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## THE TORTURE AND ILL TREATMENT OF PALESTINIAN DETAINEES

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On September 6, 1999 the Israeli High Court of Justice, ruled to ban the use of torture during interrogation. This, however, did not explicitly forbid the use of torture but rather allowed that interrogation methods deemed as torture (named as moderate physical pressure) may be used in the “necessity of defence” and in situations where a detainee is deemed a ‘ticking bomb’. In some instances, detainees have died while in custody as a result of torture. Confessions extracted through torture are admissible in court and/or military tribunal.

### Torture

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In practice, Palestinian detainees are submitted to the following forms of torture:

- Routine: sleep deprivation, hands tied with plastic cuffs, squeezing of plastic cuffs to cut off circulation, beatings, slaps, kicks, physical and psychological threats and humiliation;
- Special methods (used in ‘ticking bomb’ cases): Shabeh (position abuse), in which detainees are shackled to a chair in painful positions, pressure on different parts of the body, strongly shaking the detainee after being shackled for a long period of time, strangulation and other means of suffocation, pulling of hair, multiple humiliations;
- Inside cells: sleep deprivation, exposure to extreme temperatures, prolonged and continuous exposure to artificial light, solitary confinement, tear gas thrown inside cells, inhumane detention conditions.

As Israel can legally hold detainees incommunicado for up to two months, Israeli Security Agency (ISA) interrogators are able to use methods of torture with impunity. If a complaint is lodged, investigations are confidential and led by an ISA agent under the authority of the State Attorney. No agent has been charged since the responsibility for investigations was transferred to the Ministry of

Justice in 1994.

## **Interrogation**

Under Israeli military regulations a Palestinian can be detained for up to 8 days without the Israeli military informing the detainee of the reason for his/her arrest and without being brought before a judge. Between April and June 2002, this period of time was increased by Israeli military order 1500 to 18 days. Following or during the 8 days of detention, a detainee is sent to an interrogation center, charged with an offense, given an administrative detention order, or released.

According to martial law, security authorities may prohibit a detainee from meeting with a lawyer for up to 90 days. This prohibition may also apply to meeting with Red Cross representatives, who are authorised by international agreements to visit Palestinian detainees who are under interrogation. Thus, the Palestinian detainee is completely disconnected from the outside world for a prolonged duration.

On arrival at an interrogation and detention centre the detainee is either placed in a cell or taken straight for interrogation. During the interrogation period, a detainee is often subjected to some form of cruel, inhuman and degrading treatment ranging in extremity, whether physical or psychological. Addameer receives numerous reports of the continued use of abusive techniques being employed against Palestinians during interrogation. These techniques include:

- excessive use of blindfolds and handcuffs;
- slapping and kicking;
- sleep deprivation and solitary confinement;
- denial of food and water for extended periods of time;
- denial of access to toilets and denial of access to showers or change of clothes for days or weeks
- exposure to extreme cold or heat
- position abuse and yelling and exposure to loud noises
- arresting family members or alleging that family members have been arrested

## **Secret detention “Facility 1391”**

In 2003 Israel admitted to having at least one secret interrogation facility (known as 1391 facility) that falls under the responsibility of the Israeli Security Agency. It is not identified on any map; therefore the exact location is unknown. Aerial photography does not even include the site of this facility. It is assumed that it is located within a military base outside the 1967 occupied territory and that it falls under the responsibility of unit 504 of the military intelligence. Detainees are not told where they are being held. Legal counsel for specific clients may, upon request, learn of their client’s detention at the facility, but remain in the dark about its location. Interrogations at this facility are alleged to employ extreme measures amounting to torture and ill-treatment. The conditions of detention are reported by former detainees of the facility to include sensory deprivation, including frequent and long periods of isolation and the denial of basic sanitary conditions. The International Committee of the Red Cross has no access to this facility. It is possible that it has been in existence for approximately 25 years since it was established. Even those in the highest political and military systems in Israel claim to have no idea what goes on inside this facility.

