



המוקד להגנת הפרט
مركز الدفاع عن الفرد

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Date: January 17, 2016
In your response please note: 75530

To: Warder Asher Vaaknin
Head of Prisoners Administration Division
Israel Prison Service
P.O. Box 81
Ramla 7210002

By registered mail and fax:
08-9193950
URGENT!

Dear Sir,

Re: **Failure to conduct true registration of prison entries of minors who come to visit incarcerated family members**

1. I hereby turn to you with respect to the above referenced matter as follows.
2. HaMoked: Center for the Defence of the Individual (HaMoked) was recently requested to handle the case of Mrs. ____ Abu Julameh, ID No. _____, the wife of the prisoner _____ Abu Julameh ID No. _____. _____ has not seen her husband since 2009 due to the fact that an entry permit has not been issued for her by the military commander, as any resident of the Occupied Palestinian Territories (OPT) is required to do.
3. Over the course of 2013, the prisoner, through a private attorney, filed a petition with the district court – central and requested that his wife be allowed to visit him. In view of the fact that the preclusion derived from a decision of the military commander, it was explained in your response that the Israel Police Service (IPS) had no objection that she visited her husband but that the preclusion was sourced in another body. In view of the above the petition was dismissed.
4. In a leave for appeal which was submitted in said proceeding to the Supreme Court, IPS' position in that matter has surprisingly changed and an affidavit of the prisoners' officer in Hadarim prison, Mr. Moshe Meimon, was attached, in which he declared that according to the records of the IPS' computerized system, Mrs. Abu Julameh visited ten times between the years 2012-2014.
5. Commencing from 2012, the two minor sons of Mr. Abu Julameh were allowed to visit him following a hunger strike which lead to an agreement that enabled such visits.
6. In view of the fact that Mr. Abu Julameh's children are under the age of sixteen and consequently do not hold an identification card of their own, they used to visit their father by presenting the identification card of their mother in which they are registered.

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شارع أبو عبيده ٤
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7. It should be emphasized once again that between the years 2012-2014 Mrs. Abu Julameh was precluded from entering the territory of Israel for prison visits or for any other purpose.
8. The commissionership order No. 03.02.00 "Rules regarding Security Prisoners" section 17A(2) stipulates as follows: "The entry of a visitor, resident of the Judea and Samaria Area or the Gaza Strip Area (including the Palestinian Authority territories), is conditioned upon the presentation of an IDF permit for the visit of said prisoner in prison".
9. The question in this case is therefore, how did Mrs. Abu Julameh manage to break the walls of the Hadarim prison and visit her husband ten times (and to even be registered in the system, which means that her visits were thoroughly checked) without having presented a permit of the military commander for such visits, as is argued by Mr. Meimon? If this is indeed the case, and in view of the severity of the matter, has this matter been investigated by the IPS?
10. According to the allegations, we are not concerned with a single one-time occurrence but rather with a regular prison routine according to which Mrs. Abu Julameh was allowed to enter prison on a regular basis to visit her husband without the presentation of any permit. **There is no dispute that this is a brazen violation of the ordinance and of the minimal rules intended to maintain security and order in prison.**
11. This matter raises the concern of any reasonable person in view of the draconian and inconceivable violation by the prison management of the duties imposed on it by applicable law to safeguard order and security in prison while checking any person who enters prison gates and even more so when a resident of the Judea and Samaria Area is concerned whose entry requires a permit of the military commander?!
12. Clearly, the only reasonable explanation for the misleading IPS system registrations which were presented by the prisoners' officer, Mr. Meimon, derive from the failure to conduct true registration of entries of minors who come to prison to visit a family member without being escorted by one of their parents. Hence, on said dates Mr. Abu Julameh was visited by his children rather than by his wife, but since the identification card which was presented was that of Mrs. Abu Julameh her name was put on the list in a misleading manner. Any other explanation of the fact that her name appeared on the visitors' list while she was precluded from entering Israel and was not given a permit to visit her husband, attests, at least, to an extremely severe negligence of the prison management and employees.
13. Any other explanation would lead to the conclusion that the prison management together with the team of prison guards of the Hadarim prison breached the law ten times and violated the basic rule intended to safeguard security and order in prison according to which a supervised registration must be maintained of each and every individual who enters prison including an examination of their entry permits.
14. In view of all of the above you are hereby requested to thoroughly examine the above facts and to provide an explanation for the circumstances which lead to this unfortunate situation.

15. Thanking you in advance for your attention and response.

Sincerely,

Nadia Dakah, Advocate

CC: Adv. Yochi Genesin, IPS' Legal advisor, fax: 08-9193840