

Disclaimer: The following is a non-binding translation of the original Hebrew document. It is provided by **HaMoked: Center for the Defence of the Individual** for information purposes only. The original Hebrew prevails in any case of discrepancy. While every effort has been made to ensure its accuracy, **HaMoked** is not liable for the proper and complete translation nor does it accept any liability for the use of, reliance on, or for any errors or misunderstandings that may derive from the English translation. **For queries about the translation please contact site@hamoked.org.il**

Date: July 22, 2015
In your response please note: 78563

To:
Advocate Yehuda Weinstein
Attorney General
Ministry of Justice
29 Salah a-Din Street
Jerusalem 91010

**By Registered Mail
and Fax: 02-6467001**

URGENT!

Dear Sir,

Re: **Prohibited Interrogation Measures used by ISA Interrogators**
Reference: our letter 78563 dated September April 20, 2015; Response 118/14/25 of Advocate Rachel Matar dated June 15, 2015

1. I hereby write to you on the above referenced matter, as follows.
2. On April 20, 2015, we wrote to you and described several inappropriate phenomena amounting to torture and/or inhuman and cruel treatment, which appear in many testimonies that were transferred to us by Palestinian ISA interrogees. The objective of our letter, the second one on this issue (after our first letter dated September 11, 2014, yielded no results), was to motivate the bodies which should supervise the conduct of the ISA and its interrogators, to check the entire system through and through to ascertain that inappropriate phenomena do not occur, and if indeed they do occur – to act quickly to uproot them. In addition, we expected that a change would be introduced to the interrogation procedures, to prevent the reoccurrence of severe phenomena in the future.
3. On June 23, 2015, the response of Advocate Rachel Matar, the person in charge of the ISA Interrogatee Complaints Comptroller (Mavtan) was received in our office. In her response Advocate Matar writes again that the system cannot examine the issues which were specified in our letter in view of the fact that no reference was made to specific cases. In addition, Advocate Matar responded to our argument according to which said position of the Ministry of Justice was problematic since it blocked the way before a comprehensive treatment of inappropriate phenomena which reoccur in ISA interrogations. According to Advocate Matar, if several complaints accumulate, in which a certain inappropriate phenomenon reoccurs, the matter is examined and handled. H CJ 3533/08 **Sweiti v. Israel Security Agency** (not reported, judgment dated September 9, 2009) was brought as an example.



4 Abu Obeidah St.
Jerusalem 97200
Tel. +972.2.6283555
Fax. +972.2.6276317

شارع أبو عبيده ٤
القدس ٩٧٢٠٠
هاتف. ٦٢٨٣٥٥٥. ٠٢.
فاكس. ٦٢٧٦٣١٧. ٠٢.

mail@hamoked.org.il
www.hamoked.org.il

4. It is hard to say that we are satisfied with Advocate Matar's response. HaMoked: Center for the Defence of the Individual (HaMoked) and other organizations complain again and again of inappropriate phenomena which reoccur in many of the interrogations according to testimonies of complainants. We cannot recall a recent case which was intervened with by Ministry of Justice officials and in which directions were given to punish ISA interrogators who went astray, or, at least, to change ISA procedures. In this regard, HCJ **Sweiti** which was brought above as an example only reinforces our arguments; this case concerns a change of procedures which was made only after the intervention of the Supreme Court, rather than at the initiative of the Ministry of Justice itself following complaints which were submitted to it.
5. To emphasize the fact that we do not make mere arguments, I would like to present to you the following disturbing data, which pertain to all four inappropriate phenomena which were described in our above referenced letter. HaMoked received, as of the summer of 2013, 116 testimonies of Palestinian detainees, who were interrogated by the ISA at Shikma interrogation facility, Ashkelon, from August 2013 through March 2014.
6. Out of said 116 testimonies, 39 interrogees testified that during the frontal interrogations they were seated on distorted interrogation chairs – 18 of them testified that of chairs smaller than usual, which caused severe joints and limbs pain; 14 of them testified of chairs the backrest of which is tilted backwards or forward; 9 testified of chairs with uneven legs, which caused a constant shaking from side to side; 6 testified of chairs with a fifth leg which created a constant feeling of shaking.
7. Out of the 116 testimonies, 37 testimonies described prolonged and painful shackling of interrogees who were shackled by their hands (which were tied behind their backs) as well as by their feet (which were tied backwards, in a manner which did not enable the interrogee to stretch his legs).
8. Out of 116 testimonies, 68 interrogees testified that they were threatened by the interrogators (threats of administrative detention, "military interrogation", detention of family members including impingement on their wellbeing, etc.). 62 interrogees testified that they suffered from shouts during the interrogation, out of whom, 50 testified of shouts which were directed straight into the ears, while 10 testified that two interrogators yelled into both of their ears contemporaneously. Out of 62 interrogees who testified that they were yelled at, 25 testified that the shouts were accompanied by spitting. Out of said 116 testimonies, 50 testified that the interrogators cursed and severely humiliated them by coarse and offensive expressions.
9. Out of 116 testimonies, 6 interrogees testified that they were shackled to bed for 24 or 48 hours, under the pretence of protection against "suicide threat". Said interrogees testified that this measure broke their spirit in the interrogation.
10. Obviously, not all 116 witnesses were willing to file an individual complaint with the officials in charge of this matter in the Ministry of Justice. Their concern that they would be harmed by the Israeli (and/or Palestinian) security forces is understandable. Notwithstanding the intrinsic concern, 13 dared to submit individual complaints to the Head of the Mavatan, through HaMoked.
11. For the moment, said complaints did not yield any results.

12. As a matter of policy, the investigative agencies do not examine complaints of complainants who are not willing to verbally testify before them (despite the fact that this demand is problematic as far as torture victims are concerned under the above described circumstances). Only the complaints of those who are willing to testify will be examined. Even from those which are eventually examined, we are not aware of any measure which was taken following information which came to the possession of the investigative agencies regarding the inappropriate means used in interrogations.
13. This means that despite the fact that we are concerned with inappropriate phenomena which reoccur in a very large number of interrogations, as attested to by the data in our possession, the Ministry of Justice does not examine these phenomena unless a specific complaint was submitted. When specific complaints are submitted, they are closed in large numbers, and with respect of those which are not closed we do not have any information whether any systemic measure is consequently taken.
14. Despite of Advocate Matar's denial, we are indeed concerned with a dead end. We therefore wish to bring the above to your attention and request your intervention in the matter so that a thorough and serious examination of the claims raised by us will be conducted.

Sincerely,

Daniel Shenhar, Advocate

Attachments:

CC:

Advocate Rachel Matar, the person in charge of the Mavtan, by fax: 02-6466230

Advocate Jana Modgavrishvili, Head of the Mavtan, by fax: 02-6467067