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**At the Supreme Court**  
**Sitting as the High Court of Justice**

**H CJ 8092/20**  
**Scheduled for January 9, 2023**

In the matter of: \_\_\_\_\_ **Bajawi et al.**

Represented by counsel, Adv. Nadia Daqqa et al.

Of HaMoked Center for the Defence of the Individual,  
founded by Dr. Lotte Salzberger  
4 Abu Obeida St., Jerusalem, 97200  
Tel: 02-6283555; Fax: 02-6276317

**The Petitioners**

v.

**Military Commander in the Occupied Territories et al.**

Represented by the State Attorney's Office,  
Ministry of Justice  
29 Salah a-Din Street, Jerusalem  
Tel: 02-6466590; Fax: 02-6467011

**The Respondents**

**Updating Notice on behalf of the Petitioners**

According to the decision of the honorable court dated December 1, 2022, and the application by mutual consent to extend the time to file an updating notice on behalf of the Petitioners dated December 5, 2022, the Petitioners wish to inform the honorable court of the following as specified below:

1. As known, the original petition which was filed on November 22, 2020, emphasized the need to arrange the practice of arresting Palestinian minors in the occupied territories such that the summoning of minors through their parents or legal guardian in charge of them shall be the primary method, while night arrests shall be reserved for particularly exceptional and severe cases.

2. After the original petition had been filed, the Respondents notified on July 29, 2021 that a procedure for the summoning of suspected minors prior to a pre-planned arrest (hereinafter: the **Procedure**) had been approved, and argued that said "development" made the original petition redundant. In the hearing which was held on August 2, 2021 it was decided to allow for a six month period following which and after experience is accumulated on the ground from the implementation of the Procedure, an updating notice on behalf of the Respondents shall be submitted.
3. It emerged from Respondents' notice dated February 1, 2022 that the Procedure did not change the reality and that Palestinian minors continue to be subjected to an intense practice of pre-planned night arrests, while the cases in which they are summoned for interrogation *in lieu* of being arrested continued to be the exception to the rule.
4. Following the aforesaid the amended petition at hand was filed. On August 4, 2022 Respondents' response was filed wishing to emphasize that it was never argued that the introduction of the Procedure would have a wide effect on the scope of pre-planned arrests, and that the Procedure "enables summoning for interrogation when possible".
5. The Petitioners request to present data showing that the Respondents do not implement the provisions which preceded the Procedure and that the Procedure, whether implemented or not, does not result in the summoning of minors for interrogation *in lieu* of their pre-planned arrests, including in cases in which the offenses in which the minors are involved are not serious offenses.
6. Contrary to the provisions of paragraph 30 of Respondents' response to the original petition, whereby the military force performing the arrest should provide the parents of the detained minor a form specifying the details of the arrest such as the station to which the minor shall be taken and the offense of which they are suspected, it emerges from an examination conducted by HaMoked: Center for the Defence of the Individual (hereinafter: **HaMoked**) during the months May-October 2022, that out of 58 families of minors who were arrested in said months by pre-planned night arrests at their homes, only in one case the family confirmed that a form specifying the details of the arrest had been given to it.
7. In addition, in all 58 cases which were handled by HaMoked, no preliminary attempt was made to summon the minors for interrogation *in lieu* of their pre-planned arrests.
8. It should be added that pursuant to an individual examination which was conducted with said families with respect to the circumstances of their child's arrest, it emerged that in the vast majority of the cases the minors were not involved in "serious offenses" and it is therefore unclear what the justification for a pre-planned night arrest was.
9. Accordingly, for instance, in May 2022, eleven families of minors who had been arrested in their homes by a pre-planned arrest approached HaMoked requesting it to assist them to locate their children. Ten of these children have already been released and sent home. Indictments were filed only against two of the children who were released as aforesaid, following which one of them served 49 days in prison while the other served for four months and four days in prison; three were released after the elapse of 30 days without an indictment; two were released after two days without an indictment; with respect to

the three remaining minors, HaMoked was unable to reach them for the purpose of receiving the requested information.

10. In June 2022, sixteen families of minors who had been arrested in their homes by a pre-planned arrest approached HaMoked requesting it to assist them to locate their children. Eight of these children have already been released and sent home without an indictment; one was released after one month and a half, one was released after 15 days, one after 10 days, one after three days and two after two days. With respect to the two remaining children, HaMoked was unable to reach them for the purpose of receiving the requested information.
11. In July 2022, three families of minors who had been arrested in their homes by a pre-planned arrest approached HaMoked requesting it to assist them to locate their children. Two of these children have already been released and sent home, one of whom was released after 24 hours without an indictment; with respect to the remaining child, HaMoked was unable to reach him for the purpose of receiving the requested information.
12. In August 2022, twelve families of minors who had been arrested in their homes by a pre-planned arrest approached HaMoked requesting it to assist them to locate their children. Six of these children have already been released and sent home. One was released after two days, two were released after 24 hours and two were released after a few hours. HaMoked was unable to reach one child for the purpose of receiving the requested information.
13. In September 2022, five families of minors who had been arrested in their homes by a pre-planned arrest approached HaMoked requesting it to assist them to locate their children. Three of these children have already been released and sent home. An indictment was filed against one of them who was released under conditions after nine days, and the two remaining children were released after 24 hours without an indictment.
14. In October 2022, eleven families of minors who had been arrested in their homes by a pre-planned arrest approached HaMoked requesting it to assist them to locate their children. Seven of these children were released without indictments. One was released after three days, two were released after two days, three were released after one day. Regarding one child, HaMoked was unable to reach him for the purpose of receiving the requested information.
15. Hence, the figures show that the Respondents did not change the offensive practice of night arrests of minors, and even in cases in which the children were released shortly thereafter without indictments the Respondents decided to take the extreme measure of pre-planned night arrest without justification according to their own Procedure.
16. It should be pointed out that the cases specified above refer only to children who were released by the date of this notice, and the fact that the minors remained in custody until

now does not necessarily indicate that they were involved in serious offenses since only a few months have passed as of their arrest.

17. On the basis of the data presented above it seems that the Respondents have not changed the practice which is challenged in the Petition, and as stated in their response they have no intention of doing so. Therefore, the honorable court is requested to issue an order *nisi*, and after hearing the Respondents, make it absolute.

December 7, 2022  
Jerusalem

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Nadia Daqqa, Adv.  
Counsel for the Petitioners