

## <AN>Appendix 7.4

### <AT>Torture Cases in the Israeli Supreme Court

In all cases, plaintiffs are Palestinians and NGOs on their behalf (mainly the Public Committee against Torture in Israel and the Center for the Defense of the Individual). The defendant is the General Security Service (GSS) (in some cases, the minister of defense and the police were additional defendants). In one case, the defendant was the commander of Israeli Defense Forces in the West Bank.

Cases are ordered by date of decision.

- <NL>1. 2581/91 Requesting the court to order the GSS not to follow the Landau Report (which permitted the use of “non-violent psychological pressure” and “moderate physical pressure”). Case dismissed since it did not relate to specific complaints about the use of torture.
2. 3123/94 Claims about sleep deprivation for interrogation purposes.
3. 3029/95 The decision is extremely short and unclear. After reading the state’s response to the allegations, the plaintiff withdrew the case.
4. 7964/95 Claims about torture during interrogation. The court issued an interim decision prohibiting the use of physical force. In the interrogation, the plaintiff admitted that he was responsible for a major terrorist attack. The court reversed its interim decision, since it was likely that the plaintiff had information about future attacks. The court emphasized that interrogation methods should be in accordance with the law.
5. 70/95 The plaintiff claimed that he had been deprived of sleep and held in painful positions during his interrogation. Case dismissed, since the plaintiff had also filed a complaint to the Ministry of Justice, which had begun looking into the case.

- 6.** 8049/96 Claims about the use of force during interrogation. The state argued that this did not amount to torture as defined by the CAT. Decision: The plaintiff holds vital information that can prevent catastrophe and save many lives. The interim decision prohibiting use of physical force is reversed. The court emphasized that this reversal did not constitute permission to use illegal interrogation measures.
- 7.** 9190/96 The court accepted the state's claim that there had been no use of torture. Case dismissed.
- 8.** 2317/97 The plaintiff asked that officials using torture be prosecuted in accordance with the penal law. The state said that it indeed followed the relevant provision in the penal law as a general practice. Case rendered moot.
- 9.** 6114/97 The state declared that "At this stage there is no intention to use physical force against the Plaintiff." Case dismissed.
- 10.** 2039/98 The state denied the plaintiff's allegations about the use of physical pressure. Hospital records showed that the plaintiff was hospitalized due to viral infection, not injury caused by violence. Case dismissed.
- 11.** 5947/98 The state argued that there had been no use of "physical means." Case dismissed.
- 12.** 6296/98 The plaintiff claimed that harsh interrogation measures were used but did not agree that the court should see confidential evidence, which, according to the state, justified the use of harsh measures. Case dismissed.
- 13.** 6608/98 The state declared that at this stage "There is not use of physical force against the Plaintiff and he gets reasonable sleep time." Plaintiff withdrew the case.
- 14.** 7840/98 The state argued that there had been no use of "physical pressure." Case dismissed.

- 15.** 2164/99 The state argued that there had been no use of “physical force” or sleep deprivation. Case dismissed.
- 16.** 2366/99 The state declared that there was no intention to use “illegal means with regard to the Plaintiff’s sleep time.” Case dismissed. The court emphasized that dismissing the case did not constitute authorization to use illegal interrogation methods.
- 17.** 5177/99 The state declared that “At this stage of the interrogation there is no use of physical force against the Plaintiff.” Case dismissed.
- 18-24.** 5100/94 4054/95 6536/95 5188/96 7563/97 7628/97 1043/99 All cases were decided together – this is the 1999 decision. The first two cases were filed by NGOs; the other five plaintiffs were Palestinians.
- 25.** 2708/96 Claims about the use of torture (e.g., sleep deprivation, extremely tight handcuffs). Case rendered moot; the 1999 decision applied, and there was no need to decide the case.
- 26.** 2928/96 Same as 2708/96.
- 27.** 3715/97 Same as 2708/96.
- 28.** 7885/96 Same as 2708/96.
- 29.** 4642/96 Same as 2708/96.
- 30.** 5304/97 Same as 2708/96.
- 31.** 8124/96 Same as 2708/96.
- 32.** 3195/99 Same as 2708/96.
- 33.** 970/01 The plaintiff claimed that she has been deprived of sleep in order to break her during the interrogation. The court accepted the state’s claim that long interrogations were necessary and did not amount to illegal sleep deprivation. Case dismissed.
- 34.** 4592/01 The plaintiff argued that physical means had been used against him, including tight handcuffs, in violation of the 1999 decision. The state

denied the use of illegal means, and the court accepted the state's position. Case dismissed.

**35.** 2901/02 The plaintiffs were four NGOs claiming the use of torture during operation Defense Shield. The claims did not relate to any specific complaints. Case dismissed.