fastened the handcuffs on my forearm, close to the elbow, my arm behind my back, and tightened the handcuffs as tight as possible, stopping the blood flow to the forearm. The interrogator would squeeze my fingertips, which would cause my head and hands to hurt a lot. During one of the four times they did this, I vomited.

8. Other Methods

In certain cases, the interrogators used a variety of other techniques to cause the interrogees pain and suffering. The following are segments from the testimony of Nawwaf al-Qaysi, which describe some of these techniques:

They started to use several new methods during interrogation. One was called *al-qas'ah*. In this technique, the interrogators, two or three of them, would sit me on a high stool, of the height of a regular chair. The stool was about 50x25 cm and was fastened to the floor. They compelled me to lie on my back, such that my neck and head had no contact with the stool. My hands were cuffed behind my back, and my pelvis and legs were extended over the other side of the stool, my legs shackled.

Remaining in this position places enormous pressure on the spine, especially in the pelvis area, and on the stomach muscles. It also places pressure on the head, since all the blood flows toward it. Three times an interrogator bent my body backwards even more, which increased the pressure. I don't remember how many times they used this method, but it was more than once or twice. It lasted for ten minutes sometimes, and other times for fifteen minutes.

In another method, they tie your legs to your hands behind you, and leave you lying on the floor for one, two, or three hours, however long they want. They used this on me two or three times. It is a bit difficult to remember when and how many times they used each method.

In another method, the interrogator would cover my head with the same sack used in *shabeh* and tie it at the bottom, so that no air gets in. Sometimes he moistened the sack, which made breathing difficult. Moistening the sack also made the stench, which was already bad, terrible.

B. Frequency of the Use of Torture – Data of HaMoked: Center for the Defence of the Individual

In the framework of its prisoner's rights project, in 1996 and 1997 HaMoked handled 155 cases of Palestinians interrogated by the GSS. Since the project deals with various aspects of detention and interrogation, there are clear data on interrogation methods only as to 109 of these cases. Of them, ninety-three, some eighty-five percent, were tortured, i.e., the methods used against them during interrogation included, *at least*, painful binding, sensory isolation, and sleep deprivation, which comprise the combination of methods known as *shabeh*.

C. Do these Methods constitute Torture?

As mentioned previously, the Convention against Torture defines torture as the "intentional infliction of severe pain and suffering."

State officials, in particular the SAO, argue that GSS interrogation methods "do not constitute 'torture' (within the meaning of the Convention against Torture)."²³ On the other hand, human rights organizations have for a long time contended that these methods indeed constitute torture. Now this contention is no longer limited to human rights organizations. In May 1997, the UN Committee Against

23. HCJ 8049/96, *Mahmud 'Abdel 'Aziz Hamdan v. General Security Service*, par. 5.

Torture²⁴ reviewed a special report submitted by Israel.²⁵ Israel's representatives appeared before the Committee and defended the legality of GSS interrogation methods. Nevertheless, upon completing its review, the Committee reached an unequivocal conclusion:

It is the position of Israel that interrogations pursuant to the "Landau rules" do not breach prohibitions against cruel, inhuman or degrading treatment as contained in article 16 of the Convention against Torture and do not amount to torture as contained in article 1 of the Convention.

However, the methods of interrogation, which were described by non-governmental organizations on the basis of accounts given to them by interrogatees and appear to be applied systematically, were neither confirmed nor denied by Israel. The Committee, therefore, must assume them to be accurate. These methods include: (1) restraining in very painful conditions, (2) hooding under special conditions, (3) sounding of loud music for prolonged periods, (4) sleep deprivation for prolonged periods, (5) threats, including death threats, (6) violent shaking, and (7) using cold air to chill; and are in the Committee's view breaches of article 16 and also constitute torture as defined in article 1 of the Convention. This conclusion is particularly evident where such methods of interrogation are used in combination, which appears to be the standard case.

The Committee acknowledges the terrible dilemma that Israel confronts in dealing with terrorist threats to its security, but as a State Party to the Convention against Torture, Israel is precluded from raising before this Committee exceptional circumstances as justification for acts prohibited by article 1 of the Convention. This is plainly expressed in article 2 of the Convention.²⁶

24. The Committee Against Torture, composed of ten experts, was established pursuant to the Convention Against Torture. The State Parties, among them Israel, accept the authority of the Committee to interpret the convention, and submit to it periodic reports on their implementation of the convention.

25. See BTselem, *Legitimizing Torture*, pp. 18-19, and its appendixes.

26. CAT/C/SR.297/ADD.1, *Conclusions*, paragraphs. 4-6.

The UN's Special Rapporteur on Torture, Prof. Nigel Rodley, had already reached a similar conclusion.²⁷ In his report for 1997, Rodley, a leading expert in this field, wrote:

The following forms of pressure during interrogation appear so consistently (and have not been denied in judicial proceedings) that the Special Rapporteur assumes them to be sanctioned under the approved but secret interrogation practices: sitting in a very low chair or standing arced against a wall (possibly in alternation with each other); hands and/or legs tightly manacled; subjection to loud noise; sleep deprivation; hooding; being kept in cold air; violent shaking (an "exceptional" measure, used against 8,000 persons according to the late Prime Minister Rabin in 1995). Each of these measures on its own may not provoke severe pain or suffering. Together – and they are frequently used in combination – they may be expected to induce precisely such pain or suffering, especially if applied on a protracted basis of, say, several hours. In fact, they are sometimes apparently applied for days or even weeks on end. Under those circumstances, they can only be described as torture...²⁸

Israel's argument that the GSS methods do not constitute torture according to the legal definition of the term, i.e., as stated in the Convention against Torture, is thus refuted.

Even without relying on the expert, common sense dictates that compelling an individual to withstand, for days and weeks, a combination of isolation, threats and degradation, sensory isolation, painful binding, exposure to cold, sleep deprivation, and periodic kneeling or remaining in extremely painful and tiring positions, violent shaking, and beating, can be defined as nothing less than torture. Israel, on the other hand, argues that the effect of these methods can be described by the term "unpleasant."²⁹

Israel's argument fails in both aspects – the legal and the logical.

27. The institution of "Special Rapporteur" is not linked to a particular convention. The rapporteur is appointed by the UN Commission on Human Rights and is charged with handling worldwide human rights problems, such as extra-judicial executions and problems of children during wartime, or with a problem related to a specific state or region, such as Rwanda. The Special Rapporteurs request information from the relevant states, including information on individual cases, and submit an annual report to the Commission.

28. E/CN.4/1997, 10 January 1997, par. 121, p. 29.

29. Attorneys Arad and Nitzan used this description in their statement before the Committee Against Torture, par. 3.

Section Two

Torture of 'Omar Ghaneimat, April-June 1997

This section illustrates, by means of a sample case, the operation of the system of torture in Israel, and of the systems enabling and justifying torture and defending the perpetrators. This will be done by presenting the victim's testimony and through documents describing the judicial handling and medical ramifications of his case.³⁰

A. Description of the Case

'Omar 'Abd al-Rahman Ahmad Ghaneimat, 45 years old when detained, resides in Surif village, Hebron District. He is married and the father of seven, and transports workers for a living.

Ghaneimat was arrested at his home on 10 April 1997. On 13 April, he was taken to the Russian Compound, in Jerusalem, for interrogation. Ghaneimat was tortured during interrogations that lasted forty-five days, until 27 May, when attorney Pacheco visited him. On 28 May, Pacheco petitioned the High Court on his behalf.³¹ The High Court heard the petition the following day. At Pacheco's request, Ghaneimat was present at the hearing. The signs of torture on his body were clearly visible.

At the hearing, GSS agents illustrated, *in camera*, some of the means of torture they had used in interrogating Ghaneimat.³² In its decision, the High Court directed the Department for the Investigation of Police (DIP), of the Ministry of Justice, to investigate the "detainee's contentions of abuse," and to submit its findings to the court.³³

30. Ghaneimat's case is being handled by attorney Allegra Pacheco and the Palestinian human rights organization LAW. B'Tselem received all the documents presented here from attorney Pacheco, for which we thank her.

31. HCJ 3282/97, *'Omar Ghaneimat v. Minister of Defense et al, Petition for Order Nisi and Interim Injunction*.

32. See testimony of Ghaneimat. In the application to the High Court filed on 21 November 1997, attorney Pacheco mentions that GSS agents demonstrated at the hearing how they compelled the detainee to lie on his back with his hands cuffed behind him. *Statement on behalf of the Petitioner complaining about the Document filed by Respondents*, par. 7a.

