

Tel Aviv, September 10, 1967

To:  
Col. Meir Shamgar  
Military Advocate General  
I.D.F

I hereby submit a summary report of actions taken as part of my service from July 18 1967 to August 8 1967:

1. On July 18, 1967 I reported to the legal advisor for the Gaza Strip and the Northern Sinai and I was tasked with serving as the military prosecutor.
2. At the time, the prosecution department was not yet organized and followed a system of preparing trial files on a day by day basis.
3. The functions of the prosecution were, inter alia, overseeing detentions, preparing cases – including police aspects, i.e. interrogating suspects and collecting statements, organization – the court, escorting prisoners, etc.
4. Most of the time was devoted to organizational problems and administrative preparation, which was the result of lack of organization, a unified system, forms, work conditions, etc.
5. About a week after taking office as prosecutor, I was given another function, deputy legal advisor, and I was given the rank of brevet major.
6. My role as deputy legal advisor was tantamount to the role of an administrative officer and comprised solely of organizational and administrative work.
7. In my role as military prosecutor – the prosecution handled:

Arrest cases:

Gaza – 222  
Khan Yunis – 39  
al-Arish – 22  
Total: \_\_\_\_\_  
283 cases.

Trial cases:

Gaza	94
Khan Yunis	6
al-Arish	<u>8</u>
Total	108.

8. In my role as deputy legal advisor (administrative), the office of the legal advisor was put in order (an entire wing in the [illegible] building), a telephone network, transportation, services and budget, bank accounts and court administration.
9. As part of both above mentioned roles, meetings were held with sub-district commanders and legal assistance and advice was provided as possible.

10. It is worth noting that the sub-districts of Khan Yunis and al-Arish, due to their distance, had been largely neglected and in order to rectify the situation it is essential that a separate legal advisor, serving only as military prosecutor, be appointed for each district.

11. The military court has worked at full capacity throughout this time, both in routine running of trials and in detention reviews and remand hearings as needed.

The latter function has taken up many work hours, and the president of the court and the prosecution held the hearings inside the prison.

12. Both in court and in the remand hearings, most defendants were represented by local lawyers, and one of the important achievements – the number of lawyers that have started appearing in court has grown.

13. The court and the prosecution managed to gain the trust of the residents and their counsel, and the situation has reached a point, in one specific case, where the lawyers preferred the military courts over the local courts.

14. The entry of the Israel Police into the area has changed the erratic work method that had been in place, and ever since, the functions of interrogation and the preparation of cases have been handled by it. The functions and operations of the Israel Police reduce the functions performed by the prosecution and its workload and have produced order that is similar to the ordinary state of affairs at the prosecutor's office in Israel.

15. Despite the aforesaid, the prosecution is still tasked with overseeing the legality of detentions, particularly administrative detention.

16. Administrative detention:

The original power to issue an administrative detention orders is vested in the military commanders, who have delegated this power to many other individuals: intelligence officers, the prosecutor and others.

As a result of this, the purpose of the detention has lost its original meaning and instead of serving as a crime prevention measure, it is now used as a substitute for remand to custody by a judge. Moreover, said detention orders cause overcrowding in prison, they delay the conclusion of investigations and sometimes lead to arbitrary arrests.

In my opinion, the delegation of detention powers should be canceled and the power should be left at the hands of the sub-district commanders only, who will also be obligated to provide the reasoning for the detention.

17. Prisons:

Gaza's central prison is also used today as a pre-trial detention facility, as well as a detention camp for administrative detainees. This conflation of roles leads to overcrowding in the prison and to direct contact between the different types of detainees.

The three types of detainees should be separated, and different detention facilities or camps should be instituted for each type.

Such separation is essential in terms of security, admission capacity and mutual influence.

18. Reservist service:

The administration in the Gaza Strip is entering a permanent phase and spans an area with a population of about 400,000.

Reserve soldiers, including prosecution personnel, are not currently suitable. A soldier learns his role too close to the time of his discharge.

Moreover, success in the function of the administration as a whole and the functions of the advocate's office in general, are very much dependent on familiarity with local residents, their customs, their dignitaries etc.

All of this goes to waste when the person fulfilling the function is discharged.

19. Administration:

As I noted above, most of the time devoted to the role is spent on management and administration.

This can be rectified if a unified work method is adopted by all legal advisor departments all over the country. This is particularly important with respect to methods of registration, file opening, secretarial functions, courts, procedures for funds etc.

20. The legal advisor:

Although I have not taken part directly in the work of the legal advisor, I will allow myself to note that the workload with which the legal advisor is tasked is too great. While there is a lot of help from reservists, the legal advisor cannot delegate functions to them [and] can only use them for assistance.

As stated above, separate legal advisors should be appointed for each sub-district, and the number of soldiers in permanent service, acting as assistants to the legal advisor, should be increased.

21. Brevet ranks:

Notwithstanding the importance of brevet ranks – in terms of elevating the personal status of the MAG Corps' personnel in the administration staff – there is a certain flaw in this, particularly considering people with similar ranks who have worked for years to obtain them.

In my opinion, a rank of "legal officer" (for those who have no ranks) is entirely sufficient in order to allow MAG Corps' personnel to fulfil their functions effectively.

In conclusion:

The first phase, which was a temporary and experimental phase, has passed and the services of the MAG Corps' should be allocated staffing and organization that are suitable for the current situation and for the long term.

I thank his honor for the privilege I have been given to be of some assistance in organizing the legal institutions in liberated *Eretz Israel* and wish his honor and all those involved in this important work success in the future.

[signed]

M. [REDACTED], Adv.

CC:

- 1) Maj. Zvi Inbar – Legal Advisor – Gaza.
- 2) Maj. Shabtai Ziv – Military Advocate General's Corps
- 3) Col. Mordechai Gur – Commander of the Gaza Strip and Northern Sinai