

family visits, in a windowless cell and with no partition between the toilet and the beds – in violation of his rights as a detainee. HaMoked demanded that he be transferred to a facility where he would be held under conditions appropriate to his status as a prisoner after an indictment has been served. This was ignored. The

request to transfer him to a prison where his rights would be upheld was ignored, even after an indictment had been served. On August 9, HaMoked filed a petition on behalf of A.B. Two days later, after two months in the interrogation ward, A.B. was transferred to Nitsan Prison. **(Case 22485)**

Prison Visitation

Until the second intifada, families of Palestinian prisoners who were being held in prisons inside Israel could only visit them with special transportation organized by the ICRC and subject to special entry permits issued by the IDF. In October 2000 Israel discontinued family visits, and all the attempts of the ICRC to resume this practice on a regular basis in 2001 failed because of the serious restrictions imposed on the freedom of movement, particularly in the West Bank. Many of the detainees who were apprehended in the large arrests in 2002 have been locked up for months in detention facilities without being allowed any visitors except their attorneys – provided that there is no order barring these meetings as well.

A sweeping IDF prohibition against family visits is harmful to detainees by keeping them apart from direct contact with their families for very long periods. In an affidavit signed in December and submitted to the HCJ, an administrative detainee who was arrested in March and was being held at Ofer Camp, said:

“I am 23. I am married. I have a daughter.

She is now three months old. She was born when I was in detention. I have never seen her. I had no way of communicating with my wife around the time of delivery. I only heard that the child was born from my lawyer, in court. I am a new father – but I have never actually experienced fatherhood ... I am a resident of Beituniya. From the camp, I can see my home in the distance. When I see my home, and know that my wife and daughter are there and that I cannot see them, tears well up in my eyes. I would have preferred not to be able to see my home at all.”

And another administrative detainee stated in his affidavit:

“I feel it is nothing short of a crime to keep a man 10 minutes away from his family but not let him have any contact with them for so many months: I don't know what's going on with them, whether anyone has been hurt or injured, how they are feeling ... I left my son when he was nine months old. I want to see him, hear him say his first

words, see him grow ... These feelings cannot be put into words. But these are fatherly emotions that one must understand.”

The long separation also takes a toll on the families. The father of a detainee who was being held in Ket'ziot Prison, and who has not seen his son since his arrest, four months before, said:

“We all miss P. very much – we miss him and we would very much like to visit him in prison. His little girls miss him the most ... the girls ask frequently about their father and ask to see him and hug him. To the best of my understanding, the complete separation from their father, without even brief meetings that are normally allowed in prison, might have dire consequences for the girls and might seriously impair their proper development.”

And a mother who has not seen her son since his arrest in May, said in her affidavit:

“I want to visit my son in prison. Is it necessary to explain why a mother wants to see her son, be near him, hear his voice?”

The physical separation from the family is compounded by the harsh conditions in which most detainees are being kept, and the inability of most of them to hold any communications of any form with their relatives. Moreover, prevention of family visits is in violation of both International Law and the regulations that prevail in the Territories and in Israel.⁷⁸ The most evident infringement is that of the right to family life, to which detainees are also entitled.⁷⁹ HaMoked appealed to the authorities and



then was required to petition the courts to make sure that the rights of detainees in Ket'ziot Prison and Ofer Camp to receive family visits are upheld.

Most detainees in Ket'ziot Prison, which is inside Israel, are in administrative detention. Under Israeli law, which governs detention conditions at this facility, administrative detainees should be allowed to receive visits from their immediate family for at least half an hour every two weeks, and should be permitted to see more distant relatives and visitors subject to special permission by the prison warden. However, since Ket'ziot is inside Israel, which residents of the Territories are strictly prohibited from entering, there is no possibility for families to visit their relatives there. HaMoked has therefore taken action to enable visits of more distant Israeli relatives. At first, the authorities did not permit such visits, ostensibly because the necessary preparations had not been completed. After a reasonable period of time went by and no progress had been made, HaMoked petitioned the HCJ.



S.A., a 22-year-old who lives in Tulkarm, was taken from his home by soldiers on April 8 and held in Megido Prison until May 1, when a three-month administrative detention order was issued against him. He was transferred to Ket'ziot Prison, and has since had no communication with his family. S.A.'s parents contacted his uncle, N.H., an Israeli citizen who lives in Tira, and asked him to visit their son. Through HaMoked, N.H. made contact with the commander of Ket'ziot, and asked him when he could visit his relative, but the

commander said that this was not an option. The commander explained to HaMoked's attorney that the facilities necessary to enable such visits are not available at the camp. In a letter dated May 12, HaMoked asked the commander of Ket'ziot Prison to state when and how N.H. would be able to visit his relative. The response stated that work was underway to set up the prison for such visits, and that the prison commander should be contacted again on May 21 to receive information about the days and hours when visits would be allowed. On May 21 HaMoked was unable to get hold of the prison commander, so another letter was delivered on May 23, stating that if an answer is not received within three days, HaMoked would have no choice but to take the case to court. On May 26 the Gaza Strip legal advisor's office called HaMoked and said that a facility designated for family visits was being built at Ket'ziot Prison, and that once construction is completed, that very same week, visits could commence. On June 20, after three weeks with no family visits, HaMoked petitioned the HCJ demanding that N.H. be allowed to visit S.A. (Case 17806)

