



בצלם - מרכז המידע הישראלי לזכויות האדם בשטחים (ע.ר.).

**B'Tselem** – The Israeli Information Center for Human Rights in the Occupied Territories

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## **Violence against Minors in Police Detention**

**Information Sheet, Update June-July 1990**

PREFACE.....	4
POLICE VIOLENCE AGAINST MINORS - PSYCHOLOGICAL ASPECTS .....	6
INTRODUCTION .....	8
THE LEGAL PERSPECTIVE .....	11
CONDITIONS OF IMPRISONMENT .....	14
INTERROGATIONS .....	17
INVESTIGATIONS OF COMPLAINTS OF POLICE VIOLENCE .....	24
CONCLUSIONS AND RECOMMENDATIONS .....	27
POLICE RESPONSE .....	29
INTIFADA FATALITIES – TOTALS .....	32

B'Tselem, the Israeli Information Center for Human Rights in the Occupied Territories, was founded in February 1989 by a group of lawyers, intellectuals, journalists, and Members of Knesset.

The objective of B'Tselem is to document and to bring to the attention of policymakers and the general public, violations of human rights in the territories.

B'Tselem's data are based on fieldwork, independent investigations, and official Israeli sources, as well as on the data of Palestinian sources, especially human rights groups such as PHRIC and al-Haq.

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## **PREFACE**

**IT IS A FACT THAT CHILDREN AND YOUTHS ARE PLAYING AN ACTIVE ROLE IN THE INTIFADA. STRICT ADHERENCE TO MINIMAL STANDARDS OF THE RULE OF LAW IS PARTICULARLY VITAL WHERE THE TREATMENT OF MINORS IS CONCERNED. IT IS IMPOSSIBLE TO SAFEGUARD THESE MINIMAL STANDARDS OF THE RULE OF LAW WITHOUT PUBLIC SUPERVISION. THE RELEVANT AUTHORITIES DO NOT ALWAYS UNDERSTAND THIS SIMPLE TRUTH; THEIR REBUTTAL OF REQUESTS TO INSPECT PRISONS AND DETENTION CENTERS, AND OF LEGITIMATE PUBLIC SCRUTINY, INVITE SUSPICION AND A LACK OF CONFIDENCE, AND GIVE A CERTAIN LEGITIMACY TO ACTIONS WHICH ARE BOTH PROHIBITED AND DANGEROUS.**

**By Knesset Member Amnon Rubinstein**

The Intifada is a difficult and critical test of the rule of law in Israel. Those who seek to uphold this standard are today satisfied just to preserve its very foundations.

In a time of national emergency and insurrection it is impossible to preserve the true spirit of the rule of law in its full humanist, liberal and democratic tradition. The loyal allies of this rule are fighting on one main front. They demand that at the very least, the enactment of the emergency powers, which contradict the very spirit of the rule of law, be carried out in a controlled manner, and under strict supervision and public scrutiny. We must ensure that these tools are employed with reason and only where absolutely necessary in order to maintain law and order, until such a time, and we hope that day is near, when there will be a political solution enabling us and the Palestinians to co-exist in peace and security.

Strict adherence to minimal standards of the rule of law is particularly vital where the treatment of minors is concerned. It is a fact that children and youths take an active part in the Intifada in the occupied territories and in Israel proper, where they participate in a variety of forms of disturbances. These children and youths are detained, tried and sent to prison, and despite all the pain and unpleasantness that this process involves, the police and security authorities have no alternative but to carry it through. The responsibility for this state of affairs must rest first and foremost with those who send the children out into violent confrontations with IDF soldiers. But it falls to us and the security authorities to maintain minimum standards of decency: not to harm minors whose involvement in disturbances is in any doubt, to keep minors who have been detained or sentenced in humane prison conditions, and to prevent the use of violence or humiliation, which may lead to injustice, and cause irreparable damage.

It is impossible to maintain these minimal standards required by the rule of law without trustworthy public supervision of the treatment of minors in detention and the conditions of their imprisonment. Unfortunately, the relevant authorities do not always understand this simple truth. When they shun requests for the inspection and legitimate public supervision of prisons and detention centers, they invite suspicion and lack of confidence, and thereby condone actions which are both prohibited and dangerous.

To my dismay, I too have experienced [receiving] an uncalled for and dangerous refusal for [permission to conduct] a legitimate review and inspection of the situation. In January of this year, I applied to the then Minister of Police, Mr. Haim Bar-Lev, after receiving complaints that minors were detained at the Russian Compound in conditions which did not meet even the most basic standards of human rights. I requested permission to visit the detention center. My application was denied for no apparent reason. Even the support I received from the Chairman of the Knesset did not help. Eventually, as a compromise, the Minister of Police agreed that the Knesset Committee for Internal Affairs could visit the detention center.

B'Tselem's report invokes the security authorities to take immediate action in order to preserve the accepted minimal standards. Even under the circumstances of the Intifada, it is unthinkable that minors should be held in such conditions as are detailed in this report.

# **POLICE VIOLENCE AGAINST MINORS - PSYCHOLOGICAL ASPECTS**

**THE MOST DAMAGING AND DANGEROUS EFFECT OF POLICE VIOLENCE FALLS NOT ON THE MINORS, NOR ON THE POLICE, BUT ON US, THOSE WHO PREFER NOT TO KNOW.**

**By Professor Charlie Greenbaum  
(Department of Psychology, The Hebrew University)**

Three conclusions can clearly be drawn from this grave report on violence against minors: illegal violence against minors occurs on a large scale, although it is not possible to assess the scope of it accurately; there is a concerted effort on the part of the police to block attempts to check complaints or to conduct visits; and there is no guarantee that the situation will change in the foreseeable future.

First of all, it should be established that the behavior of the police presented in this report is both unethical and illegal. Even if this violence did not result in psychological problems, it would be incumbent on any human being with even the most basic sense of morality to condemn such actions.

The consequences of police violence fit into several different categories: the immediate effect on the victim is that of trauma, characterized by fears, an exaggerated reaction to any circumstance reminiscent of the conditions suffered during detention and sometimes, a loss of the ability to function. An additional effect is that of a sense of guilt, especially if the minor feels that he turned somebody else in, or admitted to doing things he never did. In the longer term, post-traumatic stress may set in; this condition incorporates some of the preliminary signs of stress, but can linger for years afterward. Another consequence is hatred toward the authorities and toward the nation they represent. We must take into account that many detainees are innocent of any crime but are released only after a very trying period of confinement; thus the victimized minor will infer that there is no advantage to behaving as a "good" child, since both the guilty and the innocent are punished. The circle of hatred spreads out and encompasses the friends and family, so that illegal violence has a destructive influence both on the individual and society at large. Therefore, even if minors recover from the effects of the violence, as most of them do, the damage lingers on. Others, who do not recover, will be scarred for the rest of their lives.

Another important issue is the question of the effects of the violence on the interrogators and the policemen themselves. There are several pressures at work, influencing their behavior: the desire to succeed as an interrogator, whatever the price to others; the fear of letting down their self-image as the policemen ("so they will not think they can play around with us"); or the need to release acute feelings of frustration and other overwhelming emotions. In all these manifestations, the police act out the repressed desires of society at large, doing our dirty work, while we are free to attend festivals.

Finally, we have to ask ourselves about the effect of police violence on us, Israeli society at large. We are equipped with plenty of defense mechanisms which are supposed to prevent us from thinking about or getting involved in what is going on. We will mention three of them here. First, there is "**habituation**," or getting used to hearing the same thing over and over. How many of us really flinch when we read of yet another child killed or injured? After two and a half years of such items appearing in the papers, they fail to have any emotional effect on us. Then there is the defense mechanism of **justification**, or rationalization, where people say things like: "Well, children who throw stones and get involved in violence deserve what they get." As for dealing with the issue of police violence, there is an even simpler device: **denial**. What I do not know about doesn't exist. There is no reason why we have to imagine what it is like for a young boy to be locked up in a "grave" 60 cm. high and 80 cm. wide, as described in the report, or to imagine how the child who has suffered humiliation and beatings feels. Why? Because it simply did not happen. The most serious and dangerous effect, then, is not on the minors themselves, nor on the police, but on us, those who do not want to know.

