

BACKED BY THE SYSTEM:

Abuse and Torture
at the Shikma Interrogation Facility

December 2015



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HAMOKED
CENTER FOR
THE DEFENCE OF
THE INDIVIDUAL
המוקד להגנת הפרט
مركز الدفاع عن الفرد

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B'TSELEM – The Israeli Information Center for Human Rights in the Occupied Territories was founded in 1989 by a group of concerned Israelis. It endeavors to document and educate the Israeli public and policymakers about human rights violations in the Occupied Territories, combat the phenomenon of denial prevalent among the Israeli public, and help create a human rights culture in Israel.

HaMoked – Center for the Defence of the Individual, founded by Dr. Lotte Salzberger, is a human rights organization established in 1988 against the backdrop of the first intifada. HaMoked's mandate is to safeguard the rights of Palestinians living under Israeli occupation. HaMoked acts to enforce standards and values rooted in International Humanitarian Law and International Human Rights Law.

Table of Contents

Introduction	5
Arrest and transfer to the interrogation facility	8
Violence during arrest and transfer	10
Duration of detention at the Shikma interrogation facility	15
Poor medical care	39
Torture by the Palestinian Authority prior to interrogation in Israel	44
Interrogation techniques at Shikma: Part of an inherently abusive system	50
Conclusions	64
Response by the Ministry of Justice	66

Introduction

Sleep deprivation, sometimes for days at a time; being bound hand and foot to a chair, with movement restricted for hours on end; being subjected to shouting, swearing, threats, spitting, and indignities; exposure to extreme cold and heat; little and substandard food; being denied the possibility to shower or change clothes for days and even weeks; incarceration in a small, foul-smelling cell, usually in solitary confinement, for many days.

The above are some of the standard features of interrogation at the interrogation facility run by the Israel Security Agency (ISA) at Shikma Prison in Ashkelon, southern Israel (hereafter: Shikma facility). This report details the conditions in which inmates are held and interrogated, based on affidavits and witness accounts provided by 116 Palestinians held for security reasons and interrogated at the Shikma facility from August 2013 to March 2014. Nearly every single detainee was exposed to some or all of these measures; about one-third had been beaten or abused by soldiers or police officers in the course of being arrested; at least 14 were interrogated under torture by the Palestinian Authority (PA) shortly before being arrested by Israeli security forces.

Conditions at the Shikma facility are an inherent part of interrogations there: they serve to weaken both mind and body, complementing the actual interrogation of detainees in the interrogation room. The combination of conditions both in and outside the interrogation room constitutes abuse and inhuman, degrading treatment, at times even amounting to torture. It has been used systematically against Palestinians interrogated at Shikma. According to previous research, it has been used at other ISA interrogation facilities as well – a practice that violates international law, the ruling of Israel’s High Court of Justice (HCJ), and basic moral standards.

The first part of this report describes the process of arrest, including detainees’ transportation to a transit facility, the conditions there, and the subsequent transfer to the Shikma facility. In many cases soldiers or police officers employed violence in this process. The second part of the report centers on the period of detention at Shikma, providing a detailed description of the conditions in which detainees are held (cells, sleep, food, and hygiene), the way overt interrogation is carried out, and the use of informants. The third part tells of

detainees interrogated by the PA, sometimes under extreme torture, prior to their arrest by Israel, and the link between the PA and ISA interrogations. The fourth and final part shows how detention and interrogation conditions at the Shikma facility are a product of an inherently abusive system that involves many authorities, and analyzes the findings in conjunction with the requirements of international law, Israeli law, and the HCJ ruling.

Actions and conditions described in this report have been documented before, including in two previous joint reports by B'Tselem and HaMoked: *Absolute Prohibition* (2007), which was based on 73 witness accounts by Palestinians interrogated at various Israeli detention facilities from June 2005 to March 2006; and *Kept in the Dark* (2010), which was based on affidavits given by 121 Palestinians held in 2009 at the ISA interrogation facility in Petah Tikva, Israel.¹ Although not a statistically representative sample, the witness accounts in all three reports – each addressing a different facility and different years – together form a troubling picture of consistent, blatant violation of international law and Israel's HCJ ruling.

Methodology

The report is based on detailed testimony provided by 116 Palestinians arrested for security reasons and interrogated at the Shikma facility from August 2013 to March 2014. This number is not the total number of detainees interrogated at Shikma during that period. It comprises only detainees whose families requested HaMoked's assistance in locating their relatives after their arrest.² From August 2013 to May 2014 HaMoked gathered affidavits from 105 detainees. Affidavits were taken after interrogation was over and the detainees had been transferred to another facility. From January to March 2014, B'Tselem field researchers collected testimonies from another 11 detainees in their homes, after they had been released.

1 B'Tselem and HaMoked: *Absolute Prohibition: The Torture and Ill-Treatment of Palestinian Detainees* (2007), (hereafter: *Absolute Prohibition*), http://www.btselem.org/sites/default/files2/publication/200705_utterly_forbidden_eng.pdf; B'Tselem and HaMoked: *Kept in the Dark: Treatment of Palestinian Detainees in the Petah Tikva Interrogation Facility of the Israel Security Agency* (2010), (hereafter: *Petah Tikva report*), https://www.btselem.org/sites/default/files2/publication/201010_kept_in_the_dark_eng.pdf.

2 As Israeli authorities do not uphold their obligation to notify families as to where their relatives are being held, HaMoked deals annually with thousands of requests to locate Palestinians who have been arrested. This contradicts the state's response to the Petah Tikva report (p. 64), that "the IDF vigilantly carries out its obligation regarding the giving of notice of detention".

The 105 affidavits given at a prison facility were recorded by an attorney sent by HaMoked. In line with routine procedure on family or attorney visits, the detainee sat with his legs bound, separated from the attorney by a glass partition, and they communicated via telephone. A prison guard sat at some distance from each. The attorney wrote down the detainee's description of how events unfolded from the time of his arrest to his arrival at the Shikma facility. In general, the guards did not intervene in the conversation, although in several cases they attempted to limit the length of the visit. Some detainees elaborated, while others provided brief general descriptions and did not address all aspects of their arrest, detention and interrogation. It stands to reason, therefore, that the conduct described in the report is even more prevalent than that indicated by the data compiled from the affidavits. Because the detainees were held in cells without sunlight, a watch or information about the time and date – the times they state must be regarded as estimates.

This report is also based on the medical records of twenty detainees subjected to substantial violence, and regarding whom HaMoked filed complaints to the relevant authorities.

All 116 detainees reviewed for this report are Palestinian men from the West Bank. As the Shikma facility lies in southern Israel, most of the men were brought in from the southern West Bank, chiefly from the Hebron District (78 detainees). Their ages at the time of arrest ranged from 16 to 54, although more than half (74) were 25 years old or less. Five were minors (ranging in age from 16 to 17.5) at the time of their interrogation. Most (72%) were single at the time of the interrogation, 29 were married – 25 of them with children – and four were engaged to be married.

Arrest and transfer to the interrogation facility

In the West Bank, the military is responsible for arresting Palestinians and holding them until their transfer to the ISA, and the police are responsible when the arrests are carried out within Israel. Most detainees were arrested at home in the middle of the night or in the early morning hours in arrest raids by members of the Israeli security forces. In about half of the cases, soldiers confiscated property, usually without giving any written confirmation of the confiscation. Detainees were transported in a military vehicle, blindfolded and handcuffed, to a nearby military facility, where they were examined or questioned by a doctor, who in most cases did not speak Arabic. At the military transit facility, detainees were usually held out in the open, with no shelter, no food or drink and no access to a toilet. Sometimes they were also blindfolded and handcuffed. They were held for many hours before being taken to the Shikma facility, usually in the morning or around midday. Almost one-third of the detainees reported being subjected to violence by the security forces who arrested or transported them.

Arrest proceedings

Ninety-three of the detainees were arrested at home, 88 of them after midnight. Nine others were arrested at a checkpoint or at a military stakeout in the West Bank. One detainee was arrested at his workplace in the West Bank, nine at their workplace in Israel (four of them at night), and four turned themselves in after security forces came to their homes to arrest them while they were out.

Of 21 detainees who reported the number of soldiers who came to arrest them at home at night, 16 said there were more than ten soldiers. Detainees recounted how their families awoke to the sound of soldiers pounding on the door or throwing objects at it. Several detainees said that soldiers stormed their bedroom.

Thirty-eight detainees reported a search of the premises during the arrest proceedings. In two of these cases, search dogs were used. In 14 instances, soldiers damaged property in the house during the arrest: seven detainees reported damage to the front door, two said windows were broken, and five told of damage to other items.

In some cases, soldiers refused to let the person being arrested change clothes or even get dressed. They also denied some detainees the possibility of saying goodbye to their families. None of the detainees was instructed by soldiers to take a change of clothes, a toothbrush, or any other basic item that people held for interrogation in Israeli prisons are allowed to have in their possession. In one instance, soldiers confiscated a bag with personal effects that a detainee's wife packed for him.

In their affidavits, the detainees related feeling shocked, humiliated, terrified, and that their privacy had been violated by being arrested at home in the dead of night.

Ashraf 'Asfur, a 34-year-old student and farmer from Hebron:

I was arrested at home on 20 January 2014, at 4:00 A.M. I was sleeping beside my wife when suddenly soldiers broke down our front door and came into our bedroom. Imagine being in bed with your wife and soldiers coming in just like that! I woke up to see a soldier in front of me, pointing a gun at me. They searched the house and took three mobile phones, two [of them] smartphones. They said they don't need [to give] a receipt. Straightaway, they handcuffed me with my hands behind my back. After I shouted and protested, they let me get dressed. They dressed me because my hands were tied.

Mus'ab Shabaneh, a 21-year-old student from Hebron:

At 11:30 P.M. I was at home, getting ready for bed, when I heard someone moving around outside the house. Through the window, I saw soldiers surrounding the house and moving towards the front door. I was wearing shorts and a sports shirt. I went into the room to change clothes so I could open the door. Just then, I heard loud pounding on the front door. I went downstairs and opened it. As soon as I did, a soldier shoved me up against the wall. About ten soldiers went into the house, leaving me behind, but I quickly followed them back in. One soldier ordered me to wake everyone up and assemble them in the living room. Then an ISA officer called 'Imran arrived. He tried to shake my hand but I wouldn't shake it. He and five other soldiers led me to my mother's bedroom and then he shoved me up against the wall there. The soldiers pointed their guns at me from less than a meter away. Captain 'Imran started threatening me and getting angry over my not shaking his hand. He punched the wall right next to my face. Then he told the soldiers to take me out of the house. I asked him to let me get dressed but he refused and insisted that I leave immediately. He didn't let me say goodbye to my mother and sisters.

The detainees were taken by military vehicle, blindfolded and handcuffed, to a transit facility where they were held until being transferred to the Shikma facility.

Violence during arrest and transfer

Thirty-five detainees (30% of the detainees interviewed in this report), including four minors, reported being subjected to violence during their arrest, en route to or at the transit facility: 31 were beaten by soldiers; the other four, who were arrested within Israel, were beaten by police officers or by ISA agents at the time of their arrest. Detainees reported terrible pain as a result of the beatings. In addition, they reported bleeding, swelling of the injured areas, bruises, and numbness in their legs. In one case, a detainee's father and brother were also beaten. Another detainee, who was not beaten himself, stated that soldiers had beaten his father at the time of the arrest.

Seventeen detainees told of being subjected to physical violence at the time of the arrest, at least three of them while handcuffed. The violence ranged from a single blow – including slamming the detainee's head into the wall or slapping him awake – to more protracted sessions in which detainees were punched, kicked, or beaten with rifle butts or clubs for periods ranging from several minutes to an hour and a half. In one instance, a detainee was beaten until he passed out. Another detainee related that police officers photographed themselves next to him, as he lay handcuffed on the ground after being beaten for about half an hour.

Twenty-four detainees reported being subjected to physical violence en route to the transit facility, even though they were handcuffed and blindfolded. Of these, eight had already been beaten when arrested. Seventeen suffered prolonged beating, some of them throughout the transfer. They reported being punched, hit with rifle butts, or kicked. In twelve cases, the beating was accompanied by swearing, mockery, insults, indignities, or spitting. Five detainees, two of whom were subjected to violence during their arrest and transfer, complained of violence by soldiers at the transit facility as well.

All detainees were transferred blindfolded and cuffed with plastic cable ties or metal handcuffs. Security forces are allowed to handcuff detainees if necessary as a defensive measure or to prevent a detainee from escaping, but the restraints must

not cause pain.³ Yet most of the detainees described their hands being handcuffed behind their backs – a more painful position than keeping the cuffed hands in front.⁴ Eleven stated that the cuffs were very tight, causing them excruciating pain. Of these, five reported injuries as a result of the restraints, including one who still suffers from numbness in a thumb. One detainee asked that the cable ties be loosened somewhat as they were biting into his flesh, but was refused; a similar request by another detainee was met with further tightening of the cable ties.

Firas Misk, a 24-year-old industrial worker from Hebron:

I was in Tel Aviv without a permit [to be in Israel]. At around 12:00 noon, about eight men in masks suddenly charged at us. They said they were police. They tied my hands very tightly with plastic [cable ties] behind my back and led me out of the room. I asked them to loosen the cuffs a bit, but one of them tightened them even more. The pain was unbearable. They held me for about half an hour on the ground out in the street, facing a wall. At least three of them sat on top of me, beating the hell out of me, punching and hitting my head and chest with clubs. The whole time, my hands were tied behind my back and the handcuffs were biting into me. They banged my head against the wall several times. Every time I tried to say something, they hit me even harder. My head and arms and chest swelled up. I was covered in bruises. Even now, I still feel pain on my left side, under my ribs.

After about half an hour, the police arrived. They weren't wearing [standard Israel Police] blue uniforms, but they had the leaf and sword insignia. They grilled me about my identity and then took me away. They refused to loosen the handcuffs even a little. A lot of police officers took photos of themselves with me when I was next to the tire of the police car. They used their cell phones to take the pictures. They made gestures and laughed and took photos as mementos. They took me to a police station.

In September 2014, HaMoked filed a complaint on Misk's behalf with the Department for the Investigation of Police (DIP), demanding an investigation of the abusive conduct described above. In April 2015, the DIP informed HaMoked that a decision had been made not to investigate due to the absence of "evidence indicating commission of an offense". HaMoked appealed the decision and is currently awaiting notice of the results.

3 Military Police Commander Instruction No. 9810 concerning "Shackling with Handcuffs – Security Detainees," as well as Military Police Commander Instruction No. 9803 concerning "The Transfer and Removal of Detainees from an Incarceration Facility."

4 See the Public Committee Against Torture in Israel (PCATI), *Shackling as a Form of Torture and Abuse* (2009), http://www.stoptorture.org.il/files/eng_report.pdf.

Muhammad Zama'arah, a 23-year-old student from Halhul:

Inside the jeep, the soldiers hit my eyes, which were blindfolded, and my whole face and head. I've had surgery on both eyes owing to a genetic illness. They really focused on hitting my eyes. It was really tough. I started seeing spots of light inside my eyes. They slapped me. They pushed me down to the floor of the jeep, face down, with my hands tied and facing up. One soldier pressed the barrel of his rifle between my buttocks and threatened to shoot. It hurt but I didn't cry for help because they were all shouting, laughing, cursing my mother, and abusing me.

