

1. **Detainee Rights**

a. **Location of Detainees**

In the wake of a High Court petition submitted in September 1995 by HaMoked and the Association for Civil Rights in Israel (ACRI), in the matter of the unwillingness of the IDF to provide information to the families of detainees concerning the detention and the location of the detainee, the sides (HaMoked and ACRI on one side and the IDF on the other) reached an agreement according to which:

1. With the detention of a resident of the territories, the detaining body will provide, with no delay, a telephone message concerning the detention and place of detention to a telephone number which the detainee will provide to the detaining body.
2. The detaining body will provide a telephone message and will list on a special form the details of the message and to whom it was given.
3. If the detainee so requests - a telephone message will also be provided to an attorney named by the detainee. The detaining body will notify the detainee of this right.
4. If the detainee requested not to provide a telephone or other message, this will be noted on the form.
5. If the detainee did not provide details for a telephone message, a postcard concerning the detention will be sent to family members according to an address given by the detainee.
6. The IDF Control Center will receive from all the relevant bodies (IDF, police and prison services) updated information concerning the detention and whereabouts of the detainee once a day, in a manner in which it will be possible to locate the detainee by a written request of outside agencies.
7. The IDF Control Center will provide these details in response to written requests by public associations which act in this area, or to a written request by an appointed attorney representing the detainee or his family.

This agreement includes sections from agreements reached in the past (such as the sending of postcards) and even improvements, especially the matter of a telephone message to the family by the detaining agency.

This new agreement is not completely upheld by Israel. The detainees held by the police and prison services do not enjoy the right of notification of their family members and/or attorneys.

When the detaining agency is the IDF, only when the detainee is moved to the Megido Military Prison is a message sent.

**Table of Requests for Location of Detentions According to Regions
and Years (to 31 December 1996)**

	1988	1989	1990	1991	1992	1993	1994	1995	1996	Total
Nablus	2	10	5	6	5	32	45	107	76	288
Tulkarem		4	9	4	1	21	42	88	87	256
Ramallah	32	132	101	54	36	76	102	109	130	772
Jerusalem	24	61	37	37	36	56	98	67	55	471
Bethlehem	32	110	56	29	25	59	218	396	158	1083
Hebron	10	34	7	8	1	63	295	556	698	1672
Jenin		4	2	5	1	9	9	18	44	92
Jericho	3	5	3	1			1	4	6	23
Other		6	2	2	1	1	1	6	14	33
Gaza		1	2	4	3	123	181	25	64	403
Total	103	367	224	150	109	440	992	1376	1332	5093

* This number is not absolute as a detainee who was located in the past and for whom there was a new tracing request, is traced as a continuation of the previous location.

b. Massive Detentions 1996

On 25 February 1996, in the wake of the first attack in the chain of attacks perpetuated by suicide bombers in Israeli urban centers, the IDF commenced with a massive wave of arrests on the West Bank. The agreement in the matter of locating detainees, which was determined by the Israeli High Court, stood the test of reality and again the IDF failed to fulfill its duty. Once again the families do not know the whereabouts of their detained loved ones, and HaMoked continues to be the sole answer to their distress.

From 25 February to 29 March (inclusive), 349 families who did not know where their detained relatives were located turned to HaMoked.

Of a sample of 181 persons arrested from 3 March - 18 March 1996 (inclusive), and whom HaMoked located during this period, a message to the family about the place of detention was sent (as required by the High Court ruling) in only 19 cases. In 148 cases a message was not sent for at least the first three days following the detention. Concerning 14 cases HaMoked does not have any information. It must be emphasized that although the court decision determines that the "detaining agency" is the one to notify the families about the place of detention, and although the detention of 165 of the 181 detainees in the sample were detained by an initiated action of the IDF - the messages were few in the first days following the arrests and not one message came from the temporary detention facilities, in which detainees are held for varying periods of time.