The solutions are straightforward: to put a stop to violence during interrogation and detention; to take punitive measures against all those who violate the law even if they are police officials; to establish routine external inquiries; and to provide services for minors from the occupied territories such as parole officers, which do not exist at present. However, because of the psychological obstacles inherent in the system, it will be very difficult to implement any of these solutions.

## **INTRODUCTION**

**THIS REPORT DEALS WITH MINORS FROM EAST JERUSALEM WHO ARE BEING HELD IN TWO POLICE JAILS IN JERUSALEM, THE RUSSIAN COMPOUND, AND THE KISHLE POLICE STATION IN THE OLD CITY. B'TSELEM HAS GATHERED EXTENSIVE INFORMATION ON THE BEHAVIOR TOWARD YOUNGSTERS DETAINED IN THE JAIL IN THE RUSSIAN COMPOUND, ON VIOLENCE AND HUMILIATION OF THE CHILDREN ON THE PART OF POLICE AND GENERAL SECURITY SERVICE (SHIN BET) INVESTIGATORS AND ON CONDITIONS OF IMPRISONMENT WHICH DO NOT MEET MINIMAL STANDARDS OF HUMANE IMPRISONMENT.**

On the West Bank and Gaza Strip, the IDF is the authority responsible for keeping order. In East Jerusalem, though, the police are responsible since Israeli law is valid there, and residents retain Israeli identity cards. The police carry out actions in Jerusalem that the IDF performs in the West Bank and Gaza, such as the arrest of individuals suspected of "security" violations. The jail in the Russian Compound holds most of the Intifada prisoners from Jerusalem and nearby villages, at least during the initial period of their imprisonment. Also held at the Russian Compound are Jewish prisoners and prisoners from the occupied territories. It should be noted that according to the (Israeli) law, prisoners from the territories who are detained inside Israel are to be treated in the same manner as residents of Israel proper.

In December 1989, the Women's Organization for Political Prisoners (WOFPP) published a report on violence to female prisoners.<sup>1</sup> Much of the testimony in the report relates to occurrences in the Russian Compound. The evidence was reported widely in the press. The police's response limited itself to a laconic announcement by Chief Inspector Uzi Sanduri, spokesperson for the Southern District and Jerusalem Police.<sup>2</sup> Chief Inspector Sanduri, reported that "all the complaints which have reached the police are being investigated and handled by the officer in charge of public complaints." Chief Sanduri further established that "the jail is under continuous supervision by outside bodies, in addition to internal inspections conducted by the police, and that all reports have noted the high level of prison maintenance, and food and medical care received by the prisoners." In the announcement of the police spokesperson, there was no response to the charges of violence against prisoners, nor was there a specific reply to the complaints raised by the representatives of WOFPP.

In January, 1989, after receiving information from B'Tselem regarding conditions of detention in the Russian Compound, Knesset Member Amnon Rubinstein (Shinui) requested permission from the Minister of Police, Hayim Bar-Lev (Labor), to visit the facility in order to investigate this matter. The Minister of Police denied his request, but, one month later, permitted a visit thereby the Knesset Committee for Internal Affairs. At the end of the tour, which took place on February 26, 1990, acting Chairman of the committee, Knesset Member Ovadiah Eli (Likud), said: "A

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<sup>1</sup> The "Women's Organization for Political Prisoners" was founded in Tel-Aviv in May, 1988. A second branch was established in Jerusalem at the beginning of 1989. The women in the organization provide assistance to prisoners, deliver packages to them, and try to arrange legal representation.

<sup>2</sup> **Davar**, January 26, 1990.

difficult and gloomy picture has emerged here. Prisoners' rights are being violated. The insufferable conditions which currently prevail are unacceptable."<sup>3</sup>

B'Tselem's request to the then Inspector General David Kraus for permission to visit the jail in the Russian Compound was denied. Therefore, we have drawn on a report by the Israeli branch of **Defense Children International (DCI)**, which was published not long ago, after a visit to the site by Dr. Menahem Horowitz, Professor Leslie Seba, and Mr. Philip Veerman, DCI representatives.<sup>4</sup> We have also consulted numerous testimonies gathered over the past year by "**The Organization for Aid to Imprisoned Minors**", regarding detention conditions in the Russian Compound and violence against Palestinian prisoners, particularly against imprisoned minors during their arrests and interrogations.

It is extraordinarily difficult to address our topic: the publication of testimonies of minors who suffered from violence and humiliation during imprisonment (some of whom are still being held) could possibly cause these individuals harm. Most of the youngsters with whom we spoke did not see any reason to file a complaint regarding the treatment they received at the hands of police and members of the General Security Service (Shin Bet). They did not believe that their complaint would be thoroughly investigated and feared that the very act of issuing a complaint would harm them. The parents of these minors tended in most cases to protect them and to prefer forgoing the complaint process in order not to cause further suffering to their children. The Police Inspector General informed us that he would not investigate the general charges we brought him, unless an official complaint was submitted. The essential facts appearing in this report are included in the complaint B'Tselem submitted to the Police Inspector General, along with affidavits taken by lawyers on our behalf. The law forbids publication of the names of minors involved in criminal acts; therefore we have only used initials in this report. The age indicated is that of the minor at the time of the arrest. The full names of those who gave affidavits were sent to the Police Inspector General. The material at hand is not based on a representative sample, but there is reason to believe that these practices are prevalent, and should be carefully investigated. In preparing this report we relied on testimonies gathered by members of the Organization for Aid to Imprisoned Minors, and on depositions gathered by our own lawyers. We also met with senior officials from the Israeli National Police to present the essential complaints garnered from these testimonies and hear the police's reactions.

**DETENTION OF MINORS FROM EAST JERUSALEM**  
**IN THE RUSSIAN COMPOUND AND IN THE**  
**KISHLE POLICE STATION**  
**ISRAELI NATIONAL POLICE STATISTICS**

Table 1: 1989

Month	Total Minors Detained	Total Accused
January	130	83
February	99	36
March	105	64
April	128	37

<sup>3</sup> **Davar**, February 27, 199062

<sup>4</sup> The Organization for Aid to Imprisoned Minors was founded at the beginning of 1989 with the aim of protecting the rights of minors detained at the Russian Compound and providing assistance to their families.

May	129	62
June	108	43
July	50	24
August	75	38
September	68	25
October	156	35
November	154	67
December	125	85
Total	1307	599

Table 2: 1990

Month	Total Minors Detained	Total Accused	Division of Detainees According to Year of Birth					
			1972	1973	1974	1975	1976	1977
January	53	50	9	16	5	12	10	1
February	77	39	7	17	20	27	4	2
March	104	50	13	26	28	23	14	-
April	65	52	16	13	13	16	7	-
May	138	43	28	33	29	24	18	6
Total	437	234	73	105	95	102	53	9

## **THE LEGAL PERSPECTIVE**

**THE PENAL LAW (1977), IMPOSES A PUNISHMENT OF THREE YEARS' IMPRISONMENT ON A CIVIL SERVANT WHO USES PRESSURE TO FORCE AN INDIVIDUAL TO CONFESS TO A CRIME OR TO PROVIDE INFORMATION ABOUT A CRIME. SOMEONE WHO ATTACKS A MINOR AND CAUSES HIM INJURY, WHETHER PHYSICAL OR MENTAL, MAY BE IMPRISONED FOR UP TO FIVE YEARS.**

### **Imprisonment of Minors**

The relevant statute regarding the imprisonment of minors is the Youth (Trial, Punishment and Modes of Treatment) Law (1971). The Youth Law specifies proper police behavior towards minors with regard to the time of detention, their transportation, the relationship with the parole services (which operate out of the Office of Labor and Social Services), juvenile court, punishment, and the modes of treatment.

