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At the Supreme Court
Sitting as the High Court of Justice

HCJ 6138/10

In the matter of:

HaMoked: Center for the Defence of the Individual

represented by counsel, Adv. Daniel Shenhar (Lic. No. 41065) and or Sigi Ben Ari (Lic. No. 37566) and/or Elad Cahana (Lic. No. 49009) and/or Ido Blum (Lic. No. 44538) and/or Hava Matras-Irton (Lic. No. 35174) and/or Leora Bechor (Lic. No. 50217) and/or Martin Kiel (Lic. No. 54087)
of HaMoked: Center for the Defence of the Individual,
founded by Dr. Lotte Salzberger
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The Petitioner

v.

Attorney General

represented by the State Attorney's Office
Ministry of Justice, Jerusalem

The Respondent

Petition for Order Nisi

A petition for an *order nisi* is hereby filed which is directed at the Respondent ordering him to appear and show cause as follows:

- A. Why he should not exercise his powers to examine the complaints forwarded to him by the Petitioner in an efficient and timely manner and why he should not present the detailed results of the examination to the petitioner. The complaints relate to the suspected use of torture and/or cruel and/or inhuman and/or degrading treatment by ISA interrogators.
- B. Why he should not formulate a protocol for examining complaints regarding suspected use of torture and/or cruel and/or inhuman and/or degrading treatment by ISA interrogators. Such protocol must include, *inter alia*, a procedural framework for the examination; defined functions and roles and a

reasonable timeframe. The protocol should specify to what information and reasoning [given for decisions] complainants may have access after the examination is concluded.

The reasons for the petition are as follows:

First, a reasonable investigation is necessarily one free of torture, free of cruel, inhuman treatment, and free of any degrading conduct whatsoever. There is a prohibition on the use of “brutal or inhuman means” in the course of an investigation... Human dignity also includes the dignity of the suspect being interrogated... This conclusion is in accord with international treaties, to which Israel is a signatory, which prohibit the use of torture, “cruel, inhuman treatment” and “degrading treatment.”... These prohibitions are “absolute.” There are no exceptions to them and there is no room for balancing. (The dicta of President Barak in H CJ 5100/94 Public Committee Against Torture in Israel v. Prime Minister of Israel, IsrSC 53(4) 817, §23 of the judgment of the President, hereinafter: **the torture case**).

1. As the above quote implies, this petition concerns the important issue of the flat ban on torture and cruel, inhuman or degrading treatment during suspect interrogations in Israel. More precisely, the petition concerns monitoring and supervision over Israeli law enforcement agencies with respect to interrogations – monitoring and supervision which are intended to prevent cases of torture and cruel, inhuman or degrading treatment.
2. HaMoked: Center for the Defence of the Individual (hereinafter: **HaMoked**), the Petitioner, represents a large number of prisoners and former prisoners who have complains, *inter alia*, about the treatment they received while under interrogation by interrogators of the Israel Security Agency (hereinafter: **ISA** [formerly referred to as the General Security Service (GSS) or shin beit]). As part of the assistance provided to these complainants, the Petitioner had contacted the Respondent in order to have him take the necessary action to uncover the truth regarding the complaints, and, if necessary, bring those responsible for illegal conduct during interrogations to justice, if such persons are located. However, over time, the Petitioner has realized that the Respondent’s treatment of the complaints forwarded to him was far from satisfactory. There is concern that this conduct has prevented any possibility of effective justice being done with respect to ISA officials who may have breached the absolute ban on torture and cruel, inhuman or degrading treatment during interrogation.
3. The complainants at issue were arrested by Israeli security forces in late 2008 and early 2009. They were all transferred to the Petah Tikva detention and interrogation facility, which is under the responsibility of the Israel Prison Service (hereinafter: **the IPS**). According to affidavits given to advocates working on behalf of the Petitioner, during their time in the facility, the complainants were subjected to inappropriate and humiliating treatment. As a result, in the summer of 2009, complaints were sent to various investigative agencies, including, as stated, the official whom the Respondent appointed to oversee these issues. This official is an employee of the State Attorney’s Office, and his title is “the Person in Charge of the Inspector of Complaints by ISA Interrogees” (the nature of this position will be detailed below).
4. The Person in Charge of the Inspector of Complaints by ISA Interrogees, who is subordinate to the Respondent, as are all other investigation and law enforcement agencies in Israel, received a total of 17 complaints about ISA interrogators from 17 complainants. Of these 17 complaints, **only four responses were received** prior to submission of this petition. In one, the Petitioner was notified that the case was closed since the complainant had retracted his complaint; another response also indicated that the complainant retracted his complaint, yet the Petitioner’s

