

Torturing Palestinian Detainees

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B'Tselem is the conservative Israeli Information Center for Human Rights in the Occupied Territories with a well-deserved reputation for accuracy. A group of prominent academics, attorneys, journalists and Knesset members founded the organization in 1989 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” to convince government officials to respect human rights and comply with international law.

Its work covers a wide range of human rights issues that include detentions and torture. In May, 2007, it prepared a detailed 100 page report titled “Absolute Prohibition: The Torture and Ill-treatment of Palestinian Detainees” that’s now available in print for those who request it. This article summarizes its findings that represent a joint effort by B’Tselem and HaMoked: Center for the Defense of the Individual that was founded in 1988 to support Palestinian rights during the first intifada in the late 1980s.

Since the early 1990s, B’Tselem published more than ten reports on Israelis’ use of torture and mistreatment of Palestinian detainees. This is the latest one in an effort to raise public awareness and help abolish these abhorrent practices. The findings are based on testimonies solicited from a small “unrepresentative” sample of 73 Palestinian West Bank residents who were arrested between July, 2005 and January, 2006, agreed to tell their stories, and who met predetermined criteria for the study.

They were chosen from the names of 4460 Palestinian detainees whose relatives contacted HaMoked for help to locate their whereabouts. HaMoked provides this service because Israel violates international law and its own military regulations by denying family members any information about who was detained or where they’re being held. From its many years investigating Israeli torture, B’Tselem believes the information in this report accurately reflects the types and extent of Israeli abusive practices.

Torture, abuse or degrading treatment are abhorrent in any form for any reason, and long-standing international law forbids these practices under all circumstances. The four 1949 Geneva Conventions banned any form of “physical or mental coercion” and affirmed sick, wounded, war prisoners and civilians must be treated humanely. All four conventions have a common thread called Common Article Three that requires all non-combatants to be treated humanely at all times. There are no exceptions for any reasons, and violations are grave breaches of Geneva and other international law that constitute crimes of war and against humanity.

Nonetheless, the 1987 Landau Commission (headed by retired Israeli Supreme Court Chief Justice Moshe Landau) cited the “necessary defense” provision in the Penal Law to

recommend using “psychological and moderate physical pressure,” to obtain evidence for convictions in criminal proceedings. Its justification was that coercive interrogation tactics were necessary against “hostile terrorist activity” it defined to include not just threats or acts of violence but all activities related to Palestinian nationalism.

Later in September, 1999, Israel’s High Court of Justice (HCJ) responded to the Public Committee Against Torture in Israel’s petition (PCATI) and issued a landmark decision (reversing Landau recommendations) and barred the use of torture against detainees. It was, however, a hollow gesture as at the same time it ruled pressure and a measure of discomfort were legitimate interrogation side-effects but should not be used to break a detainee’s spirit. It then added a giant loophole allowing interrogators to use physical force and avoid prosecutions in “ticking time bomb” cases even though international law allows no exceptions, and Israeli authorities could claim that excuse for anyone in custody.

Since its occupation of Gaza and the West Bank (the OPT) in 1967, Israel imprisoned over 650,000 Palestinians according to the Palestinian peace and justice group MIFTA. That’s equivalent to about one-sixth of the OPT’s population today. The security services currently hold around ten to twelve thousand Palestinian men, women and children in its prisons under deplorable conditions with many under administrative detention without charge. Based on earlier assessments by Hamoked, B’Tselem estimates as many as 85% of them are subjected to torture and mistreatment in custody even though most of them aren’t accused of terrorism. These practices are routinely and systematically used against political activists, students accused of being pro-Islam, sheikhs and religious leaders, people in Islamic charitable organizations, relatives of wanted individuals or any man, woman or child Israel targets for any reason.

B’Tselem’s May, 2007 report states that the Israeli Security Agency (ISA – formerly called the General Security Service or GSS) admits to using “exceptional” methods that include “physical pressure” of interrogation in “ticking bomb” cases that can be used as an excuse to abuse anyone. In addition, law enforcement officials openly admit harsh measures are approved retroactively so that Palestinian detainee rights can be freely violated without fear of recrimination. In other words, ISA interrogators know the rules – don’t ask permission, use any methods you wish, and don’t worry about the consequences after the fact. There won’t be any, and it shows in what detainees told B’Tselem.

