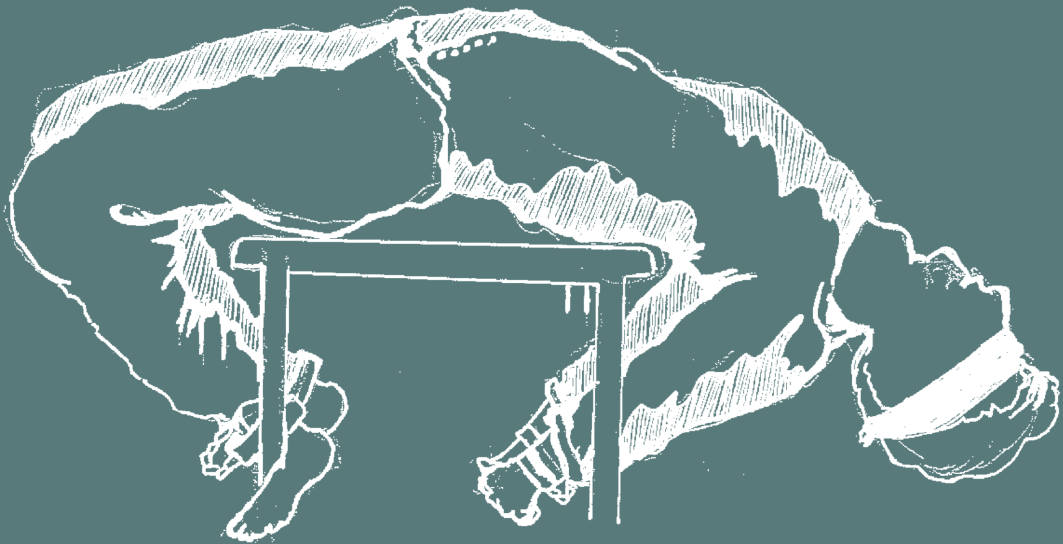
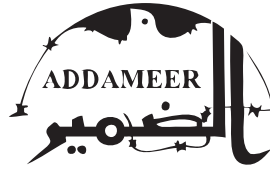




Cell No. 26

A Study on the Use of Torture Against Palestinian
Prisoners in Israeli Interrogation Centres





Cell No. 26

A Study on the Use of Torture Against Palestinian Prisoners in Israeli Interrogation Centres

In Al-Moscobiyeh Interrogation Center, “Cell no. 26” is not just a number mentioned in passing. It is the cell where dozens of Palestinian detainees are subjected to brutal torture, where perpetual pain resides for all those who enter it. When you read testimonies of torture victims in this study, do not consider their pain independent of their families. Let your mind move beyond the torture to remember Palestinian detainees’ children, mothers, wives, and loved ones. Envision their fear and pain, and you will perceive the true depth of the pain that transcends all prison cells and the brutality exhibited by interrogators that is too obscene to describe fully.





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Preface

In this extensive study, Addameer Prisoner Support and Human Rights Association aims to tackle the concept and practice of torture broadly observed within the Palestinian context under occupation, exploring particular practices of torture documented between 2019 and 2020. The study views torture as an age-old tool of colonial systems used to subjugate and exercise control over indigenous people, repressing any form of dissent. Torture is a generic concept, so this multifaceted study explores various dimensions beyond the legal and rights-based discourse that ground this research.

This study primarily highlights European colonial practices—notably torture and general coercive and collective punishment—in African and Asian countries prior to 1960, in comparison with policies of the Israeli occupation against Palestinian detainees. The study draws parallels between the two colonial systems, concluding that the Israeli occupation’s practices do not fundamentally differ from European colonial practices in the 1920s, ‘30s, and ‘40s; both systems resorted to the deliberate use of torture against detainees, collective punishment, fines, as well as the confiscation of funds and properties to subjugate the occupied population.

This study employs several research methodologies, including legal analyses of international courts’ rulings and agreements on torture, a critical analysis of Israeli court rulings, along a collection of in-depth interviews with torture victims coming from Addameer’s torture archive that has been under way since 2018. The interviews tackle Israeli occupation practices between 1960 and 1999 and various forms of torture practiced by Israeli occupation forces at the time. Moreover, the study leverages quantitative data analysis of the study sample, consisting of 205 cases of detainees interrogated between 1 January 2019 and 30 June 2020 and whom Addameer legally followed. The analysis examines over 25 factors, including interrogation center location, gender, the duration of interrogation, the number of detention extensions for interrogation,

lawyer bans, and appeals and objections filed by Addameer on behalf of the detainees, among several other factors.

In addition to the quantitative analysis, Addameer relied on the legal analysis of a large number of case files by exploring relevant legal and court procedures of each file. Finally, Addameer reviewed all relevant prison visits and field research documentation notes conducted between January 2019 and June 2020.

The study is divided into three main parts. First, it tackles European colonization and its use of torture to exercise control over and subjugate the indigenous population, presenting examples of colonial practices in numerous countries including Tunisia, Algeria, Kenya, and others. The second section attends to torture within the context of international law and courts, exploring critical international courts' rulings and agreements on torture, the nature of practices that amount to torture, as well as what falls under 'inhuman treatment.'

The third and most prominent part of the study addresses torture within the context of the Israeli occupation, starting with the history of Israeli torture practices from 1960 to the present day, as the historical scope of the study spans from 1967 to 2020, with a particular focus on cases followed by Addameer during 2019 and the first half of 2020. This third section additionally presents the testimonies of prisoners subjected to the most heinous torture techniques of that time. It also addresses the complicity of the Israeli judicial and medical systems and their role in concealing the Israeli occupation's crimes.

Chapter One



**Theoretical Preamble: Torture is a
Tool of Colonial Systems**

“Prison is not just the four walls, nor is it just the executioner or the torture. It is primarily a person’s fear and terror, instilled even before entering the prison, which is precisely what the executioner wants and what makes a person a perpetual prisoner.”

Abdel Rahman Munif
Arab Novelist and Thinker



The early onset of the Israeli colonialization of Palestine in 1948 laid the foundation of the system of oppression which constantly evolved in response to the Palestinian rejection of the occupation and its practices on the ground. As Palestinians advanced their national liberation movement, the incarceration of hundreds of Palestinian freedom fighters escalated in return. Palestinians were incarcerated in former British colonial prisons or prisons established after 1967 as a retaliatory punitive measure and deterrent against all acts of resistance against Israeli policies and practices. Numerous physical and psychological torture techniques were exercised against Palestinian detainees to conquer their bodies and break their spirit to coerce acceptance of their new reality under occupation.

Perhaps the role of prisons within the colonial context differs from prisons whose explicit aim is to reform and rehabilitate. Colonial prisons were established to exercise control over indigenous populations rejecting colonization through individual and collective national resistance efforts. Jeremy Sarkin notes that in the African context, “even when the colonial powers arrived in Europe, they utilized imprisonment, not as a means by which to punish the commission of common crimes but rather to control and exploit potentially rebellious local populations. Therefore, Africa’s earliest experience with formal prisons was not with an eye toward the rehabilitation or reintegration of criminals but rather the economic, political, and social subjugation of indigenous peoples.”¹

Similarly, Israeli occupation prisons were established to punish Palestinians. Regardless of geographic differences, an Occupying Power’s torture and punitive measures do not differ as they target at their core the body of the occupied people to maintain power and extend control. These measures have consistently intended to twist and control the Palestinian consciousness in the long term by targeting both the body and soul of the occupied, rendering significant similarities in the nature of punitive and torture measures in these prisons. Perhaps what sets apart the state of prisons in certain occupied territories from other

1 Jeremy Sarkin, Prisons in Africa: An Evaluation from a human rights perspective, Sur International Human Rights Journal, 2009, Vol.5, No.9, p 22-49

contexts is that racialized settler-native dynamics prominently mark the occupier's torture practices. Sakrin goes on to say that "while European prisons phased out torture in the late 1800s, colonial prisons increasingly relied upon the practice as a means of suppressing indigenous peoples and reinforcing racist dogma. Torture and capital punishment were legitimized among Europeans by the characterization of Africans as uncivilized, infantile, and savage."²

Similarly, Marina Lazreg points to racism as a principal factor in the use of torture on a grand scale by French colonizers, which undoubtedly "played a significant role in the brutal treatment of native Algerians by the army and the police. Algerians were subjected to racially-based torture centered around the occupier's political beliefs. This ideology reinforced racial differences and attempted to cement the notion that Algerians were "a defeated people brought under colonial control." As a result, torture emerged as "part of the natural order of things colonial."³

Lazreg adds that the French colonial regime racially conditioned its soldiers to enable French soldiers to practice torture, reprisals, summary executions, and rape as a form of military solidarity in an imperial republic, noting that "patriotism is occasionally invoked as having been at the root of the manifold abuses committed by troops." One French soldier who served in the war at the time said, "France was France because it had a colonial empire," which motivated French soldiers to practice all forms of torture and reprisals.⁴

Understanding the nature and ambitions of a colonial regime allows us to understand its system of oppression and violence based on the persecution of indigenous populations. Jean-Paul Sartre affirmed this notion in his preface to Frantz Fanon's *The Wretched of the Earth*, stating, "Colonial violence not only aims at keeping these enslaved men

2 Id.

3 Marina Lazreg, *Torture and the Twilight of Empire from Algiers to Baghdad* (United States: Princeton publication, 2007), p 173-190.

4 Id.

at a respectful distance; it also seeks to dehumanize them.”⁵ According to Sartre, dehumanization is ultimately the defeat of the colonized before the colonial regime that subjugates the former to its breaking point. The colonized is left without the ability to resist and reject, which is achieved not by wiping out traditions or substituting languages but rather by exhausting the will of the colonized to the point of sheer fatigue as the colonial regime sows fear in the hearts of the colonized through all forms of violence

The exact colonial nature and aims currently remain against the Palestinian people. From its early days, the Israeli colonization aimed not only to subjugate the indigenous population but to erase Palestinian existence on the land through massacres, forced displacement, the construction of settlements on the ruins of demolished Palestinian houses, among other race-based colonial practices. In the face of this struggle, colonial prisons built after 1967 and former British colonial prisons became venues that have witnessed all forms of violence, ranging from torture to murder in some cases. These prisons continue to practice violence and punitive measures within a systematic oppressive system that is constantly evolving, adapting new tactics of oppression against Palestinian prisoners. Arrests, abuse, and torture are oppressive tools practiced against those who reject and resist the occupation.



Conceptualizing Torture

“You don’t feel a beating when you are free to want it; you only feel it when you have to receive it, stripped of your freedom, powerless and unable to return it. That’s when you experience the true feeling of a beating, the pain of it: not the local pain of the strike itself, but the pain of humiliation.”

— Mamdouh Adwan, *The Animalization of Man*

5 Frantz Fanon, *The Wretched of the Earth* (France: Grove Press, 1963), p7-8

These words encompass the reality of torture inside Israeli colonial prisons that have allocated interrogation centers to practice all forms of torture, marring the bodies of Palestinian detainees who are unable to respond or resist brutal torture tactics that, on occasion, end in death. The Palestinian detainee is tortured in dungeons where his screams reverberate around his tormented body, only to be heard by none. Every strike is followed by another until his body can no longer withstand and can no longer stand up.⁶

Adwan defined torture as the infliction of harm by one person against another as a means of punishment to deter, oppress, or discipline, and force the commission of an act or extract information during interrogation. Moreover, the infliction of harm can be part of a training exercise or motivated by economic rationale; it can also be a part of religious or cosmetic ceremonies.⁷ Foucault relies in his definition on Jaucourt, who defines torture as a “corporal punishment, painful to a more or less horrible degree.” on the other hand, Foucault states that “torture rests on a whole quantitative art of pain” that measures the type of corporal effect, as well as the quality, intensity, and duration of pain. Thus, Foucault perceives pain index and intensity as the one factor that defines punishment as torture.

European Colonization and Torture

Over the last few centuries, particularly in the wake of the First and Second World Wars, numerous European states sought to expand their hegemony and gain control by imposing on numerous countries, including Tunisia, Algeria, and Kenya, among others. The colonial regimes resorted to several practices to subjugate the people of these countries, including torture. While parallels can be drawn between colonial practices in prior centuries and similar current Israeli practices,

6 Adwan, Mamdouh. *Animalization of Man*. Damascus: Mamdouh Adwan Publishing and Distribution House (2nd print). 2003: p. 70, 74.

7 Previous reference: p. 16

we explore European colonial regimes in Tunisia, Algeria, India, and Kenya in this chapter.

1. Tunisia and Algeria in parallel with Palestine

The French colonial regime in Tunisia established a punitive system based on multiple forms of punishment primarily used against Tunisian nationalists. The punitive system centered around the practice of extreme violence against Tunisians to combat nationalist movements, using various methods of oppression, violence, and unwavering restrictions to thwart any and all liberation movements. Moreover, the system was established on undermining any patriotic act, labelling the work of freedom fighters as inferior to denigrate their humanity. French punishments against Tunisians varied, including hefty fines,⁸ executions, and imprisonment.

Not only did French authorities resort to these traditional forms of punishment, but they also confiscated Tunisian assets, both movable and immovable properties. Additionally, Tunisians were exiled and forced out of their country, some of whom were placed under surveillance even abroad.⁹

Similar to various other colonial systems that resorted to all forms and degrees of torture to subjugate the indigenous population, French colonization in Tunisia used physical and psychological torture against Tunisian nationalists in detention, including degradation, verbal humiliation and cursing, terrorization, inhuman denigration, slander and mockery of physical appearance, sleep deprivation, constant reminders of the wretched state of the detainees' families, slapping, punching,

8 Monetary penalties are a particularly lucrative form of punishment that does not carry any real costs for colonial authorities. Rather, these penalties constitute an additional source of income unlike other forms of punishment like incarceration.

9 "Torture Practices against Tunisian Patriots during the French protectorate", an article published in in *Studies and Testimonies on Victims of Torture and Oppression by Regimes of the Greater Morocco 1956-2010*. (Tunis: Tamimi Institution, 2013), p. 33-54.

kicking, strangulation, burning, and crucifixion.¹⁰ Notably, the vast majority of these methods are used by the Israeli occupation against the Palestinian people, as it is scarce to find a detained Palestinian who does not report being cursed at and verbally humiliated, terrorized, as well as subjected to psychological pressure by being told of the suffering of their family and others.

The French colonial system practiced torture in various venues, including detention camps, police stations, and exile. Police stations, in particular, witnessed the most brutal torture tactics, including impalement,¹¹ forcing water tubes down detainees' throats and filling their stomachs with water before stomping on them, electrocuting and putting out cigarettes in sensitive areas on their bodies, and undressing the detainees and locking them in cells with no access to light and ventilation while the cell floor is covered in water mixed with potassium.¹² Moreover, some detainees were forced to watch other detainees undergo torture, while others had their parents brought in to witness their child's torture to exert further pressure. Additionally, detainees were provided only with meager quantities of bread and water during the night and subjected to medical neglect that included the withholding of first aid and/or provisions of only bare minimum medical care and medicine. Furthermore, detainees were subjected to food deprivation and starvation, forced to drink alcohol mixed with salt, and a variety of other practices.¹³

The Israeli occupation has used some of these tactics against Palestinian freedom fighters. In its effort to archive the history of torture of Palestinian detainees, Addameer documented the use of several methods, including the putting out of cigarettes on detainees' bodies and the prolonged time

10 Previous reference: p. 33-54.

11 This practice was common in the 1930s. In the 1950s, impalement was carried out using bottles.

12 Potassium is a type of salt extracted primarily from ashes of certain plants and mainly used in the manufacturing of glass, soap, and manure.

13 Previous reference: "Torture Practices against Tunisian Patriots during the French protectorate," p. 33-54.

between the provision of meals, sometimes up to 24 hours, to starve them. Moreover, Israeli interrogators routinely subject detainees to sleep deprivation, hear or witness the torture of another detainee, or the arrest or threat of arrest and interrogation of family members. Detainees are also deprived of adequate medical care or suffer significant delays in receiving necessary medical attention.

Observing the Algerian experience under French colonization, both Algerian and Tunisian experiences did not differ considering the similar French colonial policies enacted in both countries. French authorities sought the deliberate dismantlement and fragmentation of Algerian society in its entirety, from imposing an economic siege and gaining absolute control over natural resources, both land, and structure, to attempting to replace the indigenous population with European colonial settlers. To achieve the latter, French authorities moved European citizens of lower classes to Algeria, establishing a bias in the new settlers' treatment compared to Algerians.¹⁴ The French colonial system in Algeria was discriminatory based on national origin; when an Algerian and a European settler committed the same offense, the colonial regime showed leniency towards the latter while enacting maximum penalties against the former.



14 Benjamin Stora, *Histoire de l'Algérie colonial (1830-1954)* (France: La Découverte, 1991), p30.

Similarly, the Israeli occupation and colonial regime enact discriminatory policies against Palestinians. French colonial discrimination based on national origin manifested in carrying out different penalties for the same offense. The Israeli occupation follows similar practices by embellishing charges filed against Palestinians using an inflated number of charges. Meanwhile, the Israeli military prosecution constantly seeks to portray Palestinians as ‘terrorists’ whose actions, no matter how minuscule, cannot be overlooked. Before the Israeli judicial system, the branding of ‘terrorists’ aimed to prompt judges to issue higher sentences and severe punishments. On the other hand, we can observe two separate judicial systems operating throughout the Israel-occupied territories. The first enacts the highest possible penalties against Palestinians, while the other shows extreme leniency to Israeli settlers who commit horrendous crimes against Palestinians.

The French colonial system continuously attempted to thwart any Algerian liberation attempts by using prisons to expand colonial hegemony and control. French forces incarcerated anyone who attempted to rebel against the colonial regime, restructuring prisons into avenues of oppression and the spreading of ignorance, and committing the vilest crimes of torture in said prisons to expand control in colonized Algeria further.¹⁵ Among the French torture techniques used against Algerian detainees were slapping, punching to the abdomen, flaying using pliers,

15 Banaji, Jariya Kashir. Colonial Prisons in Algeria - Serkadji Prison (Barberousse Prison) as a case study based on filing records (1954-1962) (Algeria: University of Algeria, 2002/2003). MA Thesis, p. 1-8.

and electrocution.¹⁶ Additional methods included pumping water into the detainee's stomach using a funnel or a tube forced into his mouth, repeatedly dunking the detainee's head under water for long periods, strangulation, as well as crucifixion on the cell floor.

Families of detainees were not exempt from the brutal colonial policies as French forces often brought in a detainee's wife, daughter, sister, or a female relative and threatened to rape her before his eyes if he refused to confess. On occasions, the detainee was forced to strip and dance naked before his family members broke his will and crushed his spirit.¹⁷

One parallel that further demonstrates the similarities between the French colonial system and the Israeli occupation is the repeated French late-night raids of Algerian households to terrorize Algerians by ransacking and searching their homes at night. Similarly, Israeli occupation forces often raid Palestinian cities and villages, breaking into Palestinian homes late at night and destroying their property, all to strike fear in the hearts of Palestinian families.

16 We must note here the nature of French forces' criminal and brutal psyche as numerous former detainees noted in letters documented in the National Tunisian Archive that French colonizers did not primarily aim to extract information or information when torturing a prisoner. In actuality, torture aimed to humiliate the prisoner and break his will in order to coerce submission to the colonizing power. (Previous reference: *Torture Practices against Tunisian Patriots during the French Protectorate*, p. 33-54). Researchers documented a similar ruthless tendency during the French colonization of Algeria. In his testimony on torture and use of electric shocks against Algerian detainees, French General Aussaresses stated, "it [electric shocks] was my preferred method because it did not leave behind significant physical marks on detainees which concealed cases of torture during visits by international commissions like the Red Cross." Bolal, Fatime, and Dalila Othmani. *Crimes of French Colonization in Algeria 1954-1962 with Torture as a Case Study* (Algeria: Ahmed Draia University of Adrar, 2017/2018). MA Thesis, p. 19.

17 Previous reference: Bolal, Fatime, and Dalila Othmani. *Crimes of French Colonization in Algeria 1954-1962 with Torture as a Case Study*, p. 18-22.

2. Kenya and India

British colonial policies strike a resemblance to their French counterparts. In Kenya, Britain imposed control over Kenyan lands and accelerated attempts to settle British and foreign citizens. Foreign settlers were treated vastly different than the indigenous population, who were oppressed, undermined, humiliated. In addition, Kenyan natives were subjected to various forms of torture, including rape,¹⁸ in prisons.

As with other colonial powers, Britain attempted to suppress any liberation endeavors as all liberation movements and forms of rebellion against the colonial regime were met with violence and oppression. History has witnessed brutal torture techniques during the 1950s, particularly during the Mau Mau Uprising, which Britain responded to with rebels' physical beating, rape, and castration.¹⁹ Over 20,000 Kenyans were killed, while around 150,000 were imprisoned. Arrest campaigns targeted Kenyans involved with the Kenya Land and Freedom Army (the Mau Mau Army). Still, they included people who did not participate in the uprising or the army whatsoever.²⁰

A group of Kenyans who were tortured at the hands of British colonial forces filed a lawsuit to demand reparations in 2012.²¹ During the court

18 Amanda Elizabeth Lewis, *A Kenyan revolution: Mau Mau, Land, Women, and nation*, (United States: East Tennessee state university, 2017), p17-18. Available at: <https://dc.etsu.edu/cgi/viewcontent.cgi?article=3495&context=etd>.

19 Kenyans rebelled against colonizing authorities in various forms, including the Mau Mau Uprising by Kenyan rebels which took place in 1952-1960. Kenya: A Country Pillaged by British Colonization Then Sold Back to its Original Owners, published on 22 July 2017. Last accessed on 9 October 2020 via <https://bit.ly/3j7EJ4u>.

20 Britain admits 1950s torture of Kenyans, published on 18 July 2012. Last accessed on: 28 September 2021. Available at: <https://www.abc.net.au/news/2012-07-18/britain-admits-torturing-kenyans/4137364>.

21 Alan Cowell, Britain to Compensate Kenyan Victims of Colonial-Era Torture, published on 6 June 2013, Last accessed on 25 September 2021. Available at: <https://www.nytimes.com/2013/06/07/world/europe/britain-colonial-torture-kenya.html> .

hearings, the individuals shared detailed testimonies of the torture they endured, as in the case of the first claimant, Wambugu Wa Nyingi, who recalled the details of his arrest in 1952. He was incarcerated for more than five years, during which he was subjected to extreme physical beatings. Another witness recalled the details of his castration in a detention camp where his hands and feet were shackled as a white settler approached him with large pliers before proceeding to castrate him.²²

Men were not the only victims of British colonial atrocities in Kenya. Claimant Jane Muthoni Mara told the court that she was arrested when she was 15 years old on suspicions of being a Mau Mau sympathizer. Mara detailed the violence she endured upon arrival in the camp, including having a glass soda bottle pushed into her vagina.²³ She recounted the excruciating pain she experienced as the bottle was full of boiling water.²⁴ The case ended with the British government recognizing that Kenyans were subjected to torture and ill-treatment and paying \$30 million in settlement to over 5000 Kenyans who had been tortured.²⁵

While these brutal torture tactics differ from Israeli practices against Palestinians, it does not stop drawing parallels based on the fundamental use of torture. The British colonization's deliberate use of sexual violence, including castration, rape, and sexual assault of the Kenyan population, does not fall far from the Palestinian reality. During the 1960s and 1970s,

22 Britain admits 1950s torture of Kenyans, previously mentioned.

23 Jerome Taylor, Government admits Kenyans were tortured and sexually abused by colonial forces during Mau Mau, published on 17 July 2012. Last accessed on 28 September 2021. Available at: <https://www.independent.co.uk/news/world/africa/government-admits-kenyans-were-tortured-and-sexually-abused-by-colonial-forces-during-mau-mau-7953300.html>.