33. See the protocol of the hearing and the High Court's decision, below.

The interrogation continued for an additional ten days, during which the interrogators used relatively less abusive interrogation techniques. On 9 June, an indictment was filed against Ghaneimat. In a plea-bargain, Ghaneimat admitted to concealing a rifle he had received from an Israeli "on or about August 1994." He was sentenced to ninety days' imprisonment, commencing on the date of his detention. He was required, therefore, to remain in prison for only an additional three weeks. He was also placed on probation. On 8 July, Ghaneimat was released.

On 29 May, DIP investigators interviewed Ghaneimat and photographed his wounds.³⁴ On 8 June, attorney Pacheco applied to the High Court to receive a copy of the DIP report,³⁵ and on 31 July, the High Court ordered that, "Respondents respond [to the application] within five days." On 24 August, attorney Eran Shendar, director of DIP, detailed the findings of his examination in a letter to attorney Pacheco. Shendar held that, since "the findings did not indicate any deviation from the procedures, I did not find it appropriate to recommend that action be taken against any of petitioner's interrogators."³⁶

On 19 November, the High Court gave the Petitioner seven days to inform the court "if he is satisfied with the Respondents' response, making the application superfluous." Attorney Pacheco responded³⁷ that the censured version provided to her was unsatisfactory,³⁸ and demanded (in par. 5) "a copy of the report with its conclusions, and not a one-sided summary." Pacheco also demanded (in par. 9) "a copy of the report of the Department for the Investigation of Interrogees' Complaints (DIIC), photos of the body of the Petitioner, and the medical reports that the DIIC relied on in reaching its conclusions."

The SAO and the High Court have not yet responded to attorney Pacheco's last request.

34. See Ghaneimat's testimony and the *Findings of the Investigation of the Interrogation of 'Omar 'Abd al-Rahman Ahmad Ghaneimat*, par. 5.

35. HCJ 3282, *Application to receive the Report of the Director of the Department for the Investigation of Police*.

36. See the findings of the examination, below, par. 22.

37. *Statement on behalf of the Petitioners complaining about the Document filed by Respondents*, 21 December 1997.

38. In the *Response on behalf of the State Attorneys Office*, dated 31 August, attorney Shai Nitzan, of the SAO, stated, in paragraph 2, that following censoring of confidential details from the report a detailed letter, including findings of the review (except for confidential details), was provided to Petitioners attorney."

On 22 November, Ghaneimat underwent a knee operation at al-Hussein Hospital, in Bethlehem, to treat a tear in the medial meniscus of his left knee, a result of the continuous kneeling the GSS interrogators forced upon him during detention.³⁹ He is currently receiving physiotherapy for his injuries.

B. Interrogation Methods used on Ghaneimat

1. Binding him in painful positions, on a low chair, for prolonged periods
2. Covering his head with a sack for prolonged periods
3. Playing loud music for prolonged periods
4. Depriving him of sleep for prolonged periods
5. Exposing him to extreme cold by means of an air-conditioner ("refrigerator")
6. Holding him in unsanitary conditions
7. Cursing and threatening him, included death threats
8. Forcing him to kneel in the "frog position" (*qambaz*)
9. Punching and kicking him
10. Shackling him in a painful and injurious manner, including tightening the shackles and rubbing them against his body
11. Forcing him to lie on the ground and ill-treating him, including dragging him along the floor by the shackles

These techniques were mostly used in combination. For example, the interrogators deprived him of sleep and of his sensory perceptions (by covering his head and playing loud music) while at the same time he was tied to a low chair in a painful position, shackled so tightly that he was injured as a result, and held in unsanitary conditions. The suffering Ghaneimat underwent as a result of the more direct violence (compelling him to kneel, punching and kicking him, and ill-treatment while he was lying on the floor) was aggravated because the interrogators did not allow him to sleep properly for days and weeks, deprived him of his sensory perceptions, etc.

39. See medical opinion of Dr. Jabber, p. 54.

C. Testimony of Ghaneimat

Testimony of 'Omar 'Abd al-Rahman Ahmad Ghaneimat

The testimony was given to Yuval Ginbar on 29 August 1997 at Ghaneimat's home

Soldiers and GSS agents came to my house and detained me at 5:30 a.m. on 10 April 1997. They tied my hands, blindfolded me, and took me, together with seventeen others they had detained, to Kfar Etzion. They kept us there until Saturday [12 April] without questioning us.

On Sunday [13 April] night they took me, alone, to the Russian Compound [Jerusalem Police District headquarters]. They took my picture and gave me a physical examination. I don't know if it was a doctor or a medic who examined me. He asked me to undress, checked me, and asked me if I had any medical problems. I had undergone an ulcer operation, the sign of which he saw during the examination, and that was the only problem.

Then they put me in *shabeh*. That is, they had me sit on a chair about 25cm high that is chained to the floor. One leg of the chair is shorter than the others, so the chair is unstable. They shackled my hands behind the back of the chair, and my legs, and put a sack over my head. The shackles are metal. The first day they did this, I felt something drip on me, and the next day I saw that it had been the vomit of a previous detainee. They played music so loud that I couldn't figure out what it was. Sometimes the chair was really smooth, and I would slide downwards whenever I dozed off to sleep. Anyway, like I said, it wasn't straight. They kept me in *shabeh* for forty-eight hours, not counting interrogations and meals.

The meals are provided at 7:00 a.m., at noon, and at 5:00 p.m. A policeman comes in, removes the shackles and takes you to a cell with bathroom facilities. The cell is about 2.5x2.5 meters. The toilet is a hole in the middle of the floor. There is a shower and a chair, on which the detainee sits and places his serving tray on his knees. Breakfast is comprised of an egg, bread, and jam. That's it. Lunch is rice, maybe a bit of tuna or cold cuts, and a tomato. No fork, spoon or knife is provided. We eat with our hands. There is a faucet to wash our hands. For supper, we get a cucumber, a tomato, something like that. On Independence Day, they gave each of us a chicken wing, and did not interrogate us at all.

They give you three to five minutes to eat, after which the policeman bangs on the door and says, "On with it," and we have to go.



'Omar Ghaneimat, in a photograph taken during the High Court hearing on his petition, 29 May 1997. Photo: David Mizrahi, Ha'aretz

The first time they let me shower was after I had been there for five days. They gave me soap and a towel but not a change of clothes. They let me shower every five days, and they kept a record of it. They did not let me change clothes for the entire sixty-seven days I was there.

If you need to use the bathroom, they only grant permission after you have requested two or three times.

They employ *shabeh* in all types of places. There are chairs placed away from the wall, there is a "closet," which is about 80x80 cm, with a curtain in front and behind it a metal pipe to which they tie your hands. The "closet" is the best place for *shabeh* because you can lean on the walls and catch some sleep.

Sometimes *shabeh* is in the corridor, sometimes alongside the door of the interrogation room. You can hear people being tortured and shouting and crying, and you become frightened. At times they put you in *shabeh* inside the interrogation room. They finish the interrogation at night, and the interrogator wants to go home. If he leaves you in the office, he takes off the sack. But you remain tied to the chair, and the music in the corridor continues, though you don't hear it quite so loud. But there they also employ the "refrigerator" method. They sit you down in front of the air-conditioner and turn it on full blast. Once, I sat like that from Thursday evening until Tuesday, because Monday [12 May 1997] was Independence Day. I really froze. I requested the policeman to adjust the temperature, but he said that he couldn't because that was the interrogator's order.

After I hadn't slept for forty-eight hours, they let me sleep for two to three hours. It stayed that way throughout. On weekends too they kept me in *shabeh*, but did not interrogate me, except for one Saturday. Prior to my petition to the High Court, I slept only one full night in my cell, the night before they took me to take the lie-detector test. I was in the cell two other times, but not all night. The other times they put out a mattress and blanket for me in the interrogation room, undid the shackles from my hands, sometimes my feet, and let me sleep – for two to three hours, as I said.

You know it is morning when they give you the egg. You know it is evening because after five or six there is less commotion and people.

The police do what the GSS agents tell them to do. The interrogators complete the interrogation and then call the policeman and explain to him how and where to place me in *shabeh*.

The policemen's behavior varied. Sometimes the officer would treat me nicely, handle me gently, hold the sack, and lead me gently to eat, and then the next day, the same police officer would treat me lousy. I can't believe that the difference doesn't result from instructions they are given. But they did not beat me.

