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Israel and Torture

[The following three documents are taken from the leading quality Sunday newspaper in Great Britain, the *Sunday Times*. The first consists of the results of a special investigation by the *Sunday Times*' "Insight" section into allegations that the State of Israel employs torture as a technique of interrogation of detainees. The second document is the reply of the Israeli Embassy in London the following week to the Insight report. The final document constitutes the reply of the *Sunday Times* Insight team to the Israeli criticisms.]

1. THE "INSIGHT REPORT," JUNE 19, 1977.

Early on the morning of February 24 this year, a transfer took place at the Allenby Bridge, the main crossing point from the Israeli-occupied West Bank to the East Bank of Jordan.

An Israeli army jeep drove to the centre of the bridge and pulled up. Several Israeli soldiers climbed out, followed by an International Red Cross delegate from Jerusalem, a young Swiss named Bernard Munger. Together they helped a frail figure from the jeep and laid him on a stretcher. His name was Omar Abdul-Karim. He was a Palestinian carpenter from the village of Beit Sahur, just below Bethlehem. He was 35 years old, but he looked an old man.

On the Jordanian side of the bridge a small group awaited Abdul-Karim. It comprised his brother; a Jordanian army liaison officer; and Jean Courvoisier, head of the International Red Cross delegation in Jordan's capital, Amman. The Red Cross men, Courvoisier and Munger, picked up the stretcher and carried it to an ambulance of the Jordanian Red Crescent (which operates in Jordan in liaison with the International Red Cross).

As Munger walked back to the Israeli jeep, Abdul-Karim tried feebly to wave goodbye. When an army man asked his name, his lips barely moved. To his brother's distress, Abdul-Karim appeared not to recognize him. "I thought he was

going to die," Courvoisier told friends later.

Abdul-Karim lived. At midday, he was admitted to the King Hussein hospital at Salt, 25 miles from the bridge on the road to Amman. The case notes of his initial examination recorded that he was thin and weak. He complained of pains in the chest and found it hard to breathe out. He had an infection of the urinary tract. He talked of severe head pains and showed signs of giddiness. And his difficulty in moving tended to confirm his complaint that his joints, especially his knees, were painful too. Chest X-rays then showed that Abdul-Karim's ribs had at some point been fractured. The houseman also noted that Abdul-Karim was in a highly nervous state — and prescribed tranquillisers.

Abdul-Karim continued to bear the marks of having come through some traumatic experience, however. When his wife Nijmi came to see him, he stared at her. "Who are you?" he asked. It was some time before he showed signs of remembering her.

With the aid of antibiotics, multi-vitamins and a high-protein diet, Abdul-Karim has slowly recovered, though two months later, he could still barely walk.

He had been arrested, said Abdul-Karim, by the Israeli security forces four months before and accused of belonging to the *fedayeen*, the Palestinian resistance and terrorist movement. He had then, he said, been tortured. And the tortures he

recounted were so brutal, so prolonged and, above all, so organized and applied as to leave no doubt — if his story were true — that systematic torture is an Israeli practice.

We were expecting Abdul-Karim's arrival. We had learned of his case in January, while he was still in Israeli custody; and before his release we had talked with his wife, his lawyer and the mayor of his village.

For five months, we have been inquiring into allegations of systematic torture by Israel of Arab prisoners. Such allegations have been persistent for almost a decade, ever since the first weeks of the Israeli occupation of the West Bank and the Gaza Strip after Israel's victory of June 1967. The United Nations, Amnesty and several individuals, have, at different times, made detailed examinations of the evidence and have, in varying degrees, been disapproving of Israel. But virtually all previous inquiries have been vulnerable to criticism because they were conducted outside Israel and the occupied territories, without attempts at on-the-spot verification. Even a special committee of the UN, a body not loth to criticize Israel, has admitted its inability "to reach a conclusive finding, since this would only be possible after a free investigation inside the occupied territories."

For this Insight inquiry we have worked inside the West Bank and the Gaza Strip, taking statements and examining stories there and going into neighbouring Arab countries, when necessary, to check those claims further. We have questioned 49 Palestinian Arabs, who have been in the custody of the Israeli security forces. Almost all are still living in the occupied territories. Forty-four of them alleged, in varying detail, that they had been tortured.

In 22 of the cases, the Arabs involved have agreed to be named, even though they still live under Israeli military rule. In reaching our conclusions we have given greater weight to these cases. The remaining cases, where Palestinians have asked to remain anonymous, we have treated with

great caution, though consistent patterns emerge from these, too. Our conclusions are:

1. Israel's security and intelligence services ill-treat Arabs in detention.

2. Some of the ill-treatment is merely primitive: prolonged beatings, for example. But more refined techniques are also used, including electric-shock torture and confinement in specially-constructed cells. This sort of apparatus, allied to the degree of organization evident in its application, removes Israel's practice from the lesser realms of brutality and places it firmly in the category of torture.

3. Torture takes place in at least six centres: at the prisons of the four main occupied towns of Nablus, Ramallah and Hebron on the West Bank, and Gaza in the south; at the detention centre in Jerusalem, known as the Russian Compound; and at a special military intelligence centre whose whereabouts are uncertain, but which testimony suggests is somewhere inside the vast military supply base at Sarafand, near Lod airport on the Jerusalem-Tel Aviv road. There is some evidence too that, at least for a time, there was a second such camp somewhere near Gaza.

4. All of Israel's security services are implicated: the Shin Beth, roughly Israel's MI5 and Special Branch in one, which reports to the office of the Prime Minister; Military Intelligence, which reports to the Minister of Defence; the border police; and Latam, Israel's "Department for Special Missions," both of which report to the Police Minister.

5. Torture is organized so methodically that it cannot be dismissed as a handful of "rogue cops" exceeding orders. It is systematic. It appears to be sanctioned at some level as deliberate policy.

6. Torture seems to be used for three purposes. The first is, of course, to extract information. The second motive, which seems at least as common, is to induce people to confess to "security" offences, of which they may, or may not, be guilty.

The extracted confession is then used as the principal evidence in court: Israel makes something of the fact that it has few political prisoners in its jails, only those duly convicted according to law. The third purpose appears to be to persuade Arabs in the occupied territories that it is least painful to behave passively...

The case of Omar Abdul-Karim, the man sent over the Allenby bridge, is typical for two reasons. His allegations differ little from those in scores of previous cases. And the difficulties of checking what he says are, as we shall show, no different either. First, his story, recorded during eight hours of questioning in mid-April. The phrase "he says" should mentally be added to each assertion that follows:

Omar Abdul-Karim was arrested on October 3, 1976, as he was crossing eastward over the Allenby bridge, on his way to see his brother's wife in Amman. He was driven to the Russian Compound, known to Arabs as "Moscobiya" — the detention and interrogation centre in Jerusalem which houses Shin Beth and Latam and occasionally the border police.

Among the interrogators who questioned him the same evening were two whom he came to know as "Edi" and "Orli." They accused him of being one of the *fedayeen*. When he denied this, they beat him on the soles of his feet. Later, for about 15 minutes, he was hung up by his wrists. Then he was sent to a cell in the main prison block at Moscobiya. His feet were swollen; he crawled there.

He was in Moscobiya for seven days. In later interrogations, he lay prone on the floor and, while one man stood on his legs, another pulled his arms back. Another time, a stick was twisted through his handcuffs, cutting the blood supply to his hands. He still denied involvement with the *fedayeen*.

After a week, he was transferred in a closed lorry to another location — he thought Sarafand. So far his treatment might just be described as "brutality", rather than torture. But the new centre was

more purposeful. Except during interrogation sessions, he was continuously hooded by a black canvas bag. Fresh interrogators took over, though Orli was also there.

Electricity was now used. Two thin, black leads were taped to Abdul-Karim with sticking plaster. These went into a black box, presumably a transformer, and from it a thick white wire was plugged into a wall socket. A button on the box switched the current on. "It felt as though my bones were being crushed," Abdul-Karim said. "The most painful was when they attached the wires to my testicles. When the current was applied, I felt it through my whole body. After the shocks ended, I felt pain in all my joints. Every muscle ached and I felt that my nerves were exhausted."

Abdul-Karim says electricity was used at "eight or nine" sessions. But he says he continued to maintain his innocence. After 11 days he was moved again, to the prison at Hebron on the West Bank.

Edi and Orli were still with him, but yet more interrogators now joined in. On his first day at Hebron, one named "Ouzi" kicked his face; when blood from Abdul-Karim's nose spotted his boot, Ouzi made him lick it off. Abdul-Karim recalls the boot: "Thick, with a kind of grid on the soles, like a commando's."

He also identifies one interrogator as "Abu Ghazal," a man with an "Aleppo rose" on his cheek, a pitting peculiar to the Middle East. Abu Ghazal swung him round the room by his hair and, when it came out, forced him to eat it. "It stuck all down my throat. It made me want to throw up." Then he had to drink salty water. Finally, Abu Ghazal and a second interrogator forced a bottle up Abdul-Karim's rectum.

That was the first day. The second day, he says he was again suspended by his wrists from a pulley and beaten. "I felt something break in my chest... Then I fell unconscious. When I came to I was on the floor and they were throwing water in my face..."

It was on the third or fourth day that Orli

brought Abdul-Karim's wife Nijmi to the prison. "When she saw me in such a condition she started screaming. Orli grabbed her by the hair. He started slapping her face until blood came from her nose and mouth..." Abdul-Karim said he would confess.

"Orli said: 'Now we are friends.' He pulled out a cigarette and handed it to me. I took the cigarette and started smoking and he said: 'Now talk.' So I had to start lying. I had nothing to tell and I had to save my wife. I said I had bombs and I hid them in my lavatory. When I said this my wife said: 'No, I was the one who put them there.' In fact there was nothing we had done but she said she had done it to save me, and I said it to save her."

Abdul-Karim was taken back to his home at Beit Sahur where sewage trucks sucked out the cesspit by his house. They found nothing. When it was realized he had lied, Edi repeatedly banged Abdul-Karim's head against a rough wall. Pieces of plaster fell out and Orli told him to swallow them, which he did.

"If I had anything I would give it to you," Abdul-Karim kept telling his interrogators. They did not believe him. He was kept under a cold shower; jammed into a barrel of freezing water; and suspended from his wrists once more while the interrogator Orli squeezed his genitals. "The mind cannot imagine how that hurts. It was so bad, it made me forget all the other pain."

The last assault Abdul-Karim remembers is being shut in a small cell into which some kind of gas was squirted through the judas-hole in the door. "I couldn't stop coughing. My eyes and nose were running. The whole world started turning round me." He remembers "a piece of glass like a finger" which was finally slid into each nostril to ease his breathing.

From that point, Abdul-Karim's alleged recollections are confused and fragmentary. We have established that at the end of November, for example, he spent a week in the main Israeli prison hospital at Ramleh.

He says he does not remember this. Then on December 12, his wife Nijmi says, she and their 12-year-old son visited him back in Hebron and he did not recognize the boy. He says he does not remember this episode either. About this time, the Israelis took him to the Jordanian border; but the Jordanians refused to accept him because no arrangements had been made. Abdul-Karim says he just recalls something like that. Of his eventual journey to Salt in February through the mediation of the International Red Cross, he remembers very little.

It is an appalling story, but how much of it is true? In the nature of torture, only two parties are present: torturer and victim. As Amnesty International has said: "The confrontation between the individual and the limitless power of the state... takes place in the darkest recess of political power." Failing a confession by the torturers, we have to look for other things: corroboration of verifiable details; or the consistency of one account with others, in circumstances where collusion can be ruled out. By those tests, Abdul-Karim's story deserves credence.