 The answer provided by the State on July 11 to HaMoked's petition was  that in principle family visits could be held. However, in practice, two facilities were required for this purpose: one in which visitors would be frisked, and another in which the meetings would take place. Since at the time of the response, three months after Ket'ziot Prison had been reopened, only one facility had been completed, it was impossible to hold visits. The State

undertook that upon completion of the other facility, then under construction, visits would be allowed. But in a response provided in September to another petition that HaMoked had filed, it became evident that there was no budget to make the second facility serviceable; this was also the reason why no mention was made in this response of any process that was underway. This petition was filed on behalf of a Jerusalem resident who was being held in Ket'ziot as an administrative detainee. HaMoked demanded that he be allowed visits by relatives who are residents of Israel and are therefore unaffected by the closure imposed on the Territories.

In answer to HaMoked's petitions, the State further replied that even if the second facility is made serviceable, there are no guarantees that residents of the PA would be able to visit Ket'ziot, because of the "almost total" closure imposed on the Territories. HaMoked filed a petition on behalf of these families as well.



W.A., a resident of Salfit, was arrested on July 30, 2001, and since April 12, 2002 has been detained

78 International Law: **Geneva Convention Relative to the Protection of Civilian Persons in Time of War** (1949), Articles 116: "Every internee shall be allowed to receive visitors, especially near relatives, at regular intervals and as frequently as possible;" **Standard Minimum Rules for the Treatment of Prisoners** (1955), Article 37. In Israel: **Emergency Authorities (Arrests) (Administrative Detention Conditions)**, 1981, Regulation 11. In the Territories: **Administrative Detention Regulations (Administrative Detention Conditions)**, Article 11.

79 See for example: CPA 4/82, **State of Israel v. Tamir**, PADI 37(3), 201; HCJ Petition 114/86, **Will v. State of Israel**, Court Rulings [P.D.] 41(3), 477.

in Ket'ziot Prison. His daughter was born while he was incarcerated, and he has never seen her. An appeal in his case to the prison warden on June 3 was ignored, and on July 1 HaMoked petitioned the HCJ to enable W.A. to meet his wife and daughter who live in Salfit. **(Case 17895)**

By September 10, the date on which the HCJ was set to hear the five petitions HaMoked had filed concerning family visits, the second facility at Ket'ziot was still not serviceable. Five months after it was opened, detainees were being held there without seeing their families from the day of their arrest. In between, in the month of August, families from the Gaza Strip were allowed to visit their relatives in some Israeli prisons, but not Ket'ziot. In a HCJ hearing, the State undertook to complete construction work and technical and administrative preparations necessary to enable such visits by October 20. The HCJ endorsed this undertaking in its ruling. In the end of October, Israeli relatives were allowed to visit their detained relatives at Ket'ziot, and the meeting between S.A. and his relative N.H. finally took place on November 5. But as of the end of December, relatives from the Territories were still not allowed to visit; most detainees in Ket'ziot were thus unable to see their families. HaMoked is therefore working to enable visits by families from the Territories and to get Jerusalem residents who are held in Ofer Camp transferred to Ket'ziot, where their families will be allowed to visit them. In Ofer Camp, west of Ramallah, in the Territories, family visits were subject to the restrictions imposed on freedom of movement in the Territories, namely, curfew, siege and roadblocks, but not to

closure. In May, HaMoked contacted the IDF, demanding that it permit family visits. HaMoked notified the commander of the camp of the ongoing violations of rights in the facility of which he is in charge, and demanded that he make arrangements for family visits without delay. When no answer was received, HaMoked contacted the West Bank legal advisor – who also provided no response. In September, following the HCJ ruling on HaMoked's petitions on the matter of family visits in Ket'ziot Prison, HaMoked once again made appeals concerning visits in Ofer Camp. The IDF replied that construction work and technical arrangements necessary for family visits at Ofer Camp would be completed by the end of October. The authorities ignored HaMoked's demand that they should specify a date when visits would commence. Concurrently, detainees at Ofer Camp appealed directly to the camp's management to enable family visits, but to no avail. As of the end of December, nine months after Ofer Camp had been opened and the first detainees were incarcerated there, no family visits have been held. HaMoked has petitioned the HCJ on this matter as well.



HCJ

M.A. was injured in the course of his arrest on March 6, had several operations and in October was transferred to Ofer Camp. His administrative detention order was extended until March 4, 2003. He is married and the father of a daughter who was born during his detention. Z.H. was taken into administrative detention at the beginning of June. His detention has been extended until June 19, 2003. He

is married and has three children. S.D., 27, from Beit Fajjar, was detained on May 20. Previous incarceration has caused him mental problems ever since, for which he has received treatment at the hospital in Bethlehem. On December 30, HaMoked petitioned the HCJ on behalf of these

three detainees and on behalf of S.D.'s mother, demanding that they be allowed regular family visits at Ofer Camp, and that the mother be allowed to visit her son. **(Case 23959)**

The State's response is due in 2003.