



## „On Torture“ in Israel

Torture allegations against the treatment of Palestinians detainees in Israeli prisons make headlines again. Few days after his arrest, Arafat Jaradat died in Israeli custody. On February 27, the United Nations Special Rapporteur for human rights in the Occupied Palestinian Territories, Richard Falk, called for an international investigation on the death of Palestinian prisoner Jaradat while undergoing interrogation in an Israeli facility. Falk stressed that “the death of a prisoner during interrogation is always a cause for concern, but in this case, when Israel has shown a pattern and practice of prisoner abuse, the need for outside, credible investigation is more urgent than ever. The best approach might be the creation of an international forensic team under the auspices of the UN Human Rights Council.”

Torture in Israel has a long tradition, dating back to the “Haifa Trails” in 1972. The Western media outlets have only reported sporadically about this wide spread phenomenon. The tortures are usually Shin Bet agents (Shin Bet=General Security Service GSS) who run special interrogation sections in some Israeli prisons. In June 1993, I attended the first conference on torture in Tel Aviv that was organized by “Physicians for Human Rights (PHR)” and the “Public Committee against Torture in Israel (PCATI)”. Neve Gordon, then general secretary of PHR and currently professor for Political Science at Ben-Gurion University in Beer-Sheva, declared at the final press conference that 25 to 30 per cent of the detainees were mistreated during interrogation. Stanley Cohen, then professor at Hebrew University, said that a “society that tolerates such practices, requires self-immunization. Although torture has become routine, the public is not informed, and they do not even want to know.”<sup>1</sup> The publication of the report “On Torture”<sup>2</sup> shows that Cohen’s statement 20 years ago still holds true.

In April 2011, Adalah – The Legal Center for Arab Minority Rights in Israel, Physicians for Human Rights (PHR-Israel) and Al Mezan Center for Human Rights in Gaza held a two day international expert workshop in Jerusalem on the subject of “Securing Accountability for Torture and Cruel, Inhuman or Degrading Treatment or Punishment (CIDT) in Israel: New Trends and Comparative Lessons”. Israelis, Palestinians and international experts discussed strategies whether the existing domestic mechanisms of torture and ill-treatment prevention were sufficient and whether the perpetrators could be held accountable. This volume presents the results of this conference. Torture and ill-treatment inflicted by the Fatah- and Hamas-led governments were out of the scope of the joint work of these organizations and did in no way intend to undermine the gravity of such acts or suffering of the victims. There are several Palestinian human rights organizations in the Occupied Palestinian Territories (OPT) that fight these violations.

In the first part of this report, Lea Tsemel, a leading human rights lawyer, gives a rundown on the history of torture in Israel. The two main bodies that carry out the torture are the GSS, which continues to do so up till now, and the Military Intelligence. The last one was involved in the interrogation of detainees who

<sup>1</sup> <http://www.watzal.com/Buerokratenfolter.pdf>; [http://www.watzal.com/Moderate\\_Gewalt.pdf](http://www.watzal.com/Moderate_Gewalt.pdf)

<sup>2</sup> [http://adalah.org/Public/files/English/Publications/On%20Torture%20\(English\).pdf](http://adalah.org/Public/files/English/Publications/On%20Torture%20(English).pdf)

had been kidnapped from abroad or had infiltrated the country. The vast majority of the interrogations of thousands of Palestinians took place in the GSS centers. According to Tsemel, the Israeli public was first exposed to the torture practices in 1977, after the New York Times published an article containing testimonies by tortured young and old Palestinians. After the Nafso case in 1980 and the Bus 300 affair in 1984, the Israeli government established the Landau Commission, named after a former High Court Judge David Landau. It came up with a list of permitted and non-permitted methods of torture. The permitted methods had to be disclosed. Despite these recommendations, torture continued unabated till 1999, when the Israeli High Court issued its verdict that torture was practiced, and was illegal. It also stated that torture could be permitted in situations of “necessity”.

