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Date: November 30, 2006
In response please state: 31410

Brigadier General Avichai Mendelblit
Military Advocate General
IDF

By registered mail
and via fax: 03-5694370

Dear Sir,

Re: **Prohibited Photographing of Detainees and Degrading Use of their Pictures**

1. I am writing to warn you about a grave and disgraceful phenomenon that exists among IDF soldiers concerning the trampling of the dignity of detainees and exploitation of their distress for the amusement of the soldiers who detained them.
2. In Investigating Military Police file Jerusalem 1351/03 (file no. in Central Command: Investigation 2645/04 63) which was opened following a complaint about a beating during arrest, photographs taken by soldiers were found amongst the other investigation materials. The photographs are not necessarily related to the said IMP file, and originate from a yearbook of the class of November 2002 in Regiment 93.

Copies of the pictures and a memo regarding the confiscation are **attached hereto**.

3. As may be seen, the first photograph portrays several blindfolded detainees leaning against a wall. The picture is decorated with drawings of feet with an inscription underneath stating: "How long will the legs ache?"
4. The second picture is a staged picture in which two soldiers appear standing and aiming their weapon at a blindfolded detainee who is kneeling on the floor. The picture is presented alongside pictures of soldiers making indecent gestures to the camera.
5. The pictures are an expression of deviant and horrific conduct on several levels:

6. First, the **very act of the photographing** is completely prohibited. The photograph was taken without the consent of the detainee, and also probably without his knowledge (since he was blindfolded and perhaps the blindfold was even left on for this purpose). The photograph was not taken for any legal purpose but rather for the joke or the creation of a “souvenir” by the soldiers of their “service experience”. It is a case of blatant objectification, performed with arrogance in which the detainees are not treated like human beings but rather serve as an object for the soldiers’ game.
7. Second, the **very publication**, in the yearbook or in any other manner, is a violation of Section 2(4) of the Protection of Privacy Law, 5741-1981 (prohibition against the public release of a person's photograph under circumstances in which the publication may humiliate or degrade him) – a felony, the penalty for which is up to 5 years imprisonment. In addition, the publication constitutes slander. There is no need to spill ink about the detainees’ feelings regarding these photographs, which document a traumatic event in their lives, and the knowledge that they serve as a public joke.
8. Third, the case concerns the documentation of a weapon being unnecessarily aimed at a person. A grave act, in violation of orders, which could have ended in disaster.
9. All of the said actions constitute a violation of Article 27 of the Geneva Convention, which determines that:

Protected persons are entitled, in all circumstances, to respect for their persons, their honor, their family rights, their faith and ritual, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity.

10. From the testimonies in the above IMP file it transpires that three of the investigated persons, including an officer holding the rank of lieutenant, admitted that they had photographed the detainee and even said that this was an accepted phenomenon (Sergeant Michael, Staff Sergeant Alon, Lieutenant Eyal – the full names have been censored). It is clear from their statements that they saw nothing wrong with this act. But worse still, none of the IMP investigators or the military attorney who gave an opinion in the case saw anything wrong with the act. It was not even clarified to the

soldiers that this was a prohibited act. Needless to say, no attempt was made to locate and investigate the officer who permitted the publication of the yearbook containing the pictures.

11. I am therefore writing to you to immediately right the wrong in the following manner:
 - a. To locate and confiscate all of the copies of the yearbook in which the pictures appear.
 - b. To initiate a disciplinary proceeding (at the very least) against any person who participated in the photographing and against the commanders who approved the photographing and the publication.
 - c. To circulate an unequivocal directive throughout the IDF units whereby prisoners and/or detainees may not be photographed, and certainly no use may be made of the photographs.
12. I would appreciate your prompt handling and response to us.

Sincerely,

Anat Kidron, Adv.