examination uncovered that this was misinformation. The complainant had retracted a previous complaint, not the one submitted through the Petitioner. In view thereof, the Petitioner sent the Respondent a letter detailing the actual facts. A further response from the Respondent stated that the issue had been reexamined and the information that the complainant was not interested in pursuing the case had been verified. In another response, the Petitioner was notified that the Police Investigation Unit [hereinafter: **PIU**] launched an investigation as a result of the complaint. A fourth response stated that “the investigative materials did not substantiate the complaint and therefore the case was closed”.

5. Thus, of 17 complaints, **only one** led to an investigation by an independent agency. Considering the fact that two complaints were removed from the agenda and that one file was closed, **there are 13 pending complaints awaiting processing by the Respondent. An entire year after they were initially sent, the Petitioner still has no information about their fate.**
6. As detailed in the next section, the Petitioner has not stood idly by simply observing the authorities’ lack of action. The Petitioner has contacted the Respondent repeatedly, but to no avail. The complaints have remained unanswered and no information has been given with respect to the investigative measures that had been taken, if any, or by whom such measures were taken. The public interest that is at issue is of paramount importance – it is the interest that interrogees not be tortured or subjected to degrading, inhuman or cruel treatment. However, without substantive and effective investigative measures carried out in a timely and diligent manner, how is it possible to ensure that this strict prohibition is not breached? The Respondent has the answer. The Petitioner, on its part, has no choice but to seek relief from this Honorable Court in the hope that this would set the wheels of justice, which seem to have ground to a halt, into motion.

The Inspector of Complaints by ISA Interrogees and the person in charge of this official at the State Attorney’s Office

7. As stated, complaints of torture or cruel inhuman or degrading treatment during ISA interrogations which are submitted to the Respondent, are transferred to the Inspector of Complaints by ISA Interrogees [hereinafter: **the Inspector**]. The Inspector is on staff with the ISA, a member of the organization which he is charged with investigating. That is, complaints regarding the conduct of ISA personnel are investigated by ISA personnel. The Inspector’s examination report and recommendations are transferred to the Person in Charge of the Inspector at the State Attorney’s Office, who is appointed by the Respondent. The Person in Charge of the Inspector is charged with reviewing and approving the examination.
8. The Inspector position was introduced in 1992 and is staffed, as stated, by a member of the ISA. The process which led to the establishment of the Inspector position began with the incident known as the Bus 300 Affair in 1984, in which ISA agents murdered the hijackers of a bus. There is no need to elaborate on this affair here, but suffice it to say that a public inquiry commission was established in order to investigate the matter. The Landau Commission recommended, among other things, to establish an agency that would accept requests for investigating suspicions of misconduct by ISA interrogators. This recommendation led to the creation of the Inspector position, as part of the ISA.
9. Complaints regarding the conduct of ISA members during interrogations are generally addressed to the Respondent. These complaints commonly receive initial standardized replies notifying that the complaint was transferred to the Person in Charge of the Inspector and then to the Inspector. At times, the complainant receives a response which includes information about the complaint being transferred to the Inspector for examination, the results of the examination and the decision on the case. The responses are generally very brief.

10. As detailed above, the Petitioner sent the Respondent 17 complaints. **More than a year since the complaints were sent, only five answers have been received.** This length of time is patently unreasonable considering the fact that the examination at issue is not an extensive criminal investigation but rather a preliminary inquiry of the complaints for the purpose of determining whether a criminal investigation is warranted. Indeed, thus far, the Petitioner is aware of only one complaint that has been transferred by the Person in Charge of the Inspector for criminal investigation. A scenario in which more complaints are transferred to the PIU for investigation within the timeframe described above would clearly constitute a failure to meet the appropriate requirements of a timely investigation.