According to Lea Tsemel, since then something shrewder happened. In the “Palestinian theater”, like the author calls it, the Palestinian detainees are tortured by Palestinian collaborators. These Palestinian “friends” are known as “birds” (Asafeer). Their conversations are recorded and later taken to the GSS agents. Later the detainee is confronted with this “evidence”. These “friends” have an advantage over the GSS interrogators, they remain secret.

Torture permission is required in cases of the “ticking bomb” doctrine of “necessity”, as envisaged by the High Court, writes Lea Tsemel. In so-called “military investigations” the definition has been broadened to justify torture of a person who merely “knows someone who may know something” about an upcoming danger. No permission is needed in cases that are not regarded as “direct” torture, like shouting, threats against the detainee and his or her family, and, above all, spitting at their faces. Another mechanism is the lie detector machine and the total isolation of the suspect. In this imaginary world people are totally lost.

The founding member of PHR in Israel, Ruchama Marton, spoke on the involvement of Israeli physicians in the torture and ill-treatment of detainees. She mentioned that medical personnel involved in such unethical behavior are not exclusive to the Israeli-Palestinian conflict, but rather a worldwide phenomenon. According to her opinion, the medical system functions as an agent of social oversight, regulation and control. “The Israeli Prison Service physicians provide medical authorization for the solitary confinement and isolation of prisoners.” Psychiatrists have brought about the continued incarceration of detainees in solitary confinement, causing unequivocal and sometimes irreversible harm to their health, writes the author. Instead of healing, they cause harm.

In his keynote speech, Manfred Nowak, Professor of International Law and Human Rights at the University of Vienna, and a former UN Special Rapporteur on Torture, gave an overview of the progress and the setbacks during his tenure. There is an urgent need “for hard international law to protect and promote the rights of detainees”. In Nowak’s opinion, the “most important preventive means are visits to places of detention”. And the international monitoring has to be strengthened. Nowak mentions the negative example the Bush administration gave by using torture in their detention facilities. Other nations asked: Why can’t we do the same? Unfortunately, the British already used torture against IRA suspects in the 1970s. With their “ticking bomb” scenario, the U. S. and their torture supporters have been trying “to make torture socially acceptable”, writes Nowak.

In the second part, a series of documents are presented that are based on work conducted over the course of the three-year by a joint project of Adalah, PHR-Israel and Al Mezan. The report ends with a

review by Professor Lisa Hajjar of the University of California – Santa Barbara of a new book on Palestinian political prisoners, entitled, “Threat Palestinian Political Prisoners in Israel”, by Attorney Abeer Baker and Anat Matar of Tel Aviv University.

According to the Israeli human rights organization B’Tselem, more than 700 Palestinian detainees have filed complaints against Shin Bet agents for mistreatment during interrogation over the last decade; however, not a single one has resulted in a criminal investigation being opened. In violation of the Fourth Geneva Convention, the Israeli government transfers prisoners, including children, for interrogation and detention to prisons outside of the Occupied Palestinian Territories into Israel. Currently, there are 159 administrative detainees held without charge or trial in Israel prisons; almost 4 600 Palestinians prisoners are in Israeli custody. B’Tselem has reported that while incidents of physical abuse have decreased in recent years, they have not ended.

As a belligerent occupier, Israel has special responsibilities under international humanitarian law to deal humanely with all Palestinians including those held in detention. The international community has a similar responsibility to ensure that these international laws are carried out and respected. Why shouldn’t these legal standards apply to Israel?

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First published here<sup>3</sup>, here<sup>4</sup>, here<sup>5</sup> and here<sup>6</sup>.

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<sup>3</sup> [http://www.international.to/index.php?option=com\\_content&view=article&id=7781:on-torture-in-israel&catid=47:reporters&Itemid=76](http://www.international.to/index.php?option=com_content&view=article&id=7781:on-torture-in-israel&catid=47:reporters&Itemid=76)

<sup>4</sup> <http://mwcnews.net/focus/editorial/25183-on-torture-in-israel.html>

<sup>5</sup> <http://www.eurasiareview.com/03032013-on-torture-in-israel-oped/>

<sup>6</sup> <http://dissidentvoice.org/2013/03/on-torture-in-israel/>