They reported being “softened up” for interrogation from the moment of their arrest to when ISA agents took over. Abuses at the outset included beatings, painful binding, swearing, humiliation and denial of basic needs. The ISA procedure then included seven key forms of abuse that violated the detainees’ dignity and bodily integrity. They were inflicted to break their spirit, but international law calls it torture when it includes verified intent, severe pain or suffering, improper motive, and involvement of the state. All those conditions apply to Israeli abusive practices that included:

- isolation that prohibited detainees from contact with family, an attorney or ICRC representatives; this exacerbated detainees’ sense of powerlessness by creating a situation in which they’re completely at the mercy of interrogators; it’s also known to cause them serious psychological harm when continued for extended periods;
- psychological pressure from solitary confinement in “putrid, stifling cells three to six square meters in size” with no windows or access to daylight and fresh air; a fixed overhead

light on 24 hours a day; walls made of rough plaster making them uncomfortable or impossible to lean against; a water faucet on one wall and some cells with sinks; a usually dirty and damp mattress and “filthy putrid” blankets on the floor; nothing else in cells; reading and writing materials not allowed; in many cells, toilets were holes in the floor; detainees denied all human contact except for guards and interrogators.

— physical conditions in solitary confinement cells are regulated in Criminal Procedure Regulations issued by Israel’s Minister of Internal Security with the approval of the Knesset Constitution, Law and Justice Committee; they don’t apply to “security detainees,” however, so cells have no bed, chairs and most often no sink; nothing else provided including use of a telephone and right to have visitors provide items; cells were too small to walk around in, and no daily outside exercise was allowed;

— detainees weakened from lack of physical activity, sleep deprivation and inadequate food; they’re denied basic needs like food and liquids, medicines or the right to relieve themselves; throughout long hours of interrogation, they’re shackled to a chair unable to move hands or legs even minimally; they had nutritional deficiencies and food received was inadequate, cold, improperly cooked, flavorless and often repulsive in appearance; many detainees resisted eating as long as possible;

— shackling in the “shabah” position that’s the prolonged and painful binding of detainees’ hands and feet to a standard-sized unupholstered, metal frame, rigid plastic chair fixed to the floor with no armrests; hands tightly bound behind the back in adjustable plastic handcuffs and connected to a ring at the back of the seat to stretch them uncomfortably below the backrest; legs bound to the chair’s front legs; detainees were unable to get up throughout interrogation that on average lasted eight consecutive hours without a break and on the first day ran 12 hours; later in the interrogation period, sessions shortened to four or five hours;

— interrogations only for a small portion of this time; for most if it, interrogators were out of the room; at those times air conditioning turned up to uncomfortably cold levels; most often only one meal served during a day’s interrogation; very sparing toilet privileges allowed; nearly all detainees complained of severe back, neck, shoulder, arms and wrist pain during interrogation; numbness or loss of sensation in limbs also reported; the Israeli High Court of Justice (HCJ) ruled in 1999 that all “shabah” shackling procedures are unlawful since they violate rules for “reasonable and fair interrogation” and injure detainees’ dignity and well-being; ISA interrogators ignore the ruling with impunity;

— cursing and humiliating strip searches of detainees as well as shouting, spitting in the face and other related abusive practices; detainees forced to strip naked and submit to body searches while being yelled at and mocked;

— intimidations made to include threats of physical torture (called “military interrogation”), arrest of family members and destruction of homes;

— using informants (“asafirs”) to get information that’s not abusive as such but is a very questionable method following preparatory “softening up.”