The first interrogation was, I think, on Monday [14 April] afternoon. They took me into a room and put me in *shabeh*. There was one interrogator – "Ami." The first interrogation was pleasant and gentle. He provided water if requested, and the like. "Ami" asked me what I know about 'Izz a-Din al-Qassam. He said that I was a member. I said that I wasn't. I was in the interrogation room from about 11:00 a.m. to 7:00 p.m. It was like that each day. The interrogator would come and go. Two, three weeks were like that, gentle. But there were threats that they would detain me for ninety days, and then for another sixty. But "Ami" did not curse at me, for example.

After about two weeks, "Jan" started to interrogate me. He questioned me for about two weeks, maybe more. Not one clean word left his mouth. He cursed at me, using every curse known. He forced me to do *qambaz*.

In *qambaz*, the interrogator places me facing him and compels me to kneel on my toes. Each time I fell over, he would kick me in the thigh, and sometimes grab my cheeks or ears and tell me to get up. Each *qambaz* lasted about an hour, and each time he would mark it down on paper. Each day I was interrogated, I would have to do *qambaz* from three to five times. Sometimes he would lean over the table and grab me by the ears.

All the questions dealt with 'Izz a-Din al-Qassam – whom I met, whom I contacted. At the end of the two weeks, "Jan" told me they were going to give me a lie-detector test. They put me in a cell, and I slept like a prince. The next day, they gave me the test. I did not want to take the test, but the interrogation officer compelled me, and that is what I wrote on the document. They asked me four questions, including a question about my nephew 'Abd, who had been detained by the Palestinian Authority. The examiner said that I had lied in response to two of the questions.

Then the military interrogation began. An interrogator named "Tareq" told me that I would undergo military interrogation, and that was about five weeks into the detention.

Military interrogation means non-stop interrogation. "Jan," Tarek," "Marco," "Adnan," and "Mufaz" were the interrogators. Sometimes they interrogated me all at once, and at times one would enter as another left. The interrogation sometimes lasted until just before 3:00 a.m. They fed me during the interrogation. As for sleep, it was the same – three hours every forty-eight hours.

The interrogation included several types of torture. *Qambaz* in military interrogation is when they make you stand alongside the wall, legs tied and hands tied behind your back, and force you to bend your knees while keeping your body straight, and to stay in that position for about thirty minutes. If you fall, they force you to get up, kicking and beating your legs.

They would put handcuffs on my forearm, about fifteen centimeters from the palm of my hand, my hands behind my back. The interrogator would fasten them so tight that the blood wouldn't flow. I was standing all the time, my legs shackled. He would push and pull the handcuffs. My hands swelled up terribly. "Marco" was the one who mostly did this.

"The Ticking Bombs" - where are they now?

The SAO often argues before the High Court the frightening claims of "the ticking bomb" type to justify violent interrogations by the GSS. Most of these cases, it turns out, were totally unsubstantiated. Some examples follow.

a. a-Zaghel

In a hearing on the petition in *a-Zaghel*, held on 24 March 1996, attorney Nitzan, senior assistant to the State Attorney, stated:

We wrote in this case that six persons say that he is active in a military organization... six persons, not just one. We don't have confessions covering everything, but it is clear to us that this is a person about whom six persons say he is active in an Islamic military organization, and he denies it.⁴⁰

In another hearing on the same matter, held on 27 March 1996, attorney Nitzan stated:

The reality is that suicide attacks are occurring, and we have here an individual about whom the GSS says, "This person, if he talks during interrogation, can prevent terrorist attacks."⁴¹

The authorities administratively detained a-Zaghel on 7 April 1996 and released him on 12 September 1996.⁴² No charges were filed against him. None of the "six persons" were brought to testify that a-Zaghel is "active in an Islamic military organization," or is planning any terrorist attack.

b. Hamdan

In November 1996, the GSS and the State Attorney's Office persuaded the High Court (HCJ 8049/96, *Muhammad 'Abd al-'Aziz Hamdan v. General Security Service et al*) to allow the torturing of Hamdan to continue. In their decision, the justices stated:

After having studied the classified material presented to us, we are satisfied that the Respondent indeed possesses

40. Page 3 of the protocol of the hearing.

41. *Ibid.*.

42. Regarding the arbitrariness of administrative detention of Palestinians, see B'Tselem, *Prisoners of Peace: Administrative Detention during the Oslo Process* (July 1977).

information that could substantiate a substantiated suspicion [sic] that the Petitioner possesses extremely vital information, the immediate procurement of which would prevent an awful disaster, would save human lives, and would prevent very serious terrorist attacks."⁴³

Hamdan was subsequently administratively detained and was released after ten months. He was never charged with any criminal offense, not even with being a member of an illegal organization, not to mention placing a "ticking bomb."

c. Mubarak

In its decision in *Mubarak*,⁴⁴ the High Court stated that in an *in camera* hearing, it had been informed that there was a "pressing need to prevent loss of life."

In this case, too, the petitioner was never prosecuted for any offense, and was released after a period of administrative detention.

This policy is also reflected in the use of violent shaking, which is supposed to be used only in cases of extreme danger. In the cases handled by HaMoked: Center for the Defence of the Individual over the past two years, GSS interrogators violently shook at least twenty-four Palestinians. Of these, eleven were not indicted for any offense and no legal proceedings were initiated. Nine others were released after being detained or imprisoned for several months. Two were sentenced to imprisonment exceeding one year, and in two cases, the legal proceedings against them have not yet been concluded.

43. Decision of 14 November 1996, par. 6. The petition was filed by HaMoked: Center for the Defence of the Individual, represented by attorney Andre Rosenthal.

44. Decision of 17 November 1996.

"Jan" told me, "I am going to see to it that you leave here either crazy or paralyzed." "Tareq" told me, "I was the one who killed 'Abd a-Samad Harizat [detainee who died as a result of being shaken by the GSS in April 1995]. He showed me a news article about Khalid Abu Diyah [who died from a beating at Sharei Zedek Hospital] and said, "I interrogated him, and when he was in poor shape, they took him to the hospital."

They had me lie down on my back, my hands cuffed behind me. They put the *shabeh* chair above me. One interrogator would hold down my shoulders with his feet. Another would sit on the chair, press my arms down with his feet, grab my shirt and pull me towards him. They wrote down everything, each interrogator writing what he did and signing it. They did this each day three, four times, each time for about an hour. Blood and pus would flow as a result of the interrogator scraping his shoe along my arm.

"Marco" showed the High Court how the interrogators laid me down on the ground. He used a GSS agent for the demonstration and mentioned that they placed cuffs on the forearms and later removed them.

On three occasions, while I was on the ground like that, "Marco" grabbed the shackles on my legs and dragged me along the floor. "Tareq" once kneed me, breaking one of my ribs. When I complained about the pain, they let me talk by phone with a doctor from Hadassah Hospital. She spoke to me in Arabic and said that it sounded as if I had a broken rib.

Everything was planned and methodical. The military interrogation lasted for about ten days. Then attorney Allegra Pacheco came to visit me. She asked me about the cause of the swelling, and I told her.

The next day, the interrogation changed. They let me shower and shave. The interrogation went on, but it was nonviolent. They took me, that same day, to the Supreme Court. That day, someone from the Justice Ministry came and took pictures of my hands and legs and asked me about the interrogation.

Ten days of interrogation followed. They put me in *shabeh*, but less than previously. They had me stand a bit with my hands tied to a pole. At night, I was in a cell, the interrogations were very short and nonviolent, and I sat on a regular chair.

Then they put me in a cell and did not question me. They tried me and I was sentenced to three weeks' imprisonment (in addition to the period of interrogation) for possessing a weapon in 1993. I was not accused of being a member [of an illegal organization.] After the trial, they kept me three days in a cell in Jalameh [Kishon Prison], and then at Megiddo. They released me on 8 July.

When first detained, I weighed eighty-seven kilograms. When I was released, I weighed no more than seventy, and that even after my condition had improved during my stay in Megiddo.

My chest still hurts a bit, I am unable to sit on a chair, and I lost sensation in my forearms. Were I to meet "Marco," I would invite him for a cup of coffee. I wouldn't beat him. Two wrongs don't make a right.

The following comments of attorney Allegra Pacheco, who was present when Ghaneimat gave the above testimony, were given to B'Tselem on 14 September 1997.

I saw him [Ghaneimat] on 27 May 1997 for the first time. It was two days after I had returned from abroad. Apparently he had told the Red Cross to tell his family not to visit. Another lawyer, from Surif, contacted me.