At the transit facility

Once arrested, a person must be conveyed to an officially designated detention facility as soon as possible.⁵ The detainees interviewed for this report did not always know where they were being held, but at least seven reported being held for many hours in military camps and facilities that are not official detention facilities, or within settlements. Dozens described being held in conditions unsuitable for detention: in a military watchtower, inside a jeep, outdoors, or on the floor of a room. Fourteen were transferred several times before reaching Shikma.

At the transit facility, most of the detainees were searched; nine reported being partially or fully stripped for the procedure. A doctor then examined or questioned them and they were held in the facility at least until morning. About one-third of the detainees reached the Shikma facility fewer than six hours after their arrest; another third after six to nine hours; and about a third reached the interrogation facility nine to twenty hours after their arrest. Three detainees got to Shikma only a day and half to four days after their arrest. Detainees spent most of the time prior to arriving at Shikma at a transit facility or being transported from one place to another.

Authorities at the transit facility denied 54 detainees access to food, drink, or a toilet. Thirty-two detainees reported receiving no food, and sometimes no drink, from the time of their arrest until they reached Shikma (4 to 14 hours). Reports

⁵ See Article 29 of the Order regarding Security Provisions [Consolidated Version] (Judea and Samaria) (No. 1651), 5770-2009. See also the state's response to the Petah Tikva report, according to which "procedures established by Central Command state that detainees are to be brought without delay to one of the regularized detention facilities - brigade detention facilities, IPS facilities, or police stations, and that holding a detainee in a substitute location is permissible only when required by concrete operational needs." *Kept in the Dark*, p. 67.

by sixteen detainees show that, on average, they received food and drink only eight hours after being arrested. Twenty-one noted that they encountered difficulty with getting permission to go to the toilet. Of the latter, ten were forbidden by soldiers to relieve themselves for half an hour to several hours; three were allowed to go only after repeated pleading; seven were permitted to go but their hands were kept bound behind their backs, making the situation impossible for some of them; one detainee was permitted a visit to the toilet only once in the fifteen hours he was held before reaching the Shikma facility. Four detainees reported being allowed to relieve themselves only outdoors, not in a toilet stall.

Of the 64 detainees who described where they were held, 36 noted that they were held out in the open. Of these, 13 reported suffering cold and three heat from the sun. Seven of the detainees held outdoors were moved indoors at some point: five into a room and two into a pre-fab. Another 26 detainees were held in a room or in a pre-fab – nine on the floor, one in a small windowless cell, and one in a jeep. Forty detainees stated that during the entire time they were in the facility, their hands were bound and most were also blindfolded. Of these, 27 reported being made to sit on a chair or being tied to one, six were handcuffed and seated on the floor and one on a mattress. One detainee was made to kneel with his head down for hours, his hands bound, from early morning until the early evening. As a result, his hands became swollen and developed festering sores.

Anas Julani, a 21-year-old X-ray technician from Hebron:

The military jeep drove to a place I don't know. [...] The soldiers dropped me off in a yard with gravel and made me and my brother sit on two chairs far apart from one another. I sat with my hands tied and my eyes blindfolded until 7:30 P.M. I knew what time it was because I heard the call for evening prayers. I sat on that chair for about 16 hours. At dawn it was very cold, and during the day I was in the sun the whole time. I didn't sleep a wink all that time.

Detainees reported five cases of violence at the transit facility, including one in which a handcuffed and blindfolded minor was beaten by at least five soldiers who also swore at him and made derogatory remarks. Seven other detainees reported being the target of swearing, mockery, or humiliation by soldiers at the facility.

'Imad Abu Khalaf, a 21-year-old bakery employee from Hebron:

I was with four other detainees. At night, four soldiers came and made us go out into the yard. It was cold and raining and they made us take all

our clothes off, strip completely naked. They ordered us to put our hands against a wall in the yard. We stayed like that for about fifteen minutes. The soldiers were in a room opposite that wall, looking out at us and giving us orders through a window. They said "bend over, spread your legs, raise your hands"; things like that. There was an older man with us. It was humiliating. The soldiers were giving us orders and laughing. It was really cold. We did everything they told us to.

In March 2014, HaMoked filed a complaint with the Military Police Investigations Unit (MPIU) on behalf of Abu Khalaf, demanding that the abusive soldiers be investigated. MPIU investigators met with Abu Khalaf in June 2014. A year later, in June 2015, HaMoked was still awaiting notice of progress in the investigation.

Duration of detention at the Shikma interrogation facility

The 116 detainees interviewed for this report were held at the Shikma interrogation facility for periods ranging from three to 58 days. Seven were held there for up to 10 days; 30 for 11 to 20 days; and the remaining 79 were held at the facility for at least 21 days – eight of them for 41 to 58 days. Upon arrival at Shikma, the detainees underwent an admission process that included, in most cases, a body search, a medical examination or questioning, and changing into an orange uniform. Sixteen detainees reported being searched when they were stark naked, a situation they described as embarrassing and humiliating; one added that three members of the security forces mocked him throughout the process.

The interrogation regime at Shikma included overt interrogation in a designated room, incarceration in small cells, and in most cases also spending time on an informants' wing. Every detainee alternated between the cell and the interrogation room, with breaks only for showers, meeting with Red Cross representatives, or traveling to a nearby military court to extend custodial remand. Most of the detainees were transferred for a time to an informants' wing, either at Shikma or at another prison, and were later returned to the Shikma interrogation wing. Detainees were blindfolded and handcuffed while in transit. At no point were they out in the fresh air, except for brief snatches during transfers to another facility.

Forty detainees recalled receiving a document detailing their rights and obligations. Another eight stated they did not, and the rest did not refer to the matter in their affidavits. The rights listed in the document include a daily shower, which could be postponed for up to three days if the interrogation merits it; the right to receive clothing, blankets, and medical care; and the right to meet with an attorney – which can also be prevented.⁶ As will be shown below, these rights were violated in many cases.

⁶ ISA, "Information Summary for Detainees", sent to HaMoked on 10 April 2014 by Jana Modgavrishvili, ISA Interrogatee Complaints Comptroller (Mavtan) at the Ministry of Justice.

Whenever detainees were not being directly interrogated in a designated room they were held in a cell, usually in solitary confinement. Most were held in narrow, dirty, foul-smelling cells with rough, dark walls and denied a shower or even a change of clothes for days on end. They received little food, which was often not fit for human consumption. Interrogation sessions lasted for hours, sometimes more than 24 at a stretch, with the detainee bound to a chair. Some were deprived of sleep for long periods over several days, in some cases for days at a time. These conditions caused both physical and mental anguish: when giving their affidavits, weeks or months after the interrogation ended, 26 detainees reported ongoing pain and other medical problems arising from their treatment during detention.

Cell conditions

The detainees described the small cells in which they were held when not being directly interrogated as closed, windowless rooms, with no openings to let in light or fresh air. The cells were lit around the clock by bulbs that gave off a yellowish light. In some cases, the light was orange or red. According to the detainees, the light made it difficult to sleep and caused them eye pain and headaches. Several described how they tried to cover the lightbulb at night but were forbidden to do so by prison guards.

Air was artificially pumped into the windowless cells by an air conditioner. Forty-nine detainees stated that the air conditioner in their cell blew in very cold air, even in winter. Some noted that particularly cold air was pumped in during the most intensive period of their interrogation. Eight detainees reported very hot air in their cells. Only one recalled the temperature being comfortable. Three detainees said they had trouble breathing in the cell.

The detainees described the walls of the cells as dark, either grayish-black or greenish, with a rough, sometimes prickly texture that was hard to lean against.

Nur al-Atrash, a 25-year-old from Hebron who washes cars for a living:

A solitary confinement cell: it's like a grave, with yellow light and no window. They pump in really cold air, you feel helpless. There were times when I started banging my head against the wall, I didn't know what else to do.

'Awad Ghaidan, a 21-year-old owner of a car-parts store from Qibyah:

The isolation cell was tough. The noise from the air conditioner never stops. You can't tell day from night. You feel like you're in a grave, you start dreaming and imagining stuff. Sometimes I asked myself whether I was dead or alive.

Thirty-nine detainees were held in solitary confinement in a narrow cell, about 1 to 1.5 meters wide and 1 to 2 meters long. Nine detainees reported sharing the cell with another inmate for some of the time. Thirty-nine detainees were held in a slightly larger cell, 2 to 3 meters wide by 2 to 3 meters long. Eight described a low-hanging ceiling, at most 2 meters high. Several detainees stated that after the period of intensive interrogation ended, they were transferred to a roomier cell. However, in some cases these cells were also marked by severe overcrowding: for instance, when six to eight detainees were held in a room with four concrete bunks.

According to the detainees, the cells had no furnishings whatsoever. There was a tap and in rare instances, a shower. A low wall separated the squat toilet, which had no door, from the mattresses on the floor. The detainees had no privacy while relieving themselves if they shared the cell – or when the prison guards looked in through the door or peeked through a small opening in the door, which faced the toilet. Most detainees stated that the toilets reeked.

Almost all detainees described the cells as filthy, dusty, foul-smelling, unventilated, and damp. Seven detainees recalled that their cells were overrun with insects, flies, many cockroaches and in one case, a mouse. Five reported asking the guards for cleaning products so they could clean the cells, only to be refused. Only eight detainees considered the hygiene level of their cells reasonable. Five said that after their period of overt interrogation was over, they were transferred to a cleaner cell with a shower and a more suitable toilet.

For the purpose of sleep, thin mattresses – mere centimeters thick – and blankets were placed on the cell floor. In rare cases, there were raised concrete surfaces that served as beds. Detainees said that sleeping on the mattresses felt like sleeping on the floor and caused back pain. They described the mattresses and blankets as filthy, foul-smelling, and extremely dusty. Some remembered the blankets as threadbare, torn, stiff, rough, and providing little warmth. Only 16 detainees described the mattresses or blankets provided as “reasonable”. Not a single detainee mentioned being supplied with a sheet or pillow.

Detainees complained of headaches, fatigue, and running a high fever while in the cell. Fourteen developed skin problems such as fungal infections, rashes, and itches during the time of their interrogation.

Amir a-Shamas, a 23-year-old laborer from Hebron:

Being in the cell gave me a headache. It felt hard to breathe. Sometimes I felt I had a fever, but no one cared. Everyone suffers like that. When they put me in a cell with four other people, and then they brought in two

more – most of them were sick, had infections, and suffered various aches and pains. Everything was filthy, everything stank. That went on for five days, sitting with the other detainees in a dirty, dusty cell. The mattress was dirty and so was the blanket. I don't think they get washed. The level of filth is indescribable.

Khaled 'Abud, 18-and-a half years old, a coffee vendor from Nablus:

The blankets and mattress were very dirty and they smelled something awful. The stench in the toilet was suffocating. Yellow light that almost makes you go blind. The walls are gray. It's a terrible place. I started having dizzy spells and losing my balance. Sometimes, when I got up I couldn't stand and I'd fall down.

Ibrahim Sabah, a 19-year-old from Bethlehem who works in an open-air market:

The cell was full of cockroaches. It's very dirty. The blankets stank. After about ten days I had a rash all over my body. I scratched myself so much that I bled.

Fifteen detainees related that they were transferred from one cell to another every few days, sometimes several times a day, for no apparent reason. One said that at times, this occurred after he fell asleep.

M.A., a 21-year-old student from Hebron:

They kept moving me from one cell to another. It was really tough, because just as you start getting used to a particular cell or detainee, they transfer you. Everything is uncertain, unstable, in terms of both time and place.

Prevention of personal hygiene

Limited access to showers and lack of clean towels, a change of clothes, soap, toothpaste, and a toothbrush – all these recurred in descriptions of the poor sanitary conditions in which most of the detainees were held at the Shikma facility for days or weeks, in dank, dirty, foul-smelling cells.

Sixteen detainees were permitted to shower for the first time more than a week after arriving at the Shikma facility, three of them after two weeks or even longer. Twenty were first permitted to shower four to six days after their arrest, and one was not allowed to shower for the entire 25 days he was held at the facility. Thirty-three detainees were allowed to shower one to three days after their arrest. In terms of frequency: three detainees were allowed to shower only once during their entire time at the facility, which lasted less than

two weeks; 26 were permitted daily showers; and 14 showered every two to four days. Twenty-nine detainees said the water was cold in some or all of the showers they took.

Seventeen detainees stated that they were not provided with a towel for showering. Of 63 detainees who were given a towel, 34 described it as used, worn, dirty, filthy, wet, smelly, or generally disgusting. Only 16 said that their towel was clean or in reasonable condition. Five detainees received no soap. Of 28 detainees who stated that they were given soap, seven described it as dishwashing liquid or oil and three said that they were given only a small amount.

Thirty-five detainees noted that they were provided no change of clothes or underwear during their entire time at Shikma. Thirteen were provided with these items only once or twice during that period, 12 occasionally, and 45 received regular changes of clothes and underwear. Of those provided with extra underwear, nine described it as dirty.

D.S., a 24-year-old construction worker from al-'Arrub Refugee Camp:

On the third day, after I asked them to, they let me take a shower. They gave me a towel, but any rag you find on the street would be cleaner than that. I used my clothes to dry off. I was given soap for my first three showers, but from the fourth one on I got something that seemed like oil. You never feel clean.

Thirty-one detainees reported receiving no toothpaste or toothbrush. Of the 14 who reported they did, only six received toothpaste and an adequate toothbrush throughout their time at the facility. The others were given either a toothbrush or toothpaste, got a broken toothbrush, or were provided a toothbrush and toothpaste only towards the end of their stay at the facility. As a rule, the detainees were not permitted to shave.

Restrictions on meeting a lawyer or Red Cross representatives

Fifty-nine detainees reported being forbidden to meet a lawyer for all or part of their time at the Shikma facility. Another 18 were not explicitly told such meetings were being denied, but in practice could not meet with their lawyer for the entire time (17 detainees) or almost all of it (one detainee). In total, 24 detainees reported that they did not meet with a lawyer during

their entire time at the facility. Another 48 reported meeting with a lawyer while at Shikma, but in most cases the meeting took place at least a week after their interrogation began, and in eight cases towards the end of their time at the facility.

From time to time, the detainees were taken to a nearby court to extend their remand in custody. The judicial procedure was described as rushed. Detainees said they had no legal counsel or else no opportunity of speaking with the lawyer representing them. They had almost no opportunity to state their position or tell the judge what they were experiencing in the interrogation room and holding cells. As Radwan a-Titi from al-'Arrub Refugee Camp, who was 18 and a half at the time of his arrest, recounted in his affidavit:

I was forbidden to meet with a lawyer and wasn't told until when. I was remanded twice in Ashkelon with no lawyer. I got no legal counsel. I didn't have a chance to tell the judge that I was being deprived of sleep and couldn't shower. You go in to see the judge and you're out a minute later. I started meeting with a lawyer only later.

In contrast, two other detainees related telling the judge that they needed medical care. Consequently, they got to see a doctor.

According to Israel Prison Service (IPS) regulations, detainees must be permitted to meet with Red Cross representatives two weeks from the time of their arrest.⁷ Twenty-one detainees reported having no such meeting during their time at the Shikma facility, which ranged from nine to 21 days. Forty-five detainees met with the Red Cross for the first time after 15 or more days at the facility; 25 of them did so after more than 20 days at the facility. One detainee, who spent three weeks at Shikma, said he met no Red Cross representative. In total, 70 detainees reported meeting with Red Cross representatives during their time at the Shikma interrogation facility, most of them only once.

Under military law, detainees under interrogation are allowed absolutely no family visits or telephone contact with their relatives.