24 Kenya's Mau Mau uprising: Victims tell their stories, published on 6 June 2013. Last accessed on 28 September 2021. Available at: <https://www.bbc.com/news/uk-22797624>

25 Alan Cowell, Britain to Compensate Kenyan Victims of Colonial-Era Torture, previously mentioned.

the Israeli occupation used similar tactics, from forcing detainees to sit on glass bottles resulting in genital lacerations to rape using sticks.²⁶

British colonial practices in India did not fundamentally differ from those in Kenya. Britain plundered India's natural resources and lands and exploited Indian natives, particularly detainees and prisoners, through forced labor to extract natural resources under extremely cruel conditions.²⁷

One Indian survivor recounted the conditions of his incarceration in the 1940s, stating that British forces used to tie their hands with nets and place around 80 of them in overcrowded barracks. He continued to describe the cruelty of British jail officers who gravely mistreated and subjected them to various forms of torture, including pulling out the prisoners' nails and forcing them to lie down on ice slabs.²⁸ Other survivors detailed the horrors of torture and starvation they encountered. The prisoners were served gruel full of worms instead of edible food, and when some of them went on hunger strike, British forces retaliated with force-feeding.²⁹

We can see parallels with the Israeli occupation in many of these practices. The history of the Israeli occupation is marked by similar patterns that include incarcerating dozens of Palestinian prisoners in extremely small prison spaces providing undercooked or inadequate quantities of food

26 Various Israeli methods will be explored in following chapters

27 Robyn Wilson, *Inside Cellular Jail: the horrors and torture inflicted by the Raj on India's political activists*, published on 11 August 2017, last accessed on 13 September 2021, available at: https://www.independent.co.uk/news/long_reads/cellular-jail-india-integral-country-fight-freedom-independence-british-colony-andaman-and-nicobar-a7883691.html

28 Freedom fighter recalls torture in jail, published on 14 August 2015, last accessed on 13 September 2021, available at: <https://timesofindia.indiatimes.com/city/varanasi/Freedom-fighter-recalls-torture-in-jail/articleshow/48479030.cms>

29 Cathy Scottclark and Adrian Levy, *survivors of our hell*, published on 23 June 2001, last accessed on 13 September 2021, available at: <https://www.theguardian.com/lifeandstyle/2001/jun/23/weekend.adrianlevy>

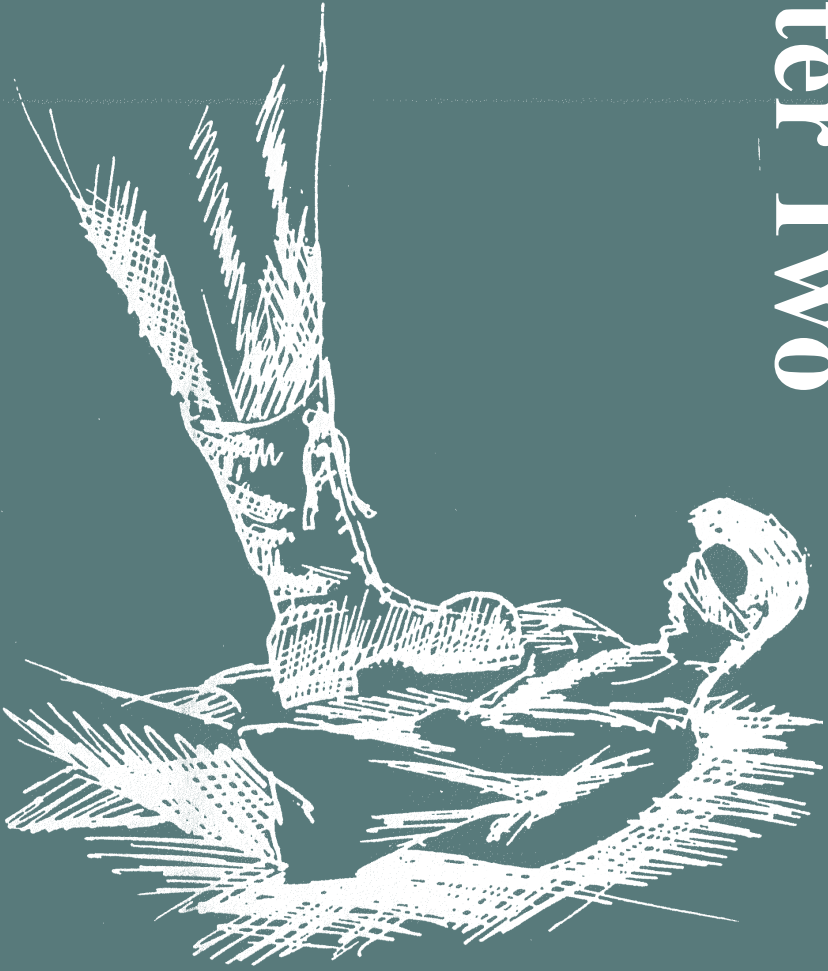
to detainees and prisoners, which renders the Israeli prison canteen the only way for prisoners to obtain additional food at double the prices.³⁰

Additionally, Israeli occupation authorities have resorted to force-feeding practices similar to the British colonial system. For years, Palestinian prisoners on hunger strike were subjected to force-feeding, which ultimately resulted in the death of Abdel Qader Abu Al-Fahem, Rasim Halawa, Ali Al-Ja'fari, and Ishaq Maragha, who passed away due to health complications resulting from force-feeding. The Israeli state continues to lay a legal foundation for these violations to this day. In 2015, the Israeli Knesset passed a forced-feeding bill that allows Israeli authorities to force-feed Palestinian prisoners on hunger strike “if their lives are endangered.”³¹

30 Prison canteen is a term referring to what resembles a prison commissary where prisoners are able to purchase available necessities. Canteens constitute a form of the Israeli economic exploitation of Palestinian prisoners who have to purchase the majority of their needs from canteens. For more information, see “The Economic Exploitation of Palestinian Political Prisoners”, published by Addameer Prisoner Support and Human Rights Association in 2017, available via https://www.addameer.org/sites/default/files/publications/final_report_red_2_0.pdf

31 See: “Israel enacted “Force-Feeding Law” to break the will of Palestinian detainees on hunger strike against inhumane conditions,” published by Adalah – The Legal Center for Arab Minority Rights in Israel on 31 July 2015. Last accessed on 15 September 2021 via <https://www.adalah.org/en/content/view/8608>. Also see: “Physicians for Human Rights-Israel and Adalah Urge Israeli AG and Health Ministry to Withdraw Support for “Force Feeding Bill” Targeting Hunger-Striking Prisoners,” published by Adalah – The Legal Center for Arab Minority Rights in Israel on 24 February 2014. Last accessed on 15 September 2021 via <https://www.adalah.org/en/content/view/8249>

Chapter Two



Torture Under International Law

The history of humanity is littered with wars and human rights violations. This litany has generated a special concern for the issue of torture that ultimately resulted in the explicit prohibition of torture and other acts of cruel and inhuman treatment in all relevant international conventions. The prohibition is absolute, the strongest under international law, meaning that under no circumstances can any party invoke an exception, justification, tolerance, or acceptance of torture. In this light, the prohibition against torture has entered customary international law, which means that states are bound by it whether or not they accept or ratify relevant international conventions.³² Furthermore, torture has been deemed to amount to a crime against humanity and a war crime when committed in a widespread or systematic manner.³³ One of the most prominent international agreements in this regard is the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which defines torture in Article 1 as “any act by which severe pain or suffering, whether physical or mental is intentionally inflicted on a person.”³⁴ Article 2 of CAT states that “no

32 The legal prohibition against torture, Human Rights Watch, published on: 1 June 2004. Last accessed on 20 December 2020. Available at: <https://www.hrw.org/news/2003/03/11/legal-prohibition-against-torture>.; Torture: A crime against humanity, United Nations. Last accessed on 15 September 2021. Available at: <https://www.un.org/en/observances/torture-victims-day>.

33 See: The Rome Statute of the International Criminal Court, adopted on 17 July 1998. Available via <https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf>

34 Article 1.1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment states that “For the purposes of this Convention, the term “torture” means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.”

exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.”³⁵

Notably, CAT is one of the only international conventions to ascribe further state and individual criminal accountability for acts of torture, mandating States’ commitment to the abolition of torture and prosecution of all parties responsible. While the convention succeeded in providing an “acceptable” international definition of torture, the definition remains somewhat broad.³⁶ On October 3, 1991, Israel ratified the CAT, which imparts specific obligations on Israel’s part as a ratifying state.³⁷

Additionally, a number of other international conventions confirm the prohibition of torture, including the Universal Declaration of Human Rights (UDHR), which states, “No one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment,”³⁸ the International Covenant on Civil and Political Rights (ICCPR),³⁹ the Nelson Mandela Rules,⁴⁰ the Code of Conduct for Law Enforcement Officials,⁴¹ the Body of Principles for the Protection of All Persons

35 Article 2.2 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

36 “Torture: the need to move forward”, published by the International Committee of the Red Cross on 27 June 2005. Last accessed on 4 October 2021. Available via <https://www.icrc.org/en/doc/resources/documents/misc/torture-editorial-240605.htm>.

37 Status of treaties, United Nations Treaty Collection, last updated on: 29 December 2020. Last accessed on 30 December 2020, available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-9&chapter=4&lang=en

38 See Article 5 of the Universal Declaration of Human Rights

39 See Article 7 of International Covenant on Civil and Political Rights

40 See Rule 1 of the United Nations Standard Minimum Rules for the Treatment of Prisoners

41 See Article 5 of the Code of Conduct for Law Enforcement Officials

under Any Form of Detention or Imprisonment,⁴² and the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.



Torture in State Practices vs. International Courts' Rulings

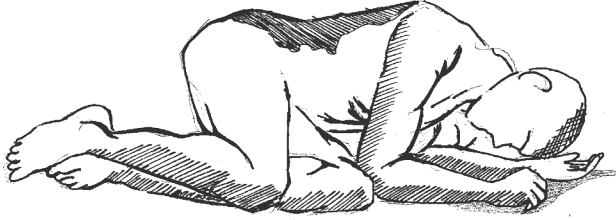
The general definition of torture inscribed in the CAT leaves the door somewhat open for international courts to clarify the nature of practices that amount to torture and inhuman treatment, as many courts have considered the nature, severity, and duration of practices used against detainees, among other factors. Despite differences resulting from various interpretations and jurisprudence, there is a consensus deeming several practices as torture, including severe beatings, pulling out finger nails and teeth, electrocution, strangulation, prolonged sleep deprivation, complete isolation, sexual assault, whether be it rape or other forms of sexual violence, as well as excessive exposure to light, noise, heat or cold.⁴³

International judicial interpretations on the matter have followed two directions, the first of which attempts to define torture, while the other attempts to specify practices that amount to torture. An example of the first direction is the International Criminal Tribunal for the former Yugoslavia (ICTY), which adopted a definition of torture as “an act or omission inflicted severe pain or physical or mental suffering; the act or omission was committed with intent; and the act or omission was aimed at obtaining information or a confession, or at punishing, intimidating,

42 See Principle 6 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment

43 Reporting on Torture: A handbook for journalists covering torture. Last accessed on 20 September 2021. Available at: https://redress.org/wp-content/uploads/2016/06/Reporting_on_Torture_English.pdf. P7. Also see: The legal prohibition against torture, Human Rights Watch, previously mentioned.

or coercing the victim or a third person; or at discriminating, on any ground, against the victim or a third person.”⁴⁴



Examples of the second direction are many, one of which is the European Court of Human Rights’ assessments on the case of *Shishkin V. Russia*, where the detainee had been subjected to ill-treatment by the police. The court concluded in its assessments that the ill-treatment to which the detainee was subjected, including being punched, kicked, hit on the heels with truncheons, and being subjected to electric shocks, amounted to torture given the purpose, length, and intensity of the ill-treatment. Furthermore, the court noted that the ill-treatment had undoubtedly caused “severe mental and physical suffering, even if the actual bodily injury might not have been particularly serious,” adding that “the use of force had been aimed at debasing the applicant, driving him into submission and making him confess to a criminal offense which he had not committed” which led the court to conclude that these practices amounted to torture.⁴⁵

Furthermore, the African Commission on Human and Peoples’ Rights considered the practice and surrounding circumstances of severe beatings

44 *Prosecutor v. Haradinaj et al*, International Criminal Tribunal for the former Yugoslavia (ICTY), 3 April 2008. Last accessed on 20 September 2021. Available at: <https://www.refworld.org/cases,ICTY,48ac3cc82.html>. It should be noted that the court adopted this definition from *Kordic and Cerkez* precedent which was used in numerous other cases, including *Prosecutor v. Limaj et al* and *Prosecutor v. Mrksic et al*.

45 *Case of Shishkin V. Russia*, The European Court of Human Rights, application number 18280/04, published on 7/10/2011. Last accessed on 20 September 2020. Available at: <https://www.refworld.org/cases,ECHR,4e254a462.html>

with sticks and whips, being forced to do the rabbit jump, aggravated beatings with water hoses on all parts of the body, death threats, kneeling with the feet facing backward for the victims to be beaten on their feet before being asked to jump up immediately afterward, as well as other forms of ill-treatment that result in serious physical injuries and psychological trauma to be “of such a serious and cruel nature that it attained the threshold of severity as to amount to torture.”⁴⁶

The ambiguity left behind by the CAT’s definition of torture opened the door for governments and international courts to adopt various definitions. While some governments and courts attempted to broaden the definition of torture to include as many practices as possible, others attempted to narrow the definition as much as possible under various pretexts, mainly countering terrorism. The most prominent example of the latter is the United States’ development of “Enhanced Interrogation Techniques” following 9/11/2001.⁴⁷ These inhuman techniques were used in numerous detention camps, notably Guantanamo Bay, under the guise of counterterrorism to justify crimes of torture.

In 2014, the U.S. Senate Select Committee on Intelligence submitted a report on the effectiveness of the Central Intelligence Agency’s (CIA) enhanced interrogation techniques. The report concluded that the CIA’s use of enhanced interrogation techniques was not an effective means of acquiring intelligence, confirming the ineffectiveness of torture to acquire information. The report cited two documents issued in 2001 and 2002, which referred to the Israeli occupation’s tactics as a possible

46 Communication 368/09: Abdel Hadi, Ali Radi & others v. Republic of Sudan, Amnesty international.

Last accessed on 24 September 2020. Available at: <https://policehumanrightsresources.org/368-09-abdel-hadi-ali-radi-others-v-republic-of-sudan>

47 Enhanced Interrogation is one US government program of systematic methods of interrogation that can be described as unusual and have been practiced in numerous Central Intelligence Agency (CIA) sites like Guantanamo Bay and Abu Ghraib. Enhanced interrogation techniques include hooding, waterboarding, repeated slapping, subjection to extreme heat or extreme cold, sleep deprivation to the point of hallucination, confinement in small coffin-like boxes, as well as deprivation of medical care upon injury.

argument to confirm that enhanced interrogation techniques can be used to prevent imminent harm “where there are no other available means to prevent the harm.”⁴⁸

Despite the CIA’s clear stance supporting these techniques, the U.S. judicial system began pushing back against the argument. In 2019, the U.S. Court of Appeals for the Ninth Circuit found that enhanced interrogation techniques amount to torture in *Husayn v. Mitchell*.⁴⁹ The court ruled that using these techniques is not subject to state-secrets privilege, adding that any judge ruling in similar cases must disentangle non-privileged from privileged information before dismissing any case involving classified information or state secrets.⁵⁰ The case was further appealed to the U.S. Supreme Court, oral arguments began in October 2021, and the case continues to be pending.

In a separate case, *Salim v. Mitchell*, the U.S. District Court for the Eastern District of Washington ruled that psychologists who aided in designing and implementing the Enhanced Interrogation Techniques Program were not entitled to derivative sovereign immunity, leaving them liable to prosecution.⁵¹ Similarly, the European Court of Human Rights (ECtHR) ruled that a state is regarded as responsible for a detainee’s treatment on its territory and under its jurisdiction. In the case of *Husayn (Abu Zubaydah) v. Poland*, it was established that Abu Zubaydah was transferred to Poland for a duration of time, during which he was subjected to torture. The court found that Poland’s failure to

48 Report Of The Senate Select Committee On Intelligence Committee Study Of The Central Intelligence Agency’s Detention And Interrogation Program Together With Foreword By Chairman Feinstein, Published on 9 December 2014, last accessed on: 24 December 2020. Available at: <https://www.intelligence.senate.gov/sites/default/files/publications/CRPT-113srpt288.pdf>. p19

49 Ninth circuit in *Husayn v. Mitchell*, 938 F.3d 1123 (9th Cir. 2019). Available at: <https://cases.justia.com/federal/appellate-courts/ca9/18-35218/18-35218-2019-09-18.pdf?ts=1568826120>

50 *Ibid.*

51 *Salim v. Mitchell*, 268 F. Supp. 3d 1132, 1136 (E.D. Wash. 2017). Available at: <https://casetext.com/case/salim-v-mitchell-4>

consider Abu Zubaydah's ill-treatment constitutes a violation of the member state's obligations in accordance with the European Convention on Human Rights (ECHR).⁵²

As part of international efforts to overcome the ambiguity present in states' differing interpretations of torture, the United Nations Special Rapporteur on Torture from 2004 to 2010, Manfred Nowak, set four significant criteria to define torture and distinguish it from cruel, inhuman, or degrading treatment or punishment.

These criteria include: (1) the causing of severe physical and/or mental pain or suffering, (2) the attribution of the conduct to the state, (3), as well as the presence of purpose and intent as torture, must be committed intentionally and deliberately for a particular purpose, most likely extraction of confessions to reach a conviction, intimidation, discrimination, or punishment. Lastly, Nowak set a fourth criterion that is not present in the Convention against Torture: (4) the powerlessness and defencelessness of the victim.⁵³

In reviewing the extended literature of torture within international and relevant domestic legal frameworks, the absolute explicit prohibition of torture in various international conventions is made clear, leading us and in light of numerous international courts' rulings and precedents. Thus, it can be said that a marginally large part of Israeli practices against Palestinians constitute torture. Even in cases where these practices do not amount to torture, they remain acts of inhuman treatment prohibited by the International Law in parallel with the prohibition on torture.

52 European Court of Human Rights: Case of Husayn (Abu Zubaydah) v. Poland, 2015 No. 7511/13, Eur. Ct. H.R. (2015). Available at: <https://hudoc.echr.coe.int/eng#%7B%22fulltext%22:%5B%22husayn%22%5D,%22documentcollectionid%22:%5B%22GRANDCHAMBER%22,%22CHAMBER%22%5D,%22itemid%22:%5B%222001-146047%22%5D%7D>

53 See: "I've Been There: a study of torture and inhumane treatment in al-Moscabiyah Interrogation Center," published by Addameer Prisoner Support and Human Rights Association in 2018, p.9. Available at https://www.addameer.org/sites/default/files/publications/al_moscabiyeh_report_0.pdf



Crimes of Torture in the International Criminal Court

It has been established that the International Criminal Court (ICC) has jurisdiction to prosecute four main categories of crimes: (1) crimes of genocide, (2) crimes against humanity, (3) crimes of aggression, and (4) war crimes, including grave breaches of the Geneva Conventions.⁵⁴ The court may initiate an investigation into possible crimes in one of three ways when a member country refers to the court as a situation within its territory, when the UN Security Council (UNSC) refers to a situation in accordance with Chapter 7 of the UN Charter, or when the prosecutor launches an investigation into a member state *motu proprio*.⁵⁵

The Rome Statute categorizes torture as a crime of war and a crime against humanity when it is committed as part of a widespread or systematic attack.⁵⁶ The statute defines torture as “the intentional infliction of severe pain or suffering, whether physical or mental, upon a person in custody or under the control of the accused.”⁵⁷ The scope of this study does not extend to include an in-depth analysis of the ICC’s jurisdiction and the nature of its work in prosecuting perpetrators of crimes of torture. Still, it is significant to note the ICC’s mandate is not to replace national courts but rather establish a comprehensive system of international criminal justice only to intervene where a state is unable or unwilling to carry out proceedings genuinely.

In light of the Israeli judicial system’s complicity with the Israeli Security Agency (ISA), known as the ‘Shabak,’ as well as its repeated attempts to conceal crimes of torture against Palestinians in general, and detainees in particular, it becomes apparent the importance of unifying national efforts to facilitate holding accountable Israeli perpetrators of crimes of torture before the International Criminal Court.

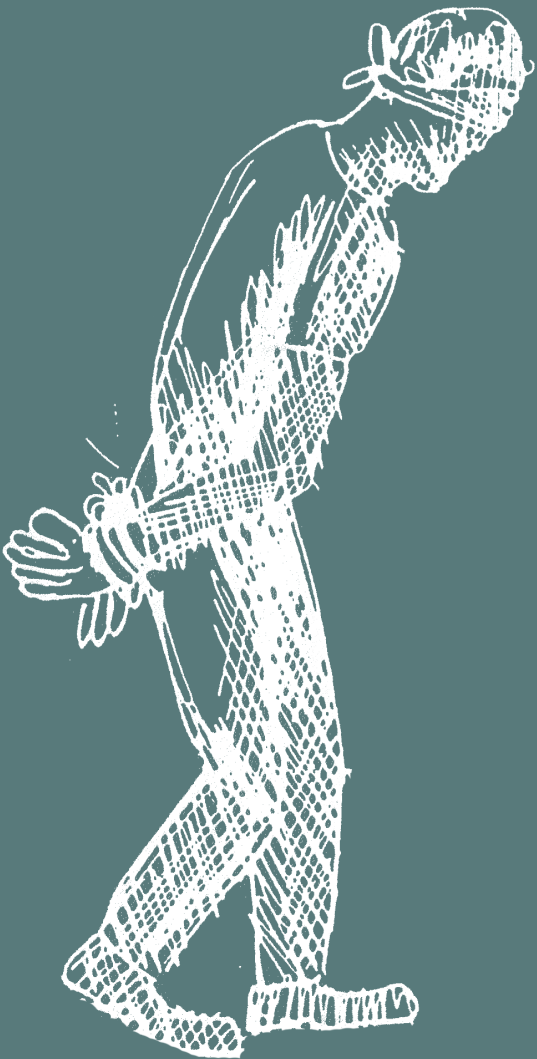
54 See: Part 2 of the Rome Statute

55 See Article 13 of the Rome Statute. Claire Felzer, *The Role of the International Criminal Court*, last updated 25 June 2020, last accessed on 28 July 2020. Available at: <https://www.cfr.org/backgrounder/role.international-criminal-court>

56 See Article 7 (1) (F) of the Rome Statute

57 See Article 7 (2) (E) of the Rome Statute

Chapter Three



**Torture in Israel
1948-2020**

“You don’t feel a beating when you are free to want it; you only feel it when you have to receive it, stripped of your freedom, powerless and unable to return it. That’s when you experience the true feeling of a beating, the pain of it - not the local pain of the strike itself, but the pain of humiliation.”

Mamdouh Adwan, Arab Novelist and Thinker



For years, Israel has been working tirelessly to present itself before the international community as the only democracy in the Middle East. To maintain this image, Israel has joined and ratified numerous international conventions, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT),⁵⁸ International Covenant on Economic, Social and Cultural Rights (ICESCR),⁵⁹ International Convention on the Elimination of All Forms of Racial Discrimination,⁶⁰ International Covenant on Civil and Political Rights (ICCPR),⁶¹ as well as Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).⁶²

These efforts highlight the polarity in which Israel portrays itself as a democratic state before the international community while committing horrendous crimes, amounting to war crimes and crimes against humanity, against Palestinians. None of the agreements have successfully prompted

58 Israel ratified the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment in 1991. Status of treaties, United Nations Treaty Collection, last accessed 30 September 2020. Available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-2&chapter=4&clang=_en

59 Israel ratified the International Covenant on Economic, Social and Cultural Rights in 1991. Status of treaties, United Nations Treaty Collection, last accessed 30 September 2020. Available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-&chapter=4&clang=_en

60 Israel ratified the International Convention on the Elimination of All Forms of Racial Discrimination in 1979. Status of treaties, United Nations Treaty Collection, last accessed 30 September 2020. Available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-&chapter=4&clang=_en.

61 Israel ratified the International Covenant on Civil and Political Rights in 1991. Status of treaties, United Nations Treaty Collection, last accessed 30 September 2020. Available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-&chapter=4&clang=_en

62 Israel ratified the Convention on the Elimination of All Forms of Discrimination Against Women in 1991. Status of treaties, United Nations Treaty Collection, last accessed 30 September 2020. Available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-&chapter=4&clang=_en

Israel to halt its crimes of torture against Palestinians. However, Israel ratified these international agreements before the Israeli Supreme Court's decision to ban the use of excessive torture methods unless under exceptional circumstances in 1999. The Supreme Court's ruling constitutes a landmark in the history of torture in Israel and consequently will be explored in detail in the upcoming section.



