

# Out-of-court deal awards Palestinians NIS 2.4 million

By Zvi Harel

The Defense Ministry a few days ago gave NIS 2.4 million to 28 Palestinians who were tortured by the Israel Defense Forces and the Shin Bet security service. The payment was made after an out-of-court settlement was reached with the plaintiffs, who agreed that suits brought to the Tel Aviv Magistrate and District courts would be turned down.

One of the plaintiffs, Benan Oudeh, 31, of Qalqilya, arrested a few years ago for throwing stones, told *Haaretz* yesterday that his testicles were beaten so badly in the interrogation room that they had to be amputated.

Oudeh's attorney said his client received only NIS 120,000, and was determined to be credited with a urological disability of 20 percent and a psychiatric disability of 10 percent.

Long negotiations in the case, first brought to court in 1996, ended in a settlement whereby the state would make the payment without admitting to the torture.

All the plaintiffs testified that they were shaken,

tied in painful positions, had their heads covered with sacks and were prevented from sleeping, techniques that were common at the time but have since been outlawed by the High Court of Justice.

According to their lawyers, some of the plaintiffs were subject to more extreme torture, including the withholding of food and drink, being forbidden to go to the toilet, threats of imprisonment of family members and confinement in a very small cold cell.

Another plaintiff, Hassin Zid from Qalqilya, who was arrested at age 17 on suspicion of throwing a Molotov cocktail said he was handcuffed, sprayed with tear gas, tied from the ceiling and beaten with clubs and a water pipe.

The military court determined that he was unfit to stand trial and he was released and hospitalized in a psychiatric facility. Zid was awarded a 30-percent psychiatric disability, according to attorney Bshara Jebali, a lawyer for the plaintiffs.

Another plaintiff, Ahmad Mar'i, from Nablus, said interrogators humiliated him

by showing him pornographic pictures and suggesting they were of his wife and daughters, and on another occasion, when he was unable to stand, an interrogator forced him on his feet, forced his mouth open and spit into it.

The plaintiffs were divided into two categories: torture victims who were determined not to have incurred permanent disabilities, who were awarded between NIS 15,000 to NIS 38,000 each, and those with permanent disabilities, who received between NIS 50,000 to NIS 435,000 according to the extent of the disability.

Another attorney for the plaintiffs, **Dan Essen**, said yesterday that the settlement, although made out-of-court still set an important precedent in that compensation was paid in suits of a class-action type. Moreover, he said that about

half the plaintiffs were compensated according to no other evidence than their testimony of torture. Essen added that most of the plaintiffs had not been defined as "ticking bombs" and were released following their interrogation.