

LAW-TRAIN: European license for Israeli torture

*"I was afraid they would actually do what they said about arrest and kill my parents, so I confessed."
Thabet, 17 years.¹*

I) Introduction

May 13, 2016: The United Nations Committee against Torture publishes its final observations of the periodic review of Israel. Once again, Israel is denounced for torture and cruel, inhuman or degrading treatment, use of illegal practices in the framework of the interrogations of the police and prison staff, such as denial of access to legal counsel for up to 60 days, use of evidence obtained by force. These practices are used in particular against Palestinian and migrants.

May 1, 2015: The European project LAW TRAIN, which aims at developing technology that will unify methodology for police questioning, starts. It is coordinated from Israel and includes the participation of the Israeli Ministry of Public Security/Israeli National Police, the Ministry of Justice of Portugal/Judiciary Police, the Federal Public Service of Justice of Belgium and the Ministry of Interior of Spain/Guardia Civil.

We ask the EU to rescind financing for the LAW TRAIN under Horizon 2020 and the European partners to end their participation in the project.

Cooperation with the Israeli Ministry of Public Security and, in particular, the Israeli National Police is politically and ethically unacceptable and legally problematic:

- The Ministry is responsible for the police and prison staff that since time are denounced by human rights organizations and the UN to integrate in their interrogations various forms of racism, torture, ill-treatment and other forms of violation of human rights.
 - The headquarters of the Israeli National Police is in Palestinian occupied territory in Jerusalem Est.
- Cooperation with these institutions legitimates and gives support to serious breaches of international law, in contradiction to the opinion on Israel's Wall (2004) of the International Court of Justice.

Participation in the LAW TRAIN project:

- Legitimizes one of Israel's most cruel policies - the daily repression of the Palestinian people (including physical and psychological torture, ill-treatment, arbitrary detention, threats, racial discrimination, etc.)
- Risks the proliferation of inhumane treatment in European justice systems, creating risks for EU citizens.
- Recognizes as legal the Israeli system of control and military repression, which includes illegal methodologies for 'interrogation', and assist in its maintenance. With that the EU and states violate their obligations under international law.

Since 2011, Palestinian and European civil society has pressed the EU to exclude Israel from funding R&D projects (under FP7/Horizon 2020) that structurally support Israeli illegal practices and policies.

¹ <http://bit.ly/1WmLcuC>

II) The context

The campaign against participation of Israeli entities in EU research and development projects (FP7/Horizon2020):

- Since 2011, Stop the Wall², the BNC (Palestinian BDS National Committee) and other Palestinian and European civil society organizations have pressured the European Union to exclude Israel from funding research and development projects (FP7 / Horizon 2020), as they structurally constitute support to illegal Israeli practices and policies.
- In 2013, the EU published guidelines to prevent the participation of projects implemented in the Palestinian occupied territory (OPT) and actors based in the OPT.
- Since 2015, the Palestinian and European civil society and MEPs are pushing the EU to exclude projects involving cooperation with Israeli military and 'security' companies and institutions.³
- FP7 and Horizon 2020 have shown flaws in their Ethics Procedures. Political, legal and ethical accountability for these projects is with the participants.

EU controversy about collaboration with the Israeli National Police:

- The European External Action Service in 2014 wrote a Non-Paper proposing, among others, the end of cooperation with Israeli institutions based in Palestinian occupied territory, including the Israeli national police.⁴
- The European Council on Foreign Relations (2015) has proposed similar measures.⁵
- Since 2005 until today the cooperation agreement between Europol and Israel is stalled for reasons that include the location of the headquarters of the Israeli National Police in occupied Jerusalem and the coercive manner in which Israel obtains information. European legislation does not allow the use of this information. The European Commission has made clear that 'information obtained in obvious violation of human rights will not be processed'.⁶ It is unclear which information is obtained in respect of human rights within the Israeli system of police, prison and intelligence, replete with human rights violations.

EU Ethics Appraisal Procedure:

FP7 and Horizon 2020 have shown serious flaws in the ethics appraisal procedure of the projects. In all cases, political, legal and ethical accountability for these projects is as well with the participants.

- The project has developed that the guidelines and ethical procedures⁷ that do not take into account the continued and systematic use of illegal practices by the Israeli police and the forces dependent from the Ministry of National Security.
- The project should have never passed ethical appraisal of the EU.