Torture in Israel's Legal System

Israel showed little regard to the issue of torture until the tail end of the 1980s when the Landau Commission⁶³ was formed after an Israeli Circassian soldier claimed that he was tortured during interrogation and coerced to confess under duress at the hands of the Israeli Security Agency (ISA). In the wake of the allegations, on May 31, 1987, the Israeli government formed a commission headed by the Supreme Court president at the time, Moshe Landau, to investigate the interrogation methods practiced by the Israeli Security Agency⁶⁴. It should be noted that the decision to establish the commission to investigate the incident in question came after Israeli Security Agency interrogators repeatedly gave false testimonies in court, which warranted the need to form a commission to investigate the case further.⁶⁵

63 “The Israeli general public was first exposed to these practices in 1977, after the New York Times published an article containing testimonies given by people from all over the country, young and older Palestinians, who had been tortured.” Notes on the History of Torture in Israel by Attorney Lea Tsemel. Published in *On Torture* journal by Adalah – The Legal Center for Arab Minority Rights in Israel, Physicians for Human Rights – Israel, and Al-Mezan Center for Human Rights, p. 7-9. Available via [https://www.adalah.org/uploads/oldfiles/Public/files/English/Publications/On%20Torture%20\(English\).pdf](https://www.adalah.org/uploads/oldfiles/Public/files/English/Publications/On%20Torture%20(English).pdf).

64 Major Events against Torture in Israel. The Public Committee against Torture in Israel. Last accessed on 15 August 2020. Available via <https://bit.ly/3lla45I>.

65 At a later point, the study will explore the Bus 300 Incident which is another case where Israeli intelligence officers gave false testimonies before the court.

On October 30, 1987, the Landau Commission submitted its report whose findings sanctioned the occasional use of torture on the condition that it is conducted according to specific criteria. The committee sanctioned the use of “moderate physical pressure” against detainees during interrogation to extract confessions. To allow the use of such methods, however, interrogators must follow secret guidelines that detail permissible and banned interrogation techniques. They are also required to disclose the use of any and all methods against detainees.⁶⁶ Furthermore, the Landau Commission stipulated the need for a periodic permit issued every three months to practice these methods

The Landau Commission did not deter Israeli Security Agency (‘ISA’ or Shabak) interrogators from committing crimes of torture against Palestinians.⁶⁷ The commission stated in Article 4/7 that “forms of pressure must be concentrated predominantly on psychological pressure rather than physical violence, and must be concentrated on continuous physical interrogation by the use of tricks, including misleading acts.” Nevertheless, in the same article, the commission sanctioned moderate physical pressure when the previous methods failed.⁶⁸ This left the door open to provide a legal cover of Shabak interrogators’

66 Investigative Committee into Methods of Interrogation practiced by the Israeli Security Agency. Center for the Defence of the Individual (HaMoked). Last accessed on 10 November 2020. Available via <http://www.hamoked.org.il/files/2012/115020.pdf>

67 The cases of Firas Tbeish and Asa’ad Abu Ghosh will be explored later in this chapter. Both cases were filed post-2000 after both detainees were subjected to torture. Rulings in Tbeish and Abu Ghosh’s cases followed similar direction to that of the High Court of Justice of 1999. In both cases, the court broadened the parameters of a ticking bomb scenario to include cases that do not follow the traditional definition of the term and allowed space for practice of torture.

68 Investigative Committee into Interrogation Methods practiced by the Israeli Security Agency. Center for the Defence of the Individual (HaMoked). Last accessed on 10 November 2020. Available via <http://www.hamoked.org.il/files/2012/115020.pdf>

practices.⁶⁹ Interrogators employed the sanctioned use of psychological and moderate physical pressure to practice all forms of torture and inhuman treatment against Palestinian detainees, particularly since the Landau Commission report did not determine or detail the parameters of moderate physical pressure, nor the circumstances in which it is sanctioned.⁷⁰ Moreover, the Landau Commission permitted the admissibility of statements given under duress of these practices. Even though the international community in its entirety constitutes statements given under torture as illegal and unlawful, Israel considers them legal and admissible in court, which stands in contrast with its continuous claims of being a democratic state.

Even though human rights organizations continuously worked to file as many cases of torture in Israeli courts to document and provide evidence of Israeli crimes of torture against Palestinians, the Israeli judiciary system played a crucial role in obstructing these complaints. Between 1994 to 1999, a group of Israeli human rights organizations filed several petitions before the Israeli Supreme Court regarding torture practices against Palestinian detainees at the hands of the ISA. Rather than reviewing the petitions, the Supreme Court postponed the ruling and simultaneously requested the Israeli government to pass legislation to regulate the work of the ISA to avoid issuing any rulings that could interfere with its work.

The Israeli Supreme Court ruled in the petitions on June 6, 1999, and referred to Israeli practices using the term “physical means” rather than “torture.” The court recognized in its ruling that members of the ISA practiced torture against Palestinian detainees, noting in particular that

69 Landau Commission’s recommendations (article 4/6) states that “interrogation of persons suspected of hostile terrorist activity might not be effective and successful without the exertion of measures of pressure to overcome a suspect’s stubborn will and refusal to reveal information, as well as overcome suspect’s fear of being in danger of retaliation by operatives of the factions if he reveals information.” Previous reference.

70 Addameer Prisoner Support and Human Rights Association’s Annual Report of 1999. Previous reference.

the use of some torture methods is illegal. The court specifically looked into the use of shaking, positional torture (waiting in the ‘shabah’ and ‘frog crouch’ stress positions), excessive tightening of handcuffs, as well as sleep deprivation,⁷¹ ultimately prohibiting the use of all of them, along with playing powerfully loud music. Moreover, the court clarified that these methods are prohibited if they become an end in themselves during interrogation to pressure detainees, yet, they remain permitted if nature inherently requires them of the interrogation.⁷²

The last sentence leaves maneuvering space for Israeli interrogators to practice these methods evasively. For example, interrogators are now permitted to force a detainee into stressful positions by cuffing him in a chair in certain positions during interrogation sessions that sometimes can last up to 20 hours under the guise of ‘ensuring interrogators’ safety’⁷³ and thwarting potential attacks against them.

Even though the court recognized the practice of torture, the ruling itself offered an exception to what must not be exempted, forfeited, or fragmented by greenlighting the use of “moderate physical pressure” under the necessity defense as inscribed in Article 34-K of the Israeli Penal Code of 1977.⁷⁴ This created a loophole that allows the interrogation of detainees suspected of withholding information on “military operations,” referred to as a “ticking bomb” scenario. The court decision ultimately legalized Israeli security practices and provided a legal cover of the continuous use of torture and inhuman treatment methods against Palestinian detainees under the guise of a necessity to uncover military operations. This is even though it is often later revealed that many

71 H.C. 5100/94, Pub. Comm. Against Torture in *Isr. v. Gov’t of Israel*, 53(4) P.D. 817, 845. Available at: http://www.hamoked.org/files/2012/260_eng.pdf

72 Previous reference

73 Addameer Prisoner Support and Human Rights Association’s Annual Report of 1999, p. 5-9. Previous reference.

74 Israel’s Penal Law of 1977. Available via https://knesset.gov.il/review/data/eng/law/kns8_penallaw_eng.pdf

Palestinians who are subjected to torture and inhuman treatment are arrested for political rather than military activities.

Israel's claims of the necessity defense warranting the use of "unusual" interrogation methods against detainees to extract information is nothing more than a stark breach of the spirit of international law that prohibits torture. International conventions stipulate the absolute prohibition of torture under any and all circumstances, including war. Yet, Israel deems itself and its criteria of security and necessity above the international protection of human rights enshrined in this regard.

These systematic practices confirm the previously mentioned contradiction as Israel continues to portray itself as a democratic state while simultaneously finding justifications to commit crimes that have been clearly and irrevocably prohibited under international law.⁷⁵ The dichotomy extends further, as witnessed in statements by Aharon Barak,⁷⁶ the former president of the Israeli Supreme Court. Barak stated that the war on terrorism naturally requires interrogation of terrorists, which should be conducted per the ordinary rules of interrogation that ban the use of physical force or torture.⁷⁷ He continued later on that although a democracy sometimes must fight terrorism "with one hand tied behind its back," it nevertheless has the upper hand to preserve the rule of law and recognize individual rights and liberties.⁷⁸

In the wake of the Supreme Court's ruling in 1999 and amidst Israeli concerns regarding the perception of the international community of such practices, Israel began introducing changes to its policy on torture by reducing the use of obvious physical torture and shifting to increase

75 Aharon Barak, *Foreword: a judge on judging the role of the supreme court in a democracy*, (2001), last accessed on 22 November 2020. Available at: https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=4694&context=fss_papers. Page 148-149.

76 Aharon Barak was the president of Israel's Supreme Court 1995-2006

77 *Id* at 155.

78 H.C. 5100/94, *Pub. Comm. Against Torture in Isr. v. Gov't of Israel*, 53(4) P.D. 817, 845. Available at: http://www.hamoked.org/files/2012/260_eng.pdf

the use of existing methods of concealed torture.⁷⁹ Additionally, Israel advanced the use of the ‘canaries’ interrogation technique to extract confessions from detainees in special prison rooms known in Arabic as *Asafeer* (“birds”) rooms⁸⁰ which later evolved into their own sections in some prisons and interrogation centers. A notable increase was observed in banning detainees from meeting with a lawyer, leaving the former to face the entirety of Israeli authorities and *Shabak* on their own; this will be thoroughly explored later in this study. The use of long-term publication bans also increased.



Horrifying Accounts of Torture prior to 1999

Since 2018, Addameer has been working on an archive of testimonies of Palestinian prisoners who were subjected to torture in various Israeli interrogation centers since 1967. One released prisoner, “N.E.,” was in his early twenties when he was arrested on November 11, 1967. N.E. was interrogated in Sarafand military detention center where he was subjected to forms of torture so extreme he was rumored to be dead multiple times. During his interrogation, N.E. was forced into stress positions for long periods of time, received brutal beatings that resulted in a nasal fracture following a powerful strike to his nose, as well as threatened with sexual assault of his relatives. Additionally, his nipple was pulled out with pliers, and cigarettes were put out on his body, among a plethora of other brutal practices.⁸¹

79 Tsemel, Lea. Notes on the History of Torture in Israel. Published in *On Torture* journal by Adalah – The Legal Center for Arab Minority Rights in Israel, Physicians for Human Rights – Israel, and Al-Mezan Center for Human Rights, p. 7-9. Previous reference.

80 *Asafeer* [birds] rooms are rooms where persons who claim to be high-ranking leaders of the prisoners’ movement or Palestinian political parties attempt to lure detainees to share information or confessions about themselves or others.

81 Interview with former prisoner N.E., as part of interviews for Addameer Prisoner Support and Human Rights Association’s Torture Archive of Palestinian Detainees. The interview was conducted on 19 February 2020.

Released prisoner “H.N.,” who was also arrested in 1967, recalls being subjected to similar practices as he was severely beaten with sticks, hands, and combat boots all over his body during interrogation. He notes that interrogators would scream loudly at him for a long time and intentionally deprive him of sleep for hours at end, placing him in an environment unsuitable for sleep or rest, including a cell where he could hear other detainees undergoing torture. Oftentimes, interrogators threatened to rape the detainee’s mother or sister, among other threats. Moreover, H.N was struck repeatedly and severely on his ears, particularly his right ear, which led to a permanent hearing loss in that ear.⁸²



Similar Accounts of Torture 1970-1989

The 1960s and ’70s did not differ significantly from decades prior. Nevertheless, they depicted the shift from overt physical violence to concealed violence⁸³ while Israel continued to practice the same methods of torture against Palestinian detainees. “E.N.” recalls his arrest in the ’70s when Israeli interrogators severely beat him with their hands and boots all over his body, and at one point hit him with a chair. He was forced into stress positions for hours on end and his head was covered with a filthy bag hanging down to his chest, obstructing his breathing for a long period of time. Interrogators slammed his head on the wall, sprayed him with water, spat at him, and locked him in the “closet,” a small box where a detainee would be held for varying durations of time while unable to stand up or sit down normally due to the sheer constraints of the limited space. E.N. notes that these methods were

82 Interview with former prisoner H.N., as part of interviews for Addameer Prisoner Support and Human Rights Association’s Torture Archive of Palestinian Detainees. . The interview was conducted on 12 January 2020.

83 This primarily includes modern methods of torture that do not leave clear physical markings that prove the commission of torture, as well as methods of psychological torture.

primarily used to exercise physical and psychological control over detainees amidst extremely cruel detention conditions that fail to meet basic standards of human life.⁸⁴

Former released woman prisoner “H.M.” who was arrested in 1979, recalls her interrogation when she was beaten and threatened as interrogators used to threaten to rape or strip her. She remembers hearing the sound of her family in another interrogation room as several of her relatives were arrested before finding out that her family was issued a travel ban later on. H.M. notes that she was continuously interrogated, sometimes up to 12 consecutive hours, while being subjected to brutal, inhuman practices as she was not allowed to move or walk even for mere minutes. According to H.M., one recurrent Israeli practice that primarily aimed to break detainees’ spirit was interrogating them for several weeks before placing them in front of a mirror to see the physical manifestation of the aftermath on their bodies to annihilate their will.⁸⁵

Another former woman prisoner “N.K.,” who was arrested simultaneously, recalls a similar treatment. N.K. was subjected to positional torture as she was forced to stand in a stress position on one leg with a bag over her head for hours in the end. Israeli interrogators deliberately made her listen to other detainees screaming in pain during their own interrogation. She was denied access to menstrual pads despite her repeated requests, deprived of taking a shower for more than 25 days, as well as held in a cell with a bright light that hurt her eyes. Furthermore, she was subjected to psychological pressure as interrogators guilted her for what befell her family.⁸⁶

84 Interview with former prisoner E.N., as part of interviews for Addameer Prisoner Support and Human Rights Association’s Torture Archive of Palestinian Detainees. The interview was conducted on 22 January 2020.

85 Interview with former woman prisoner H.M. as part of interviews for Addameer Prisoner Support and Human Rights Association’s Torture Archive of Palestinian Detainees. The interview was conducted on 30 October 2019.

86 Interview with former woman prisoner N.K., as part of interviews for Addameer Prisoner Support and Human Rights Association’s Torture Archive of Palestinian Detainees. The interview was conducted on 10 October 2019.

Despite that the 1970s and 1980s witnessed a global movement regarding the issue of torture, particularly in the wake of the adoption of the CAT and uncovering numerous torture cases at the hands of the Israeli occupation, Israel was not deterred as it continued to torture Palestinian detainees well into the late 1980s. It can even be said that the First Intifada was a fundamental reason behind the continuation of the Israeli torture practices to oppress Palestinians and put out the spark of the popular uprising.⁸⁷ Former woman prisoner “H.A.” recounts the various interrogation methods she endured, including when interrogators placed a bag over her head for long periods of time, particularly as they forced her into stress positions for hours at end, cursed profanities at her, as well as threatened to rape or sexually assault her.⁸⁸ This goes to show the cruelty of the Israeli occupation and the consistent disregard of basic human needs during interrogation in an effort to deprive Palestinian detainees of their rights, as well as the deliberate dismissal of women prisoners’ needs, as evident in the refusal to provide prisoner H.A. with menstrual pads during her interrogation.

Former woman prisoner “E.S.” was arrested amidst a mass punishment campaign targeting families of Palestinian detainees, which included her husband “A.S.” During her detention, E.S. was forced into

87 In the late 1980s and early 1990s, Israeli forces adopted a “broken bones” policy introduced by the Israeli defense minister at the time, Yitzhak Rabin. At its core, the policy aimed to treat Palestinians in the most brutal way possible as Israeli forces were sanctioned and encouraged to break the bones of Palestinians who attempted to resist the occupation in order to terrorize Palestinians and deter them from participating in patriotic acts.

For more see: Amira Hass, “Broken Bones and Broken Hopes,” published 4 November 2005, last accessed on 13 May 2020, available at: <https://www.haaretz.com/1.4880391>. Also see: Shatha Hammad, *Stories from the first Intifada: They broke my bones*, published on 10 December 2017, last accessed on 23 August 2020, available at: <https://www.aljazeera.com/news/2017/12/10/stories-from-the-first-intifada-they-broke-my-bones>.

88 Interview with former woman prisoner H.A., as part of interviews for Addameer Prisoner Support and Human Rights Association’s Torture Archive of Palestinian Detainees. The interview was conducted on 12 January 2020.

numerous stress positions for prolonged periods of time while Israeli forces attempted to pressure her by reminding her of the suffering of her children with both of their parents in prison. E.S. also recounts that she was beaten and threatened with rape or sexual assault.⁸⁹



1990-1999

The 1990s witnessed numerous cases of brutal torture of Palestinian detainees, including the case of “A.A.,” who described in his testimony to Addameer the various forms of torture he was subjected to during his interrogation. A.A. was forced into various stress positions, including standing upright for hours at the end until he collapsed, being bound on a table with his arms shackled backward at an upwards angle to a table positioned higher than his body, as well as being locked in the “closet” for several hours.

A.A. notes that for the duration of his interrogation sessions, sometimes lasting up to 24 hours, he received a lot of threats including of never being released and being afflicted with a number of illnesses such as lumbar herniated disc, paralysis, or even insanity. It should be noted here that A.A. was among prisoners who were subjected to the shaking method, a dangerous torture technique that was banned by the aforementioned Israeli Supreme Court decision of 1999 as it could cause a detainee’s sudden death by sustaining a concussion. Shaking involves suddenly holding a detainee and violently shaking him from the neck and shoulders for several seconds.⁹⁰

89 Interview with former woman prisoner A.S., as part of interviews for Addameer Prisoner Support and Human Rights Association’s Torture Archive of Palestinian Detainees. The interview was conducted on 29 October 2019.

90 Shaking was not introduced for the first time in the 1990s, but had been practiced decades prior. It was not mentioned in the section on prisoners’ experiences in 1960-1990 because none of the prisoners whose experiences were documented by Addameer were subjected to this particular method.

A.A. states that Israeli interrogators used to shake him in a front and back motion. This practice entailed shackling his hands on top of each other behind his back while positioning the metal cuffs directly over the bone and tightening them to the point that he felt his bones were breaking. Interrogators then started to shake him, which left the detainee feeling like the blood flow was blocked and his arms were on fire.⁹¹

Former prisoner “W.R.,” who was arrested in the 1990s, had a similar experience to that of A.A. W.R. recalls that during his interrogation, he was forced into stress positions in the interrogation chair for long hours, which caused him pains in the back, neck, and backside due to the small size and low height of the chair. W.R. was deprived of sleep over a long period of time, sometimes lasting several days. He recounts that he spent the first 28 days inside the interrogation room where he was not allowed to rest; he even ate his meals inside the room. Nevertheless, a few weeks later, interrogators told him that he would not be interrogated for the duration of the Jewish holidays that took place at the time.

Four days before the holidays started, interrogators placed W.R. in a small closet that was 1m x 80cm in size with small holes to allow air in to breathe. He was left for two days without food and was let out four days later only to be held in a prison cell that was essentially a bathroom.⁹² W.R. had previously suffered from existing stomach health problems which were exacerbated under these difficult conditions, resulting in stomach lacerations requiring real medical intervention. He recalls the ‘brutality of the fascist Israeli regime’ at the time as prison officers ignored his continuous cries of pain. Rather than immediately transferring him to a hospital, officers brought in a doctor to administer a shot of painkillers that only alleviated his pain for a short period of time. It was only when he resumed screaming from the pain that officers

91 Affidavit by prisoner A.A. signed before lawyer Allegra Pacheco on 8 March 1996.

92 Interview with former prisoner W.R. in part of interviews for Addameer Prisoner Support and Human Rights Association’s Torture Archive of Palestinian Detainees. The interview was conducted on 29 November 2015.

realized that his medical condition was critical enough to warrant immediate medical intervention.

W.R. was transferred to the hospital, where he was instantly led into surgery. Despite the fact that he was in handcuffs and unable to move, an armed Israeli soldier was present in the operating room. He still recalls the sight of the armed Israeli soldier in medical scrubs, standing in the middle of the room and aiming his medical-nylon-wrapped weapon at him. This was far from the end of the Israeli cruelty as W.R. was moved into a hospital room where he was handcuffed and unable to move, yet still accompanied by an Israeli soldier who prohibited him from using the toilet. This was in direct violation of the doctor's orders requiring the patient to use the toilet to flush out the anesthetics. The soldier justified his decision stating that he did not receive any orders allowing the detainee to move and use the toilet inside the hospital room.⁹³

Addameer documented testimonies of other Palestinian prisoners tortured during the 1990s, including former woman prisoner "M.Q." arrested on February 15, 1999, and endured torture in Al-Jalameh interrogation center. M.Q. recounts that she was subjected to positional torture when she arrived in the interrogation center. She was placed in a stress position with her hands tied behind her back or in front of her, her legs bound, and a bag placed over her head for an average of five hours a day. At one point, she was left in the stress position from Sunday till Thursday non-stop.

M.Q. continues that she could hear powerfully loud music during her positional torture while she was interrogated exclusively throughout the night and into the early hours of the day, ultimately depriving her of any semblance of regular sleep. Interrogators cursed profanities at her and threatened her with long-term administrative detention. These tactics also included banning her from using the toilet or changing her clothes while she was only allowed to shower once, using only water and no soap, during her 37-day interrogation. Additionally, M.Q. was

93 Following a lengthy argument between the Israeli soldier and W.R.'s physician, the prisoner was finally allowed to use the toilet.

notified that her brother and one of her female friends were arrested before seeing her brother in Megiddo prison.⁹⁴



Torture Policy Costs Palestinian Lives

As evidenced above, Israel has practiced various torture methods against Palestinian prisoners and detainees over the years. This includes physical beatings all over a detainees' body and genitalia, prolonged positional torture in numerous stress positions, dumping of cold water, physical and verbal and sexual harassment, violent shaking, long interrogation sessions lasting hours at end, sleep deprivation, insertion of sharp objects in genitalia, the putting out of cigarettes on the body, as well as playing records of or forcing detainees to listen to other people screaming of agony and torture to instill terror. Furthermore, detainees were electrocuted, forced to listen to powerfully loud music for several consecutive days, deprived of using the toilet or changing clothes, provided with small portions of poor-quality food over long periods, which led to starvation,⁹⁵ banned from meeting with a lawyer for up to 30 days, as well as an abundance of other methods not observed in this study.

Over the years, Israeli methods have caused the death of 79 Palestinians who perished due to the torture they underwent inside interrogation centers. One case is that of martyr Arafat Jaradat, a 30-year old Palestinian man from Sair near Hebron, who was arrested on February 18, 2013, and passed away six days later. Jaradat was interrogated in

94 Affidavit by former woman prisoner M.Q. on 29 March 1999. Published in Addameer Prisoner Support and Human Rights Association's Annual Report of 1999, p. 99.

95 On occasions, interrogators deliberately serve a detainee his last meal of the day at 4:00PM, which extends the time between meals, leaving the detainee hungry for a long time, as the following meal is breakfast that is served the morning after.

Al-Jalameh interrogation center before being transferred to Megiddo prison, where he died.⁹⁶

An investigation was opened into the circumstances surrounding Jaradat's death. On April 2, 2014, international forensic expert Dr. Sebnem Korur Fincanci⁹⁷ submitted her professional opinion to the Petah Tikva magistrate's court, stating that Jaradat "was severely beaten while in detention, resulting in Acute Respiratory Distress Syndrome, which caused his death in an Israeli prison on February 23, 2013." Fincanci's findings relied on autopsy data and forensic analysis provided by the Israeli forensic authorities and photographs of Jaradat's corpse taken by the Palestinian police before his burial.

Palestinian pathologist Dr. Saber Aloul reported that Jaradat's body showed severe bruising along the top right area of the back, circular bruises under the right breast in the anterior lateral thoracic area, and bruising to the left elbow and the middle of the right humerus. Aloul also noted bruises 4x9cm in size above the left shoulder, hematoma within the paraspinal muscle below the neck and within the tissues, a 4x10cm subcutaneous contusion in the right lateral thoracic area, fractures of the second and third ribs around the left anterior thoracic side along with vital bruising around the fractures. Aloul reported that all documented

96 Arafat Jaradat Dies of Torture in an Israeli Prison. Published by Al-Haq on 2 April 2014. Last accessed on 14 August 2020. Available via <http://www.alhaq.org/ar/advocacy/2483.html>.