We had learned of his case, as we said, even before his release. The independent interviews we conducted then went some way to corroborate his account.

Six weeks *before* Abdul-Karim's release, his wife Nijmi had told us — in an interview at Beit Sahur — how she had been arrested and taken to Hebron prison. She and her husband had been beaten in front of each other, she said. Her face had been slapped and her hair pulled. Her husband appeared "badly beaten on his face and his eyes were swollen. There were burns on the back of his hands and there were burns on his face as if made by an iron or an electric fire." (Abdul-Karim later showed us, among other marks on his body, a flat scar on the back of his right wrist. He said it had been caused by the application of electricity, unmodified by a transformer, in Hebron. "They taped the wires to me and then put the plug directly in the socket. It just blew me away, and they had to re-attach it.

Sparks came from my hand. The other equipment didn't cause sparks.")

Other interviews helped to corroborate Abdul-Karim's story. On November 14 his lawyer Felicia Langer and her clerk Abed el-Asali visited Abdul-Karim in Hebron prison. Langer subsequently wrote an account of the visit: "He was brought to me supported by other prisoners because he was unable to walk by himself. . . . He was looking very bad, his face was completely yellow. . . . All the time he was pointing to his ribs, claiming he was unable to breathe out. One of his fellow prisoners told us that his ribs had been broken during interrogation. . . . Omar indicated to us that he had been tortured by electricity and while speaking of it he started trembling terribly. . . . He did not know his age, place of birth, address, or whether he had children. Just once during our visit, he let slip that his wife had been beaten in front of him, but then he stopped talking about it. It seemed to us that he was in another world."

In another interview six weeks before Abdul-Karim's release, Langer's clerk Asali confirmed her account, adding that they had seen Abdul-Karim suddenly start laughing and kiss a prison guard. "He said that the guard was the only one who didn't torture him. . ." (Asali did not mention burns on Abdul-Karim, but he did claim to have seen "blue marks and red marks like blood near his ear.")

It was also in mid-January, again six weeks before his release, that we interviewed the mayor of Abdul-Karim's village, Hanna al-Atrash. He told us then how the Israelis had spent several days draining the sewers round Abdul-Karim's house. His account of the episode agrees in general with that given to us later by Abdul-Karim — who could in no way have colluded with him.

The mayor also told us that in late November, having heard from Felicia Langer of Abdul-Karim's state, he went to see the Israeli military governor of the Bethlehem district: "He said he didn't believe the story, but he would look into

it." He later told the mayor that Abdul-Karim had been moved to a prison hospital.

The mayor also contacted the International Red Cross in Jerusalem: "I asked them to look into the allegations. Later the Red Cross delegate Bernard Munger confirmed to me that they were true. He confirmed Felicia Langer's letter completely."

As a matter of policy, the Red Cross never comments publicly on cases. The chief Red Cross delegate in Jerusalem, Alfredo Witschi, said he could not confirm or deny the mayor's statement. "We make our reports to the authorities and request action," he said. Similarly in Amman, Jean Courvoisier would confirm only that he had met Abdul-Karim on the Allenby bridge.

We have established, however, that the Jerusalem Red Cross delegate Munger first got access to Abdul-Karim at the end of November, about 55 days after his arrest. It was about then — and so possibly as a result of Munger's intervention — that Abdul-Karim was moved to Ramleh prison hospital. He was X-rayed, but returned after a week to Hebron. In the light of his later condition — which Munger described to doctors in Amman as "lamentable" and to which the medical records at Salt bear witness — this seems a strange decision. It is not surprising that Abdul-Karim has the fondest memories of Munger, whose continued efforts helped finally bring his release. "He saved my life," Abdul-Karim says.

But if there is independent corroboration for points of Abdul-Karim's story, there are also weaknesses which make it fall short of final proof.

In the first place, he *was* once a member of the *fedayeen*. Seven years ago, he served a 20-month sentence for possessing a revolver. His lawyer, Felicia Langer, though Jewish and a refugee from the Final Solution, is an active Communist, regularly denounced by the Israeli Government for political contacts with enemies of the state.

Secondly, the medical evidence is not conclusive. It rests ultimately upon the

judgments and testimony of the director of the Salt hospital, Dr. Ahmad Hamzeh. But Dr. Hamzeh is scarcely neutral. In 1976 the Israelis deported him from the West Bank. His clinical judgments, too, are open to challenge. In finding Abdul-Karim's injuries "consistent with" his story of torture, Dr. Hamzeh placed some emphasis on his fractured ribs. Yet in February 1976, we have discovered, Abdul-Karim visited the Mount of David orthopaedic hospital in Bethlehem, complaining of pains in his back and chest. Hospital records show that an X-ray taken then also showed "evidence of multiple fractures in ribs." Medical experts in London say that even if Abdul-Karim's ribs had later been refractured, Dr. Hamzeh's X-rays might not have allowed him to distinguish between the two sets of breaks.

It might be said that, in a country of avowed political freedom, Felicia Langer's politics should not debar her testimony. It could also be said that old fractures were surely susceptible to fresh damage from beatings. Yet doubts remain. And while we could corroborate many points in their accounts, Abdul-Karim and his wife disagreed on one significant detail. He said that his wife was brought before him at Hebron about October 25 — and the detail of his testimony leaves little room for error. She had already told us that the date was October 15.

This ebb and flow of evidence is typical of torture allegations; and it illustrates the persistent difficulties of proof. In Abdul-Karim's case, however, one piece of external evidence strongly suggests that *something* which the Israelis wish to hide did indeed happen to him. It comes from the Israelis themselves.

The day he was sent over the Jordan and up to Salt hospital, Dr. Hamzeh contacted Reuters and told them of Abdul-Karim's condition. A Reuters' reporter in Israel asked the West Bank military authorities for an explanation.

He was told that Abdul-Karim was a convicted Arab guerrilla and saboteur who

had fallen ill in prison after serving three years of an 11-year sentence. He had asked the Israelis to let him go to Jordan for medical treatment, and they had agreed.

The story was a lie. Medical records in Bethlehem show, as we have said, that in February 1976 — a year before his release over the Allenby bridge — Abdul-Karim went, a free man, to the Bethlehem orthopaedic hospital, and made several further visits as an out-patient before his arrest. The mayor, Hanna al-Atrash, confirms that the arrest was in October 1976. Finally, we reproduce the picture of Abdul-Karim and his wife taken on their 13th wedding anniversary [not included here—*Ed.*] It was taken at the Photo-David studio in Bethlehem in the spring of 1976. The studio remembers taking it.

Mistaken identity can be ruled out. Few convicted "guerrillas and saboteurs" are invalided in mid-sentence over the Allenby bridge. Nor did the military authorities sound confused. The point, however, is not that they provably lied. The disquieting point is that the officer who told the lie must either have been ordered by his superiors to do so — or else lied on his own initiative, knowing he would not be punished if his superiors found out. Whatever happened to Omar Abdul-Karim, in other words, was part of an officially-sanctioned system.

On the day after the United Nations had voted to establish the State of Israel in November, 1947, Chaim Weizmann, Israel's first president and, to many, its founding father, wrote: "I am certain that the world will judge the Jewish state by what it shall do with the Arabs." The dilemma his prophecy encapsulates leads directly to the situation revealed by our investigation.

Israel is a Jewish state, determined to remain so. Yet it rules 1.7 million Arabs — for a decade 1.2 million of these have been under military occupation.

The reasons why Israel has since 1948 steadily increased its dominion over Arabs and their land go back into the infinite regress of cause-and-effect, charge and counter-charge that makes up modern

Middle Eastern history. That is outside the scope of our inquiry. The fact is that most Israelis see no choice but to continue military occupation; while some Israelis actively want to do so, on the grounds of historic Jewish rights to the land.

Because Israel is so dependent on what Weizmann saw as the judgment of the world, it must try to ensure the judgment is favourable. The conflict between this international need and the domestic reality of military rule and Arab resistance expressed sometimes through terrorism seems to us the most concrete explanation of why torture has become, on the evidence, an accepted Israeli practice.

There are, of course, many who will passionately reject our evidence as literally unthinkable. Many more will find in the idea of a persecuted race becoming in turn the persecutors a paradox so distasteful as to demand better evidence than perhaps would be needed against other countries. Even more will point out that Israel claims — and undoubtedly feels itself — to be at war for its life; and that the Arabs' record on civil liberties is, to say the least, poor.

The point, of course, is that Israel itself does not, in theory, accept the unspoken implications of their argument.

Israel does not admit that torture is justified by its situation. It denies that torture is ever used. Nor does Israel justify failures in civil rights by comparisons with Arab deficiencies. On the contrary, it is fundamental to Israel's ethos and to its claims for international support that it is part of the West — thus to be judged by Western standards. Israel claims as "a fact" — in the words of an official Israeli observer to a United Nations Human Rights Commission meeting in March 1973 — "that the human rights of the civilian population [in the occupied territories] have been and are fully respected and protected.... The realities are those of an open society, tranquil and relaxed."

After a decade of military occupation, Israel has felt able to state, in its official handbook: "The administered areas are

tranquil and thriving today... Arabs and Israelis who until 1967 had lived in mutual separation and estrangement, are today enjoying the beginnings of a peaceful and fruitful co-existence."

Since our thesis is precisely that the international need to maintain that position goes far to explain the use of torture, it is necessary to begin by outlining Israel's response to the problems of "coexistence."

On the West Bank Palestinian reaction to the Israeli occupation has run through three phases. Phase One: active resistance from mid-1967 to the end of 1969. By the end of 1969, raids on border settlements had almost died out.

Phase Two from mid-1970 brought relative quiescence. With the crushing of Palestinians in the "Black September" struggle in Jordan, and the death of President Nasser, the activists looked abroad: to the Munich Olympics of September 1972, for instance.

Phase Three can be traced back to the Israeli raid on Beirut in April 1973, when it seized thousands of documents. On the basis of these, the West Bank, and, significantly, Galilee, within Israel's old borders, saw fresh waves of arrests of suspected *fedayeen* activists or sympathizers. The unrest these sparked — largely in the form of civil disorders and demonstrations by high school students — has ebbed and flowed but never really died. With continued Israeli settlement on the West Bank, and Palestinian suicide raids like those on Kiryat Shemona, Maalot and Beit Shean, feeling between the two communities has steadily worsened.

In Gaza, the sequence has been different. With 300,000 refugees crammed into camps alongside 100,000 native Gazans, the area is one of the most overcrowded in the world — and perfect guerrilla country. Active resistance continued there until mid-1971, when it degenerated into a mini-civil war between rival Palestinian factions. Israel bulldozed wide roads through the camps as the first step towards their pacification and control. By mid-1972 the *fedayeen* were

crushed.

Israel has never denied that its battle against the Palestinian resistance has involved tough measures. It has demolished homes (16,212 between July 1967 and August 1971 according to an independently-kept log) and deported “known agents of subversion” (1,130 to Jordan since 1967 according to Jordanian police records). But it points out that the Arabs have free municipal elections and enjoy better standards of living than Arabs in Egypt, Syria and the Lebanon, and that it uses punitive measures with restraint.

Against this background, Israel has confronted the hardest problem for any occupying power, its treatment of resisters and terrorists. In 1976, it claimed to have broken up 91 sabotage rings and arrested 807 people connected with them.