B’Tselem then discussed “special” interrogation methods that mostly involve physical violence:

- sleep deprivation for 30 to 40 hours during which detainees left painfully shackled in interrogation rooms; guards frequently awakened detainees between midnight and 5AM; various type oppressive noises used at night to interfere with sleep;
- use of “dry” beatings that included punching, kicking all parts of the body, striking with rifle butts and face slapping; detainees hit with clubs, helmets and other objects; heads slammed against a wall, floor or hard surface; beatings inflicted when detainees’ hands were bound behind their back, and they were blindfolded; additional beatings during physical inspections with their hands cuffed;
- painful binding with handcuffs or other devices tight enough to cut off blood flow circulation and cause swelling;
- sharp twisting of the head forcefully and suddenly sideways or backwards;
- forced “frog” crouching on tiptoes with cuffed hands behind the back accompanied by shoving or beating until detainees lost their balance and fell forward or backward; this method inflicts pain by increasing pressure on leg muscles and also hurts wrists after falling;
- use of forced “banana” position that involves bending the back in a painful arch while the body is extended horizontally to the floor on a backless chair with arms and feet bound beneath it.

Prison killings also occur like the October 22 one at the notorious Ketziot Detention Center in the Negev desert where 2300 Palestinians are held under very harsh conditions. It happened at 2AM when prison guards began searching tents and strip-searching inmates in a deliberate middle of the night provocation. Prisoners resisted and about 550 members of the Israeli Prison Service (IPS) Metsada riot dispersal unit responded with excessive force by beating them with plastic clubs and rifle butts as well as firing rubber-coated bullets, live ammunition, tear gas and stun grenades that set tents ablaze and caused as many as 250 inmate injuries and at least nine serious ones. During the assault, Mohammed Al Ashqar was killed after being shot in the head.

The Palestinian Center for Human Rights (PCHR) maintains that prisoner abuse, repressive tactics and killing Palestinians is official Israeli policy that’s become even worse under current IPS director, Beni Kaniak. PCHR reports he instituted these punitive measures:

- reductions in food and cleaning materials rations;
- additional items prisoners forbidden to have;
- confiscated prisoners’ money and prevented none sent from families to reach them;
- widespread use of solitary confinement;
- periodic movement of prisoners to new facilities to prevent any sense of stability;
- repeated unannounced harsh late night raids like the October 22 one at Ketziot.

These tactics and Palestinian detainee torture and abuse are condoned “under the auspices of the Israeli law enforcement system.” B’Tselem reported since 2001, Israel’s State Attorney’s Office got over 500 complaints of these practices but investigated none of them.

Overall, instances of detainee mistreatment are rarely looked into and even fewer ever result in indictments. Further, despite its 1999 ruling, Israel's High Court of Justice (HCJ) aids ISA interrogations by refusing to accept even one of hundreds of petitions brought before it for redress. HCJ also lets ISA conceal information from detainees that abusive orders were issued against them or that legal petitions were filed on their behalf. It further allows evidence obtained under torture to be used in criminal proceedings.

B'Tselem and HaMoked are committed to ending Israel's use of torture against Palestinian detainees. They cite the example of the US Army's September, 2006 Field Manual for Human Intelligence Collector Operations as a proper guide to conducting interrogations even though authorized physical and psychological brutality became official administration policy under George Bush post-9/11. Nonetheless, this manual covers 18 interrogation methods experience showed work under varying situations and conditions. They range from establishing trust between interrogator and detainee to the use of ruses and psychological manipulation. In all cases, they don't involve torture or other unlawful practices.

It's one thing to have rules and laws and another to abide by them. The US under George Bush condones and practices "the harshest interrogation techniques ever used by the Central Intelligence Agency" according to once secret Department of Justice (DOJ) legal opinions. It's no different in Israel where the ISA systematically and routinely uses banned interrogation measures with impunity. B'Tselem and HaMoked want these practices ended and urge the Israeli government to halt them by enacting enforceable laws "strictly prohibiting torture and cruel, inhuman or degrading treatment" in accordance with international law.

They further recommend every complaint of abuse and torture be investigated by an independent body, persons found to have broken the law to be prosecuted, and that "every detainee receives minimum humane conditions."

Israel claims to be a civilized state. It's about time it acted like one.

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