97 Fincanci has been a physician for more than 30 years and has been an expert of forensic medicine for more than 27 years. Fincanci is one of the authors of the Istanbul Protocol - Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, an official United Nations document that is universally adopted. Fincanci published numerous vital research papers that have been used to uncover a plethora of human rights violations, including exhuming bodies from mass graves in Bosnia and examining premeditated murders in Philippines. Previous reference.

bruises were extremely recent, severe, and the result of extreme brutal and direct torture.⁹⁸

Fincanci's report clarified that the immediate cause of death was lung edema leading to acute respiratory distress syndrome, both of which "are highly consistent with the timing of previous injuries that should be within 1-3 days prior to his death."⁹⁹ Thus, Fincanci's findings overwhelmingly dispute the Israeli narrative and expert opinion submitted by the Israeli forensic authorities claiming that Jaradat died of natural causes, while the Palestinian forensic expert concluded that his death is attributable to torture.¹⁰⁰

Jaradat is only one of the dozens of Palestinians who passed away due to injuries sustained from torture and whose death Israel has continuously attempted to conceal with the help of various state institutions and government branches. Both Palestinian and foreign medical forensic experts concluded that Jaradat's death resulted from torture. Yet, the Israeli forensic medical report dismissed the bruising covering his body and concluded that he died of natural causes.¹⁰¹

Torturing Palestinian detainees to death is far from the last Israeli violation of all international conventions and customs. In 1984, the Palestinian people witnessed the "Bus 300" incident where the

98 Forensic medical report of Arafat Jaradat by physician Saber Aloul on 24 February 2013. Available at https://www.alhaq.org/cached_uploads/download/alhaq_files/images/stories/PDF/2012/Arafat_Jaradat.pdf

99 Arafat Jaradat Dies of Torture in an Israeli Prison. Published by Al-Haq. Previous reference.

100 Stuart Winer, Palestinian Authority says Israel tortured inmate to death, published on 24 February 2013. Last accessed on 24 August 2020, available at: <https://www.timesofisrael.com/palestinian-authority-says-israel-tortured-inmate-to-death/>.

101 The documentation of very few Palestinians who died of torture in various interrogation centers is due to the obstruction of evidence comprehensively done by Israeli systems to deny the verification of all allegations of fatal torture. One prisoner whose death was proven to be the result of torture is Abdel Samad Hreizat who died on 26 April 1995.

ISA (Shabak) members committed a brutal war crime by killing two Palestinian detainees in cold blood. The detainees were handcuffed as Shabak forces beat them with stones, batons, rifles, and gun butts, shattering their skulls and killing them in a blatant demonstration of brutality.¹⁰²

On April 12, 1984, four members of the Popular Front for the Liberation of Palestine (PFLP) from the Gaza Strip hijacked an Israeli bus en route from Tel Aviv as a bargaining chip for negotiations to release Palestinian prisoners. Negotiations with the Israeli occupation lasted over 14 hours before an Israeli special forces unit stormed the bus, leading to the death of Jamal Qabalan, an 18-year old from Abasan village, and Mohammad Abu Barakah, an 18-year old man from Bani Suheila. Subhi and Majdi Abu Jumma, both of whom were 18 years old from Bani Suheila, were detained and later executed in cold blood.

The following day, Israel announced the release of all hostages, the death of one Israeli woman and several passengers sustaining injuries, and the death of the four Palestinian hijackers during the bus takeover. Following the announcement, Hadashot newspaper published a photograph captured by one cameraman, who smuggled the memory card containing the pictures in his socks, of both Subhi and Majdi Abu Jumma alive and in handcuffs. The photograph served to prove that Israeli forces executed them in the field.¹⁰³

Ten days after the incident, the Zorea Committee of Inquiry was set up to investigate the killing of Subhi and Majdi Abu Jumma. The head of Shabak's Arab Affairs Department in the southern district testified before the committee that "chief Ehud Yatom ordered us to bring the two men into a vehicle without stretchers while they were bleeding. We threw them to the vehicle floor like handcuffed carcasses. We drove towards Askalan prison, laughing all the way there. The floor was

102 Christian Walter and others, *Terrorism as A Challenge for National and International Law: Security Versus Liberty* (New York: Springer, 2004) p393-394.

103 Pnina Lahav, *A Barrel Without Hoops; The Impact Of Counterterrorism On Israel's Legal Culture*, *Cardozo law review* 10 (1993) p529-559

covered in blood, so we decided to head to the hospital; at the time, we thought they were dead. When the doctor saw that the two men had head injuries and noticed the blood pool on the vehicle floor, he said that there was nothing that could be done to save them.”¹⁰⁴

It should be noted that then-Attorney General Yitzhak Zamir insisted on opening a full criminal investigation into the incident. Still, the Israeli government worked to conceal the truth of what happened. On June 1, 1984, Zamir was forced out of office. Less than a month later, the Israeli president issued a blanket pardon to four individuals suspected to be involved in the killing of the Palestinian men.

The Israeli government’s efforts to conceal the crime included interrogators giving false testimonies to police officers and judges.¹⁰⁵ Even though a petition was filed to contest the presidential pardon, the Israeli Supreme Court rejected the petition on the basis that the president acted within his power to pardon offenders.¹⁰⁶ The incident caused an uproar of criticism of the entirety of the Israeli government and called into question the enlistment of the judicial system to cover up these crimes. Zamir was not the only person forced out of office; anyone who opposed the government at the time by pushing for investigating these incidents further was laid off.

Twenty years following the incident, Yedioth Ahronoth newspaper published the details of a seminar held to explore Shabak’s crimes regarding the Bus 300 incident. All those involved in the incident were invited to attend the seminar, including Avraham Shalom, the former head of Shabak who ordered the Palestinian men. Shalom stated that the

104 “27 years later, Israel Reveals New Details of Bus 300 Crime”. Published by the Prisoner’s Center for Studies on 3 March 2013. Last accessed on 21 August 2020. Available via <https://alasa.ps/ar/index.php?act=post&id=19404>.

105 Hristian Walter and others, *Terrorism As A Challenge For National And International Law: Security Versus Liberty*, previously mentioned, p393-394

106 H CJ 428/86, Barzilai v. Government of Israel, 6 August 1986, last accessed on 22 September 2020, Available at: <https://versa.cardozo.yu.edu/sites/default/files/upload/opinions/Barzilai%20v.%20Government%20of%20Israel.pdf>.

Prime Minister at the time, Yitzhak Shamir, approved the kill order. On the other hand, former high-ranking Shabak officials Rafi Malka, Peleg Radai, and Reuven Hazak pointed to the numerous killing operations conducted during their service under the support and cover of the Israeli judicial and political systems.¹⁰⁷

One memorable moment during the seminar came from judge Dorit Beinisch who said, “there is a war on the truth. We were the victims of incitement, even subjected to surveillance and pursuit.” She stressed that the policy of lies and cover ups continues to this day as the Shabak applied the same practices during the Intifada which caused the death of multiple people in interrogation dungeons. The truth of these incidents never saw the light of day due to Israeli media’s blackout policy.¹⁰⁸



After 1999: Israeli Practices Remain the Same at Core

The status quo of torture in Israel continued for years until the cases of Firas Tbeish and Asad Abu Ghosh came to light. Abu Ghosh, who was arrested in 2007, was tortured and subjected to cruel treatment at the hands of Shabak interrogators who inflicted severe physical and psychological pain by subjecting him to beatings, slamming against the wall, bending of digits, sleep deprivation, positional torture by forcing him into several stress positions like squatting and the banana position, threats to blow up his house, as well as threats of harming his family if he refused to confess and cooperate with interrogators.

The Public Committee against Torture in Israel filed a petition to Israel’s High Court of Justice in 2012 requesting the attorney general to open a criminal investigation and prosecute Israeli interrogators who tortured Abu Ghosh. The prosecution confirmed that interrogators used “means

107 Al-Ayyam newspaper’s supplement Al-Mashhad. Issue no. 84 on June 29, 2004.

108 Previous reference.

of pressure” against Abu Ghosh, but the attorney general noted that this was not a case warranting taking criminal action against interrogators.¹⁰⁹

In 2015, the High Court requested that the attorney general explain the reason behind closing Abu Ghosh’s case file without an investigation. In response, the attorney general submitted a report clarifying that the use of special means of interrogation, in this case, was protected under the “necessity defense” inscribed in Article 34 of the Israeli Penal Code of 1977. Following deliberations, the High Court issued its ruling on 12 December 2017, in which the judges stated that “means of pressure” practiced against Abu Ghosh were not deemed as a form of torture, allowing the use of the necessity defense in this case as it pertained to the public’s safety and dangerous military information.¹¹⁰

Following Abu Ghosh, the case of Firas Tbeish came to light after his arrest in 2012 and subsequent interrogation in Shkima (Askalan) interrogation center at the hands of Shabak interrogators who tortured and subjected him to cruel treatment. Interrogators punched and slapped Tbeish on the face, forced him into stress positions, as well as subjected him to sleep deprivation. Tbeish filed a complaint through his attorneys from the Public Committee against Torture in Israel in regard to the torture he endured. Nevertheless, the complaint was closed on account of interrogators’ legal immunity. The committee attempted to file a second petition to the High Court of Justice to open Tbeish’s case file but the court rejected the request on November 26, 2018.

A close examination of the cases of Asad Abu Ghosh and Firas Tbeish raises numerous questions. The case of Tbeish was not an example of the

109 Annual Report on Violations of Palestinian Prisoners’ Rights in Israeli Prisons 2017. Palestine: Addameer Prisoner Support and Human Rights Association. Last accessed on 30 September 2020, p.16. Available via https://www.addameer.org/sites/default/files/publications/web_eng_book.pdf

110 Israel’s High Court of Justice, ruling no, 5722/12 As’ad Abu Ghosh v Attorney General. Also see: “I’ve Been There: a study of torture and inhumane treatment in al-Moscabiyah Interrogation Cetner,” published by Addameer Prisoner Support and Human Rights Association in 2018. Available via https://www.addameer.org/sites/default/files/publications/al_moscabiyeh_report_0.pdf

classic “ticking bomb” scenario often used to justify the use of torture against detainees. A ticking bomb scenario requires information warning of imminent attacks or threats to the region’s security, whereas the main charges against Tbeish were possession of weapons and membership in a “banned organization.” In Tbeish’s case, judges believed it was necessary to expand established definitions of the ticking bomb scenario and necessity defense that warrant the use of unusual interrogation techniques even though the case lacks the element of “immediacy” of the act, that is, the occurrence of impending operations or attacks. Judges stated that Tbeish’s case indicated the near-certainty of an imminent severe threat, leaving no alternative methods of handling the case.¹¹¹

On the other hand, the case of Abu Ghosh prompts the reader to wonder about the possibility of Israel revisiting the same tactic of tailoring definitions to target more Palestinians. The Israeli judicial system’s approach to definitions and concepts, broadening or narrowing them to suit each case individually, has rendered the prosecution of Shabak interrogators for their crimes extremely difficult, if not impossible. More often than not, the necessity defense is invoked, which obstructs holding accountable those responsible for torture practices. Notably, in 1992, following ministerial directives, the Israeli government set up a special system to examine complaints of torture and ill-treatment filed against Shabak.¹¹²

111 For more information on the case of Firas Tbeish, see the Annual Report on Violations of Palestinian Prisoners’ Rights in Israeli Prisons of 2018. Palestine: Addameer Prisoner Support and Human Rights Association (2019), p. 15-16. Last accessed on 1 October 2021. Available on http://www.addameer.org/sites/default/files/publications/for_webtqyr_lnthkt_lnhyy_lnjlyzy.pdf.

112 Decision No. IS/16 of the Ministerial Committee for Israeli Security Agency Matters of the 24th Government, “Procedures for Examining Interrogates’ Complaints” of 20 May 1992. The procedure currently applicable was last revised on 1 February 2006. Also see: Investigation Mechanism of Torture Claims in Israel: An Analysis of the 2012 GSS Investigation Decision and the Türkel Report. Adalah’s Newsletter, Issue 105, June 2013. Available via <https://www.adalah.org/uploads/oldfiles/Public/files/English/Newsletter/105-June-2013/Investigation-Mechanism-Torture-Israel-Weill-Ballas-05-2013.pdf>.

To this day, the Public Committee against Torture in Israel has filed over 1200 complaints of torture during interrogation. Nevertheless, the vast majority of these complaints, if not all, were closed without real criminal action or judicial proceedings under the pretext of the “necessity defense” or “lack of sufficient evidence.”¹¹³

This can be attributed to the notion that any state facing these types of cases mostly resorts to one of three classic tactics to counter torture cases. The first tactic is the complete denial of the occurrence of torture as a state denies any and all evidence or information indicating torture. The second tactic provides alternative justifications as the acts in question are not “what they appear to be,” a prime example of which is committing crimes of torture labeled under the use of “moderate physical pressure.” Nevertheless, merely changing the label of an act does not, in fact, change the reality of torture. The third and final tactic is the complete justification of such acts, claiming them to be special measures warranted under the necessity defense.¹¹⁴

113 Addameer Collects Hard Evidence On Torture and Ill-Treatment Committed Against Palestinian Detainees at Israeli Interrogation Centers. Addameer Prisoner Support and Human Rights Association. Published on 23 December 2019. Last accessed on 3 October 2021. Available via <https://www.addameer.org/news/addameer-collects-hard-evidence-torture-and-ill-treatment-committed-against-palestinian>

114 Torture: Human Rights, Medical Ethics and the Case of Israel, edited by Neve Gordon and Ruchama Marton. P20-21.

Chapter Four



**Psychological and Physical Torture of Detainees
(Methods of interrogation inside Israeli prisons)**

There is nothing more difficult or cruel to man than to experience a sense of oppression and agony without being able to describe it, nor identify its cause or source. It is the feeling of helplessness and loss of human dignity when uncertainty meets persecution. It feels like not only the world has abandoned you, but your language has also betrayed you, falling short of describing your pain, identifying it, or even agonizing a moan of pain – a moan of pain that is understood and recognized by the free others.

Waleed Doqqa, Palestinian prisoner since 1948



Israel subjects Palestinian detainees to various interrogation methods of physical and psychological torture, including beatings, positional torture, sleep deprivation, spitting and screaming, constant threats, being forced to witness or listen to others endure torture, and numerous other techniques. This chapter explores main methods of interrogation documented by Addameer during the period of the study from January 2019 to June 2020.



Beatings and Severe Beatings

Beatings are a standard Israeli practice used against the majority of Palestinian detainees. One hardly hears of a detainee who was not beaten, whether during interrogation, arrest, or transfer to an interrogation or detention center. Addameer documented no less than 30 cases where Palestinian detainees were beaten during arrest, transfer, or both between January 2019 and June 2020.

One documented case was of detainee “W.S.,” who recalls how he sustained a fracture to the left hand during his arrest when an Israeli army unit raided his house at 5.30 in the morning after breaking down the front door. Soldiers also assaulted W.S.’s brother during the raid, causing a hairline fracture to the back.

W.S. recounts that soldiers painfully bent his arms and deliberately pushed him around during his arrest despite the fact that he was bound in three plastic handcuffs. He continues, “at one point as I walked, rocks were thrown at the Israeli forces who then started running around and hiding. They would intentionally push me into walls with great force while my hands were cuffed in front of me. They did that multiple times, and I felt extreme pain every time.” Israeli soldiers dismissed W.S.’s pain even after he pointed out in the early moments of his arrest that he suffered from pain in his left hand that he used to keep bandaged. Nevertheless, this did not lessen the level of violence W.S. experienced at their hands.

Later on, W.S. was transferred to Etzion detention center where he was left under the sun for five hours while in pain and was not allowed to use the toilet. It was only after his left hand became swollen and turned blue that he was transferred to Shaare Zedek hospital, where it became apparent that it was broken. W.S. says, “they put a cast on my hand and took me to Al-Moscobiyeah interrogation center where they immediately started to interrogate me for hours.” It is generally observed that a policy of violence is practiced against Palestinian detainees, aiming primarily to cause the most amount of pain. S.A., a detainee who was subjected to severe beatings during the interrogation that left him with several broken ribs, recalls hearing the sound of his ribs breaking from repeated punches.

Addameer documented the “Telefono method” during S.A.’s interrogation. Telefono entails violently slapping one or both ears, which causes a ringing in the ear that can last for a long time.¹¹⁵ This method can leave long-term effects, as is the case of S.A., who continues to suffer from ringing in his left ear due to the beatings he was subjected to during his interrogation. Medical reports show that S.A. has lost 50% of his hearing in that ear.



Positional Torture in Various Stress Positions

Shabak interrogators subject the majority of detainees undergoing interrogation to positional torture. The duration of positional torture varies, as some detainees are forced into stressful positions for a few hours while others for more than ten hours. Similarly, the severity of positional torture varies, as most detainees are forced into stress positions in the interrogation chair with their hands cuffed behind their backs, while others are subjected to more brutal techniques like the squatting or banana stress positions.

115 Telefono, Danish Institute Against Torture, last accessed on 23 September 2020, available at: <https://www.dignity.dk/en/dignitys-work/health-team/torture-methods/telefono/>.

Examples of stress positions¹¹⁶ used against Palestinian detainees include the imaginary chair position, which causes pain to thigh muscles, the banana position, which causes back and feet pains, the squatting position with the hands tied behind the back, which causes pain in and puts weight on shoulders, arms, knees, and feet, the ball chains position which causes back pains, as well as a stress position in a chair which causes pain to the back, neck, and arms along with a plethora of other positions.¹¹⁷

S.T. sustained health complications as a result of his prolonged positional torture in the interrogation chair with no room for movement. “S.T.” recalls his interrogation, saying, “interrogators who took turn interrogating me knew that I suffered from hemorrhoids. Even though some of them saw blood gushing out of me, they didn’t care.” Prisoner “J.D.” suffers from slipped discs in the L3-L4 and L4-L5 spinal segments along the same lines. Nevertheless, interrogators threw him to the ground handcuffed his hands vertically behind his back along with the mentioned spinal segments before an interrogator sat on his stomach to exert further pressure on his back. This practice caused J.D. immense pain at the time and left him with lasting pains in the back and neck until the date of publishing this study.



116 For more on this subject, see Addameer Prisoner Support and Human Rights Association’s brochure on torture positions in Israeli occupation prisons via http://www.addameer.org/sites/default/files/publications/webenglishbooklet_1.pdf

117 Information on the nature of pain resulting from these practices is collected from detainees whose experiences were documented by Addameer Prisoner Support and Human Rights Association.

The methods mentioned above of torture and inhuman treatment by the Israeli Shabak are not the only ones documented by Addameer, but include the most commonly used practices during interrogation. Other techniques include plucking head and beard hair, putting cigarettes on detainees' bodies, and electrocution.



Sleep Deprivation

Sleep deprivation is an interrogation method that aims to wear down a detainee both physically and mentally, exhausting him into a state of complete submission to extract information or confessions.¹¹⁸ Numerous studies indicate that sleep deprivation impacts the brain, causing cognitive impairment, increase in false retrieval of information and memories, deficits in attention, memory, logical reasoning, and impaired decision-making and risk-analysis functions. Despite the lack of a universally accepted definition of sleep deprivation, there is a general international consensus that a regular healthy sleep pattern includes seven consecutive hours of sleep. The European Court of Human Rights (ECHR) stated that torture could not be claimed in cases where detainees are allowed to sleep for six consecutive hours.¹¹⁹

When tackling sleep deprivation, it is crucial also to address the phenomenon of sleep disruption or fragmentation as numerous detainees complain of disruptions to their sleep cycles in interrogation centers due to varying factors, including subjecting detainees to excessively high or low temperatures, overwhelming them with noise, placing them in

118 Amy Reynolds and Siobhan Banks, Total sleep deprivation, Chronic sleep restriction and sleep disruption (Netherlands: Progress in brain research, 2010) p91-103.

119 Psychological Methods of Torture: Perspectives on Documentation, Litigation and Advocacy. (Experts Meeting) London, 11-12 December 2019.

crowded spaces or isolation, as well as many other factors that disrupt their ability to fall asleep.¹²⁰

During the time period of the study, Addameer documented dozens of cases where detainees were subjected to prolonged interrogation lasting hours at end, during which they were sleep-deprived or placed under conditions intentionally meant to fragment their sleep. This normally begins in cells where detainees were held during breaks between interrogation sessions. These cells often had either muted or bright light sources that left detainees unable to fall asleep. The process continued with placing detainees in cells whose walls had a rough texture that made it difficult to lean on. Dozens of detainees have reported being held in such cells which made it difficult, if not impossible, to lean on the walls to sleep, especially with a lack of sleep-accommodating beds. We must note the European Court of Human Rights' ruling in *Dougoz v. Greece*, where the court considered placing a detainee in an overcrowded cell or in a cell that lacks a suitable mattress as falling under sleep deprivation.¹²¹

“I was sleep-deprived,” woman prisoner “S.J.” recalls, “when I was in the cell, they would knock on the door almost every 15 minutes under the guise of checking on me to see if I needed anything, especially at night.” Even though these conditions in and of themselves are enough to render sleep a difficult task, Shabak interrogators often intentionally interrogate detainees for long hours to deprive them of sleep and skew their biological clocks.

Cases documented by Addameer confirm that sleep deprivation has become a policy increasingly practiced during the interrogation of

120 Zlatan Krizan and Anne Herlache, Sleep disruption and aggression: Implications for violence and its prevention. *Psychology of Violence* vol 6 no.4, p542–552.

121 *Dougoz v. Greece*, 40907/98, Council of Europe: European Court of Human Rights, 6 March 2001, last accessed on 6 October 2020, available at: <https://www.refworld.org/cases,ECHR,3deb8d884.html>. Also see: *Boudraa v. Turkey*, 1009/16, Council of Europe: European Court of Human Rights, 28 November 2017, last accessed on 8 October 2020, available at: <https://www.asylumlawdatabase.eu/en/content/ecthr-boudraa-v-turkey-application-no-100916-28-november-2017>.

Palestinian detainees. This technique aims to wear down detainees and exhaust them both physically and mentally to extract confessions, whether as a result of sheer physical torture or hallucinations and delusions caused by sleep deprivation. Sleep deprivation has common side effects, most notably general fatigue, difficulties in concentration and speaking clearly, delirium, severe lethargy, social withdrawal, and lower body temperature.¹²²



Denial of Human Needs

During interrogation, many Palestinian detainees are denied their human needs, including using the toilet to pressure them and extract confessions in exchange for fulfilling their needs. Addameer documented more than 10 cases where Israeli interrogators denied detainees their human needs, including “A.A.,” who recalls that interrogators would not give him water or allow him to use the toilet and refused a copy of the Quran. Every time A.A. requested to use the toilet. The interrogators would respond, “let’s finish up here then so I can let you go,” pressuring him to confess in exchange for using the toilet.

One particularly cruel case was that of the female detainee, “H.K.,” who was prohibited from using the toilet during the first day of her arrest. She recounts, “I repeatedly asked to use the toilet, especially since I hadn’t used it since the moment of my arrest. Despite my requests, I never received an answer.” After the interrogator left the interrogation room, K. could not hold it in any longer and urinated on herself, adding that “the interrogator whom I personally asked to use the toilet at least

122 Kelly Bulkeley, why sleep deprivation is torture, published on 15 December 2014, last accessed on 17 August 2020, available at: <https://www.psychologytoday.com/us/blog/dreaming-in-the-digital-age/201412/whysleep-deprivation-is-torture>. Also see: Senate report on CIA torture, Human rights first. Last accessed on 11 September 2020, available at: <https://www.humanrightsfirst.org/senate-report-cia-torture/sleep-deprivation>.

three times came in and covered his nose, telling me how ‘shameful it is that a grown woman like you urinates on herself like this.’”¹²³



Demeaning Detainees: Humiliation by Screaming, Cursing, Spitting

Interrogators demean and humiliate detainees during interrogation, resorting to screaming and cursing at them, sometimes even spitting at them. Throughout the course of this study, Addameer documented cases of at least 20 detainees who were screamed at, as well as at least 25 detainees who were cursed at with profanities insulting them or their families. Furthermore, Addameer documented numerous cases where detainees described interrogators spitting at them.

Detainee K.K. recalls that “the interrogator would approach and position his face right across of mine in a provocative way before he started screaming. The interrogator used to spit on my face as he screamed at me, almost always after he had eaten so my face would be covered with his saliva and food particles—it was incredibly disgusting and revolting. The interrogator used to do this repeatedly, always keeping his face in front of mine at such a close range that his nose would touch mine. No matter how much I tried to pull back, it never worked.”



Forcing Detainees to Witness or Listen to Others Undergoing Interrogation

A large number of Palestinian detainees represented by Addameer note that Shabak interrogators would force them to listen to others being tortured, sometimes even forcing them to watch a friend or a family

123 This policy is not limited to depriving detainees from using the toilet, further extending to include depriving women detainees undergoing interrogation from access to menstrual pads in some cases. These practices are similar to the previously mentioned Israeli practices during the 1980s when women prisoners were not provided with menstrual pads during interrogation as well.

member undergo interrogation or endure torture. K.K. recalls, “in my head, I couldn’t separate the voices of Q., R., and lastly M. at which point the pressure intensified as I could hear a woman’s voice. It was difficult and painful to hear crying and screams all the time. I could feel the pressure of the interrogation itself and the pressure of the screams and voices which were a source of constant stress, distraction, and worry. Interrogators forced me to listen to M. as she screamed and cried during her interrogation. I was kept in the office all day hearing her screams. As I went to the toilet one day, I found a large pool of blood and hair on the floor.”

