

In addition to the submission of High Court petitions to halt the torture of individual detainees, HaMoked petitioned for the full exposure of the torture undergone by the detainees; this was done in the framework of criminal proceedings which were initiated by the State against these detainees. HaMoked also initiates the examination of released detainees, in order to examine the long term impact of torture. The petition of HaMoked to try the GSS interrogators responsible for the death of Harizat is also still pending.

Detention Conditions

While the periods of detention of Palestinians held by Israel are determined by military legislation in the Occupied Territories (apart from those detainees who are residents of East Jerusalem), their detention conditions are determined by Israeli law. In May 1997, the Criminal Law Procedure (Detention and Enforcement Authorities) 1996, went into effect. This law determines, among other things, minimum conditions for detainees which ensure their dignity and health.

Without a doubt, the conditions of the detainees, as described to attorneys of HaMoked, do not meet the requirements of this law. In November 1997, one of the detainees described the conditions in which he was held in the Ashkelon prison. There were six detainees held in a cell sized 2.5x3.5 m. The detainees were not given beds but old mattresses, which were ripped and flea-infested. The blankets were also ripped, old, moldy and wet. The toilet was separated from the rest of the cell by a low partition, such that the detainees had no privacy. The trash bin, emptied once a day, had no lid, and its odor combined with the heavy odors emanating from the toilet. Small bugs and cockroaches freely roamed the cell. In addition, the detainees, who ate in the cell, did not receive flatwear and were forced to eat with their hands. No daily exercise period was permitted.

HaMoked was able to improve the aforementioned conditions, and one example of this is the provision of a daily shower. The new detention laws determine an uncontested right to a daily shower. In the wake of petitions submitted by HaMoked to district courts in Jerusalem and Beer Sheva, the State and prison services recognized the obligation to permit a daily shower for Palestinian detainees. The court in Beer Sheva also ruled that the partition separating the toilet from the rest of the cell must be raised, but this decision was overturned by an appeal of the State to the High Court.

Due to a petition submitted by HaMoked to the High Court, the State announced that it would transfer the detainees from the interrogation wings to other wings, in which the conditions are not as dire, as soon as possible upon the conclusion of their interrogations.

Following vigorous correspondence with the prison in Ashkelon, the commander of the prison announced in the beginning of 1998 that each detainee is eligible for a daily shower, a change of clothes, underwear and towel, bath items and receipt of various personal belongings from his family. In addition, due to the complaint of one of the detainees assisted by HaMoked, the detainees were provided with Korans.

This is obviously not enough to overcome the difficult and humiliating conditions under which the detainees must live, but it is possible to point to a certain improvement which the project brought to their lives. HaMoked does not make due with the principled guarantees given, but ensures that they are enforced in specific cases. In 1997, HaMoked submitted 20 petitions on behalf of detainees to regional courts concerning their detention conditions.