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Date: October 25, 2016
In your response please note: 28500

To:
Head of Public Relations and Human
Rights Division
IDF Spokesperson
Hakirya
Tel Aviv
Military Post 01025

By registered post + delivery
confirmation

Urgent!

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شارع أبو عبيده ٤
القدس ٩٧٢٠٠
هاتف. ٦٢٨٣٥٥٥. ٠٢.
فاكس. ٦٢٧٦٣١٧. ٠٢.

Dear Sir/Madam,

Re: **Freedom of Information Application – Incarceration in Facility 1391
and other secret facilities**

mail@hamoked.org.il
www.hamoked.org.il

I hereby submit an application for information under the Freedom of Information Act 5758-1998, following an arrangement made as part of HCJ 9733/03 **HaMoked: Center for the Defence of the Individual v. State of Israel** (TakSC 2011(1), 707: 2011), which reduces use of Facility 1391.

A. People held in Facility 1391 from January 1, 2015 until such time as a response to this application is issued

1. Have any applications for approval for incarceration in Facility 1391 been denied between January 1 2015 and such time as a response to this application is issued (hereinafter: the relevant time)? If so, how many and what reasons were cited for the denial in each case?
2. Have any persons been incarcerated in Facility 1391 during the relevant time? If so, how many? Please provide the number for **each month separately**.
3. If any persons have been incarcerated in Facility 1391 during the relevant time, please provide the following information for each:
 - 3.1. How long was the person incarcerated in Facility 1391 for; please note if the person is still incarcerated in the facility.
 - 3.2. The status under which the person is/has been incarcerated in the facility: a. interrogation; b. administrative detention; c. unlawful combatant; d. convicted prisoner; e. other, please specify.
 - 3.3. Whether the person is, a. an Israeli citizen; b. an Israeli permanent resident; c. a resident of the OPT, West Bank; d. a resident of the OPT, Gaza Strip; e. a foreign national (in this case, please specify

if the person in question has status under categories a-d listed above, and if so, which one).

4. If any persons have been incarcerated in Facility 1391 during the relevant time, was the Attorney General informed about the incarceration of **each one of them**, in accordance with the arrangement reached in HCJ 9733/03. If not, we ask in what cases the AG was not notified and why for each case.
5. If any persons have been incarcerated in Facility 1391 during the relevant time, was each of them informed of their whereabouts, or at least the name of the facility and the fact that it is located in the State of Israel shortly after being brought to the facility? Please specify how many were informed of same shortly after being brought to the facility and how long after arrival at the facility they were informed of same.
6. If any persons have been incarcerated in Facility 1391 during the relevant time, please specify how many were brought before a judge while incarcerated in the facility. Please specify in how many cases judicial review took place inside the facility and in how many cases outside of it.
7. If any persons have been incarcerated in Facility 1391 during the relevant time, please specify:
 - 7.1. How many met with council while incarcerated in the facility.
 - 7.2. How many met with council for the first time a. within a week of being brought to the facility; b. within a month of being brought to the facility; c. more than a month after being brought to the facility.
 - 7.3. How many meetings with council took place inside the facility and how many elsewhere, outside the facility.
 - 7.4. How many were denied meeting with council for the duration of their incarceration in the facility.
8. If any persons have been incarcerated in Facility 1391 during the relevant time, please specify:
 - 8.1. How many were allowed to see family members while incarcerated in the facility; please specify how many such visits took place inside the facility and how many outside it.
 - 8.2. How many were allowed to communicate with family in writing or over the telephone while incarcerated in the facility.
9. If any persons have been incarcerated in Facility 1391 during the relevant time please specify how many of them were, upon release from the facility, a. prosecuted; b. incarcerated as unlawful combatants; c. incarcerated under administrative detention; d. released unconditionally.

B. Supplementary, updated information up to December 31, 2004.

10. The state's response of December 2, 2004 contained two tables relating to duration of incarceration at the facility: a. "By number of detainees" (Sec. 8); b. with respect to each of the 110 individuals incarcerated in the facility between 1993 and 2004 (Appendix A). As explained in Sections

5-6 of said response, this information did not include how long “Obeid, Dirani M and residents of the Territories were incarcerated in the facility during the relevant time”, i.e. between April 2002 and March 2003. We therefore request the following:

- 10.1. Supplementary details on how long each resident of the OPT was incarcerated in the facility between April 2002 and March 2003;
 - 10.2. Updates for the two tables from the time relevant to which the above information was provided until such time a response to this application is issued.
11. The response also noted that the facility was put at the service of the ISA between April 2002 and March 2003. We wish to inquire whether the facility was put at the service of the ISA thereafter as well. If so, please specify when and for how long on each occasion. Please also note how many people were held in the facility during these times and what their identity is according to the categories enumerated in Section 3.3 above.