He continues that as a result of the torture and ill-treatment he endured during interrogation, he could not move so whenever he requested to use the toilet, he asked for a wheelchair. At one point, he requested the person in charge to keep the wheelchair with him, but he was told that there were four other people using it.



K.K.'s experience reflects the terror Israeli forces attempt to instill in detainees, whether by forcing them to listen to others they know being subjected to torture or ill-treatment, or by referencing other detainees who suffer similar effects of torture requiring them all to use the wheelchair. Such traumas leave a deep painful mark on detainees during and long after interrogation.¹²⁴

Detainees are subjected to numerous forms of pressure during interrogation, most notably the constant threats of house demolitions, revoking of the permanent residency status of Jerusalemites, administrative detention, prolonged detention, life sentences, arrest of family members, travel bans against detainees or their family members, military interrogation and others.

“A.H.” recounts to Addameer’s lawyer during one visit that interrogators threatened him with targeting him and his family in the future, as well as subjecting him to military interrogation. “Interrogator ‘Niso’ told me that my guts will come out of my stomach and that they will break my jaw,” he recalls. Interrogators made similar threats to “S.T.” and showed him numerous detainees undergoing military interrogation, forcing him to listen to their screams and telling him that they would be paralysed by the end. S.T. was told that he will meet the same fate if he did not confess.

There is an abundance of evidence highlighting Israeli interrogators’ use of threats against detainees as Addameer documented more than 30 cases in which detainees have confirmed that they were threatened in one way or another. “A.Q.” states that interrogators threatened to arrest his wife, who had given birth two days prior, claiming that her social media posts enabled them to arrest her for incitement on social media. In the case of A.H., interrogators streamed a video of a prisoner who was transferred to the hospital because of torture he endured, threatening and pressuring A.H. to confess to avoid meeting a similar end.

124 This practice is referred to as subjection to indirect torture, a common methods used in the 1980s. Thomas Wenzel and others, *Survivors of Torture: A Hidden Population*, published on 27/4/2007, last accessed on 7 Nov 2020, available at: https://cphd.ph.ucla.edu/sites/default/files/downloads/Wenzel.GHD_.pdf, p658.

On occasions, Israeli occupation forces follow through with threats of arresting family members by actually arresting or summoning a detainee's family member, which shifts the tone of threats during interrogation to revolve entirely around stopping harm befalling his family undergoing interrogation at the same time. Along these lines, A.M. recalls, "they told me that they brought in my wife and parents and interrogated them. One of them disgustingly told me that they will 'tear them apart'". Similarly, A.F. says, "when they arrested my son, the interrogator immediately showed me a picture of him on his phone and told me that he was arrested. They made me see him twice or three times during my military interrogation, repeatedly telling me that he was arrested because of me. They threatened to revoke his Jerusalem ID card, fire him from his job, as well as arrest his older brother."

Threats often become bargaining chips as interrogators extort confessions from detainees in exchange for refraining from harming or interrogating family members or releasing them if they had been arrested. The case of R.K. is a prime example of this practice as R.K.'s female friend was arrested primarily to pressure him. He informed Addameer's lawyer that interrogators tried to bargain a confession out of him in exchange for her release.¹²⁵



Deception and Tricks

Israeli forces often present false information to detainees, making them believe a family member has been arrested, misleading them with news of the death of people they know, as well as other forms of deception that aim to pressure detainees to extract information or confessions.

Last year, Addameer documented numerous cases where Israeli interrogators attempted to deceive detainees into believing false narratives like the arrest of a family member. In reality, the family member in question was merely summoned to the interrogation center.

125 For more on using families as a bargaining chip to pressure prisoners, see the chapter on Collective Punishment in this study.

During the making of this study, “Q.S.” detailed to Addameer’s lawyer how interrogators played a video portraying one of his friends as a martyr following clashes with Israeli forces. It was later revealed that the video was fabricated to extract a confession from Q.S. when in reality, the friend shown in the video was alive and detained in the same interrogation center.

In 2019, Shabak ploys took a new direction by using photographs of detainees’ families and highlighting their absence to pressure them. “B.R.” details, “they moved me into a new room every day of interrogation, but they consistently put up pictures of my family on the wall. The pictures were moved alongside me into each new interrogation room. They put up pictures of my parents, uncles and cousins, my dead sister, and her grave. Almost 50 pictures were hanging on the wall of the interrogation room.”¹²⁶

Israeli ploys extend beyond using family members to pressure detainees to include vigorous attempts to break them down, making them believe that they are nothing but a burden on their family and neighbors. Addameer documented numerous cases in which interrogators aimed to guilt detainees into blaming themselves, sowing the seeds of doubt in their minds that their acts of resistance will only result in dire repercussions for them and those around them. Female detainee “M.A.,” says, “they threatened to demolish my house and told me that they would revoke the permits of everyone who lives in my area. They told me that all the residents will curse me out as a result.” In the case of female detainee “S.J.,” interrogators tried to convince her that she was nothing but a burden on her family, particularly financially. These varying tactics reflect consistent Israeli attempts to shake detainees’ self-confidence and question their relationship with their community, particularly amidst the absolute isolation from the outside world inside the blackholes of interrogation.

126 For more on this subject, see the chapter on Collective Punishment in this study.

It is somewhat believed that psychological ploys are an effective tactic, particularly in comparison with traditional torture methods.¹²⁷ Although no general statement can be made about the effectiveness of a particular method of torture, the use of psychological ploys is one tactic that tends to yield positive results for interrogators, especially in comparison with physical torture.

Notably, there is the use of the Asafeer (birds) rooms, which are unique rooms or sections in prisons and interrogation centers where individuals, sometimes interrogators themselves, pose as Palestinian prisoners in a ploy to convince detainees that they have been incarcerated for a long time and that it is vital detainees share with them as much information as possible.

A large number of Palestinian detainees fall for this ploy, sharing information relating to their participation in demonstrations, rock-throwing, and other activities, which ultimately incriminates them and hurts their case during legal proceedings. Many detainees note that once they shared information in the Asafeer rooms, they were brought back into interrogation centers where they were asked about the information they shared in the rooms and pressured to confirm their admissions after confessing to the ‘birds.’



Complete Isolation from Surroundings and Psychological Impact of Torture

Israeli forces intentionally isolate detainees from their surroundings during interrogation and place them in cells wholly isolated from the outside world. During interrogation, detainees are not allowed to see their families and are often banned from meeting with a lawyer. Furthermore, interrogators mislead detainees by refusing to tell them the date or time, as most holding cells lack windows and clocks. Meal time becomes the

127 Albert Biderman, Social-psychological Needs and »involuntary« behavior as illustrated by compliance in interrogation. 1958, 140-141.

only way for detainees to guess the time of day, connecting breakfast to the early morning hours, lunch to noon or afternoon, and so forth.

These methods aim to isolate a detainee from their surroundings to create a sense of absolute control over their psyche, break them down, and deprive them of their independence as they are subjected to consecutive psychological traumas designed to instill terror, as well as a feeling of helplessness and the loss of bodily autonomy. A prime example is the psychological impact of shackling a detainee beyond the ability to move and depriving him of sleep, food, water, and access to a toilet, which destroys his sense of autonomy.¹²⁸

Physical and psychological torture carries a long-term impact. Numerous studies indicate the long-term effects of torture on prisoners, lasting years after the act. In interviews conducted by Addameer as part of its torture archive, numerous freed Palestinian prisoners note that they continue to suffer from health conditions that were sustained primarily due to torture they endured in interrogation centers to this day.

As physical effects of torture last for a long time, so do psychological effects, as evidenced by numerous studies on the long-term impact of psychological torture. Many detainees who endured torture suffer from post-traumatic disorders, depression, anxiety,¹²⁹ concentration impairment, social withdrawal, and aggression.¹³⁰ One study on the psychological impact of torture concludes that 45% of individuals subjected to torture in Italian camps suffer from depression or post-traumatic stress disorder (PTSD) 50 years later.

The majority of numerous studies tackling the same topic within the Palestinian context conclude that the psychological impact of torture to which Palestinian prisoners were subjected inside Israeli prisons

128 Judith Herman, Complex PTSD A syndrome in survivors of prolonged and repeated trauma, *Journal of traumatic stress*, vol5, no.3, 1992, 331-520.

129 Psychological effects of torture a comparison of tortured with non-tortured political activists in Turkey, *the American Journal of Psychiatry* (2006).

130 Stuart Turner and Caroline Grost, Psychological sequelae of torture) United States, *international handbook of traumatic stress syndromes*, 1993, p. 704.

continues to affect a large number of them to this day. One study shows that 40% of the prisoners exhibit seven or more symptoms of torture. Another study compared a hundred Palestinian prisoners who were tortured to 150 prisoners who were not tortured, concluding that no less than 28% of the former suffer from mental illnesses resulting from torture, including depression, anxiety, and psychosis. The majority of studies have found a positive correlation between being subjected to physical and psychological torture on one hand and sustaining long-term effects, including PTSD, as a result.¹³¹

It should be noted that the phenomenon of false confessions, where detainees often choose to self-incriminate and confess to false narratives solely to end interrogators' use of torture. Israeli psychiatrist Joachim Stein notes that "if physical and psychological torture is heavily used in criminal cases which pushes many prisoners to confess to something they did not do, resulting in spending long years in prison for a crime they did not commit... if that is the norm in criminal cases, it is reasonable to assume that the situation is vastly worse in security-related cases."¹³² Cases documented by Addameer show that the policy of extracting information under duress or torture does not aim solely to extract information but also to debase detainees and eliminate their agency. Many detainees have stated that interrogators mentioned other people's confessions, incriminating them, sometimes even presenting them with statements of people who had confessed, or showing them recorded video clips or live streams of people giving statements in confession. Numerous detainees have fallen for this ploy and given incriminating statements as a result.

131 Srour, Anan. Effects of Torture on Psychological Health of Released Palestinian Prisoners. Palestinian Counselling Center. Last accessed on 18 December 2020. Available via https://www.pcc-jer.org/sites/default/files/articles_files/dcb21d0948322dbbaf11ffd03beefb4c.pdf.

132 Abu Hein, Fadel Khaled. Psychological effects of imprisonment and torture and their relation with coping strategies used by former Gazan prisoners released from Israeli prisons. *Al-Aqsa University Journal*, vol. 10, issue no.2, 2006, p. 152.

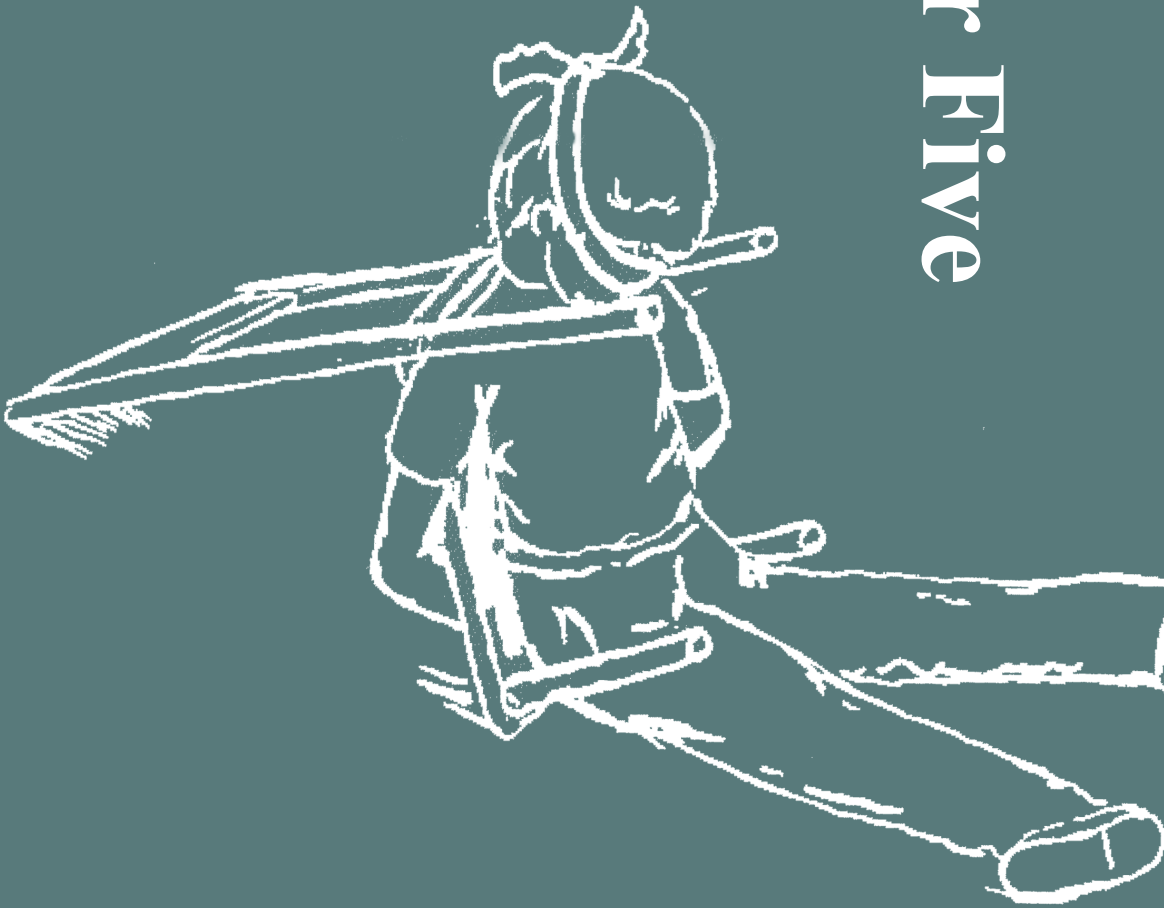
Forcing a detainee to witness or listen to others incriminating them negatively impacts their psyche, tearing them apart by seemingly turning their own community against them and into a community that can harm them with such confessions. The effect is exacerbated when the detainee themselves confesses, which serves only to further discourage them and break their spirit, despite whether the confession is real or not. This policy leaves a lasting impression in the hearts and minds of detainees.

Evidently, this policy is in line with the general principle that torture primarily aims not only to obtain information but rather to destroy a tortured person's sense of self, sow the seeds of doubt between them and their community, weaken their confidence, and reduce their self-worth.¹³³ In the beginning, torture was used to gain information, but in the wake of recent societal development and progress, violence ceased to be the only means of accomplishing this goal. This has prompted many to believe that resorting to violence to obtain information is a part of a systematic process conducted by regimes to counter any form of opposition and dissidence.¹³⁴

133 Previous reference, 153.

134 Stuart Turner and Caroline Grost, Psychological sequelae of torture, previously mentioned, p704.

Chapter Five

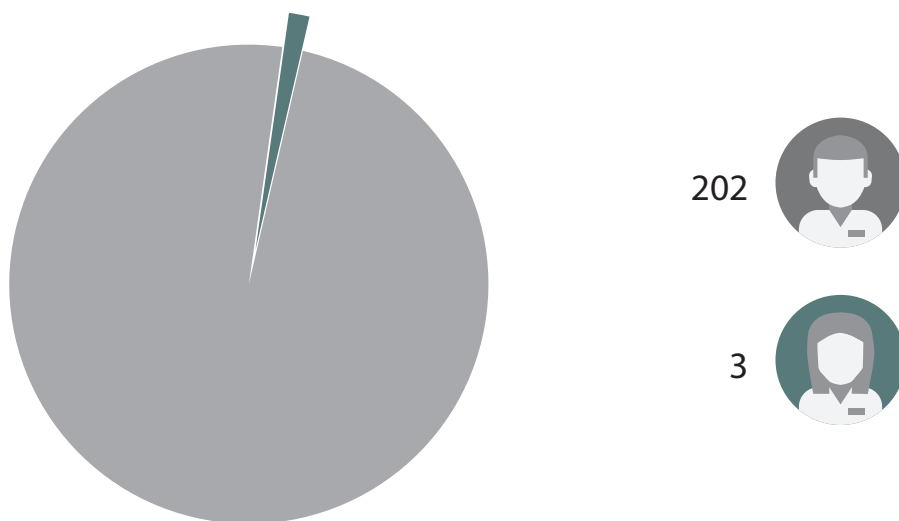


**Israel's Legal System is Integrated
into the Structure of Torture**

This chapter presents a statistical analysis of policies that fall under the Israeli legal system's complicity in torture practices as documented by Addameer. The study sample includes 205 cases that Addameer followed between 1 January 2019 and June 30, 2020. Addameer analyzed the available data on these cases by looking into the number of detainees who were banned from meeting with a lawyer, the number of detention extensions during interrogation, and numerous other factors.

We must note here that all Palestinians are prone to arrest as Israeli forces do not hesitate to arrest men, women, children or the elderly. Throughout the duration of the study, Addameer documented the arrest of three women in comparison to 202 men, which amounts to 98.5% of the study sample. Nevertheless, the sample size of arrested women does not reflect the broader percentage of Palestinian women arrested every year.

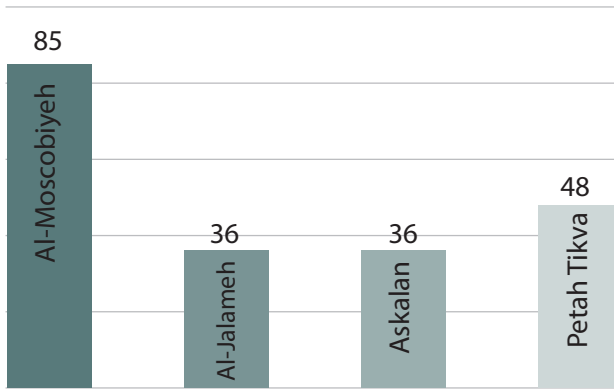
Distribution of Detainees in the Study Sample by Gender



In general, the majority of detainees whose cases were followed by Addameer were interrogated in Al-Moscobiyeh Interrogation Center. While various methods of torture and ill-treatment are practiced in all

four major Israeli interrogation centers: Al-Moscobiyeh, Al-Jalameh, Askalan, and Petah Tikva, Al-Moscobiyeh in particular is cited for hosting the most brutal methods of torture in the duration of the study. The following figure shows the distribution of the study sample among the four centers. Of the total sample, 41.5% of the detainees were transferred to Al-Moscobiyeh, 17.6% to Al-Jalameh, 17.6% to Askalan, and 23.4% to Petah Tikva.

Number of Detainees Undergoing Interrogation in Each Interrogation Center



While the majority of detainees are transferred into interrogation immediately upon their arrest, the study sample showed 16 cases, around 7.8% of the overall sample, where Palestinians were arrested and transferred into interrogation sometime later. These cases are of Palestinian administrative detainees, held without charge or trial, transferred to interrogation during their detention, or interrogated prisoners while serving their sentences.

One prominent example in this regard is the case of prisoner “S.T.” who was arrested on August 13, 2018, and was interrogated in the early stages of his detention before a charge sheet was filed against him, resulting in a 16-month prison sentence. On November 20, 2020, nearly a year after his arrest, S.T. was transferred to Al-Moscobiyeh, where he was brutally interrogated for over 30 days. Since Israeli practices associated with the legal system vary, the study will explore three policies here: (1)

bans on meeting with a lawyer, (2) repeated and continuous extensions of detention for interrogation, as well as (3) striking out parts of official court transcripts.



Bans on Meeting with a Lawyer

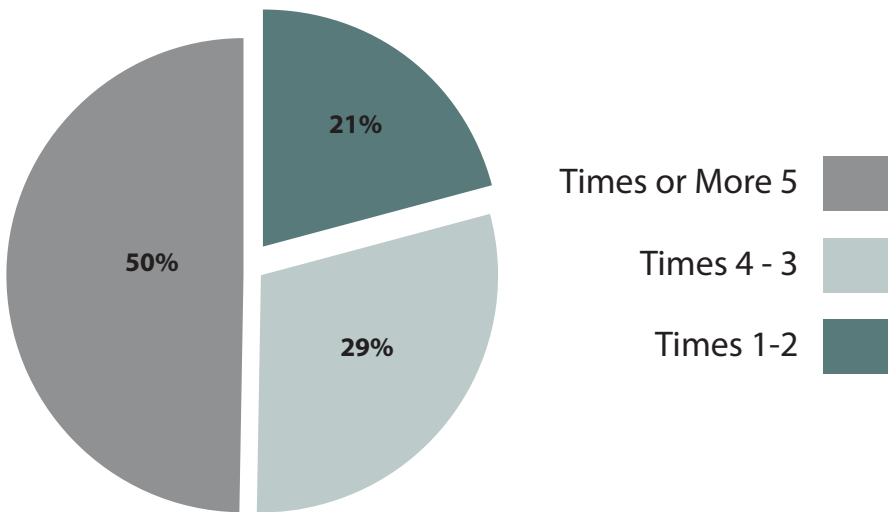
Israel has been banning Palestinian detainees from meeting with a lawyer for many years to aggravate their detention conditions and deprive them of their right to seek sound legal counsel. Often, Israeli forces attempt to pressure detainees by isolating them from the outside world with no means of communication, even with their own lawyers, to exert maximum pressure, extract information or confessions, and conceal crimes of torture. The Israeli occupation authorities frequently extend the duration of these bans as long as possible and mislead detainees with false information. Interrogation gravely impacts the nature of charges filed against detainees and the possible duration of their incarceration, ultimately rendering it the most dangerous stage of the arrest.

Detainees are banned from meeting with a lawyer for up to 60 days as the head of the interrogation team can issue a 15-day ban, while the head of the interrogation center can extend a ban for 15 additional days. Moreover, a military judge can extend the order for up to 30 days. During the duration of the ban, a detainee's lawyer can file a petition to the Israeli Supreme Court to revoke the order. These petitions are often rejected under pretexts of the 'gravity' of the interrogation, as Israeli forces claim that allowing a detainee to contact his lawyer can negatively impact the course of interrogation. This often leaves detainees in absolute isolation for a duration of 10 to 30 days for "security reasons." Bans on meeting with a lawyer are usually issued on a short-term basis of two to three days and are regularly renewed not to grant a detainee's lawyer the opportunity to file a petition to the supreme court.

For the duration of the study, Addameer documented bans on meeting with a lawyer against 105 detainees from the study sample, amounting to 51.2% of the overall cases. Eighty-five detainees were issued a ban

at the start of their interrogation, which deprived them of their right to seek legal counsel from the first moment of their arrest. In terms of the duration of bans, Addameer found that 50 detainees were banned from meeting with a lawyer for less than 15 days, 50 detainees were banned for more than 15 days and less than 30, while the remaining five detainees were banned for more than 30 days. In total, more than 50% of the study sample were banned from meeting with a lawyer for more than 15 days which exhibits the Israeli tendency to utilize this policy against Palestinian detainees despite its negative repercussions, especially considering that banning a detainee from seeking legal counsel for merely one day constitutes a violation of his rights.

Number of Ban Orders against Meeting with a Lawyer



Addameer filed 36 objections to the prosecution’s office against these ban orders, of which 34 were rejected, and two were approved. Additionally, Addameer filed 26 appeals to the Supreme Court, of which 20 were rejected, and six were canceled. These figures show Israel’s comprehensive approach to this policy as not only do Israeli forces issue ban orders against meeting with a lawyer, but the Israeli judicial system also actively works to cover up these violations, starting from the prosecution, which rejects the majority of objections filed against

these bans to the Supreme Court that rejects more than half of petitions filed in this regard.

This rejection rate clearly shows the collaboration between Israeli military interrogators and judges who jointly work to conceal crimes of torture against Palestinian detainees. Abandoning detainees without any means of communication with their lawyers and the outside world renders detainees under the sole authority of interrogators, enabling the latter to further abuse and use various methods of torture against detainees without any means of contacting a defense lawyer who can document these violations and evidence of torture. Lack of documentation of physical markings of torture subsequently makes it more challenging to pursue and hold interrogators accountable for their crimes legally.

Further, it should be noted here that banning detainees from meeting with a lawyer entails court hearings to extend their interrogation. These hearings are conducted with only the lawyer in attendance, without the detainee's presence, who cannot see their lawyer before the hearing, even for a few seconds. Once the lawyer exits the courtroom, the detainee is brought before the judge without a legal representative. This procedure hinders the defense process as a lawyer is not aware of the course of their client's interrogation, nor are they privy to their client's claims in court until after the end of the hearing, which obstructs the preparation of an effective defense.