² <http://bit.ly/1s5Pie5>

³ <https://www.stophthewall.org/documentation-eu-funding-elbit-systems>

⁴ <http://www.thetower.org/article/the-eus-israel-problem-goes-far-beyond-labels/>

⁵ <http://www.ecfr.eu/page/-/EuDifferentiation-final3.pdf>

⁶ <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=P-2013-006429&language=EN>

⁷ <http://www.law-train.eu/?wpdmdl=2899>

III) Details of the LAW TRAIN project⁸

Period: 05/01/2015 - 04/30/2018	Total cost: € 5,095,687.50 (fully funded by the EU through Horizon 2020)
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Participants

- The project is coordinated by the Israeli Bar Ilan University and includes the participation of the Israeli Ministry of Public Security (responsible for the Police and Prison Services, among others) and the Israeli company Compedia Software & Hardware Development Ltd. The total funding for Israeli participants amount to: € 2,374,062.
- The Ministry of Justice of Portugal receives € 218,750.
- The Ministry of Justice of Belgium and Spain the Ministry of Interior together receive € 334,500.
- Others: Catholic University of Leuven (Belgium), EU businesses/private institutions: INESC-ID (Lisbon), Optimización Orientada a la Sostenibilidad SL (Sevilla), USECON Usability Consultants (Vienna).

Partners from the Ministry of National Security/Israeli National Police:⁹

The team of the Ministry of National Security is made up by staff of the Israeli National Police responsible over investigations and interrogations perpetrated by Israel:

- ❖ Dvir Aliav, Chief Investigation Officer National Academy
- ❖ Dmitry Himenblum, Investigation & Law Unit
- ❖ Moshe Levi, Head of Electronics
- ❖ Zvi Nisin, Head of North Laboratory of Investigative Psychology
- ❖ Lior Shalev, Head of Missing Person Unit

For more details on other partners in the LAW TRAIN see: <http://www.law-train.eu/partners/>

Research methodology and objectives and expected results

The project builds a technology platform - Virtual Suspects - to 'unify the methodology for interrogations'¹⁰. Police units will practice the interrogation of suspects in a virtual reality environment. LAW-TRAIN 'enhance knowledge and build experience on the conduct of joint interrogations with officers in other countries, and specifically on how to overcome gaps of culture, legislation, interrogation style (SIC!), language, and more'.

⁸ For more see: http://cordis.europa.eu/project/rcn/194874_en.html

⁹ <http://www.law-train.eu/partners/>

¹⁰ http://cordis.europa.eu/project/rcn/194874_en.html

LAW TRAIN helps 'to **improve interrogation skills, as well as collaboration between police units** in different countries'.

- *Problem:* The Israeli methodology used in interrogations includes the systematic use of torture and ill-treatment (see below).
- *Problem:* The Israeli police says it will use the technology to train their police¹¹. Thus the project will help and sustain a system of Israeli illegal practices.
- *Problem:* Cooperation with Israeli police on interrogation methodology is politically unacceptable. Controversy on this subject is ongoing within the European Union.

The project anticipates the **creation of models to simulate terrorist scenarios**.

- *Problem:* The simulation of such environments, coordinated by Israeli institutions structurally implementing racist policies and practices threatens to produce and strengthen Islamophobic and racist prejudices in the preparation of European police and prison staff.

The end user - **participating police forces** - will participate in all project levels and 'use their experience in **interrogation** and fighting crime to develop the system'¹².

- *Problem:* From Israeli side, the participant and the end user are those who have experience of illegal methods of 'interrogation'.

Data Sharing:

- *Problem:* Data resulting from interrogations of the Israeli police, prisons, intelligence services are often obtained through the employment of torture or ill-treatment.

III) Israeli methodologies

These methodologies are **part of the Israeli system of repression, military control and racial discrimination (apartheid) against the Palestinian people** and are used in connection with practices of 'administrative detention' (preventive and without fair trial prison), arbitrary arrests and collective punishment. **This system enables and facilitates the illegal settlement project in the occupied Palestinian territory, including policies of land annexation and forced displacement of the Palestinian population.**

Racism in Israeli institutions

- The Committee on the Elimination of Racial Discrimination (CERD) UN has reiterated in several concluding observations¹³, that racial discrimination is rooted in the Israeli legal system and its institutions, particularly the judiciary.

