

1. **Adalah: The Legal Center for Arab Minority Rights in Israel**
2. **The Association for Civil Rights in Israel**
3. **Qanun (LAW): The Palestinian Society for the Protection of Human Rights and the Environment**
4. **B'Tselem - The Israeli Information Center for Human Rights in the Occupied Territories**
5. **The Public Committee Against Torture in Israel**
6. **HaMoked: Center for the Defence of the Individual**

By Marwan Dalal, Adv., et al.,
of Adalah, PO Box 510, Shfaram

Petitioners

v.

1. **Yitzhak Eitan, Commanding Officer, IDF Central Command**
2. **Shaul Mofaz, IDF Chief of Staff**
3. **Binyamin Ben-Eliezer, Minister of Defense**
4. **Ariel Sharon, Prime Minister**

By the State Attorney's Office
Ministry of Justice, Jerusalem

Respondents

Response on behalf of the Respondents

1. The petition is a request by the Petitioners that the Respondents show cause why they do not prevent the use of human beings as "human shields" and/or as hostages during their military actions in the West Bank.

The Petitioners seek an temporary injunction enjoining the Respondents from using individuals as "human shields" or as hostages during the military actions in the West Bank until a final decision is given on the petition.

2. In its response to the request for a temporary injunction, the Respondents stated that, in light of the various complaints that the Respondents received, including, *inter alia*, the information set forth in the petition, and without taking a position on the accuracy of the complaints, and for the avoidance of doubt, the IDF has decided to issue immediately an unequivocal order to the forces in the field. The command states that forces in the field are absolutely forbidden to use civilians of any kind as a means of "living shield" against gunfire or attacks by the Palestinian side, or as "hostages." The order further clarifies that this prohibition applies in every location in which IDF forces are active.

IDF forces operating in Judea, Samaria, and the Gaza Strip were informed of this order.

3. In response to the [request for a] temporary injunction, it should be noted that some of the complaints set forth in the petition do not relate to the use of persons as “human shields,” but to assistance given by Palestinian residents to IDF forces in gaining entry to houses of other Palestinian residents during the military operations. In light of the complaints set forth in the petition, the IDF decided to clarify that even this act is forbidden in situations in which the commander in the field believes that a civilian is liable to be injured.

The IDF forces were also informed of this clarification.

4. In addition, the military authorities examined the various aspects of the issue of soldiers being assisted by Palestinian residents during the IDF actions in the field in circumstances in which the assistance is necessary to prevent injury to Palestinians and IDF soldiers. In making this examination, the Chief of Staff directed that an order be prepared which expressly states that, in circumstances in which it is possible to be assisted by Palestinian residents, *they are not to be used for assistance if there is a fear of injury to the Palestinian resident, and, in any event, the residents are not to be used as a “human shield” or “hostage.”*

It is emphasized that these are cases in which the assistance provided by Palestinian residents enables IDF forces to refrain from military action that is liable to result in greater injury to civilians and soldiers.

5. As stated in the response to the request for the temporary injunction, regarding the specific complaints described in the petition, the Chief of Staff decided that the commanders of the units to which the specific incidents relate are to conduct detailed investigations of each case, and that the results of the investigations are to be reported to the Chief of Staff.
6. In light of the orders issued to IDF forces, as described in sections 2-3 above, and in light of the unequivocal order to refrain from any harm to Palestinian residents, the Respondents believe that the need for the order requested is moot.
7. This statement is supported by the affidavit of the head of the IDF’s Operations Branch, Major General Dan Harel.

Today: 20 May 2002

s/

Malchiel Blass
Head, High Court of Justice
Petitions Matters
State Attorney’s Office