I visited him at the Russian Compound. His arms, hands, and feet were extremely swollen. He had open wounds with pus discharge on his arms and legs, and cuts from the tightly-bound shackles. The cuts were deep, and along his arms the cuts were larger, round cuts of 3X5 cm reaching up to his elbows. The shackles on his legs had also cut him. He had open wounds and red marks on his back. On his right forearm, he had an open wound from which blood and pus flowed.

On 28 May, I petitioned the High Court of Justice. In addition to the claim against the General Security Service, I also included a claim against the Police Force for matters related to medical care. I requested an urgent hearing and that the petitioner be brought to the hearing.

The petition was heard on 29 May. 'Omar testified. We requested that the GSS agents leave the courtroom. Barak [Chief Justice A. Barak] told 'Omar not to be afraid, but he responded, "You don't have to go back to the interrogation rooms." They left and 'Omar testified. The High Court refused to hear the matter *in camera* at this stage, but when the GSS agents returned, after a lengthy discussion, the hearing was held behind closed doors, with 'Omar and me present. The GSS agents' version differed from 'Omar's. I am not permitted to say what happened, but 'Omar's description of what the GSS agents demonstrated in court is accurate. The justices wanted to know how 'Omar had received marks on his back.

The day after the hearing, officials from DIP photographed 'Omar and said they would send a physician. They hardly interrogated him after that. On 5 June, his detention was extended. The indictment was filed on 9 June. We plea-bargained, and he was released after three weeks.

D. Protocol of the High Court Hearing, 29 May 1997

In the Supreme Court, sitting as
the High Court of Justice

HCJ 3282/97

Before: The Honorable Chief Justice A. Barak
The Honorable Justice A. Goldberg
The Honorable Justice D. Beinisch

'Omar 'Abd al-Rahman Ghaneimat

v.

1. Minister of Defense
2. General Security Service
3. Israel Police Force

Application for *Order Nisi* and Interim Injunction

Date of hearing: 29 May 1997
Reporter: Sharon Van Ambadan
For the Petitioner: Attorney A. Pacheco
For Respondents: Attorney Shai Nitzan

Protocol

A. Pacheco: I want the defendant to speak, but he is simply afraid of that man sitting here in the courtroom.

S. Nitzan: I want to make two points about this petition being different from others. I checked and found that the main points presented are not tangible. His allegations are baseless. They did not beat him, they did not cause him open wounds. I have two medical certificates of 25 May. Both indicate that the petitioner does not require any medical treatment. He had marks from the shackles. The second point is that, according to substantiated information in the possession of the GSS, the petitioner is a [member of] an active faction of Hamas.

The primary things [methods] were not employed in the past. I am willing to explain why I request that the hearing be held *in camera*. In response to the Honorable Justice's question – in principle, there is a decision approved by the court to maintain confidentiality of statements. What he [the Petitioner] is saying is not the truth. The

reason for an *in camera* hearing is that there are certain things that are [not] allowed to be made public. The reason is to prevent interrogees from preparing for the interrogation and from knowing what to expect as the interrogation continues. As a rule, everyone can tell stories that are not the truth. If all interrogees were to tell the truth, there would be no rationale for concealment. When some detainees lie, everything becomes unclear, and the State does not know how to respond, or what to expect. There are some documents or an authorized department to check on how GSS interrogators act during interrogations. I am unable to say if progress is expected in the interrogation. The situation would remain the same. This is not the first petition. There is nothing to do for the future.

A. *Pacheco*: You do not have to "inflate" what happened during the interrogation. His hands are visibly swollen and his legs, too, are swollen from beatings. Earlier, his hands and feet were more swollen, and he suffered pus discharges. These marks did not come from the shackles. How can the marks have reached the elbows? He has breathing problems, and the doctor gave him a cream. The problem is internal, not external. Use of torture and physical pressure is absolutely prohibited. He was clearly maltreated. He was interrogated for forty-nine days. This is not the beginning of the interrogation, and all the claims about the ticking bomb are totally irrelevant at this stage. They have stopped using these methods at the present time. I am trying and requesting that use of these means of interrogation be prevented. I request that the petitioner be allowed to speak, so that he can tell exactly what happened to him.

I'd like to add that my colleague's commitment is not clear to me. The marks on the petitioner's hands and legs did not result solely from the shackles, and I want a commitment that they will not use violence and pressure. I have time to renew the petition to the High Court. The Petitioner is not young at 45. I have his affidavit, and he is very frightened.

Testimony of the Petitioner: They subjected me to intense torture. At first, they forced me to remain in uncomfortable positions. This resulted in knee pains that I continue to suffer. They forced me to lie on my back, with my hands bound behind me, and the interrogator placed a chair above my chest and knee and sat on it. The interrogators tied the ends of the shirt of the petitioner in front and dragged and pulled him. The interrogators treaded on my elbows. I screamed in pain. I asked for water, and they gave me a little bit to drink. They tortured me each time. I couldn't move. Another interrogator pulled my legs, and my back still hurts. My shouts did not help, nobody came to help. They put small cuffs on my arms, until they bled. They twisted my arm behind

me. I've lost all hope. I am afraid I'll go crazy. I have seven children. I have heart problems. In response to Chief Justice Barak's question, the pus from his wounds and the marks on his hands, elbows, and legs came from the interrogators' jumping on him with hard-soled shoes, and from the torture. I am currently suffering great pains in my chest. The doctor saw his hands. The Red Cross took him to the doctor. The doctors examined him. A nurse checked him this morning and gave him a cream. He confessed a week ago. They threatened him and said it would be worse in the future.

Note: The transition to the third person in the last few sentences appears in the original.

E. High Court Decision, 29 May 1997

**In the Supreme Court, sitting as
the High Court of Justice**

HCJ 3282/97

Before: The Honorable Chief Justice A. Barak
The Honorable Justice A. Goldberg
The Honorable Justice D. Beinish

'Omar 'Abd al-Rahman Ghaneimat

v.

1. Minister of Defense
2. General Security Service
3. Israel Police Force

Application for Order Nisi and Interim Injunction

Date of hearing: 29 May 1997
For the Petitioner: Attorney A. Pacheco
For Respondents: Attorney Shai Nitzan

Judgment

The Petitioner complains of bodily injuries he suffered during interrogation. We heard his contentions and saw him. We heard the comments of Mr. Nitzan, who denies the essence of the Petitioner's claims. We also heard the explanation given by the General Security Service interrogator. These explanations differ from those of the Petitioner. The Petitioner's claims of abuse must be examined. We direct the director of the Department for the Investigation of Police to examine the matter. Medical reports were filed with the court, and they will also be provided to the investigators. The report, which will be prepared with the appropriate speed and no longer than ten days from now, shall be submitted to us.

As for the future, we noted the statement of Mr. Nitzan that at this stage of the interrogation, no further physical means will be used against the Petitioner, and that there is no intention to use physical means against him in the future. All assuming that there are no dramatic developments in the interrogation.

The petition is denied.

Given today, 29 May 1997

Chief Justice

Justice

Justice

F. Medical Opinion – Dr. Salah Jabber, Orthopedist

Noor Orthopaedics Center & Physiotherapy
P.O. Box 12166, Jerusalem 91120, Shu'fat Al-Sahel

MEDICAL OPINION

Details on the provider of the opinion

- 1) Senior physician, Department of Orthopedics, Hadassah Hospital, Ein Kerem
- 2) Specialist in orthopedic surgery since 1994, Specialist's License no. 14012
- 3) Residency in orthopedic surgery, Hadassah Hospital, Ein Kerem, 1987-1994
- 4) Graduate of Monish University, Yugoslavia
- 5) Clinical physician of shoulder diseases and surgery, Nottingham City Hospital, England, 1996
- 6) Clinical physician of orthopedic trauma, Queen's Medical Hospital, England
- 7) Clinical physician of joint transplants, Department of Orthopedics, Perth Royal Hospital, Western Australia, 1995-1996
- 8) Arbiter on National Insurance Institute committees determining disability of persons injured in work-related accidents and road accidents

Name of person examined	'Omar 'Abd al-Rahman Ghaneimat
Date	20 December 1997
ID number	902152552
Age	43

History

The aforementioned states that he began to complain of pains to his left knee during detention from **9 April 1997 to 8 July 1997**. During the detention, he underwent prolonged and painful interrogation. He stated that he was held for weeks with his hands and legs shackled, his wrists tightly bound on both sides. He was held for weeks in extremely uncomfortable positions, which included, in part, being forced to kneel on his toes for hours, his hands and legs tightly

shackled, and to sit in painful positions on a stool, the front legs of the stool being shorter than the rear legs.