The age for criminal responsibility is 12, and the law forbids imprisoning minors under this age. It should be noted that minors under the age of 16 do not have identity cards; therefore, there are likely to be difficulties in determining their ages and fulfilling the instructions of the law.

The Youth Law applies to minors between the ages 12 and 18. Between the ages of 12 and 14, they may be arrested upon signed order of a police officer for up to 12 hours; (under certain circumstances this time frame may be doubled, if the reasons have been specified and signed by the officer in charge of the given police station). A judge may lengthen the term of imprisonment ten days at a time, up to 30 days. After 30 days, the term of imprisonment can be lengthened only through an order of the Attorney General. Minors between the ages of 14 and 18 may be arrested for 24 hours (this period, too, can be doubled under the conditions discussed above) and a judge can extend the imprisonment for ten-day periods.

According to the law, minors and adults must be detained separately. Transportation of minors to jail, and between jail and court must also be conducted separately from adults. The police's internal instructions direct that the minors should be transported in civilian vehicles, in order to protect them from public disclosure.

The cases of minors are adjudicated by a magistrate who is appointed especially for juvenile cases. The law dictates that minors' hearings be conducted behind closed doors. The decision to extend the term of a minor's imprisonment is made by any judge on duty, and not necessarily by a juvenile court judge.

The police agency responsible for the arrest of minors is the Minors' Division. Police in the Minors' Division take a special, day-long training course, which is supposed to prepare them to work with minors. In Jerusalem, though, the Minors' Division deals only with criminal defendants (Jews and non-Jews alike). Crimes defined as "national," are handled by the Minorities' Division,

under the jurisdiction of the Detective and Information Bureau.<sup>5</sup> **There is no police agency responsible exclusively for the treatment of minors in the Minorities' Division.**

The law does not specify the rights of detainees jailed for investigative purposes or pending the end of their processing (as opposed to the rights of prisoners, which are delineated bylaw), but the courts have ruled that these detainees are to be held under humane conditions.

### **The Sections Relating to Assault and Extraction of Confessions by the Use of Force**

Section 277 of the Penal Law relates to the extraction of information or a confession through pressure by a civil servant and establishes that:

A civil servant who does any of the following may be sentenced to three years in jail:

- (1) Uses, or orders the use of force or violence against a person in order to extract from him, or from someone with whom the person has a connection, a confession of a crime or information about a crime;
- (2) threatens a person, or instructs that a person be threatened, with harm to his body or property, or to the body or property of someone with whom he is connected, in order to extract from that person a confession to a crime or information about a crime.

Section 378 of the Penal Law defines assault:

Someone who hits, touches or pushes a person, or uses force against a person in any other manner, either directly or indirectly, without his consent or with consent obtained fraudulently, constitutes assault; and for this matter, the use of force includes the use of heat, light, electricity, gas, odor, or any other objector material that is employed in order to cause harm or discomfort.

An amendment to the Penal Law, which was passed by the Knesset at the end of 1989, relates to injury to minors and helpless people and establishes that:

Section 368b.

- (a) someone who attacks a minor or helpless person, and causes him substantial damage, shall be sentenced to five years imprisonment;
- (b) someone who commits an offence according to Subsection (a) and causes severe damage to a minor or helpless person shall be sentenced to seven years imprisonment;
- (c) for purposes of this section, "damage" shall include both mental and physical harm.

The amendment goes on to establish the obligation to report crimes committed against minors and helpless people. Anyone who has reasonable grounds for thinking that a crime has been committed against such an individual is compelled to report it as soon as possible to the welfare officer or to the police.

We cannot accept the commonly heard argument that the Landau Commission Report sanctioned beatings and other violent investigative methods.<sup>6</sup> Even the Landau Commission stated that use of force during interrogations should be limited. The commission established that Section 22 of the

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<sup>5</sup> "National" offenses are classified according to the extent to which they disturb the public order (assembling, rioting, roadblocking, stone-throwing), and crimes against people (endangering human life in a traffic lane, attempted murder, murder by negligence, killing, and murder)

<sup>6</sup> "Report of the Investigative Commission on General Security Services' Methods of Investigation of Hostile Terrorist Activity," Jerusalem, 1987.

Penal Law grants exemption of criminal responsibility only in certain cases of assault, in the special context of operations intended to frustrate terrorist acts. But the Commission went on to emphasize:

One has to be very careful, lest transgression of the prohibitions of the Criminal Code lead to the breakdown of restraint and become an excuse for every investigator to use, in an unimpeded manner and according to his whim, coercive measures against the person he is investigating. Under these circumstances, the image of the state as a law-abiding entity, which preserves the rights of citizens, could be destroyed beyond rectification, and it could become similar to those regimes ruled by security forces that know no limits.<sup>7</sup>

Although the Landau Commission dealt specifically with the activities of the General Securities Service (Shin Bet), these considerations are also valid with regard to investigations by the Israel National Police.

Another argument is that the police are responsible solely for actions of policemen and have no contact with what occurs in the realm of the Investigative Branch of the Shin Bet at the Russian Compound prison. In our opinion, this argument would not withstand a legal test and seems to shirk responsibility.

According to Israeli law, members of the Shin Bet do not have the authority to make arrests. All the prisoners in the Russian Compound are in the custody of the Israel National Police, and the police have full responsibility for their safety and for the conditions under which they are detained in all branches of the prison.

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<sup>7</sup> Ibid., p. 53.

## **CONDITIONS OF IMPRISONMENT**

**IN A CELL CONTAINING 12 BEDS THERE ARE 39 YOUTHS, SOME ON THE FLOOR OR TWO IN A BED. THE POLICE HAVE IGNORED A NOVEMBER RULING BY THE HIGH COURT OF JUSTICE, WHICH PROHIBITS THE CONTINUATION OF THIS SITUATION. IN A CORNER OF THE CELL ARE A TOILET AND A SHOWER WITHOUT A DIVIDER. THERE ARE DAYS WHEN THE PRISONERS ARE OUTSIDE THE CROWDED CELL FOR ONLY A HALF HOUR.**

The Russian Compound prison is located in the heart of Jerusalem, close to the Israel Supreme Court. The building was constructed at the end of the 19th century as an inn for Russian pilgrims, and converted into a jail in the 1920's when the British Mandatory government seized the property of the Russian Orthodox Church. About 300 prisoners and detainees are currently held in this jail under extremely crowded conditions. There are 22 cells containing a total of 170 beds. At present, an annex containing 9 cells with an additional 50 beds is under construction.

### **Overcrowding**

In the youth wing of the Russian Compound there are four cells, two large and two small. There are 34 beds in this wing. When the representatives of the Defense Children International (DCI) visited on March 21, 1990, 83 prisoners and detainees were being held in this wing. Two Jews were being kept in one of the small cells, and the other 81 prisoners were in the three remaining cells. In one of the large cells, which contained 12 beds, 39 children were confined. These conditions forced the prisoners to sleep on mattresses lying on the floor or two to a bed.

In November 1989 the High Court of Justice ruled in a petition submitted by Attorney Andre Rosenthal on behalf of a youth who was being held at that time in the Russian Compound. With regard to the overcrowding of young prisoners, the High Court of Justice established that:

"A cell which is supposed to be occupied by twelve prisoners cannot hold thirty-five. Every prisoner is entitled to a certain minimum of space. It is not reasonable that mattresses should be laid across each other. These are minimal standards which must be established as soon as possible, regardless of the solution of the general condition of overcrowding in the rest of the prison facilities. We can not accept the current conditions... ." <sup>8</sup>

### **Cold, Dirt, Stifling Air, and Lack of Engagement**

According to DCI's report: "Each detainee has three blankets.<sup>9</sup> The air is very thick, it is hard to breathe even with the provisions that have been made for air circulation. In a corner of the cell: a

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<sup>8</sup> High Court of Justice 930/89, ruling of November 27, 1989.

