

absolute disregard of their basic rights – without a trial, an indictment or a defined penalty.

HaMoked filed numerous petitions addressing the rights of Palestinian detainees. In 2003, HaMoked presented six principle petitions to the HCJ on behalf of detainees who were incarcerated in deplorable conditions and in violation of the law, and on behalf of families whose requests to see their loved ones had been denied. In addition, HaMoked filed

10 habeas corpus petitions, 15 petitions seeking to allow detainees to meet with legal counsel, and eight petitions asking for the release of administrative detainees.

Due to the dozens of daily arrests, HaMoked improved coordination with the military in an effort to trace detainees. In 2003, HaMoked received applications to trace 5,077 detainees. In most cases, HaMoked successfully traced the detainee and informed the family of his whereabouts within 24 hours.

The Secret Detention Facility

The existence of a secret detention facility in Israel was exposed in two habeas corpus petitions submitted to the HCJ in 2002. These petitions asked to reveal the whereabouts of two detainees whose names could not be found on the lists of the Prison Service, the police or the military. HaMoked, which petitioned on behalf of the families in these cases, was told in response that details about these inmates could be received from a certain policeman at the Kishon detention facility. A conversation with this policeman yielded that the men were being held at an interrogation facility and that the location of this facility, the functions it serves and the authority to operate it were all state secrets. It further transpired that the names of the detainees who were held there did not appear in any official record.¹²



On October 30, 2003, HaMoked petitioned the HCJ demanding to shut down the secret facility without delay. HaMoked argued that the existence

of a secret facility and detainee list was in violation of domestic and international law and the essence of democracy. HaMoked further held that since the commanders, guards and interrogators were not supervised in any way, they could do whatever they pleased. Indeed, statements collected by HaMoked from Palestinians who were held there indicated that conditions at the secret facility were inhumane and the interrogation methods illegal.

On January 21, 2003, I was apprehended and taken from my home to the Huwwara facility, and from there to Salem to have the arrest extended. That day, two policemen came and covered my eyes with a piece of black cloth and sunglasses and put a paper bag over my head. I asked the policeman who cuffed me where we were going, but he said he did not know... We arrived at this place; they put me in a room and uncovered my eyes. They told me to strip and searched

me. There were 10 soldiers standing around me with clubs in their hands... They gave me a blue shirt and pants, but neither was my size and I was very cold because they did not let me keep my underwear... They took me to a cell with a bag over my head. The cell door was 30-40 centimeters wide with a small slot. The walls were rough and painted black. The light was very dim, and the cell was barely the size of the mattress. For a toilet I had a large plastic bin. I had terrible stomach aches and the smell was intolerable. After 15 days I said I would not talk to the interrogator unless they let me use a regular toilet. That was the first time I entered a bathroom in two weeks. The smell from the bin was insufferable. There were no windows in my cell and the odor just lingered... In my communications with the interrogator I learned that my cell was nicknamed "the tomb"... There was no running water in the cell, so three times a day the guards brought in a small water pitcher with the meals, but the water was not clean. The meals were meager: three slices of bread, a quarter of a tomato, half a cucumber and an egg for breakfast. For lunch they would throw in a little white rice too. Before they would give me my food, the soldier would bang the door with his club, making a terrible noise. Only then would he declare that my food has arrived, and ask me to face the wall and cover my head with the bag. At night they used to wake me up by banging on the iron door. I was cold all the time, both in the cell and when they took me for questioning. The two blankets they gave me were just not enough... I asked the interrogator where I was and he told me it was a

secret facility for special cases and that no one knew where I was. In the first three days of questioning they did not let me sleep, tied me to the chair in the shabah position and asked me questions. Then they sat me on a bench in the corner so that I could not lean back. They hit me throughout the interrogation. Whenever I gave them a wrong answer, they would hit me... I spent nearly 30 days at the interrogation facility, all of them in "the tomb". Throughout my detention I was isolated from the world; I saw no other detainees nor any other human being apart from the jailers. The interrogator reiterated how no one knew where I was and how the interrogators could keep me there for as long as they like... This really got to me. There were many moments when I feared for my life, not knowing whether I would ever leave that place or whether I would be crippled. I was very scared. **(Excerpt from the affidavit of S.M., submitted in HCJ Petition 9733/03, HaMoked: Center for the Defence of the Individual v. State of Israel)**

In the first hearing, in November 2003, the Court held that the petition divides into two separate parts. For specific complaints about torture and inhuman conditions at the secret facility, the Court referred HaMoked to the Office of the Military Advocate General and the department that monitors GSS operations. Regarding the legal issue of the very existence of such a facility, the Court demanded that the State explain why one is needed. The hearing is scheduled for August 2004.

¹² HaMoked: Center for the Defence of the Individual, 2002 Annual Report, p. 68.