Even before its 1967 victory, Israel had prepared an administrative structure for territories to be occupied — and a system of military courts. But the round-ups of late 1967 and early 1968 swamped the system. Faced with similar problems in the Mandate days, the British resorted to detention camps — one near Tel Aviv; one in the desert near Gaza. (Arabs and Jews alike still refer to them as “concentration camps”; conditions were apparently dreadful.)

The idea of the Jews of all people reviving “concentration camps” was rejected in emotional debates in the Israeli parliament. There was no alternative to over-crowding the jails of Israel and the occupied territories with detainees. In the months after the 1967 war, the number held without trial passed 2,000. By early 1970 it was still 1,923.

But, slowly, the military courts caught up. Gradually, almost all Arabs picked up in new sweeps — and most of those held from the early days — were convicted by the military courts of “security offences” ranging from membership of an illegal organization, distributing leaflets, or daubing slogans, to possessing arms or committing sabotage or murder.

Ten years after the occupation, Israel has (on the latest published figure) only 37 detainees. But nearly 60 percent of all prisoners in jail in Israel or the occupied areas are Arabs found guilty of security offences — some 3,200 out of 5,800.

Thus Israel can demonstrate to itself and to the world that it has no political prisoners — only convicted terrorists. As Israel’s ambassador to the United Nations, Jacob Doron, asked in a speech last November: “What is wrong with the holding of trials and the conviction of those found guilty after due process of law?” The answer is: when those public convictions are gained by means of secret torture.

The military courts are the fulcrum of Israel’s claim to rule the occupied territories according to the rule of law. We have talked with six lawyers — two Israelis and four Palestinians — who regularly appear in them to defend those accused of security offences. For the record, their names are: Felicia Langer, Lea Tsemel, Wasfi O. Masri, Anton Jaser, Elias Khoury and Fayez abu Rahmeh. Their unanimous opinion is that the military courts collude in and knowingly conceal the use of torture by Israel’s intelligence and security services. The mechanism is, in its way, elegant, almost syllogistic. Most convictions in those courts are based on confessions by the accused; most of those confessions, the lawyers are convinced, are extracted by ill-treatment or torture; almost without exception the courts reject that contention.

A security suspect in the occupied territories is usually arrested by Israeli soldiers or border police, accompanied mostly by one or more men in civilian clothes. Most Palestinians we spoke to referred to the plain-clothes men as Shin Beth, Israel’s internal security service. (In fact, we have learned, they are just as likely to belong to Israel’s military intelligence.)

The suspect can be held for up to 18

days before being taken before a military judge. He can order further detention of up to six months. In this time the suspect is interrogated. When eventually he is brought to trial — up to a year later — the prosecution is almost invariably equipped with a statement, signed by the suspect, confessing to at least some of the charges.

Israel says that all confessions are voluntary. The six advocates we have spoken to do not believe this. Wasfi O. Masri, a 60-year-old lawyer from Nablus, and a senior judge under Jordanian rule said: “In 90 percent of cases I have, the prisoner had told me that he was beaten and tortured. Of course it is very difficult to prove because they don’t have witnesses to see them beaten. But I am certain that it happens.”

The military courts usually have three military judges — of whom only one must have been qualified, through six years at the Bar, to become a civilian judge. The Military Regulations they apply are based to some extent on regulations drawn up by the British in 1945 — to counter mainly Jewish terrorism.

But it is not in the courts that the crucial manoeuvre takes place. The courts do indeed allow defence counsel to challenge the validity of confessions. When that occurs, a “little trial” (in Hebrew, a *zuta*) is held.

This is what happens. The defendant tells the court that he was ill-treated or tortured. The prosecution then produces the policeman or army officer who took the confession. According to the young Israeli-born advocate Lea Tsemel, the officer tells the court: “I sat with the suspect, we had coffee together, I gave him cigarettes, he talked freely, and everything was normal.” And this officer is almost always telling the truth.

The catch is that the policeman may indeed have taken the statement. But he did not conduct the interrogation. Many of the former prisoners we questioned said that after they had agreed to make a statement they were passed from interrogators to the police, together with a note of the offences

they were admitting. The new officer then composed the statement for the court.

Several had tried to change their minds about confessing. One, Shehadeh Shalalkeh of Ramallah, protested, for instance, that he could not read his supposed confession because it was in Hebrew. (This is a common complaint.) “The officer left the room and two men in civilian clothes came in. I told them I wanted to know what I was signing. They said, ‘we haven’t got time for all that’ and they started beating me. So I said ‘okay, okay. I’ll sign’.”

It is almost impossible for defendants to bring their real interrogators to court, because they use Arab names — “Abu Sami,” “Abu Jamil,” “Abu Daoud” — or nicknames like “Jacky,” “Danny,” or “Ari.” Even if the defendants did succeed, the result was the same. Lea Tsemel told us how she had finally brought to court an interrogator her client had described. “He just looked at the defendant and said he had never seen him before in his life.”

Successful challenges to the validity of confessions are rare. Wasfi O. Masri is much admired by other advocates for having persuaded military courts to rule out confessions in *five* cases — from a total he estimates as “thousands.” Lea Tsemel said she had “almost succeeded once.”

Her real role, she explained, was plea bargaining. One of her clients was the only survivor of a band of infiltrators who had been shot down by an Israeli patrol. “He told me he had suffered very bad torture and he wanted to protest in court. The prosecution offered a deal. If I did not contest his confession they would ask for a maximum of 18 years. As he could have got life, I advised him to agree.”

A Palestinian advocate from Gaza, Fayeze abu Rahmeh, told us that he had decided not to take any more security cases: “I told the Israelis, I have had enough. I told them they should just go back to internment and end this farce.”

The question, therefore, is what happens in those secret interrogation sessions?

Ghassan Harb is a 37-year-old Palestinian

intellectual and journalist from Ramallah, on the West Bank ten miles north of Jerusalem. On the night of April 21-22, 1974, he and his wife were staying with his father-in-law there. Shortly after midnight, they were woken by half a dozen Israeli soldiers and two men in civilian clothes. One of the civilians told Harb to get dressed.

"What is the matter?" Harb asked.

"You will find out," the man replied. Harb was handcuffed, blindfolded and bundled into a vehicle which took him to Ramallah prison.

What happened to Ghassan Harb over the two months that followed has already excited international attention. When his case was raised at the United Nations last year, Israel's ambassador there, Jacob Doron, dismissed it as "typical of the kind of atrocity stories spread against the Israeli administration by certain elements."

What he meant was that Harb was a Communist. It is true, however, that both sides, Israel and its accusers, have distorted the Harb case — in part because the key witness, Harb himself, was unavailable. For two-and-a-half years after that midnight visit, Harb was detained without trial.

Only on January 18 this year was he released and sent home. Soon afterwards, we recorded for the first time his own account of his experiences. Harb struck us as an excellent witness: careful, restrained, questioning his own impressions and anxious to find points that might be verified. This, in essence, is his story:

For the first 50 days, nothing happened to him. He was punched and kicked on his arrival at prison and, still blindfolded, heard others getting the same treatment. But then, after three nights in a small cell with six other prisoners, he was moved to a larger room containing 40 men. As the days passed, the others — most of whom had been arrested on the same night as himself — were taken for questioning. After six, seven or sometimes 15 days they would return "in very bad condition," he says. "They had been beaten. You could see the marks on the faces and chests." Strangely,

they appear to have talked very little. It was not until June 12, 51 days after his arrest, that Harb's own turn came.

He was blindfolded again and made to lie down in what he thinks was a jeep for a journey of two or three hours. When the jeep stopped at last, and Harb got out, still blindfolded, a heavy cloth bag was put over his head. After perhaps 30 or 40 minutes just standing there with his hands in the air — "when there are bad conditions, perhaps a person thinks that the time is longer than it really is," Harb adds cautiously — he was taken into a room, and both blindfolds were removed. A man in civilian clothes addressed him in Arabic.

"Do you know where you are?"

"No," Harb said.

"You are in Kasr el-Nihaye."

That is the name of a prison in Baghdad, the capital of Iraq, notorious for its tortures and secret executions. Harb knew he was not in Iraq. But he also knew what Kasr el-Nihaye means. The Palace of the End. And he knew what his interrogator meant.

Harb learned that he had been arrested because, as an admitted Communist, he was suspected of complicity in armed resistance on the West Bank. He had joined the Communist Party as a schoolboy in Ramallah, then part of Jordan. The Jordanian government had banned the party and in 1957 Harb was arrested. He was 17. With other party members he spent the next eight years in prison.

An amnesty finally released him and, during the 1967 war, Harb was studying economics at Moscow university. He returned to Ramallah in 1972, to work for the Arab newspaper *al-Fajr*, published in Jerusalem. He wrote and spoke against the Israeli occupation.

These activities may have irritated the Israelis but none of them was illegal. As Israel's Ambassador, Jacob Doron, said "Nobody is in prison because of their political beliefs." Israel permits Communists to stand for election in Israel itself.

On the West Bank, however, all political parties and their activity are banned, and

known Communists are kept under surveillance. This has been especially so since 1973 when the West Bank communists and the Palestine Liberation Organization decided to form an alliance, which they called the Palestine National Front. Since Israel regards the PLO as a purely terrorist organization it soon saw the Front in the same light. On the night of April 21-22, 1974, it moved against the Front. Harb was arrested.

At the UN, Ambassador Doron said afterwards that Israel had only "arrested those against whom there was evidence of criminal offences." But most of those arrested in the sweep were never charged. We know of nine men — one of them Harb, and eight of them avowed Communists — who were apparently taken to Israel's own Palace of the End. Three were deported to Jordan in 1975; two more were allowed to return to their West Bank homes in 1976; Harb and another were released this year; two are still in prison. None has ever been tried, let alone convicted.

That does not, of course, prove that none had committed an offence. The secretary of the Jordanian Communist Party has been quoted as saying that his West Bank comrades had indeed been active. The fact remains that Harb denies involvement in any criminal activity, and no evidence has ever been produced.

It is necessary to spell this out only because Ambassador Doron has dismissed the allegations which follow as "an attempt to arouse public opinion and to cover up the crimes committed." He therefore uses the assertion of unproved crimes to brush aside the allegations of torture.

The underlying issue remains: Even if Harb and his comrades were guilty, how were they treated in Israel's Palace of the End?

On Harb's account, his first meeting with his interrogator there ended abruptly. "We know you are against the authorities; tell us everything you know," the interrogator said. Harb replied that he had no information. "All right," the interrogator said,

"You don't want to speak." He gestured to the guards, who wore soldiers' uniforms. "Take him," he said.

In another room, Harb was made to strip, given a military-type overall and photographed. Then he was brought back to his interrogator. He was to see him many times in the next 16 days.

"He was stout, rather dark skinned but not black. Black hair, no moustache. His hair was a little curly. I don't remember if he had a parting or not." He was, Harb thinks, about 170 centimetres — 5ft 7in — tall, and between 32 and 40 years old. "He spoke Arabic with a Syrian accent." Harb recalls that he always wore civilian trousers and a short-sleeved shirt.

The first beating began at once. "He sat on a table, I was on a bench and he began to beat me. Fifteen minutes, 20 minutes, beating with his hand across my face," Harb says. (Again, Harb warns that he may exaggerate the time.) Only one question was asked: "Do you want to speak?" Harb repeated that he had nothing to say.

