

TORTURE IN ISRAEL

Situation Report

2022



Does torture exist in Israel? It definitely does.

Every year, the Public Committee Against Torture in Israel (PCATI) receives dozens of complaints alleging to physical and psychological torture used by ISA (Shabak) interrogators. Torture methods reported include painful shackling, sleep deprivation, exposure to extreme heat and cold, threats, sexual harassment, and religion-based humiliation. In addition, instances of cruel, inhuman or degrading treatment by the Israel Police and Israel Prison Service are regularly reported.

Is torture legal? No.

Torture and cruel, inhuman or degrading treatment are absolutely prohibited, both by international as well as Israeli law. However, Israel has yet to enact a law explicitly prohibiting torture, despite its previous commitments to do so.



1400 Complaints, 0 Indictments: How Come?

- * The Inspector of Interrogees Complaints (IIC), a unit in the Ministry of Justice, closes most of the complaints on the grounds that **“there is no evidential basis supporting the interrogee’s version.”**
- * Many years pass between the submission of a complaint and its examination. During this period witnesses may not remember details of the case, evidence can be lost or impacted, and suspects are able to devise their versions. Investigations that last an average of four years impair the possibility of clarifying the truth and cause a distortion of justice.
- * ISA interrogations are not documented; only a small proportion is recorded intermittently on CCTV cameras, and the footage is not saved. Accordingly, the investigation mainly consists of pitting the complainant’s version against that of the interrogators. The IIC always takes the interrogators’ side.
- * In those cases in which the interrogators don’t simply deny the complaint, **they claim that the incident took place “according to the ISA’s procedures”** and did not amount to torture. However, as noted, these procedures are confidential, and therefore it is impossible to examine whether their provisions are legal.
- * The IIC consistently **ignores expert opinions attached to complaints, which are prepared by physicians and mental health professionals** based on the Istanbul Protocol principles. These opinions could substantiate claims of grave physical and psychological suffering sustained by victims.

Here are 2 of the cases dismissed by the Ministry of Justice this year, without investigation:

48 hours of Interrogation without sleep

The case of Attorney Tarek Barghout

- East Jerusalem Attorney Tarek Barghout was arrested in February 2019 by the police and the ISA. While he was still under interrogation, he filed complaints of torture by his interrogators, including extreme sleep deprivation.
- In response, the ISA admitted that Barghout was interrogated 14 times for protracted periods, the shortest of which was 27 hours and 35 minutes and the longest 47 hours and 55 minutes, while shackled. This, allegedly after “all the relevant authorizations had been received... according to the procedures.” The complaint was dismissed.
- The ISA procedures for conducting interrogations have never been disclosed. It is therefore impossible to know whether these procedures are legitimate and whether the ISA observes the provisions they establish.
- **Sleep deprivation for 48 hours causes severe physical and psychological damage to the victims, and constitutes absolutely prohibited torture. The perpetrators of this crime must be held accountable, including the echelon that approved the use of torture in this instance.**



The V.I.P. Room Degradation and Sexual Violence in the Interrogation Room

- A., a young Palestinian woman, was arrested in 2020 and taken for interrogation by the ISA. Her interrogation lasted 43 days, including two weeks during which she was prevented from meeting with her legal counsel.
- On one of the interrogation days, while A. was suffering serious psychological distress and was exhausted due to protracted sleep deprivation, she was taken to a cell the interrogators called the “VIP room.” She was interrogated in complete darkness, unable to see the people who were questioning her. She could only guess where the people in the room were as they spat on her face, while screaming insults at her – “bitch, slut, scum” and other curses of a grossly sexual nature.
- Her complaint was dismissed on the grounds that “no support was found for most of the complainant’s allegations.” Regarding the use of degrading sexual slanders, the ISA argued that “these statements are legitimate,” are not considered unusual, and are used in accordance with the procedures.
- **Sexual degradation, threats and terrorizing victims by placing them in a completely darkened room, with the fear of the interrogator’s physical presence, all constitute inhuman, cruel and degrading treatment. The perpetrators of such acts must be held accountable.**



How Can We Stop Torture?

- Enact a law explicitly prohibiting torture in Israel.
- Ensure full documentation of ISA interrogations.
- Investigate claims of torture properly and promptly, prosecute suspects, and impose severe penalties on persons responsible for of torture and ill-treatment.
- Adopt the Istanbul Protocol officially as a standard for the credible and professional investigation of torture claims.

Support PCATI's work so that we can continue to combat torture in Israel