He stated that one time his two hands were bound while he was kneeling, his knees bent to more than **120 degrees**. He heard a click in his left knee, and felt excruciating pain in his knee accompanied by the sensation of the knee locking for weeks after the incident.

In addition, the manner in which his hands were tightly bound by handcuffs behind his back caused him extreme pain in his shoulders, swelling, and wounds to the wrist area of each of his hands.

Current Complaints

The examinee complains of pains in each shoulder, his lower back, left knee, and the palms of his hands. He has difficulty in performing his daily functions, is unable to stand or work. He has been undergoing rehabilitation since being released from detention.

Examination

Shoulders - local sensitivity to the shoulder girdle on both sides, limitation of movement of the two shoulders, accompanied by pain at the termination of the range of movement.

Back - local sensitivity above lumbo-sacral spine with limitation of movement flexion of spine, particularly upon forward flexion. Limitation of straight-leg rise of left leg, causing pain in lower back.

Palms of hands - swelling of **both** palms and the wrists on **both** sides, scarring in the region of the wrists with hyper-pigmentation of the skin. Decrease in the distribution of the superficial radial nerve.

Left knee - signs of arthroscopy of the frontal left knee, local swelling and sensitivity at the knee level. Limitation of extension and flexion of the knee. On 22 November 1997, the examinee underwent an arthroscopy of the left knee, which showed a tear of the medial meniscus, and underwent reparation and partial removal of the medial meniscus.

X-ray of the lumbo-sacral spine - no findings of fracture

X-ray of the two wrists - no fractures

X-ray of left knee - no findings of fracture or dislocation

Discussion and Conclusions

This opinion relates to a **forty-three** year old man suffering from pains to his left knee, **two** shoulders, and wrists after a period of detention during which he was held with his hands and legs tightly shackled, was forced to kneel with his two knees bent for many hours. I am of the opinion that these positions, as described, could cause damage to the meniscus of the knee, as occurred in this instance.

The damage to the meniscus was partially repaired. It is known that this type of injuries may lead to development of degenerative changes to the knee in the future.

I am of the opinion that the damage caused to the examinee has a medium-level effect on his general ability to function.

I estimate his permanent disability to be **ten percent** under section **48(2)g(1)**.

This medical opinion is provided for submission as evidence in court, and I hereby declare that I know well the provisions of the criminal law regarding false testimony in court. This opinion, when signed by me, is tantamount to testimony given under oath in court.

Dr. Salah Jabber
Orthopedic Surgeon

G. Medical Opinion - Dr. Lee Cranberg, Neurologist



LEE D. CRANBERG, M.D.
Clinical Instructor in Neurology
Harvard Medical School



AFFIDAVIT

1 I am a United States physician licensed to practice medicine in the state of Massachusetts

2 I was born in Des Moines, Iowa, U.S.A. I received a B.A. degree (magna cum laude, Phi Beta Kappa) in 1974 from Washington University in St. Louis and an M.D. degree in 1978 from the University of Iowa. My internship (1978-79) and my residency in neurology (1980-83) were both at the University of Iowa. I did a fellowship in behavioral neurology (1983-85) at Boston University.

3 I am board certified in neurology by the American Board of Psychiatry and Neurology.

4 For the last 13 years I have been a Clinical Instructor in Neurology at Harvard Medical School, where my responsibilities include teaching neurology, psychiatry, and neuroscience to second-year medical students. For the past 13 years I have also been engaged in the private practice of neurology.

5 I have frequently performed disability and prognosis evaluations of individuals claiming neurological disability. Such evaluations apply medical expertise to scrutinize the credibility of the claims and to screen for false claims. I have reported my findings in affidavits to the court and/or in expert testimony.

6 I examined an individual reportedly tortured during imprisonment in his home country and then provided expert testimony about his condition to the United States Immigration and Naturalization Service at his hearing for asylum.

7 I have also provided expert testimony in several jurisdictions on various other neurological/medical matters, including personal injury, damages sustained by the victim of a criminal assault, testamentary capacity, competency, and criminal responsibility.

8 I participated in a 1993 on-site investigation and examination of prisoners suspended by their wrists at the Onondaga County (New York) Jail and co-authored a report of the findings (Traver J, Cranberg L, Stever E, Forbes N. *Cruel and Inhuman Treatment: The Use of Four-Point Restraints in the Onondaga County Public Safety Building, Syracuse, New York*. Boston, Mass: Physicians for Human Rights, 1993). As a result of having been suspended by their wrists, many of the prisoners sustained damage to various nerves in their hands.

9 Outside of the United States, I have practiced medicine in American Samoa (1979-80), at a Cambodian refugee camp (Sa Kao camp) along the Thai-Cambodian border (1980), and as a consultant neurologist at Aldo Chavarria Rehabilitation Hospital in Managua, Nicaragua (1990)

10 On December 19, 1997 in Bethlehem I interviewed Mr. Omar Ghanimet and performed a neurological examination of him

11 Mr. Ghanimet reported that while he was in Israeli custody, very tight handcuffs were applied across his distal forearms for a prolonged period and that consequently he developed pain and paresthesias in both distal upper extremities and a hyperpigmented lesion in the left forearm

12 Examination of his left upper extremity revealed that on the posterior aspect of the left forearm there was a linear hyperpigmented lesion of the skin which ran parallel to the distal end of the radius and the radiocarpal joint and which was located at its lateral end 12 centimeters proximal to the tip of the styloid process of the radius. The lesion measured 6 centimeters in length and 2 millimeters in width. Starting from this lesion and extending distally, there was an area of decreased pinprick and light-touch sensation involving the lateral aspect of the posterior forearm, the lateral aspect of the dorsum of the hand, and the posterior aspects of the first and second digits of the hand

13 Examination of his right upper extremity revealed no visible skin lesion, but there was a comparable area of decreased pinprick and light touch sensation on the lateral aspect of the distal posterior forearm (beginning at its lateral-most margin 11 centimeters proximal to the tip of the styloid process of the radius), the lateral aspect of the dorsum of the hand, and the posterior aspects of the first and second digits of the hand

14 The remainder of the elemental neurological examination was unremarkable except that muscle strength and the knee jerk reflex in the left leg were not tested because of left knee pain. Also, because of pain in his left knee, his gait was an antalgic gait

15 In humans, cutaneous sensation in the lateral aspect of the dorsum of the hand and in the posterior aspects of the first and second digits of the hand is supplied solely by the superficial branch of the radial nerve. The superficial branch of the radial nerve, in combination with other adjacent nerves, also supplies cutaneous sensation in the posterolateral aspect of the distal forearm. The examination findings in Mr. Ghanimet of decreased sensation on the lateral aspects of the dorsa of the hands, the posterior aspects of the first and second digits of the hands, and the posterolateral distal forearms indicate that there has been damage to the superficial branch of the radial nerve in each of his arms

16 The superficial branch of the radial nerve runs in the distal forearm in close proximity to the radius bone, and there it is vulnerable to compression against the radius bone by tight ligature across the distal forearm. Such compression could result in the sort of damage to the superficial branch of the radial nerve which Mr. Ghanimet has sustained

17 The hyperpigmented skin lesion seen in Mr. Ghanimet's distal left forearm is consistent with scarring from a tight ligature (such as handcuffs) applied across the distal left forearm.

18 In my opinion, Mr. Ghanimet's allegations detailed in paragraph 11 above (i.e., that very tight handcuffs were applied across his distal forearms for a prolonged period and that consequently he developed pain and paresthesias in both hands and a hyperpigmented lesion in the left forearm) are supported by the neurological examination findings, and those allegations do fully account for the examination findings. In fact, I can think of no other mechanism other than very tight ligatures (such as handcuffs) applied across the distal forearms for a prolonged period which would explain how he could have developed damage to the superficial branch of the radial nerve in each arm and the hyperpigmented skin lesion in the distal left forearm.

19 Decreased sensation in Mr. Ghanimet's distal forearms and hands has persisted for over six months. I suspect that the damage he has in the superficial branch of the radial nerve in each of his arms is permanent.