<sup>9</sup> According to minors' testimonies given to the Organization for Aid to Imprisoned Minors, the blankets are extremely dirty. Sometimes the prisoners receive only one or two blankets, which are supposed to suffice for Jerusalem's winter

small cubicle containing a toilet and a shower. It is impossible to maintain basic standards of cleanliness under these conditions despite the efforts made. The minors can not attend to their needs in private, even though they hung up a blanket. There is hot water 24 hours a day. There is a large courtyard especially set aside for minors. They are supposed to be in the yard or in a playroom operated by volunteers and parole officers for one and a half to two hours daily. In actuality, they are outside of their cells for much shorter periods of time, since volunteers only stay for an hour and a half and can take no more than twenty at a time. It appears that there are days when they are outside of their cells, in the dining room or in the yard, for only a very short time - a half hour."<sup>10</sup> Minors who were detained during the winter complained that they suffered from extreme cold.

## **Medical Care**

In a meeting with the members of the Knesset Interior Committee who visited the Russian Compound, Dr. Andrey Weissman, the prison physician, said that the large number of prisoners there sometimes prevented him from providing necessary care, and that he is unable to send prisoners to the hospital because of the lack of adequate manpower.<sup>11</sup>

## **Family Visitations**

Only judicial prisoners (those whose cases have been heard and decided, and who are now awaiting transfer to facilities run by the Prison Services), and prisoners who have been detained for more than thirty days are entitled to family visitations. This means that a child aged 14 or under may not see his parents during the first month following his arrest.

With regard to prisoners who are permitted family visitations, visits occur once a week, on a day chosen by the prisoner. The length of a visit, according to the testimony in our possession, is ten minutes. According to police protocol, a visit is supposed to last for a half hour. Only close relatives can visit detainees. If their number exceeds five and there is a crowd on a particular day, then no more than five relatives are allowed to enter. According to the police, a family can buy food for the detainees from the prison canteen. The family may also bring an unlimited amount of clothing for a detainee.

## **Informing the Family about their Child's Imprisonment**

A police spokeswoman informed us that current procedure is to inform a family about their child's arrest. The family is informed by phone, immediately upon the arrest of their son or daughter; if the family does not have a telephone, a police van is sent to inform them. Despite the police's

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nights, with temperatures ranging from 5-10 degrees Celcius. In a number of cases, we heard claims that blankets were taken from prisoners as a means of collective punishment.

<sup>10</sup> DCI – Defense Children International, Israel. Report on a visit to the Russian Compound Prison, Jerusalem. March 21, 1990.

<sup>11</sup> **Hadashot**, February 27, 1990.

claim that this procedure is always followed, we heard complaints about a lack of communication with families regarding minors' whereabouts.

There is no procedure for informing families about when a minor will be brought before a judge to extend a detention order or for trial, or about the transfer of a youngster from one prison facility to another.

## **INTERROGATIONS**

**ACCORDING TO TESTIMONY AND AFFIDAVITS IN OUR HANDS, BEATING OF DETAINEES IS VERY COMMON. ALMOST ALL OF THE MINORS WE INTERVIEWED WHO WERE INTERROGATED BY THE POLICE OR THE GENERAL SECURITY SERVICE, TESTIFIED THAT THEY HAD BEEN BEATEN, GENERALLY SEVERELY. ACCOUNTS OF THREATS AGAINST RELATIVES ARE ALSO NOT UNCOMMON.**

**WE ALSO HEARD TESTIMONIES OF OTHER METHODS: BEATINGS WHILE THE DETAINEE IS PUT INTO A CLOSED SACK WORN OVER HIS HEAD AND TIED AROUND HIS KNEES; TYING HANDS TO A PIPE BEHIND THE BACK; CONFINEMENT IN THE “LOCK-UP” – A DARK CELL ONE AND A HALF BY ONE AND A HALF METERS WITH A TOILET INSIDE; THE “CLOSET” – A NARROW CELL THE HEIGHT OF A PERSON IN WHICH ONE CAN STAND BUT NOT MOVE; AND THE “GRAVE” – A KIND OF BOX, CLOSED BY A DOOR FROM THE TOP, MEASURING APPROXIMATELY ONE METER BY 60 CM. WITH A DEPTH OF ABOUT 80 CM.**

**MANY OF THE INTERROGATIONS ARE CONDUCTED AT NIGHT AND LAST FOR MANY HOURS WITHOUT A BREAK. AT THE END OF THE INTERROGATION THE DETAINEE MUST SIGN A CONFESSION WRITTEN IN HEBREW.**

In general, minors are interrogated by policemen from the Minorities Division. Only in a few cases – when there is suspicion of serious security crimes – are they interrogated by the General Security Service. The testimonies indicate that there are two stages to an interrogation:

- a. The “Softening Up” Stage – when a detainee does not immediately admit to the accusations. In this stage, according to the testimonies, detainees are beaten and threatened until they “soften up” and agree to the details of the confession.
- b. The Confession Stage – Another policeman, who in general did not take part in the beatings and threats, meets with the minor and writes down the confession. In most cases the violence ceases as soon as the detainee signs the confession.

### **Scheduling of Interrogations**

Many interrogations are conducted at night and last many hours. There are no restrictions in the law concerning the number of hours during which an individual may be continuously interrogated, nor are there any restrictions regarding the interrogation of minors. The internal guidelines of the police also do not address this question.

According to senior police officials, their practice is to interrogate during the day unless there are special circumstances – for example, when an immediate interrogation might prevent a suspected planned attack. Apparently, this approach is not common amongst those who actually carry out the investigations. We have many examples of cases in which minors were interrogated during the night although there were no special circumstances.

### **Confessions in Hebrew**

Interrogations are generally conducted in Arabic, the mother tongue of the detainees, but the confession which they are required to sign is in Hebrew. In most cases, the detainee cannot read Hebrew, and they do not know what they are signing.

## **Beatings**

The testimonies in our hands indicate that beatings are the most common phenomena. Almost all the minors (male and female) that we interviewed, testified that they had been beaten – generally severely: slapping, punching, kicking, hair pulling, beatings with clubs or with iron rods, pushing into walls and onto floors. In many cases, the beatings started while the detainee was being transported to jail in police vehicles.

J.S., aged 16, was arrested in August 1989 in the Old City of Jerusalem. In a sworn statement made to Attorney Sheldon Kleimeist, G.S. testified that he was interrogated in the Kishle Police Station immediately after his arrest:

“There were five investigators in the room. They sat me down on a chair. They asked me where I got the leaflet from – and [told me that] I was a member of the Communist Movement. I denied the accusations, and each time I denied them they barraged me with blows. An investigator who sat [in front of me] would ask, and the rest of the investigators stood behind me and would hit me. One investigator sat on the table in front of me, and grabbed me by the hair, two others grabbed me by the shoulders, and one would (hit me with) fists all over my body.”

On the seventh day of his detention, he was again interrogated: “The investigator, Samer, started beating me without [asking] any questions. He grabbed a plastic ruler and hit me with the corner of the ruler on my arms and my back and my whole [body]. There were marks like scratches. Then he took an iron rod and hit me with the iron rod on my head. The whole time I was handcuffed with my hands in the front, and when I tried to protect my head with my hands, the investigator handcuffed me from behind. I vomited and felt dizzy. The investigator poured water on my face, and I was short of breath. Then he took me to the toilet building, where I lay down on the floor, and they said to my friend who was waiting there that if he didn’t confess the same would happen to him.”

In his statement, J. said that he remained lying in the lavatory until somebody came and saw his condition. He was rushed in an ambulance Hadassah Hospital in Ein Karem where he was treated. He was returned on the same day to the jail and released the next day on his own bail.