The Parties and Exhaustion of Remedies

11. The Petitioner is a human rights organization which has been helping Palestinian prisoners and detainees held in Israeli prisons fight for their rights for many years.
12. The Respondent heads the state prosecution and is in charge of criminal law enforcement in the State of Israel. Among his roles, the Respondent is authorized to instruct the PIU to investigate ISA interrogators on suspicion of committing offences in the line of duty.
13. As detailed in paras. 3 and 4 above, during the months of June and July 2009, the Petitioner sent 17 complaints to various agencies, including the Respondent. The complaints concerned inappropriate and degrading treatment of Palestinians who were held in custody and were interrogated by the ISA during the relevant time. The complaints were based on signed affidavits given to the Petitioner by the complainants themselves.

Copies of the complaints sent to the Respondent are attached hereto in chronological order and marked **P/1 a to q**.

14. The first letter sent by the Petitioner as a reminder to the above individual complaints is dated August 23, 2009. This letter, which is addressed to the Person in Charge of the Inspector at the State Attorney's Office details the relevant individual complaints and includes a request for an update on the state of the initial examination and investigation of each of the complaints.

A copy of the Petitioner's letter is attached hereto and marked **P/2**.

15. HaMoked received a response from the Respondent's office on September 10, 2009. This brief response related that: "Ms. Rachel Matar, the Person in Charge of the Inspector" has recently gone on maternity leave. Ms. Matar's position will be filled in the near future. Once the position is filled, the matter will be transferred for the purpose of issuing a response."

A copy of the Respondent's response is attached hereto and marked **P/3**.

16. Approximately one month after receipt of this response, the Petitioner wrote to the Respondent asking whether the position of Person in Charge of the Inspector had been filled and if so, who held the position.

A copy of the Petitioner's letter of October 11, 2009 is attached hereto and marked **P/4**.

17. The Respondent's response arrived on October 2, 2010. All that was stated in the response was: "Unfortunately, we are unable to provide you with an update on your question. When the information is available, we will contact you with an update".

A copy of the Respondent's response is attached hereto and marked **P/5**.

18. In light of this perplexing response, which did not bring the Petitioner any closer to receiving an update on the situation of the examinations which were underway (in the hope that they were indeed underway, considering the fact that there was no official confirmation of such in the Respondent's response), the Petitioner contacted the Respondent once again, requesting an update on the processing of the complaints themselves (irrespective of the question of Ms. Rachel Matar's replacement).

A copy of the Petitioner's letter dated November 9, 2009 is attached hereto and marked **P/6**.

19. HaMoked received the Respondent's response on December 2, 2009. The response related that "The issue of the appointment of a new Person in Charge of the Inspector is currently under examination..." The response further stated that the fact that the position had not been filled did not preclude the Inspector from examining individual complaints. However, no details were provided with respect to the processing of the complaints themselves. In this instance too, the Respondent limited himself to a general statement.

A copy of the Respondent's response is attached hereto and marked **P/7**.

20. In light of the lack of clarity surrounding the actual processing of the individual complaints forwarded by the Petitioner, the latter once again contacted the Respondent. In this communication, the Petitioner thanked the Respondent on the update with respect to the process of appointing a new Person in Charge of the Inspector. In addition, and in light of the Respondent's assurance that the fact that a new Person in Charge had not yet been appointed did not preclude the Inspector from examining the complaints, the Respondent was requested to inform the Petitioner of the identity of the person whom it must contact in order to receive an update on the progress of examining the complaints forwarded to the Respondent by the Petitioner's lawyers.

A copy of the relevant page from the Petitioner's letter dated December 14, 2009 is attached hereto and marked **P/8**.

21. HaMoked received the response of Adv. Amit Ofek, Senior Deputy State Attorney, on January 19, 2010. The response stated that a replacement for Adv. Matar had yet to be found. The response also stated that once a replacement was found, he or she would update the Respondent on the Inspector's progress with the examination. In other words, not only had a sensitive position such as the Person in Charge of the Inspector remained vacant for many months, the Petitioner was unable to obtain any information about complaints it had sent some six months earlier and was forced to wait for the appointment of a new Person in Charge of the Inspector in order to obtain this basic information.

A copy of Adv. Ofek's letter is attached hereto and marked **P/9**.

22. More than a month later, the Respondent was sent another reminder asking if Adv. Matar's position had been filled. The Respondent was also requested to provide contact details for obtaining information about progress on the complaints. After no response was received, another reminder was sent on March 23, 2010.

