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

**HCJ 70724-08-24**

Before: Honorable Justice Ofer Grosskopf  
Honorable Justice Yechezkel Kasher  
Honorable Justice Ruth Ronen

The Petitioners: 1. Anonymous  
2. Anonymous

v.

The Respondents: 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

Petition for *Writ of Habeas Corpus*; Preliminary Response on behalf of the Respondents dated September 8, 2024; Notice on behalf of the Petitioners dated September 15, 2024; Reply on behalf of the Respondents dated October 10, 2024

Representing the Petitioners: Adv. Nadine Abu Arafah

Representing the Respondents: Adv. Matan Steinbuch

**Judgment**

**Justice Ruth Ronen:**

1. Before us is a petition defined as a *Habeas Corpus* petition. The petition which was submitted on August 29, 2024 alleges that the Petitioners, a father and his five years old daughter (hereinafter: the **Minor**), are Gaza Strip residents, who were held by the military as of March 24, 2024. The main remedy which was requested in the petition is that the Respondents clarify Petitioners' status, including whether they are held by the Respondents and whether one or both of them have died while in the military's custody.

2. On September 8, 2024 the Respondents submitted according to my decision a preliminary response in which they noted that according to the information provided by the Military Police officials – no indication was found for the arrest or incarceration of the Petitioners by the security forces, in the past or at this time; and according to information provided by the Israel Prison Service, no registration of the Petitioners was found in the systems and no indication of their incarceration was found.

Following said response, the Petitioners were requested to notify whether they wanted to proceed with their petition. On September 15, 2024, notice was submitted on behalf of the Petitioners alleging that soldiers had broken into the Petitioners' family home on March 24, 2024 during which the minor and her mother were injured; thereafter the minor was taken to another room while the mother was requested to leave. It was further alleged that the father (Petitioner 1) was left alone. It was alleged that the Petitioners have disappeared since the soldiers took hold of them. In view of the aforesaid, the Petitioners requested to understand, *inter alia*, whether the Respondents were still holding the Petitioners without providing information to the family and what had happened to the Petitioners who were allegedly in the soldiers' custody.

To complete the picture, Respondents' reply to the aforementioned notice was requested. In their reply, the Respondents clarified that another examination was conducted according to which the relevant bodies – the Military Police and Israel Prison Service – had no indication of Petitioners' arrest or incarceration by them, and therefore there could be no indication that the Petitioners had died after they were arrested by the military.

3. In this state of affairs, in which the state bodies clarify that they have no indication of Petitioners' arrest or incarceration by them at this time or in the past, the petition should be dismissed. The main remedy which was requested in the petition was as aforesaid to inform Petitioners' family who was holding the Petitioners and whether they were released or have died. This remedy was resolved by the factual answer given by the Respondents, an answer enjoying the presumption of administrative regularity, which was not refuted (HCJ 5474/24 **Abu Laban v. Israel Defence Forces** (September 2, 2024)).
4. With respect to the second remedy which was requested in the petition (requesting to verify whether the Petitioners are held in an undeclared incarceration facility) – the Respondents have also clarified this matter (in section 6 of their reply to Petitioners' notice). It emerges from that which is stated in the reply that there is no basis to Petitioners' allegation that there are detainees who are held by the state in undeclared incarceration facilities; and in fact – such detainees are held by virtue of the Israeli law. Usually they are initially held in military incarceration facilities; and thereafter, to the extent necessary, they are intended to be transferred to IPS facilities. The Respondents have also noted that the above allegations were not included in the preliminary application submitted by the Petitioners, and for this reason also they should be dismissed *in limine*.
5. The third remedy which was requested (giving a general answer to the question who is the body responsible for giving information regarding the holding of the Petitioner and others in his condition) – is a general remedy which should not be discussed in the

framework of the petition at hand in view of all the circumstances which were described above.

6. Therefore, the Petition has exhausted itself and should be dismissed. In the circumstances of the matter – there is no order for costs.

Given today, 11 Tishrei 5785 (October 13, 2024).

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Ofer Grosskopf  
Justice

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Yechiel Kasher  
Justice

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Ruth Ronen  
Justice

GAG ORDER