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State of Israel

Ministry of Justice
State Attorney's Office
1 Av 5774
28 July 2014
Our file: Pre 137/2014

To:
Adv. Daniel Shenhar
By fax: 02-6276317

Dear Sir,

Re: Your letter regarding detainees from the Gaza Strip held in Israel

Ref: Your letter dated 27 July 2014, No. 83748

1. We hereby acknowledge receipt of your letter in reference.
2. IDF forces are currently involved in intense, severe fighting against Hamas and other terrorist organizations in the Gaza Strip, as part of Operation Protective Edge. IDF actions comply with the international laws of war.
3. In this context, IDF forces have detained individuals found to warrant detention. These IDF actions are carried out in accordance with international law and with clear protocols instructing the forces, inter alia, to make sure detainees are treated with dignity, that their health is maintained and that they are held in appropriate conditions.
4. Following questioning by security forces, the matter of each detainee is examined individually. In the absence of concrete information to corroborate suspected involvement in fighting or terrorism, the detainees are released as soon as is feasible and returned safely. We note that this has been the case with regards to many of the detainees over the last few days.
5. On the other hand, in some cases, initial questioning leads to a decision to transfer the detainees to interrogation by security officials. These matters are processed pursuant to the criminal code and detention laws. These detainees are under the responsibility of the Israel Prison Service. It is noted that arrest proceedings in these cases are conducted at the Southern District Magistrates Court, as prescribed by law. The police has informed the undersigned that these detainees have been assigned

counsel from the Public Defender's Office, Southern District and that relatives who could be contacted by phone, as per details provided by the detainees, were notified. In addition to the aforesaid, we note that temporary incarceration orders have been issued with respect to some detainees, pursuant to section 3(b) of the Incarceration of Unlawful Combatants Law 5762-2002. Some of them have already been released, and a very small number are still being held by the military pending a decision on further steps in their matter. It is noted that inasmuch as an incarceration order is issued against any of them pursuant to section 3(b) of the Law, the Public Defender's Office will be notified in order to resolve the issue of representation prior to a District Court hearing, according to section 5 of the Law.

6. Thus, all detainees are processed in accordance with the law, as described above.
7. In light of the above, we believe there is no cause to grant your general request for a list of the names and particulars of all Gaza residents detained by IDF forces in recent days as part of Operation Protective Edge. Inasmuch as a request to locate a specific Gaza resident (including full name, ID number, and documents attesting to the applicant's relationship with the alleged detainee) is made, it may be sent in writing to the Chief Military Police Officer Incarceration Control Center, by fax no. 03-7376299. The request will be processed with appropriate speed.
8. It is stressed that since this is a combat situation, with all this entails, the control center may require more time than usual to complete the inquiries regarding a specific detainee, and therefore such requests may not receive immediate responses (c.f. HCJ 6757/95 **Hirbawi et al. v. Commander of IDF Forces** dated February 11, 1996; HCJ 8435/12, **Abu Sal v. IDF West Bank Commander** (dated August 22, 2013)).

Respectfully,

[signed]

Yonatan Berman, Adv.
Deputy, State Attorney's Office