At the end of that first session Harb, blindfolded once more with the bag, was led away. His handcuffs were removed, he was stripped of his overall, his hands were refastened behind his back and, naked apart from the bag over his head, he was pushed into what he felt was a confined space. The door shut. Despite two air holes in the top of the bag, Harb feared he would suffocate, so by sliding his head against the wall he removed it. He found himself in a tiny, windowless cell, the only light coming from a crack under the door.

"It was really just a cupboard," he says. He thinks it was 60 cms (2ft) square, and no more than 150 cms (5ft) high. "I am 178 cms and I couldn't stand up in it." Nor was it possible to sit down.

But the most curious feature was the floor. It was concrete, and set into it at close but irregular intervals was a set of stone spikes. "They were sharp, and they had acute edges. They were perhaps one-and-a-half or two centimetres high. I could not normally stand on them. I could stand on

them but with difficulty and pain. I would lift one leg and put the other down, and then lift that one when it got tired and put the other down, and so on."

Harb thinks he spent three or four hours in "the cupboard" on his first occasion — though he cautions this may be an overestimate. But his release from the place brought no relief.

The door opened. A soldier undid Harb's handcuffs to let him dress, then fastened his hands in front of him. Because Harb had pulled off his hood, he was slapped and blindfolded again, this time with "some kind of spectacles, cloth spectacles made of a black material." The bag was then put over these. Harb was led into what he thinks was an open courtyard, for further treatment.

"There were three or four of them. I judged that by their voices. They were beating me, and then they said: 'Now go down on your hands and knees.' There were little stones in the yard, and they were very painful to crawl on." (Particularly painful for Harb, he has bone deformities protruding from his knees.)

"That continued for about an hour, perhaps. I was crawling around on the ground and they were kicking me and beating me. While I was crawling around they rode on me, sat on me like a horse."

When Harb was at last brought to his interrogator once more, the man said: "Now see your condition." He then punched Harb repeatedly, while he and a second interrogator asked questions.

"They said: 'Do you know this person, that person...' mentioning names. I said I didn't... One of them said I was accused of military charges and I told them 'No, no.' He said: 'We know you are active in this field,' and I said: 'All right, if you know I'm active show me some evidence. I know it isn't true. If you have some evidence, please show it to me.' He said, 'We know, we know,' and he kept on beating me."

That was the first day. Eventually, according to Harb, he was locked into a cell and allowed to sleep. In the morning, the

routine began again — and again almost without variation over the four days that followed. "Cupboard," courtyard, interrogation, cell — though not always to rest. The routine could start at any time of day or night.

Sometimes during the beatings in the courtyard, Harb would be stripped: "They took me outside, took my clothes and there were four or five people. Now one kicks me, the other receives me, and gives me to the first — as a ball, kicking to and fro. Afterwards they let me crawl. I was still without clothes of course. Somebody sat on my back, and they were laughing."

On another occasion, Harb was made to crawl, bizarrely, into a dog kennel, less than two feet square. The dog was not in it, but Harb could hear it howling nearby.

Harb also heard the sounds of other prisoners: "On one occasion in the very early period they took me to the cupboard at night... at perhaps nine or twelve o'clock. Then I was taken outside and I heard some voices, sounds of pain, crying, pleading. 'Oh my head.' 'Oh my stomach.' 'You are killing me.' Of course I couldn't see who were the people who were groaning, but I heard it."

Certainly, the centre appeared to be staffed to handle more than one inmate. Between June 12-16 — the five days of intensive questioning — Harb was interrogated by six or seven different men, all in civilian clothes. The "Syrian" was not always among them. Nor was violence always used — though when it was, it was severe. At one point, Harb says, his feet were beaten with a stick.

After those five days, however, his treatment eased. He was interrogated for another 12 days, but the sessions became more relaxed and discursive, and he was spared the "cupboard" and the courtyard. "I don't know if I had convinced them I had nothing to do with military charges," Harb says.

On what he calculates was June 28, Harb, still blindfolded, was driven from the centre to Yagur prison outside Haifa in northern

Israel. Five or six other prisoners went with him. At Yagur, Harb began the detention from which he was released in January this year.

Israel denies that Harb was tortured. Its most detailed rebuttal was given by Ambassador Doron in a speech at the United Nations last November, after a report by a "special committee" of the UN on the occupied territories had mentioned Harb's case among others.

The lawyer Felicia Langer had brought several of these cases to the UN; so Doron first attacked her credibility: "a member of the politbureau of the pro-Moscow Communist party" and "an active propagandist against the state... devoted to the slander and denigration of Israel."

Harb, Doron continued, had been detained for investigation of his "subversive activities on behalf of a terror organization." As soon as his allegations of torture had become known, he had been examined by two doctors who had "found absolutely nothing wrong with him." An Arab delegation from his home town, Ramallah, had also been allowed to visit him; they too, Doron said, had been "satisfied that he had not been mistreated in any way." As to the substance of Harb's charges, Doron said that after "impartial inquiries" which the Israeli authorities had themselves instituted, he could state that no torture had taken place. "Nobody's held in prison blindfolded and tied up."

The other parties involved in those inquiries have different recollections. It was only a day or so after Harb had left the interrogation centre that his wife Afaf visited him in Yagur prison. She was, she says, horrified: "He looked terrible. He was pale and exhausted, and he had lost a lot of weight."

Her report of what she had seen and what her husband told her caused unrest in Ramallah. Harb's family is well-known locally; and Harb's own writings and speeches had given him a reputation. Seeing this, the Israeli military governor of Ramallah ordered Harb's transfer from Yagur to

the local prison.

It was on his arrival there that Harb was examined by two Israeli doctors — perfunctorily, Harb claims. He was also interviewed by a delegate of the International Red Cross, to whom he made a formal complaint of torture. And, as Doron said, he was allowed to meet a local deputation: the deputy mayor of Ramallah and his own brother.

We have talked to both men. Contrary to what Doron claimed, both say they *did* think Harb had been mistreated. His brother says Harb looked ill, had lost weight and showed signs of ill-treatment, including scars. The deputy mayor of the time, a lawyer named Alfred Kisek, recalled: "He told us he had been tortured. He didn't seem as bad as I had heard, but he looked ill and we believed that he had been ill-treated."

What of Israel's "impartial inquiries" into the case? Early in July, as unrest grew over the allegations put about by Harb's wife, the police minister, Shlomo Hillel, announced an inquiry — under a police officer. Harb was taken to Ramallah police headquarters to be questioned. It was, he says, a cursory affair. The resultant statement was no more than 500 words. (By contrast, the transcript of our detailed questioning of Harb totals 11,000 words.) The policeman also questioned Langer's six other complainants. By early August, he had presented his report. It dismissed the allegations.

Langer fought back. With another lawyer, Walid Fahum, she filed a complaint in the Supreme Court in Tel Aviv alleging that the inquiry had been inadequate and the minister, Hillel, delinquent in his duty. Technically, therefore, the court could only examine the narrow procedural issue. But the lawyers, of course, hoped the court would consider the wider issue of the allegations themselves. And this the court duly did.

Its procedure was so strange, however, that at the very least considerable doubt must be cast on what it found. No witnesses

were called. No fuller statements were taken. The court said it limited itself “to choosing between the conflicting claims of the prisoners and the investigators as submitted in writing.” On the strength of medical reports which “did not show any signs of intentionally inflicted injuries” it chose to believe the investigators. On December 18 the complaint against Hillel was dismissed.

We know, as we have said, of eight other Palestinian Arabs who appear to have been in the special interrogation centre at about the same time as Harb. Two are still in custody, but of the six who were freed we traced and interviewed four:

Muhammad abu-Ghabiyr
Jamal Freitah
Khalidoun Abdul-Haq
Husni Haddad.

Only Haddad was in exile in Jordan. (He died in Amman in May this year; we retain the tape of our interview with him.) The other three still live, like Harb, on the West Bank. None was ever charged.

In view of what they say, it is important to consider whether these four and Harb could have colluded their accounts.

Harb and three of them were certainly together for some days in Yagur, immediately after interrogation. But then they were split up, and only two served in the same prison (Haq and Freitah in Nablus). Haddad had not been in Yagur with the others, but he saw Harb for a few days in Ramallah when he was taken there for a hearing to extend his detention.

This gives the theoretical possibility that the five men could have conspired to fabricate a story. But only during those days at Yagur could a story have been cooked up — to be passed to Haddad later. And there are two further points. After his deportation to Jordan, Haddad had no chance to meet the others. Secondly, we first interviewed two of those still on the West Bank — Haq and abu-Ghabiyr — without any warning and before the final pair, Harb and Freitah, had been freed. We questioned *them* only days after their release.

In our view these facts and the weight of detail the men volunteered 30 months after their experiences argues reality rather than some long-remembered fabrication.

These are their stories:

— Mohammed abu-Ghabiyr, a shoemaker from Jerusalem, spoke of the interrogation centre as a “military camp” where the guards wore “soldiers’ uniforms.” He too was stripped, photographed and given a one-piece overall in camouflage colours. He too talks of being blindfolded with “a black bag made of very thick cloth” with two air holes in the top. He too was blindfolded the whole time except in his cell or under interrogation. Like Harb he described a “stony courtyard,” and mentioned the presence of dogs.

Harb, asked to estimate the layout and size of the centre, said that he could not do so, because he thought he had been led everywhere in circles. Ghabiyr, asked the same question, replied: “I couldn’t tell. The problem was they used to walk me in circles. . . .”

— Jamal Freitah, a labourer from Nablus, talked of “a prison uniform” and a ‘bag of black cloth’ over his head. He spoke of crawling naked over gravel; during that ordeal, he added, his eyes were covered with an extra blindfold under the bag.

At least once a day, he said, he was put into what he called “the frigidaire”: “It is about 60 cms by 60 cms by 160 cms high. The concrete in the floor was made in a way that it looks like small hills near to each other with very sharp edges. Everyone of them is like a nail.”

— Kaldoun Abdul-Haq, a partner in a Nablus construction company, spoke of being stripped, photographed and given “a camouflage overall” to wear. His blindfold was “a black sack made of cloth” with “two holes in the top to let air in.” He talked of a courtyard — he called it “a place in the open air” — where, he said, he was hung by his arms from a hook in a wall. And he remembered a tiny cupboard — “the floor was covered with very sharp stones which were set in cement.”

— Husni Haddad, at the time of his arrest a factory owner in Bethlehem, was given a khaki jacket and trousers rather than an overall. But the “black canvas sack” with the two holes was unchanged. So was “a sort of garden” with “gravel underfoot,” where he was once made to crawl and kicked as he did. He too remembered a cell 50 cms by 50 cms by 150 cms, the floor of which had spikes “like people’s thumbs” but with sharp edges.

Even mundane details in Harb’s account were confirmed by Haddad. Both men said that the first interrogation room had instructional charts showing weapons on its walls. Both said that a strange noise disturbed their sleep. Harb talked of “sounds of engines, whirring.” Haddad spoke of “a kind of hissing noise from an engine, or maybe a buzzing noise.” The plastic plates, the absence of cutlery, the plastic bucket for a lavatory, the lack of lavatory paper... scores of details match in the five accounts.

There were also inconsistencies. Haq, for instance, recalls the courtyard as being “like the soil” and denies there were stones or gravel. And the ill-treatment alleged varied in type and extent. Freitah alleged almost continuous beatings and abuse. Ghabiyr said he was hardly touched. (Perhaps the reason was that Ghabiyr has a history of tuberculosis and, at his arrest, was ill with a stomach complaint.)

Taking the evidence as a whole, however, we conclude that it amounts at least to a strong *prima facie* case that in 1974 Israel maintained an interrogation centre administered by the army, where suspects were hooded, continuously handcuffed, deprived of sleep and other human amenities, and systematically subjected to physical and mental suffering.

