

Asam Nirv, a fire fighter, traveling between the northern and southern section of the Gaza Strip was randomly arrested by soldiers who were sitting on a sand bank. On the 28.11.2000, he was transferred to the Shikma prison and was interrogated by the GSS. Attorney Pelleg, who during this period adopted a tactic of frequently visiting the prison, represented him in his extension of detention hearing and submitted a request for judicial reevaluation in connection with his arrest. The request was rejected after which an appeal was submitted. On the 2.01.2001 Asam was released from prison.

Mahmod Ai'sa was arrested on 28.11.2000, and an order was issued by the authorities preventing him from meeting with an attorney. Attorney Pelleg was required to represent him before the judge while he was absent from the courtroom where he later appeared separately. The judge agreed to attorney Pelleg's request to take note of the detainee's testimony with regards to the nature of his interrogation, concerning beatings at the hands of GSS interrogators and collaborators, being held for days on end in shabeh (tying-up in painful positions) and without adequate sleep.

Sharif Arafat, was working in Nazareth Illit without a permit when he was arrested and brought to trial in February 1999. He received a suspended sentence and was transferred to the Shalem roadblock near Jenin, despite all his claims that he was a resident of the Gaza Strip. He began working and earning a living in a restaurant in Ramallah until the start of the Intifada when business slowed down dramatically. Sharif decided to return home but was arrested at the Erez Crossing under the suspicion of hostile activities. News of the incident was passed on to attorney Pelleg after the extension of his detention had been ordered. She submitted a request for a judicial reevaluation. During the hearing, the judge accepted, in principle, attorney Pelleg's arguments and decided that if a request to extend his detention following his illegal stay in Israel is not submitted, the detainee should be released on bail within two days. During those two days Sharif received notification that his detention had been extended and that his file had been transferred to the prosecution so that an indictment can be issued.

Amad Saftawi is a detainee who was also prevented from meeting with a lawyer. Attorney Pelleg received his details after his detention had been extended. During the hearing she was not allowed to see the person she was representing and when he appeared she was required to leave the premises that were serving as the courtroom. The request for a reevaluation of his detention was rejected.

The Case of Mahmod Aldarabi

Mahmod Aldarabi, a veterinarian from Arabi in the district of Jenin, is an administrative detainee who at the time of this report was receiving medical treatment at the Bellinson Hospital in Petah Tikva. He was forced to lie with his hands and legs tied to the hospital bed while undergoing interrogations, exposed to the threats from the police and soldiers who were guarding him. Aldarabi was injured in what now appears to have been an operation planned by the IDF to trap Sa'ad Alharuf who was killed in the incident. Alharuf, on the night he was killed, received a telephone call from a person named Majdi who told him that his car was stuck just south of Nablus, and requested his assistance. Alharuf phoned Usama Barham (who was released over a year ago after many years in administrative detention) who asked his brother-in-law Mahmod Aldarabi to accompany Alharuf on the journey. When the two reached the Burkin Junction their vehicle was met with a massive burst of gunfire. As a result of the attack, Alharuf was killed and Aldarabi

injured. The soldiers did not rush to evacuate him. One of them suggested to him that he run away, but he remained lying on the ground fearing another trap that would give the soldiers the justification to shoot and kill him. Finally, he was evacuated to the Bellinson Hospital, where he underwent an operation, during the course of which one of his kidneys was removed. He remains in hospital until today.

During the initial period of his hospitalization a prevention order was issued by the IDF preventing him from meeting with an attorney. The hearing for the extension of his detention took place partly in the military court and partly in Aldarabi's hospital room in the presence of the judge and a GSS agent, but without the attendance of attorney Pelleg. The GSS initially instructed the hospital staff not to convey any information regarding the state of his medical condition (except to the patient himself). Only after attorney Pelleg's intervention was the order rescinded.

Torture

HaMoked's work in the area of torture (in addition to its handling of specific cases such as the detainees in the Ashkelon prison) continues. The organization's petition to indict the GSS interrogators responsible for the death of Abdal Samad Charizat by means of violent shaking during his interrogation in the Russian Compound Prison in Jerusalem in 1993 remains pending before the Supreme Court. In December, a hearing in the case was held. The court requested additional explanations from the state for the reasons not to criminally indict any of the interrogators, particularly after the Supreme Court decision in 1999, which banned the use of torture.

Al-Khiam Prison

During the first period of this report HaMoked, in cooperation with other Israeli lawyers and a group of French attorneys who had received legal authorization from the detainee's families, continued in their campaign to free the detainees held in the Al Khiam prison in Southern Lebanon by representing them before the authorities in Israel. An additional petition was submitted to the Supreme Court with a further three hearings being convened by the High Court. Attorney Tamar Pelleg traveled to Paris where she met state officials and representatives from human rights organizations. In return, the group of French attorneys later visited Israel holding a press conference in Jerusalem.

As is known, on the 22.5.2000, following the withdrawal of the Israeli Defense Forces from Southern Lebanon, Lebanese citizens took control of a prison that stands as an infamous symbol of oppressive occupation, and released all the prisoners.

