

held in Israel as “illegal combatants” were released, the fate of this petition, as that

of others on this matter, is now unclear. (Case 23854)

## Family Visitation

Until October 2000, relatives from the Territories were allowed to visit detainees regularly. After clearing the visit with the Israeli authorities, which issued permits for each relative according to clearly-defined criteria, the families were bused in by the ICRC. However, shortly after the onset of the current Intifada, the military halted all permits and in effect discontinued visitation.



Demanding that prisons and detention facilities be reopened for visitation HaMoked petitioned the High Court of Justice in December 2002 on behalf of three detainees at Ofer Camp as well as the mother of one, who had not seen their loved ones in a very long time.<sup>18</sup> In its response, the State said that it had no objection in principle to visitation: the authorities are doing their best to make visits possible, but due to various problems, mostly because of the security situation, visitations have not yet been resumed. The State further noted that “family visits will commence in February.” The representative of the State later said that all the arrangements for the first round of visitors at Ofer had already been completed and that on March 9 the families of detainees from Qalqiliya, Jericho and Ramallah would be able to come by shuttle and visit their relatives. The HCJ therefore adjourned in order to check three months later whether visitation had in indeed been made possible.

The detainees at Ofer Camp discontinued the first visit of their families shortly after it began, in protest of the degrading conditions under which the visit was taking place. Statements collected by HaMoked reveal that visitors were separated from detainees by two partitions, 1.5 meters apart, so that around 20 detainees were standing on one side of the first partition and the families were on the other side of the other partition. There were no other partitions, and people had to shout in order to overcome the distance and the voices of other visitors. The visitation facility was designed in a way that detainees and visitors were unable to see each other: the bottom part of the partitions, up to 1.6 meters was opaque, so that people had to remain standing and anyone shorter than that could not see or be seen. Obviously, detainees and their children were unable to see each other this way. The time allotted by the prison authorities for the meeting between people some of whom had not seen each other for a year or more, was only half an hour once a month. The prison authorities did not prepare a suitable waiting area for families waiting their turn into the facility, and the many visitors, including children and elderly people, had to wait for hours on the buses without any bathrooms, drinking water or any room to walk around. The detainees were also protesting the criteria for visit permits: the

authorities had only committed to permit visitation by parents, spouses and children up to the age of 13. In other words, visits by brothers and sisters, friends and children over the age of 13 were ruled out. **(Case 23959)**

The negotiations between the detainees and authorities of the military prison, and the communications that ensued between HaMoked and the State Attorney's Office after the detainees refused to go through with the visits, yielded several understandings. The prison authorities agreed to place the partitions only 30 centimeters instead of 1.5 meters apart, lower the visual block, place benches in shading areas outside and double the duration of each visit. The authorities agreed to reconsider permit criteria and promised individual consideration and prompt responses in special cases. The authorities further agreed to allow relatives from Tulkarm, Bethlehem and Salfit visit the Ofer Camp and said they would gradually expand visitation rights to other areas as well.

In July 2003, family visits to Ofer Camp were resumed, and in August visitors from the three additional districts were also allowed to come. Families from six districts in the West Bank were then able to regularly visit their detained relatives.

In the detention facilities inside Israel, visitation was renewed earlier, in March 2003, but the issue of visits by relatives from the Hebron, Jenin and Nablus districts has not been resolved; according to the military, this problem could not be overcome due to the security situation and military operations in these areas. Consequently, more than half the population of the West Bank and many detainees have been denied

the right to meet with their loved ones. Nevertheless, many families were able to visit. According to data compiled by the State Attorney's Office, between March and October 2003, more than 14,000 people visited prisons in the Territories and in Israel.<sup>19</sup> Only in 2004 were visitation rights extended to Jenin and Hebron. As of June 2004, people from the Nablus district could still not visit.



In December 2003, HaMoked petitioned the HCJ again on the subject of prison visits. HaMoked's request this time emanated directly from the previous petition, in which the authorities had set criteria for permits. Under the new criteria, only grandparents, parents, spouses and children under 16 were allowed to visit, provided that they had been screened and approved by the security authorities. In this petition, HaMoked represented 21 men and women whose applications to visit their detained relatives had been denied, although under any reasonable standard, including the defined criteria, they should have been approved.

H.N.'s husband was arrested in June 2002 and sentenced to 22 months in prison. At first he was held at Ofer and later on at Ket'ziot Prison in the Negev. Since his arrest, his family only saw him twice, during the trial, and was not allowed to communicate with him. Although H.N. was never arrested or interrogated by the security forces, her request to visit her

<sup>18</sup> HCJ petition 11198/02, **Diria et al. v. Commander of Ofer military detention facility et al.**

<sup>19</sup> Statement of the State Attorney's Office, paragraph 15, HCJ Petition 11198/02, **Diria et al. v. Commander of Ofer military detention facility et al.**

husband in prison was denied because of security reasons. Despite the State's assurances, none of the applications made in H.N.'s case and in the case of 126 other relatives were answered. HaMoked therefore petitioned the HCJ on behalf of 21 applicants, in order to force the State to explain why they had been turned down. Three days before the hearing, the State's representative announced that H.N. and 19 other petitioners would be allowed to visit, and that other special cases would be reviewed as soon as possible. However, the military took very long to decide on the technicalities of how the approved visits would take place. H.N. waited in vain for the promised

permit; but she was among the fortunate ones and her husband was released as part of a prisoner exchange in January 2004. **(Case 26008)**

The State also argued that the fact that these petitioners would receive permits was not because they received special treatment but because the military has changed its policy. The following day, HaMoked received answers to 58 other applications – around half the applications HaMoked had made by then. Most of the applications (54 out of 58) were approved – indicating the arbitrariness of the repeated refusals that forced applicants turn to HaMoked in the first place.

## Conditions of Detention

In 2003, the military incarcerated thousands of Palestinians. In some periods, the figure exceeded 3,000. Many of these detainees were held in various facilities throughout the West Bank, such as Ofer Camp and temporary facilities at the military headquarters in the region. But the Ofer facility, built in March 2002, and the facilities and prisons inside Israel were not designed to contain so many detainees, and detention conditions had become inhuman. The sharp jump in the number of detainees affected mainly those who were arrested in the West Bank and held at the Ofer facility, which was set up almost overnight, and at temporary facilities where detainees were not meant to spend more than a few days. These facilities did not have enough food, blankets or mattresses for all the detainees.

The military did not provide clothes for changing or mend the broken tents, whose tenants were exposed to the rain and cold. The washing facilities were insufficient and in some cases, overflowing toilets created a serious sanitary hazard. The facilities were insufferably crowded. Detainees, who were held there for weeks and even months, did not have enough room to lie down nor enough food to eat. Medical care was scarce, and even those detainees whom the physician in charge said should not be kept there because of their health, were not released or transferred. Statements from detention facilities throughout the West Bank exposed humiliation by the soldiers, beatings, medical neglect and abuse.



In May 2003, HaMoked filed a petition concerning the detention conditions