Where is this interrogation centre, this “Palace of the End”? The most likely answer is that it lies behind the high wire fence that all tourists see as they drive the last stretch from Jerusalem to Tel Aviv. The wire, the military checkpoints at a couple of entrances, and a few low scruffy buildings in the distance are virtually all that is visible of

the ten square miles of Israel’s biggest army ordnance and supply depot, Sarafand. (The Jewish National Fund also uses part of Sarafand to house the equipment for road-building in its new settlements in Israel and the occupied territories.)

Sarafand occupies a prominent place in Palestinian demonology. Scores of statements talk of it; and most of those who have been through the interrogation centre refer to it automatically as Sarafand. But that is an assumption on their part, as questioning soon shows.

There are, nevertheless, historical reasons why they could be right. Sarafand was built as the main British ordnance depot in Palestine before World War Two. When Britain then needed two camps to house Arab detainees during the riots of the late 1930s, one was built inside Sarafand. (The other was in Sinai.) So many of the old British mandate buildings were taken over, function and all, by the Israelis that Sarafand would have been a logical choice to house a new generation of Arab detainees.

For it is clear from detainees’ accounts that the mysterious new interrogation centre run by the military came into operation after the 1967 war. And it was another three years or so before its buildings — ramshackle at first, as if disused for a time — had been renovated. (Some detainees, taken there at intervals, observed the process.)

The assertion that they were in Sarafand comes most confidently from those early alumni. Yet each in turn seems to have learned this only from inmates already there. Only one claimed to have seen a sign “Sarafand prison” and we thought this improbable.

In those early years, blindfolding was less rigorously enforced, and a few detainees caught glimpses of their surroundings. One recalls a eucalyptus tree. But after 1970, continuous blindfolding and isolation shut out even those fragments.

Detainees could still hear, of course, and many speak of aircraft overhead. Sarafand lies below a flight path into Lod airport five miles away. But while some spoke of low-

flying heavy aircraft — which suggests an airport nearby — others said they had been high. (Because theirs is the less predictable testimony, the high-fliers seem preferable witnesses.)

So completely have the Israelis managed to isolate those under interrogation since 1970-1971, in fact, that the only evidence that the centre did not shift to some new locale then comes from two prisoners who, having been there before and after that period, are confident they were in the same place both times.

But when we tried to match those few early topographical details with those from Harb and the others arrested in 1974, we could not decide if they related to the same place. Nor was Harb or his comrades prepared to assert that they were in Sarafand.

“Others said it was Sarafand,” Harb recalled. “But I don’t know.” Because it was so hot there, Harb tends to believe he was in “the southern part of Israel.” (But he lived in the cool hills, and all the Israeli coastal plain is hot in June.)

Husni Haddad agreed with Harb. “I was a driver and I knew the roads,” he said, and he thought that on the journey from his home in Bethlehem the jeep had turned south before reaching Sarafand. Haddad also said that near the end of his stay at the centre, the shutter outside his cell window slipped.

He saw fast traffic on a main road about 150 yards away, he said. That is roughly the distance from the road to the buildings visible at Sarafand. But Haddad thought that a high proportion of the cars he saw had light grey number plates, which indicates Gaza registrations. He believed, therefore, that the centre was somewhere close to the Gaza Strip.

Israel commonly cites the International Committee of the Red Cross in its defence. At the UN last November, for instance, Ambassador Doron said: “Following his imprisonment, particulars of each security prisoner are sent to the International Committee of the Red Cross.” This category of prisoners, he said, “even enjoy some ad-

ditional privileges, e. g., visits by the representatives of the ICRC ... on these occasions, they may talk with each prisoner without witnesses.”

Ambassador Doron did not mention two important points. The Red Cross has indeed been able to visit prisons in the occupied territories since 1968. (Israel denies that the Geneva Convention applies, so it concedes the Red Cross no *rights* there; but it is allowed in.) Throughout those nine years, however, the Israelis have consistently forbidden the Red Cross to see prisoners undergoing interrogation. Nor did Doron say what we know from unimpeachable sources to be true: over the last nine years, when Red Cross representatives have got to prisoners in jails, they have heard story after story of ill-treatment and torture. And the Red Cross has filed hundreds of notices to the Israeli Government pointing this out.

The International Committee of the Red Cross has, of course, won its right to operate by promising governments to remain silent. Its delegates, all Swiss, undertake never to talk of their work. We have, however, learned from impeccable sources of the problems the Red Cross faces in the occupied territories.

The Red Cross is not immediately notified of arrests. Often it is the families or lawyers of prisoners who contact the Red Cross — and usually they do not themselves know where the prisoners are now. The Red Cross then tries to trace and get to the detainees as swiftly as possible — especially if there are any grounds for suspecting ill-treatment. But the delegates face three obstacles.

They have access only to prisons, not to police stations or military camps. Nor do they have unrestricted access even to prisons. Attached to prisons in the occupied territories are sets of cells which the Red Cross cannot see. Some are outside the prison proper, attached to the local military governor’s office. But inside Nablus jail, for example, the special cells — known there as “X-cells” — are to be found on the south side near the solitary confinement cells.

These remain under the control of the security services, and the Red Cross has no access.

Nor, for the first eight years of occupation, could the Red Cross visit any prisoners in the holding and interrogation centre known as the Russian Compound in Jerusalem. And it has no access to the secret interrogation centre where Harb was held.

Moreover, 48 hours before a prison visit, the Red Cross submits to the prison authorities a list of prisoners it particularly wants to see. It sometimes then happens that when the delegates arrive, they are told that the prisoner in question has just been moved to another jail. The delegates covering that jail promptly add the man to their list. If they in turn are told that the prisoner has again been moved — a process described to us as “playing paper games” — their concern inevitably increases.

So the Red Cross may only get to prisoners after a search and rarely if ever until interrogation is over. Several witnesses told us how Red Cross delegates greeted them when they finally met. “I’ve been looking for you everywhere” one delegate allegedly said. Another apparently remarked: “Now I have found you, you will be safe.”

How often does the Red Cross then hear allegations of ill-treatment? The Red Cross, of course, will not say. But our impression is that while beatings are commonly mentioned, more elaborate ill-treatment is alleged by half the prisoners or less. Not all of these decide to make formal complaints.

Even when a formal complaint is made — which the Red Cross then transmits without comment to the Israeli authorities — the Red Cross rarely learns officially if there has been any action as a result — or even if there has been an inquiry into the complaint. Over a period of six months delegates may notice that complaints about a particular form of treatment are diminishing; or discover that a particular interrogator has been transferred. That is all.

Only for five months through the summer of 1969, did the Red Cross persuade the Israelis to let its delegates see some of those

under interrogation — and then only in prisons, not military camps or police stations. But then the Israeli authorities changed their minds. The International Committee of the Red Cross subsequently reported: “Even though its delegates thought that there had been some improvement in interrogation conditions, the ICRC considered that the visiting procedure now laid down by the Israeli authorities no longer permitted it to ensure that interrogation methods at variance with humanitarian law did not occur.”

That was in September, 1970. Six years later, after reports in Israeli newspapers that the Red Cross was satisfied with conditions, the ICRC made another of its rare public statements. (The Red Cross says it does this only when it feels its policy of silence is being exploited or abused.) On January 12 this year, the Red Cross said that “a number of problems which have been raised regularly by the ICRC have not been solved.” And it pointed out that it was still not permitted to visit “those undergoing interrogation.”

Interrogation, of course, is only one of the ends of ill-treatment or torture. Ill-treatment may also deter a rebellious populace. For that, however, a degree of openness is required — a semi-public assertion of power. That is one possible explanation for what happens in the Russian compound in Jerusalem.

The Russian Compound, which sprawls over several acres in the heart of Jerusalem just north of the old city, derives its name from its original use as a hospital for Orthodox pilgrims. Inside its walls today are a prison, a repair depot for police vehicles, petrol pumps and two rows of single-storey barracks.

Much of the compound is open to the public: Barrack number two issues driving licences and identity cards. But Barracks four, six and eight house the Jerusalem outposts of Israel’s civilian security services, including — in Barrack Four — the section called Miotim, the department of minorities. Its boss is an Iraqi Jew named Naim

Shabo.

Unlike the rest of the captured territories, east Jerusalem has been not merely occupied by Israel but effectively annexed — and its 90,000 unwilling Arab citizens with it. Miotim's job is to cope with the "subversive elements" among them.

A few minutes after 3 p.m. last December 15, Hedva Sarid walked into Barrack Four. She is the secretary of the Israeli-born lawyer Lea Tsemel, whom she had arranged to meet there. "I looked for a secretary in the reception office, but nobody was there. Then I heard a shout — I think '*balam*' [Arabic for 'immediately']. The door of an office a little further down the corridor was half-open and I looked inside.

"There were some men — five, six or seven — around someone who I recognized as a client of ours. They were all talking to him at the same time. In the middle of shouting at him, one of them — a man with grey hair — swung his leg and kicked our client in the genitals. The client cried out and folded over. He held his genitals and he was crying.

"I started shouting at the men. They came and pushed me away and shut the door behind them. I saw the man with grey hair and I shouted at him: 'I saw you kick that boy. I want your number; that's illegal.'

"He said: 'I am the head of this department. My name is Naim Shabo. What do you want here?'" They pushed her out.

Hedva Sarid is not the only person who claims to have witnessed violence in the Russian Compound. An American charity worker whose business sometimes takes him up there recalls seeing, last year, a man, clearly in a dazed state, brought out of Barrack Four, led around in the fresh air for a few minutes and then taken back inside. On another visit, he saw a man led across the compound bleeding from the nose and mouth.

Lea Tsemel's client, whom Hedva Sarid says she saw being kicked, was a youth called Mahmoud el-Mughrabi. At 16, he had already been picked up a dozen times,

and he was clearly regarded as a trouble-maker. Mughrabi gave us a detailed account of how he was beaten at the session Hedva Sarid interrupted. His story is in part corroborated by another prisoner, though Mughrabi's additional allegation of electric shock remains unconfirmed.

Mughrabi was one of 24 Palestinians we interviewed who had been interrogated in the Russian Compound — "Moscobiya" the Arabs call it. Twenty-two said they had been ill-treated or worse.

Like the allegations involving the prisons of Ramallah and Hebron or the secret interrogation centre, those relating to the Russian Compound consistently specify a range of abuses which is both limited and by and large peculiar to that place. At the Russian Compound, these centre on sexual assault.

Nine of those we interviewed spoke of having had their genitals beaten, squeezed or twisted. Consistently, they said this was done mostly from behind, while they stood, naked and with legs apart, facing a wall.

What is unusual is that Miotim makes little apparent effort to conceal at least these more common assaults. Indeed, it seems to go out of its way to demonstrate its power over east Jerusalem. While most of those in its hands are arrested in night raids, for example, many are simply summoned by pro forma letter. It talks of an interview, but Miotim's reputation among Palestinians is such that the recipients automatically expect worse.

Most of those summoned accept it is pointless trying to escape, though. So they turn up as requested, and frequently just disappear into detention. No notification is given to their families.

Mughrabi's experience, in other words, seems fairly typical of what Miotim has taught "trouble-makers" to expect. But the Russian Compound has, like the "Palace of the End," interrogation and confession functions as well. For what happens there to those suspected of knowledge or complicity in more serious offences seems to be altogether harsher.

