

STATE OF ISRAEL

Ministry of Justice
State Attorney's Office

2 December 2004

Attorney Yossi Wolfson

Via Fax: 6276317

Dear Sir:

**Re: HCJ 9733/03, *HaMoked: Center for the Defence of the Individual*
v. The State of Israel – Provision of Additional Particulars**

1. In accordance with the decision of the Honorable Registrar of the Supreme Court, I set forth below the additional particulars that we were required to provide. The details were given to me by the IDF, which is in charge of the facility.

As required of us, we shall first provide data on the number of detainees who were held in the facility, and the period that they stayed there. It should be noted that this answer includes the requisite particulars on the number of detainees and the periods they were held starting from 1993. As I informed you orally, the requisite particulars on the detainees during the time prior to that are not readily available, and obtaining them would involve extensive effort. It would seem natural that the details provided below is sufficient to indicate the use made of the facility over the past twelve years, and it seems to me that further information is not required. I am certain that you will agree. Below, then are the requested particulars.

Number of detainees in Facility 1391

2. Over the past twelve years, from 1993 to 2004, a total of 271 detainees were held in the facility.
3. Of them, 158 were held by the General Security Service [GSS] during the period from April 2002 to March 2003, at a time that the facility was made available to it

following Operation Defensive Shield, in the circumstances described in the state's response. In addition to them, the other 113 detainees were held in the facility over the 12-year period (including Dirani, Obeid, and M.).

That is, other than the period in which the facility was made available to the GSS following Operation Defensive Shield, over the course of the past 12 years, a total of 113 detainees were held in the facility – an average of less than ten detainees a year.

4. It should be further noted that the number of detainees declined over the years. If we deduct the number of detainees held in the facility following Operation Defensive Shield, over the past seven years, *a total of twenty-six interrogees* were held in the facility, *an average of three to four detainees a year*.

Period of detention in the facility

5. Study of Article 14(c) of the Application for Additional Particulars indicates that your request for information on the period of time that each and every detainee was held does not relate to the detainees Dirani, Obeid, and M., nor does it relate to residents of the Territories who were held in the facility between April 2002 and March 2003.
6. In light of the above, we shall set forth below in this segment details on the length of stay of detainees in the facility, except for Obeid, Dirani, M., and residents of the Territories who were held in the facility during the said period. The list setting forth these details is attached hereto as Appendix A.

In accordance with the Court's decision, the list is provided without mentioning the names of the detainees and the reason they were held in detention.

7. We point out that, until 1997 (inclusive), administrative detainees were held in the facility, so that detainees were held in the facility in the past even for several months. However, since 1997, detainees were held in the facility **only for interrogation purposes**, (except for Dirani and Obeid), and the period of detention of the persons on the list *has not, since then, exceeded thirty days*, except for four detainees who were held there for fifty-four days.
8. For your convenience, below are the periods of detention in the facility over the past 12 years, broken down by numbers of detainees:
 - A. From one day to 15 days - 49 detainees.
 - B. From 15 to 30 days - 15 detainees.
 - C. From 30 to 45 days - 15 detainees.*

- D. From 45 to 60 days - 8 detainees.
- E. From 60 to 100 days - 15 detainees.*
- F. More than 100 days - 8 detainees.**

* All the cases until 1997.

** All the cases until 1994.

As far as we know from our investigation, all the detainees on the list who stayed in the facility for more than thirty days (except for the four persons mentioned above), were held pursuant to administrative detention orders. As stated, all these cases occurred *prior to 1997*.

Of the 26 detainees held in the facility over the past seven years, 8 stayed there for up to 5 days, 10 detainees stayed for 6-15 days, 4 detainees stayed for 15-30 days, and 4 detainees stayed in the facility for 54 days.

Detention conditions in the facility

- 9. In our response to the petition, we pointed out that the detainees in the facility are provided the same conditions as detainees in other military prisons. In response to your question, we wish to explain that, based on information given us, **the detention conditions in the facility conform to those in military prisons used as detention facilities for security detainees**. We can also mention that, in certain aspects, the detention conditions in the facility are better than those currently found, in practice, in other such facilities.

As stated in the response, the only difference on this issue is that meetings between detainees and their attorneys or other visitors is not carried out inside the facility, but in other detention facilities.

- 10. As a rule, the fundamental requirements set forth in law regarding the conditions in which a detainee is held apply to all detainees, unless set forth otherwise by statute. However, different kinds of detainees call for different detention conditions, provided the conditions are not contrary to law. For example, soldiers are needed to take part in the administrative military activity inside and outside the facility (such as guard duty, work outside the facility, and the like) and are also required to wear uniforms – which is not the case with security detainees. In any event, the detention conditions of soldiers differ from those of security prisoners, as explained above.

Sincerely yours,

[signed]

Shay Nizzan
Deputy State Attorney
for Special Functions

Enclosure: Table of period of detention for each detainee.

Appendix A -

Periods of Detention in Facility 1391 for the Years 1993 - 2004

No.	Days in the Facility
1	104
2	42
3	50
4	32
5	2
6	2
7	2
8	2
9	2
10	2
11	41
12	35
13	96
14	285
15	285
16	285
17	174
18	174
19	15
20	68
21	124

22	28
23	41
24	14
25	9
26	9
27	9
28	90
29	98
30	20
31	76
32	40
33	150
34	107
35	107
36	107
37	2
38	3
39	53
40	45
41	39
42	42
43	44
44	12
45	12
46	30

47	23
48	36
49	36
50	28
51	14
52	134
53	13
54	10
55	37
56	13
57	74
58	105
59	71
60	107
61	97
62	11
63	20
64	20
65	13
66	101
67	54
68	53
69	44
70	3
71	11

72	11
73	11
74	10
75	2
76	22
77	2
78	2
79	13
80	42
81	22
82	22
83	2
84	14
85	3
86	5
87	5
88	5
89	4
90	4
91	4
92	10
93	10
94	10
95	6
96	1

97	28
98	28
99	28
100	28
101	54
102	54
103	54
104	54
105	15
106	15
107	15
108	15
109	15
110	15