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At the Supreme Court
Sitting as the High Court of Justice

HCJ 4019/10

**HaMoked: Center for the Defence of the Individual,
founded by Dr. Lotte Salzberger et al.**

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The Petitioners

v.

Military Commander of the West Bank et al.
Represented by the State Attorney's Office
Ministry of Justice, Jerusalem
Tel: 02-6466410; Fax: 02-6467011

The Respondents

Respondents' Response

According to the judgment of this honorable court dated May 24, 2012 and the request for extension, the respondents hereby respectfully file this Response, as follows:

1. This petition concerns petitioners' request that the respondents refrain from the expulsion to the Gaza Strip Palestinians who are registered as Gaza residents and live in the Area. In addition, the petitioners request that the respondents "register in the copy of the Palestinian population registry held by Israel the correct addresses of the residents of the Occupied Territories, according to the notices and updates transferred to them by the Palestinian Authority."
2. The hearing of this petition was consolidated with the hearing of HCJ 2088/10 **HaMoked Center for the Defence of the Individual v. The Military Commander**. It should be noted, that during the hearing and in respondents' notice dated January 31, 2012, as in notices which were given in other petitions, the respondents clarified that according to their policy, as a general rule, illegal aliens in the Area, who had moved to the Area before the outbreak of the violent events in 2000, and against whom there was no security and criminal material, were not expelled to the Gaza Strip.
3. On May 24, 2012 a "(partial) judgment" was rendered in the petitions under which the petition in HCJ 2088/10 was denied subject to a number of comments.
4. At the same time, in the petition before us the honorable court issued an *order nisi* as follows:

"Based on this petition which was filed with this court, the court hereby orders that an *order nisi* be issued which is directed at the respondents and ordering them to appear and show cause

why they should not apply the prevailing policy which was applied to Gaza residents who entered before the outbreak of the October 2000 events, with respect to whom no negative security information was outstanding, also to Gaza residents who entered the Area by the termination date of the military administration in the Gaza Strip (the "**disengagement**") on September 12, 2005, and who are still living there."

5. The respondents wish to inform that following the examination of the relevant data and the receipt of the professional opinion of the relevant personnel, including the head of the civil administration and representatives of the Israel Security Agency, the coordinator of government activities in the territories decided to revise the policy on the expulsion of Gaza residents whose presence in the Area was illegal.
6. In view of the above, the current policy of the military commander in the Area concerning the expulsion of Gaza residents whose presence in the Area is illegal, is as follows:

"Gaza residents who entered the Area before the termination of the military administration in the Gaza Strip (the "**disengagement from the Gaza Strip**") on September 12, 2005, will not be expelled, unless a specific security justification for their expulsion exists. Gaza residents who entered the Area after September 12, 2005, under a permit limited by time or in any other way, will be expelled to the Gaza Strip, unless a humanitarian justification for their continued presence in the Area exists. The matters of Gaza residents as specified above will be examined on an individual basis, based on the circumstances of each case, taking into account, *inter alia*, the duration of their presence in the Area, their family relations with residents of the Area, special medical circumstances, their being under threat due to organizational affiliation with the PLO etc."

7. Needless to point out that in the individual examination of the possibility not to expel Gaza residents who entered the Area after September 12, 2005, as specified in the last part of the decision of the coordinator of government activities in the territories, the existence of relevant security or criminal information will also be taken into account.
8. Hence, the remedy referred to in the *order nisi* which was issued by this honorable court was given, and it therefore seems that the petition should be denied.
9. This response is supported by the affidavit of Colonel Uri Mendes, commander of the operation division of the coordinator of government activities in the territories.

Today, 7 Heshvan 5773

October 23, 2012

(signed)

Zili Naeh, Advocate

Assistant State's Attorney

(signed)

Hila Gorni, Advocate

Senior Deputy at the State Attorney's Office