

crime of torture. The Association for Civil Rights in Israel subsequently informed the Ministry of Justice that it fully supports HaMoked's position.

Administrative Detainees

The year 1999 witnessed an additional reduction in the number of administrative detainees held by Israel. HaMoked continues to represent the vast majority of these detainees through its attorney Tamar Pelleg Sryck. At the beginning of the year Israel held over 80 Palestinian administrative detainees; by the end of the year around 15 detainees remained in detention.

Amongst detainees released during the past year – after intensive efforts, both legal and public – was the veteran administrative detainee, Usama Barham, who was released after six years in detention. The dramatic announcement regarding his release was given in the chambers of the Supreme Court, during the hearing of the petition that been submitted for his release by HaMoked. Barham was released under a compromise settlement negotiated by Tamar Pelleg Sryck and the State, after intensive negotiations. Barham committed himself to matters concerning which he had repeatedly stated his intentions in the past - including refraining from any involvement in violent activities. In addition he had to deposit a guarantee and to accept various restrictions on his movements. On the 18th of July 1999 the longest-serving administrative detainee was free to go home.

A mid-1999 amendment to the Military Order regulation altered the legal procedures relating to administrative detentions. These changes established mandatory judicial review and periodical reevaluations of the administrative detention orders, and granted the right of appeal to detainees over decisions before the Military Appeals Court. As a result, the case of any administrative detainee who had received a six-month detention order could be brought before a judge at least four times. On the other hand, the opportunity to petition the Supreme Court in such cases has been almost blocked, since the exhaustion of all the above-mentioned military review and appeal procedures, does not leave sufficient time to submit a petition.

A further petition submitted by HaMoked during 1999, was on behalf of the detainee Chalid Jaradat, detained since the beginning of 1997. The petition was however rejected.

During the first half of 1999 HaMoked submitted 77 appeals against administrative detention orders. In 19 cases the period of detention was reduced in agreement with the GSS, a further 18 orders were reduced by the various judges (approximately half of which were not significant reductions) and one order was cancelled because of procedural errors. In the second half of the year, HaMoked represented 39 detainees in their hearings involving judicial reviews or periodical reevaluations (according to the amendments to the administrative detainee order). These procedures led to the immediate release of one detainee, the reduction of 10 orders by at least a month or more, and the further reduction of four detention orders by between two and four weeks. In 20 cases the right to appeal was exercised as stipulated in the amended order. The appeals led to the cancellation of one order, the reduction of a second order by three and a half months and the reduction of a third order (in agreement with the prosecutor) by three weeks.

In the case of the detainee, Aiman Deragme the Military Appeals Court (in two separate decisions) declared that the detention order cannot be extended without the introduction of new significant material. Deragme, had been held in detention without trial since December

1994. Despite these decisions the Israeli Defence Forces (IDF), issued in December 1999 a new detention order against him, for an additional six months. During January 2000, in the framework of the judicial reviews of detention orders, HaMoked argued that this order was issued without any authority, in light of the decisions by the Military Appeals Court. The judge, while not accepting this argument, declared that there did not exist sufficient material to warrant the detention of Deragme and ordered his release: The Judge held that even the most incriminating material cannot justify administrative detention unlimited in time, unless new material is received. After 48 hours of uncertainty and tension, during which time the State weighed the option of appealing the judge's decision, Deragme was finally freed to go home under a restricting order confining his movement to areas demarcated A only, in reality (owing to the dispersion of areas under the full control of the Palestinian Authority) confining him to his town Tubas.

In addition to its representation of administrative detainees in judicial hearings against their detention orders, HaMoked also assists detainees who are sick or require psychiatric treatment and in acquiring permits for family visits.

The Al-Khiam Prisoners

During 1999, HaMoked submitted, in partnership with the Association for Civil Rights, two petitions on behalf of Lebanese civilians who were being held in the Al-Khiam prison in southern Lebanon. In total, HaMoked petitioned on behalf of nine prisoners. Two of those prisoners, Mustafah Towbeh and his son Ali, were released from the prison after the submission of the petition on their behalf. The father and son from the village Arnon in Lebanon were arrested in the autumn of 1997. According to reports the father while in the prison was tortured with the use of electricity, beatings and whippings. In the months prior to the submission of the petition, the father was treated in a hospital in Marj'ayun, after losing consciousness while suffering from high blood pressure and an accelerated heart beat. His son, Ali was later arrested, apparently as a means to pressure the father to collaborate with Israel. He was 14 years of age at the time of the arrest, and was later also tortured by means of electrical shocks while sitting on a chair and in a tub of water. Ali's health deteriorated because of the detention conditions and after being held for two years, without any trial, was released at the age of 16.

The remaining seven prisoners that HaMoked petitioned on their behalf to the Supreme Court remain in captivity in the Al-Khiam prison. At least one of them was only 16 years of age at the time of his arrest and has been held in the prison for close to two years. Two of the petitioners have been held in the Al-Khiam prison, without trial, for over 14 years and are both suffering from serious illnesses. One of them, Sliman Ramadan from the town Ba'el Beck, was arrested by a combined IDF and South Lebanese Army (SLA) force in September 1985. Sliman was injured during his arrest, and was later tortured in the Al-Khiam prison with the use of electricity, whippings and hanging from a pole. A necrosis on his left leg resulted in its amputation in a hospital in Israel. After the amputation Sliman was returned to the Al-Khiam prison, where he was held for three years in solitary confinement in a "darkened room", without any lighting or natural sunlight. Prisoners that were released from Al-Khiam have reported that there is a danger that the remaining section of his leg may need to be amputated because of inadequate medical treatment. Ramadan also suffers from additional serious medical conditions.