⁷ Prisons Commissioner's Order No. 03.12.00, section 4(c).

Solitary confinement

Thirty-seven detainees reported being held in solitary confinement for two to 18 consecutive days at the Shikma facility: 18 for two to three days; 15 for four to eight days; three from 10 to 13 days; and one for 18 days in a row. While in solitary confinement, detainees were not interrogated and did not meet a living soul, other than the guards who brought them meals.

Nine of these detainees, and 32 others, stated that on days of overt interrogation, they spent two to 20 hours a day alone in their cell when not in the interrogation room. This situation went on for three to 28 consecutive days: 11 detainees were held this way for three to seven days; 12 for eight to 14 days; 10 for 15 to 20 days; and eight for 21 or more days. Nine reported that during their time alone in the cell, an informant was occasionally brought in (see below). Two other detainees were held alone in a cell for four to seven days – without being interrogated – and came into contact only with an informant who was brought into the cell from time to time.

Twenty-three detainees were held in solitary confinement after the period of overt interrogation was over, while awaiting transfer to another detention facility (see below).

Inmates who are held in solitary confinement, isolated from the world and denied human interaction, tend to become dependent on their interrogators, their sole avenue for human interaction. Several detainees who were held in solitary confinement recalled wishing to be taken to the interrogation room so they could experience human contact.

Mazen Abu 'Arish, a 22-year-old surveyor from Beit Ula:

I spent 20 days in total solitary confinement. Psychologically, being alone is like living in a toilet. If something happens to you, no one will notice. You could die and be discovered days later. You could die in a toilet and no one would notice. You're dumped in a corner and forgotten, you can bang on the door for all the good it'll do you – you won't get any help. No one talks to you and no one sees you except when you're brought food. And even then, they don't talk. They put the food down and leave. Sometimes, a brawny guard shows up and bangs hard with a club, maybe to check if you're still alive, without saying anything. [...] You lose the will to even stand up. I'm used to moving around at work, I find it hard not to move. In there, you have no room to move and no desire to do a thing.

Ibrahim Msallam, 30, from Yatta:

In the cell, you're alone. The atmosphere makes you ill with bad thoughts. I was alone most of the time. Isolation is psychological torture. You start thinking that you should tell the interrogators whatever they want, just so you can get out of there. I told the interrogator things I had never even heard about in order to get out. Crazy things that a quick calculation will show that I was seven when they happened. I was willing to say and sign anything they wanted, as long as they got me out of that cell.

Ashraf Masalmeh, a 27-year-old shopkeeper from Beit 'Awwa:

Solitary confinement is hard. It puts you in really bad moods. I banged my head against the wall, shouted, begged them to take me to a cell with someone else, or bring someone into my cell. They wouldn't.

During solitary confinement, detainees had to address any concerns they had to the prison guards. Nine detainees complained that the guards in charge of the wing denied all requests, or made no response when detainees called out to them. Three reported that the guards would swear at them and one – a minor – stated that a guard shoved him until his forehead hit a wall (see below). One detainee complained that the guards spoke only Hebrew. Another summed up what the guards were like: "Sometimes they were rude and didn't grant requests. Sometimes there were good and very considerate." The detainees could not tell day from night because the light was always on in the cell. Some related that when they asked the guards for the time, they habitually gave the wrong time or else ignored them entirely.

Scarce and substandard food

Detainees were usually given three meals a day. Meals were brought to the cell or else to the interrogation room – in which case, one or both of the detainee's hands were unbound – and lasted about fifteen minutes. Nearly all detainees reported that the food provided at the Shikma facility was practically unfit for human consumption, or that portions were very small. Detainees told of dishes that were partially uncooked or even raw, of food that was foul-smelling, dirty – sometimes with hair in it – cold or frozen, old, and at times rotten or moldy. For instance, detainees recounted getting uncooked chicken and eggs, rotten eggs, rice "like stones", and a tin of hummus that had expired. Only four detainees described the food at the facility as "reasonable", and five found it reasonable but the portions too small.

Detainees reported feeling hungry during their entire time in detention and said they ate just to survive. Some hardly ate or ate only fruit, vegetables and bread, when those were provided. One detainee related that guards sometimes took pity on them and brought them food. Several detainees said that mealtimes were exceptionally early, with supper served in the afternoon, leaving them with no sustenance all evening long. Fifty-six detainees reported losing 3.5 to 20 kilograms during the interrogation period, which lasted a week to 58 days.

Mahmoud Barakat, a 25-year-old construction worker from Bani Nai'm:

I got only two meals a day: breakfast before I was taken into interrogation and lunch on the interrogation chair. The portions were very small and the food stank and was cold. I lost about nine kilos in 22 days. I was hungry all the time. Sometimes I asked the guards to bring me food, but they refused. I was so hungry all the time.

T.A., a 19-year-old farmer from Beit Ummar:

They gave me inedible food that wasn't fit for human consumption. For example, the chicken wasn't cooked nor were the eggs. I couldn't eat anything except the piece of fruit I got once every three days, and the bread. I lost about 15 kilos in 40 days.

Overt interrogation

The interrogation room

Overt interrogation took place in an office-type room. The interrogator sat at a desk with the detainee nearby, almost always bound to a chair. Usually, one interrogator did the questioning at any given time, but in some cases a detainee was interrogated by as many as five interrogators together. Interrogations routinely included threats, shouting and swearing.

Detainees reported being directly interrogated for one to 40 days out of the overall time they were held at the Shikma facility:⁸ 41 detainees were interrogated for periods of up to a week; 35 – from eight days to two weeks; 19 – from 15 days to three weeks; and 14 underwent overt interrogation for more than 22 days, three of them for 36 to 40 days.

⁸ Several detainees were interrogated by ISA agents prior to their arrival at Shikma – at home when arrested, or in the preliminary transit facility. The figures in this section address only ISA interrogations at the Shikma facility.

The length of each interrogation session varied among detainees, ranging from half an hour to 35 hours. Forty detainees stated they were interrogated for up to eight hours at a time, 56 for eight to 24 hours, and two for 30 to 35 hours. Twelve detainees stated they were interrogated around the clock for several consecutive days, their only break being the 15-minute mealtimes.

Nineteen detainees reported being interrogated for more than 16 hours straight over three or more days: eight for up to a week, 10 – from eight to 15 days, and one detainee was interrogated 16 hours a day, every day, for 36 days. Between the lengthy interrogation sessions, detainees were only allowed several hours of rest in their cell.

Eight detainees said that the interrogation room was very cold because of the air conditioning. Two described the interrogator adjusting the air conditioner so that the cold air blew directly at their heads. Muhammad Kalboneh, a 19-year-old carpentry worker from Nablus, recalled that the interrogators sat in the freezing cold room wearing coats, while he was dressed in thin clothing:

They set the air conditioning to cold in the interrogation room. I was in light clothing – even my sleeves weren't the normal length and didn't fully cover my arms. I was so cold. The interrogators were bundled up, with coats on. I was the only one suffering from the cold. I told the interrogator that the air conditioning was set to very cold. He acted surprised and fiddled with the remote control, but the temperature stayed the same. I realized it was pointless to mention it again.

Two detainees experienced extreme heat in the interrogation room. A.A., a 25-year-old farmer from Bani Na'im:

The interrogation room was completely closed. The windows were closed. The interrogator turned the heat on and left me alone for hours. I felt like I was going to burst, I was so hot. It might have been four or five hours. It was tough. I felt there was no oxygen left in the room. When the interrogator came back, he opened a window and that made it better.

Restraints and forced positions

In almost all cases, detainees underwent the entire interrogation with their hands tied behind their backs to the chair on which they were seated. The chair was made of stiff plastic, with iron legs. Thirty-seven detainees reported that their legs were also bound, to the chair and/or to each other, and another 14 said they were ordered to keep their legs bent under the chair during the entire interrogation, and were forbidden to stretch them out.

In 38 cases, detainees recalled that the chair was not a standard one: twenty said it was smaller or lower than usual; 14 said its back was tilted backwards or forwards, so they could not lean against it and the position exerted a pull on the handcuffs; nine complained that the chair legs were not all the same length, making the chair wobble unpredictably, in turn making it impossible to maintain a stable position and causing back and hand pain from stretching the cuffed hands. In three of these cases, the center of the chair was fixed to the floor with a fifth leg, making the chair wobble on the other uneven legs.

Twenty-five detainees reported pain, which some described as “intense” or “hellish”, caused both by the prolonged shackling and by the structure of the chair, reporting pain to their back, neck, legs, and hands; others reported parts of the body going numb.

L.H., a 20-year-old florist from Hebron, was interrogated most of the day and night for 22 days running:

The chair is small and low, with a low backrest. Three of the legs are the same length and the fourth is shorter. It's tough, because if you nod off or grow tired and fall over to the short side, the handcuffs tying you to the chair behind your back pull you and it hurts your tied arms and hands terribly. There was another chair, the same size and height but with two shorter back legs instead. When you sit on it, it makes you lean back but the interrogator yells at you to stay straight. To do that, you have to lean forward. It hurts your hands and back. The pain in my arms and hands, and especially in my left arm, became unbearable.

'Imad Abu Seriyeh, a 22-year-old from Nur Shams works as a painter and general handyman:

The interrogation chair had a shorter backrest than regular chairs. It had a fifth leg – a kind of tube under the middle that was fixed to the floor. Three legs were the same length and one leg was shorter. Every movement makes the chair wobble. You can't rest on that chair, the wobbling doesn't let you. Each position is worse than the last. You can't get comfortable. The wobbling makes your lower back hurt. When I stood up, I felt like my back would split in half. Imagine sitting uncomfortably for twelve or thirteen hours without moving. They tied my legs to each other and to the chair, too. Sometimes I felt I was losing all feeling in my legs. When it was over and they let me stand up so I could go back to the cell, it was hard at first. I felt that my legs were numb and weak and couldn't hold me.

Threats

Of the detainees who addressed this issue, 68 stated that interrogators in the interrogation room threatened them with various sanctions unless they talked or confessed to the allegations brought against them. The threats concerned the detainees themselves and their families. Another detainee did not report threats in the interrogation room but said that when he was in solitary confinement, a guard threatened to keep him there until he confessed. Six detainees reported being interrogated without threats.

Interrogators made all sorts of threats. They threatened such things as holding a detainee in a cell or in prison for many years or even for the rest of his life; leaving him on the interrogation chair; transferring him to a “military interrogation” or to places where torture is used for interrogation;⁹ beating him or using other forms of force against him; killing him; preventing him from going abroad, from receiving a permit to enter Israel, or from being able to work; arresting him for “anything that happens in your area”; placing him in administrative detention; preparing a “heavy” case against him; preventing him from seeing his children or family for years or even “for the rest of his life”; preventing him from attending his sister’s upcoming wedding; demolishing his home and the property within it; making him never smile again; and driving him insane.

‘Alaa Ghanem, a 22-year-old student from al-‘Aqabah:

The interrogator made me sit on a chair and tied my hands behind me. My legs were bound together and to my hands. It hurt. I complained to the captain, but that didn’t help. Quite the contrary. He tightened the handcuffs even more. He threatened to kill me. He said he’d kill me and get my family deported from the country. He said he’d leave me in solitary until I died, unless I confessed.

Feisal al-Hadad, an 18-and-a-half-year-old hairdresser assistant from Hebron, had sustained a blow to the head two years prior to his arrest and suffered dizziness and fainting spells ever since. He was held at the Shikma facility for approximately a month and fainted twice in solitary confinement. As a result, he grew very fearful of being there. The interrogator exploited this:

⁹ This contradicts the state’s April 2007 response to the report *Absolute Prohibition*, namely that it had recently been decided that ISA interrogators should avoid using the term “military interrogation”. See section 18 of the response, printed in *Absolute Prohibition*, p. 100. On the use of this threat, see *Absolute Prohibition*, p. 59.

The interrogator kept threatening to put me back in solitary. That's the biggest threat of all, because I black out sometimes and I was afraid of dying in there without anyone noticing. [...] The interrogator said he would send me back to solitary unless I signed what he wanted. [...] I begged him to get me out of there. I told him I'd sign whatever they wanted. I was so afraid of that cell.

Several interrogators used vulgar and violent language when threatening the detainees: "I'll badmouth you and give you a bad reputation", "I'll turn you into a rag to mop the floor with", "I'll skewer you", "I'll f--k you if you don't talk". In three cases, interrogators approached the handcuffed detainee with threatening gestures as though about to strike him.

In two cases, interrogators threatened detainees that after their release, they would be arrested by the PA. An interrogator told S.A.: "If you don't wrap things up here, they'll come arrest you from the PA and then you'll see what *shabach* means."¹⁰ When you're done with us, you'll be handed over to our friends in the PA." An interrogator threatened Baker Tawil – who had previously been arrested four times by Palestinian security forces – that he would ask the PA to arrest Tawil repeatedly after his release.¹¹

Detainees were threatened with sanctions against their families, and in particular with the arrest of parents, wives and siblings. Specific threats were made to arrest sick relatives.¹² Interrogators even threatened to do "all kinds of things" or "whatever we want" to a detainee's family; to have the family deported; to humiliate a detainee's father or prevent him from returning from abroad; to prevent a detainee's sick brother from undergoing surgery abroad; to demolish the family home and business; and to demolish the home of a detainee's grandmother. One detainee reported that an interrogator made sexual threats concerning his wife. Another described an interrogator threatening to arrest everyone in his village. The threats against family members breached the state's announcement in court that the ISA operates under "an explicit prohibition on using threats to harm detainees' family members as a means of creating fear and pressure in interrogation".¹³

10 For details on the *shabach* position, see p. 51 below.

11 On the connection between ISA and PA interrogations, see pp. 44-47 below.

12 Regarding threats against relatives and other uses of relatives in ISA interrogations, see PCATI reports: *Family Matters: Using Family Members to Pressure Detainees Under GSS Interrogation* (2008), <http://www.stoptorture.org.il/files/Fmily%20Matters%20full%20report%20eng.pdf>; *Family Matters, Part Two: The Ongoing Use of Family Members in GSS Interrogations* (2012).

13 HCJ 3533/08 – **Sweiti et al. v. the Israel Security Agency**, (published in Nevo, 2009 [– in Hebrew]).

Sameh Samha, a 43-year-old owner of an electrical appliance store from Jayus:

During the interrogation, they asked if my children were at school. I said they were. They asked what time the children come home. I told them. They said, "That leaves enough time to demolish your house". I thought they were going to do it. It sounded so real.

Interrogators made implied or explicit offers to twelve detainees to work with them – *i.e.* to collaborate with the Israeli security forces. These propositions included promises of high wages, large sums of money, a comfortable life, a fancy house, permits from the military, or the possibility of traveling in Israel and abroad.

Shouting, swearing, and degradation

Of the detainees interviewed, 62 recalled being shouted at during interrogation. Fifty had an interrogator shout directly into their ears, sometimes focusing on one ear. In ten cases, detainees described two or more interrogators shouting into both ears at the same time. Only one detainee reported that his interrogation did not include shouting. The rest of the detainees did not address this matter in their affidavits.

'Omar al-Batran, a 37-year-old hairdresser from Idhna:

The interrogation style didn't vary. For four or five days, I was interrogated by three interrogators. One stood next to me and yelled "Terrorist, terrorist" in my ear for half an hour. Another shouted: "Confess, confess." The third moved around me making noises.

Twenty-five detainees added that interrogators spat in their faces while talking and shouting at them.