In assessing those allegations, however, we were frequently driven back to gauging from long interviews what Amnesty calls the “credibility and motivation” of a witness. The testimony of Josef Odeh, for example, is terrible — though by no means unique. It squares with the pattern thrown up by other testimony; and some corroboration is available. But the most impressive aspect was Odeh’s manner in giving it.

Odeh’s allegations go back to 1969 when his daughter Rasmiah, then aged 21, was given two life sentences for terrorist offences which included the planting of two bombs which killed 14 people.

Odeh says that it was around 1 a.m. on February 28, 1969, when Israeli soldiers burst into his home, then in Ramallah, and arrested him and his three daughters — one 23, one 17 and Rasmiah. They were taken to the Russian Compound.

His testimony bears out what the later prison sentences argue: that the Israelis were, from the start, really interested in Rasmiah. According to Odeh’s account, during his 20 days at the compound, the interrogators arranged a series of confrontations between members of the family, seemingly, as a pressurizing device.

Once, he had said, he was kept in one room while Rasmiah was beaten nearby: “When they took me back... Rasmiah couldn’t stand on her own feet. She was lying on the floor and there were blood stains on her clothes. Her face was blue and she had a black eye. Then she was picked up by two soldiers, and at that moment I started crying and screaming and they blindfolded me and I think she was then taken away.”

As his recital continued, Odeh became visibly distressed. He began to breathe rapidly and the muscles in the side of his neck were twitching. We asked him when he next saw Rasmiah, and he began to cry. At last he said to our interpreter: “I wish I had died rather than see this thing... It’s a question of honour... It’s all right, interpret, why not? What is there to tell? They held

her down and shoved up a stick.”

When he could go on, he said that he had been taken into an interrogation room to find Rasmiah naked and handcuffed. One of the interrogators, he said, “asked me to sleep with her, and I said: ‘Don’t even think of that. I would never do such a thing.’ They were beating me and beating her and we were both screaming. Rasmiah was still saying: ‘I know nothing.’ And they spread her legs and shoved the stick into her. She was bleeding from her mouth and from her face and from her end. Then I became unconscious.”

“An important element in determining Amnesty’s reaction to any evidence [on torture],” the organization has written, “is the government’s readiness to investigate allegations and to punish any offenders.”

Israel’s habitual response to allegations of ill-treatment or torture is to dismiss them as fabrications. Some, even many, may be — but not, we think, all. And, judged by that Amnesty criterion, Israel’s denials are not always convincing. We have already outlined Israel’s domestic response: the repeated failures of lawyers to persuade its courts to accept the allegations; the “impartial inquiries” where court procedures effectively bar the complainants from seeing, let alone challenging, official denials; in sum, a judiciary usually equivocal and often hostile to attempts to probe the truth.

Internationally, Israel’s response is exemplified by the assertions given at the United Nations last November by its ambassador there, Jacob Doron: “My country can proudly stand by its record of scrupulously observing the rule of law in the administered areas.” Israel, he said, showed a “liberal and enlightened attitude, including the candid admission of any mistakes that may have been made and the efforts to correct them...”

Doron admitted those mistakes: “It is true that in one or two cases, which are completely exceptional, force has been regrettably used against prisoners. One of these exceptional cases unfortunately brought about the death of Ahmed Sheikh Dahdoul...”

Dahdoul was beaten to death by soldiers in a military vehicle in March 1976 while being driven to Tulkarm police station 20 miles north-east of Tel Aviv. Doron described the aftermath: "The rule of law is strictly applied by the Israeli authorities and... no favouritism is shown by the authorities or the courts. The officer in question has since been found guilty and was sentenced to a long term of imprisonment."

When Dahdoul died, the Israeli authorities announced that he had done so of a heart attack. This was challenged by the Arab doctor who had treated him. Despite considerable uproar, the truth did not begin to emerge until four months later when the authorities suddenly told Dahdoul's lawyer — once again, Felicia Langer — that an officer would be charged.

No evidence has yet been publicly produced that any trial occurred. It was allegedly in a military court. But it was held in camera. Mrs. Langer was not permitted to send an observer, let alone participate. No action has yet been taken against the soldiers who actually did the beatings (though the Attorney General has recently announced that they will now be filed). Nor were any depositions ever taken from the other Arab prisoners in the truck with Dahdoul. The authorities merely announced that a major had been reduced to the rank of private and jailed for two years. To this day, Israel has refused to name the soldier or say where he is serving the sentence.

Last December, Dahdoul's family at last got an order from the high court for a transcript of the trial. Two months ago, the military court responded by saying that it would allow only Mrs. Langer to see a copy — and then only if she agreed not to copy it or to write anything about it. Mrs. Langer refused. The battle to see the record of this particular "candid admission" continues.

So do the allegations.

2. THE ISRAELI REPLY, JULY 3, 1977

We regret that the *Sunday Times* did not ask for Israel's reaction or response to the

statements made in the Insight article on torture before publishing it. Although the journalists involved claim that they were working on the story for more than five months, there is no reference made to any attempt to verify the stories from any authoritative Israel source whatsoever.

It is striking that there is not a single interview with an Israeli judge, nor with a member of the Israel Bar other than the two hostile lawyers who apparently inspired the article. There is not a single attempt at verification with members of the prison service. A place such as the Jerusalem local police station is ominously termed "a detention and interrogation centre" in order to try and create a suitable *mise en scène* for the *Sunday Times* horror fiction. Yet this local police station is in the centre of town and, as every Jerusalem lawyer and journalist is aware, local police are perfectly willing to allow visitors. The buildings, by the way, served as British Police Headquarters, including the barracks, and any Jerusalem resident who has lost a camera will also be visiting these "barracks." Incidentally, driving licences and identity cards are not issued there.

Some legal facts: Israel has an independent judiciary, a Ministry of Justice, an Attorney-General and an Office of State and District Attorneys, all staffed by lawyers. We possess a judicial system which even Israel's avowed enemies admit is both fair and of extremely high calibre, yet the journalists did not apparently feel there was need to ask these people about what was supposed to be going on in the State.

That Israel is the one and sole country in the area that does not carry out the death penalty, and that torture is a crime under Israel law are facts not mentioned. That torture or use of force in addition to being crimes are also offences against the police and military codes is not referred to, and that in the past officers have been punished and demoted for use of force, is given but scanty mention.

Only by careful reading of the article can a reader realize that even the writers of the

article have grudgingly admitted that Israel courts refuse to consider any statement by the accused if the court is not convinced that it was given of the accused's own free will, without use of force or threat of force, and that Israel applies the British "Judges Rules" in regards to statements made to the police. The journalists did not apparently feel it necessary to add that the onus of proof in such cases is on the prosecution, although they do, again grudgingly, admit that even the Arab lawyer to whom they spoke knew of five cases where military courts had refused to receive confessions by accused terrorists, as the prosecution had not shifted the burden of proof.

Only a reader with legal training can realize that in Israel, as in other common law countries, a statement to the police containing a confession needs corroborative evidence and it is impossible to obtain a conviction based on a confession alone. In the well-known case of Zohar Wasef Zaki Amira, who admitted in his statement to the police to the murder of a policeman and the defence did not object to the admissibility of the statement, he was nevertheless acquitted by the military court in Hebron solely on the ground that there was no corroborative evidence to that contained in the statement to the police; and after being kept in administrative detention, he has been released to Jordan last week.

Selective and misleading reporting: The article most carefully refrains from mentioning for what crimes people involved were found guilty. It was, in fact, acts of terror against civilians; it was the placing of bombs in supermarkets, buses and high street shops. This terror has been aimed at Arabs and Jews alike. In the Gaza Strip alone between January 1968 and August 1971 over 215 Arabs were killed, 51 of them women and 29 children, and over 1,314 wounded, of them 180 women and 139 children — all by Arab terror groups.

The impression the reader is intended to get is that what is involved is some sort of political agitation, and that the only evidence against the persons were their con-

fessions. The phrase used, for instance, "the secretary of the Jordanian Communist Party has been quoted as saying that his West Bank comrades had indeed been active," is a prime example of the sort of deliberate avoidance of the fact that there had been clear statements from the same source that the "activity" involved was physical and brutal terror.

On first reading the article one's impression is that although, as the journalists admit, there is no hard evidence of such torture, there is "corroboration of verifiable details." On a second careful reading, it transpires that the corroborative evidence exists as regards details that are not disputed. The persons were indeed arrested, interrogated and charged with crimes. That is not in issue. The fact, for instance, that prisoners were at such-and-such a prison together and both describe it, is indeed evidence, but it is evidence as to facts that are not in question. All Israel prisons are open to inspection and such inspections are carried out frequently by judges, representatives of the Attorney General and defence-counsel, including advocates Tsemel and Langer. It is only on careful reading of the article, that it becomes apparent that there is no evidence whatsoever on the actual use of torture.

Israel emphatically denies the truth of the allegations in the Insight article. Since a detailed refutation of all the allegations published in the four-page report of the *Sunday Times* would require at least the same amount of space, we would like to refer only to some of the more blatant alleged evidence quoted in the article.

Omar Abdul-Munim Abdul-Karim Salame: The case referred to is that of Omar Abdul-Munim Abdul-Karim Salame. The authors of the article admit that "the medical evidence is not conclusive." However, they add that there is "external evidence," this being, according to the article, that Israel military authorities told a Reuter's correspondent that Omar Abdul-Karim had served three years in prison while in fact Insight "discovered" that he had been only three months

in prison. In fact Omar Abdul-Karim had been arrested in 1970 and sentenced to four years in prison, of which two and a half were suspended. He was released on June 20, 1972, his period of arrest pre-trial being taken into account. He was arrested again four years later on October 3, 1976 and three months later, on February 24, 1977, released to Jordan on medical grounds. These facts are on file and available to the public. The fact that the Reuter's correspondent referred to the earlier period of imprisonment and not the later is the "external evidence" submitted by the Insight team. The article quotes the fact that the Mayor of the village saw Israeli soldiers draining Karim's sewer as "corroboration" of Karim's story. This is, in fact, evidence that was not in dispute. The search of the sewer was done openly, and it was as a result of this search that damning evidence against Karim was found. The article continues to quote another classic case of a half-truth. It is stated that in 1970 Karim "served a 20-month sentence for possessing a revolver." Karim refrains from adding that in addition to the revolver, he was found guilty by a court of complicity in the placing of a bomb in the Labour Exchange of Bethlehem on August 17, 1969 and a further bomb in the Municipality of Bethlehem on March 7, 1970. Incidentally, both places are frequented by local Arab residents.

After quoting the allegations by Karim of torture, the Insight report goes on to quote him: "I had to start lying. I had nothing to tell and I had to save my wife. I said I had bombs and I hid them in my lavatory." However, the article does not state that Karim then went on to give a long and detailed statement in which, *inter alia*, he described how and from whom he received explosive charges and his meeting in Amman with Yusul Qumsieh, a leading member of Fatah, who in turn was under instructions from Abdalla El-Atira, the man responsible for placing the booby-trapped refrigerator in Jerusalem's Zion Square, in which 14 people were killed and 78 wounded. Omar Abdul-Karim went on to de-

scribe how he had sent his nephew, Othman, to Damascus to obtain arms (the nephew Hassan Othman confirmed this in a separate statement to the police). He then described how he had hidden detonators in the roof of his house in the village of Beit Sahur. After signing the statement, Karim went with an escort of border police to his house where the detonators were found, as Karim had described them.

Karim was released after three months because of his medical condition. The fact that he was under treatment prior to his arrest is not disputed by Insight.

