

8 August 2008  
23:15 PM

To:  
Major General Yoav Galant  
GOC Southern Command

**URGENT!**  
**By fax**

Dear Sir,

Re: **Urgent Request to Transfer Eight Palestinians whose Lives are in Danger and who are Currently Waiting by the Separation Fence near Waypoint 101 (approximately)**

1. I hereby appeal to you to request your intervention in order to save the lives of eight Palestinians, who are currently near waypoint 101 of the separation fence in the Gaza Strip – they are wanted by Hamas and are being fired on by Hamas forces.
2. This morning, we submitted a petition to the HCJ on behalf of eight Palestinians, members of Fatah, who are hiding near the Gaza Strip separation fence for fear they will be assassinated by Hamas.

The names of the Palestinians are as follows (hereafter: the **petitioners**):

Mr. \_\_\_\_\_ 'Awedat, ID No. \_\_\_\_\_;  
Mr. \_\_\_\_\_ 'Awedat, ID No. \_\_\_\_\_;  
Mr. \_\_\_\_\_ 'Awedat, ID No. \_\_\_\_\_;  
Mr. \_\_\_\_\_ 'Awedat ID No. \_\_\_\_\_;  
Mr. \_\_\_\_\_ Abu 'Odeh, ID No. \_\_\_\_\_;  
Mr. \_\_\_\_\_ Washah, ID No. \_\_\_\_\_;  
Mr. \_\_\_\_\_ 'Aashur, ID No. \_\_\_\_\_;  
Mr. \_\_\_\_\_ Al-Diri, ID No. \_\_\_\_\_.

3. Two of them are injured - \_\_\_\_\_ 'Awedat sustained a shrapnel injury to his shoulder and \_\_\_\_\_ Washah suffers from a broken leg. Additionally, Mr. \_\_\_\_\_ 'Awedat has a heart condition; he has run out of medicine, and is in serious condition.
4. The petitioners have had no food or water for three days.
5. At 18:40 today, we received the State's response to the petition, according to which "Security agencies have no concrete information indicating danger to the lives of the aforementioned petitioners," and "Following an inquiry with the Palestinian Authority, no approval was given by the Authority for the petitioners' entry into its territory," and the respondent requires more time to learn whether the men are truly at risk.
6. The petitioners were unable to endure any longer, and they walked toward the separation fence and crossed the first barrier. As soon as we learned of

this, we contacted District Coordination Office [DCO] personnel as well as Adv. Einav Golomb, counsel for the State, and requested that they refrain from firing at the petitioners.

7. Six military jeeps which passed by the fence ordered the eight petitioners to strip down for a search and then left them.
8. Hamas operatives followed the petitioners and began firing live ammunition at them.
9. A short while ago, we learned from the petitioners that an Israeli army jeep passed by and soldiers threatened to shoot them if they did not return to Gaza.
10. Our attempts to get military personnel from the humanitarian desk [of the Gaza DCO] and the Erez crossing to intervene have been unsuccessful.
11. In light of the above, and considering the immanent danger to the petitioners' lives we appeal to you and request that you intervene immediately and order the military to remove the petitioners to a secure location.

Respectfully,  
Abeer Jubran, Adv.

Copies:

Mr. Ehud Barak, Minister of Defense

Adv. Meni Mazuz, Attorney General

Brigadier General Avichai Mendelblit, Military Advocate General

Major General Yosef Mishlav, Coordinator of Government Activities in the Occupied Territories

Brigadier General Yoav Mordechai, Head of the Civil Administration

Colonel Pnina Baruch-Sharvit, International Law Branch

Colonel Sharon Afek, Military Legal Advisor to the West Bank