

At the District Court in Jerusalem

PP 1108/04

In the matter of:

1. **____ Abu Qatish**
detained for interrogation at the Jerusalem Detention Facility

represented by attorneys Andre Rosenthal and/or Mustafa Yahya
on behalf of HaMoked: Center for the Defence of the Individual, founded by Dr. Lotte Salzberger
15 Salah a-Din Street, PO Box 38788, Jerusalem 95908
Tel. 6280633; Fax. 6283312

The Petitioner

v.

General Security Service

by the Jerusalem District Attorney's Office

The Respondent

Prisoner's Petition

The Honorable Court is requested to summon the Respondent to appear and show cause why it does not allow the prisoner to receive the Koran, completely contrary to the Rules of Criminal Procedure (Enforcement Powers – Detentions) (Conditions of Detention), 5757 – 1997, or, alternatively, why it does not provide the Petitioner with a Koran.

The grounds for the petition are as follows:

1. The Petitioner, a resident of Jerusalem, is a prisoner pursuant to a detention order issued by the military court for a period of eight days, commencing 14 October 2004. The Petitioner is suspected of committing security offenses. He is a Muslim.
2. On 14 October 2004, the Petitioner's family brought the Petitioner clothes and a Koran and requested that they be given to him. The Jerusalem prison authorities gave him the clothes but refused to give him the Koran.
3. The same day, counsel for the Petitioner contacted the prison commander and asked for an explanation for the refusal. The commander agreed to let the Petitioner have the Koran. However, following subsequent clarification with investigators of the

General Security Service, the prison commander informed the Petitioner's counsel that "the GSS refuses."

4. Article 22(b)(1) of the Rules of Criminal Procedure (Enforcement Powers – Detentions) (Conditions of Detention), 5757 – 1997, pursuant to Article 11(4) of the Rules of Criminal Procedure (Enforcement Powers – Detentions), 5756 – 1996, states as follows:

Rule 5 shall be deemed as if instead of Subrule (b), it is stated:

"(b) A detainee suspected of a security offense shall be entitled to keep in his cell items of the kind set forth in Column A of the Second Annex; in special conditions as set forth in Column B of the said Annex and in a quantity as set forth in Column C thereof.

At the top of the Second Annex list is "religious articles," without any special conditions in a quantity of one of each kind.

5. The Petitioner will argue that the refusal of the General Security Service to allow the Petitioner to have a Koran is completely contrary to the said regulation.
6. The Honorable Court is requested to order the Respondent to allow the Petitioner to receive a Koran – from his family – immediately, or, alternatively, to provide him with a Koran immediately.

Jerusalem, 17 October 2004

[signed]
Andre Rosenthal, Attorney
Counsel for Petitioner