

## Detainee Rights Project

For years HaMoked has advocated on behalf of the human rights of Palestinian detainees and prisoners held by Israel. This advocacy has included the areas of meeting with legal counsel, torture during interrogation, inhumane detention conditions, solitary confinement and the prevention of family visits.

In 1996, HaMoked commenced an intensive project to protect the rights of Palestinian detainees during the period of their detention and interrogation by the General Security Service (GSS). The project was renewed in early 1997, after HaMoked drew operative conclusions from the activities of the previous year. In the framework of this project, the detainees are accompanied from the initial request for assistance by their families until their transfer out of the GSS interrogation wings. These intensive activities include a vigorous legal battle for the right of each detainee to receive legal counsel and not be subject to torture. HaMoked also represents the prisoner in court sessions to lengthen his imprisonment and during appeals against extended detentions, with the goal of increasing the legal scrutiny of the interrogations and decreasing the trend of extended detentions for no valid reason. Whenever possible, HaMoked advocates for the presence of the families during court sessions. HaMoked also deals with the inhumane detention conditions to which the detainees are subject in the interrogation wings. In total, HaMoked assisted 55 detainees in 1997, but the achievements of the project do not end with the defence of these specific persons. In several areas the project resulted in positive alterations in detainee rights on a larger scale. In addition, the project resulted in a continuous awareness of the subject of torture by the Israeli High Court and both the Israeli and international publics. The legal aspects of torture have yet to be decided upon in Israel, but the State is more and more required to be accountable for its actions.

### Prevention of Meeting with Legal Counsel

The security legislation applicable to the Occupied Territories permits the GSS interrogators, with no legal procedure, to issue an order preventing a meeting between a detainee and his attorney for a cumulative period of up to 30 days (it is possible to extend this period with legal proceedings). A prevention of legal counsel represents a most serious violation of the rights of the detainee: All contact with a person not connected to his interrogation team is prevented and his right to legal counsel is denied, as is outside scrutiny of his detention conditions and the methods of interrogation used against him. The attorney is prevented from representing his or her client in a proper manner. The GSS makes use of the tool of preventing legal counsel as a standard procedure, and often as a way to prevent intervention in its interrogation methods. In a number of cases, an order preventing legal counsel was issued while the detainee was transferred to a cell with collaborators for an "interrogation" conducted by them. The prevention of legal counsel, therefore, makes the isolation of the detainee absolute, combines with other methods of torture and harms the right of legal scrutiny.

The battle against the prevention of legal counsel is conducted through urgent appeals to the Israeli State Attorney's Office and petitions to the High Court. In total, HaMoked submitted 20 petitions in this matter in 1997. In the majority of cases, a meeting with legal counsel was permitted by the State Attorney just prior to the hearing in court on this matter, such that no hearing was required. In the cases in which the appeals were heard in court, the judges consistently refused to shorten the order preventing legal counsel.