

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.

In total, HaMoked acted to assist 17 detainees to improve their detention conditions. HaMoked's assistance was done through petitions to the State Attorney's Office, the courts and one petition was filed with the High Court.

Torture

The detainees in the interrogation facilities in Israel undergo torture. During the year, HaMoked petitioned the High Court on behalf of 47 detainees who were tortured in the interrogation facilities of the GSS and petitioned the State Attorney's Office in the matter of 8 additional prisoners who were tortured. For long periods of time the detainees were not permitted sleep, were handcuffed in painful positions with a sack on their head and loud music playing constantly, were exposed to intense cold or heat and were forced to kneel in a "frog" position and jump like this for several long hours. The detainees were "shaken" - a torture method which results in brain damage and runs the risk of death (as occurred in the case of Abd a-Samed Harizat). The interrogators also implemented various additional torture methods, such as hanging a detainee from a door frame such that his legs barely touch the floor, stretching the hands behind, tightening handcuffs until swelling at the joints occurs and more. The lawyers of HaMoked, who were permitted to meet with the detainees often only after weeks of torture, often found them both physically and mentally broken. The long-range results of torture are still not known.

Israel attempts to justify its use of methodical torture with the claim of a "ticking bomb," but to this day has not pointed to a single case in which its facts fit this argument. Many of those tortured and whom HaMoked assisted were released or placed in administrative detention at the end of their interrogation, and no charges were filed against them. There was almost always a break in the torture on weekends and holidays, when the interrogators were out on vacation. In several cases, the State published in the newspapers information provided by the detainees and requested the courts to cancel the interim orders which had prohibited torture. Even these cases did not support the State argument concerning a ticking bomb.

In addition, the argument of a ticking bomb is both legally and morally without basis. No goal justifies all means, especially not the use of physical and mental torture against persons. Israeli law specifically forbids the use of physical force during interrogations. The Convention against Torture and Other Forms of Inhuman or Degrading Treatment or Punishment forbids the use of torture, providing no exceptions for exceptional circumstances or emergency situations.

Until today, Israeli courts have declined to intervene in the subject of torture or to rule on this issue. HaMoked's petitions in the matter of torture generally led to the awarding of a temporary injunction forbidding the use of physical force against the Petitioners, or to an announcement by the State that the petition was no longer relevant as the interrogation had ended. In several cases, the court dealt with requests to cancel temporary injunctions which had been awarded, and its rulings in these