A copy of the reminder letter dated February 21, 2010 is attached hereto and marked **P/10**. A copy of the reminder letter dated March 23, 2010 is attached hereto and marked **P/11**.

23. Given the fact that neither reminder received a response and after more than eight months had passed since the last complaint was sent, the Petitioner sent a letter to the State Attorney complaining of the situation. The letter expressed the Petitioner's position that the unreasonable

delay in examining the complaints it had sent and the lack of clarity with respect to the identity of the person who must be contacted for details on the complaints were entirely unacceptable.

A copy of the Petitioner's letter to the State Attorney dated April 12, 2010 is attached hereto and marked **P/12**.

24. On May 10, 2010, approximately a month after the above letter was sent, HaMoked received two individual responses pertaining to two of the complaints it had forwarded. This was perplexing, as the two responses were dated April 12, 2010, which is the day the letter to the State Attorney was sent, though, the responses reached the Petitioner by mail in early May. The general complaints which were brought to the State Attorney's attention in that letter were addressed only on June 16, 2010. On this date, HaMoked received a letter from Adv. Amit Ofek officially announcing that: "Adv. Dan Eldad, Department Head (Special Functions) at the State Attorney's Office has been recently appointed Person in Charge of the Inspector". The letter further stated that the letter sent to the State Attorney regarding general issues was forwarded to the new Person in Charge of the Inspector for review.

A copy of Adv. Ofek's letter is attached hereto and marked **P/13**.

25. At the time of writing, there has not been much progress on processing the Petitioner's complaints, and the situation, as it currently stands, is unacceptable. Of the 17 complaints sent to the Person in Charge of the Inspector in the summer of 2009, the Petitioner has received only **five responses**. Two stated that the file had been closed as the complainant had retracted his complaint. A second response stated that the case had been closed at the request of the complainant. As this information related to a previous, separate complaint by the same complainant, the Petitioner wrote the Respondent directing his attention to the fact that the complainant had not retracted his more recent complaint. In response, the Respondent reaffirmed that the complainant had no issue with respect to his ISA interrogation. In another case, the Petitioner was informed that the investigation file had been closed since the investigative materials did not support the allegations. **Only one response** stated that the PIU was investigating an ISA interrogator who was involved in the complainant's arrest.

Copies of the responses received by the Person in Charge of the Inspector are attached hereto in chronological order and marked **P/14 a-c**.

26. Thus, at the time of submitting this petition, after waiting in vain for a response from the competent officials, the Petitioner has no information on the fate of 13 of the 17 complaints sent to the Respondent. It is clear that the delay in examining the complaints could irreversibly thwart any investigation by the PIU if such were ordered. As we demonstrate in the section on the law below, a preliminary examination must be of reasonable duration under the circumstances of the matter, allowing for an effective and reliable examination of the complaints. This is so, since with the passage of time, the complainants/interrogees have difficulty supporting their initial accounts, evidence disappears, and investigating officials generally have a difficult time uncovering the truth. It seems that in the case at hand, the Respondent has clearly exceeded reasonable and basic standards of proper, efficient and timely investigation.

In light of all the above, the Petitioner has no recourse but to seek relief from this Honorable Court.

The Legal Argument

The Respondent's duty to investigate complaints regarding the conduct of ISA interrogators

27. Each of the affidavits which formed the basis for the Petitioner's request that the Respondent launch an investigation into the conduct of ISA personnel during interrogation, individually raises suspicions of crimes committed against helpless interrogees by official Israeli interrogators.
28. In order to place the issue within a basic normative framework, we must seek the assistance of the most fundamental principles relating to investigating suspected offences by any given person. It is common knowledge that no one in the State of Israel is above the law. In this spirit, Section 59 of the Criminal Procedural Code [Incorporated Version] 5742-1982, imposes an obligation on the police to investigate any suspected commission of a crime. In the words of the Code: "Inasmuch as the police is made aware of the commission of an offence, whether by complaint or by any other means, it shall launch an investigation".
29. In the specific case of complaints of torture and ill-treatment which are made against ISA interrogators, Section 49(9)1 of the Police Ordinance 5731-1971 applies. The Section sets forth:

An offense suspected to have been committed by a member of the Israel Security Agency in the line of duty or in connection with his position, will be investigated by the Unit (the Police Investigation Unit, D.S.) **if the Attorney General has so decided.** (all emphases in the petition have been added – D.S.)