Incidentally, two days after being released from prison in a state where "he couldn't recognize his brother," he happily appeared at a Press Conference and on Jordanian television. Release of a prisoner on medical grounds is a regular procedure in Israel and in many countries, but it might well seem an extraordinary step to people in our neighbouring Arab states. This reasoning might well go a long way to explaining why Karim felt it necessary to elaborate a false story of torture to explain his statement to the police and his early release.

Hassan Harb: As regards the second case mentioned, that of Hassan Harb, there is a formidable list of medical certificates disproving the allegations. Hassan Harb was examined on admission to prison on April 24, 1974 and was found to be suffering from haemorrhoids. On May 2, 1974 he received a dental check-up and dental treatment. He was examined again on June 11, 1974 and on July 4, 1974. On August 8, 1974 Hassan Harb again received dental treatment and a further medical check-up on August 14, 1974. On all the medical check-ups, Hassan complained of the haemorrhoids and received medication. On the examination held on July 4, 1974, the examining doctor noted a cut on the right ankle. In none of the examinations did Hassan complain that he had been tortured nor did any of the examinations reveal any signs of such torture. The Insight team do not directly attempt to deny the veracity of the medical reports, and they admit that the medical

statements were subjected to examination by the Israel Supreme Court and were not faulted.

No attempt to bring any conflicting medical report was made; yet the paragraph on Hassan Harb ends by criticizing the Supreme Court of Israel that "at the very least considerable doubt must be cast on what it found."

The Insight team do, however, quote Harb's wife as saying that when she visited him at Yagur Prison some days after 28 June, that is after he had been allegedly tortured at an interrogation camp, "he was pale and exhausted and had lost a lot of weight." This statement, however, takes on a different hue when it transpires that the same person, the wife of Hassan Harb, had at least a week before the visit submitted a sworn affidavit to the Supreme Court (H. C. 247/74) stating that her husband was "a sick person and she was worried about his health." This was before she had seen him after his alleged "torture" or heard about the allegation.

Yusuf Odeh: A further case referred to is that of Yusuf Odeh, who recalls a tale of sexual sadism that indeed sounds horrifying. The event allegedly took place eight years ago; yet there is in the article not a word of any attempt to verify the incident, although Odeh claims there were soldiers present. No mention of any complaint made to Army authorities, no mention of any request for a medical examination, no mention of any names. The authors, however, state simply that "the most impressive aspect was Odeh's manner in giving the evidence." Israel emphatically and categorically denies that this incident (and the other incidents) occurred — it is the warped imagination of a sick mind.

In addition to the quoting of allegations that are simply not true, there is the omission of facts that must have been known to the Insight team. As regards the Odeh story, the article admits that Rasmiah was sentenced for "terrorist activities which included the planting of two bombs which killed 14 people." (They were indeed planted on a

shelf full of glass bottles in a supermarket on Agron Street in Jerusalem, and two other bombs in the British Consulate.) However, the article fails to point out that Odeh himself was tried for participating in the bomb outrages, found guilty by the court after hearing of evidence and witnesses and sentenced to life imprisonment.

Abed Al-Shalloudi Al-Karim: The pattern of refraining from mentioning facts that must have been known to the Insight team comes up again and again. Abed Al-Shalloudi Al-Karim is quoted as complaining of being beaten, yet at his trial held in the Lod court, he was represented by advocate Razi Kfir who put up a bitter and prolonged defence of his client, but made no objection to the admission of his statement to the police and made no mention of such a beating.

He is quoted as having been held 16 months without trial, but the Insight team then fails to add that he was then brought to trial and sentenced to four years imprisonment of which all but 15 months were suspended, and the sentence ran retroactively from the day he was arrested; so that in fact he was released immediately after being sentenced.

Zuher Al Dibi: Zuher Al Dibi is quoted as having received a seven-year sentence for distributing leaflets. It is true that he did distribute leaflets, but the Insight team fails to add that he was also convicted of throwing hand grenades at a truck on December 28, 1969 and of possessing explosives. It was this that earned him a 12-year sentence, of which five were suspended and he was released on February 12, 1977.

Fayez Toutunji: Fayez Toutunji appears on the list of those claiming they were ill-treated or tortured. However, advocate Tsemel, on July 13, 1976, wrote to the Minister of Police complaining that when Toutunji had been arrested, one of the policemen who accompanied him back to the house drew a revolver in a threatening manner against a member of the household. (The policeman later explained that he thought he was being threatened, and ne-

vertheless was reprimanded.) Lea Tsemel specifically states in her letter that there was no violence during the arrest. In a further letter to the Minister of Police, dated September 29, 1976, on the issue, advocate Tsemel again makes no reference to any violence against her client. The Insight team fails to quote either of these two letters or explain why advocate Tsemel did not complain if there had been ill-treatment.

The methods of advocates Langer and Tsemel: Again and again reference is made to advocates Langer and Tsemel as sources. Both advocate Langer and advocate Tsemel make a practice of claiming that every client of theirs who makes a statement to the police does so under pressure. A case of advocate Tsemel that has become famous in Israeli legal history is the case of Khaled Zawawi v the Minister of Defence (H.C. 98/76). Here she claims that her client had had to undergo two brain operations to remove thrombosis caused by "previous interrogations." What advocate Tsemel had forgotten was that a year earlier, at Zawawi's criminal trial (H.C. 1104/75), she herself had pleaded for leniency on the grounds that her client had a long history of chronic brain thrombosis dating back many years before. When this discrepancy was pointed out at the Supreme Court session, advocate Tsemel hurriedly withdrew her petition and only requested that the State not press for expenses against her client (which they refrained from doing).

Advocates Tsemel and Langer have made a practice of submitting complaints about ill-treatment of their clients, yet when the police open inquiries and request the people to provide statements or to submit evidence, the two lawyers simply fail to reply.

For example, in police file 598/76 advocate Langer complained about an arrest that had taken place on February 25, 1976. The police phoned and wrote a number of letters, the last being on May 31, 1976 asking her to substantiate the claim. No answer at all was received from advocate Langer. In police file 755/76, advocate Tsemel com-

plained on April 1, 1976 to the Minister of Police that nine of her clients had been beaten by the police. The police wrote repeatedly asking her that her clients or witnesses make statements as to the allegations. Advocate Tsemel ignored the letters and no statements were received. Again in police file 76/76, advocate Tsemel complained on January 8, 1976 that a client of hers had been struck by a policeman during his arrest. The police authorities wrote three times to the advocate asking that her client make a statement. The letters were ignored by advocate Tsemel.

In many of the cases the persons referred to had good reason for claiming that statements they made were made under torture, for in these statements they implicated others in the various acts of terror committed. There have been a number of cases of Arab prisoners being brutally murdered by their fellow prisoners on suspicion that they had cooperated with the authorities. Once claiming torture, they perhaps feel that they can no longer be accused by their colleagues of betrayal.

Israel police and security have every reason to refrain from use of force. Such use of force is a serious criminal offence, and where cases of police brutality have been found in the past, police officers have been prosecuted, and it is Israel's policy to do so in the future.

Furthermore, as has been emphasized, any statement obtained by such methods is inadmissible. Torture leaves medical evidence; yet in not one of the alleged cases has medical evidence been submitted. On the contrary, in every case where Israel authorities were informed of the allegations, medical reports failed to substantiate the allegations.

Every prisoner admitted to prison is subject to a medical examination, and to a further examination on release. These examinations are on record.

During 1975, 216 of the persons from the territories brought before military tribunals were given full acquittals, and in 1976, 408 of such persons were given full acquittals.

The total number of persons sentenced to more than ten years imprisonment was 31 in 1975, and 26 in 1976. This figure includes both persons sentenced for regular criminal activity and persons sentenced for crimes connected with security offences. Israel reports to the Red Cross on every single prisoner from the territories. The details of the prisoner are listed on a computer run by the Red Cross.

If clear evidence is produced, the Israeli Government undertakes to make every effort to investigate such complaints and to prosecute any policeman, soldier or security official involved, but no such evidence has been produced and we can but reiterate our regret and dismay that the *Sunday Times* found fit to print such an article.

3

THE "SUNDAY TIMES" REPLY, JULY 10, 1977

Israel's reply to our investigation dealt with the central points by flat denial, rather than with detailed evidence; it raised side-issues; it devoted great energy to attacking two of its own citizens who were by no means our principal witnesses; it contained a number of untruths. This article is divided into a brief summary of our original statement, the Israeli response in italic and then Insight's comment on that response.

Omar Abdul-Karim: Section One of our original report discussed the case of Omar Abdul-Karim. He was arrested, a fit man, on October 3, 1976 and deported to Jordan on a stretcher last February, after five months in the hands of Israeli security forces. He told an appalling story of brutality during interrogation. We examined the corroborative evidence. We also pointed to the weaknesses in his story "which make it fall short of final proof." But we pointed to the disquieting fact that the Israeli military authorities had sought to conceal how brief a time Karim had been in their hands.

Israel: Karim was ill before his arrest.

Insight: Not true. He was fit, happy and holding down a job as a carpenter. He did

have old rib fractures, and occasional pains in his chest and back; for these he went sometimes as an out-patient to an orthopaedic hospital. by contrast he left Israeli hands a stretcher case.

Israel: His state on release was not that bad: "Two days after being released from prison in a state where 'he couldn't recognize his brother' he happily appeared at a press conference and on Jordanian television."

Insight: Not true. The director general of Jordanian TV, Mohammed Kamal, says: "I have personally searched through all our records. There was no such interview." Nor was there a press conference. Summoned by the hospital doctor in Jordan, two reporters went to Karim's bedside, one from Reuters and the other Daniel Southerland of the Christian Science Monitor. Southerland recalls that Karim was mostly in bed, propping himself on one elbow to talk: "He was rather weak and frail and very thin, and obviously suffering physical pain." He had "difficulty walking" even with a cane. "Seen from the rear... he looked like an old man," Southerland wrote at the time. And he concluded that Karim had been "badly beaten."

Israel: *Insight is guilty of "another classic case of a half truth" in concealing Karim's previous convictions.*

Insight: In fact, we pointed out that he had been in the fedayeen — a factor which we said militated against his credibility. And we reported his previous sentence. We concede that we inadvertently listed only the lesser charge in that case and not his concurrent convictions for complicity in causing two explosions. (Karim, however, admits his guilt on the charge we cited, possessing a revolver; but denies involvement in the explosions.)

Israel: Karim gave a "long and detailed statement" of guilt during his five-month detention, which was corroborated by his nephew.

Insight: Karim's version of how the Israelis tried to force such a statement out of him and his nephew occupies 17 pages of our transcript. Even if such a statement existed, therefore, it would be unimpressive unless

the allegations of torture are disproved. But, in fact, Karim denies giving anything like what the Israelis allege.

Israel's details seem odd. Israel alleges, for instance, a meeting between Karim and another fedai in Amman sometime after June 1972; and a trip to Damascus by Karim's nephew. But the man Karim supposedly met in Amman has lived in Syria since the end of 1970 and is forbidden to enter Jordan. And Karim's nephew was too young to have a Jordanian passport, so how did he get to Damascus? Certainly not on Israeli-issued papers.

Finally, if Karim made this confession, why was he never charged?

Israel: Detonators were found in Karim's roof and other, unspecified "damning evidence" in his sewage pit.

Insight: Karim denies this. The Israelis never alleged it to his lawyer at the time. And since Karim remained in Israeli custody for about four months after his alleged confession and the search, the question is again: why was he not charged during this time?