¹¹ <http://www.law-train.eu/zeitungsinterview-sarit-kraus/>

¹² <http://www.law-train.eu/eu-project-law-train-to-fight-international-crime/>

¹³ See Concluding Observations of 2012: <http://www2.ohchr.org/english/bodies/cerd/docs/CERD.C.ISR.CO.14-16.pdf>

- For example, the treatment of Israeli settlers under Israeli civil law, including criminal law, while Palestinians are judged according to military orders and deprived of their fundamental rights.
- The Bar Ilan University practices forms of discrimination against Palestinian students and allows teachers, such as dr. Mordechai Kedar, publicly promote the rape of wives and mothers of Palestinians as 'deterrent'.¹⁴

Israeli methodologies for 'interrogation': systematic use of torture and ill-treatment

- The **UN Committee against Torture** in its 2016 concluding observations on Israel¹⁵ denounced Israel for torture and cruel, inhuman or degrading treatment and use of illegal practices in the framework of the interrogations of Israeli police and prison staff, such as the denial of access to legal counsel for up to 60 days, use of evidence obtained by force, prolonged solitary confinement and impunity of the perpetrators of such practices. They are used particularly against Palestinians and migrants.
- **Amnesty International** in its 2016 submission on Israel to the UN Committee against Torture (CAT) summarizes: "Israeli military and police forces, as well as ISA personnel, tortured and otherwise ill-treated Palestinian detainees, including children, particularly during arrest and interrogation.¹⁶ Reports of torture increased amid the mass arrests of Palestinians that began in October 2015. Methods included beating with batons, slapping, throttling, prolonged shackling, stress positions, sleep deprivation and threats to arrest family members for example. Jewish Israeli suspects detained in connection with attacks on Palestinians also alleged that they were tortured. Security forces continued to enjoy impunity for torture. The authorities had received almost 1,000 complaints of torture at the hands of ISA since 2001 but have yet to open any criminal investigations."¹⁶
- **Addameer** (Palestinian Prisoner Support and Human Rights Association) classifies the methods of ill-treatment and torture during interrogations of Palestinians as: 'routine', 'special' and 'inside the prison cells'.¹⁷
- **Stop the Wall** has analyzed the Israeli use of prisons and methodologies for 'interrogation' in the context of repression against the Palestinian people, documenting the cases of 176 detainees from communities affected by the Wall and the settlements. Targeting particularly the youth for detention, Israel tries to force 'confessions' and regularly threatens minors during interrogations to act as informants. The intent of the focus on minors is to create an impact on the individual as well as the family, traumatize a new generation and disrupt the community's social fabric.¹⁸
- **Defense of Children International - Palestine Section** in their 2016 report¹⁹ based on 429 witnesses of Palestinian minors held by Israel, details the repeated and systematic use of ill-treatment. After traumatizing military arrests and long transportation, the detained children arrive handcuffed,

¹⁴ <http://www.haaretz.com/israel-news/.premium-1.606542>

¹⁵ http://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/ISR/INT_CAT_COC_ISR_23917_E.pdf

¹⁶ <https://www.amnesty.org/download/Documents/MDE1536882016ENGLISH.pdf>

¹⁷ http://www.addameer.org/key_issues/torture-and-ill-treatment

¹⁸ <http://www.stophthewall.org/downloads/pdf/repress.pdf>

¹⁹ <http://bit.ly/1WmLcuC>

blindfolded, frightened, and deprived of sleep. Among others, 97% of the children had no access to legal advice before and during questioning. During interrogation:

- 28.7% were subjected to verbal abuse or intimidation, including physical violence, solitary confinement and sexual assault. (20% were subjected to solitary confinement.)
- 27.5% were exposed to physical violence including choking, punching, hitting the child's head against the wall.
- 22.4% were threatened by their interrogators.

Israel has consistently rejected the recommendations by the UN

- Since 1994, the UN Committee against Torture condemns Israel for not incorporating the crime of torture in its legislation. To this day Israel refuses to ban torture in its legislation.
- Since 1994, the UN Committee against Torture denounced the cases of torture, submitted to the Committee during its periodic review, as well as policies that explicitly allow "pressure" or other forms of internationally illegal treatment in circumstances of "necessity". Furthermore, it denounces the impunity of perpetrators. To date, these policies continue.