

The petitions to the Supreme Court were based on information and evidence received from numerous sources regarding the effective control of the State of Israel over Southern Lebanon and its authority over the SLA. Amongst other things the petitioners have presented decisions and communiqués of the Israeli government and from Israeli officials, reports and findings of international bodies, declarations taken from released prisoners, media reports and academic studies. The petitioners have also presented exit licenses from the “security zone”, which are given to Lebanese civilians by Israel. The response from the State to the petitions provided additional facts verifying Israel’s presence in the region – Israel grants civil assistance, totaling millions of dollars, each year to residents living in the “security zone” and annually provides the SLA with tens of millions of dollars. The IDF also assists the SLA with weapons, maintenance and the training of its soldiers. The IDF also has 12 army posts and three bases and paves pass-roads throughout the area. The SLA, in line with Israeli requests, suspended the Red Cross and family visits to the El-Khiam prison for specific periods of time in order to apply pressure for the return of the body of the Israeli soldier Itamar Eliah. The SLA, also in line with Israeli requests, released prisoners from Al-Khiam as part of the agreement for the return of Eliahs’ body. Members of the GSS meet together with SLA interrogators at the Al-Khiam prison and assist them by providing professional guidelines and counseling. Prisoners from Al-Khiam are given polygraph tests by Israel, while Israel also financed various renovations to the prison and until recently, the salaries of the jailers and interrogators were paid directly by an IDF officer. In light of the petitions this procedure has been altered. Starting from October 1999, the IDF is meant to transfer the salary payments as a single lump sum to the SLA’s budget officer, who will “apparently” (according to the State’s comments) pay the jailers’ and the interrogator’s salaries.

While these petitions remain pending, HaMoked continues with the initial handling and analysis of the cases of additional Al-Khiam prisoners. The treatment of all these cases has been facilitated through the cooperation with attorneys in France who receive power of attorney from the families of the prisoners. The legal battle for the release of these prisoners is also administered together with a public campaign both in Israel and abroad.

Prison Visits

Fatmeh Takatka, a 59-year-old woman, has not been able to see her son who has been held in jail for the last three years. Her husband Mossah, aged 67, has seen their son only three times during this period, and not at all since February 1999. Their son is serving a life sentence in the Ber Sheva prison. The parents are residents of Beit Fg’ar which is situated in the western part of the West Bank. Since the transfer of security prisoners – following the redeployment of the IDF in the Occupied Territories – to prisons within Israel, all prison visits have become dependent on the IDF’s granting of permission to enter Israel. The visitors are not allowed to move freely around in Israel: rather they arrive at the prison and leave it on transports organized by the Red Cross, which are escorted by the IDF. It appears, however, that all this is not sufficient, in order to prevent any serious security risk that two elderly parents may pose to the State, and instead they are prevented from visiting their son. Fact: HaMoked’s requests to allow for their entry into Israel were rejected, because of security considerations. When HaMoked turned to the State Prosecutor’s Office, a reply was received stating that, “the parents of the prisoner can visit their son in prison, within the framework of the Red Cross. All future visits will require additional requests for permission to be granted and will be dependent on renewed security evaluations” (unlike the usual issuing of permits valid for repeated visits over an extended period). Since

receiving this response in July 1999, no arrangements have however been made for the parents to visit their son.

The right to family prison visits is a basic human right, both for the prisoner and for his/her family members and friends and is even stipulated in the Prison Services Ordinance dating back to the British Mandate period. The cessation of relations between a prisoner and his immediate family for such extended periods makes a life sentence cruel and inhuman and is far more detrimental to the prisoner and his family than the actual sentence itself. Nevertheless, the action of refusing prison visits is one that constantly repeats itself – sometimes because the visitor was once a prisoner them self or because they have a “security background”, while, the right to visit friends or relations who are not immediate family members is totally disallowed.

The advocacy work of HaMoked usually results in the granting of a single one-time permit for a “family that is prevented” to visit their son in jail. The advocacy involved in the granting of any further permits has to be renewed each time so that additional visits can be arranged.

Detention and Release

The IDF and the GSS systematically fail to fulfill their obligation under law to promptly inform families of detainees concerning their arrest and place of detention. HaMoked on a daily basis receives urgent requests to locate missing family members. HaMoked during 1999 traced over 670 detainees held by the Israeli Security Services, the vast majority within 24 hours of receiving the complaint. Within the framework of the Detainee Rights Project, HaMoked also deals with additional issues relating to detainees. For example, the reimbursement of large guarantees which detainees are required to pay as a condition for their release and, in a separate case, the cancellation of restrictive release conditions. HaMoked also advocated on behalf of Yassar Almoazien, a Syrian prisoner held by Israel, with severe kidney problems. The initial legal actions for his release failed: the Parole Board of the Prison Services refused to release him and the Regional Court rejected the appeal. HaMoked received permission to lodge a further appeal to the Supreme Court, however the appeal soon became inconsequential: international efforts for his release, especially by a group of French intellectuals, proved to be productive. Within the framework of the prisoner release agreements under the Oslo Accords, Yassar Almoazien was released and later arrived in Damascus.