'A.A., a 27-year-old male nurse from Dura:

Lots of times, two of them shouted very loudly into my ears. One shouted right in front of my face. After a while, you don't know what's going on any more. You feel like your head is about to explode. They were yelling and spitting in my face.

Fifty detainees stated that interrogators swore at them and made derogatory comments about them during the interrogation. Only one detainee noted that the interrogation did not include swearing. Detainees said the swearing was vulgar and sometimes sexual, adding that this language was also used about their families, and especially about women – the detainee's wife, mother, sister or daughter. Other forms of swearing were described as "religious" or "relating to nationality".

'Imad Abu Khalaf, a 21-year-old bakery employee from Hebron:

I felt completely and utterly humiliated. They shouted that I was a donkey, a beast. They said: "You're trash, a cheap person, you have no value." They used swear words about my little sister, who has cerebral palsy, and hurt her dignity. They knew my sister is paralyzed. They swore about her. They said she was crap. My sister is bedridden and can't leave home. That lasted for the whole nine days of interrogation.

Physical violence

Fourteen detainees complained of physical violence by interrogators. Of these, nine reported that an interrogator grabbed their shirt and shook them while they were bound to the interrogation chair (in six cases), pulled or pushed them backwards (in two cases), or grabbed them by the throat and almost strangled them (in two cases). The others reported being punched or slapped, including repeated punches to the face; having their head pulled up by the chin so their neck stretched as far as it would go; and applying such pressure to the jaw that it broke a tooth.

Muhammad 'Awad, a 26-year-old journalist from Budrus:

Sometimes they grabbed me by the shirt and pulled me forward roughly. I was tied up so it hurt my tendons and my back, which was hurting anyway. [...] They shouted very loudly into my ears. Several times they held me by the shirt and shook me. [...] That hell lasted for seven or eight days.

A.A., a 25-year-old farmer from Bani Na'im:

Ezra [the interrogator] attacked me, pulled my shirt collar, grabbed me by the throat and pressed hard several times with two fingers. It was very painful and I felt I was choking. He did that at least five times.

'A.S., a 21-year-old student from Nablus:

Then an interrogator called Cooper came in. He sat down in front of me, grabbed me by the shirt with one hand and punched my face with his other hand. That lasted a long time, lots of times.

In October 2013 HaMoked filed a complaint on behalf of 'Awad with the ISA Interrogatee Complaints Comptroller (known as Mavtan, the Hebrew acronym for "Department for the Inspection of Complaints by ISA Interrogees"), demanding that the abusive interrogators be investigated. In February 2015, the Mavtan informed HaMoked that the investigation had been closed as the complainant refused to provide his version of events.

Sleep deprivation

Dozens of detainees reported extreme lack of sleep due to the intensive interrogations, to intentional disturbance of their sleep in the cell, and to the physical conditions in the cell (artificial lighting and noise) – or due to a combination of all three. Of these, 12 detainees reported being held in an interrogation room around the clock, with no breaks for sleep at all, for more than 24 hours. Some were deprived of sleep for several days and nights in a row.

Husni Najar, a 24-year-old from Hebron:

I was interrogated nonstop for three or four days with no break and without even being put into a cell. My hands were tied behind me the whole time, except for when I ate or went to the bathroom. The hard part was that I couldn't sleep. Whenever I nodded off, the interrogator shouted loudly in my ear and woke me. The interrogators did shifts. It went on and on. After four days, they let me rest for two hours a day and interrogated me the rest of the time. That went on for ten days. I remember being almost unconscious during the long interrogations. It was terrible. I was practically out cold from lack of sleep and they kept interrogating me.

Another 16 detainees reported that for many days running they were interrogated for most of the day and night, with short breaks for sleeping in the cell. One described an entire week in which he alternately underwent interrogation for 35 hours and rested in the cell for two hours.

Eight detainees reported that if they fell asleep during the interrogation, interrogators made sure to wake them by shouting or banging on the table. Fifteen stated that while they were in the cells, guards and interrogators deliberately kept them from sleeping for days on end by a variety of means: putting an informant in the cell who talked and banged on the door; keeping up the sound of banging and doors being slammed all night long; guards shouting; and frequently waking the detainee to transfer him from one cell to another.

Luai Gheith, a 37-year-old glass and ceramics worker from Hebron:

After 22 hours of interrogation they sent me to rest for an hour or two and then started interrogating me again. The second round also lasted for more than 20 hours. That went on for 15 days. Even when they put me back in the cell, I couldn't fall asleep right away because my eyes were so accustomed to being open. It took time until I could shut them. When I finally managed to, they came to take me back to the interrogation. In the interrogation room

you're not allowed to shut your eyes. You're not allowed to let your head drop. [...] Sometimes they brought in an informant who wouldn't let me sleep. He kept bothering me and wouldn't let me sleep.

Some twenty other detainees, who did not report consecutive days without sleep, complained of great difficulty sleeping in the cell because of the constant light, loud noise by an engine or an air conditioner, pain from the interrogation, or over-exhaustion and mental stress.

M.A., a 21-year-old student from Hebron:

My cell was very close to doors that kept being slammed. I hardly slept. Doors were slammed and banged. I think it was on purpose, to stop me from sleeping. The long interrogation and the lack of sleep really crush you.

Use of informants

Most detainees reported that informants were used in their interrogation. The informants were Palestinians collaborating with the ISA, who posed as regular detainees themselves in order to get detainees to divulge information or confess, or serve the interrogation in other ways.

Sixty-seven detainees stated they were taken to an informants' wing – a wing where most of the “detainees” are in fact collaborators with the facility authorities. Before being transferred to the wing, detainees were told that their interrogation was over and that they were being taken to prison. Most were actually transferred to another wing at the Shikma facility, while others were taken to another facility, most often the facility in Beersheba. Detainees spent two to ten days on the informants' wing.

Conditions on the informants' wing were described as much better than those on the interrogation wing: a shower, a change of clothes, 20 cigarettes a day, good food, a respectful attitude, and compliance with requests. They were held in a large cell with nine to 11 other inmates, the majority of whom detainees believed to be informants. These inmates appeared to be strictly observant Muslims. Usually, one would introduce himself as being “in charge on behalf of the organization”.

The informants questioned the new detainee, instructed him to tell them everything so they could protect him, threatened that he would otherwise harm his reputation and be considered a collaborator with Israel and suspected by the organization, threatened to isolate him if he did not talk, and promised him

that he would be able to speak with his family. Once the detainee was removed from the wing, he was taken directly back to the interrogation room, where an interrogator confronted him with information he had provided the informants.

M.G., a 33-year-old construction worker from Birqin:

After ten days, they photographed me, I signed a confession, was fingerprinted and told I was being transferred to prison. A guard accompanied me to another wing. Someone named Abu Bahaa came up to me and said he was in charge of the security committee in the organizations. He promised to get me a private lawyer and get me transferred to the regular wing. He said one has to tell everything so it could be documented. Abu Bahaa sat with me several hours a day for 15 days. The conditions were good, there was good food and clothes. They promised they'd let me talk to my family on a cellphone. I didn't suspect them of being informants. There were 14-16 [people]. They said I was being transferred to the wings – and that's how they took me and I found myself facing the interrogator. He said I had been with informants. I signed a new confession that included everything I had told the informants.

Feisal al-Hadad, an 18-and-a-half-year-old hairdresser assistant from Hebron:

I was in solitary in Ashkelon one night when they came and took me to the informants. It's a wing with two cells in Ashkelon. The informants treated me well, but said that friends had been talking about me, and pressured me to confess. They said: "If you don't confess, we'll have you removed from here and sent over to the civilians [criminal offenders]. They're drug addicts who'll beat you and give you a hard time, and you won't get a phone." I asked for a phone so I could reassure my mother, who is ill. I said I did things that I hadn't done. They said things and I confirmed them. After five days, I was taken back to solitary confinement in Ashkelon. Later, a friend told me I had been with informants.

Forty-four detainees thought that an informant had been brought into their cell at least once. In some cases, the informant tried to extract information from the detainee; in others, he broke his sleep by talking, snoring, and banging during the night. Other detainees related how the informant "prepped" them for transfer to an informants' wing by misleading them into thinking that they were being transferred to prison, where they would meet "organization people" who must be told everything.

M.A., a 21-year-old student from Hebron:

I was put in a cell for two days. Every now and then someone was brought in and taken out again, several times. I guess it was an informant. The inmate

said that it's important for a detainee to say something, anything, that it's better to just say stuff rather than get administrative detention. He said that if you don't say anything and don't give the interrogators information, you're put in administrative detention. It scared me. It made me say things about two friends that have nothing to do with anything. Just so I wouldn't get administrative detention. I got those friends into trouble for no reason, without them knowing.

Chaining to a bed

Six detainees were placed on a bed in solitary confinement with their hands and feet tied to the four corners of the bed. They were held like that for a period of eight hours to three days. This extreme measure was apparently adopted in consequence of suicide threats, or after it was thought or claimed a detainee might harm himself – after an outburst or breakdown in overt interrogation or during solitary confinement. In some cases, there is concern that tying the detainee to the bed may have served as a means of interrogation.

In one case, the detainee was tied to the bed during the time allotted for “rest” between intensive interrogations – some three hours out of every 24 – for four days in a row. Yet in four other cases in which a detainee threatened suicide while in solitary confinement the response was to put another detainee in with him rather than place him in restraints.

In most cases, detainees mentioned a social worker who was involved in the directive to tie them to the bed in solitary confinement. IPS medical documents also indicate the involvement of medical professionals at the facility who confirm that “there is no contraindication for tying to a bed” for each particular detainee. Medical and other care professionals authorized this extremely restrictive measure without taking any complementary therapeutic steps.

Muhammad Zama'arah, a 23-year-old student from Halhul, was intensively interrogated for 20 days before being transferred to an informants' wing for a week, and then brought back for a five-day interrogation:

It lasted five days, the daily interrogation. And then I felt I was collapsing, choking. I shouted to the guard that I felt I was about to die. They came and got me out, put me in a room with a bed and

crucified me on it. They tied each hand and foot to a kind of ring fixed to the bed. I was there for 24 hours, from noon one day to noon the next day. I kept shouting the whole time, but they didn't hear or even respond when I asked to go to the bathroom. They wouldn't listen. My hands were untied when I got food. [...] After I was released, a social worker came in and asked whether I [still] wanted to die and should she tie me up again. I said I wasn't going to die at that point. They sent me to a cell. I guess they thought I said I wanted to die, not that I was going to die!

Taysir Belkis, a 26-year-old construction worker from Zeita:

Every day, they took me in the morning and I stayed on the interrogation chair until midnight. My back began to hurt. After about 15 days like that, Shimshon the interrogator came in and started swearing rudely. He swore about my mother. He said really awful things to provoke me. I got angry and tried to get up from the chair. Obviously I couldn't, because I was tied to it, but I shouted at him and was angry. Suddenly, a few more interrogators came into the room and started shoving and supposedly trying to get me under control. In the middle of the shouting, a woman came in and said she was a social worker. She asked what was going on. I said they were swearing at me and I wouldn't have it. She talked in Hebrew with the interrogators. I didn't understand exactly what they said. I understood that the guards and interrogators told her that I was trying to hang myself. They talked among themselves and then sent me into a room with an iron bed that had places to tie your hands and feet. They placed me on the bed and tied my hands and feet to it. I stayed like that for two days. I refused to eat as long as I was tied to the bed.

Ashraf 'Asfur, a 34-year-old student and farmer from Hebron, told a military medic that he saw while in transit to interrogation that he suffers from shortness of breath and has pain in his back and legs. The information was also documented by the doctor who processed him upon reaching the Shikma facility. Nevertheless, 'Asfur's interrogation was intensive and rough: for some ten days, he was interrogated about 20 hours a day, his hands tied behind his back. This caused him extreme pain in his back and legs. After approximately ten such days, when interrogators were pressuring him to divulge personal, intimate

information about his relatives and calling him a liar – ‘Asfur began shouting and saying that he would tolerate no further humiliation. In response:

They called in a social worker. She asked some questions, asked whether I was capable of harming myself. I said to her: what do you think, that I'd tell you if I were? She decided on her own that I was. So during my daily rest hours, I was sent to a cell and tied to the bed. There were cameras there. They said the social worker had made the decision, not them. That lasted four days.

After he was untied from the bed, ‘Asfur’s interrogation became even rougher: the interrogators began placing restraints on his legs as well, and ordering him to keep his legs folded under the chair, which he says caused excruciating pain in his knees and “finished off” his back and joints. Only a long time after he requested to see a doctor did the interrogators permit him to do so. The doctor gave him medication. ‘Asfur’s intensive interrogation lasted a total of 36 days.

Continued detention after interrogation is over

Fifty-seven detainees – about half of those interviewed – reported being held in a cell at the Shikma facility for more than three days after their interrogation ended, 28 of them for an additional 10-30 days. Twenty-three were held in solitary confinement for part of that time, from two to 18 days. Another detainee was held alone for four days, with informants joining him at night. Seventeen detainees were told that they were awaiting transfer to another facility, while 12 were told that their interrogation was over.

M.G., a 33-year-old construction worker from Birqin, was intensively interrogated for ten days, then held on an informants’ wing for about two weeks, interrogated again for half an hour, and placed in solitary confinement:

I was sent to a cell alone, I don't know for how many days. I was alone. I talked to the walls. At that point, no one was talking to me. I tried to ask the guards to take me to an interrogator because I wanted to change my confession, but they refused. I remained alone.

Six detainees reported better conditions during the time they were held in a cell without being interrogated – they were in bigger cells, with other inmates, and

sometimes had a shower in the cell. However, the rest of the detainees were still held in poor, degrading conditions. All 57 of them were kept on the interrogation wing, still subject to the stringent rules and harsh conditions there.

Muhammad Abu 'Arqub, a 21-year-old student from Huwarah, was intensively interrogated for about two weeks, held in solitary confinement for about a week, and then held for several more days with informants:

On Thursday, they sent me back from the informants [wing] to the ISA for an interrogation that lasted about four and a half hours. That's how it ended. They said that was it and that I was being sent to a cell alone. For about three days. There was a very strong current of cold air in the cell and not enough blankets. The blankets and mattress were awful and wet. I was no longer being interrogated, but they still kept me there for another eight days, in addition to the three days alone. I just sat there. I spent the eight days in a slightly larger cell with five other detainees. That cell had an open shower and toilet. So we couldn't shower because it was in front of each other but they didn't take us to shower outside, either, saying we had a shower inside. It was very hard because it was very crowded, the mattresses were very thin, and there was very little food.

Abuse of minors interrogated at the Shikma facility

Five of the detainees reviewed in this report were minors at the time of their detention at the Shikma facility. They ranged in age from 16 and two months to 17 and seven months. Military law (which applies in the West Bank), Israeli law, and international law all hold that any person under 18 is a minor and therefore entitled to special protection. However, these five minors did not receive the required protection: four were subjected to harsh violence during their arrest or were beaten on the way from their homes to the transit facility; two were also assaulted by soldiers at the transit facility; and two reported that a doctor or medic ignored their complaints at that facility. Two related that they were provided no food or drink at the transit facility and that their first meal after being arrested was supplied at Shikma – some 12 or 14 hours after they were arrested.