Jerusalem Residency

The Al Aqsa Intifada has once again illustrated the centrality of the issue of East Jerusalem in the Israeli-Palestinian conflict. In the political battle, as well as in the negotiations, both sides constantly view East Jerusalem as a primary religious and national symbol. However, away from the negotiating tables there is another East Jerusalem: the East Jerusalem where Palestinian families are forced to live in conditions of severe overcrowding and poverty. Such conditions constitute a heavy price that these families are forced to pay due to Israel's attempts to strengthen its hold on these annexed

A further example of one of HaMoked's out-of-court settlements from the first half of the year 2000, and one that particularly stands out, involves a resident from Ein Yabrud, Hatam Abdelrasak. IDF soldiers arrested Mr. Abdelrasak in March 1996. After his arrest he was bound and forced to lie on a road where the soldiers began kicking and beating him until he lost consciousness. The army investigated the incident. The Prosecutor for the Central Command concluded that the degree of force used against the detainee was for the most part reasonable, however certain irregularities were found, as a result of which the Prosecutor had ordered the officer in command to be brought to a disciplinary hearing. The irregularity referred to was the order given by the officer to nine soldiers to beat the detainee at the time of his arrest, while he was handcuffed, blindfolded and lying on the ground. The disciplinary hearing ordered the officer to pay a fine of 100 NIS (approximately \$25.00). HaMoked filed a suit on behalf of Mr. Abdelrasak. In June this year, the State agreed to pay Mr. Abdelrasak 50,000 NIS in compensation, despite lack of evidence that he had suffered any permanent disabilities.

Prisoners in Isolation

Confining a prisoner in isolation for prolonged periods of time endangers his mental health and constitutes a form of cruel treatment or even torture. In the past the Prison Service held dozens of prisoners in complete solitary confinement, many of whom had been held for periods in excess of a year (in 1996 – around 30 prisoners had been held in isolation for over a year, with seven for over seven years). Almost no procedures had been stipulated for the holding of prisoners in isolation, while the detainee had no opportunity to voice his objections or to appeal the decision. Many of the victims of this method were Palestinian prisoners convicted of security related offences.

In 1995, HaMoked and Physicians for Human Rights (PHR) submitted a petition to the Supreme Court against the isolation technique. The petition demanded the formalization of new procedures that would assure an automatic judicial review of the decision to hold a prisoner in isolation, a right to a hearing, periodical medical and psychological evaluations and minimum living standards for conditions in the isolation cells.

The petition resulted in a number of far reaching changes to the Prison Services' policies. Actual changes included the preference to hold two or more prisoners together in a cell isolated from the rest of the inmates, essentially removing many of the dangers of isolation. The number of prisoners held alone in cells – genuine solitary confinement – was reduced to only a few cases, while the total number of prisoners held in isolation (alone or together with others) declined along with the period of time spent in isolation.

A joint committee, consisting of representatives from the Ministry of Interior Security, the Prison Services and the Ministry of Justice formulated a package of legislative amendments to be incorporated into the law, the Administrative Regulations and the guidelines of the Prison Services. The impact of HaMoked's and PHR's proposals on the final package of new amendments was significant. HaMoked and PHR, nevertheless, retained a number of important objections to the final proposals, *inter alia* the fact that the amendments to the law proposed by the joint committee called for a judicial review only a year after a prisoner has been kept in isolation. The period proposed by the committee during which a prisoner may be held in isolation without any hearing was also

in excess of an acceptable time frame, while the grounds stated for permitting a prisoner being held in isolation were insufficiently specific.

Based on the promise that steps to adopt the proposals into law would be accelerated and that the objections of HaMoked and PHR be brought before the Ministerial Committee for Legislative Affairs, the two organizations agreed to cancel the petition in 1998. However, there remains no doubt that the proposed legislative amendment was the result of the petition, a fact acknowledged by government officials during parliamentary hearings.

Attorney Eliahu Abram (Director of HaMoked's legal department) represented the two organizations before the Interior Committee of the Knesset in its hearings on the proposed law. The Chairman of the Committee, MK David Azovlay (Shas party) accepted part of our objections, including a reduction in the time period required for automatic judicial reviews in cases where the prisoner is held alone to half a year. In addition the committee decided that before a prisoner is kept in isolation for a period of more than two weeks, consultation with "professional bodies" is required. It was concluded in the committee's discussions that the exact definition of the medical and psychological examinations, in terms of the required consultation with "professional bodies", be spelled out in administrative regulations, subject to approval by the Interior Committee.

The Interior Committee approved the amendments to the law in June 2000. In August the amendments were adopted by the Knesset in what was the last legislation to be passed before the summer recess. The law ensures the right to a hearing, requires reasoning for decisions taken and judicial reviews and limits both the period of time and authority to hold prisoners in isolation.

Currently, HaMoked will still be required to oversee the final revisions to the Administrative Regulations and the Prison Service's guidelines – revisions relating to the preference for holding two or more prisoners together in isolation as opposed to single prisoners alone, and defining the minimum physical conditions for holding prisoners in isolation cells. The revisions also require an arrangement for medical and psychological supervision – a problematic issue owing to the opposition by psychologists to any role that may be described as granting medical approval to holding individuals in isolation.

Respect for the Dead

During the year 2000 two cases involving the return of the bodies of Palestinians killed in attacks or clashes with Israeli forces to their respective families came to a conclusion. During the month of May the remains of Basem Soubach were returned to his family, residents of a village in the District of Ramallah and a month later the remains of Sofiyen Tsabih were returned to his family, residents of Dahariyeh in the Hebron District.

HaMoked has handled the case of Basem Soubach since 1993. We know today that Soubach was killed in 1984 when he tried to infiltrate into the West Bank from Jordan. During the years numerous rumors reached his family, including those that stated he was still alive and being held in Israeli prisons. Following appeals by HaMoked, the IDF agreed to return the body to the family, but refused to present proof verifying that the