

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

matters (both when the injunction was cancelled and permitted to stand) gave a green light to the State to interrogate according to its discretion. Several petitions are still pending in the court, toward a principled hearing that may be held in the future concerning this subject.

In addition to petitions to halt the torture of individual prisoners, HaMoked petitioned through Attorney Rosenthal to also try the interrogators of Abd a-Samed Harizat, who died in April 1995 due to being shaken in the interrogation facility of the GSS.

* At the end of March 1996, HaMoked published an interim report on the detainees of the wave of arrests following the attacks.

* In May 1996, HaMoked published an interim report concerning interrogations and torture of these detainees.

* HaMoked is currently compiling a comprehensive report on torture which gathers and analyzes the findings and means of action of the Detainee Rights Project in the difficult period following the wave of arrests of 1996.

***The Project to Halt Torture was renewed in March 1997.**

In addition, HaMoked participates in a coalition of human rights organizations concerning the subject of legislation proposed by the Knesset: the law against torture and the GSS law.

2. Destruction of Homes

The wave of attacks which began at the end of February 1996 brought with it also the decision to demolish homes of families of the perpetrators of the attacks.

- a. Mrs. Marim Sarhana and her sons, from the Fawar Refugee Camp in the Hebron region: According to the State, her son Ibrahim blew himself up at a bus stop in the city of Ashkelon on 25 February 1996, and caused the death of a soldier and the injury of 29 additional persons.
- b. Dodin family from Hirbat al Bira in the Hebron region: Their family member Abad alMajid, according to the State, located another person and introduced him to someone who convinced him to blow himself up on 21 August 1995 on bus 26 in Jerusalem.
- c. Abu Varda family from the Fawar Refugee Camp in the Hebron region: Their son Majid, according to the State, committed the suicide attack on 25 February 1996 on bus 18 in Jerusalem. The petition was presented by Attorney Leah Tsemel with HaMoked.

Seven of the eight families against whom the military government issued injunctions to demolish their homes petitioned the High Court. The High Court combined the discussion on these petitions and ruled to reject all of them. The decision was awarded on 19 March 1996.

The eight homes were completely demolished.