The minors were held at the Shikma interrogation facility for nine to 16 days. Their interrogation appears to have been adapted somewhat due to their age: unlike many other detainees, they

were not deprived of sleep nor forced to undergo prolonged interrogation (they were interrogated for one to five hours), and during interrogation they were tied to a regular chair and not a chair designed to inflict additional pain. However, two of the minors reported being threatened, two described obscene swearing, one described shouting in his ears, and one stated he was subjected to physical violence. Three minors were held in solitary confinement for eight to 12 days, when not undergoing overt interrogation. Two were held in solitary confinement for two to three days in a row. One minor said interrogators ignored his medical problems and that he was denied proper medical care.

In some respects, the minors were held in better conditions than those reported by most of the detainees. Four stated that they were permitted to shower within the first three days of arriving at the facility; three reported receiving a towel; and two thought their cells smelled reasonable. However, like the other detainees, they were held in a narrow cell with gray, rough walls, and the light was on continuously. What little food they were given was substandard, and four reported losing five to eight kilograms during periods of up to 16 days. In addition, a doctor ignored complaints made by one of the detainees upon arrival at the facility about being severely beaten by soldiers at the time of his arrest.

Two of the minors were given no change of underwear for two weeks, and another for a week. One minor reported that the guards ignored his knocking on the door and did not comply with any request he made. Another related that when he asked a guard for a light to smoke a cigarette, the latter pushed him hard so that his forehead hit the wall, resulting in injury and extensive bleeding. Three minors stated that they did not meet any Red Cross representative during their two weeks at the Shikma facility. Two reported that they were permitted to meet with a lawyer during their time there.

Three minors were sent for several days to the informants' wing at Beersheba Prison in southern Israel, where they were placed in a cell with adult detainees or informants, in breach of the military order

requiring that minors be held separately,¹⁴ and in contrast to the care that authorities at Petah Tikva take to separate minors from adults on the informants' wing, as found in a previous report.¹⁵ One minor said he was held without being interrogated for the last five days he was at Shikma.

'Atiyah Sabah from Tuqu', who was sixteen-and-a-half at the time of arrest and works at a local market, described being arrested and later held at the Shikma facility:

I was taken on foot. We got to a jeep. They put me handcuffed and blindfolded on the floor of the jeep. There were lots of soldiers around me. I was smacked on the head. They let me off at a military base [...]. I met a doctor who knew a bit of Arabic. She asked me questions and took my temperature. That was it. Then they sat me down on a chair with my hands tied and my eyes blindfolded. I don't know exactly where that was. The soldiers swore at me, laughed at me and mocked me. They slapped me and hit me on the back of the neck. They hit my back once, too. One soldier stepped on both my feet. He simply stood on my feet. [...] They took me by car to another place. They threw me onto the floor in a room. I stayed that way until morning. I wasn't given any food or drink. In the morning, they took me to Ashkelon.

In the interrogation – they put me in a room, tied my hands behind my back, and put restraints on my legs as well. There were two interrogators. One grabbed me by the collar, pulled me forward, and shouted that I had to talk. He used obscene curse words. [...] My back kept hurting. They didn't believe me when I said it really hurt. One time, when I was standing and they were about to take me back to the cell, I fainted and fell down. They forced me up and said I was faking it. I couldn't stand straight. I asked them to take me to a doctor but they wouldn't. The next day, I was taken to a doctor. I told him that my back and chest hurt and that I couldn't breathe. The doctor didn't know Arabic. The guard translated. The doctor gave the guard some medication, that's what I saw, but I got nothing. I saw the doctor giving the guard pills. My back and chest were hurting. On both sides, front and back. It still [hurts], but less.

14 Order Regarding Security Provisions, Section C, Article 149(a).

15 *Kept in the Dark*, p. 20.

Poor medical care

The military and the IPS are required to medically examine detainees who arrive at a military or interrogation facility and provide them with the medical care they need during their detention and interrogation. However, detainees reported that no medical examinations were carried out, told of doctors who did not speak Arabic, and complained of flawed or nonexistent medical care. In addition to the information the detainees provided, medical records provided by the IPS contain doctors' notes that clearly indicate flaws in medical care, including prevention of treatment prescribed for the detainee prior to his arrest.

At military transit facilities

As noted, persons suspected of security-related offenses are arrested by the military. Military procedure requires that every person arrested be medically examined and that the examination be recorded in a specially designated form. The doctor or paramedic carrying out the examination must enter their findings on the form and, on that basis, give a medical okay for the detainee to be held.

Seventy-nine detainees reported being taken to a doctor or medic upon arrival at the transit facility. Of these, 42 stated that they had a physical exam, 31 noted that they were not examined but only answered questions or filled out a medical form, and six did not specify whether the medical professional they met examined them.

Sixteen detainees stated that they were provided inadequate or no medical care at all at the transit facility, despite their need for treatment. Of these, eight said they told the medical professional about injuries caused by beating at the hands of soldiers or police officers, but their complaints were ignored or improperly handled. Another detainee who was beaten could not inform the medical professional of this fact due to the language barrier.

Twelve detainees stated that the medical staffer they met with spoke Arabic and three reported that he spoke a little Arabic. Twenty-seven detainees said that the medical staffer they met spoke no Arabic at all. Of these, 10 recalled

no interpreter being present; 11 did have an interpreter but three of them had difficulty understanding the translation. In another case, the translation was carried out over the phone.

At the request of HaMoked, the IPS provided 20 medical files concerning detainees reviewed in this report, on whose behalf HaMoked filed complaints against official personnel who harmed them. In 19 of the cases which pertained to Palestinians arrested by the military, the files sent to HaMoked did not include the military's medical records of the Palestinians' arrest. Following correspondence with the IPS, the missing documentation was provided in 16 of the cases. In two cases, the IPS stated that "unfortunately, the medical documentation prior to [the detainees'] arrival at the IPS custody facilities could not be located".¹⁶ In two military files that the IPS sent to HaMoked, the military medical documentation was inaccurate. Even in cases in which injury caused by soldiers' abuse was properly documented by medical personnel at the transit facility, no MPIU investigation was opened against these soldiers – until HaMoked intervened (see below).

At the Shikma facility

A report the Public Committee Against Torture in Israel (PCATI) and Physicians for Human Rights (PHR) published in 2011 included evidence that doctors at detention facilities were ignoring complaints by Palestinian patients, enabling ISA interrogators to use abuse and torture, not reporting harm to inmates to their superiors or to any other party, and sending victims of these measures back into the hands of their abusers. This is tantamount to doctors sanctioning what goes on in the interrogation rooms.¹⁷ Such occurrences were also indicated in detainees' testimony for the present report: doctors at the Shikma facility ignored medical concerns, prevented proper medical care, and enabled the harsh interrogation methods at the facility to continue, exposing their patients to possible mental and physical harm. In doing so, the doctors took part in the illegal abuse and torture to which detainees were subjected.

16 Letter from Adv. Michael Avitan of the Office of the IPS Legal Advisor to Adv. Daniel Shenhar of HaMoked, 22 June 2015. In another case, the detainee was not interested in further pursuing the matter.

17 PCATI and PHR, *Doctoring the Evidence, Abandoning the Victim: The Involvement of Medical Professionals in Torture and Ill Treatment in Israel* (2011), http://www.stoptorture.org.il/files/Doctoring%20the%20Evidence%20Abandoning%20the%20Victim_November2011.pdf.

These doctors breached their duty to first and foremost ensure the welfare of their patients, and created false pretenses of professional medical monitoring of the abusive interrogation system, in violation of the Tokyo Declaration. The declaration – ratified by the Israeli Medical Association in 2007¹⁸ – prohibits physicians from participating in torture and cruel or degrading treatment of another person, from condoning torture or providing substances or knowledge to facilitate such practices or to countenance torture.¹⁹

Twenty detainees reported that the doctor they met upon arrival at the facility did not examine them, but only asked general questions about their health. Only eight detainees reported that the doctor spoke Arabic. Thirty-one mentioned another person who served as an interpreter – two of whom noted that the translation was poor and one who stated that it took approximately an hour to locate an interpreter. All the detainees who were admitted to the Shikma facility were sent on to undergo the harsh interrogation methods and rough conditions in the cells – including those who arrived injured after being beaten by soldiers or police or reported various medical problems.

Eighty detainees required medical care during their time at the Shikma facility. Of these, 29 needed care upon arrival – 21 due to a pre-existing medical condition and eight because they were beaten by members of the security forces. Fifty-one detainees needed medical care while at Shikma, with some suffering from more than one medical condition: 29 complained of pain following the interrogation, primarily in the back and legs, due to being in restraints for long periods; 14 developed skin problems such as fungal infections, rashes and itching; 13 reported gastrointestinal problems; and others suffered fevers, eye and ear infections, toothaches, and other ailments.

Requests made by 18 detainees to see a doctor were ignored. Another 10 detainees were made to wait hours or days until being taken to a doctor; one of these saw a doctor after going on hunger strike for two days. Two detainees reported that they were taken to a doctor only on judge's orders, after requesting his intervention during a remand hearing; another saw a doctor only after he was allowed to meet with a lawyer.

18 Israeli Medical Association, "Prohibition of Physician Participation in Interrogations and Torture", 2007, <http://www.ima.org.il/ENG/ViewCategory.aspx?CategoryId=4529>.

19 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, revised May 2005 and May 2006*, <http://www.wma.net/en/30publications/10policies/c18/index.html>.

Twenty of the detainees who saw a doctor during their time at Shikma stated that the doctor ignored their complaints, or gave them partial or ineffective treatment. In eight of these cases, the complaints ignored had to do with violence by soldiers or police officers at the time of the arrest or on the way to the facility. Nine detainees were not supplied with their regular medication at Shikma, and two others were prescribed medication by the doctor at the facility but were not provided it regularly. In all cases, doctors permitted detainees to be returned to the interrogation room or to the cell, even when these were the source of their pain and medical complaints.

'Adel Tamimi, a 43-year-old industrial worker from Hebron, regularly takes neurological medication to prevent the intense pain caused by a medical condition he has. On his third day at the Shikma facility, the drug he brought with him ran out. The substitute provided by a doctor there not only did not ease his pain, it raised his blood pressure. Tamimi informed the judge of this when he was brought in for a third extension of his remand. The judge ordered the doctor to provide Tamimi with the necessary drug – but this did not happen. The sixth time he was brought in for an extension of remand in custody, Tamimi again described his medical condition to the judge, as did his lawyer. The judge censured the doctor's conduct and ordered him to provide Tamimi with the medication "even if you have to get it from Switzerland". The judge decided to stop the interrogation and transfer the case to the general prosecution, which decided – despite the judge's ruling – to send Tamimi back to his cell. Two nights later, at 1:00 A.M., Tamimi was taken to a doctor who told him that a neurologist visits the facility only once a month and that unfortunately, he had been at Shikma a week earlier – so Tamimi would have to wait for the next visit. He was taken back to his cell and several days later taken to the military court at Ofer, where he was tried. In the entire 36 days of his detention at Shikma, Tamimi was not provided the medication he needed and suffered intense pain.

Taha Abu Latifah is an 18-year-old high-school student from Qalandiya. He arrived at Shikma with a swollen, wounded face after being severely abused by soldiers during his arrest and on the way to the facility. Abu Latifah has epilepsy and was also still suffering from a two-year-old head injury caused by shrapnel. He told all this to the doctor who saw him at Shikma. The medical file the IPS conveyed to HaMoked indicates that the doctor had at his disposal the military medical form which recorded several severe health problems Abu Latifah mentioned at the time of his arrest, as well as the IPS medical file from Tamimi's previous detention a year and a half earlier, which noted that Tamimi

had mental health issues and suicidal tendencies. The doctor ignored all this information and wrote in the admission form that Abu Latifah was generally healthy and was not on any regular medication. Abu Latifah was then taken into intensive interrogation that lasted 22 hours a day, for 12 days. He was always kept handcuffed during interrogation. During his 44 days at Shikma Abu Latifah was not provided with the medication he took regularly prior to his arrest, causing his condition to deteriorate. Once, after losing consciousness while tied to the interrogation chair, the doctor gave him painkillers and a drug to lower fever, and the interrogation continued. His request that the prison authorities contact his family to get the name of the medication he needed went unanswered. Only 11 days after he was no longer at Shikma did the doctor at Ofer detention facility – to which Abu Latifah had been transferred – request to see the letter from his doctor, realize that Abu Latifah had epilepsy and prescribe his regular medication.

Following the Petah Tikva report, HaMoked filed complaints with the Prisoners' Complaints Ombudsman at the Ministry of Public Security concerning 13 cases in which detainees were provided with inadequate medical treatment by IPS doctors, or in which IPS doctors were involved in measures that constitute abuse or torture: In 11 cases, the complaint file was closed for "lack of evidence"; in one case the file was transferred to the Department for the Investigation of Police (DIP), where it was closed on the same grounds; and in one case HaMoked is still awaiting a reply from the IPS, although almost five years have passed since the complaint was filed.

Subsequent to research for the present report, from October 2013 to November 2014 HaMoked filed three complaints with the military's Chief Medical Officer, with the Israel Police National Unit for Handling Prison Guards, and with the Prisoners' Complaints Ombudsman. The complaints concerned the tying of detainees to a bed and claims that medical personnel did not provide detainees with proper medical care or authorized an interrogation that caused bodily harm. Two of the complaints were transferred to the Disciplinary Branch of the IPS and one to the Mavtan. In June 2015, the processing of the complaints had not yet been completed.

Torture by the Palestinian Authority prior to interrogation in Israel

Approximately one-third (39) of the detainees reviewed here were arrested by the PA prior to their arrest by Israel. Of the 32 who gave the date on which the PA arrested them, 17 were arrested by Israel less than a month after their release from PA custody; seven – a month to four months after their release; four – six months to a year from that date; and four were arrested by Israel more than a year after their release by the PA.

Of the 39 detainees interrogated by the PA, 28 reported that the ISA interrogated them about the very same matters. Only one reported being interrogated about different matters; the others did not address this point in their affidavit. Twenty-six reported noticing that the Israeli interrogators had the interrogation materials from the PA; in 22 of these cases, the interrogator explicitly stated that he had the PA interrogation material on his computer, and sometimes even showed the detainee confessions he had signed for the PA.

All this attests to the years of collaboration between Israeli and Palestinian security forces on security related issues. However, detainee affidavits indicate that this cooperation also extends to providing the ISA with information obtained through severe torture at the hands of the PA Preventive Security Force.

Of the detainees previously arrested by the PA, 14 related being tortured during interrogation there: ten stated they had been beaten; seven described shackling and painful positions; four reported being held in a cooling room for lengthy periods of time; three reported being held in solitary confinement for extended periods; three stated they were deprived of sleep; two described being kept in cells without beds, where the floor was flooded with water; and two reported that they were hung up by their hands for prolonged periods. One detainee reported that his interrogation by the PA was “ordinary, not violent”, while the rest did not give an overall label for what the interrogation was like.

Of the 14 detainees who reported being tortured by the PA, 11 provided the date of the interrogation. This information indicates that ten of them were arrested by Israel two to 35 days after their release from a PA prison; another detainee was arrested after 90 days. Eleven of the detainees tortured by the PA mentioned seeing that the Israeli interrogators had the PA interrogation materials; in ten cases, the interrogator explicitly stated that fact or showed the detainee parts of the PA file. Only one detainee reported seeing no such indication. Ten said they were interrogated on the same matters by both the PA and Israel.

The Israeli interrogators appear to have been aware of the torture that the detainees had undergone at PA facilities. Two detainees were told by the Israeli interrogators they wanted to show them they were better than their Palestinian counterparts. Another detainee related that his Israeli interrogators knew of his complaint to a Palestinian human rights organization about undergoing torture by the PA. Yet another detainee who was tortured by the PA described being threatened by Israeli interrogators during interrogation that they would ask the PA to arrest him again.