O.A.S., aged 16, arrested in December 1989 in the Old City of Jerusalem. In a sworn testimony made to attorney Assaf Shamam, O.A.S. told of being interrogated in the Kishle Police Station in connection with an event in which a bottle was thrown at policemen. “I said that I didn’t do anything, and when I denied the accusation, the investigator started slapping my face. The other two took clubs out of the closet in the room and hit me on the fingertips with the clubs. During the whole time I was handcuffed with my hands behind my back.

“Then they stopped asking me questions and continued to beat me. One investigator pushed me, and the other beat me. I was hit on my arms and legs, and the investigators even kicked me in the shin. As a result of the shoving, I was knocked out of my chair. Then they told me to get up, but I couldn’t. One of the investigators grabbed me and forcefully stood me up.

“I stood up for a quarter of an hour, and then a border policeman and a fat man dressed in civilian clothes entered the room. This man started to beat me, and the border policeman also hit me. Together, the two of them pushed me with great force in the direction of the kettle on the window sill. The strength of the push caused my body to hit the kettle. The boiling water spilled onto the top of my right foot. I screamed from the pain. The fat man moved me and sat me down on the chair and started to wipe the water from the floor.

“Then I was taken out of the room, and one hand was chained to the bars. With my free hand I took off the shoe and sock from the injured foot. The foot swelled up. One of my investigators, who saw the injured foot, brought me water to drink. I was taken into another room where my testimony was recorded in Hebrew, and I signed it.”

## **Threats**

From testimonies we collected, it is clear that threats and scare tactics are also not uncommon. Especially widespread are threats to injure, demolish the home of, or expel the family members of the person under interrogation.

M.J., aged 13, was arrested in October 1989 in the village of Bait Tzafafa and interrogated in the Russian Compound. The Police claimed that they had found in his possession three Molotov cocktails ready for throwing, Palestinian flags, and masks. According to the Police, M. was the leader of a gang of youths who participated in riots and prepared and threw Molotov cocktails.

According to a sworn statement made to Attorney Felicia Langer, he was severely beaten during his interrogation.

“Then they brought a boy, about 13 years old, and said that he had incriminated me, in a confession about me. The investigators said that I had to confess, because everybody confessed. They told me that there is a short way – confession – and that the long way is by the club. The investigator said that they would demolish the family home and arrest my father if I didn’t confess.

“They showed me my aunt whom I love and said that she had been arrested [...] They put her in the room and, as I know now, they lied to me: [They said] that she had been arrested because of me, as it were, and that I had no conscience, not confession and causing the arrest of the woman who had raised me for seven years. It was the first day of my detention, and all this happened after they had asked me who I loved more, my father or my aunt.

“After the beatings and the threats and the meeting with the other boy, I confessed that I had participated in three demonstrations. I was very tired from the beatings and I was scared that they would take revenge on my family, as they had threatened.”

M. testified that after he had been severely beaten, he requested medical care. “I was told that I could get medical care only after I confessed. When I complained about why they were beating me and [said] that it was not allowed, they told me that I was a terrorist of the Democratic Front, or in charge of Fatah, or the Popular Front, and they beat me.”

## **The Sack**

A number of testimonies relate that a sack is placed over the detainee's head and tied around his knees, sometimes hanging in an unclear fashion. While in the sack, the detainee was beaten, sometimes by a number of people at once.

M.U.R., aged 12 and a half, was interrogated in the Russian Compound. According to him, the interrogation lasted from 3 A.M. until 10 P.M. During the course of the investigation, M. was beaten, he claims, for three hours, put into the lock-up for half an hour, and then beaten again.

“[The investigator] went out and called another investigator, asking him (in Arabic, so that I would be scared) to hang me. They brought a strong khaki coloured sack, put me inside and tied it from the top. They turned off the electricity and all of a sudden I felt that it was being tied up over my head [...]. They started to hit me with the stick. I was hurt in the eye, the judge saw it. My eye swelled up. Then they took the sack off me and turned on the electricity, and I saw about ten men sitting around me. I don't know how long I was hanging in the sack.”

**Division of Responsibility Between Police Investigators and  
General Security Service (GSS or Shin Bet)**

In answer to our question, the Police Inspector General's Bureau issued the following response:

- A. Minors over the age of 16 who are suspected of committing security offenses, are interrogated by the GSS. The file is then handed over, to either a civilian or a military court, depending on the outcome of the investigation and in compliance with a legal decision.
- B. Minors under the age of 16 are interrogated by investigators from the Jerusalem district Minorities' Division, and at the end of the inquiry the file is handed over to the district attorney.
- C. It should be stressed that only investigators from the Minorities' Division may extend detention orders. Even in cases where GSS investigators interrogated suspects, they do not take statements from them, Minors under the age of 16 are only interrogated by GSS personnel if there is an exceptional security reason for doing so.

**Lock-up, Pipe, “Closet”, “Grave”**

These methods are more rare and we do not know of any cases in which they were used on minors less than 16 years old (it should be noted that in Jerusalem, which is under Israeli law, 18-year-olds and under are considered minors, while in the territories the law states that 16 year olds and under are minors). In a conversation with B'Tselem, a Police Spokesperson denied the existence of these facilities. They are apparently located in the Interrogation Wing of the General Security Service (Shin Bet) in the Russian Compound.

According to information conveyed to us by the office of the Police Inspector-General, minors over the age of 16 suspected of security offences, are interrogated by the General Security Service.

According to descriptions in our hands, the **lock-up** is a meter and a half square cell with a toilet inside. It is dark, smelly and suffocating, and detainees are sometimes left in side for a few days.

The **pipe** passes through an outdoor courtyard. Minors are tied to the pipe in a twisted position with their hands behind their backs, and left for hours, sometimes in the rain, at night, and during the hot daytime hours.

The **“closet”** is a very narrow cell, about as tall as a man and one meter wide. One can stand in it but not move. According to the testimonies, detainees are sometimes kept in it for many hours (in the declaration that follows, eight hours).

The **“grave”** is a kind of box in the floor or ground. It measures 110 x 80 x 60 cm. and is covered by an iron door with a few holes in it. Detainees testified that they had been put into it with their hands tied and kept there for long hours; the only possible position they would assume was a crouching position. They were not allowed to go out to use the toilet. The place looked and smelled accordingly.

M.A.R., aged 17, arrested in October 1989 in the neighborhood of Abu-Tor and investigated, apparently by the General Security Service. Sworn testimony given to Advocate Gil'ad Sher indicates that all of the methods known to us were used during his interrogation. M.'s younger brother was arrested and the interrogators threatened that if he did not confess his brother would be tortured; he was beaten until he fainted; he was held in the lock-up and in the “grave”; he was tied to the pipe outside of the building; and he was beaten while inside the sack. According to his account, he was not fed for over 24 hours.

“They arrested me at home at 2:30 A.M. They hit me all the way. The General Security Service man told the policemen and the soldiers to hit me – “beat him” – in Hebrew. That, I understand. We arrived at Room 4 in the Russian Compound. They put me in the room, and one of the General Security Service men came in, tied a kaffieh on my head, handcuffed my hands behind my back, and started to hit me without asking any questions or even speaking to me. I figured that they were taking revenge because I had never confessed when I was arrested on previous occasions.

Then they put me into the dark, long and narrow room. Seven hours alone. Nobody was with me, and nobody came in. “Then I saw my brother [M.'s little brother was arrested with him, but M. did not know this until he saw him], and they threatened that they would put me into an even worse lock-up. They put me into a dark lock-up, 1.5 x 1.5 meters, dark and with a smelly toilet inside. They took me to “Captain Rashid,” the officer, in the area of the lock-ups, and he started to threaten me. He told me that he wouldn't let me see my family, and said, “We've broken tougher ones than you,” and “We're going to starve you.” It was true; they didn't give me food from 2:30 A.M. until 9:00 the next evening.

“Then a police officer called me and took me to another lock-up which belonged to the General Security Service. He put a sack on me and started to kick me while I was in the lock-up. Then at around 9:00 P.M. they brought me a smelly egg and half a loaf of bread, he threw the food at me from the window but I didn't eat it. The whole time they hit me, they didn't ask me anything, and there was no interrogation. Only beatings.

