

Places of Detention

In the wake of the redeployment of the IDF in accordance with the Oslo agreement, the primary detention facilities of the IDF were evacuated in the West Bank, and detainees and prisoners from the territories were held in detention facilities within the borders of Israel. Generally, detainees are transferred upon their detention to temporary detention facilities ("hashabiot") in the territories, and after a period of time they are transferred to facilities in Israel. The detention of residents of the territories within the boundaries of Israel in the days after the attacks, days of a hermetic closure of the territories, prevented any possibility that attorneys from the territories could visit them and deal with their cases, in addition to preventing the possibility of family visits.

The jailing of residents of the territories within the boundaries of Israel is in contravention to the Fourth Geneva Convention from 1949.

c. Torture - Detainee Rights Project

Since its establishment, HaMoked has defended the fundamental rights of detainees and prisoners. Among others, these include the prevention of meeting with legal counsel, torture during interrogation, harsh detention conditions, solitary confinement and the prevention of family visits. The last wave of detentions emphasized these problems in full force.

Detainee Visit with the Detainee

The holding of detainees from the territories within the boundaries of Israel, when the territories were hermetically closed off for several months following the attacks, prevented attorneys from the territories from visiting and properly representing them. Numerous families in the territories could not (either technically or economically) appoint an Israeli lawyer to meet with the jailed family member and represent him in judicial proceedings. The lack of a meeting with legal counsel leaves the detainee helpless in the face of difficult detention conditions or illegal interrogation methods. With the wave of detentions, HaMoked acted to connect interested families with volunteer lawyers within Israel.

Prevention of Meeting with an Attorney

The security legislation in the territories allows General Security Service (GSS) interrogators, with no legal proceedings, to issue an order preventing a meeting between the detainee and his attorney for a cumulative period of up to 30 days. (It is possible to lengthen this period through legal proceedings). The prevention of a meeting between a detainee and his attorney represents a most serious blow to the rights of the detainee: all contact with a person not connected to the interrogation team is prevented, as is the possibility of legal counsel and all external supervision of the detention conditions and interrogation methods employed. The attorney is not permitted to represent the detainee in a proper manner. In the past wave of detentions very extensive use was made of this difficult authority, so much so that the impression was that the prevention of meeting with attorney was used an interrogation method.

During the year, attorneys working for HaMoked visited 151 detainees. These visits took place in the Kishon Detention facility in Haifa, the Shikma Prison in Ashkelon, the police station in the Russian Compound in Jerusalem and the Sharon Detention facility in the city of Petah Tikvah. 28 times lawyers working with HaMoked issued an urgent request to the State Attorney's office to rescind the order preventing meetings between detainees and their attorneys. These requests concerned the matters of 45 detainees. HaMoked attorneys also filed 19 petitions with the Israeli High Court against orders preventing meeting with detainees; these petitions concerned 38 detainees. In one case, HaMoked appealed the order preventing a meeting with an attorney which was issued by the Regional Court in Jerusalem concerning two detainees, residents of the city.

note: a detainee for whom several actions were taken at different stages will appear in the statistics in accordance with the various actions.

In light of the requests to the State Attorney and the High Court, the State shortened the orders preventing meeting for several of the petitioners. The court itself did not intervene in the considerations of the GSS in any of the cases.

Harsh Detention Conditions

In several instances lawyers who visited detainees encountered severe detention conditions. These conditions included holding detainees for several weeks in small, crowded and unventilated cells with no exercise periods, withholding showers, prevention of a change of clothing and appropriate medical treatment. Particularly difficult conditions existed in the GSS interrogation wings, and attorneys of HaMoked acted to both improve the conditions and to induce the transfer of detainees from interrogation wings to the general prison wings as soon as possible after the conclusion of the interrogations.

On 25 March 1996, for example, in cell 1 of the interrogation wing of the Ashkelon Prison, 12(!) detainees were held in this cell sized 4 x 2.5 m. During the weekend preceeding this date, 17 detainees were crammed into this cell. The detainees spent days and nights on 7 mattresses. Four minor detainees (aged 16-17) testified before Attorney Andre Rosenthal on the conditions in the cell. Attorney Tamar Pelleg-Sryck submitted a pre-High Court petition on the minors' behalf, and the four were transferred to another cell.

On 17 December 1996, Attorney Rosenthal petitioned the regional court in Beer Sheva on behalf of a detainee held in the interrogation wing of the Shikma Prison. The detainee was held in a cell sized 2 x 2 m with three additional detainees. There were 2.5 mattresses in the cell, and the detainees slept such that the legs of three of them were on the body of the fourth detainee. The cell was not ventilated, and the detainees were not permitted daily exercise periods. The detainees also took their meals in this cell. The detainee had last been allowed to change clothes two weeks earlier, while he had not been given clean underclothes since his arrest, one month before. Showers were permitted in the wing once every two weeks. Due to this petition, the detention conditions were improved.