Signed

Lee D. Cranberg, M.D.
Lee D. Cranberg, M.D.
Neurologist

January 11, 1998
Date

H. Findings of the Examination by the Department for the Investigation of Police

State of Israel
Ministry of Justice

State Attorney's Office
Lev HaGivah Building
PO Box 35232
Jerusalem 91351

24 August 1997
Our file: 733

Attorney Allegra Pacheco
PO Box 20873
Jerusalem

Re: Findings of the Examination of the Interrogation
of 'Omar 'Abd al-Rahman Ahmad Ghaneimat

In accordance with the decision of the Supreme Court, sitting as the High Court of Justice, in HCJ 3282/97, an investigator conducted on our behalf an examination of the circumstances of the interrogation of the petitioner in the aforementioned case. The results of the examination are as follows:

1. You filed on behalf of the petitioner, a resident of Surif, a petition to the High Court of Justice for an *Order Nisi* and Interim Injunction (HCJ 3282/97).
2. The petition alleges, *inter alia*, that the aforementioned gave an affidavit to you on 27 May 1997 stating that he was compelled to lie on his back, his hands tied behind him, a low chair was placed so that it covered the upper part of his body, that the interrogators jumped on the chair, causing him intense pain, that the GSS interrogators beat him all over his body, wounding him, that they tied his hands and legs with small shackles, and that they dragged him along the floor by his legs, his hands and legs bound. It is also alleged that the interrogators even kept him in painful positions, did not enable him to sleep a reasonable number of hours, and kept him in the "refrigerator" – a small room with an air-conditioner, and caused him to suffer from cold.
3. During the hearing on his petition, the petitioner raised claims similar to those mentioned above.

4. In response to the Honorable Chief Justice Barak's question, the petitioner responded that his wounds and marks on his hands, elbows, and legs resulted from the interrogators jumping on him with hard-soled shoes.
5. Following the court's judgment, which ordered that I examine the complaint, the examination commenced on 29 May 1997 in the afternoon. During the examination, the versions of the petitioner and his interrogators were taken, and all the relevant information was collected.
6. The examination revealed that information had been received about the petitioner, raising suspicion he was involved in military action on behalf of Hamas and in the planning of terrorist attacks.
7. As a result, on 9 April 1997, the petitioner was arrested and taken for interrogation at the Jerusalem interrogation facilities of the GSS. The interrogation began on 10 April 1997.
8. The purpose of interrogating the petitioner was to expose his involvement in military activity of Hamas, in order to thwart future terrorist activity.
9. On 22 May 1997, the petitioner began to confess and informed his interrogators that he had purchased from a Jewish criminal a rifle that the petitioner concealed. In addition, he confessed that he had fired a sub-machine gun belonging to another person.
10. On 29 May 1997, an examiner on our behalf met with the petitioner and asked if he was willing to relate what had happened during interrogation. The petitioner indicated that he was willing to tell the truth about everything that had occurred, but requested that the information not be provided to his interrogators, because he feared them.
11. At this stage, the petitioner was requested to show his wounds and bruises, and the places on his body where he alleged he was feeling pain, and he showed dried-wound marks on his left elbow, on his forearms, on the bottom of his right foot and right hand, and swelling of his knee and ankle. He also showed very small scratches on his back that had dried up.
12. The petitioner was requested to state his complaints about the interrogation, and he repeated some of the contentions he had raised in the petition and at the hearing.
13. He contends that his left-knee pains resulted from kneeling on the floor, and that the chest pains resulted from being pushed to the floor by his interrogators. The petitioner also stated that the

treatment described above continued for several days and ended Saturday night, the 24th of May, and since then, they have done nothing to him other than cuff his hands with wider handcuffs (leg shackles), and that they also place sweat bands on his hands.

14. In a conversation between the DIIC [Department for the Investigation of Interogees' Complaints] and the petitioner, the latter did not repeat some of his major contentions mentioned in the petition to the High Court, e.g., that the interrogators jumped on him, beat him all over his body, and held him in the "refrigerator."

Nor did the petitioner repeat to the DIIC the following contentions raised before the Honorable Justices in the High Court hearing on 29 May 1997: tying of his shirt and being dragged by the shirt, and interrogators treading on his elbows and jumping on him with hard-soled shoes.

15. The DIIC subsequently took testimonies from the interrogators, in which they denied most of petitioner's contentions. The interrogators categorically denied that they had treaded or jumped on the petitioner, had beaten him, or the like.
16. However, the interrogators confirmed some of the petitioner's claims, but those acts that were confirmed – like covering the head of the petitioner -- were performed according to procedures and with the approval of the duly authorized officials, owing to the vital importance of the interrogation and the severity of the suspicions against the petitioner.
17. In light of the above, I am of the opinion that the primary contentions raised by the petitioner in court and described in this summary were not accurate since he did not repeat them when he spoke with DIIC. It is not unworthy to note that the petitioner's contentions raised in the petition were totally denied by the interrogators. Petitioner's exaggeration in the petition when describing his interrogation brought me to the conclusion that the version of the interrogators should be accepted as to all the contentions disputed between the petitioner and the interrogators.
18. The marks and wounds that were visible on the petitioner's body on 29 May 1997 were apparently caused, according to the petitioner, his interrogators, and DIIC's evaluation, as a result of the prolonged shackling to which the petitioner was subject in this case – which exceeded the time in which an interrogee is usually held because of the nature of the investigation and the severity of the suspicions against the petitioner – and as a result of causing him to lean on a rough wall, his hands cuffed behind his back.

19. When the wounds to the petitioner appeared, he was taken to the clinic, where he received medical treatment for his wounds (25 May 1997), and the manner in which he was being shackled was altered so as to avoid further injury.
20. It is worth noting that the matter of prolonged shackling had been raised in previous discussions between the State Attorney's Office and the General Security Service, as a result of which the Interrogations Division of the GSS issued special directives on how to shackle detainees so as not to injure them. It was decided, *inter alia*, to use sweat bands whenever marks or bruises appeared on the wrist as a result of shackling.

The interrogators were also directed to use wide leg shackles to cuff hands of large-bodied detainees or of detainees in instances where the regular handcuffs caused marks or injury to their wrist.

In cases of special sensitivity, the handcuffs are filed to blunt their edges in order to prevent injury to the wrist.

Directives were issued to both police officers in the interrogations facilities and to interrogators to ensure that the shackles were placed in a manner that would not put pressure on the wrists, and the directives were reiterated from time to time.

21. In this case, we became aware that the solutions proposed and instituted are not yet totally satisfactory. Therefore, I contacted the State Attorney to ensure it takes the necessary measures vis-a-vis the relevant GSS officials to prevent the possibility of similar incidents occurring in the future.
22. In summation, considering that the findings indicate that the methods used on the petitioner complied with the approved interrogation permissions and procedures and had received the approval of the duly authorized officials, and considering that the findings did not indicate any deviation from the procedures, I did not find it appropriate to recommend that action be taken against any of petitioner's interrogators.

However, since it became apparent during examination of this complaint that an excessively long period of shackling and leaning on a rough wall may lead to injury, I recommended, as mentioned above, to the State Attorney to act urgently so that the relevant GSS officials take the requisite measures to prevent such injury to interrogees.

23. It should be further noted that my findings showed that the interrogators had strong reason, based on information they had received about the petitioner and on security material unfavorable

to the petitioner, the essential elements of which are detailed above, to believe that uncovering information known to the petitioner would thwart future terrorist attacks.

There was, therefore, legal justification for employing the permitted methods used during the interrogation under the procedures, and that the interrogators had received the approval of the duly authorized officials.

Sincerely,

Eren Shendar
Director, Department for the Investigation of Police
State Attorney's Office

I B'Tselem's Comments on the Report of the Department for the Investigation of Police

The decision of DIP not to initiate proceedings against any of Ghaneimat's interrogators offers an additional example of the department's forgiving attitude toward GSS agents. DIP erred on two major points.

1. DIP did not conduct a medical examination of Ghaneimat and relied on a superficial and unprofessional examination

DIP relied solely on the statements of GSS agents, preferring their statements to those of Ghaneimat. DIP explained its conclusion in par. 17, as follows:

In light of the above, I am of the opinion that the primary contentions raised by the petitioner in court and described in this summary were not accurate since he did not repeat them when he spoke with DIIC.

Ghaneimat's statements to the High Court and his statement to DIIC may have differed. However, he met with DIIC in the detention facilities, while still incarcerated in the interrogation wing and subject to the absolute control of his torturing interrogators. When interviewed, he was in the midst of trying to recover from a long period of torture. On the other hand, the GSS interrogators were able at their leisure to prepare their statements.

Some of Ghaneimat's claims were "confirmed by the interrogators" (as in par. 16), others were denied. At this point, it was necessary to obtain an objective medical opinion to confirm or refute the disputed contentions. DIP did not request or obtain an independent examination, relying rather on a superficial and unprofessional check of "wound marks" that Ghaneimat had shown them. DIP's description of the wounds gives the impression that they are superficial and insignificant.

