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At the Supreme Court
Sitting as the High Court of Justice

HCJ 2254/24

_____ **Abu Musa, ID ---**

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 Petitioner

v.

- 1. Israel Defense Forces**
- 2. Chief Military Police Officer**
- 3. Commissioner of Israel Prison Service**
- 4. National Security Council**
- 5. Attorney General**
- 6. Military Advocate General**

Represented by the State Attorney's Office
Ministry of Justice, Jerusalem
Telephone: 073-3925084; Fax: 02-6467011

The Respondents

Respondents' Notice ahead of the Hearing

1. According to the decision of the Honorable Court (the Honorable Justice Y. Kasher) dated April 8, 2024, the Respondents hereby respectfully submit a notice on their behalf as follows.
2. As recalled, the Petition at hand is for a writ of "*Habeas Corpus*" in the framework of which Petitioner's mother and brother wish to receive information about him. More specifically, the remedies which were requested in the Petition by Petitioner's family members include three remedies: the first remedy relates to their request that the Respondents notify them of Petitioner's whereabouts, what happened to him since he had been arrested and by virtue of which law he is held in custody; the second remedy relates to Petitioner's request that the Respondents notify who is the body responsible for providing the information "regarding the holding place of the Petitioner and others in his condition"; the third remedy relates to Petitioner's request to order the Respondents to enable him to "meet with a lawyer to assess the conditions and lawfulness of his incarceration".

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3. The Respondents presented in their preliminary response dated March 26, 2024 and in the supplementary response on their behalf dated April 5, 2024, a list of reasons justifying the dismissal of the Petition *in limine*. Since then, several factual and legal changes have occurred justifying, in turn, to delete the Petition, as it became irrelevant. We shall discuss the above briefly.
4. As is known, on April 7, 2024 the Incarceration of Unlawful Combatants Law, 2022 (hereinafter: the "Law") was amended by the Incarceration of Unlawful Combatants (Amendment No. 4 and Temporary Order – Iron Swords) (Amendment) Law, 2023 (hereinafter: the **Amendment**). The Amendment entered into effect on April 19, 2024 (see: Section 2 of the Amendment), and it shall remain valid until July 31, 2024. According to the Amendment, the maximum period during which a detainee may be prevented from meeting a lawyer shall be 90 days instead of 180 days (see Sections 6(a2) and 10(a)(5)(c) of the Law).
5. Now, the Respondents advise that it emerges from an up-to-date examination which was conducted that there is no preclusion preventing the Petitioner from meeting a lawyer at this time, if he so wishes. Accordingly, a written request should be sent to: mashlat.tium@gmail.com requesting to coordinate a date for the meeting, which includes the details of the Petitioner and the details of the relevant lawyer for the meeting, together with a power of attorney on behalf of the body in whose name the request is made. It should be emphasized, as specified in Respondents' responses, that the Petition at hand was submitted as a petition for a writ of *Habeas Corpus*, while prior to its submission no request had been sent to the Respondents concerning a meeting between the Petitioner and a lawyer.
6. In these circumstances, in which the Petitioner can meet a lawyer in his detention facility, the Petition at hand - a petition for a writ of "*Habeas Corpus*" – became redundant and should be deleted; the above, in addition to all other reasons for dismissing the Petition *in limine*, as presented in Respondents' preliminary response and supplementary response.
7. Therefore, the Respondents shall argue that the Petition should be deleted and that the hearing scheduled for May 1, 2024 should be cancelled.
8. The facts specified in the updating notice are supported by the affidavit of Major Einav Palatin, Enemy Detainees Operations Officer, Military Police.

Today, 20 Nisan 5784
April 28, 2024

Ran Rosenberg, Adv.
Senior Deputy A, HCJ Department
State Attorney's Office

Matan Steinbuch, Adv.
Chief Assistant, HCJ Department
State Attorney's Office

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