

- * Regarding loud music, the State continues with the same line of reasoning and states that "for most of their detention ... no music was played." The point of the music, according to the State, was to prevent the interrogee from talking with his neighbor, and "was played not just to the appellants but to everyone in the interrogation facility, interrogators and interrogees alike." The response does not explain how interrogators communicate with each other and with the interrogee while being subjected to this music.

According to the State, the intensive interrogation of the appellants is required based on classified information which reveals "that the appellants hold information whose immediate attainment will assist in the prevention of future attacks in Israel." The State was ready to present the information concerning these suspicions and the interrogation to the Court without the respondent being present.

The discussion of the appeal took place on 25.4.96 before Justices Barak, S. Levine and Strassberg-Cohen. In their decision, in which they reject the appeal, the Justices state:

We have heard from the appellants' attorney, and studied the appeal. We have also heard from the respondent's attorney and studied the written response. With the consent of the appellants, we have heard in closed chambers the complete and detailed explanations from the GSS interrogators regarding the circumstances, background and purpose of the interrogation. We are satisfied that under the current circumstances - part of which we are unable to reveal due to their classification - there is no basis for our intervention.

We have noted the announcement of Mr. Nitzan that the appellants are in constant contact with their attorneys and that they are not detained incommunicado.

Detention Conditions

Both during interrogation and afterward, detention conditions of Palestinian detainees are harsh and shameful. The repeated problems include extreme overcrowding, prevention of showers for two weeks at a time, lack of exercise and lack of a change of clothes.

The issue of lack of clothes assumes greater significance in light of the fact that the wave of detentions in the occupied territories since February 2 were surprise detentions, conducted at night. In many instances, attorneys visiting detainees discovered that the detainees were taken in their pajamas or underclothes and nothing more. Some did not have shoes. In spite of the regulation requiring provision of clothes to inmates, detainees in the Meggido detention facility were not given clothes or shoes - this was discovered by attorney Hazan Abu Ahmad from Nazareth in his visit of March 10.

A request for "immediate provision of clothes, including shoes, to all inmates in IDF facilities, as required by regulation," was sent to the Military Attorney on 11.3.96 by attorney Tamar Pelleg-Sryck.

On the same day, an advice officer sent a response on behalf of the Assistant Military Judge Advocate General for International Law at the Military JAG's Office according to which "your letter has been sent for evaluation to the Assistant Police Chief. If the claim proves to be accurate, the responsible parties will of course act to redress the wrongdoing."

And in fact, on her visit to juvenile administrative detainees in Meggido on 13.3.96, attorney Tamar Pelleg-Sryck found that the detainees with whom she met had been supplied with coats, T-shirts, towels and blankets, though none of them had received such necessary items as underwear, undershirts, socks and shoes.

Ramez Nasman suffers in his detention from swelling in his abdomen and pains in his kidneys. Examination by a physician did not identify the source of the problem. In his statement from April 8, 1996, provided to attorney Rosenthal at *Ashkelon* prison he relates:

...I'm held in a cell together with 11 detainees. There are seven mattresses in the cell. It is difficult for me to sleep at night because of the overcrowdedness and as a result of the pain in my kidneys. The cell has a bathroom. There is no window. There is no daily exercise...

Ashraf Abu Markiyeh related the following in his statement to attorney Beidusi in the Sharon detention facility on May 2:

I was detained on April 11 from my house in Hebron. Today I am held in the isolation cell in the Sharon detention center. Detention conditions remain very difficult even though my interrogators have concluded their interrogation. For the past 13 days my interrogators do not allow me to bathe, in spite of my repeated request to do so.

The lack of hygiene bothers me a great deal and I can't stand myself because of the stinking smell of my body. In addition, they haven't let me change clothes, including underclothes, for the past 21 days...

On March 25, 1996, at *Ashkelon* prison, in cell number 1 of the interrogation wing, a cell which measures 4 by 2.5 meters (12 by 8 feet), twelve detainees were being held. The previous weekend, seventeen detainees were crammed into this cell. The detainees spend day and night on seven mattress laid next to each other. Four juvenile detainees (16 and 17 years old) testified to attorney Rosenthal about the conditions of the cell.

From the statement of Rami Abu Sa'deh, 17 years old:

... every night there is a detainee who sleeps with his legs on the door, his back on part of the mattress and his head on the legs of another detainee. I slept that way last night. There is a bathroom in the cell; there's no window. There's no exercise period.

The detainees also reported that the food with which they are provided is not sufficient. Medical attention of the detainees was lacking.

From the statement of Nawaf Abu Sitah, 16 years old:

A year and a half ago I had another operation in my leg and sitting in *shabeh* caused me great pain. According to the decision of the judge [in extending the period of detention] I was supposed to be checked by a doctor within 24 hours. After 2 days I saw the doctor and only the next day did I get medication.

The detainee Rami Abu Sa'deh stated that, "I suffer from anemia, and although I told this to the doctor who checked me the first day of my detention, I haven't received any medicine. I also told this to my interrogators."

Conclusion

In the course of its Detainees Rights Project, HaMoked has dealt for the past three months - and continues to deal - with an intensive and broad attack on the rights of security detainees in Israel. The project is unprecedented in scope, in an attempt to reach all detainees about whom HaMoked has received information following requests by families to locate them. Every detainee who is located in an Israeli interrogation facility, who is not being represented by a private attorney, is eligible for assistance regarding incommunicado detention, meeting with an attorney, ceasing torture, improvement of imprisonment conditions and follow-up of medical treatment with the prison clinic, as required.

Defense of detainees' rights is conducted first and foremost by legal means - appeals to the High Court of Justice and other courts, appeals to the State's Attorneys Office, and complaints to the Department for the Investigation of Police Officers in the Justice Ministry (which is also responsible for investigating offenses committed by members of the GSS).

In the future, HaMoked intends to file claims for compensation against the State on behalf of torture victims.

Alongside the legal advocacy, HaMoked has ensured media coverage and documentation of information. A detailed report regarding torture and an analysis of the treatment of the justice system and the relevant authorities in Israel regarding torture will be published shortly.

It is still difficult to evaluate the achievements of the project. At every juncture, HaMoked has encountered collaboration between the various authorities to ensure the continuation of practices which constitute torture and other violations of inmates' rights. The State Attorney works in full coordination with the GSS - as a mediator between lawyers and the GSS.

The Department for Investigating Police Officers in the Ministry of Justice has already closed a number of files of complaints regarding the use of torture, after finding that they could not reach any conclusions against the interrogators.

The Supreme Court - with two exceptions - has also not interfered to stop the torture without approval of the State's Attorney after it consulted with the GSS. In the case in which the State's Attorney objected to cessation of the use of torture, the High Court rejected the appeal. Also regarding incommunicado detention, the High Court always accepted the judgment of the GSS. It is doubtful whether a principled decision of the High Court defining the GSS interrogation methods as unlawful could be obtained. When this is the position of the judicial system, judicial advocacy loses its power.

In a great many instances, torture was stopped or detention conditions improved after the intervention of HaMoked. It is difficult to determine if this was due to HaMoked's intervention or merely part of the planned process of the interrogation. However, it can be assumed that pressure by HaMoked affected treatment of the detainees, at least partly: by expediting the