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At the Supreme Court in Jerusalem
Sitting as the High Court of Justice

HCJ 10327/02
HCJ 8696/02

In the matter of:

- 1. B. Jadala**
- 2. M. J.**
- 3. HaMoked: Center for the Defence of the Individual founded by Dr. Lotte Salzberger (Reg. Assoc.)**

all represented by attorneys Lea Tsemel and/or Yossi Wolfson of HaMoked: Center for the Defence of the Individual,
founded by Dr. Lotte Salzberger
4 Abu Obeidah Street, Jerusalem 97200
Tel: 02-6283555; Fax: 02-6276317

The Petitioners in HCJ 10327/02

- 1. Shahin**
- 2. HaMoked: Center for the Defence of the Individual, founded by Dr. Lotte Salzberger**

both represented by attorneys Tareq Ibrahim and/or Yossi Wolfson and/or Hisham Shabaita and/or Adi Landau and/or Tamir Blank of HaMoked: Center for the Defence of the Individual, Founded by Dr. Lotte Salzberger
4 Abu Obeidah Street, Jerusalem
Tel: 02-6283555; Fax: 02-6276317

The Petitioners in HCJ 8696/02

v.

Commander of the IDF forces in the West Bank

by the State Attorney's Office
Ministry of Justice, Jerusalem

The Respondent

Statement of the Respondent prior to Hearing

The Respondent respectfully submits a revised statement on its behalf in preparation for the hearing set in the above-captioned files, as follows:

1. The petitions deal with an application for a Writ of Habeas Corpus.
2. The Respondent's previous responses stated that the Petitioners were detained by security officials and that they are being interrogated by the General Security Service (the full details appear in the prior responses submitted in the two files).

The Respondent's response to the petition in HCJ 8696/02 states that clarifications and requests in the matter of the Petitioner can be addressed to Madi Hareb, head of the HTA [hostile terrorist activity] cell in the Kishon detention facility, and in response to the petition in HCJ 10327/02 the Respondent states that the fact of the detention of the Petitioners in a detention facility attached administratively to the Kishon detention facility was already forwarded to a representative of Petitioner 3 at the time it made its request to police officer Madi Hareb.

3. In the Respondent's supplemental response, filed shortly after the previous responses, the Respondent stated that the Petitioner in HCJ 8696/01 had been transferred to the detention facility in Rosh Pina and that the Petitioner in HCJ 10327/03 had been transferred to the Kishon detention facility and Ofer camp.

Therefore, the Respondent contended in his responses that the petitions were moot and should be denied.

4. The response of the Petitioners contends that, insofar as it should be assumed that other detainees are being held in the detention facility in which the Petitioners were held, the petition should be heard.
5. However, **the factual situation has changed recently, and it was decided that the General Security Service no longer needs as a detention facility the facility in which the Petitioners were held and, as a result, it removed the detainees who were being held there.**
6. **Under these circumstances, it is no longer proper to hear the petitions, and they should be denied on the grounds that they are hypothetical.**

7. Although unnecessary, and to complete the picture, it should be noted that the facility in which the Petitioners were held is situated on an army base, and the General Security Service used it only temporarily, because of the lack of detention sites.

To meet this need, actions were also taken to conform the facility to hold General Security Service detainees. First, of course, a check was made to ensure that the facility met all the standards of a military prison. Following that, on 16 April 2002, the Minister of Defence declared the facility a military prison pursuant to his authority under Section 505 of the Military Justice Law, 5715–1955.

We would also like to emphasize that, while the facility was used by the General Security Service, regular visits were made to ensure that the detention house and the conditions in which the detainees were held met the requisite standards.

8. In any event, the General Security Service has recently ceased to use the facility; such being the case, it is no longer proper to hear the petitions, and they should be denied.

Today: 26 Adar II 5763

30 March 2003

[signed]

Udit Corinaldi-Sirkis

Senior Deputy A to the State's Attorney