A prime example of the grave violations resulting from bans on meeting with a lawyer is the case of the detainee "A.H.," who was transferred to Al-Moscobiyeh on October 23, 2019, and was immediately banned from meeting with a lawyer. In the first court hearing to extend A.H.'s detention for the purpose of interrogation, the prosecution requested a 15-day extension, alleging suspicions of the detainee's involvement in a military operation that took place in the West Bank.

The court approved extending A.H.'s detention for eight days. In subsequent extension sessions, Addameer's lawyers repeatedly inquired on interrogation methods used against A.H., particularly in the court session on October 31, 2019, when Addameer's lawyer asked on the

record if any banned interrogation methods were used against A.H. The Israeli police representative Ehab Al-Halabi responded at the time that A.H.'s interrogation was conducted "according to the law."

The police representative's answer was far from the truth. In the same court session, A.H. informed the judge that he was suffering from excruciating pain in the feet, back, and face due to his interrogation and requested to be seen by a physician. Nevertheless, the court bypassed A.H.'s statement and did not direct any questions to the prosecution on interrogation methods used against him, only noting that interrogators must provide adequate medical care to the detainee.

The court's response, in this case, shows the negative impact of banning a detainee from meeting with a lawyer, as the court refrained from seeking accurate documentation of A.H.'s suffering, deeming it enough for the court officer to note for the record that A.H. suffered from pain in the feet, back, and face. Alternatively, a proper judicial system places the responsibility on judges to ask the detainee about the nature of his pain, document any physical markings on his body, and question those in charge of interrogation on the person's identity responsible for causing the pain, among other inquiries. Thus, banning Palestinian detainees from meeting with their lawyers in such cases not only deprives them of seeking legal counsel but also eradicates any opportunity to document the torture they endure correctly.

A.H.'s interrogation continued for more than 30 days, during which he was banned from meeting with a lawyer for more than two weeks. In the majority of the extension sessions, A.H. told the court that he suffered from various pains, dizziness, and loss of balance, which resulted from prolonged interrogation for hours at end and the interrogators' use of force and violence.

Addameer's lawyers had repeatedly gone to court to end A.H.'s ban on meeting with a lawyer, referencing the torture he was subjected to at the time and stressing the fact that using these methods can lead to false statements or confessions to end the torture. The response was shocking as the court stated that while it recognized the possibility of obtaining

false statements due to interrogation conditions, it did not deem it enough cause to place limitations on interrogators. Furthermore, the court ended the session by refusing to provide the lawyer with a copy of the court transcript under the pretext that A.H. is banned from meeting with his lawyer.

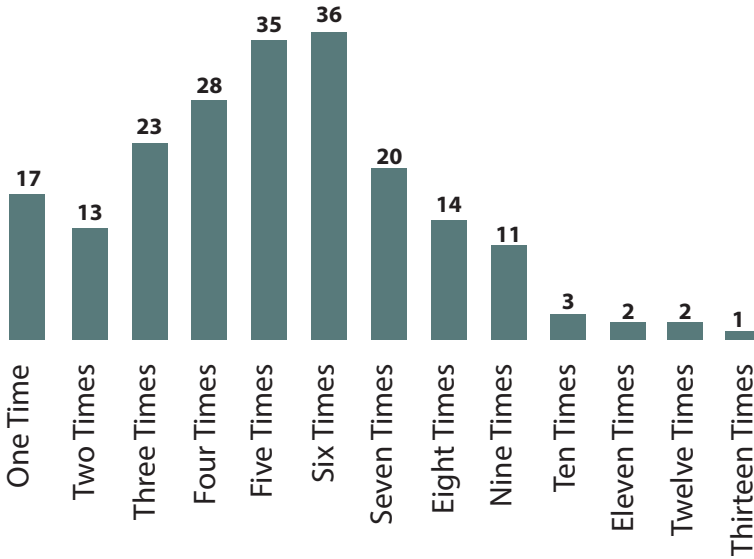
In light of the above, Addameer can only conclude that these judges' actions do not reflect an impartial, independent judicial system but rather categorically prove that Israeli judges are far from independent as they operate in line with Israeli policies and are complicit in one form or another in concealing the occupation's crimes by continuously approving ban orders against meeting with a lawyer and deliberately refusing to document any physical markings of torture appearing on detainees' bodies that their own lawyers cannot document.

Israeli forces justified using these interrogation methods against A.H. by claiming suspicions of his involvement in a military operation. Nevertheless, the charge sheet against A.H. did not indicate a shred of these allegations. This means that A.H. was subjected to brutal interrogation practices without any conclusive evidence of his involvement in the operation. Until the date of this study, A.H. continues to suffer from pains due to the torture and inhuman treatment he endured during his intensive interrogation.



Extension of Detention for the Purpose of Interrogation: Another Form of Judicial Complicity in Concealing Crimes of Torture

Extension of detention for interrogation is one of the primary forms of judicial complicity in covering torture practices and inhuman treatment. Addameer documented the number of times where detention of detainees was extended for interrogation, the figures are distributed as follows:

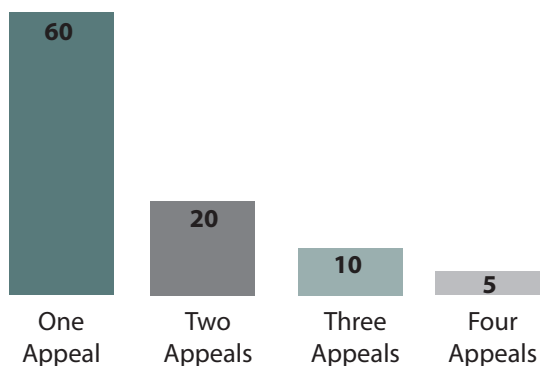


These numbers indicate Israeli courts’ clear pattern of involvement in concealing crimes of torture and ill-treatment against Palestinian detainees. The majority of detainees received three to seven extensions of detention, which is far from insignificant. In terms of days, 54 detainees of the study sample spent anywhere between 21 to 30 days in interrogation, while 110 detainees were interrogated for more than 30 days. In other words, over 50% of the study sample spent more than 21 days in interrogation.

This is far from a short period of time, mainly if we consider the conditions mentioned above of interrogation, such as bans on meeting with a lawyer and the physical and mental isolation from the outside world. The judicial system’s continuous pattern of approving extensions of detention for interrogation contributes to the cover-up of the occupation crimes. In 2019 alone, Addameer documented numerous cases of detainees who appeared before the court for an extension of detention sessions with clear markings of torture covering their bodies. Nevertheless, Israeli judges ignored the physical evidence and approved the extension of their detention for interrogation.

Addameer combats these extensions with appeals. During the duration of the study, the association filed 95 appeals against extensions of detention for interrogation distributed as follows:

Number of appeals filed by each detainee in the study sample



The majority of these appeals are rejected in a similar fashion to court rulings in petitions to revoke ban orders against meeting with a lawyer. Sixty-eight first appeals were rejected compared to 19 appeals approved, while second appeals witnessed an increase in rejection rate with 31 appeals rejected in comparison to only four approved appeals. Israeli courts' rejection of the vast majority of these appeals is nothing but another form of judicial complicity in the occupation crimes.

In 2019, Addameer followed the case of the detainee "W.H.," which demonstrated in detail the direct integration of roles of Israeli state institutions. On October 3, 2019, W.H. was arrested and was immediately issued a ban on meeting with a lawyer. During the first session to extend his detention for the purpose of interrogation, the prosecution requested a 15-day extension. The court approved an extension for eight days under the guise of balancing between the rights of the detainee and the necessities of interrogation. Eight days is more than enough time for Shabak interrogators to practice abhorrent crimes of torture against detainees, especially under a ban on meeting with a lawyer. In other words, the court contributed to leaving the detainee on his own in the

face of a comprehensive system empowered with unchecked authorities to interrogate him using whichever methods it deems fit.

What is striking in the court ruling is that the detainee informed the judge that his hands were bound from the first moment of his arrest at around 2 am until 12:30 pm and that Israeli forces destroyed his house during the arrest. The judge ignored W.H.'s statements, disregarding the property destruction of his house and the fact that he was handcuffed for more than six consecutive hours, and ignored that he was banned from meeting with a lawyer from the moment of his arrest. Even in light of these practices that show Israeli forces' predisposed intent to use force and violence against W.H., the judge ultimately approved the extension of his detention despite all initial indicators that W.H. will face ill-treatment that can amount to torture during interrogation.

During the next extension session on October 10, 2019, the defense attorney inquired about W.H.'s medical condition, especially since he was banned from meeting with his lawyer. The police representative responded, stating that W.H. suffered from high blood pressure, back pains, and stomach aches, adding that he was placed under medical observation in Al-Moscobiyeh. After the defense lawyer exited the courtroom, the detainee was brought before the judge and stated, "since the moment of my arrest, I've been enduring constant military interrogation... I now suffer from pains in my legs and chest. The doctor sees me only to check my pulse, temperature, and blood pressure."

None of this swayed the judge or prompted him to halt W.H.'s interrogation or revoke the ban on meeting with a lawyer. The judge largely bypassed the detainee's statements in his ruling, opting to address "dangerous suspicions," gravity and complications of the interrogation, and possible threat jeopardizing the security of the region. In his ruling, the judge noted the need for the court to oversee the course of interrogation but did not mention the torture and pains H. endured. In the end, the judge approved the extension of his detention for another eight days.

Addameer's lawyer filed an appeal clarifying that the first-class judge did not grant enough attention to W.H.'s medical condition and requested

W.H. to be examined by a specialist. The prosecution insisted that the court look into the appeal without the detainee's presence, which the judge approved. The same judge rejected Addameer's lawyer's request for W.H. to be examined by a specialist, noting that the confidential report submitted by the prosecution had enough information to deem W.H.'s medical condition as "reasonable." The judge also stated that suspicions around the detainee were grave enough to warrant the serious interrogation, adding that the lack of evidence of torture or use of banned interrogation methods by interrogators leaves the court no other option but to reject the appeal.

In subsequent sessions to extend his detention, Addameer's lawyers continued to inquire on interrogation methods used against W.H., asking for any medical reports proving his current medical condition, mainly since he had been banned from meeting with his lawyer for more than 40 days at the time. The prosecution's response before the court always indicated that the interrogation of W.H. was conducted under Israeli law and police regulations and that details of the interrogation were included in the confidential report submitted to the judge. These responses coincided with the detainee's statements in numerous sessions that he suffered from pains in the chest, back, and feet and the clear bruises on his body from beatings he sustained during interrogation. Instead of taking measures to stop whatever torture and ill-treatment H. was enduring, the courts continued to approve requests to extend his detention one after the other. At one point, one judge advised Addameer's lawyer that he possessed legal avenues of revoking the ban order against meeting with a lawyer.

The former judge's response on legal avenues of revoking ban orders is farcical and represents the Israeli judicial system's dismissal of detainees' rights. In the wake of an onslaught of extensions of detention and rejections of appeals and petitions against bans on meeting with a lawyer, a detainee's lawyer is left without any "legal avenues" to face the entirety of the justice system. This is in particular the result of courts resorting to the use of "security necessities" as a justification for approving extensions of detention and ban orders against meeting with

a lawyer, claiming that they aim to balance the interests of interrogation and detainees' rights.

On October 17, 2019, detainee W.H. appeared before Israeli military judge Shmuel Fleischmann for a session to extend his detention for the purpose of interrogation. During the session, W.H.'s lawyer attempted to inquire on the torture W.H. was being subjected to, the identity of the person who authorized the use of special interrogation methods, as well as any medical reports of the detainee's condition. As usual, the prosecution responded that all these details were available in the confidential file, claiming that the detainee was receiving adequate medical care in the interrogation center's clinic. When W.H.'s attorney asked the prosecution on the reason behind the detainee's recurrent visits to the clinic, the police representative Al-Halabi said "routine tests."

The prosecution's claim of "routine tests" coincided with W.H.'s statements before the judge in the same session that he continued to suffer from back pains and that the medication he was receiving was not very helpful. W.H. stressed in the same session that he experienced the pain only following his arrest, noting that something was wrong with his legs while his entire body was covered in blue bruises. At that point, the judge asked the detainee to remove his pants only to indeed find blue-purple bruising along with a red line at the top of his legs, as well as blue bruises on the back of his legs. W.H. confirmed that these markings resulted from beatings he sustained at the hands of interrogators, noting that he believed they hit him with their feet but did not in fact know exactly how because he was blindfolded.

After the judge viewed the markings on W.H.'s body, the police representative Ehab Al-Halabi asked the judge to conceal W.H.'s statements from his lawyer under claims that the information details interrogation methods used against the detainee. Israeli military judge Fleischmann rejected the prosecution's request to conceal some of the information, noting that the detainee must be brought before a physician and the markings on his body be photographed and documented. Fleischmann justified his decision stating that the court transcript exists

primarily to protect interrogators from any potential claims by the detainee or his lawyer. The judge added that he himself does not decide what right or wrong is, but he nonetheless trusts that “interrogators know exactly how to balance between necessities of interrogation and the safety and health of every suspect.”

The court ruling in this case represents another form of judicial support of the prosecution. The judge’s belief that the prosecution is capable of balancing interrogation proceedings and the safety and health of a suspect is a far cry from the truth. The prosecution will naturally take any and all measures to facilitate obtaining information at the expense of the physical and psychological wellbeing of the detainee as is evidenced by markings on his body.

Despite all of the above, the judge approved the prosecution’s request to extend the detainee’s detention for eight days even though he was still banned from meeting with his lawyer. The interrogation of W.H. continued until November 28, 2019 when the prosecution requested another extension of detention for eight days for the purpose of filing charges against him. Throughout the duration of his interrogation, Israeli judges continued to approve the prosecution’s requests to extend W.H.’s detention for the purpose of interrogation one session after another in a complete disregard of all indicators of torture and ill-treatment.

W.H. was not the only detainee who suffered through the practices mentioned above. On November 12, 2019, Israeli forces violently arrested “J.D.,” ransacking the family household and terrorizing children. J.D. was issued a ban order against meeting with a lawyer immediately upon his arrest. Two days later, on November 14, 2019, he was brought before Israeli military judge Merav Yitzhak. When J.D.’s lawyer asked the police representative if the detainee was undergoing a violent interrogation, the representative denied it.

After his lawyer exited the courtroom, J.D. was brought in, and he proceeded to tell the judge that he was exhausted and had been interrogated for hours at end, noting that he suffered from back pains and could not move his neck and mouth. J.D. also stated that a physician

had not examined him. Nevertheless, the court ignored J.D.'s statements without asking further questions about his state. In the end, the judge approved an eight-day extension of detention for interrogation despite clear evidence that J.D. was subjected to inhuman treatment, in a complete dismissal of possible repercussions of the extension, which leaves J.D. to face Shabak interrogators unchecked.

The court continued to provide a legal cover of the special interrogation J.D. endured for more than three weeks, during which the prosecution continued to confirm that the interrogation was subject to the "necessity defense." Even though the use of "necessity defense" should have normally alerted the court to the use of special interrogation methods, which would warrant greater oversight over interrogators' practices, the reality of the court hearings proved the opposite. The court continued to approve consecutive requests to extend J.D.'s detention even as he noted the pain he was experiencing in every session. The court utterly disregarded the fact that he was banned from meeting with a lawyer and completely isolated from the outside world.

Detainee "Q.S.," who was arrested on August 26, 2019 from his house, faced similar treatment. During his arrest, Q.S. sustained injuries to the thigh area and genitalia after being bitten by a police dog accompanying the arresting unit.

During the first session to extend Q.S.'s detention, the prosecution requested a 15-day extension, alleging the severity of suspicions around him. The judge accepted the prosecution's narrative for face value without taking into consideration Q.S.' injury, his violent arrest, and the fact that he was banned from meeting with a lawyer.

On September 3, 2019, the court looked into a petition filed by Addameer to reduce the extension of Q.S.'s detention. In his ruling, Israeli military judge Menachem Lieberman confirmed that the detainee was interrogated for long hours, spanning almost the entire day. Even though interrogation methods practiced against the detainee were allowed per the law, the judge suspected that "it is a real possibility that there are going to be false statements" in light of the interrogation methods. As a

result, Lieberman reduced the extension of Q.S.'s detention from 15 to 12 days believing that he was balancing between the detainee's rights and the best interests of interrogation.

Israeli judges extended Q.S.'s detention for the purpose of interrogation several times, coinciding with a continuous ban on meeting with a lawyer the whole time. In every session, the court ignored the torture and inhuman treatment Q.S. endured, including severe beatings all over his body with a particular focus on the location of his injuries. Q.S. was forced into numerous stress positions including the banana position and was slapped on the face and deprived from using the toilet for long hours while a number of his friends and family members were arrested. The session on September 29, 2019 is a prime example of the court's disregard of the detainee's treatment. This was the first session conducted in the presence of Addameer's lawyer after the end of the ban order. The lawyer explicitly pointed out the physical markings of torture on Q.S.'s body which was met with utter dismissal as the judge did not address the issue in his ruling, disregarding the evidence and approving a 15-day extension of detention.

The lawyer's repeated attempts in court to shed light on the torture Q.S. endured were incessantly ignored. In a court session to extend his detention on October 7, 2019, Addameer's lawyer asked S. to undress to reveal the physical evidence of torture on his body. Despite the harrowing markings and bruising covering his body, the judge did not deem them worthy of documentation in the session transcript.

These cases are a small sample of overwhelming evidence exhibiting the nature of Israeli practices and the complicity of the judicial system in the Shabak's crimes as Israeli judges continue to extend the detention of Palestinian detainees despite clear physical evidence and detainees' statements on enduring torture and ill-treatment. On top of that, judges refrain from documenting said evidence in court.



Striking out Parts of Official Court Transcripts

Throughout the duration of the study, Addameer documented numerous attempts by the Israeli prosecution to strike out parts or sentences from official transcripts of court sessions to extend the detention of Palestinian detainees in order to conceal evidence of grave violations against them. The prosecution claims that the information included in the transcripts affect the course of interrogation, especially since the requests came in cases where detainees were issued ban orders against meeting with a lawyer. Thus, the main reason behind striking out information from transcripts was to prevent the lawyer from accessing information about his client, including methods of interrogation to which a detainee is subjected. These practices constitute a grave violation of detainees' rights. In a court session to extend the detention of female detainee "M.A." who was undergoing interrogation at the time, she informed the court that she was not feeling well as she could not sleep and was repeatedly beaten. When Addameer's lawyer received a copy of the transcript, it became apparent that the detainee's statements were struck out without any indication on whether or not it was upon the prosecution's request.

In this particular court session, the judge noted that striking out information from court transcripts should be based on serious grounds and in cases where revealing information would harm the course of interrogation or jeopardize the safety of the region. After reviewing the court proceedings and the detainee's statements, the judge concluded that the information presented before the court does not fall under the abovementioned criteria and consequently does not warrant concealment. Nevertheless, the prosecution countered the judge's notes by claiming that the information can in fact jeopardize the safety of the region and must remain confidential. Despite the court's initial position against striking out information from the court transcript, the judge eventually approved the prosecution's request.

M.A.'s case is only one example of the Israeli use of such authorities which leads us to believe that granting this type of power to the prosecution is

dangerous, particularly in light of long-standing prosecutorial policies of frequently violating the rights of Palestinian detainees and exaggerating charges against them. Striking out parts of official court transcripts is far from a one-time practice limited to one sole detainee.

The case of “W.H.,” who was brutally interrogated for more than 30 days, is another example where the prosecution attempted to conceal information from court transcripts. During court sessions to extend his detention, the judge agreed to have the detainee examined by a physician following repeated requests from W.H. himself and his lawyer. W.H. stated before the court time after time that he was being subjected to a brutal intensive interrogation which left him experiencing excruciating pains all over his body. Additionally, W.H.’s body was littered with markings and bruises confirming that he was tortured and subjected to ill-treatment in the interrogation center.

The judge’s decision to have W.H. examined by a physician and to document in photographs the markings on his body came two weeks following his arrest, by which time some of the bruises had started fading because W.H. sustained them at the start of his detention. Nevertheless, the judge stressed in his decision that interrogators are allowed to conceal information if they believe it can sway the course of interrogation, clarifying that what goes on record in official transcripts exists primarily to protect interrogators from any potential claims by the detainee or his lawyer.

Despite the fact that W.H.’s statements did not affect the course of his interrogation as they revolved entirely around his health condition and the pain he experienced, as well described the bruises on his body, the prosecution requested to strike out the statements from the court transcript under the pretext that they can affect the course of interrogation and that he was banned from meeting with his lawyer. In reality, the request aimed to block W.H.’s lawyer from knowing his health condition during interrogation and to conceal crimes of torture and ill-treatment that took place in Al-Moscobiyeh. While the court denied the prosecution’s request here, this case and dozens others stress the nature of Israeli

practices in this regard, as well as prompt a lack of trust in future judicial decisions as we cannot be assured that judges will not acquiesce to the prosecution's requests in other cases.

It should be noted here that clause 89 (B) of Article D of Military Orders states that a military court will—in normal times—conduct hearings held before it in public, yet it is entitled to order a case to be conducted wholly or partially behind closed doors if it deems it appropriate for reasons of security of the Israeli army or public security.

Clause 89 (C) states that a military commander of the region is authorized to express his opinion in a document signed by him and submitted to the judge that a proceeding should be conducted behind closed doors to prevent harm to the security of the region. Nevertheless, the court retains the right to decide on whether or not a court hearing is closed wholly or partially. The Israeli prosecution recurrently uses these articles to attempt concealment of any information relevant to the course of interrogation or the condition of detainees during interrogation, primarily under the guise of maintaining the security of the region and refraining from influencing the course of interrogation.

Chapter Six



**Israeli Physicians Are Part of the
System of Torture**

Israeli state institutions work comprehensively to conceal crimes of torture against Palestinians. The role of the judicial branch of government is integrated with that of the legislative power to create a legal cover of crimes of torture that are primarily carried out by the executive power in all its bodies, including the army, police, and Shabak. This integration is principally embodied in Israeli court rulings, which often, if not always, stand unjustly in favor of the Israeli state against Palestinians. Courts continuously approve house demolition orders against Palestinians involved in military acts resulting in the death of Israelis, while in return do not issue house demolition orders against Israeli citizens or settlers who commit horrendous crimes against Palestinians. Similarly, Israeli courts' rulings in cases of torture oppose Palestinian human rights.

On top of court rulings, Israeli legislation, military orders, and amendments continuously limit Palestinian rights. The legislature's role aligns comprehensively with court rulings and the guise of so-called security reasons used to sanction all Israeli practices against Palestinians.

In line with this comprehensive integration of governmental roles, one Israeli state institution that plays a key role in concealing crimes of the occupation is the medical system. Practices of torture cannot be conducted individually without intervention from other sectors like the medical sector, as the majority of torture practices are preceded by medical examinations of detainees to green-light torture.¹³⁵

Through Addameer's documentation efforts during visits to Israeli prisons and interrogation centers for the duration of the study, it becomes apparent that Israeli physicians and the medical system are complicit in concealing crimes of the occupation. This complicity is evident in several points explored as follows:

135 Ruchama Marton, *Torture, human rights, medical ethics and the case of Israel, The association of Israeli Palestinian physicians for human rights*, page 33.



Constantly Certification of the Fitness of Detainees for Interrogation ¹³⁶

Certification of the fitness of detainees for interrogation is the first step of physicians' involvement in the process of torture. In this stage, physicians give interrogators the green light to proceed with interrogation by certifying that a detainee's health condition does not prevent the use of torture methods. Furthermore, detainees who have undergone interrogation for a duration of time are transferred to clinics so physicians can confirm their fitness to continue the course of interrogation. Sharing confidential information regarding detainees' health or special medical conditions with interrogators can negatively impact them, as it can increase the possibility of facing torture methods designed to exacerbate these medical conditions.¹³⁷ An example of the latter is the case of detainee J.D. who had been previously mentioned in this study. Interrogators pressured J.D. by exploiting his existing medical condition of slipped discs and forcing him into specific stress positions to inflict the greatest amount of pain possible. Physicians' approval to return detainees to interrogation rooms fully knowing that they are subjected to torture raises the issue of prosecuting and holding physicians accountable before the international law as accomplices to crimes of torture.¹³⁸

In more than 10 cases followed by Addameer, physicians in interrogation centers shockingly certified detainees' fitness to continue the course of interrogation despite their deteriorated health conditions. Judges and

136 Hernan Reyes considers certifying the fitness of a detainee for interrogation as one form of medical personnel's assistance in concealment of crimes of torture, noting that medical complicity can also include examination of detainees prior to interrogation.