Pursuant to this Section, complaints regarding suspected torture and/or degrading and/or cruel and/or inhuman treatment by ISA interrogators are sent to the Respondent.

30. The severity of torture and/or cruel and inhuman treatment during interrogation can be ascertained from this Honorable Court's precedent setting judgment in the **torture case**, where the Court clarified unequivocally and unanimously that torture and/or degrading and/or cruel and/or inhuman treatment of interrogees are strictly and absolutely prohibited from a legal standpoint and cannot be accepted from a moral and social standpoint. It was also held that the use of violence during interrogation may result in liability on the part of the interrogator whether criminal or disciplinary (**ibid**, §23).
31. The fact that the alleged offenders in the complaints that were forwarded by the Petitioner are men of authority who are charged with Israel's security does not shield them from investigation. It is in fact, quite the opposite. In view of the severity of the alleged offenses they committed and their status, the duty to investigate is doubly strong. Justice Shamgar (as was his title then) addressed the correlation between the severity of the offense and the status of the person alleged to have committed it in CrimA 234/77 **Asher Yadlin v. State of Israel**, IsrSC 32(1)31, p. 38:

Widespread practices which are extremely severe in terms of public interest and in terms of their affront to the moral criteria guiding public conduct require a punitive response commensurate with the severity of the practice. The public image and personal suffering of the individual who is brought to trial must never escape the judicial instance hearing the case. However, **the more severe the action, the less merciful the justice...** The public interest in uprooting practices that undermine the foundations of society substantially outweighs any consideration for a defendant's request that the public against whom he committed the offense choose mercy over deterrence and punishment.

These remarks are relevant, *mutatis mutandis*, to the matter at hand. Indeed, the consideration underlying the Respondent's conduct with respect to investigating complaints about ISA

interrogators is unclear, yet the strong interest in uprooting unacceptable practices which take place in interrogation rooms must outweigh any counter considerations.

32. Moreover, when it comes to investigating public officials in general and police investigators in particular, there is a responsibility to avoid closing complaints that may be of substance. Justice Procaccia referred to this in §20 of her judgment in HCJ 1689/02 **Yaakov Nimrodi v. Attorney General**, IsrSC 57(6)49:

Launching a criminal or disciplinary investigation against a public official, including a police interrogator, is a significant step which has broad ramifications for the functional apparatus of which he is a member. An investigation such as this impacts public perception of the police and its conduct. It involves severe harm to both the professional and private life of the person under investigation. The impact such an investigation has on both the public system and the individual requires that the competent official take great care in deciding when to open such an investigation and when not to do so. Along with the great care that must be exercised when deciding to launch an investigation **there is also a responsibility not to close complaints that may be of substance when they demonstrate that a police officer has breached the code of conduct required in the line of duty.**

If this is the case with respect to a police officer, it is all the more so when it comes to an ISA interrogator. There should be no difference between the two with respect to prohibited treatment of interrogees during interrogation.

Evading investigation breaches the absolute prohibition on torture and/or ill-treatment during interrogation

33. Article 1 of the Convention against Torture which was signed and ratified by Israel defines torture as follows:

... [A]ny act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or 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 or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

34. There is no dispute that Israeli law has acknowledged the absolute prohibition on torture and/or cruel and/or inhuman and degrading treatment of an interrogee and the interrogee's absolute right to be protected from such actions, particularly following the enactment of Basic Law: Human Dignity and Liberty and this Honorable Court's precedent setting judgment in the **torture case**. The interrogee's right to be protected from such actions derives from his constitutional right to physical and mental integrity and his right to dignity. This Honorable Court has ruled on this issue as follows:

Indeed, violence directed at a suspect's body or spirit does not constitute a reasonable investigation practice. The use of violence during investigations

can lead to the investigator being held criminally liable. (The **torture case**, §23)

35. The Honorable Court has recently reasserted the fact that the prohibition on torture or any other cruel or inhuman treatment of a detainee is absolute. The Court put a special emphasis on the absolute duty of the detaining authorities to respect the detainee's dignity during interrogation. Honorable Justice Procaccia held as follows in H CJ 7195/08 **Abu Rahma v. Military Advocate General**, TakSC 2009(3), 357, §42:

