

arrest warrant. In September 2003, before R.G. was to be freed, another warrant was issued – this time only for three months. In the judicial review session for R.G.'s fourth arrest, the defense attorney asked the court to carefully examine the so-called new intelligence. This evidence is not new at all, she said, and was only submitted for appearances' sake. This time, the court sided with the defense. The judge held that the risk in revealing the evidence against R.G. was not specific and that because of the long time that has passed since his arrest, the court must give special emphasis to R.G.'s rights. "Therefore," the judge held, "I believe the right thing to do would be to question the detainee and significantly shorten his current detention so that it

concludes on October 30, 2003." The prosecution got one month to question R.G. and start criminal proceedings against him – which would force them to reveal the evidence and serve an indictment, or find some meaningful new evidence to justify his continued administrative detention. Without new evidence, the judge stated, R.G. could no longer be held in administrative detention. The prosecution appealed, but since it had no new intelligence and since an indictment was not served, the Military Court of Appeals denied the appeal. R.G. was released on October 30, 2003, after 17 months of incarceration, not knowing what he was accused of or ever seeing the evidence against him. **(Case 20633)**

Tracing of Detainees

In 2003, the Israeli authorities arrested many thousands of Palestinians, and HaMoked received thousands of applications to trace detainees. While in 2002 HaMoked had to file 33 habeas corpus petitions in order to compel the State to reveal the whereabouts of detainees, only 10 petitions of this kind had to be filed in 2003.

As stated in the 2002 report, HaMoked went to the courts in all cases where the military did not provide information as to where a person was being held. In many of these cases, the military only divulged the information once a petition was filed. In these cases, HaMoked withdrew its petitions. In order to force the military to comply with HaMoked's requests and provide reliable information within a reasonable timetable, HaMoked asked

the Court to make the State cover trial costs. The Court complied, and within a short time the authorities streamlined their operations. However, there are still cases in which the answers provided by the military control center are inadequate; in these cases, HaMoked talks directly with the detention facilities and contacts on the ground.

On December 17, 2003, 15-year-old H.M. was arrested by the military. HaMoked immediately contacted the military control center, asking that H.M. be traced. Concurrently, HaMoked also contacted other military units with an inquiry about H.M. whereabouts. However, the authorities said they had no information about him. After further communications,

the military confirmed H.M.'s arrest and said that until the early afternoon, he was held at the transit facility at Etsion and that he was then transferred to the facility at Binyamin. A telephone inquiry with Binyamin Brigade confirmed that H.M. was indeed being held there. In other words, HaMoked traced the whereabouts of H.M. on the day of his arrest; military control center; on the other hand, only traced him and notified HaMoked five days later, on December 22. **(Tracing 30129)**

In 2003, HaMoked received 5,077 requests to trace detainees, including 90 applications to trace women and 335 to trace minors. The law specifies the conditions under which women and minors may be held. One of these conditions is that men and women and minors and adults must not be held together in the same cell. HaMoked prioritizes applications to trace arrested minors and women and handles these cases with urgency. HaMoked traces

these women and minors, and makes sure that the conditions of their arrest are in compliance with the law.

At 3:23 PM on December 4, the parents of P.H., a Nablus resident, called HaMoked, asking to trace their daughter. At 4:14 PM, after telephone communications with the Civil Administration, the Prison Service, military control center and others, HaMoked confirmed that P.H. was indeed held by the military, but still did not know her exact location. At 4:30 the Civil Administration told HaMoked that P.H. was being held at the Shomron Brigade headquarters in special conditions, and was being guarded by female soldiers. HaMoked called the Brigade, which confirmed this information. At 5:00 PM HaMoked called P.H.'s parents and gave them the details. HaMoked followed up on the case and three days later found out that P.H. had been transferred to a women's detention facility inside Israel. **(Tracing 29928)**