“After 24 hours they took me to the court and the judge extended the term of my detention to 7 days. Only then did they start to interrogate me. They took me, Avi Itack and another one, to a far away room so that they wouldn't hear me scream. Avi took out a long thick stick from behind the door, (there was somebody else with us), and they both started to hit me, one from the front and one from behind. Most of the blows were to my head and the bones of my feet.

“Then, while my hands were cuffed behind my back and my head and half my body was covered by the sack, [he told me] to take off my shoes. Then they put my feet on the table, and the second interrogator sat on them, and they [Avi] started to beat the soles of my feet with the stick with all his might. When he saw that he wasn’t succeeding with me, he kicked me and knocked me to the floor. The investigator, Avi, got tired. He sat on a chair and hit me while he was sitting, along with the other investigator. It took about two and a half hours, and the beatings there were very harsh.

“After two hours, Yigal came and started to hit me and swear at me. He took the sack off of me and saw that there were a lot of bruises on my face, my nose, and my mouth. He started to laugh at me and said that I needed a handkerchief to clean my face. ‘Now I’m responsible for your interrogation, and I’ll show you how I’ll get along with you.’ [He told me] to stand, but I couldn’t because of the beatings from before. He put a sack on me again while I was lying out on the floor, and I stayed that way for about four hours after he left me.

“I felt the door open and Avi Itach, Yigal, Eli, Gabi, and another fat person came in. Yigal took the sack off me and ordered me to stand. I tried, but couldn’t. Two of them came, picked me up, and put me on the chair. Avi Itach took out some papers and a pen and said that “the brew was ready.” I said that I hadn’t done anything. Then they started to beat me again, this time more severely, but I didn’t respond.

“Then they took me back to the lock-up and I knew that Captain ‘Abu-Nihad’ was responsible for me. They invited me to his office. Before that I asked to see a doctor. He stripped me and said that there was nothing wrong with me and gave me “Acamol” [aspirin]. Abu Nihad started by behaving nicely toward me. When [he found out] that the investigators in Room 4 had taken me back to them, he started to curse them. He said to me, ‘Here we don’t hit, we use our heads. We want to talk – go ahead; you don’t want to talk, we have many methods that will make you talk on your own. All that they’re accusing you of is burning cars.’ I told him that I hadn’t done anything.

“Then a policeman named Waxman called me, put a sack over my head, handcuffed me, and took me and tied me to the pipe. There were apparently others tied in the same way, because they would call to one another. Sometimes they would tell me to sit and sometimes to stand. There were no toilets, everything in the pants. And no food. I was tied like that for a day and a half. Policeman Waxman would hit me with big keys whenever he went by. It doesn’t matter where.

“The policeman came and took me back to ‘Captain Rashid’. I couldn’t walk so he pushed me. He put me in a room and ‘Captain Rashid’ came, released me from the sack, uncuffed my hands and said, ‘now you must confess.’ I told him that I hadn’t done anything. He called Waxman back, and he put the sack back on me and handcuffed me. He took me to the “closet” where he took off the sack and the handcuffs and locked the door on me. It’s about one meter or less. It’s very smelly. I stayed there for about 8 hours. More than 10 hours, and I think that I would have died.

“Then they took me back to ‘Captain Abu-Nihad’ and he interrogated me. When he got fed up, he called for Waxman and put me into the “grave,” 60 cm. high and 80 cm. wide. The door closed from the top. There were small holes in the door. I was in there for two hours. During all of this time, more than 29 hours, I had no food. Then four and a half more days in the lock-up.

“Then somebody from the General Security Service came, fingerprinted me, and returned me to where the prisoners were; there it was like a rest home for me. I was there for a day and a half. Then they took me to court, and the judge released me unconditionally. They took me straight to

Makassed Hospital. They took X-rays and saw that I had suffered heavy blows in the head. They gave me medicine and I returned home.”

## **INVESTIGATIONS OF COMPLAINTS OF POLICE VIOLENCE**

**IN MOST CASES, WHETHER BECAUSE OF DOUBTS THAT A COMPLAINT WILL ACTUALLY BE INVESTIGATED, OR BECAUSE OF A FEAR THAT IT WILL BRING THEM HARM, DETAINED MINORS DO NOT SUBMIT COMPLAINTS OF BEING VICTIMS OF VIOLENCE. IN THE FEW CASES WHERE COMPLAINTS ARE SUBMITTED, THE POLICE ARE EXTRAORDINARILY SLOW ABOUT COMPLETING THE INVESTIGATION AND REPORTING THE RESULTS.**

One would expect that the Israeli National Police would take very seriously complaints of police violence against detainees in general, and against minors in particular. One would expect that the police would be meticulous in conducting objective investigations of all such complaints, if only to refute the claims of violent conduct leveled against police personnel. But the police are in no rush to investigate, or to bring offenders to justice. This attitude allows police violence to take root and become the norm, and gives rise to a complete lack of confidence in the system among detainees and their families. Victims of police violence have been heard to say more than once that they see no point in filing a complaint because it would in any case not be investigated, and if it were, then the complainant would be treated as the guilty party.

The latest State Comptroller's Report deals with how the Israeli National Police treats charges of criminal offenses brought against the police personnel, and concludes that:

"...The effectiveness of the police and their ability to carry out their duties successfully depend to a large extent on the confidence they inspire from the public...The image the public has of the police and their level of confidence in them are based, above all, on their high ethical standards as a body, on the impeccable conduct of individual personnel, and on their ability to maintain a high degree of integrity."<sup>12</sup>

"...Not all the charges raised against police personnel were examined. Some did not even reach the Department of Internal Inquiries [which is the body responsible for such investigations] at all, and others were not examined by the department, although this is the body assigned to undertake such tasks. In some cases, the police filed away information, and the results of investigations were not passed on to the State Prosecutor, as they are supposed to be. Whatever the case, the police apparatuses for maintaining control do not ensure the integrity of an investigation, and do not preclude the possibility of unfair meddling.

"Some investigative proceedings have been drawn out far beyond what is reasonable..., other investigations have been far from exhaustive, failing to encompass all the charges raised or to make full use of all the means which the investigators have at their disposal"<sup>13</sup>

The paragraphs quoted above relate to the Department of Internal Inquiries, which does not deal with complaints from the public about the police's use of violence in the course of duty (see below, "Police Response"). Rather, the State Comptroller's Report draws attention to the difficulty of delivering files of investigations of offenses carried out by the police, into the hands of the police themselves. The problems exist in cases where police have been charged with the use of excessive force, no less than in cases of alleged criminal offenses, and for this reason we have asked for the matter to be given attention.

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<sup>12</sup> State Comptroller's Annual Report (40), 1989, Jerusalem, May 1990, 0. 424.

<sup>13</sup> *Ibid.*, pp. 435-436.

In the majority of cases, as already mentioned, minors in detention do not register complaints, either because of a lack of confidence in the system or out of fear that the complaint will rebound and cause them harm. The following are a few cases in which complaints were filed:

1. R.A.R., a 14-year old girl, was detained in December 1989 for 24 hours. According to her testimony, she had left school on the day she was arrested, and was on her way home with three girlfriends. They crossed Asfahani Street in East Jerusalem, on their way to Salah el-Din Street. There was apparently a demonstration going on at the school at the time. The girls saw a group of police, turned on their heels, and – with the police in pursuit – turned into a dead-end alley which was blocked off by a wall at one end. There, a policeman shot at R.A.R. The bullet was fired at her head-level, and it rushed past, grazing her head. All four girls were detained by the police. No bullets were fired at R.'s friends.

R. testified further that inside the patrol car which transported the detainees to the Russian Compound, she was beaten after a policeman pushed her head downwards [probably so that she would not be able to identify those beating her]. She was beaten with a club and with the bare hands of at least one of the policemen, and received blows to every part of her body.