137 *Doctoring the Evidence, Abandoning the Victim: The Involvement Of Medical Professionals In Torture And Ill Treatment In Israel* (The public committee against torture in Israel and Physicians for human Rights-Israel, periodic report, 2011) p14. Available at: https://stoptorture.org.il/wp-content/uploads/2015/10/Doctoring-the-Evidence-Abandoning-the-Victim_November2011.pdf.

138 *Id* at 28.

physicians witnessed how these detainees were transferred to court and toilet facilities in wheelchairs as they could not walk on their own due to the torture they endured. Nevertheless, physicians in interrogation centers continued to declare the detainees fit for interrogation.

Detainee “A.F.” recalls, “during military interrogation, I was taken into the clinic only to have my pulse taken and blood pressure tested. The doctor did not look at markings of torture on my body. When I complained of chest pains, his response was that the pain is normal. When I complained of stomach aches, he would examine me with his hand and give me painkillers.”

Detainee “S.T.” recounts, “during interrogation, they took me to Al-Moscobiyeh interrogation center’s clinic. The doctor did not examine me there but they gave me pills to lubricate my stomach. They didn’t care that I had hemorrhoids and did not promptly take me to the shower when my hemorrhoids started to bleed. They held me for long hours inside interrogation rooms, handcuffed to the chair and bleeding.” These two cases represent dozens of cases of Palestinian detainees who were tortured in interrogation centers where physicians disregarded any ethical responsibility towards them by declaring them fit to return to interrogation, only giving them painkillers without providing any real evaluation of their health conditions.



Ignoring and Refraining from Documenting Markings of Torture

The second form of medical complicity manifests in physicians ignoring all markings of torture on detainees’ bodies and refraining from documenting these marks. The Public Committee against Torture in Israel and Physicians for Human Rights stated in a joint report that the majority of medical field workers in prisons hold their silence on injuries they uncover or of which are notified. Often times, physicians refrain from fully documenting the physical and psychological torture of

detainees which deprives victims from using potential evidence against their torturers.¹³⁹

Throughout 2019, over 340 ban orders against meeting with a lawyer were issued against 75 Palestinian detainees whose cases were followed by Addameer. A number of these detainees were subjected to brutal interrogation that left them with brutal markings on their bodies. Even though physicians examined the majority of these detainees, their files are almost completely empty of any documentation of bruises and marks of physical torture they endured. Physicians ignored exceedingly clear and fresh markings of torture while Addameer's lawyers were able to document some of these marks weeks later during visits to detainees, as some bruises were still visible more than a week after the fact. Thus, the actions of Israeli medical workers in ignoring all markings of torture visible on detainees' bodies constitute a gross and grave violation of their ethical and medical responsibilities.

Numerous prisoners disclose their medical conditions during their arrest or health evaluations by physicians, requesting that these conditions be considered. However, most of these requests are never taken seriously, as in the case of detainee S.T. which was explored earlier in the study. S.T.'s case shows how physicians can disregard detainees' health conditions and resulting pains. Detainee "N.H." recalls his painful experience during interrogation, "I went to the doctor because my lower dental bridge was loosened during interrogation. The doctor refused to treat me, so I had to pull it out myself afterward, which was excruciatingly painful."¹⁴⁰

It should be noted here that not only do medical workers choose not to intervene, but Israeli forces also refuse to provide adequate medical attention to detainees at times. A prime example is the case of detainee "H.H." who recalled how one interrogator pressed down on his back while he was forced into a stress position in the interrogation chair,

139 Id at 13.

140 Prisoner N.H. is among Palestinian prisoners who were subjected to intensive interrogation in 2019.

which re-opened a recent surgery wound he had had in his lower back. Even though H.H.'s wound was bleeding, interrogators refused to transfer him to the clinic.



Case of S.A. Represents Integration of Roles of Judicial and Medical Systems

At eight in the morning of September 25, 2019, Israeli special forces arrested “S.A.” outside of his workplace and physically assaulted him in front of his wife. Less than two hours later, S.A. was issued a five-day ban order against meeting with a lawyer. On September 26, 2019, S.A. appeared before Israeli military judge Uriel Dreyfus when the prosecution requested to extend his detention for 15 days for the purpose of interrogation. The prosecution stressed that the detainee was examined by a physician right before the court session and the day prior. S.A. informed the court that he was not feeling well, explaining that he was beaten by interrogators, as well as suffered from difficulties in swallowing that caused him to vomit every time he attempted to eat, so he had not eaten since the day before. S.A. noted that he was fatigued and unable to stand up. The judge added to the court record that the detainee had a red mark on his neck.

Despite S.A.'s statement, the judge did not ask him about the red mark on his neck which appeared to show a strangulation attempt from its shape and location, nor did he ask the detainee why he was unable to swallow or stand up. Instead, the judge approved an eight-day extension of detention for the purpose of interrogation, a decision that almost cost A. his life in light of his health condition. On September 27, 2019, S.A. was transferred to Hadassah hospital in a critical condition as he was unconscious and suffering from kidney failure, 11 broken ribs, and swollen limbs.¹⁴¹

141 The Systematic use of Torture and Ill-Treatment at Israeli Interrogation Centers: Cases of Torture Committed at al-Moscobiyya Interrogation Center. Published by Addameer Prisoner Support and Human Rights Association on 23 January 2020. Last accessed on 3 October 2021. Available via http://www.addameer.org/sites/default/files/publications/story_based_torture_final.pdf

The prosecution kept quiet and did not notify S.A.'s lawyer until the evening of September 28 after the Israeli Security Agency released a public statement on the matter. At 1:30 in the morning of that night, Addameer's lawyer and S.A.'s wife were allowed to visit him in the hospital where he was completely unconscious and connected to a respirator. The detainee was kept under sedation for close to two weeks to control his health condition and prevent further deterioration.

On September 28, 2019, S.A. was issued a second ban on meeting with a lawyer, and on October 3, 2019, the court held a session to extend his detention for the purpose of interrogation even though he was unconscious and in a critical condition in the hospital at the time. S.A.'s health condition did not stop the court from extending his detention and banning him from meeting with his lawyer, leaving no room for doubt about the complicity of the Israeli judicial system within the broader occupation regime. The prosecution's unwavering justification of banning a detainee from meeting with a lawyer in order to maintain the course of interrogation is invalid as what possible danger can meeting with a lawyer pose when the detainee is unconscious? Further, what is the legality in extending the detention of an unconscious detainee for the purpose of interrogation?

Once S.A.'s health condition began to improve, numerous court sessions to extend his detention were held in Hadassah hospital in the presence of a judge who was briefed on the detainee's health condition before approving extension requests every time. The case of S.A. shows the complete integration of roles of Israeli state institutes as the judicial system played a role in providing a legal cover of what he went through ¹⁴²while the medical system played a different role altogether. Addameer gained access to S.A.'s medical records only to find that while the actions

142 During the last quarter of 2019, Addameer Prisoner Support and Human Rights Association faced a gag order following a petition submitted to court by the Israeli Security Agency 'Shabak' and Israeli police to ban Addameer from publishing information on a group of Palestinian detainees undergoing interrogation in Al-Moscobiyeh interrogation center. The gag order was approved and renewed several times, remaining in effect for more than three months.

of the medical staff were appropriate, the documentation of his condition was professionally inadequate under the criteria of effective investigation and documentation of torture set by the Istanbul Protocol. For example, S.A.'s medical reports lacked an accurate description of the markings' size, color, and location on the detainee's body, only noting that he had bruises. The reports also documented fractures to the ribs and the state of his kidneys, heart, and lungs without providing any information on the cause of these injuries. No medical tests were conducted to discover the cause of S.A.'s kidney failure or other symptoms. At the same time, reports did not even indicate that the hospital asked questions to the persons who admitted him regarding the cause of his injuries.

These practices constitute a stark violation of the professional and ethical duties of physicians. The Principles of Medical Ethics Relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the United Nations' General Assembly in 1982, states that physicians' participation, whether active or passive, in crimes of torture or other cruel, inhuman or degrading treatment constitutes "a gross contravention of medical ethics, as well as an offence under applicable international instruments."¹⁴³ The code also stresses that no derogation from the principles is permitted "on any ground whatsoever, including public emergency."¹⁴⁴ Israeli physicians' neglect of their duties to document markings and bruises on a detainee's body is a form of complicity in crimes of torture, as medical axioms require physician's to ask a patient about the cause of any bruising on

143 See Principle 2 of the Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

144 See Principle 6 of the Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

his body, as well as accurately and sufficiently describing these bruises in the patient's medical reports.¹⁴⁵

The ban on meeting with a lawyer continued for a while after S.A.'s health condition became stable. Israeli judges cited security reasons for the continuation of the ban. They further alleged that raised concerns about the lack of documentation of torture were unfounded due to Israeli forces' claims that the detainee was visited by a Red Cross physician and examined by the medical staff in Hadassah hospital.

Nevertheless, these facts do not absolve physicians from their duty to document markings of torture they observed on the detainee's body, nor do they absolve them from the responsibility to accurately document S.A.'s medical state upon his admission to the hospital, including details of the nature and cause of his kidney failure, aspects of his health condition, as well as contributing factors to his health condition such as the harsh beatings to which he was subjected. Lack of accurate and detailed documentation of these factors contributes to the concealment of Israeli crimes, as well as the inability of human rights organizations to provide conclusive evidence of crimes of torture.



Medical Research: A Cornerstone of Crimes of Torture

Israeli interrogation centers witness another form of medical complicity in crimes of torture that extends beyond physicians themselves to entail the entirety of the medical system. Palestinian detainees have pointed out that all Shabak interrogators are trained in methods of physical beatings, noting that interrogators target particular areas of the body

145 In some cases, the role of hospitals is not limited to refraining from documenting markings of torture, but rather extends to include not registering a detainee's admission to the hospital or admitting a detainee under an alias. A prime example is the case of detainee J.D. who had been admitted to Hadassah Medical Center for his critical health condition as a result of undergoing a brutal interrogation in 2019. It was later revealed that there were no documents confirming his admission to the hospital.

and deliver blows in an unusual manner that differs from regular beatings. For example, an interrogator is fully aware that striking a detainee's jaw muscles and cheeks with fingertips cause excruciating pain and face swelling. Similarly, interrogators target leg joints and muscles, chest and back. In this regard, the interrogators' knowledge is far from general, but rather indicates medical and research efforts presented to the Israeli military institution to arm interrogators with specific techniques of causing the maximum amount of pain with the least amount of apparent physical evidence. As previously mentioned in this study, U.S. courts have ruled that professionals who aid in designing and implementing enhanced interrogation programs are not entitled to derivative sovereign immunity.



Medical Complicity is a New-Old Policy

Generally speaking, medical complicity is not a new policy recently introduced to the Israeli state. The Bus 300 incident and the account of former prisoner W.R. (see chapter: Torture in Israel) indicate that the medical system's cover-up of the occupation's crimes is an old deep-rooted policy in Israeli practices from the start. Similarities between old and recent Israeli practices are pronounced to all. Just like Shabak denied the brutal torture of Hussain Al-Zubaidi in 1993, it denies all accounts of torture practices against Palestinians nowadays, justifying patterns of behavior or "special means" of interrogation under the pretext of security necessities.

This policy has been well-established in Israel's history. In 1993, Israeli journalist Michal Sela uncovered a Shabak medical document that contained a questionnaire form to be filled out by Shabak physicians. The form contained questions about a detainee's health condition, whether or not there are any medical restrictions against keeping him in isolation, covering his face, forcing him to stand for prolonged periods, and other medical questions. At the time, the Shabak denied that such a document ever existed; however, four years later, another form was

leaked. The second document included a section for physicians to sign off on torture according to specific clauses.¹⁴⁶

Thus, physicians play a clear role in torture and the broader maintenance of the occupation regime. Any medical clearance that certifies a detainee's fitness for interrogation that includes isolation or prolonged positional torture is another form of complicity in the act itself.

In the conversation on medical responsibility and the role of physicians in covering up the occupation's crimes, we must address the case of detainee "N.Q." N.Q. was 25 years old at the time of his arrest on 4 May 1993 from his house in Beit Sahour, where he was transferred to a detention center in ad-Dhahiriya. On May 12, 1993, N.Q. was brought before judge Altbaur for an extension of the detention hearing. According to the session transcript, N.Q. denied all allegations against him and informed the judge that he was tortured in the last two days leading up to the hearing, stating that he was beaten in the testicles and subsequently transferred to the hospital.¹⁴⁷

In the hearing, the judge noted that he reviewed a medical report from Soroka Medical Center, which clarified that the detainee sustained massive injuries to both testicles (testicular rupture) due to beatings. The prosecution informed the judge that an investigation had been opened into the cause of the injury. On May 15, 1993, N.Q. was brought before Israeli military judge Livni who decided against extending his detention for interrogation, citing lack of evidence. Instead, the judge agreed to place the detainee under administrative detention.

After N.Q.'s family demanded Physicians for Human Rights to intervene and investigate his case, the organizations discovered that the medical report the judge quoted during the hearing on May 21, 1993, was missing from Soroka Medical Center's records. The only document provided to

146 Ruchama Marton, How Israeli doctors enable the shin Bet's torture industry, published on 7 October 2019, last accessed 30 June 2020, available at: <https://www.972mag.com/shin-bet-torture-israel-doctors/>.

147 Ruchama Marton, Torture, human rights, medical ethics and the case of Israel, previously mentioned, p33-34.

N.Q.'s family was a medical opinion dated May 19, 1993, eight days after N.Q. was discharged from the center's emergency room.¹⁴⁸

The medical report, written by a urologist, clarified that the detainee was brought into the emergency room of Soroka Medical Center suffering from a tear in the scrotum. According to the physician's notes, the detainee stated that he had fallen downstairs two to five days before his examination. A further inspection of the case revealed that the medical opinion in the report was, in fact, written retroactively without a new medical examination of the detainee to conceal what truly happened and blame the detainee for his injury rather than attribute it to interrogators. The medical opinion does not indicate that the scrotum tear was caused by beatings during interrogation but rather attributes the injury to the detainee falling downstairs. However, N.Q. confirmed that he did not fall downstairs or state that he did, stressing that the physician's claims were fabricated.¹⁴⁹

N.Q.'s case represents dozens of Palestinian detainees subjected to similar treatment as physicians played a negative role in their cases, whether by supporting the Israeli government's actions or refraining from documenting unmistakable markings of torture. The previously mentioned joint report by the Public Committee against Torture in Israel and Physicians for Human Rights clarifies physicians' duties and responsibilities when dealing with prisoners and detainees. These duties include physicians preventing the return of detainees to locations where they are subjected to torture, maintaining the confidentiality of prisoners' medical information, documenting marks of torture or detainees' complaints in this regard, as well as reporting acts of torture as witnessed, heard, or diagnosed by physicians themselves. Despite the simple and direct nature of these obligations that do not exceed fundamentals of medical ethics aiming to prevent physicians from contributing to crimes of torture, Israel Prison Service (IPS) physicians who examine prisoners and detainees do not abide by the majority, if

148 Id.

149 Id.

any, of these principles. It is rare for an Israeli medical report to indicate bruises on detainees' bodies, not to mention the shape, size, and details of said bruising. Moreover, physicians do not report torture they witness, nor do they adhere to numerous other principles.¹⁵⁰

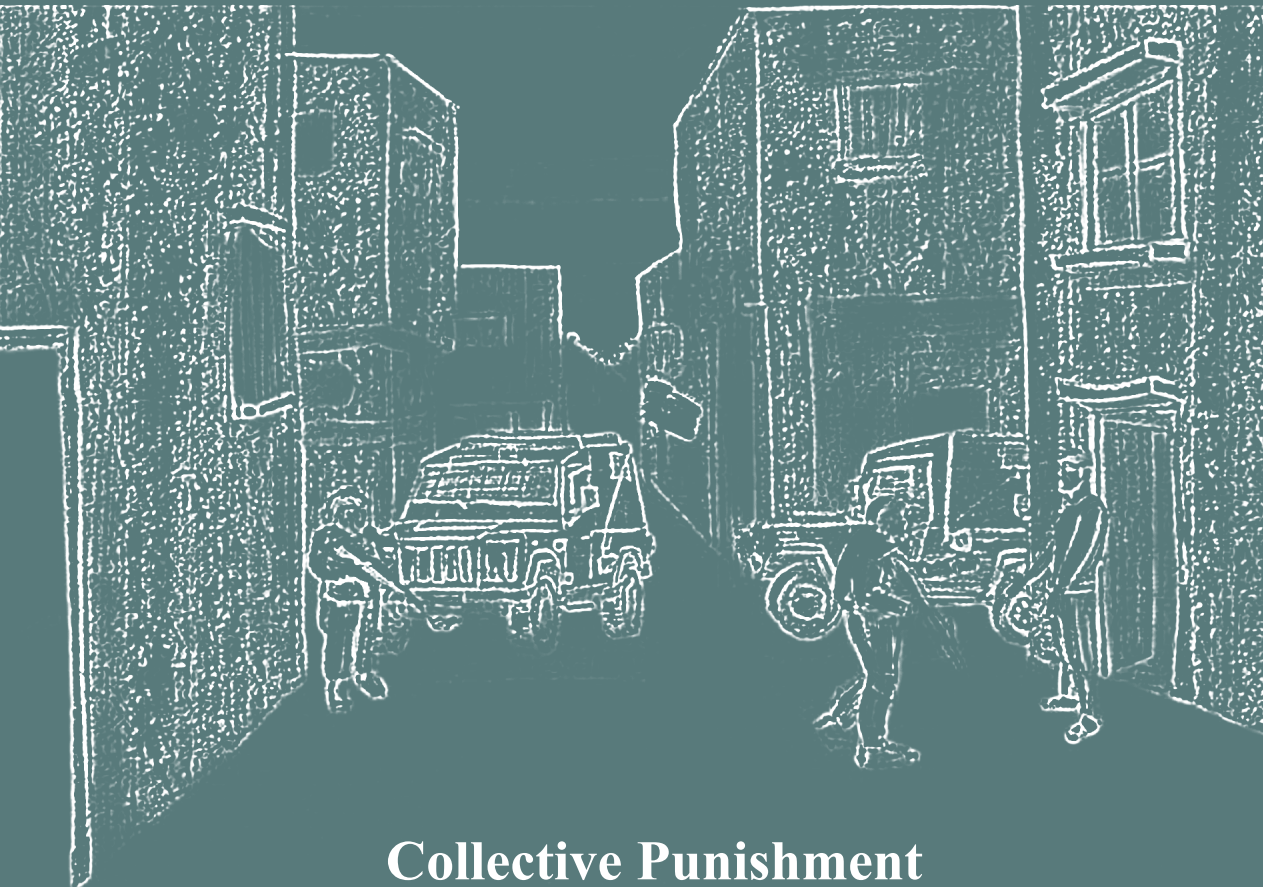
Some of these violations are the direct result of the protection offered to physicians at a national level. IPS physicians are not officially affiliated with the Israeli Ministry of Health, making prosecuting them for these violations before Israeli courts incredibly complicated and challenging. Notably, the practices of Israeli physicians violate the Declaration of Tokyo, a set of international guidelines for physicians concerning torture and other cruel, inhuman, or degrading treatment or punishment concerning detention and imprisonment. The declaration stipulates that physicians shall not “countenance, condone or participate in the practice of torture” nor “provide any medical knowledge to facilitate the practice of torture.”¹⁵¹ Moreover, IPS physicians violate the United Nations' Principles of Medical Ethics Relevant to the Role of Health Personnel in the Protection of Prisoners, adopted in 1982.¹⁵²

150 Doctoring the Evidence, Abandoning the Victim: The Involvement of Medical Professionals in Torture And Ill Treatment In Israel, previously mentioned, p28.

151 Look WMA Declaration of Tokyo – Guidelines for Physicians Concerning Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in Relation to Detention and Imprisonment, adopted by the 29th World Medical Assembly, Tokyo, Japan, October 1975, available at: <https://www.wma.net/policies-post/wma-declaration-of-tokyo-guidelines-for-physicians-concerning-torture-and-other-cruelinhuman-or-degrading-treatment-or-punishment-in-relation-to-detention-and-imprisonment/>. Look also: Hernan Reyes, Torture, human rights, medical ethics and the case of Israel, previously mentioned, p45.

152 See Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Available at <https://www.ohchr.org/en/professionalinterest/pages/medicaethics.aspx>

Chapter Seven



Collective Punishment

Collective punishment is prohibited in a number of international conventions based on the principle of individual responsibility for the crime and the prohibition of inflicting penalties on persons who have themselves not committed crimes.¹⁵³ Collective penalties and measures of reprisal are prohibited against a person who has not himself committed a crime, regardless of the nature of the relationship, whether familial or social, between a person and an offender of a crime.

While the prohibition of collective punishment is not a particularly recent development, it can be said that the principles of the International Humanitarian Law laid the foundation for the prohibition through Convention (II) with Respect to the Laws and Customs of War on Land. Article 50 of the convention states that “No general penalty, pecuniary or otherwise, shall be inflicted upon the population on account of the acts of individuals for which they cannot be regarded as jointly and severally responsible.”¹⁵⁴ Later on, the four Geneva Conventions reiterated the same principle as Article 33 of the Fourth Geneva Convention, which states that “no protected person may be punished for an offense he or she has not personally committed,” explicitly prohibiting all forms of collective penalties.¹⁵⁵ This is in line with the Special Court for Sierra Leone’s ruling in the Prosecutor v. Alex Tamba Brima, Brima Bazzy Kamara, and Santigie Borbor Kanu, where the court clearly stated the prohibition of imposing collective punishment, in particular upon protected persons who are not individually responsible for acts which

153 Commentary of the Geneva Conventions of 12 August 1949. Volume IV’ Geneva International Committee For The Red Cross, 1958. P225. Available at: https://www.loc.gov/rr/frd/Military_Law/pdf/GC_1949-IV.pdf

154 Convention (II) with Respect to the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land. The Hague, 29 July 1899. Available at: <https://ihl-databases.icrc.org/ihl/INTRO/150>

155 Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949.

form the object of the punishment. The court based this prohibition on Article 4(2)(b) of its Statute.¹⁵⁶

Prohibition of collective punishment is not stipulated only in International Humanitarian Law, but also in numerous local and regional legal systems that prohibit collective penalties as well. The legal systems of Australia, Bangladesh, Norway, Croatia, Ethiopia, Italy, Romania, and numerous other states prohibit collective punishment.¹⁵⁷ Furthermore, many military systems prohibit the use of collective punishment, including those of Argentina, Ecuador, New Zealand, Mali, France, Romania, the United States of America, the United Kingdom, Yugoslavia, Morocco, Germany, Canada, and Cameroon.

It should be noted that even though International Human Rights Law (IHL) does not explicitly prohibit collective punishment, its implicit prohibition is stipulated through promoting and protecting the rights to life, freedom, and fair trial, among others. Similarly, General Comment no. 29 on Article 4 on States of Emergency of the International Covenant on Civil and Political Rights states that State parties may not under any circumstance invoke Article 4 of the covenant as a justification for acting in violation of IHL or peremptory norms of international law by imposing collective punishment.¹⁵⁸

Since the start of the Israeli occupation of Palestine, collective punishment has been a key Israeli means of countering Palestinian steadfastness and perseverance. Israel uses prisoners' families as a bargaining chip during arrest and interrogation, repeatedly raids and closes Palestinian villages and cities to collectively punish residents, as well as demolish

156 The Prosecutor vs. Alex Tamba and others (the AFRC Accused), SCSL-04-16-T, Special Court for Sierra Leone, 20 June 2007, last accessed on 8 July 2020, available at: <https://www.refworld.org/cases,SCSL,467fba742.html>.

157 ICRC Customary IHL Rules (rule 103), available at: https://ihl-databases.icrc.org/customary-ihl/eng/docs/v2_cou_us_rule103

158 UN Human Rights Committee, General comment No. 29 Article 4 of the international covenant on Civil and political Rights, available at: <https://www.refworld.org/docid/453883fd1f.html>.

houses of Palestinians whom Israel alleges executed or participated in the execution of military operations.

Furthermore, Israel withholds bodies of dozens of deceased Palestinians, confiscates Palestinian properties and funds, forcibly removes numerous families from their place of residence, as well as targets residents of certain areas or members of particular political parties with mass arrest campaigns.



Repeated Raids of Detainees' Villages

Israel often imposes collective punishment upon the entirety of Palestinian residents of a particular area. Suppose a resident participates in the execution of a military operation. In that case, Israeli forces close off his village or city—sometimes for days—regardless of whether the individual in question is alive or dead. These closures aim to punish the perpetrator's family and the area's residents en masse, gain additional information on whether another individual is involved in the operation, and pressure residents to prompt the perpetrator to turn himself in if he had managed to escape. The aftermath of these policies entails imposing collective penalties against Palestinians for crimes they did not commit.

