

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

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

Petitioners

v.

- 1. Yitzhak Eitan, Commander of the Israeli Army in the West Bank**
- 2. Shaul Mofaz, Chief of Staff of the Israeli Army**
- 3. Benjamin Ben-Eliezer, Minister of Defense**
- 4. Ariel Sharon, Prime Minister of Israel**

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

Respondents

Response on behalf of the Respondents to the Request for a Temporary Injunction

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 Petitions seek a 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.

The undersigned apologizes for the delay of several hours in submitting the response. The delay resulted from the actions necessary to prepare the response.

2. The Respondents hereby inform the Honorable Court that, in light of the various complaints received by the Respondents, including *inter alia* the information set forth in the petition, and without taking a position on the accuracy of the complaints, and so as to avoid all doubt, the IDF has decided to immediately issue an unequivocal order to the forces in the field. The order 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 houses, streets, and in every area and place in which IDF forces are acting.

3. It should be noted that some of the complaints set forth in the petition do not relate from the use of persons as “human shields.” Rather, these Palestinian residents assist 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. In addition, in the coming days, the military authorities intend to examine the various aspects of the issue of soldiers being assisted by Palestinian residents. As regards the complaints set forth in the petition, the IDF decided to conduct a thorough examination of the matter. Of course, the Respondents have been unable to do that in the time that has passed since the filing of the petition.
4. In light of the Respondent’s decision to immediately issue the order referred to in section 2 above, the Respondents believe that the order requested is unnecessary.

s/

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