There is a prohibition on torture and on cruel and degrading treatment of a detainee during interrogation. Respect for human dignity is the guiding light in conducting any sort of investigation. **The prohibition on physical and mental violence is absolute.**

36. The judgment in the **torture case** set standards which interrogators must meet in order to prevent a situation in which suspects undergo prohibited interrogations that include torture or any other cruel treatment. The Court ruled, *inter alia*, that the use of torture or cruel and inhuman treatment against a suspect during interrogation is prohibited; that a reasonable interrogation may cause discomfort and may be held under unpleasant conditions and that the law permits the use of tricks and manipulations. However, it is possible to conduct an effective investigation without resorting to violence. Acts such as shaking a suspect, forcing him to sit in a painful position, covering his head with a sack or depriving him of sleep for prolonged periods of time are not necessary for the interrogation and are detrimental to human dignity. Therefore, these are all actions that are banned from use during interrogation (**the torture case**, §§ 24-31).
37. It is in light of these firmly established principles which form an important aspect of the protection afforded to human rights in Israeli law that the Petitioner sent the complaints regarding ISA interrogator's treatment of interrogees at the Petah Tikva detention facility. A superficial reading of the affidavits which provide the basis for these complaints reveals alleged violence and cruel and/or inhuman and/or degrading treatment of interrogees for the purpose of unlawfully forcing them to make confessions and provide information. It is clear that these methods of investigation severely violate the interrogees' right to physical and mental integrity, to dignity and to protection against torture or any other cruel or degrading treatment.
38. Failing to investigate the ISA interrogators who were involved in interrogating the many complainants whom the Petitioner represents on suspicions of committing torture and/or cruel and/or inhuman and/or degrading treatment, or dragging out these investigations constitutes a severe violation of the interrogees' basic right to be protected from such actions and of their constitutional right to physical and mental integrity and to dignity. It is also a clear breach of the duty to investigate any alleged occurrence of such offenses. In view of the fact that adherence to the ban on using prohibited methods during interrogation is a public interest of paramount importance, the slow processing of the complaints on this issue is a severe breach of public interest.
39. Unfortunately, it cannot be said that the Respondent's conduct with respect to investigating the aforesaid suspicions is satisfactory or even that it at least meets the minimum standards of due care. As detailed in the section on exhaustion of remedies prior to filing the petition, it has been **an entire year**, since the complaints were sent to the Respondent and very little has happened, if at all. These are grim results, to say the least. Whitewashing suspicions of torture and cruel and inhuman treatment during interrogations and unwillingness to investigate them reflect blatant

disregard for the absolute prohibition on these acts, as they send a message of lawlessness and that interrogators are free to do as they wish.

Conclusion

40. In conclusion, the law requires the Respondent to investigate suspected torture and/or cruel degrading and inhuman treatment during interrogations conducted by ISA interrogators. Such an investigation must be efficient, timely and exhaustive, particularly given the subject matter: First, this issue involves a full and absolute ban on the use of prohibited investigative measures. As such, the means employed for eradicating this practice, including the investigation of suspected breaches of this prohibition, must meet high standards. Second, the actions at issue were conducted at a time in which the interrogees were under a demanding and exhausting interrogation. If the investigating body does not take the actions necessary for uncovering the truth swiftly and with due diligence, it will be hard-pressed to conduct a proper investigation and uncover the truth.
41. As time goes by and no investigation is launched, there is growing concern that the Respondent is not taking the investigation of suspicions such as those raised in this case seriously enough. There is real concern that the Respondent's alarmingly slow and ineffective examination of such complaints will thwart any possibility of conducting a successful investigation.
42. This petition demonstrates that the Respondent's policy with respect to investigating suspected torture and/or inhuman and/or cruel and/or degrading treatment of suspects by ISA interrogators, which includes non-responsiveness, delays and complications severely undermines the foundations of the rule of law in the State of Israel and that the Respondent must urgently change this policy.

This petition is supported by an affidavit by a member of the Petitioner's staff.

In light of all the aforesaid, the Honorable Court is requested to issue an order nisi as sought, and, upon hearing the Respondent's response, render it absolute. The Court is also requested to instruct the Respondent to pay Petitioner's costs and legal fees.

Jerusalem, August 19, 2010

Daniel Shenhar, Adv.
Counsel to the Petitioner

(File 65978)