

Torture

"Israel is the sole country in the world to have legalized the use of torture"

B'Tselem, The Israeli Information Center for Human Rights

Torture: The Facts

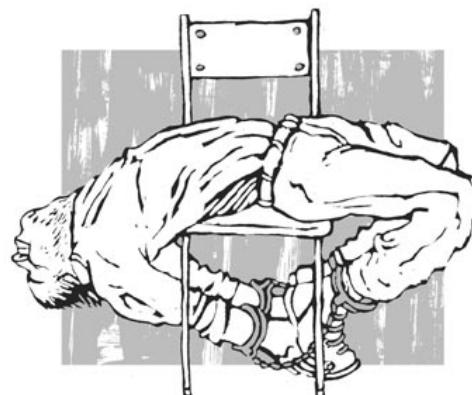
- Since the beginning of the Occupation in 1967, over 650,000 Palestinians have been arrested by Israel. Almost 95% of them have been subjected to some form of torture or cruel, inhuman and degrading treatment.
- Since 1967, over 105 documented torture techniques have been used by Israel. At least 66 Palestinians have been tortured to death.
- To date, no Israeli official has ever been charged and sentenced for torture-related crimes.
- Israel justifies torture by designating the Palestinian Territories as being under 'exceptional circumstances'. But this is a direct violation of the 1984 Convention Against Torture, ratified by Israel in 1991. Article 2(2) states that '*no exceptional circumstances whatsoever... may be invoked as a justification of torture*'.

• The right of every person not to be subjected to torture or cruel, inhuman or degrading treatment is one of the few human rights that are considered absolute. It is forbidden to balance this right against other rights and values, or suspend or restrict this right, under any circumstances.

Methods of Torture

- Detainees are frequently "softened up" before their interrogation starts. Any examination of torture therefore has to consider the cumulative impact of the conditions imposed on a detainee.
- The methods of unlawful treatment include:
 - Isolation, including prohibiting meetings with attorneys and relatives to exacerbate the sense of powerlessness;
 - Confinement in cells lacking daylight without any items to pass the time, to induce sensory deprivation;
 - Weakening of the body by preventing physical activity, sleep disturbance, and inadequate food supply;

- Cuffing in the 'shabah' position, i.e. painful binding of the prisoner's hands and feet to a chair;
- Intimidation, cursing and humiliation by threats, strip searches, shouting and spitting.
- Detainees are also subjected to direct physical violence, such as:
 - Dry beatings;
 - Tightening of handcuffs;
 - Violent shaking;
 - Sharp twisting of the head;
 - The 'frog' crouch (forcing the detainee to crouch on tiptoes for extended periods);
 - The 'banana' position (bending the back of the detainee in an arch whilst they are seated on a backless chair with their hands and feet bound).



In the 'banana position' a detainee's back is bent into an arch for extended periods of time.

Torture and Israeli Law

- In 1987, the Israeli government established a commission headed by former Supreme Court President Moshe Landau, to investigate methods of interrogation used by the General Security Services.
- The Landau Commission concluded that in cases in which obtaining information is necessary in order to save lives, the investigator is entitled to apply 'a moderate degree of physical pressure'. However, the guidelines of this accepted form of physical pressure - which per se contradicts article 2(2) of the Convention Against Torture - still remain undisclosed.
- In 1996, the United Nations Human Rights Committee (HRC) submitted its concluding observations to Israel's first report regarding the International Covenant on Civil and Political Rights. The UN HRC stated that '*... the methods of interrogation, which were described by non-governmental organizations... were neither confirmed nor denied by Israel. The committee must therefore assume them to be accurate*'.

- Under international law, statements resulting from torture cannot be invoked as evidence in any judicial proceedings. However, under Israeli law, information extracted from detainees by any means can be used freely in trials, except for confessions. In 1999, the Israeli Supreme Court stated that *'if it emerges that the means of pressure, whatever they were, did not actually influence the interrogatee... it should not be said that the confession was the result of the use of improper means'*.

The Pretext of 'Ticking Bombs'

- In 1999 the Israeli Supreme Court held that security officials do not have legal authority to use physical means of interrogation that are not 'reasonable and fair'. However, the Court stated that interrogators who used prohibited 'physical pressure' may avoid criminal responsibility if it is subsequently found that they acted 'in the proper circumstances'.
- By stating that the necessity defence 'likely arises' in the case of 'ticking bombs' even when the danger is not immediate, the Supreme Court failed to clearly identify these 'proper circumstances'.

- In this way, every Palestinian can be viewed as the 'clue' that leads to vital information that can prevent an attack in the near future.

Torture During the Two Intifadas

- During the First Intifada (1987-1993) Israeli security forces interrogated approximately 23,000 Palestinians. The Public Committee Against Torture in Israel estimates that almost all of them endured some form of torture.
- Methods frequently used against detainees included:

- Tying up detainees in painful positions for hours or days;
- Solitary confinement and confinement in tiny, cramped cubicles;
- Beatings;
- Covering the detainee's head with a sack;
- Violent shaking;
- Deprivation of sleep and food;
- Exposure to extreme cold or heat;
- Verbal and psychological abuse;
- Sexual abuse;
- Threats against the detainee's life or family members' lives;
- Lack of adequate clothing or hygiene.

- Since the outbreak of the Second Intifada in September 2000, viola-

tions have increased and become more systematic.

- Responsibility for investigating suspected offences committed by security forces rests with the Israeli State Attorney. Since 2000, the State Attorney's Office has received over 500 complaints. To date it has not ordered a single investigation related to torture.



13 year-old Mohammad Badwan was tied by the arm to an Israeli military jeep in Biddo in April 2004.

The Use of Human Shields is Torture

- During the 2002 massacre in Jenin refugee camp, residents were used as 'human shields' by Israeli soldiers. They were forced at gunpoint to lead the way into homes, opening doors which the soldiers thought might be booby-trapped.
- The use of human shields is a breach of article 16 of the Convention Against Torture.
- The Israeli Supreme Court forbade

this practice on 6 October 2005.

- Israeli soldiers have continued to use human shields. Palestinian children as young as 11 were used as human shields during an Israeli military invasion of Nablus in March 2007.

Torture and International Law

- The 1984 Convention Against Torture 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 information or a confession, punishing or intimidating or coercing him... when such pain or suffering is inflicted by a public official'*.

- Israel is the only state party to the Convention that prevents the Committee Against Torture from freely entering its prisons.

- Under international law Israel is obliged to launch investigations and prosecutions for all allegations of torture.

- If it fails to do so, all other states are authorized, and indeed obliged under the principle of universal jurisdiction, to arrest the suspected offenders when they are in their territory, and prosecute or extradite them.

- International law does not acknowledge any exceptions to the prohibition on torture.