## **Disciplinary Penalties Taken Against Palestinian Detainees:**

The Israeli Prison Administration (IPA) imposes harsh penalties on prisoners for trivial reasons such as the failure of prisoners to show up for morning or evening count or failure to appear for strip search. One incident was breaking into Ansar 3 Prison (Negev) on 22 October 2007, causing the death of

detainee Mohammad Al-Ashqar and the injury of 300 detainees with various degrees. The forces used rubber bullets, pepper, gas bombs and clubs. Other penalties include:

- Preventing detainees from buying goods from the canteen and from receiving financial allowance for a period of six months;
- Imposing solitary confinement for long periods as a disciplinary penalty.
- Imposing collective punishment as a punishment for an individual violation that a detainee may commit;
- Confiscating personal belongings or allowed belongings as a punishment;
- Preventing detainees from pursuing their study;
- Preventing detainees from having the break;
- Cutting off water and electricity;
- Closing detainee's canteen special account.
- Breaking into the rooms constantly and opening fire in the air;
- Preventing sick detainees from taking the medicine;
- Imposing fines on detainee;
- Preventing detainees from performing Friday's prayer in a group;
- Denying family's visit for an open period;

### **Solitary Confinement**

Each year, tens of prisoners in Israeli prisons are held in solitary confinement, as a disciplinary measure, or in isolation, on grounds of state, prison or prisoners' security. Isolated prisoners are usually held alone in a separate cell for reasons other than as a disciplinary measure. In this cell, they are prevented from making contact with the general prison population, although isolated prisoners may sometimes share their separate cell with one or more other prisoners who also require isolation. Solitary confinement is a common practice during interrogation, typically employed immediately following arrest. In most cases during interrogation, the Palestinian detainee is held for varying periods in total isolation.

### **Isolation**

Palestinian prisoners held in isolation can be divided into two primary groups. The first includes prisoners who have been isolated on security grounds, and the second includes prisoners who suffer from mental health problems. Isolation causes mental and physical damage, both among mentally healthy prisoners and among prisoners with a history of mental illness.

Mental health services in Israeli prisons are inadequate, as they are typically limited to medication only and do not include accompanying supportive therapy sessions. This problem is greatly exacerbated for Palestinian prisoners, in whose case a language barrier exists. In most cases, prison psychiatrists do not speak Arabic but rather interact with patients through a translator belonging to the prison staff. This mediation enhances the lack of trust between the prisoner and the physician. In addition, the mental health personnel's unfamiliarity with the culture and social codes of the Palestinian population creates an additional obstacle to providing optimal mental health treatment. Furthermore, Palestinian prisoners are not eligible for the services of social workers, who provide an additional support network for criminal prisoners. Therefore, rather than working toward less damaging therapeutic and security alternatives, prison and security authorities use isolation as a default mechanism (2).

### **Conditions of Isolation in Israeli Prisons**

Prisoners in isolation are held alone in their cells for 23 hours a day. They are allowed to leave their

cell for a daily walk of one hour, without the presence of other prisoners. One prisoner reported that his daily walk was scheduled for the early morning hours before full sunlight and that despite his protests, the prison refused to reschedule the walk. On their way to their walk, the prisoners' hands and feet are shackled. Handcuffs may sometimes be removed, but in many cases prisoners reported to Addameer that they remained handcuffed and sometimes even leg shackled during the walk. During every transfer from the isolation cell, including for attorney visits, the prisoner's hands and feet are shackled, and he or she is accompanied by a prison officer.

The isolation cells in the various prison wings are similar in size - between 1.5 X 2 meters to 3 X 3.5 meters. In the cell there is usually a window measuring 50 X 100 cm, which in most cases does not allow in sufficient light and air from the outside. One prisoner reported that there was no natural light or fresh air in his cell and that for two months his cell was lit by artificial light, day and night. The cells include a toilet and shower - a single unit which forms part of the cell. Prisoners typically hang a curtain to separate the toilet and shower area from the rest of the cell. The cell usually has an iron door, which includes an opening at its lower part, through which guards insert food trays. As a result, prisoners do not have eye contact with other prisoners in the isolation wing or with guards. In a few prisons, the doors of isolation cells are made of iron grid, allowing eye contact to be maintained.

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1 [\*Addameer Prisoners Support and Human Rights Association Report: 'Violations against Palestinian Detainees 2007'\*](#)

2 *Physicians for Human Rights & Addameer Prisoners Support & Human Rights Association (2008) 'Isolation and Solitary Confinement of Palestinians in Israeli Detention'. Available online at: [www.phr.org.il/phr/article.asp?articleid=621&catid=58&pcat=-1&lang=ENG](http://www.phr.org.il/phr/article.asp?articleid=621&catid=58&pcat=-1&lang=ENG)*

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