The medical opinion of Dr. Jabber indicates that Ghaneimat suffered a tear to the meniscus of his left knee. The injury required surgery, which Dr. Jabber performed. Dr. Jabber determined that Ghaneimat suffered permanent injury to his knee, and estimated his permanent disability at ten percent.⁴⁵ Not only will Ghaneimat suffer this disability

45. Dr. Jabber is an arbiter on National Insurance Institute committees that determine disability of persons injured in work-related accident and road accidents.

"permanently," he also is in danger of suffering future "degenerative changes."

The medical opinion of the neurologist, Dr. Lee Cranberg, indicates that the prolonged and tight shackling caused "damage to the superficial branch of the radial nerve in each arm." Dr. Cranberg also determined that the damage caused to Ghaneimat is permanent.

DIP held, in essence, that GSS agents are allowed to cause an interrogee to suffer damage to his health and even disability, and that such acts do not constitute a criminal offense, or even warrant disciplinary proceedings against those responsible.

2. DIP sanctioned painful shackling, which is absolutely prohibited, even according to the High Court

DIP acknowledged (in par. 18 of attorney Shendar's letter to attorney Pacheco) that, "The marks and wounds that were visible on the petitioner's body on 29 May 1997 were apparently caused, according to the petitioner, his interrogators, and DIIC's evaluation, as a result of the prolonged shackling to which the petitioner was subject in this case" – i.e., the methods used by the GSS interrogators caused his wounds. Furthermore, DIP admits (in par. 20) that, "the matter of prolonged shackling had been raised in previous discussions between the State Attorney's Office and the General Security Service, as a result of which the Interrogations Division of the GSS issued special directives on how to shackle detainees so as not to injure them."

However, these two facts do not trouble DIP, and it refrained from taking any measures against Ghaneimat's interrogators.

Furthermore, the High Court ruled unequivocally that "painful shackling is prohibited."⁴⁶ The High Court did not limit the prohibition by making it subject to the "defense of necessity" or any other defense. This prohibition is, therefore, absolute.

Attorney Shendar explains (in par. 22) that,

... considering that the findings indicated that the methods used on the petitioner complied with the approved interrogation permissions and procedures and had received the approval of the duly authorized officials, and considering that the findings did not

46. In its ruling in *Mubarak*. See above.

indicate any deviation from the procedures, I did not find it appropriate to recommend that action be taken against any of petitioner's interrogators.

In other words, DIP holds that the "procedures" allow not only what the Penal Law prohibits, but also the use of methods that the High Court absolutely prohibited.

Conclusions

The case of 'Omar Ghaneimat shows that from the moment a detainee is taken to the GSS Interrogation Wing, he is tortured and defenseless. Even the state bodies that are supposed to protect the interrogee and preserve his rights stand together in support of the torturers.

1. The GSS

The methods of interrogation combining humiliation, threats, sensory isolation, and physical ill-treatment employed by GSS interrogators against Palestinian interrogees can only be defined as torture.

2. The State Attorney's Office

In defending the GSS, the SAO often compromises its duty to present the truth and ensure fair judicial proceedings for each detainee.

In the case of Ghaneimat, attorney Nitzan, of the SAO, argues that, "According to substantiated information in the possession of the GSS, the petitioner is [a member of] an active faction of Hamas." This contention was found to be totally groundless. Ghaneimat was convicted for an offense committed three years earlier and unrelated to Hamas.

The SAO repeatedly raises such frightening arguments to justify the violent interrogations by the GSS. In many cases, these arguments are later proved absolutely baseless. The SAO justifies prolonged sleep deprivation on the pretext of "intensive interrogation" even where it is clear, from GSS documents that the SAO itself submits, that no such interrogation is being conducted. The SAO also rationalizes the use of painful and exhausting interrogation methods on the false claims of "security of the interrogation facility," prevention of contact between interrogees, and lack of funding.

In effect, the SAO seeks to provide the GSS with unfettered freedom of action in using methods of torture available to it. In doing this, the SAO often transgresses the truth and exaggerates the severity of the

danger and the reliability of the evidential material. In doing so, it contributes to serious violations of interrogees' rights and of the rule of law in Israel.

3. Department for the Investigation of Police ("DIP")

The High Court described the transfer to DIP of investigation of alleged offenses by GSS interrogators as follows:

As will be recalled, the State Attorney informed us that examination of the complaints concerning the improper conduct of GSS interrogators was transferred from the General Security Service to an independent body in the Ministry of Justice. This action further ensures that in a particular instance where GSS interrogators allegedly used improper means, criminal charges will be filed against them, which will enable norms to be set, for hard cases as well, while handling a specific litigation.⁴⁷

In practice, it appears that while DIP is an independent body, it defends GSS interrogators blindly, conducting a superficial and one-sided investigation and tending to accept unquestioningly GSS contentions.

Since the time DIP became responsible for investigations of GSS agents, it has not recommended that criminal charges be filed against any GSS interrogator. Even where GSS interrogators shook the detainee 'Abd a-Samad Harizat, causing his death, DIP decided not to file criminal charges against any of the agents responsible.⁴⁸

DIP consistently holds that the mere fact that interrogation methods are part of the procedures makes them compatible with the law. It holds this position even though the procedures contravene the law and rely on nothing more than a general defense, the "defense of necessity," which is supposed to be a defense raised individually for the court to consider during a trial. As a result of DIP's position, the legality of the procedures cannot be examined and the High Court cannot "set norms."

47.HCJ 2582/91, *Morad Adnan Salhat and The Public Committee against Torture in Israel v. Government of Israel et al*, par. 6.

48.DIP's report in this matter, dated 7 June 1993, was attached to the State's response in HCJ 5380/95, *The Public Committee against Torture in Israel v. Attorney General et al*. The High Court has not yet ruled in this matter.

Even where GSS methods cause pain, injury, and disability, DIP refrains from taking any action against those responsible. In the case of 'Omar Ghaneimat, presented in this report, DIP was not deterred from contradicting an explicit High Court ruling that prohibits "painful shackling."

4. The High Court of Justice

The High Court so far has refrained from making decisions concerning GSS interrogation methods. The High Court preferred to deal with specific cases on their individual merits, leaving the decisions in principle for a later date.

Unfortunately, this policy of the High Court has often meant allowing the GSS to "use physical force," including shaking, and other means, like *shabeh*.⁴⁹

The High Court's decision to have a nine-judge panel hear the petitions of Qur'an and Ghaneimat, and to join them with petitions from previous years relating to fundamental principles concerning the methods of interrogation, provides the High Court with the opportunity to resolve this matter once and for all.

B'Tselem hopes that the High Court ruling will be consistent with the spirit of international law, and will place Israel among the enlightened nations of the world. The High Court can achieve this by ending torture in Israel forever. In ending torture, the High Court would not have to overturn Israeli policy, but rather conform Israeli practice with Israel's fundamental position, which is proper and just, as it was stated to the UN Committee Against Torture: an absolute, unequivocal, and without exceptions prohibition of torture and other forms of cruel, inhuman, or degrading treatment.

49. See B'Tselem, *Legitimizing Torture*.

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the 1990s, the number of people in the UK who are aged 65 and over has increased from 10.5 million to 13.5 million (1990-2000) (ONS 2001).

There is a growing awareness of the need to address the health care needs of the elderly population. The Department of Health (2000) has set out a strategy for the NHS to meet the needs of the elderly population. This strategy is based on the following principles: (1) to ensure that the NHS is able to meet the needs of the elderly population; (2) to ensure that the NHS is able to meet the needs of the elderly population in a way that is cost-effective; (3) to ensure that the NHS is able to meet the needs of the elderly population in a way that is sustainable; (4) to ensure that the NHS is able to meet the needs of the elderly population in a way that is equitable.

The NHS is currently facing a number of challenges in meeting the needs of the elderly population. These challenges include:

- An increasing number of people aged 65 and over, which is putting pressure on the NHS to provide more services for this population.
- An increasing number of people aged 65 and over who are living with long-term conditions, which is putting pressure on the NHS to provide more services for these people.
- An increasing number of people aged 65 and over who are living in care homes, which is putting pressure on the NHS to provide more services for these people.