Adi 'Awawdeh, a 21-year-old student from Karmah:

I was detained by the PA for about 70 days. With the Preventive [Security Force] there was physical and mental torture. I suffered a lot. I was in solitary confinement for 40 days, with endless interrogation. Then they put me into what we call the refrigerator – a small room about 90 centimeters wide and two meters long. They put you in there barefoot, with very thin clothes, and keep up a current of very cold air. You feel like you're in a refrigerator. The walls and floor were very cold. You sit there with nothing but a bottle of water. There's no toilet. When you need to go, you bang on the door and ask lots of times until they let you out. I was there for three days. They took me out for interrogation for about 12 hours, and then I spent another 12 hours in the refrigerator. They gave me three meals that were okay. The interrogators hit me with their hands all over my body. Two held me down and the rest hit me. They threatened me with sexual assault but didn't follow through on it. You can't stay silent. You'll tell them whatever they want just to be done and get out of there. That's why I told them what they wanted and not the truth. And the Israelis still wanted more.

[...] In the end, I was released [from PA custody] with a fine and restrictions, and told that the Jews would yet come and get me. A week later, the Israelis arrested me. [...] I had already met with human rights organizations and complained about the conduct of the Preventive [Security Force].

My file was prepared and all done, because the [Israeli] interrogator showed me the file he got from the PA. I saw my fingerprints there. The interrogator

said: "Here's your file. It's all ready. Do you want to add anything and save us some time?"

Muhammad Abu 'Arqub, a 21-year-old student from Huwara:

I was held by the Preventive [Security Force] for about 66 days, 51 in solitary confinement. The interrogation was violent and included beating. [...] The interrogators [at the Shikma facility] in Ashkelon said they were receiving me with a completed case file so that there's no point denying anything. The interrogator said to me: "This is what you told the PA." Everything was similar, there were even photographs, the same ones from the PA.

Muhammad 'Asi, a 20-year-old from Beit Liqya who works at a local supermarket, was in PA custody for almost three months:

I was in PA custody, and two days after they released me – the Jews arrested me. They interrogated me about the same things. When I asked the interrogator how he got the PA material, he said: "We're friends and don't keep anything from each other." [...] I was tortured by the PA, they hung me up for days. They would hang you from the window, from the top window frame (by the hands), with your feet in the air, you could just barely reach the floor with the tips of your toes. They let me rest only two or three hours... The [Israeli] interrogator explicitly said that he wanted to show me how much better they are. That means he knows how I was interrogated and tortured by the PA.

The use of torture in interrogation by the Palestinian Preventive Security Force has been documented by Palestinian and international human rights organizations.²⁰ We cannot ascertain from the information at our disposal whether the PA initiated the arrest and interrogation methods or whether Israel was responsible for requesting the arrest and interrogation under torture of certain persons. However, it stands to reason – as is clearly indicated by the affidavits of three detainees provided for this report – that the interrogators knew that the interrogation material, which was provided them by the PA, was obtained under severe torture. In these cases, the ISA interrogators knowingly used information obtained through illegal methods.

²⁰ Amnesty International, *The State of the World's Human Rights*, 2013, <https://www.amnesty.org/download/Documents/16000/pol100012013en.pdf>, p. 205; Human Rights Watch, "West Bank: Reports of Torture in Palestinian Detention", 20 October 2010, <http://www.hrw.org/news/2010/10/20/west-bank-reports-torture-palestinian-detention>; Al-Haq, *Torturing Each Other: The Widespread Practices of Arbitrary Detention and Torture in the Palestinian Territory*, July 2008, [http://www.alhaq.org/attachments/article/188/Al-Haq%20-%20Torturing%20Each%20Other%20-%20Executive%20Summary%20\[English\].pdf](http://www.alhaq.org/attachments/article/188/Al-Haq%20-%20Torturing%20Each%20Other%20-%20Executive%20Summary%20[English].pdf)

Other countries have been known to use interrogation methods that included torture and abuse in facilities outside their sovereign territory. For example, after the 9/11 attacks, the CIA began holding detainees in incarceration facilities outside the United States, where it employed “enhanced interrogation techniques” that included torture. The CIA was also authorized to carry out “extraordinary rendition” – the transfer of individuals to the custody of a foreign government (such as Syria or Libya) for arrest and interrogation. In both cases, the goal was to use torture to interrogate detainees, and to do so outside the country, far from the public eye and from legal supervision.²¹

The prohibition on torture is not limited by territory: a country must not carry out torture, or use information obtained through torture, even if this is done outside its territory. In November 2009, CIA agents were convicted for the first time of involvement in extraordinary rendition. An Italian judge convicted 22 agents of abducting a person in Italy and transferring him to Egypt, where he was incarcerated and tortured.²² The European Court of Human Rights ruled in December 2012 that extraordinary rendition by the CIA constitutes torture. The ruling was given in the case of Khaled al-Masri, a German citizen who was abducted by the Macedonian police and handed over to CIA agents who transferred him to Afghanistan, where he was severely tortured by local interrogators.²³ In July 2014, the same court ruled that Poland had violated its obligation under the European Convention on Human Rights by permitting the CIA to torture detainees in a secret facility in the country in 2002 and 2003.²⁴

21 Human Rights Watch, *Delivered into Enemy Hands: US-Led Abuse and Rendition of Opponents to Gaddafi's Libya*, 2012, http://www.hrw.org/sites/default/files/reports/libya0912webwcover_1.pdf; Open Society Justice Initiative, *Globalizing Torture: CIA Secret Detention and Extraordinary Rendition*, 2013, <http://www.opensocietyfoundations.org/sites/default/files/globalizing-torture-20120205.pdf>; Jane Mayer, “Outsourcing Torture: The Secret History of America’s ‘Extraordinary Rendition’ Program”, *The New Yorker* 14 February 2005, <http://www.newyorker.com/magazine/2005/02/14/outsourcing-torture>.

22 Senteza no. 14248/09, nella causa penale contro ADLER Monica Courtney e altri, 4 November 2009, [http://www.penalecontemporaneo.it/upload/Trib.%20Milano,%204.11.2009%20\(sent.\),%20Est.%20Magi%20\(Abu%20Omar\).pdf](http://www.penalecontemporaneo.it/upload/Trib.%20Milano,%204.11.2009%20(sent.),%20Est.%20Magi%20(Abu%20Omar).pdf)

23 Case of **El-Masri v. The Former Yugoslav Republic of Macedonia**, European Court of Human Rights, Strasbourg, December 2012, <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-115621>

24 Case of **Al Nashiri v. Poland**, European Court of Human Rights, Strasbourg, 24 July 2014, <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-146044>

List of injurious practices

Of the 116 detainees who provided testimony for this report, not all addressed every measure detailed in the following table. Therefore, the data in the table reflect the lowest possible number.

During arrest, transfer, and at the transit facility	No. of detainees	Percentage of detainees reviewed in present paper
Harm to property	14	12%
Physical violence	35	30%
No medical examination at transit facility	33	28%
Insufficient medical care, or none at all	15	13%
Withholding essentials (food / drink / toilet)	54	47%
Being held in the open with no shelter	36	31%
Conditions at the Shikma detention facility	No. of detainees	Percentage of detainees reviewed in present paper
Poor and/or little food	98	84%
Dirt and/or stench in cell	78	67%
Extremely hot or cold air-conditioning	57	49%
Shower withheld for more than three days	38	33%
Personal hygiene items withheld all or some of the time (towel / toothbrush / toothpaste)	46	40%
Change of clothes provided once, twice, or not at all during entire time at facility	48	41%
Being held at facility for more than three days after interrogation ended	57	49%

Interrogation practices	No. of detainees	Percentage of detainees reviewed in present paper
Hands tied to chair	105	91%
Tied to misshapen chairs	38	33%
Interrogated most hours for more than three days and nights	30	26%
Physical violence	14	12%
Swearing and derogatory remarks	50	43%
Threats	68	59%
Shouting directly into ears	50	43%
Sleep deprivation for more than 24 hours	12	10%
Meeting with lawyer prevented for all or some of time at facility	77	66%
Held in solitary confinement for more than two days	50	43%
No medical examination during admission	20	17%
Delayed medical care	31	27%
Inadequate medical care	20	17%
Chaining to a bed	6	5%
Torture by the PA prior to detention at Shikma	14	12%

Interrogation techniques at Shikma: Part of an inherently abusive system

The affidavits provided by Palestinians who were interrogated at the Shikma facility offer almost uniform accounts of prolonged exposure to degrading, inhuman treatment that caused pain and suffering. Detainees were arrested in the middle of the night, sometimes with the use of violence and humiliation; held in conditions that cut them off from the outside world, forced to stay in narrow, dark, dirty and foul-smelling cells with no access to fresh air or daylight; prevented from maintaining basic personal hygiene, given inadequate food and exposed to extreme heat and cold; deprived of sleep for days on end; and underwent lengthy interrogations – during which they were tied to a chair, often in particularly painful ways – which included the use of threats, swearing, shouting, and at times even direct violence.

The use of violence during detention and of prohibited interrogation techniques constitute a violation of international law, Israeli law, the Israeli HCJ ruling, and basic moral standards. Torture and abuse are utterly prohibited in a series of international legal conventions, which grant absolutely no justification for such measures under any circumstance, including war.²⁵ This prohibition appears, for instance, in the United Nations Convention against Torture, which defines torture as “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”.²⁶

25 For a discussion of torture and abuse in international law, see for example, B’Tselem and HaMoked reports *Absolute Prohibition and Kept in the Dark*.

26 *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, Article 1 (1).

In 1999, Israel's HCJ ruled that the ISA had no lawful authority to use physical means of interrogation that cause suffering, or to pressure a detainee under interrogation in order to break his spirit.²⁷ Former HCJ Chief Justice Aharon Barak ruled that "a reasonable investigation is necessarily one free of torture, free of cruel, inhuman treatment of the subject and free of any degrading handling whatsoever". The court prohibited several interrogation methods used until then by the ISA: "shaking", forcing detainees to crouch on tiptoe, and use of the *shabach* position – in which the detainee was forced to sit on a low forward-tilting chair, his hands bound behind the backrest, his head covered with a sack that did not let any light in, while deafening music was played constantly.²⁸

The judges added that even if an ISA interrogator could retroactively be acquitted of using unlawful interrogation methods on the grounds of the "necessity defense", the state had no legal authority to decide in advance on procedures that include unlawful interrogation techniques.²⁹ The "necessity defense" is an option instated by the legislature to acquit a person of a criminal offense if the act was necessary to prevent present and immediate danger, and no other alternative was available to avert the danger; this applies, for instance, to so-called "ticking time-bombs". The ruling stated from the outset that this matter was a point of controversy.³⁰

The treatment of detainees detailed in this report is not the isolated act of a single soldier, prison guard, or ISA interrogator. Rather, it is part of a systemic policy regarding the interrogation of Palestinians. The methods described here are not used solely at the Shikma facility: similar conditions and techniques have been documented by human rights organizations in recent years at various facilities in Israel,³¹ including specific mentions of binding techniques

27 HCJ 5100/94 **Public Committee Against Torture in Israel v. 1. The State of Israel 2. The General Security Service, 1999**, <http://www.hamoked.org.il/items/260.pdf> (in Hebrew). For a detailed discussion of the HCJ's ruling on torture see, for example, *Absolute Prohibition*, pp. 24-29; *Kept in the Dark*, pp. 49-55.

28 Human rights organizations documented these methods and others over the years. See, for example, B'Tselem's reports: *Interrogation of Palestinians During the Intifada: Ill-Treatment, "Moderate Physical Pressure" or Torture?* (March 1991); *The Interrogation of Palestinians During the Intifada: Follow-up to March 1991* (March 1992); *Torture During Interrogations: Testimony of Palestinian Detainees, Testimony of Interrogators* (November 1994); *Routine Torture: Interrogation Methods of the General Security Service* (February 1998).

29 HCJ 5100/94, sections 33-38. For a discussion of the "ticking time-bomb" and the defense necessity, see for example: B'Tselem and HaMoked, *Absolute Prohibition*, pp. 27-30; PCATI, "Ticking Bombs": *Testimonies of Torture Victims in Israel*, 2007, <http://www.stoptorture.org.il/files/pcat%20new%20web%20file%20eng%20light.pdf>.

30 HCJ 5100/94, section 34.

31 See, for example: B'Tselem and HaMoked, *Absolute Prohibition* and *Kept in the Dark*, and PCATI, *Flawed Defense: Torture and Ill Treatment in GSS Interrogations following the HCJ Ruling* (2001), <http://www.stoptorture.org.il/files/flew.pdf>; *And We Were Tortured* (2012), <http://www.stoptorture.org.il/files/and-we-were-tortured-en.pdf>.

that constitute abuse and torture³² and exerting pressure by threatening detainees' relatives.³³

A. Use of violence by security forces during the arrest and transfer of detainees

One-third of the detainees interviewed for this report were subjected to violence and degradation by soldiers or police officers at the time of their arrest, even when in restraints. This is part of the broad, ongoing use of violence by Israeli security forces against Palestinian detainees documented by various organizations over the years.³⁴ A 2007 report by B'Tselem and HaMoked found that 49% of the Palestinians arrested and transferred to the ISA for interrogation who provided affidavits for the report were beaten during their arrest; in the Petah Tikva report, this was the case for 30% of the detainees – the same rate found in the current report.³⁵

The state has officially denied this reality, defining such conduct as unacceptable in its responses to previous reports. The state's response to the 2007 report noted that soldiers receive training focusing on "the duty of IDF soldiers of all ranks to provide humane and proper treatment to detainees captured by the IDF, while maintaining their dignity as human beings", and that "educational computer programs [...] commonly used as vital guidance tools of IDF soldiers and officers, refer, inter alia, to proper treatment of detainees while emphasizing the strict prohibition of applying inhumane or degrading treatment to detainees captured by IDF forces".³⁶ The state's response to the Petah Tikva report noted, regarding instances in which soldiers "use unreasonable force" during an arrest, that "the IDF strictly forbids acts of this kind by its soldiers and commanders" and that "the obligation to carefully safeguard the dignity and health of the detainee was made clearer".³⁷

32 PCATI, *Shackling as Form of Torture*.

33 PCATI, *Family Matters*.

34 See, for example, B'Tselem, *Crossing the Line: Violations of the Rights of Palestinians in Israel without a Permit* (2007), http://www.btselem.org/sites/default/files2/publication/200703_crossing_the_line_eng.pdf; PCATI, *No Defense: Soldier Violence against Palestinian Detainees* (2008), http://www.stoptorture.org.il/files/No_Defense_Eng.pdf; Yesh Din, *Alleged Investigation: The Failure of Investigations into Offenses Committed by IDF Soldiers Against Palestinians* (2011), <http://yesh-din.org/userfiles/file/Reports-English/Alleged%20Investigation%20%5BEnglish%5D.pdf>.

35 *Absolute Prohibition*, p. 32; *Kept in the Dark*, p. 37.

36 *Absolute Prohibition*, pp. 97-98.

37 *Kept in the Dark*, pp. 65, 67.

