

ADDENDUM

Prepared by Adalah, 28 June 2002

Updates to report entitled, "Petitions filed by Adalah and LAW to the Supreme Court of Israel, April - May 2002," submitted by Adalah, LAW and PCHR to UN Secretary-General Kofi Annan, 29 May 2002.

Introduction

Copies of the five petitions, state responses, and Supreme Court decisions discussed in the report, in the original Hebrew and in English translation, are now available on Adalah's website at www.adalah.org (Click "OPTs Emergency Agenda" at the top of the homepage).

The Petitions – Pages 2-3

1) Denial of Medical Treatment for Sick and Wounded, Access of Medical Personnel and the Right to Burial of the Dead

Citation: H.C. 2941/02, *Badia Ra'ik Suabta and LAW v. Commander of the Israeli Army in the West Bank* (filed 7 April 2002; joined for decision by the Court with H.C. 2936/02, *Physicians for Human Rights-Israel v. Commander of the Israeli Army in the West Bank*; decision delivered 8 April 2002)

Since 21 June 2002, the Israeli army has re-initiated its heavy military operations in the West Bank. With these most recent incursions, which include tight closures and curfews on the Palestinian population in and around all of the main West Bank cities, the army has renewed attacks on ambulances and medical staff, and has delayed the provision of medical services. These actions stand in stark contradiction to earlier commitments made by the army and by the Supreme Court's ruling in the above noted case.

See Physicians for Human Rights-Israel, "Targeting Medical Care: Israel's Recent Incursion into the West Bank Renews Attacks on Ambulances," 24 June 2002, available at www.phr.org.il. This five-page report provides sample cases from Qalqilya, Nablus, Jenin, Bethlehem and Tulkarm.

Other Pending Cases, pages 8-9

1) The Legality of Military Order 1500. According to the State's 32-page second written response to the petition, dated 11 June 2002, the Israeli army extended Military Order 1500 on 4 June 2002 for an additional three months, with some amendments. Re-issued as Military Order 1505, which is valid until 4 September 2002, the following changes were made: (i) The time limit for incommunicado detention of Palestinians was decreased from 18 days to 12 days; and (ii) The prohibition on meeting with lawyers was decreased from 18 days to 4 days.

A detainee is defined in MO 1505 as anyone arrested in the area [West Bank and Gaza] during a military operation to combat terror, and the circumstances of the arrest

establish suspicions that he endangers or could endanger the security of the area, the security of the Israel Defense Forces (IDF) or public security.

The State did not provide new figures regarding the total number of Palestinians arrested, released from detention, currently detained, or currently held in administrative detention. In their response, they stated:

Between 31 May 2002 and 2 June 2002, thousands of Palestinians were taken into custody by the Israeli security forces and many tens of them were detained after that, according to Order 1500, for additional investigation.

By way of explanation for the issuance of MO 1505, the state explained that:

The change of Order 1500 was possible only in light of the decrease in the number of detainees and after considering changes in the types of operations recently carried out by the IDF. According to our assessment, which is based on the lessons learned from Operation Defensive Shield, if fighting resumes in the area in all its magnitude, and conditions return to what was seen during Operation Defensive Shield, it is likely that the “classification process” will be lengthened. Under such conditions, there will be no other choice but to change once again the order’s instructions and to extend the number of days during which meetings with lawyers are prohibited.

The extension of MO 1500 and its re-issuance as MO 1505 indicates that the Israeli army intends to continue its policy of mass arrests and the detention of Palestinians for at least three months.

Citation: H.C. 3239/02, *Iyad Mahmud Ishak Mirab, et. al. v. The Commander of the Israeli Army in the West Bank* (filed 16 April 2002; case pending).

2) The Inhumane Treatment and Detention Conditions of Palestinians at the Ofer Detention Camp.

Representatives of the petitioners (HaMoked, Adalah, ACRI, B'Tselem, LAW, Addameer, and Al-Haq) visited Ofer detention camp on 22 May 2002 and submitted a report to the Attorney General’s Office and the Supreme Court on 4 June 2002.

The report described the inhumane conditions under which Palestinian detainees are being held in Ofer camp. The detention conditions described in the report include lack of medical treatment, overcrowding, inadequate shelter and bedding, and poor sanitary conditions. The representatives reported that three toilets and three shower stalls were provided to meet the needs of 180 detainees. Further, they reported that the detainees received inadequate food and clothing, were subjected to brutal and humiliating treatment, and were denied all contact without the outside world.

On 19 June 2002, the state responded that, as a result of the petition, there had been major changes in the detention conditions at Ofer camp. The state claimed that the

petition should be dismissed, as they had satisfied the petitioners' request for minimal, humane and respectful conditions. On 25 June 2002, the petitioners filed a motion to the Supreme Court for an urgent hearing in order to oblige the state to further improve detention conditions at the camp, which are, in the petitioners' view, still severely inhumane.

Citation: H.C. 3278/02, *HaMoked, et. al. v. The Commander of the Israeli Army in the West Bank* (filed 18 April 2002; case pending).

3) Extrajudicial Executions. On 18 April 2002, the Court ordered the State to submit a written response to the petition clarifying the legal framework under which the military commander is operating. The State requested additional time to file its response, which was granted by the Court. The State's response is now due in early July 2002.

Citation: H.C. 76902, *PCATI and LAW v. The Government of Israel, et. al.* (filed 24 January 2002; case pending).

4) Inhumane Treatment and Detention Conditions of Palestinians in Ansar III Detention Center ("Ketziot"). The Attorney General responded to Adalah's pre-petition by stating that the office would reply once it received information from the Military Commander of the Gaza region. After two months, Adalah had received no additional information. On 27 June 2002, Adalah submitted a petition to the Supreme Court, in its own name and in the names of seven Palestinian detainees and nine Palestinian and Israeli human rights organizations, protesting the inhumane conditions faced by approximately 500 Palestinian detainees currently held in Ansar III Detention Center. Adalah raised numerous grave concerns in the petition, including the fact that the detention center is grossly overcrowded; that the detainees receive insufficient food, water and medical treatment; that the detainees are denied access to their families; and that they are subjected to cruel, inhuman and degrading treatment.

Citation: H.C. 5591/02, *Hilal Yasseen, et. al. v. Yuni Ben David, Military Commander of Ansar III, et. al.*

See attached Press Release, "Seven Palestinian Detainees and Ten Human Rights Organizations Submit Petition to Supreme Court Protesting Detention Conditions in Ansar III," 28 June 2002.