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## The International Day to Support Victims of Torture



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As the United Nations and the world commemorates the International Day in Support of Victims of Torture on 26 June 2020, Palestinian Civil Society Coalitions stand in solidarity with Palestinians prisoners, who have suffered the devastating effects of torture and ill-treatment, and unequivocally condemn all forms of such treatment occurring in Israeli prisons, interrogation facilities, and detention centers.

The absolute and non-derogable prohibition against torture, enshrined under article (2) of the International Convention against Torture and ratified by the Israeli occupying state on 3 October 1991. Nevertheless, since its creation, the occupying state enforced and developed laws and practices that led to both the systematic use of torture and to absolute impunity for the perpetrator of this crime. Historically speaking, several torture methods were used against Palestinians, that included but were not limited to shaking, the baby chair, covering the head with a bag, forced listening to loud music, the closet, ripping of nails, and many other methods that were used to extract confessions from Palestinian detainees. In fact, since the beginning of the occupation in 1967, 73 Palestinian detainees were killed in Israeli interrogations.

The Israeli occupation authorities never stopped resorting to torture as the standard operating procedure in extracting confessions from Palestinian detainees. In point of fact, the crime of torture is committed with the complicity of the Israeli judicial system. At the end of 2019, the intelligence agency "Shabak" subjected a number of detainees at al-Mascobiyya interrogation center to severe physical and psychological torture, without any form of monitoring and protection. Those detainees included university students, human rights defenders, and political leader. One of them is Samer al-Arbed who was transferred to the hospital only after three days of his arrest, Samer arrived to the hospital unconscious and with life threatening injuries including 11 broken ribs and a renal failure due to the severe torture methods he was subjected to. Samer along with the rest of the mentioned detainees are still suffering from injuries obtained during their interrogation period, not only for the severity of the injuries, but also because of the occupation's systematic policy of medical negligence in Israeli prisons.

During interrogations, Palestinian detainees suffer from different forms of both physical and psychological torture. The methods used against them include, but are not limited to harsh beating, sleep deprivation, solitary confinement, stress positions, the denial of hygiene needs, sexual harassment, threatening and intensive psychological torture including the use of family members and/or other detainees. The used threats include threats of rape, torture, and revocation of residency.

The severe torture and humiliation Palestinian detainees suffer from leads to injuries, broken bones, fall unconscious, vomiting, back pain, and bleedings from different parts of the body (nose, mouth, hands, legs<sup>[1]</sup> and genital area). In addition to this, the detainees also suffer from the false assessment made by doctors at the interrogation centers, who almost in all cases state that the detainees are qualified for interrogations disregarding the clear evidence of torture. Not only doctors are complicit, but also judges at military and civil courts who constantly extend the detention periods for purposes of interrogations regardless of the clear signs on torture and the detainees' need of medical care.

These cases as others, are a proof of the gross systematic use of torture and most importantly the complicity of the Israeli judges at both the military and civil courts in committing the crime of torture. In fact, torture has been legitimized by a series of Israeli High Court decisions. In High Court decision number 5100/94 in 1999,<sup>[2]</sup> the court did not make an absolute prohibition against torture. Despite the fact that this decision claimed to state that torture is ill-legal in Israeli laws, but still, the High Court made permissible the use of "special means of pressure" in the case of a "ticking bomb" scenario, where interrogators believe that a suspect is withholding information that could prevent an impending threat to civilian lives as stated in Article (1)34 of the Israeli Penal Code of 1972. This exception constitutes a grave legal loophole that legitimizes the torture and cruel treatment by the Israeli intelligence interrogators against Palestinian detainees and also protects interrogators who are granted impunity for their crimes.

Moreover, the Israeli High Court, in the Tbeish case number 9018/17 in 2018,<sup>[3]</sup> issued a ruling which expanded the concept of a "ticking bomb" scenario to include cases that are not imminent security threats. In this case, the judge based his ruling on previous decisions and broadened the element of immediacy not to be limited with a time frame.

Israeli High Court decisions made accountability difficult for the crime of torture and it gave impunity to those who commit this crime and/or are complicit in it. In point of fact, local organizations, in the past years, have annually submitted tens of complaints of torture, and only one of them, a sexual harassment case, was open for investigation. However, rather than pressing a list of charges against the perpetrators, in this case, it was closed without indictment. Furthermore, according to the Public Committee against Torture in Israel (PCATI), about 1,200 complaints of torture during Israeli interrogations have been filed since 2001. All the cases were closed without a single indictment.<sup>[4]</sup>

Palestinian Civil Society Coalitions affirm that the Israeli occupying state with all of its agencies continues to commit war crimes and crimes against humanity. According to the Rome Statute, torture is a war crime (Article 8 (2)(a) (ii)) and if committed in a systematic and wide-scale approach it also amounts to a crime against humanity (Article 7 (1)(f)).<sup>[5]</sup> We call on the international community to hold Israel accountable for its war crime and crimes against humanity and to put an end to its sanctioned absolute impunity.

**END**

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[1] The hands and legs of those detainees suffered great injuries mainly due to the cuffs used to chain them for long hours.

[2] HCJ 5100/94, *Public Committee Against Torture in Israel et al. v. Government of Israel et al.*, Judgment. An English translation of the Court decision is available at: [http://www.hamoked.org/files/2012/264\\_eng.pdf](http://www.hamoked.org/files/2012/264_eng.pdf) [accessed 5 December 2019].

[3] HCJ 9018/17, *Firas Tbeish et al. v. The Attorney General*. An English translation of the Court decision is available at: [http://stoptorture.org.il/wp-content/uploads/2017/02/F.-Tbeish-Ruling-Nov.-2018.ENG\\_.pdf](http://stoptorture.org.il/wp-content/uploads/2017/02/F.-Tbeish-Ruling-Nov.-2018.ENG_.pdf) [accessed 22 December 2019].

[4] Public Committee Against Torture in Israel, *Torture in Israel 2019: Situation Report*, it can be found here: [Situation Report 2019](#).

[5] For further information check the Rome Statute of International Criminal Court at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/InternationalCriminalCourt.aspx>

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