R. was released after 24 hours in detention on a bail of 2000 NIS, on account of her young age and the injuries she had received. Her attorney, Andre Rosenthal, filed a complaint on December 12, 1989 to the Minister of Police and requested that he order an inquiry into the case. On January 1, 1990, Attorney Rosenthal received a letter of reply from Police Commander B. Gil'ad, in which he wrote: "This is to confirm the receipt of your letter which is under consideration. We will keep you informed on the matter." On May 14, 1990, Attorney Rosenthal wrote again, mentioning that he had still not received an answer. So far he has received neither a reply, nor any notice that the inquiry has been completed. The complainant herself has never been summoned to give evidence about the details of the incident.

2. R.A.N., a 15-year old boy, was arrested in October 1989 in the village of Silwan. He was taken to the Russian Compound where he was interrogated on the suspicion that he had thrown stones and set up road blocks. According to R., the interrogators cursed him, beat him and brought a big dog into the room, probably in order to scare him. They threatened that if he did not sign the document they presented him (the contents of which he did not understand), they "would kill him."

On November 9, Attorney Aliza Herman, from the Hotline for Victims of Violence, registered a complaint with the police and requested an inquiry in to the case. In her letter, Attorney Herman offered to help bring the complainant to the inquiry, and to provide any other assistance possible.

On November 26, 1989, Attorney Herman received a letter signed by Advanced Staff Sergeant Major Rachel Kombur, Secretary of the Division for Public Complaints, in which she wrote that "the matter is under investigation, and we will inform you of the results in due course".

On March 5, 1990, R. was summoned by the Officer of public Complaints at National Headquarters, and questioned about the beatings he received. Nothing has been heard since.

3. M.G., a 13-year old boy, was arrested in October 1989 in the village of Beit Tzafafa. He claims that as he was being driven to the Russian Compound, three policemen in the car kicked him in the head and back. They beat him during his interrogation, threatened him, and, he claims, they did not respond to his request for medical attention.

Attorney Felicia Langer filed a complaint with the Minister of Police on November 2, 1989. On that same day M. was summoned by an officer at the Russian Compound to give evidence about the violence he had experienced at the hands of the police. Nothing has been heard since regarding the progress of the investigation.

4. J.S., a 16-year old boy from the Old City of Jerusalem, was arrested in August 1989 and brought to the Kishle Police Station. He was interrogated and, according to his testimony, was badly beaten during his interrogation. For two weeks he was held in detention at the Russian Compound, and was taken several times for interrogation at Kishle. He states that when he was taken to court to have his detention period extended, he took off his shirt and showed the judge the marks on his body caused by the blows. On his last day of detention, he lost consciousness after a particularly severe beating, and was taken to Hadassah Hospital in Ein Karem.

On September 17, J.'s mother filed a complaint with the Officer of Police for Public Complaints. A month later, J. was summoned, and according to him, the police claimed that he was lying, that the judge had not noted anything about a possible assault, and that the medical report from Hadassah Hospital also made no mention of physical blows having been inflicted. They claimed that he suffered from asthma (which according to J. is not the case). So far, there has been no indication that the inquiry into the complaint has been completed.

## **CONCLUSIONS AND RECOMMENDATIONS**

**THIS REPORT EXPOSES SERIOUS FLAWS IN EVERY ASPECT OF THE MANNER IN WHICH THE ISRAELI POLICE HANDLE THE DETENTION AND INTERROGATION OF PALESTINIAN MINORS SUSPECTED OF SECURITY OFFENSES. IT IS IMPERATIVE TO SOLVE THE PROBLEM OF OVERCROWDING, TO CARRY OUT ROUTINE AND UNANNOUNCED INSPECTIONS, TO TOUGHEN STANDARDS OF INTERROGATION OF MINORS, AND TO ENTRUST INVESTIGATION OF OFFENSES ALLEGEDLY COMMITTED BY POLICEMEN TO AN EXTERNAL BODY.**

Conditions in the Russian Compound detention center do not meet even the most minimal requirements of humane imprisonment. The problem of overcrowding in the detention center is particularly bad, and remains so in spite of a 1989 High Court ruling that such conditions are unacceptable. The overcrowding stems primarily from budgetary problems and limitations of space throughout prison service installations. Minors who have already been tried remain in the detention center because of overcrowding elsewhere in the prison services. This exacerbates the already strained conditions in the Russian Compound.

In spite of this situation, the police often ask the court to extend periods of detention, including those of minors, although in many cases the detainees are not interrogated even after the extensions have been granted. Herein lies another flaw in the system: detention of suspects before trial constitutes a punishment in and of itself.

According to all the evidence at our disposal, it appears that the use of violence is not restricted to interrogations; violent treatment has become the norm during the period of detention. The detainee is subject to rough handling, shouting and humiliation as a matter of course throughout the period of detention. Although senior police officials reject the use of violent means of interrogation, such methods are widely employed.

The confessions taken from detainees are written in Hebrew, although the interrogation itself is conducted in Arabic. The police department claims that the interrogators are able to speak Arabic, but are not proficient in the written language. Arabic is an official language in Israel, and there is no justification for making detainees sign confessions which they are not able to read. We have been informed that the police are currently taking pains to find an appropriate solution to this problem, and we welcome this news.

Investigations into complaints about police violence are pursued in a sluggish pace. We asked the police about a number of complaints against police for offenses relating to the detention of minors, the status of these investigations, and the results of completed investigations. The response was that data compilation is a long process, and we could expect to receive the data in the future. We are therefore unable to present a full picture.

The police reply regarding those cases we dealt with in the report shows that in three cases, which were opened six or even eight months ago, the inquiries have not yet been completed. Two additional files, opened seven and ten months ago, were transferred to the State Prosecutor, but they have not yet been decided. The fact that the inquiry process drags on for so long calls into question the police's intentions of bringing corrupt police officers to justice.

**It is incumbent upon the responsible parties to address the present situation and to present an immediate solution to the problem of overcrowding at the Russian Compound.**

**In order to combat the use of violence during interrogation, the police and the Attorney General must set up an apparatus for internal inspections and carry out surprise visits. In addition, peep-holes should be installed in the doors of all interrogation rooms, or some alternative means of allowing genuine inspection without the knowledge of the interrogators should be implemented.<sup>14</sup>**

**The senior echelon of the Israel National Police must take responsibility for the methods of interrogation and conditions of detention, including those of the General Security Service (Shin Bet). A high-ranking police officer should be delegated responsibility for all aspects of the detention of minors. At the moment, because the detention of minors suspected of security offenses falls within the sphere of the Minorities' Division there is no body charged exclusively with addressing the special needs of minors in detention.**

**Strict guidelines regarding the interrogation of minors should be set. A limit should be imposed on the number of consecutive hours that minors can be interrogated, a senior officer's permission should be required to carry out interrogations during the night, and a youth interrogations specialist should be present at every youth interrogation, just as a woman interrogator is required at women's interrogations.**

**Investigations into offenses allegedly committed by police personnel should be entrusted to an external, objective body, and there should be an effort to complete them within a reasonable period of time.**

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<sup>14</sup> Peep-holes installed in interrogation room doors in Northern Ireland following a 1978 order proved effective. See: Torture in the Eighties, Amnesty International, London, 1984 pp.57-58.

## POLICE RESPONSE

Superintendent Elinoar Mazuz, Public Complaints Officer in the Inspector-General's Office, sent us the following response to the report:

June 17, 1990

### 1. Naming of the Report

The naming of the report is misleading and does not reflect the report's content. The report deals with a range of subjects related to prison conditions for minors, and not specifically with violence. The charges relating to violence are only claims, not proven facts, It is our opinion, therefore, that the name should be changed.