The response also addressed the excessive tightening of handcuffs during arrest, noting that “detailed procedures were drawn up regarding the manner in which the cuffing is to be done [...] and the commander of the force was instructed to ensure, from time to time, that the cuffs are not too tight”.³⁸

Despite these statements, violent and degrading acts, including painful handcuffing, continue. Officials condemn them yet refrain from enforcing the law upon the violent soldiers. In their response to the Petah Tikva report, state representatives argued that the Military Advocate General (MAG) Corps enforces the prohibition on use of violence against Palestinian detainees and “has repeatedly reiterated its uncompromising obligation on this issue”.³⁹ To prove the point, the response included figures on MPIU investigations opened in such cases. However, the figures addressed only the number of investigations opened after complaints were filed about violence towards detainees, and towards Palestinians in general. They did not address the consequences of interrogation, and therefore cannot prove the claim that the military indeed enforces the law effectively regarding violence towards detainees.

Monitoring of complaints filed following previous reports by B’Tselem and HaMoked on this topic reveals that the very fact that an MPIU investigation is opened does not indicate law enforcement. Nine of the detainees who provided testimony for the Petah Tikva report filed complaints through HaMoked against soldiers who abused them. The MPIU began investigating eight of these cases and transferred them to the Office of the Military Advocate for Operational Matters, which closed all the cases, citing lack of evidence. In one case, the Military Advocate did not find sufficient evidence for beating, but prosecuted a soldier who aimed a weapon at the head of the complainant. In five cases, the Military Advocate’s response was received more than three years after the complaint was filed; in the other cases, the response was received within two to six months.

Eleven of the detainees who gave affidavits for the present report filed complaints through HaMoked against soldiers for violence used against them. The complaints were submitted to the Military Advocate for Operational Matters between March and June 2014. By June 2015, no action had been taken against any of the assailants: HaMoked was notified that an MPIU investigation was opened in one case, an investigation had been ordered

³⁸ *Ibid.*, p. 67.

³⁹ *Ibid.*, p. 66.

in six others, one case was in preliminary examination, two cases had been transferred to the DIP as the assailants were police officers, and in one case the MPIU investigation had been closed due to lack of cooperation on the part of the complainant.

These figures reflect the way in which the MAG Corps deals with complaints concerning violence towards Palestinians in general. Over the years, monitoring by human rights organizations of complaints filed by Palestinians against soldiers who injured them shows that the military investigation system is marred by a wide range of structural, systemic flaws that prevent any possibility of uncovering the truth and holding soldiers accountable for harming Palestinians. These flaws were described in detail in various reports published by human rights organizations⁴⁰ and in the Turkel Commission report.⁴¹

According to MPIU figures, from the time the second intifada started (late September 2000) through 2010, Palestinians filed 3,150 complaints with the MPIU against soldiers for various forms of harm, including killing and wounding, looting, theft and other damage to property, violence, and abuse of detainees. Only 3.5% of the complaints led to indictments.⁴² According to the IDF Spokesperson's Unit, from December 2000 to June 2007, the MPIU opened 427 investigations on charges of violence against Palestinians. Only 35 of these ended in indictments – a mere 15 for abuse.⁴³

From the beginning of the second intifada to the end of 2014, B'Tselem wrote to military law enforcement authorities regarding 304 cases in which B'Tselem's research sparked concerns that soldiers had acted violently towards Palestinians. B'Tselem demanded investigation of these incidents, and prosecution of those responsible if findings would indicate a breach of the law. According to information provided to B'Tselem, MPIU investigations were opened in 256 of the cases, 225 of which were closed with no steps taken against the soldiers involved. Eleven of the cases led to indictments. In 33 other cases, the MAG

40 B'Tselem, *Promoting Accountability: The Turkel Commission Report on Israel's Addressing Alleged Violations of International Humanitarian Law* (August 2013); Yesh Din, *Alleged Investigation* (August 2011); PCATI, *Prosecutorial Indifference: Systematic Failures in the Investigation of Soldier Violence against Detainees in the Occupied Palestinian Territory* (June 2014) <http://www.stoptorture.org.il/files/Prosecutorial%20Indifference.pdf>; PCATI, *No Defense: Soldier Violence against Palestinian Detainees* (June 2008).

41 The Public Commission to Examine the Maritime Incident of 31 May 2010, *Second Report – the Turkel Commission: Israel's Mechanisms for Examining and Investigating Complaints and Claims of Violations of the Laws of Armed Conflict According to International Law*, pp. 319-334, <http://www.turkel-committee.gov.il/files/newDoc3/The%20Turkel%20Report%20for%20website.pdf>.

42 Yesh Din, *Alleged Investigation*, p. 8.

43 PCATI, *No Defense*, p. 31.

Corps decided to not even open an investigation in the first place. B'Tselem was not informed of any action taken regarding the remainder of the cases.

Ignoring instances of violence towards Palestinian detainees is all the more serious given that this violent conduct and its consequences are witnessed by many security personnel: soldiers and officers, medical doctors, IPS doctors, and ISA interrogators. Each and every one of these is legally obliged to report such violence to the MPIU so that the matter can be investigated.⁴⁴ In most cases, this does not occur, and it takes intervention by organizations such as HaMoked, PCATI, B'Tselem and others to have an investigation opened. Even then, as noted, the investigations almost always end in a mere whimper.

The military procedure for “receiving detainees at holding facilities” includes an article detailing “treatment when detainees arrive injured”.⁴⁵ According to this section, every detainee undergoing admission at a military facility must be asked “was everything all right during the arrest?” If the answer is negative, the detainee must be questioned according to a designated form and asked to provide the details he knows concerning the soldiers who acted violently towards him.⁴⁶ The procedure also orders soldiers to photograph – with the detainee’s permission – injuries that they observed on his body or that he freely showed them, and to fill out a report describing what was photographed. According to the procedure, the relevant military party must send the MPIU a report of suspected violence, including a copy of the detainee’s admission report and photographs of his injury.

Not one of the detainees included in this report related being questioned about undergoing violence during his arrest, not even when he explicitly reported it to officers or doctors. Even when medical personnel at the transit facility documented injuries caused to detainees by abuse at the hands of security forces, it is unclear what was done with this documentation, to whom it was transferred, and whether any follow-up measures were undertaken. At no point, until giving their affidavits for this report, were any of the detainees approached by a representative of the MPIU or any other party concerning these acts of violence.

44 Stated by Jana Modgavrishvili, ISA Interrogatee Complaints Comptroller (Mavtan) at the Ministry of Justice, in a meeting with representatives of HaMoked and B'Tselem, 5 February 2014.

45 Procedure for Admission of Detainees to Holding Facilities. OC Central Command Order: Order regarding Security Provisions (Amendment no. 25) (Judea and Samaria), 2012, Article 16.

46 *Ibid.*, Appendix B, Detainee Admission Form.

B. The interrogation system at the Shikma facility

The interrogation system at the Shikma facility, as revealed in this report, contravenes the prohibition in international law on abuse and torture, and fails to meet Justice Barak's definition of a "reasonable investigation". It comprises degrading, inhuman and cruel treatment of detainees, causing them pain and suffering. In some cases described in this report – especially when cruel and harsh measures were combined, including detention in appalling conditions – detainees were caused extreme suffering and pain tantamount to torture.⁴⁷

We do not know whether there are formal procedures that include unlawful measures of confinement and interrogation despite the HCJ's explicit ruling on the matter. If such procedures do exist, it is also beyond the scope of this report to determine whether they are supposed to apply to all detainees slated for interrogation or only to some of them (for instance, those considered "ticking time-bombs"). In any case, all 116 detainees in the present report, and the others who gave testimony for the previous reports mentioned above, were exposed to prohibited conditions and interrogation techniques whose use is forbidden by law.

The 1999 HCJ ruling did lead the ISA to change some of its interrogation techniques, but these were merely nominal adjustments that did not incorporate the spirit of the ruling – *i.e.*, that an interrogation must not include torture, abuse, or degradation. The interrogation system remains inherently abusive and injurious, resulting in severe consequences for detainees, similar to those of the techniques forbidden by the HCJ.⁴⁸ For example:

Being held in harsh conditions

Formal responsibility for the conditions in detention facilities and prisons in Israel, including the Shikma facility, lies with the IPS. However, the fundamental differences between detention conditions at ISA facilities and those existing in other detention facilities in Israel indicate that the conditions at Shikma are part of the interrogation system set out by the ISA – and merely carried out by the

47 Several legal institutions have examined similar methods practiced in different parts of the world – solitary confinement, isolation from the outer world, sensory deprivation, crowding, threats, and so forth – and found them to be illegal and in breach of the prohibition against torture. See B'Tselem and HaMoked, *Absolute Prohibition*, p. 64.

48 For further discussion see B'Tselem and HaMoked, *Kept in the Dark*, p. 52.

IPS. The IPS has admitted that the ISA is responsible for lighting in the cells and for shower maintenance.⁴⁹ However, it stands to reason that the ISA is similarly involved in the other extreme conditions at the facility – the physical state of the cells, the crowding, the cold, the dirt and stench, the thin mattresses, and the inedible food.

This reality violates the laws and regulations applying to prison standards in Israel. Under the law, “an arrestee will be held under suitable conditions which do not injure his health and dignity”, and will be entitled to “suitable sanitary conditions” and to “conditions that enable him to maintain personal cleanliness”. Therefore, detainees must be provided with “electric lighting that enables, in a reasonable way, reading”; “a window in the cell that enables ventilation from outside” or “reasonable alternative means of ventilation”. “A cell will be painted as needed and at least twice a year” and “the average space per detainee in the cell will be no less than 4.5 square meters”. “Each cell will undergo disinfection and pest control at least once a year”, and “the place of detention will provide the detainees in each cell with means and cleaning materials in the amount needed for maintaining the cleanliness of the cell”. “The detainee will be provided [...] with a bed, mattress and clean blankets”, and “the detainee’s blankets will be laundered or changed at a frequency ensuring their cleanliness”. The law stipulates that a detainee is entitled to a hot shower once a day – a right that can be delayed for three days at most in the interest of the interrogation – and that the place of detention must provide him with “a change of clothes, a towel and basic items of hygiene” if he lacks access to these items. The IPS is also bound by law to provide “food with the required amount and ingredients for maintaining the health of the detainee”.⁵⁰

Individuals held for security offenses are subject to different rules that allow for harsher conditions in detention. Instead of a bed, the law stipulates two mattress as sufficient; forbids the provision of cleaning products to detainees (although the Prisons Commissioner’s rules allow it);⁵¹ denies a daily walk in the fresh air, use of a telephone, and employment at the place of detention –

49 Letter from Adv. Aliza Yaacobi of the Internal Comptroller Unit in the IPS to Adv. Naama Feuchtwanger of the Ministry of Justice, 3 November 2013, added to the Updating Notice on Behalf of the State of 3 December 2014 in HCJ 7984/11.

50 Articles 9(a), 9(b)(1), 9(b)(3) and 9(b)(4) of the Criminal Procedure Law (Powers of Enforcement – Arrest), 1996; Regulations 3(a), 3(d), 3(e)(3), 4(a), 4(b), 6(a), 6(b), 6(d), 6(e), 7(1) and 22(a)(2)4 of the Criminal Procedure Regulations (Powers of Enforcement – Arrests) (Conditions in Detention), 1997.

51 Prisons Commissioner’s Order No. 03.12.00, section 7(c).

actions permitted to other detainees; and bars them from holding in their cells possessions permitted to other detainees, including journals and newspapers, writing implements, books, games, television and radio sets, mirrors, wedding rings, wristwatches, electric kettles, lamps, fans, and heating equipment.⁵²

Detainee reports indicate that detention conditions at the interrogation wing of the Shikma facility are a far cry from meeting regulations, and do not even comply with the conditions stipulated for security prisoners. They told of small, crowded cells; thin mattresses and smelly blankets; denial of the right to shower for many days; lack of extra clothes, a towel, and soap; substandard food; and exposure to extreme heat or cold and to stifling air.

Similar conditions have been documented over the years in other ISA interrogation facilities, such as the one in Petah Tikva. Authorities were aware of conditions at that facility prior to B'Tselem and HaMoked's 2010 report: representatives of the Ministry of Justice visited the facility in March 2009 and reported their findings to the Attorney General.⁵³ However, the report made only two relatively minor recommendations – to ensure detainee transfer to regular prisons as soon as their detention at the interrogation facility is no longer needed, and to serve the last meal of the day in the evening rather than in the afternoon. Even if these recommendations were implemented at the Petah Tikva facility, that visit did not effect significant changes in conditions there or in any other ISA facility, which were also visited.⁵⁴

In October 2011, HaMoked filed a petition with the HCJ concerning detention conditions at the Petah Tikva facility.⁵⁵ In a response submitted in July 2012, the State Attorney's Office disputed the contention as to there being inappropriate conditions at the facility – and in any case, as the facility was undergoing renovation at the time, argued that the petition should be dismissed. In December 2014, almost two years after the original date set for the end of renovations, the state detailed the changes that the IPS had made to the facility by April 2013, at an overall cost of some nine million shekels.⁵⁶ These included

52 Articles 22(a)2 and 22(b)(1-3) of the Criminal Procedure Regulations.

53 "Report of Visit to ISA Detention Facility – Petah Tikva," letter of 21 June 2009 from Attorney Naama Feuchtwanger, of the Advice and Legislation Department (Criminal), State Attorney's Office, to the Attorney General. Provided to HaMoked. See *Kept in the Dark*, p. 9.

54 *Kept in the Dark*, pp. 20-21, 33-34.

55 HCJ 7984/11 - **HaMoked: Center for the Defence of the Individual v. Israel Prison Service**, Petition, 30 October 2011

56 HCJ 7984/11 - **HaMoked: Center for the Defence of the Individual v. Israel Prison Service**, Updating Notice on Behalf of the State, 3 December 2014.

replacing the ventilation system in the detention cells and the interrogation rooms, installing toilets and showers and laying new plumbing in the cells, replacing the electric wiring, and installing partitions between the toilets and the other parts of the cells. A comparison of the reports of visits to the facility by representatives of the Ministry of Justice reveals that most of the flaws noted in their September 2013 visit (detainees not having two mattresses, a bad odor and filth in the wing's shower, keeping detainees at the facility even after their interrogation ended) – were rectified by the July 2014 visit. The last visit report stated that the “the facility was clean, hygienic and run in a professional and appropriate manner”, adding that “each detainee is given two mattresses and as many warm blankets as he requests”.⁵⁷ Accordingly, the court dismissed the petition.⁵⁸ However, according to that same report, the cells are still small and crowded, with open toilets, and artificial lighting around the clock.

In September 2014, HaMoked wrote to the commander of Shikma Prison detailing the harsh conditions on the interrogation wing and calling for speedy renovation. No answer has been received to date.

Painful restraints

In the interrogation room, the detainee is subjected to pressure, threats, and at times even physical violence – all the while bound to a chair for lengthy periods, sometimes for days on end. The HCJ ruled that shackling a detainee is a legitimate means intended to protect the interrogator, but that it must be used in a way that does not cause pain or unnecessary degradation. Regarding binding in the *shabach* position that the HCJ prohibited, Justice Barak ruled that “[t]he cuffing associated with the “shabach” position, however, is unlike routine cuffing. The suspect is cuffed with his hands tied behind his back. [...] This is a distorted and unnatural position. The investigators’ safety does not require it. [...] The use of these methods is prohibited. As has been noted, ‘cuffing that causes pain is prohibited.’”⁵⁹

Barak added: “There is no inherent investigative need for seating the person being questioned on a chair so low and tilted forward that it causes him real pain and suffering. Clearly, the overall authority to conduct interrogations does not

⁵⁷ *Ibid.*

⁵⁸ HCJ 7984/11 - **HaMoked: Center for the Defence of the Individual v. Israel Prison Service**, Ruling, 29 December 2014, <http://elyon1.court.gov.il/files/11/840/079/h21/11079840.h21.pdf> (in Hebrew).