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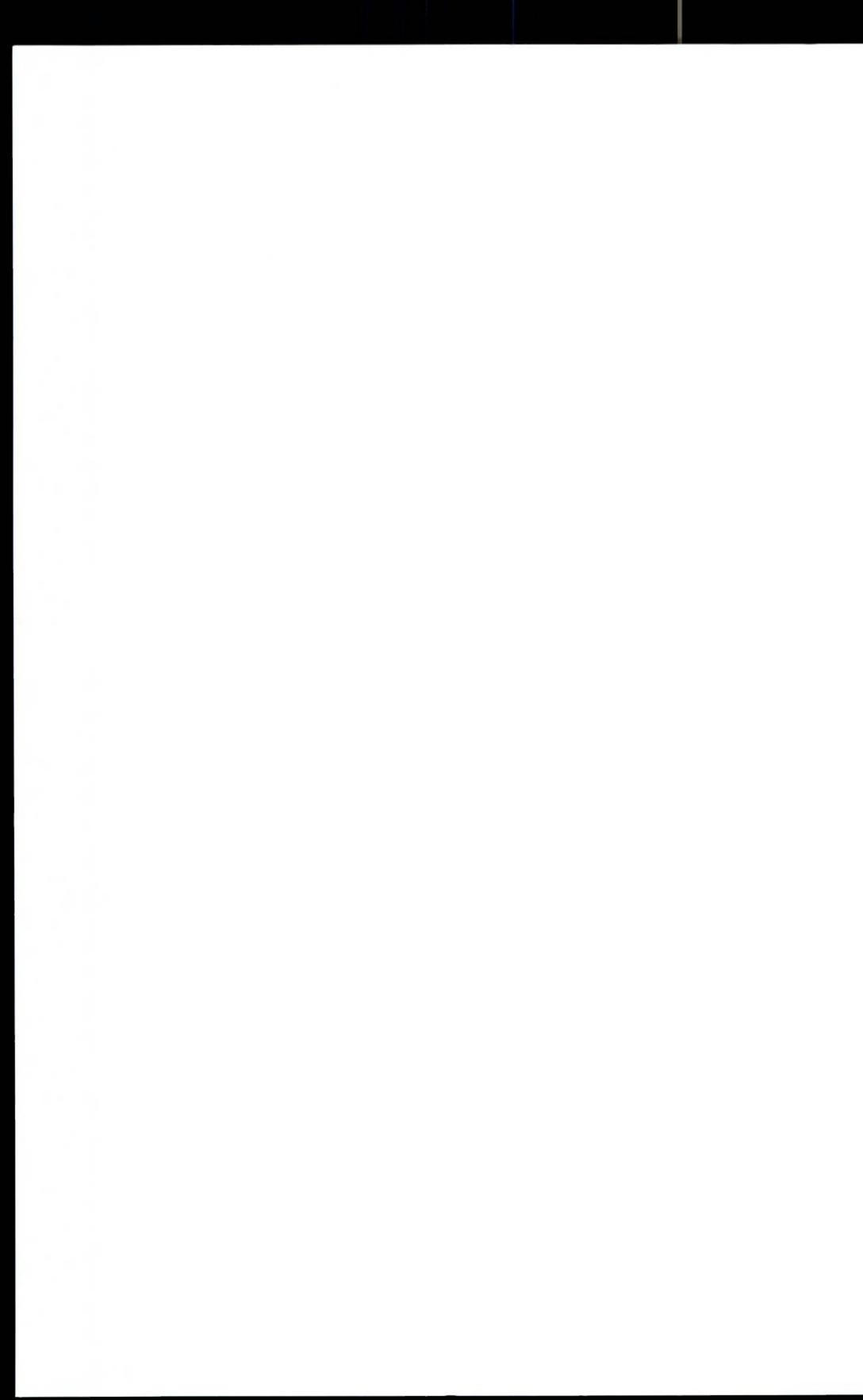
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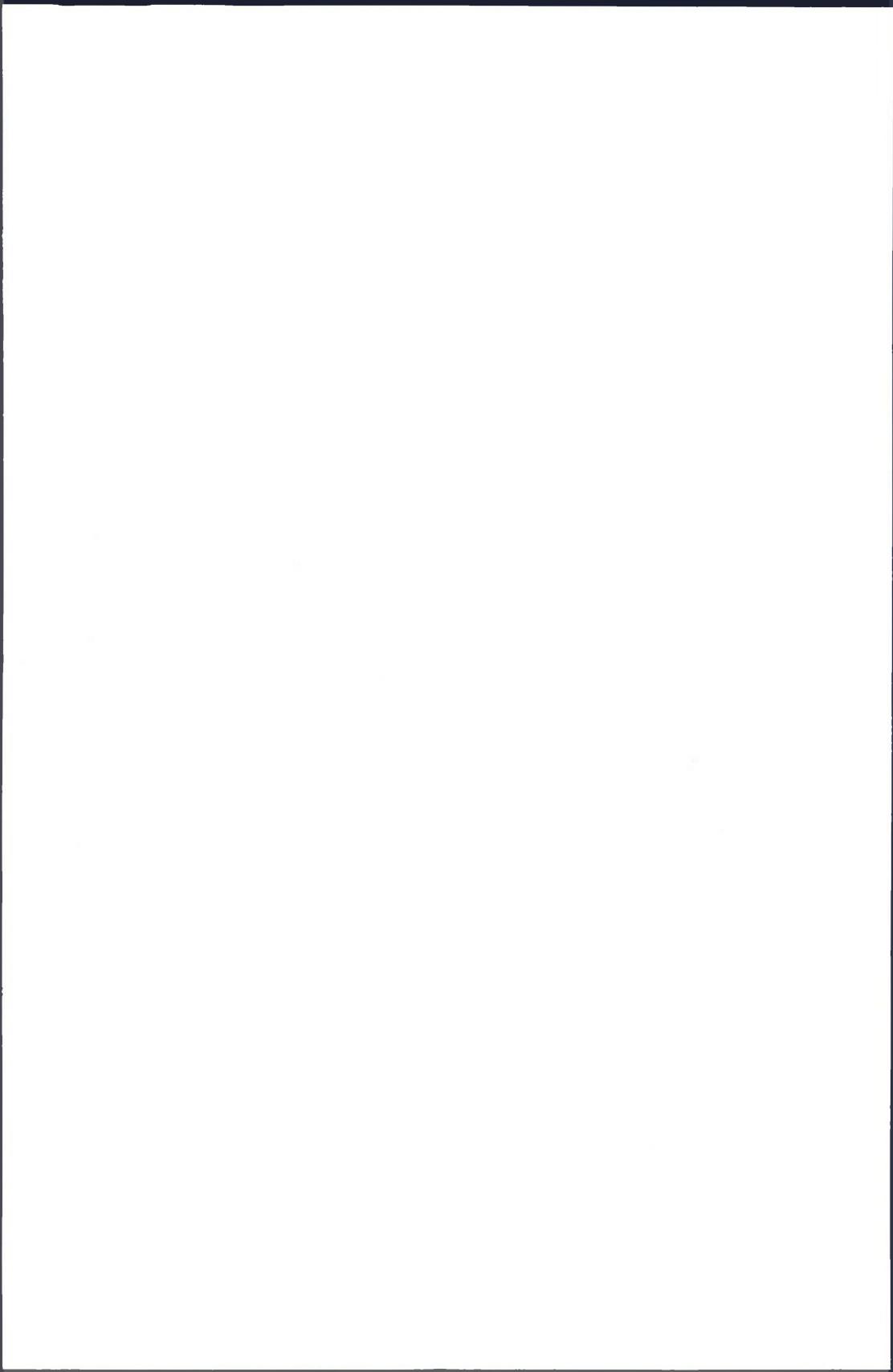
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B'TSELEM - The Israeli Information Center for Human Rights in the Occupied Territories was established in 1989 by a diverse group of academics, attorneys, journalists, and public figures. It endeavors to educate the general public and policymakers about human rights violations in the Occupied Territories, and to press for policy changes in human rights issues.

B'TSELEM thoroughly scrutinizes all information it publishes. Fieldwork data and findings are cross-checked with relevant documents, official government sources, most notably the IDF Spokesperson, and information from other sources, among them Israeli and Palestinian human rights organizations.

As an Israeli human rights organization, B'TSELEM acts primarily to change Israeli policy in the Occupied Territories, and to ensure that Israel complies with its obligations to respect human rights and international humanitarian law. B'TSELEM's mandate is limited to monitoring and documenting human rights violations in the Occupied Territories. However, B'TSELEM also strongly opposes human rights abuses committed by any party, whether committed in the Occupied Territories or elsewhere.

Despite the potential of ending military administration of the Occupied Territories offered by the signing of the Declaration of Principles in 1993, the necessity of safeguarding human rights remains. As the peace process progresses, B'TSELEM shall continue its efforts to ensure respect for human rights.