### 2. Charges of Violence

- a. J.S.'s complaint – The complaint was investigated by the National Unit of the Police. The file was transferred to the State Prosecutor, and no decision has yet been received.
- b. O.A.S.'s complaint – The complaint was investigated by the National Unit. The investigation has not yet been completed.
- c. M.G.'s complaint – The complaint was investigated by the National Unit. The file was transferred to the State Prosecutor, and their decision has not yet been handed down.
- d. M.U.R.'s complaints – The police never received a complaint. Following B'Tselem's complaint, the National Unit opened an investigation file.
- e. M.A.R.'s complaint - The police never received a complaint. Following B'Tselem's complaint, the National Unit opened an investigation file.
- f. M.M.A.'s complaint – [an additional minor whose complaint was received after the report was written] – Following B'Tselem's complaint, the National Unit opened an investigation file.
- g. R.A.R.'s complaint - The complaint was investigated by the National Unit. The investigation has not yet been completed.
- h. R.A.N.'s complaint – The complaint was investigated by the National Unit. The investigation has not yet been completed.

The police regards complaints of police violence with utmost seriousness. Complaints of violence during interrogation or detention are investigated by a national unit especially designated for this task. As indicated above, the police have commenced investigations of every complaint received, and the cases are at various stages of completion. Final decisions are made only by the State Prosecutor.

To permit the police to deal with complainants who have not yet come forward, it is recommended that B'Tselem make contact with them and urge them to submit complaints and testimonies.

We would like to emphasize that the quotes from the State Comptroller's Report (p. 25, B'Tselem Report) are completely irrelevant because they refer to the Internal Investigations Section, which does not handle public complaints regarding the use of force by policemen on duty.

### 3. Taking confessions in Hebrew

The issue of taking confessions in Hebrew is being examined and attended to, in order to ensure that confessions will be taken, whenever possible, in a language which the prisoner understands.

#### 4. Detention Conditions

Listed below are details about detention conditions.

Some of them relate to claims raised in the report, and some concern issues which were not raised in the report, but which are essential to present a full and accurate picture of the situation.

##### 1. Physical Separation

The youth wing is separated from the adult wing, and there is no physical or visual connection between adults and minors. Minors are escorted to court in a civilian vehicle. Jewish minors are completely separated from Arab minors, in order to prevent mutual, nationally-motivated attacks.

Minors whose security is in jeopardy are isolated; they receive their sustenance and their privileges separately for their own protection.

##### 2. Social Services

Minors have access to a television room and games under the supervision of a City of Jerusalem parole officer, for about two hours per day.

Minors have access to a large courtyard, for hiking, ball games, and hanging up laundry.

There is a separate dining hall where minors receive the highest grade of army food. As far as food is concerned, there is nothing lacking. Large coffeepots were purchased, and hot drinks are distributed by prisoners on a rotating basis.

##### 3. Cleanliness

Every cell contains an adjoining bathroom and showers, with hot water available 24 hours-a-day. The police obtained curtains from the municipality. Sometimes, when a curtain is torn, an improvised blanket-curtain is used as a temporary solution.

##### 4. Canteen

There is a canteen from which the prisoners' families can buy them unlimited washing supplies and sweets.

##### 5. Blankets and Mattresses

There is an unlimited supply of blankets and mattresses available to minors. The blankets are maintained and washed for a fee in civilian laundromats.

##### 6. Medical Services

An infirmary with a 24-hour medic on duty is connected to the youth wing. The medic makes rounds twice daily and signs prisoners up for "sick call." Sick prisoners are examined by the doctor on the same day to determine what additional care is necessary, including transfer and treatments (such as dental care or quarantine) in infirmaries and hospitals, at the expense of the police. The infirmary is staffed by a doctor who has access to a police car, and can be called on during the night for any necessary treatments; the doctor also comes in on the Sabbath and on holidays.

7. Visits

Information on visitation rights was relayed to you separately. It should be mentioned that approximately a year ago the visitation cells were renovated, and several new cells were added. Additionally, the municipality erected an awning at the entrance of the wing to protect families waiting outside from sun and rain.

8. Crowding

The wing contains 34 beds, whereas the average number of minors detained ranges from 60 to 80. This causes extreme overcrowding, stemming from the growing number of detainees (in comparison to previous years), and places a considerable burden on police detention and prison facilities.

9. Security

The Detention Center Authorities closely monitor the well-being of minors. Many steps have been taken to insure their security, through searches, and technical and intelligence methods.

10. General

The detention center is regularly visited by the Red Cross, Knesset members, a representative of the State Prosecutor's office, and social workers. Apart from the problem of overcrowding, visitors praise the conditions of detention.

As indicated above, the police have taken various steps to improve the detention conditions and to ensure the well-being and honor of detained minors.

It must be stated that as a result of these steps, there were no suicides or attempted suicides among detained minors. There were also no incitements, rivalries, or stabbings, nor any attempted escapes.

## **INTIFADA FATALITIES – TOTALS**

From the beginning of the Intifada through the end of May 1990, **668** Palestinian residents of the occupied territories have been killed by Israeli security forces. Of these:

* <b>Shooting deaths</b> (including plastic and “rubber” bullets)	<b>634</b>
* <b>Non-shooting deaths</b> (beatings, burns and other)	<b>34</b>
* <b>Children: 153</b> , including	
Aged 12 and younger	<b>43</b>
Aged 13 to 16	<b>110</b>

At least **80** additional people, including more than **30** infants, died a short time after exposure to tear gas. **From a medical standpoint it is difficult to pinpoint exposure to tear gas as a direct and sole cause of death.**

An additional **31** Palestinians have been killed, apparently by Israeli civilians, and **8** were apparently killed by collaborators.

During this period, **10** IDF soldiers and **9** Israeli civilians, including **3** infants, were killed in the occupied territories by Palestinian residents.

According to the Associated Press, **216** Palestinians suspected of collaborating with the Israeli authorities have been killed in the occupied territories since the beginning of the Intifada.

According to the IDF Spokesperson, during the same period, **25** Israeli civilians and **4** soldiers were killed within the Green Line by Palestinian residents of the occupied territories.

At least **12** Palestinians from the territories have been killed within the Green Line by Israeli civilians.

## **FATALITIES IN MAY – DATA ANALYSIS**

The month of May 1990 in the occupied territories was notable primarily for the slaying of seven Gazan laborers in Rishon L'Tsion on May 20. Most of the month's fatalities occurred during the demonstrations and disturbances that broke out following the slaying. Two Israeli civilians were killed in May, the first in nine months, apparently by Palestinians from the territories, probably in acts of retribution.

Following the events in the territories, senior army commanders professed to be very proud that, notwithstanding the scope of events, which was on a par with that of the early days of the Intifada, "this time the forces were organized and properly equipped, and with a very small presence we managed to achieve results that in the past could only have been achieved with a much larger presence, and with many more casualties" (Major General Matan Vilnai, quoted in 'Davar', May 25, 1990.)

**The facts prove that the opposite is the case**, at least regarding the Gaza Strip. In the first three days following the slaying, the security forces killed **10** Palestinians in the Strip, and injured hundreds more. In comparison, during the first three days of the Intifada, **4** Palestinians were killed in the Gaza Strip and the number of those injured could be counted in tens rather than in hundreds.

In the month of May 1990, according to B'Tselem's figures, **22** Palestinians were killed by Israeli security forces. **7** of these deaths occurred in the West Bank and **15** in the Gaza Strip.

**Two** other Palestinians were killed, apparently by Israeli civilians, and **two** by collaborators.

Of those Palestinians killed by security forces, **7**, or approximately a third of the total number killed, were children. **One** of these children was 8 years old, and the other six were between ages 13 and 16. **21** of the victims were killed by gunfire, and **one** apparently by beating.

According to Associated Press, **7** Palestinian suspected of collaborating with the Israeli authorities were killed in May 1990.

Within Israel proper, **7** Palestinian residents of the territories were shot dead in May 1990 by an Israeli civilian, and **2** Israeli civilians were killed, apparently by Palestinian residents of the territories.