

The Cooperation between the Police and the Israeli Security Agency in Investigating Security Offenses

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In this article, we present the tools used by the Israeli Security Agency (ISA) in interrogating Palestinians prosecuted in the Israeli Military Courts, and the normative implications that arise from this. The results of the research indicate that the tools and means employed by the ISA in interrogations severely harm many interrogees' rights to autonomy, dignity and due process. The study also reveals that there is no substantive distinction between the security interrogations conducted by the ISA and police investigations, which results in the prosecution and conviction of interrogees in exceptionally high percentages. Moreover, the study shows that the use of the special and harmful means employed by the ISA is not restricted to those suspected of committing serious security actions or those suspected of being involved in such acts, but also extends to a substantive number of interrogees who are suspected of committing minor security offences.

We argue that the normative justification for the use of abusive interrogation methods should only be applied in the rare cases of extreme security circumstances. However, based on the analysis of 100 cases, we claim that the use of these measures against hundreds of suspects of minor security offenses is unjustified and illegal, and they serve as a tool to control the Palestinian population rather than as a necessity for the security and defense of Israel. This routine continues to be practiced and normalized by the courts following a Supreme Court ruling, which refers to a separation between the ISA interrogating and the police interrogating. We argue that no such separation exists. We will show a case law that supports our argument and will present the military court suggestion to the solution. In the conclusion, we present several required reforms that may slightly improve the prevailing practice in ISA interrogations and in the conduct of the trial of those who are prosecuted in their wake.