Many examples of Palestinian villages and cities were closed off entirely for days, sometimes weeks, to punish residents, including the repeated closures of Deir Abu Mash'al, Kafr Qaddum, Aboud, Nabi Saleh, Deir Nidham, Qusra, Jurish, and many others. The closures policy violates the Israeli High Court of Justice's decision no. 7577/06 prohibits the complete closure of Palestinian villages and areas and clarifies that authorizing a closure does not mean enacting a sweeping ban on entry and exit into and out of certain areas but rather means subjecting travel into and out of these areas to security checks.¹⁵⁹

159 HaMoked to the Military Commander of the West Bank: the military encirclement imposed on Beit Ur a-Tahta constitutes collective punishment and must be lifted at once, published on 27 January 2016, last accessed on 14 August 2020, available at: <http://www.hamoked.org/Document.aspx?dID=Updates1660>

Addameer documented repeated Israeli raids of Silwad village throughout 2019. During the first half of the year, Israeli forces raided the village along with numerous households to arrest residents or for the sole purpose of ransacking houses and damaging properties. The “A.H.” family was among those targeted by these raids. A.H. states in his affidavit to Addameer that Israeli forces raided his family household on 21 January 2019, at 1:30 in the morning. The family primarily occupies one housing unit while numerous others are vacant and closed. Soldiers broke through the main front door before rapidly spreading inside the two-story building. A.H. adds that even though the family offered the units’ keys to Israeli soldiers, they insisted on blowing up all the doors.

“They went on the roof and punctured the water tanks with their knives. They inspected couch cushions, turning them over before ripping them open with their knives. They searched inside bedroom closets before upending and breaking them. They even broke the bed,” A.H. describes. Israeli soldiers left a trail of destruction without arresting or summoning any family members, which shows that raiding a house and terrorizing its occupants in the middle of the night is a standard brutal Israeli practice used against many Palestinian families during repeated raids of cities and villages.

Israeli forces carry out mass arrest campaigns against Palestinians in the face of popular uprisings or alleged threats against Israel’s security. Israeli forces arrest Palestinians if they have any reason for an arrest and warn those without any reason to arrest. During an interview in 2015, one Israeli military official stated that the army usually compiles a list of more than 100 names of Palestinians who could potentially be involved in a military operation or an attack against Israeli targets. The official also noted that other Palestinians are threatened and terrorized to map and search their houses during daily raids.¹⁶⁰

The psychology expert is a new Israeli practice introduced in 2019 and 2020. Addameer documented dozens of instances when Israeli forces

160 IDF colonel: Hebron Soldier had no reason to shoot, published on 28 April 2020. Last accessed on 18 October 2020. Available at: <https://www.ynetnews.com/articles/0,7340,L-4797276,00.html>.

raided houses of Palestinians late at night, creating the illusion that they were under arrest before it became apparent that detainees were transferred to an Israeli checkpoint to be questioned by an individual claiming to be a psychology expert, who proceeded then to ask the “detainees” specific questions.

This tactic is part of a larger Israeli policy of psychological intimidation as Palestinians are subjected to late-night house raids, questioned by a psychology expert, and constantly threatened with being placed under actual arrest and transferred to an interrogation center if they refuse to answer questions.¹⁶¹

Addameer documented dozens of raids in Kobar village in 2019 and 2020. In August and September of 2019, Israeli forces raided the village near-daily, arresting and summoning dozens of residents. Yabad village tells a similar story of brutal raids as Addameer documented a vicious attack on the village in May of 2020, during which Israeli forces arrested no less than 50 Palestinians. The wide-scale arrest campaign targeted Palestinian men, women, children, and the elderly. Arrests were accompanied by raids targeting numerous houses as well. Residents were indiscriminately arrested, summoned, harassed, assaulted, and subjected to field interrogation.



N.A.’s Family: A Living Example of Collective Punishment Policy

“N.A.”’s family bore the brunt of the attack against Ya’bad village in May of 2020. Addameer’s field researchers documented the repeated targeting of the family over close to 30 days, during which Israeli forces arrested family members and raided their houses daily. N.A., his wife, daughter, and all his brothers and nephews were arrested after Israel alleged N.A.’s involvement in killing an Israeli soldier. During those

161 For more information on the subject, see The Psychology Expert by Addameer Prisoner Support and Human Rights Association. Available via <https://www.addameer.org/publications/%E2%80%9Cpsychology-expert%E2%80%9D-new-method-used-israeli-occupation-forces-harass-palestinians>.

30 days, N.A.'s wife and daughter were arrested and summoned several times. Both have noted that they were cursed and screamed at during interrogation to extract confessions of the perpetrator's identity.

These practices expose the Israeli collective punishment policy against Palestinians. The harassment, oppression, and raids of which Ya'bad residents suffered were not limited to the detainee himself but rather entailed the entirety of his family and neighbors. Additionally, Israeli forces ordered the closure of one room in N.A.'s house as a part of the penalty against him.¹⁶²



Families Used as Bargaining Chips to Leverage Detainees

Israeli forces often use Palestinian families as a bargaining chip to pressure detainees, particularly during interrogation. Addameer documented testimonies of many prisoners who had been arrested in the 1960s, 1970s, and 1980s. In their statements, the prisoners indicated repeated threats primarily of arresting their families that ultimately resulted in the arrest of family members brought in before the prisoners during interrogation.¹⁶³

This Israeli policy remains in effect nowadays. Throughout 2019 and the first half of 2020, Addameer documented more than 50 cases in which Palestinians were arrested or summoned multiple times to pressure and extract confessions from detainees undergoing interrogation.¹⁶⁴ Israeli forces arrested family members of detainees and prisoners, holding

162 Statistics on punitive house demolitions, The Israeli Information Centre for Human Rights in the Occupied Territories, published on 14 December 2020, last accessed on: 30 December 2020, available at: https://www.btselem.org/punitive_demolitions/statistics.

163 For more information, see the chapter on "History of Torture in Israel"

164 It should be noted that this number solely represents cases documented by Addameer Prisoner Support and Human Rights Association while the real total number of similar cases is far greater.

them alongside their detained relatives in the same interrogation centers to mislead detainees into believing that their families were undergoing interrogation. Additionally, prisoners were threatened with placing their family members under administrative detention for a prolonged time. Prime examples of this policy include the arrest of prisoner Q.S.'s mother and brother, released woman prisoner M.A.'s brother, prisoner M.A.'s mother, and prisoner W.H.'s daughter. Moreover, numerous family members of detainees were repeatedly summoned to mislead the latter into believing that their families were undergoing interrogation or threatening the interrogation of family members as is the case with released woman prisoner S.J.'s father and brother, released woman prisoner M.A.'s parents, prisoner A.H.'s father, prisoner M.H.'s wife, as well as prisoner A.M.'s wife and mother.

Violations against prisoners' families do not end here. All arrests entail violations of detainees' families who are terrorized in the late hours of the night or early morning when 80% of arrests occur. Family members are awakened from their sleep by violent house raids that exacerbate the psychological impact on children and the elderly.

In more than 13 cases, families reported that Israeli forces raided their houses by breaking down or blowing up front doors, while police dogs accompanied soldiers during raids in at least seven cases. Israeli soldiers beat or physically assaulted at least 10 family members of various prisoners during arrests and searched houses of prisoners' relatives or neighbors in at least seven cases.

Generally speaking, using families as a bargaining chip to pressure detainees has yielded desired results more often than not. In recent years, Addameer documented dozens of cases where detainees confirmed that their confessions resulted from threatening the arrest of family members, summoning them into interrogation, and practicing a variety of violations against them. With detainees utterly isolated from the outside world and intimately aware of the nature of Israeli brutality, it is exceedingly difficult not to believe these threats wholeheartedly.

In 2019, Addameer documented more than 10 cases where detainees gave statements under duress of similar pressures, including prisoner

Q.S. whose mother was arrested and detained in Al-Moscobiye for more than 15 days. During interrogation, Q.S. was threatened with arresting several of his friends and subjecting them to military interrogation. Not long after, the threat became a reality when a large number of Q.S.'s friends and family members were arrested over the following two weeks, some of whom were subjected to military interrogation indeed. At one point, Israeli interrogators threatened to subject Q.S.'s mother to military interrogation techniques, which was the final straw that prompted him to give a statement.

The case of detainee Q.S. is one of many cases documented by Addameer proving the cruelty of using family members as a means of exerting pressure on detainees. This policy shifts the role of the family from a fundamental pillar of the detainee's support system and a source of strength in the face of brutal interrogation into leverage that can lead a detainee to break down in the middle of interrogation under the pressure of the extent of Israeli threats against his family.

Another case documented by Addameer was that of prisoner W.H., whose family was used against him during interrogation in an unusual manner. Interrogators pressured the detainee by planting the peculiar idea of his perpetual absence from his family's lives. W.H. recounts to Addameer, "they showed me a PowerPoint presentation of family photographs with music playing in the background. My face kept on fading from all the photographs before an old picture of me in prison appeared with 'the living martyr' inscribed below." He recalls how interrogators showed him a fabricated video of his daughter's future wedding to show that he would not attend. Additionally, Israeli forces summoned his daughter M.H. and informed her that she was being arrested upon her arrival in the interrogation center.



State vs. Child: Israel Arrests a Palestinian to Pressure a Child to Turn in Himself

On March 10, 2019, Israeli forces raided the house of M.A.A., a nine-year-old child from Al-Bireh, in search of him. At the same time, soldiers

raided his uncle's house in the same city, arresting his 19-year old cousin M.A. When M.A.A.'s father headed to the nearby Psagot settlement to inquire about his nephew's arrest, one soldier informed him that M.A. was arrested solely to pressure M.A.A. to turn himself in. The child's father was told that M.A. would not be released until his son turned himself in.

In light of Israeli demands, M.A.A.'s father was forced to hand his son over to Israeli soldiers. The child recounts the details of that day to Addameer, "I was sat down on concrete blocks for an hour before I was taken inside a military vehicle. My cousin was there with me, and they initially bound my hands with plastic handcuffs. They blindfolded me and took me to the settlement... I was taken out of the vehicle into a caravan, where they sat me on the floor blindfolded and handcuffed. My cousin and I stayed there for three hours like that. There were three soldiers with us the whole time. They beat my cousin in front of my eyes." Three hours later, both detainees were transferred to Beit El settlement, where they were separated. Child M.A.A. was led into one of the Coordination and Liaison offices, where he was forced to stand up for almost half an hour before he was released. His cousin was led to an unknown location.

This tragic incident shows the extent of the trauma inflicted upon Palestinians at the hands of Israeli forces that often force families to hand over their children to end the stream of violations against the family en masse. Other times, family members are forced to take on the role of jailers, as with house arrests. What is remarkable in the case of the M.A. family is how blunt Israeli soldiers were as they point-blank revealed that the real motivation behind M.A.'s arrest was to pressure child M.A.A. to turn himself in. Even though the child immediately did so, Israeli forces did not release his cousin but instead held and beat him.

The modest number of cases Addameer managed to document of families used as a bargaining chip to leverage detainees clearly shows a pattern of practices and an almost-consistent policy of arresting, summoning, assaulting, or terrorizing families to pressure detainees and prisoners.



House Demolitions Policy Targets Palestinian Detainees

House demolitions constitute a well-established Israeli policy, in which Palestinian families that did not commit any offense or break Israeli laws and regulations are forced to witness the complete demolition of their homes. This policy provides one means of punishing an entire family for the actions of one member who is deemed to have committed an offense or posed a threat to Israel's security. The policy stems from the belief that threatening the safety and security of family homes generally instills fear in the Palestinian community, deterring from committing any offenses against the occupation. However, an internal military investigation into the Israeli army in 2005 concluded that the policy fell short of achieving its desired goal as an active deterrent since demolishing houses of individuals who carried out military operations increased the frequency of violence against the occupation instead.¹⁶⁵ In compliance with the investigation's recommendations, Israel ordered a halt to the policy, but that did not last long.

In the wake of the kidnapping and killing of three Israeli settlers in 2014, Israel resumed its house demolitions policy. At the time, the Israeli Supreme Court stated in a hearing on one demolition order that it never intended to entirely halt the policy, citing the changing circumstances of increased attacks as a justification to resume house demolitions.¹⁶⁶

Demolishing a house is an administrative procedure that does not require a trial or evidence according to regulation 119 of the Defence (Emergency) Regulations of 1945, which authorizes a military commander to order the forfeiture, closure, or destruction any house or structure in whole

165 Amos Harel, IDF Panel Recommends Ending Punitive House Demolitions for Terrorists' Families, Haaretz, published on 17 February 2005, Last accessed on 5 September 2020. Available at: <https://www.haaretz.com/1.4749075>.

166 Home demolition as collective punishment, the Israeli information Center for Human Rights in the Occupied Territories, published on 11 November 2017, last accessed on 18 November 2020, available at: https://www.btselem.org/punitive_demolitions.

or in part.¹⁶⁷ Once a family receives notice of the demolition order, it is entitled to file an objection to the military commander within 48 hours. If the commander rejects the objection, the family can file an appeal in court before the demolition.¹⁶⁸

In house demolitions, Israeli courts follow a general tendency adverse to Palestinian rights. Israel's High Court of Justice rejects most appeals against house demolition orders. Even though the court itself imposed few limitations on the military commander's discretion, including compelling him to issue a detailed demolition order specifying causes of demolition, Israel had continued to demolish houses of dozens of Palestinians before they were allowed to appear before Israeli courts, sometimes even before they were allowed to collect their possessions from their homes.¹⁶⁹ This is further evidenced in the fact that the High Court of Justice dropped more than 11 cases filed by Jerusalemite families against house demolition orders between the end of 2014 and the start of 2019.¹⁷⁰

From early 2019 to mid-2020, Addameer documented several house demolitions in part of collective punishments imposed on Palestinian families. Israeli forces demolished the houses of dozens of prisoners, including Assem Barghouthi, Khalil Dweikat, Waleed Hanatsheh, Yazan

167 House demolitions, Hamoked Center for the defense of the individual, available at: http://www.hamoked.org/topic.aspx?tid=main_3.

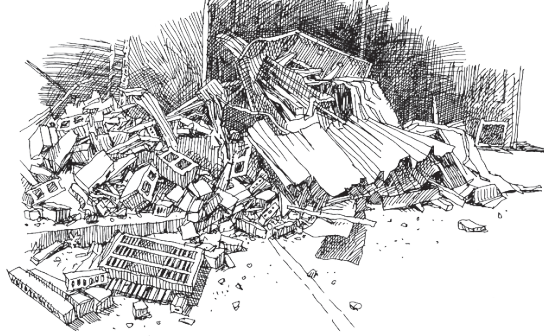
168 This procedure was not sanctioned before 1989 when the order relied entirely on the decision of the military commander. In 1989, an Israeli Supreme Court's ruling allowed appeals of the military commander's decisions before the court.

169 One prime example of this policy is what happened with the A. family from Kobar village. The military commander issued a demolition order of the family household on 27 July 2017. Even though HaMoked filed a petition on behalf of the family, the house demolition order was executed before a response was issued.

Updated summary on punitive home demolitions from July 2014 to March 14 (2018) Hamoked, centre for the defence of the individual. Available at: <http://www.hamoked.org/Document.aspx?dID=Updates1964>

170 For more information, see previous reference on cases of Palestinian families whose houses were partially or wholly closed or demolished by Israeli forces.

Maghames, Qassam Barghouthi, Islam Abu Hmeid, Ahmad Assafreh, Qasem Assafreh, Nussair Assafreh, Yousef Zhou, Ahmad Qanba', Mohammad Rishah, and many others.



Lawyer Nadia Daqqa¹⁷¹ notes the lack of consistent judicial standards governing the process of issuing demolition orders. Similar circumstances surrounding cases do not result in similar rulings as Israeli courts at times refuse to approve a demolition order or approve closing one room in the house in some cases, yet they often approve orders in their entirety in others despite apparent similarities between all these cases. In this regard, Daqqa cites court ruling no. 4853\20 revoked the demolition order against prisoner N.A.'s house with a two-to-one majority vote.

In the court ruling, judge Menachem Mazuz states that the use of regulation 119 violates international law and Israeli law, stressing that the military commander's authorities per the regulation should be exercised with extreme caution. The judge draws attention to a fundamental criterion: the innocence of remaining family members of any wrongdoing. Mazuz notes that inflicting harm on innocent family members constitutes a form of collective punishment, suggesting closing off the perpetrator's room as a better alternative to the house demolitions policy. Similarly, judge George Karra notes that enacting the house demolitions policy, in this case, can cause harm to innocent individuals, which can amount to collective punishment, mainly since family members were not aware in advance of the military operation.

171 Nadia Daqqa, a lawyer for the Center for the Defence of the Individual (HaMoked). Interview conducted on 24 January 2021.

Even though circumstances surrounding prisoner N.A.'s case were mainly similar to that of prisoner M.K., court ruling no. 480/20 in M.K.'s case was vastly different. The court approved the house demolition order against M.K. even though his family was not aware in advance of the operation he carried out. Demolishing the house leaves M.K.'s wife and five daughters homeless, inflicting harm on the entire family.

Daqqa notes that Israeli politicians and public opinion have succeeded in intimidating judges to an extent in recent years. Israeli media deliberately target judges who refuse to approve house demolition orders and judges who approve the closure or demolition of one room in a Palestinian house by waging vicious campaigns and painting said judges as "lending a helping hand to terrorists." After the court approved closing one room in prisoner N.A.'s house instead of completely demolishing it, protesters swarmed the streets in opposition to the judges' ruling.

These demonstrations, along with Israeli media incitement at the time, played a crucial role in prompting judges who presided over future cases to approve house demolition orders. Two cases with broadly similar circumstances to N.A.'s case were brought before the court later. Nevertheless, these similarities did not pave the way for similar rulings as the court-approved house demolition orders against prisoners K.D. and M.K. even though their families were not involved in military operations, which means that demolishing the houses can constitute a form of collective punishment against remaining family members.¹⁷²

House demolitions leave behind dozens of Palestinian families homeless despite their innocence of any offense against Israeli regulations. Israel punishes families for the predestined familial relationship with a perpetrator of a military operation in a stark violation of basic principles of law, as well as the IHL, particularly Article 53 of the Fourth Geneva Convention. Article 8 of the Rome Statute considers such practices a war crime. At the same time, house demolitions constitute an implicit violation of Article 11 of the International Covenant on Economic,

172 Interview with lawyer Nadia Daqqa, conducted on 24 January 2021.

Social, and Cultural Rights, which recognizes a person's right to adequate housing.¹⁷³

House demolitions gravely pressure Palestinian detainees. During interrogation, Israeli forces continuously threaten detainees with house demolitions to further pressure them, instilling in them repeatedly that they single-handedly are to blame for separating their families. Detainees are repeatedly told that their acts of resistance against the Israeli occupation are the sole reason behind the destruction of their homes, as well as loss of life-long family memories and years-worth of hard work. Ultimately, Israel uses house demolitions as a means to pressure detainees since the severe psychological impact of such reprehensible statements cannot be undermined nor underestimated, especially during interrogation and the utter isolation from the outside world.

It is imperative to note that Israeli forces did not halt the house demolitions policy amidst the Covid-19 pandemic. For example, prisoner Q.S.'s house was demolished at the height of the Covid-19 outbreak in Palestine, in a complete disregard of all international pleas to comply with stay-at-home orders. In an act of collective punishment, Israel left an entire family homeless during a global pandemic.

Moreover, the impact of demolishing Q.S's home was not limited to damages to his family. The home is located in the second story of an old Arabian-style house, so the demolition process left considerable damage in his neighbour's home on the ground floor, affecting yet another family in the process.¹⁷⁴ Throughout the duration of the study, Israeli forces demolished the houses of 18 Palestinians, leaving 51 family members, including 18 minors, homeless.¹⁷⁵

173 Special Focus: Sharp High Rate of Property Demolitions since the Second Half of 2020. Published by Al-Haq on October 22, 2020. Last accessed on 2 October 2021. Available via <https://www.alhaq.org/advocacy/17468.html>

174 The High Court of Justice approved the punitive demolition of a home during the coronavirus pandemic: HaMoked calls on the military not to implement this judgment at this time, as it could put the lives of the occupants and others in danger, published on 30 March 2020, last accessed on 4 April 2020, available at: <http://www.hamoked.org/Document.aspx?dID=Updates2155>.

175 Statistics on punitive house demolitions, The Israeli Information Centre for Human Rights in the Occupied Territories, previously mentioned.

Findings



- Israeli practices are similar to those of the British and French colonial systems. Britain and France obliterated any sparks of popular liberation efforts, suppressed all endeavors of liberty and resistance, and committed brutal crimes against colonized people, often using their families as a means of exerting pressure during arrest and interrogation. These practices are similar to those enacted by the Israeli occupation against the Palestinian people, which confirms that all colonial powers utilize torture as a tool to subjugate and control indigenous people.
- Several international conventions, including the Universal Declaration of Human Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, prohibit all forms of torture, as well as prohibit invoking exceptional circumstances of any kind, including a state of emergency or war, as a justification of torture.
- Israel has been practicing physical and psychological torture against Palestinians since its foundation. Over the years, these practices have included. Still, they have not been limited to being subjected to prolonged positional torture where detainees are forced to remain in excruciating stress positions, like the banana position, standing upright, stress positions in the interrogation chair and a small-sized chair, extreme beatings, sleep deprivation, electrocution, and threats of house demolitions. Detainees have been spat on, cursed at, forced to witness or hear others undergo interrogation, banned from using the toilet for long hours, and have had cigarettes put out on their bodies. Moreover, Israeli interrogators use detainees' families as a bargaining chip, threatening them with arresting or summoning family members to leverage them.

- At its core, psychological torture does not differ from physical torture, and neither can be perceived independently from the other.
- Brutal Israeli practices have caused the death of numerous Palestinian detainees over the years, yet Israel never stopped using torture methods against Palestinians. In 2019, Addameer documented the use of extremely cruel torture techniques against several detainees, which almost cost a detainee his life.
- Various Israeli state institutions play an integrated role in concealing crimes of the occupation. The judicial and medical systems contribute in concealing crimes of torture by often refraining from documenting the torture Palestinian detainees endure, extending the detention of detainees for the purpose of interrogation in a complete disregard of markings of torture littering their bodies, as well as perpetually certifying that detainees are medically fit to withstand interrogation despite their pains and suffering.
- Israel often imposes collective punishment against the Palestinian people through the house demolitions policy, repeated raids of Palestinian villages and cities, as well as the arrest of family members. Similar to prior colonial practices in African and Asian countries, Israeli forces resort to these forms of collective punishment to pressure detainees and use their own communities to weaken their will.

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ADDAMEER Prisoner Support and Human Rights Association is a Palestinian non-governmental, civil institution that works to support Palestinian political prisoners held in Israeli and Palestinian prisons. in Human Rights. Established in 1992 by a group of activists interested in human rights, the center offers free legal aid to political prisoners, advocates their rights at the national and international level, and works to end torture and other violations of prisoners' rights through monitoring, legal procedures and solidarity campaigns.

Addameer enjoys the support of a volunteer body called "Addama'er", which believes in Addameer's goals and participates in the activities held by the association. They also work in supporting it financially and morally.

Addameer is an executive member of the Palestinian Non-Governmental Organization Network (PNGO), the Palestinian Human Rights Organizations Council (PHROC), World Organization Against Torture (OMCT), the Regional Coalition against the Death Penalty, the International Coalition against torture and many other regional and international coalitions.

Addameer's Vision:


Addameer believes in the importance of building a free and democratic Palestinian society based on justice, equality, rule of law and respect for human rights within the larger framework of the right to self-determination. Addameer's work is based on a belief in the universality of human rights as enshrined in international law.

Addameer's Goals:

- Put an end to torture and other forms of cruel, inhuman and degrading treatment inflicted upon Palestinian prisoners and work on abolish the death penalty;
- Put an end to arbitrary detentions and arrests and guarantee fair, impartial and public trials;
- Support political prisoners and their families by providing them with legal aid and social and moral assistance and undertaking advocacy on their behalf;
- Push for legislations that guarantee human rights and basic freedoms and ensure their implementation on the ground;
- Raise awareness of human rights and rule of law issues in the local community;
- Ensure respect for democratic values in the local community, based on political diversity and freedom of opinion and expression;
- Lobby for international support and solidarity for Palestinians' legitimate rights.

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