C. Monitoring of Facility 1391 from January 1, 2003 until such time a response to this application is issued

D. [sic]

12. With respect to official visits to the facility beginning January 1, 2003:
- 12.1. Has the Subcommittee for Secret Services of the Knesset Foreign Affairs and Defense Committee visited Facility 1391? Has the subcommittee provided a written report on each of its visits? If so, please specify who received said reports.
 - 12.2. Have other Israeli officials visited the facility? If so when. Please specify who visited and when for each visit.
 - 12.3. Have any foreign or international officials visited the facility? If so when. Please specify who visited and when for each visit.

E. Protocols concerning incarceration in Facility 1391

F. [sic]

13. According to the aforesaid judgment, the arrangement put in place provided that no “OPT residents” will be incarcerated in Facility 1391. We inquire, in this context, whether under the current arrangement and procedures, the term “OPT resident” applies to residents of both the West Bank and the Gaza Strip. If not, please provide details.
14. Under what circumstances may a person be incarcerated in Facility 1391? In what cases does the need to request permission for incarceration in Facility 1391 arise?
15. According to the current arrangement and procedures, how soon after arrival at the facility must a person be informed of his whereabouts? Please specify what information is to be provided to the person incarcerated in the facility, including, the name of the facility and the fact that it is located inside the State of Israel. Please also specify if any exclusions have been inserted into this duty of notification. Under what circumstances is it permissible not to inform a person incarcerated in the

facility about his whereabouts; for how long can a person be kept uninformed; who is empowered to decide to withhold information?

16. According to the current arrangement and procedures, does authorization for incarceration in Facility 1391 include the period of time over which a person is to be incarcerated in the facility? Is this a standard period of time or is it specific to each case? If standard, what is the duration?
17. In cases where extension/renewal of the order of incarceration in the facility is required, is the duration of the extension/renewal standard or specific to each case? If standard, what is the duration? What is the maximum number of times renewal/extension of incarceration in the facility can be granted?
18. According to the current arrangement and procedures, what is the maximum amount of time for incarceration in the facility? Can this maximum time be exceeded? If so, under what circumstances is such an extension permissible? Does such extension require prior approval or can approval be granted retroactively? Who preauthorizes an extension? Who retroactively authorizes an extension?
19. According to the judgment, the arrangement stipulated that approval from senior ranking officers is required for incarceration in Facility 1391. We wish to inquire which officials are involved in decisions on incarceration in Facility 1391, according to the following specifications:
 - 19.1. Which officials approve incarceration in Facility 1391;
 - 19.2. What other officials must be notified in advance of incarceration in Facility 1391;
 - 19.3. What other officials must be notified retroactively of incarceration in Facility 1391;
 - 19.4. What officials approve renewal or extension of incarceration in Facility 1391;
 - 19.5. What other officials are notified of renewal or extension of incarceration in Facility 1391;
 - 19.6. What officials conduct interrogations in Facility 1391?

G. Facility occupancy and cells

H. [sic]

20. In H CJ 8696/02 **Shahin et al. v. Military Commander**, notification was given that the facility has a variety of cell sizes: “standard cells” are 4.5 m²; “large cells” are 6 m²; and “small cells” are 3.7 m². What is the total number of cells in the facility and how many cells of each of these sizes are there?
21. What is the maximum number of inmates that can be incarcerated in Facility 1391? What is the maximum number of inmates that can be kept in each type of cell?

I. Other secret incarceration/interrogation facilities

J. [sic]

22. **Are there or have there been** any active military incarceration facilities **within Israel** whose location was secret? If so, we require the following information:
- 22.1. How many such facilities are there?
 - 22.2. Please provide identifying markers for each facility: including, a. general location; b. purpose; c. the nationality of persons incarcerated in the facility; d. when the facility went into operation and if and when it shut down.
23. **Are there or have there been** any other active secret incarceration facilities **within Israel**? If so, we require the following information:
- 23.1. How many such facilities are there?
 - 23.2. Please provide identifying markers for each facility: including, a. general location; b. purpose; c. the nationality of persons incarcerated in the facility; d. when the facility went into operation and if and when it shut down.
24. **Are there or have there been** any other active secret incarceration facilities in Israel's service that are **located outside Israel, and specifically, in the West Bank**? If so, we require the following information:
- 24.1. How many such facilities are there?
 - 24.2. Please provide identifying markers for each facility: including, a. general location; b. purpose; c. the nationality of persons incarcerated in the facility; d. when the facility went into operation and if and when it shut down.

Your prompt response, as required by law, is appreciated. We add that HaMoked: Center for the Defence of the Individual is exempt from payment of Freedom of Information fees, as we are a public association working to advance public goals. Attached please find, as required by law, confirmation of proper management of the association.

Sincerely,

Nadia Daqqa