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State of Israel

Ministry of Justice
State Attorney's Office

21 Iyar, 5775

May 10, 2015

To

Ms. Roni Pelli, Adv.

12 David Hachmi St.

Tel Aviv

Dear Adv. Pelli,

Re: HCJFH 360/15 – Petitioners' Motion for Leave to Submit an Authority

1. I hereby confirm receipt of Petitioners' Motion for Leave to Submit an Authority in HCJFH 360/15 dated May 4, 2015, and inform you of Respondents' position with respect to this motion.
2. As a rule, submission of evidence that was not available to the Supreme Court during the deliberations in the petition filed with the High Court of Justice as part of a petition for a further hearing of the verdict delivered in the petition – is permitted in rare and exceptional cases.
3. The Petitioners submitted a lengthy expert legal opinion by academics with their petition in HCJ 8091/14. Therefore it is not clear why they believe it is necessary to submit a second legal opinion.
4. We add that the opinion the Petitioners seek to submit establishes that the power cannot be used under Regulation 119 of the Defence (Emergency) Regulations 1945 **for punitive purposes** and does not address the question of whether the Regulation may be used **for the purpose of deterrence**.

Therefore, on the face of it, the opinion Petitioners request to submit is irrelevant to the matter at hand.
5. Despite the aforesaid, we leave the motion to the discretion of the Court.
6. I request that you enclose the letter herein to your client's Motion for Leave to Submit an Authority that will be filed with the Court in HCJFH 360/15.

Respectfully,

[signed]

Aner Helman, Adv.

Deputy HCJ Department Manager
State Attorney's Office