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At the Supreme Court in Jerusalem
Sitting as the High Court of Justice

H CJ 5797/90

In the matter of:

- 1. F. Alsinawi**
- 2. H. F.**
- 3. S. B. N.**
- 4. F. A. G.**

all represented by Attorney Andre Rosenthal, license number 11864, whose address for the purpose of service of court documents is HaMoked: Center for the Defence of the Individual, founded by Dr. Lotte Salzberger (Reg. Assoc.) 4 Abu Obeideh Street, Jerusalem 97200 Tel. 02-6283555; Fax. 02-6276317

The Petitioners

v.

Commander of IDF Forces in the West Bank

The Respondent

Petition for Writ of Habeas Corpus

The Honorable Court is hereby requested to order the Respondent to show cause to this Honorable Court at a time set therefore, why he does not provide relatives of the detainees described below, and to order him to release them from detention.

In the alternative, the Honorable Court is requested to order that counsel for the detainees be allowed to meet with them and with their relatives.

As interim relief, the Honorable Court is requested to require the Respondent to provide precise details on what befell the detainees and enable their attorney to meet with them.

Because of the nature of the petition, the Honorable Court is requested to set a hearing date as early as possible.

The grounds for the petition are as follows:

1. Petitioner 1 is the sister of Y. A., from Azariya, who was detained on 8 December 1990, and the sister of M. A., from Azariya, who was detained on 8 December 1990.
2. Petitioner 2 is the brother of R. R., from Azariya, who was detained on 17 December 1990. Petitioner 2 received a postcard on 20 December 1990 telling him that his brother was being detained at the military administration in Bethlehem.
3. Petitioner 3 is the sister of M. K., from Salfit, who was detained on 18 December 1990.
4. Petitioner 4 is the mother of A. I., from D'hiat al Barid, who was detained on 19 December 1990.
5. Several times, the Petitioners requested HaMoked: Center for the Defence of the Individual to locate their relatives. In accordance with the judgment given in HCJ 670/89, *Odeh et al. v. Commander of IDF Forces in Judea and Samaria* (not yet published), the place at which detainees are being held can be located by means of the "Control Center," which is administered by the Respondent.
6. The Petitioners' attorneys telephoned the Control Center and requested that it locate the detainees. However, as of the time of the filing of this petition, the detainees have not been located, including the brother of Petitioner 2. It was stated during the telephone conversation that it is possible to locate detainees only ten days after they are detained.
7. On 21 December 1990, the Petitioners' attorneys requested, in writing, the State Attorney's Office, through its head of the HCJ Division, Nili Arad, to provide the name of the place in which the relatives of the Petitioners are being held. A copy of this letter is attached hereto and marked P/1.
8. The Petitioners attorneys spoke by telephone with Ms. Arad on 23 December 1990 and with her clerk on 28 December 1990 in the matter of locating the detainees, but the conversations were unproductive. Another letter was sent to Ms. Arad on 28 December 1990, a copy of which is attached hereto and marked P/2.
9. The affidavits of Petitioners 2, 3, and 4 are attached hereto and marked P/3, P/4, and P/5, respectively.
10. In light of the above, the Honorable Court is requested to issue the orders requested hereinabove.

Jerusalem, today, 30 December 1990

[signed]

Andre Rosenthal, Attorney
Counsel for the Petitioners

P/1

HaMoked: Center of the Defence of the Individual
2 Abu Obeideh Street
Jerusalem Tel. 283555

Delivered by hand

Pre-HCJ

21 December 1990

Ms. Nili Arad, Attorney
Head, HCJ Division
State Attorney's Office
Jerusalem

Dear Ms. Arad:

Re: Failure to locate detainees

1. I am writing to you following the breakdown that recently occurred in implementing the procedures of "Notification of Detention to Families of the Detainees and to the Red Cross." I am referring in general to HCJ 670/89, *Odeh et al. v. Commander of IDF Forces et al.* (not yet published), and request that you immediately intervene in the matter.
2. These are the details on the detainees that HaMoked: Center for the Defence of the Individual has collected over the past two weeks:
 - A. Y. A., born in 1968, from Azariya, who has been detained since 8 December 1990.
 - B. M. S., born in 1970, from Azariya, who has been detained since 8 December 1990.
 - C. M. F., born in 1962, from Azariya, who has been detained since 14 December 1990.
 - D. U. G., from Azariya, who has been detained since 14 December 1990.
 - E. R. R., born in 1956, from Azariya, who has been detained since 17 December 1990.
3. In a telephone inquiry with the Control Center on 20 December, these detainees were not located.
4. For your handling.

Sincerely,

[signed]

Andre Rosenthal, Attorney

P/2

HaMoked: Center of the Defence of the Individual
2 Abu Obeideh Street
Jerusalem Tel. 283555

Delivered by hand

Pre-HCJ

Ms. Nili Arad, Attorney
Head, HCJ Division
State Attorney's Office
Jerusalem

Dear Ms. Arad:

Re: Locating detainees

1. In follow-up to my letter of 21 December 1990, you will find additional details below.
2. The detainee mentioned in Section 2(D) of my previous letter was located in Dahariya.
3. Other detainees have not yet been located:
 - A. M. B., from Salfit, who was detained on 17 December 1990.
 - B. A. A., from Qalandiya, who was detained on 19 December 1990.
 - C. A. G., from Batir, who was detained on 19 December 1990.
4. The matter must be handled on an extremely urgent basis.
5. In a telephone inquiry of this morning, the Control Center informed us that it would take another ten days to locate the detainees.

Sincerely,

[signed]

Andre Rosenthal, Attorney