⁵⁹ HCJ 5100/94, Ruling, 6 September 1999, section 26.

authorize seating a suspect on a forward tilting chair, in a manner that applies pressure and causes pain to his back, all the more so when his hands are tied behind the chair, in the manner described. All these methods do not fall within the sphere of a 'fair' interrogation. They are not reasonable. They impinge upon the suspect's dignity, his bodily integrity and his basic rights in an excessive manner (or beyond what is necessary). They are not to be deemed as falling under the general power to conduct interrogations."⁶⁰

The ISA has chosen to ignore the principles laid out by the HCJ prohibiting painful binding that is not needed to protect the interrogators, doing no more than adjusting the position in which detainees are handcuffed, in a way that preserves the pain and suffering caused and helps break their spirit.

Based on the affidavits provided by some 150 individuals interrogated by the ISA, PCATI petitioned the HCJ in 2009, calling upon the state to refrain from binding detainees in positions that cause pain or suffering.⁶¹ In its response to the petition, the state firmly denied any permission to use binding as a means of interrogation and rejected PCATI's claim on that matter. The state added that the chain of cuffs binding the detainee to the chair would be lengthened, enabling the detainee to keep his hands by his body and move them while bound. The state also argued that a medical opinion had held that the binding being used did not cause neurological damage, and that "consideration is given in advance to the medical problems of detainees who cannot be bound in the regular fashion". The HCJ accepted these arguments and dismissed the petition, under the assumption that "it is ensured that [the handcuffs] are not used to exert pressure and do not cause pain, and that the detainees' sitting while bound does not damage their health".⁶²

The testimonies provided for the present report indicate that that the court's assumptions and the declarations made by the state before the court do not hold water: binding is still used as an interrogation method intended to pressure detainees, cause them pain – sometimes intense – and break their spirit. As such, it is unlawful.

60 *Ibid.*, section 27.

61 HCJ 5553/09, **Public Committee Against Torture in Israel v. the Prime Minister of Israel et al.**, Petition, 5 July 2009.

62 HCJ 5553/09, Ruling, 26 April 2010, <http://elyon1.court.gov.il/files/09/530/055/n05/09055530.n05.pdf> (in Hebrew).

Sleep deprivation

The HCJ has prohibited use of sleep deprivation as an interrogation method. It is permitted only in unusual circumstances, and only if it is the inevitable result of an urgent or prolonged interrogation. The judges emphasized that “if a detainee is intentionally deprived of sleep over time, for the sole purpose of wearing him down and breaking his spirit – this does not fall within the boundaries of a reasonable, fair investigation. This measure causes more harm than necessary to the rights and dignity of the detainee.”⁶³

It is impossible to ascertain here whether in all cases sleep deprivation was necessitated by an urgent interrogation, or whether it served as an illegitimate means of interrogation in its own right, meant to wear down the detainee. However, this question does not need to be answered in order to confirm that sleep deprivation causes detainees intense suffering, not to mention damage to their health, and as such constitutes abuse that in extreme cases amounts to torture.

C. The law not enforced upon interrogators

International law, which unequivocally prohibits abuse and torture, also obliges the state to “ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction.”⁶⁴ The United Nations Human Rights Committee emphasized that this includes the duty to open a criminal investigation.⁶⁵

Palestinian detainees who are subjected to physical or mental abuse during interrogation are effectively barred in most cases from filing a complaint until their interrogation is over, as they are denied the right to meet with an attorney and report the treatment they are receiving. A detainee’s right to meet and consult with a lawyer of his choice is recognized by both Israeli and international law as a fundamental right deriving from every individual’s basic right to freedom and due process. This right is also enshrined in the military law that applies in the West Bank.⁶⁶ The officials appointed with supervising

63 *Ibid.*, section 31.

64 Convention against Torture, Article 12.

65 Human Rights Committee, **Mohammed Alzery v. Sweden**, Communication No. 1416/2005, U.N. Doc. CCPR/C/88/D/1416/2005, November 2006.

66 Order regarding Security Directives (Judea and Samaria) (No. 378), Article 78(b).

ISA interrogations are authorized to restrict this right in exceptional cases, for reasons such as “the best interests of the interrogation” and/or “regional security”. However, over the years, human rights organizations have documented how this right is systematically denied to Palestinian detainees interrogated by the ISA. For example, a joint report by PCATI and Nadi al-Asir (the Palestinian Prisoner’s Club) estimated that the ISA denied the right to meet with a lawyer to 70%-90% of Palestinians interrogated from 2000 to 2009.⁶⁷ Research for the present report found that two-thirds of the detainees at the Shikma facility were denied the right to meet with a lawyer during all or part of the time they were held for interrogation.

Detainees also have the right to complain of abuse or torture to the judge, when brought for extension of remand in custody. However, as noted above, detainees described the process of remand as very brief – proceedings in which they have no legal counsel, or are given no opportunity to consult with the lawyer representing them. Most detainees do not know that they can address the judge themselves, or fear retribution if they tell him of their experiences at the hands of interrogators.

Moreover, follow-ups over the years by human rights organizations have found that even when Palestinians do complain of abuse or torture by interrogators, the law is not enforced in Israel against interrogators who abuse or torture Palestinian detainees.

The ISA Interrogatee Complaints Comptroller (known by the Hebrew acronym Mavtan), established in 1992, was originally headed by an ISA official. Following criticism of the department’s conduct by human rights organizations and the State Attorney’s Office, it was transferred in 2014 to the Ministry of Justice. The department inspectors carry out preliminary examinations of detainee complaints concerning violation of their rights in ISA interrogations, and then make a recommendation as to closing the case, changing regulations, or taking legal measures – including launching a criminal investigation. These recommendations are passed on to the Attorney General, who is authorized to make the final decision or delegate it to his Deputy for Special Affairs.⁶⁸

67 PCATI and Nadi al-Asir, *When the Exception Becomes the Rule: Incommunicado Detention of Palestinian Security Detainees*, October 2010, p. 25. <http://www.stoptorture.org.il/files/When%20the%20Exception%20Becomes%20the%20Rule.pdf>

68 Letter from Michal Tene, Head of the Public Inquiries Unit and Freedom of Information Act at the Ministry of Justice, to Adv. Daniel Shenhar of HaMoked, dated 12 November 2014.

From 2001 to the beginning of 2015, the Mavtan received and examined some 950 complaints by Palestinian detainees concerning torture and abuse. In none of the cases was a decision made to launch an investigation.⁶⁹ According to the Second Turkel Commission report, “the Mavtan and the Mavtan’s Supervisor have never recommended that a criminal investigation be initiated on the basis of a complaint, and the Attorney-General has never instructed that such a criminal investigation be opened”. At most, disciplinary measures were taken against the interrogators.⁷⁰ The lack of law enforcement makes the victims hesitate all the more about filing complaints, given their basic mistrust of a system that has harmed them and their fear of further contact with it. We do not know whether complaints to the Mavtan have resulted in any recommendation to change procedures or in an actual change in procedures on the ground.

Since February 2014, the Mavtan has operated under the auspices of the Ministry of Justice. When Jana Modgavrishvili was appointed to head the Mavtan, she was transferred many files of complaints submitted to the Mavtan and not handled over the years. In late 2014, the state notified the HCJ that the Mavtan had finished examining “a substantial portion” of the complaints filed prior to 2014 and had made its recommendations to the State Attorney’s Office. The state estimated that examination of the remaining complaints would be concluded in the first six months of 2015. The state noted that the number of complaints filed with the Mavtan had nearly doubled from 2012 to 2013, and nearly doubled again from 2013 to 2014.⁷¹ As part of the present research, 13 complaints were filed with the Mavtan – now under the auspices of the Ministry of Justice – from October 2013 to September 2014. By May 2015, no information was provided concerning progress in the investigation, with the exception of four complaints that were dismissed due to lack of cooperation by the complainant.

69 Figures provided to Noga Kadman of B’Tselem by PCATI, 29 April 2015.

70 Second Turkel Commission Report, p. 414. <http://www.turkel-committee.gov.il/files/newDoc3/The%20Turkel%20Report%20for%20website.pdf>

71 HCJ 2268/13, **Anonymous et al. v Attorney General et al.**, Additional Updating Notice by the State, 31 December 2014.

Conclusions

In 1999 Israel's HCJ prohibited the use of torture, abuse, or degradation by the ISA. In the sixteen years since that ruling, thousands of Palestinians have been interrogated, many by the very methods prohibited. This report reviews the situation in one particular interrogation facility during a delimited time period. It shows that the ISA's system of violent interrogation persists – backed by state authorities ranging from the HCJ to the State Attorney's Office, the military, and the IPS. Affidavit after affidavit, testimony after testimony, all paint an extremely grim picture of what happens en route to and at the interrogation wing in the Shikma facility. Time and again, the detainees interviewed described unlawful conduct by the authorities. The descriptions bear a striking resemblance to accounts previously provided by detainees held at other interrogation facilities. Taken together, it would seem that this conduct constitutes official interrogation policy. Systematically implemented, the policy includes violence and degradation during arrest and interrogation; inhuman detention conditions that force detainees to endure crowding and filth; isolation of detainees, subjecting them to extreme sensory, motor, and social deprivation; provision of scant and substandard food; exposure to extremes of heat and cold; prolonged binding to a chair during interrogation, sometimes in exceedingly painful positions; extensive sleep deprivation; threats, swearing, shouting and mocking – and in some cases even direct violence by interrogators.

Each and every one of these measures is cruel, inhuman and degrading, an effect that is compounded when used in combination or for long stretches of time. In some cases, the use of these measures amounts to torture – in contravention of international law and in violation of HCJ rulings and Israeli law.

In addition to directly employing cruel, inhuman and degrading means, Israeli interrogation authorities indirectly participate in torture by knowingly using information obtained by Palestinian Authority interrogators through use of torture – usually severe – against the self-same detainees.

The interrogation system that relies on these methods, both in overt interrogation and in the conditions in which detainees are held, was shaped by the state and is not the result of the initiative of any particular interrogator or prison guard. These actions are not carried out by so-called “rotten apples”, nor are they

exceptions who must be brought to justice. Cruel, inhuman and degrading treatment of Palestinian detainees is inherent to the ISA's interrogation policy, which is dictated from above, not set by interrogators in the field.

While the system is run by the ISA, it is partnered by many authorities who collaborate to facilitate it: The IPS creates prison conditions to suit the interrogation plan designed to break a detainee's spirit; IPS medical and mental health professionals greenlight the interrogation of Palestinians who arrive at the facility – including in cases of poor health – and even hand detainees back to the interrogators after treating them for physical and mental injuries sustained in interrogation; soldiers and police officers abuse detainees while transporting them to the ISA, with their commanders turning a blind eye and the MAG Corps and State Attorney's Office not bringing them to justice or holding them fully accountable; military judges almost automatically sign off on motions for remand in custody and effectively sanction the continued abuse and inhuman conditions; the State Attorney's Office and the Attorney General have thus far provided ISA interrogators with full immunity; and HCJ judges systematically reject petitions seeking to overturn the denial of detainees' rights to meet with legal counsel. They are all party, in one form or another, to various aspects of the cruel, inhuman, degrading and abusive treatment to which Palestinian detainees are subjected at the Shikma facility and elsewhere. The senior Israeli officials who enable the existence of this abusive interrogation regime bear responsibility for the severe violations of interrogatees' human rights and for inflicting mental and physical harm on these individuals.

We end this report with a reiterated demand for what ought to be a given: Israel must immediately cease the use of cruel, inhuman and degrading treatment, as well as the abuse and torture of detainees, both in overt interrogation and through the conditions of incarceration. Moreover, Israel must abide by the prohibition on torture and abuse also in its cooperation on security matters with the Palestinian Authority.

Response by the Ministry of Justice



State of Israel
Ministry of Justice

The Counseling And Legislation Department (International Law)

Date: 29 Tevet, 5776

11 January, 2016

Ref. No.: 6052

To:

Adv. Yael Stein

Research Department Director

"B'Tselem" Organization

8 HaTa'asiya Street, Talpiot

Jerusalem

Greetings,

RE: Response to the Draft Report of the "B'tselem" and "Center for the Defense of the Individual" ("Hamoked") Organizations Regarding the Detention and Interrogation Conditions at the Shikma Interrogations Facility

Your request concerning the abovementioned draft report has been received in our office and following is our response:

Methodology

1. It appears that the report has been written in a tendentious manner and on the basis of a non-statistical sampling that *prima facie* appears to have been selected so as to distort the existing reality of the treatment at the detention facility, including with regard to the various proceedings concerning the detention and interrogation procedures.

2. The publication of a report containing a description of only several isolated incidents which include identifying details and without enabling the relevant authorities to examine the majority of the incidents and the data raised therein, denies them the possibility of a pertinent examination of the claims raised in the draft report.
3. It should be noted that this report is due to be published at the same time as a petition dealing with the claims raised in the draft report **is pending before the High Court of Justice**, a petition that was filed by one of the two organizations who compiled the report in reference – "HaMoked" (High Court of Justice 6392/15). This being the case, it would have been better to have waited for the State's response and its detailed reference to the various claims made in the petition, as well as the examination of the issues raised in the petition by the Court itself, prior to the publication of this report.
4. Over and above what is required, we would like to clarify the following matters in relation to the claims against the Israeli Security Agency (hereinafter: "ISA"), the Department for Examination of Complaints against the ISA Interrogators and the Israel Prisons Service (hereinafter: "the IPS"):

The Israeli Security Agency:

- The ISA operates in accordance to the law in order to realize its objectives. ISA interrogations are conducted within the confines of the law and with the aim of preemptively foiling and preventing illegal activities aimed at harming State security, its democratic regimes or its institutions.
- During their interrogation, ISA Interrogatees receive the full extent of rights they are entitled to under Israeli law and the international conventions to which the State of Israel is a party.
- The ISA and its employees are subject to both internal and external supervision and review that is both ongoing and persistent, including by the State Comptroller, the State Attorney's Office, the Attorney General, the Israeli Knesset and the Courts at all their instances.

The Department for Examination of Complaints against the ISA Interrogators:

- The Director of the Department for examination of Complaints against the ISA Interrogators in the Ministry of Justice operates in a completely autonomous and independent manner in her examinations of the complaints filed with her regarding

ill-treatment during an interrogation. It should be emphasized that every person is entitled, in appropriate cases, to make claims with regard to the admissibility of his/her admissions before the various judicial instances, including the Supreme Court.

The Israel Prisons Service:

- The conditions prevailing in the Shikma detention facility do not resemble those described in the report and they comply with the statutory requirements entrenched in legislation, the Prisons Commission Ordinances and procedures concerning holding of detainees. It should further be emphasized, that the physical conditions at the interrogations facilities are not designed to facilitate the ISA interrogation practices.
 - The ISA detention facilities are under constant and continuous inspection of several internal and external reviewing bodies that oversee these detention facilities and the IPS is continually operating to improve these facilities.
5. In conclusion, it should be noted that we can only again regret that the organizations that drafted this report chose to publish it before the Courts' decision on the petition filed by one of them and that is presently pending before the High Court of Justice.

Yours sincerely,


Assaf Radzyner, Adv.

C.c. Adv. Hila Tene-Gilad



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