



THE TORTURE AND ILL TREATMENT OF PALESTINIAN DETAINEES

The term 'torture' means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him/ her or a third person information or a confession, punishing him for an act s/he or a third person has committed or is suspected or having committed, or intimidating or coercing him /her or a third person, 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 of acquiescence of a public official or other person acting in an official capacity. '[1]

- All Palestinian prisoners have experienced at least one form of torture. According to the Israeli Human Rights organisation B'tselem, statistics show that more than 85% of Palestinian detainees are subjected to torture.

Torture

On 6th September 1999, the Israeli High Court of Justice ruled to ban the use of torture during interrogation. A seemingly considerable victory for human rights defenders proved later through practice not to be applicable to Palestinian "security prisoners". Indeed, the ruling failed to explicitly forbid the use of torture but rather allowed that interrogation methods such as "moderate physical pressure" – widely deemed as torture – may be used in the "necessity of defence" and in situations where a detainee is considered a 'ticking bomb'. In some instances, detainees have died while in custody as a result of torture. Confessions extracted through such practices are admissible in court and / or military tribunal. [2]

In practice, Palestinian detainees are subjected to three different types of torture:

Routine: sleep deprivation, hands tied with plastic cuffs, squeezing of plastic cuffs to cut off circulation, beatings, slaps, kicks, physical and psychological threats and humiliation;

Special methods (used in 'ticking bomb' cases): Shabeh (position abuse), in which detainees are shackled to a chair in painful positions, pressure on different parts of the body, strongly shaking the detainee after being shackled for a long period of time, strangulation and other means of suffocation, pulling of hair, multiple humiliations;

Inside cells: sleep deprivation, exposure to extreme temperatures, prolonged and continuous exposure to artificial light, solitary confinement, tear gas thrown inside cells, inhumane detention conditions.

- As Israel can legally hold detainees incommunicado for up to two months, Israeli Security Agency (ISA) interrogators are able to use methods of torture with impunity. If a complaint is filed, investigations are confidential and led by an ISA agent under the authority of the State Attorney. **No agent has been charged since the responsibility for investigations was transferred to the Ministry of Justice in 1994.**

Interrogation

- Under Israeli military regulations a Palestinian can be detained for up to 8 days without the Israeli military informing the detainee for the reason for his / her arrest and without being brought before a judge. Between April and June 2002, this period of time was increased by Israeli military order 1500 to 18 days. Following or during the 8 days of detention, a detainee is sent to an interrogation centre, charged with an offence, given an administrative detention order, or released.
- According to martial law, security authorities may prohibit a detainee from meeting with a lawyer for up to 90 days. This prohibition may also apply to meeting with the International committee of the Red Cross (ICRC) representatives, who are authorised by international agreements to visit Palestinian detainees who are under interrogation. Thus, the Palestinian detainee can be completely disconnected from the outside world for a prolonged period of time.

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

- Excessive use of blindfolds and handcuffs;
- Slapping and kicking;
- Sleep deprivation and solitary confinement;
- Denial of food and water for extended periods of time;
- Denial of access to toilets and denial of access to showers or change of clothes for days or weeks;
- Exposure to extreme cold or heat;
- Position abuse, yelling and exposure to loud noises
- Arresting family members or alleging that family members have been arrested – as a means of pressure
- Exposure to bright light
- Insults and humiliation (mostly used towards women)
- Numerous types of threats: threats of house demolitions, threats of sexual abuse (especially towards female prisoners), threats of arrest of other family members, threats of placing one in a collaborator ' s cell.

Secret detention “Facility 1391”

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

Disciplinary Penalties Taken Against Palestinian Detainees

The Israeli Prison Service (IPS) imposes harsh penalties on prisoners in response to strikes, protests or disobedience such as prisoner's failure to show up for morning or evening count or refusal to allow searches. Punishments include:

- Preventing detainees from buying goods from the canteen and from receiving financial allowance for a period of six months;
- Imposing solitary confinement for long periods as a disciplinary penalty;
- Imposing collective punishment as a punishment for an individual violation that a detainee may commit;
- Confiscating personal belongings, including electronic devices;
- Preventing detainees from pursuing their education – if enrolled at the Open University of Israel;
- Depriving prisoners from their recreation time;
- Cutting off water and electricity;
- Freezing detainees' special canteen accounts;
- Breaking into rooms and opening fire in the air;
- Conducting late night searches;
- Preventing sick detainees from taking medicines;
- Imposing fines on detainees;
- Preventing detainees from performing the Friday prayer in a group;
- Denying family visits for long periods.

In one incident which occurred on 22nd October 2007 in the Negev prison (Ketzioth), an armed guard unit stormed the prisoner's section causing the death of detainee Mohammad Al-Ashqar and the injury of 300 detainees with various degrees. The armed forces used bullets, pepper, gas bombs and clubs.

Solitary confinement

- Considered by human rights organisations as a form of cruel punishment, solitary confinement is a common practice during interrogation, typically employed immediately following arrest and used as a method of coercing prisoners into confessions. It is also the most common practice used to punish prisoners is typically applied for a 7 day period, but can be prolonged to a maximum of 14 days. The IPS uses it as a disciplinary response to 41 different disciplinary offences.
- Prisoners placed in solitary confinement suffer from harsh conditions and are completely cut off from the outside world. Their cells are only equipped with a mattress and blankets which are often reportedly dirty and / or do not provide sufficient protection from the cold. TV sets, books and newspapers are not allowed. Bathrooms are usually located outside.

References

[1] Addameer Prisoner's Support and Human Rights Association Report: 'Violations against Palestinian Detainees 2007'. December 2008.

[2] Convention against Torture and other Cruel, Inhuman or Degrading Treatment or punishment (1984). Article 1