Israel: The Reuter report that Karim, at the time of deportation, was a convicted guerrilla released after serving three years of an 11-year sentence was Reuters' own mistake.

Insight: Not true. Reuters published what the Israelis told them. Insight charged the Israeli military authorities with misleading Reuters when they asked about Karim's condition so as to discredit his story. The point has still not been met.

The facts remain. Omar Abdul-Karim, an active man of 35, was deported "an old man" on a stretcher after five months in Israeli hands, during which time he was charged with no offence. What happened to him? We challenge Israel to release the reports on Karim's condition made by the International Red Cross delegate Bernard Munger.

In Section Two, "The Judgment of the World," we examined the political background. We cited "Arab resistance expressed sometimes through terrorism," and showed how that had come in waves. We

pointed out that "Israel claims — and undoubtedly feels itself — to be at war for its life," but that Israel, for the sake of its international reputation, was reluctant to have political detainees.

Hence the pressure to get evidence on which suspects could be convicted; and so, we postulated, the introduction of ill-treatment and torture as a means of getting confessions. We then showed how the draconian system of military courts works, and we quoted six named advocates with experience of them: "Their unanimous opinion is that the military courts collude in and knowingly conceal the use of torture..."

Israel: "Torture is a crime under Israeli law."

Insight: So it is in most countries that use it.

Israel: "We possess a judicial system which... is both fair and of extremely high calibre."

Insight: True. That is what makes its reluctance to confront the issue of torture the more disturbing. For example, we cited a specific case where the Supreme Court dismissed a string of torture allegations solely on the basis of brief statements taken by the police which the plaintiffs could neither see nor challenge and medical reports by doctors who were far from independent. The plaintiffs' lawyer was not even allowed to be in court. We found that procedure remarkable. The Israelis do not deny it.

Israel: "All Israel prisons are open to inspection."

Insight: Not true. Most of Israel's prisons are open to inspection. But the prisons we cited — Ramallah, Hebron, Nablus and Gaza — have special cells, sometimes called X-cells, where prisoners under interrogation are held by the security forces. Those cells and their inmates are not open to inspection, even by the International Red Cross. Nor does the Red Cross — or anyone else — inspect the special interrogation centres.

Israel: All the people mentioned were convicted terrorists.

Insight: Not true. Many were never charged, let alone convicted, of anything. In its repeated assertions of this point, moreover,

Israel seems to us to come perilously close to implying that if the complainants were terrorists then ill-treatment or torture would be justified.

But our main criticism was of the military courts — run by soldiers and *not* by Israel's judiciary — which deal with security offences in the occupied territories. We said: "Most convictions in those courts are based on confessions by the accused; most of those confessions, the lawyers are convinced, are extracted by ill-treatment or torture; almost without exception, the courts reject that contention."

Israel: "During 1975, 216 of the persons from the territories brought before military tribunals were given full acquittals; and in 1976, 408 of such persons were given full acquittals."

Insight: Not true. The Israelis have added in acquittals in all the non-security cases that go before the ordinary courts — and there were 9,070 of those cases last year. (The Israeli foreign ministry admitted this to us last week.) So what are the true figures for acquittals by military courts? They were "not available."

We invite Israel to produce these figures. Incidentally, we do regard this mistake as curious: the figures were omitted from the version of the Israeli statement issued in Jerusalem where their inaccuracy would have been readily spotted.

Israel: *Insight* "grudgingly admits that even the Arab lawyer ... knew of five cases where military courts had refused to receive confessions..."

Insight: Far from our being "grudging," we took that to show how rarely it happens, since those five were the lawyer's only successes in well over a thousand cases. We find Israel's use of the word "even" interesting. The lawyer was, as we said, Wasfi O. Masri, a senior judge under Jordanian rule before 1967, and a respected figure.

Israel: "It is impossible to obtain a conviction based on a confession alone."

Insight: Technically correct, but in practice not true. Israel admits two sorts of corroboration. Truly independent corroboration is needed in cases like rape or when one of a group of accused has turned

State's evidence. But for acceptance of a confession, all that is needed is "something" — in Hebrew *dvar-ma* — and the military courts have reduced this to a minimum.

In most cases before them, it now consists of a "reconstruction report" by police who have photographed the defendant at places mentioned in his confession. The police then say that the picture was taken as the defendant pointed out to them what he did. Or the "something" may be the finding that a third party named in a confession does exist. Military courts do *not* require truly independent evidence.

Israel: *Insight* does not discuss the "well-known case of Zober Wasef Zaki Amira" who, it says, admitted killing a policeman but was nevertheless acquitted by the military court in Hebron "solely on the ground that there was no corroborative evidence." Israel adds that "after being kept in administrative detention" Amira was "released to Jordan" last week.

Insight: We did not mention Amira, but since Israel has, these are the facts, rather at odds with Israel's version. Amira was arrested on February 21, 1971 and tried — at Nablus, not Hebron — on May 28, 1972. In the intervening 15 months, Amira claims, he was tortured, mainly through *falanga*, beating on the feet. He confessed to two charges: possessing two bombs and the murder of a policeman. (He now says he *was* guilty of the bomb charge, but not of the murder.)

He was given a three-year sentence for the bombs, and the real reason he was acquitted of the murder was that others tried with him confessed to it themselves but exonerated him. They got life sentences, and the court did not inquire how, in that case, Amira had been induced to make a false confession. After his sentence, Amira was still held as a detainee and deported on June 26 this year.

Ghassan Harb. In Section Three, the story of Ghassan Harb, *Insight* dealt with the case of a Palestinian communist intellectual detained without trial from April 1974 to last January. We recounted his alle-

gations of torture at an unknown interrogation centre jocularly called “the Palace of the End.” We demonstrated that four others apparently at the same centre gave corroborative accounts of what happened, and we considered whether they could have colluded. “Taking the evidence as a whole,” we said, “we conclude that it amounts at least to a strong *prima facie* case. . . .”

Israel: Insight's article concealed the West Bank Communist Party's part in "physical and brutal terror."

Insight: On the contrary, we devoted five paragraphs to the party's alliance with the PLO. We pointed out, however, that none of the five witnesses in this section was ever charged with any offence. We then added: “That does not of course prove that none had committed an offence.” But the issue, we said, was: “Even if Harb and his comrades were guilty, how were they treated. . . ?”

Israel: "The fact, for instance, that prisoners were at such-and-such a prison together and both describe it, is indeed evidence, but it is evidence as to facts that are not in question."

Insight: This appears to admit a crucial part of our witnesses' testimony. The only time we compared descriptions in that way was in the case of the interrogation centre where Harb and his compatriots, among others, were taken. We did it because they were held separately, not “together,” and it was not a “prison” but a secret interrogation camp. And the key point on which they all agreed was to assert the existence of a tiny cell — a “*frigidaire*” — with concrete spikes set into the floor. Israel thus appears to concede the point that prisoners were held in these conditions.

Israel: Harb suffered from piles and his wife called him "a sick person."

Insight: Israel is unwise to raise this point. Harb was indeed due to have an operation for piles, but was arrested three days before his appointment. Despite repeated requests by, among others, the International Red Cross, Israel then refused to operate. The surgeon who did at last operate on Harb

after his release 33 months later told us that the operation was long overdue. So much for the doctors attached to the Israeli security forces.

As to Harb's wife, we think that she exaggerated his state after interrogation, and we quoted a witness to that effect: “He didn't seem as bad as I had heard. . . .” We also think that, for equally understandable reasons, she exaggerated his illness on arrest. He was, in fact, an active man, holding down a responsible job.

Israel: "A formidable list of medical certificates" of Harb's examinations in custody "disprove the allegations." "No attempt to bring any conflicting medical report was made." And Harb did not complain of torture to the doctors.

Insight: How could Harb provide conflicting medical evidence? He was in Israeli custody, out of reach of independent doctors. The most nearly independent witnesses — the two men we cited who visited Harb in prison — both thought he had been ill-treated. Israel, we note, does not challenge our demonstration that its ambassador to the United Nations publicly gave an untrue account of those men's findings.

Harb did in fact complain of torture at the time. He made a formal complaint to the International Red Cross — a copy of which the Red Cross sent to the Israeli military authorities in the usual way.

As for the medical examinations — Israel cites six, but two were dental — it is clear from their dates that three came before Harb's interrogation. The only relevant examination was on 4 July, 1974, 18 days after the end of his intensive interrogation and that came about because two days before, on July 2, Harb's lawyer Felicia Langer had claimed to see bruises on him and others and demanded an inquiry.

In our article we quoted Harb's allegation that the July 4 examination was in fact “*perfunctory*.” And not even the Supreme Court — whose handling of the case was criticized — found that Harb had no injuries. In a curious phrase, the court found no signs of “*intentionally inflicted injuries*”

— which taken literally can only mean that, sitting in camera, the court chose to believe the authorities' account of how Harb came by the injuries that were recorded.

The Centres. In our Section Four, Where Does It Happen, we tried to locate this mysterious 'Palace of the End.' We concluded that it was probably at Sarafand outside Tel Aviv but added: "There is some evidence too that, at least for a time, there was a second such [interrogation] camp somewhere near Gaza."

Israel makes no comment.

Insight: Israel last week admitted to Reuters that there indeed was an interrogation centre in Gaza. It would not let a Reuters reporter go there.

The Red Cross. In our Section Five, Limits on the Red Cross, we detailed, at length, the problems and restrictions that the Israeli authorities put in the way of the Red Cross. "The Red Cross," we said, "has filed hundreds of notices to the Israeli Government" recording allegations of ill-treatment or torture. *Israel devotes just two sentences to this crucial section: "Israel reports to the Red Cross on every single prisoner from the territories. The details of the prisoner are listed on a computer run by the Red Cross."*

Insight: The second sentence is irrelevant. The loose wording of the first wholly fails to meet any of the allegations we made.

The Compound. In our Section Six — An Assertion of Power — we dealt with the Russian Compound in Jerusalem. We cited interlocking evidence from several witnesses that one young "troublemaker" had been beaten there, and possibly given electric shocks. We then recounted the testimony of Josef Odeh, who claimed that his

daughter, Rasmiah, was viciously sexually assaulted in front of him.

Israel: makes no comment on the account of the "trouble-maker." It says of Odeh's testimony: "The article fails to point out that [Josef] Odeh himself was tried for participating in the bomb outrages, found guilty by the court after hearing of evidence and witnesses and sentenced to life imprisonment."

Insight: Not true. Odeh was, as we said, released after 20 days' interrogation. The Israeli embassy in London admitted last week that its Government had confused him with another man.

Israel: The Russian Compound is merely "the Jerusalem local police station." Israel disputes the trivial point that driving licences and identity cards are issued there; but says that lost property is collected in one of the "barracks" we mentioned.

Insight: The local police station is only one building in the compound. The barracks, as we said, house military and civilian intelligence agencies. On the trivia, we are right on identity cards, wrong on driving licences, but the Israelis are wrong about the lost property office, which shifted its site from the barracks to another building in the compound two years ago.

Ahmed Dahdoul. In our Section Seven — Israel's UN explanation — we tackled the question of how convincingly Israel had dealt with previous allegations of ill-treatment or torture. We quoted Israel's ambassador to the UN as saying Israel made a "candid admission of any mistakes." We then examined the case of Ahmed Dahdoul, beaten to death last year by Israeli soldiers, and pointed out how reluctantly Israel had conceded anything, and how unsatisfactory the position still was in that affair.

Israel's reply makes no reference to this.