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5 January 2009

To:
Colonel Pnina Sharvit Baruch
Head of International Law Division
Military Advocate General's Office
6 David Elazar St.
Tel Aviv

Registered Mail

URGENT

Dear Madam,

Re: **Detention of Residents from the Gaza Strip**

1. As part of its activity to promote the human rights of residents of the Territories, HaMoked – Center for the Defence of the Individual has been locating detainees and monitoring their holding conditions for many years. Among its activities, HaMoked has taken action to improve the holding conditions and rights of detainees at the Ofer camp (in H CJ 3239/02, **Iyad Mar'ab et al. v. Commander of IDF Forces in the Judea and Samaria Area** and H CJ 3278/02 **HaMoked – Center for the Defence of the Individual v. Commander of IDF Forces in the Judea and Samaria Area**) and in secret prison 1391 (in the framework of H CJ 9733/03 **HaMoked – Center for the Defence of the Individual v. the State of Israel et al.**)
2. I hereby urgently address you following reports and projections regarding an anticipated large number of detentions of residents from Gaza in the course of the activity in the area. It has been reported, among other things, that the military has recently erected a large detention facility in the Sufa area, according to an advance plan, and that the forces have been ordered to detain many people for the purpose of interrogation and to amass “bargaining chips”. It was also reported that there was an intention to hold the detainees as “illegal combatants” and try them within the military system.
3. Considering all of the above, I request to receive information regarding the detention facility or facilities in which detainees from Gaza are to be held and interrogated:
 - a) What is the exact location of each of these facilities?

- b) Have these facilities been declared detention facilities in accordance with the law, when and by whom?
 - c) What is the maximum number of detainees that may be held in each of the facilities?
 - d) What is the maximum length of time detainees may be held in these facilities?
 - e) Is the facility under the responsibility of the Military Police or a different unit?
 - f) Are detainees from Gaza currently being held in each of these facilities and if so how many?
4. We also request information regarding the legal basis for holding detainees from Gaza:
- a) Will the detainees be held under Israeli legislation and if so, which?
 - b) Will the detainees be held under military legislation and if so, which?
 - c) Were new laws/orders/provisions legislated for the purposes of holding detainees from Gaza? If so we request to receive them urgently.
5. We request your immediate response.

Sincerely and Respectfully,
Sigi Ben Ari, Adv.

Copy: Chief Military Police Officer.