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Andre Rosenthal, Advocate

November 4, 2015
Reference: 81/23

To
GOC Home Front Command
By Facsimile: 08-9783349
Telephone: 08-9783777

Dear Sir,

Re: Objection against the intention to seize and seal an apartment which you allege to be the apartment of A Abu Jamal

1. Firstly, I wish to express my dismay at your decision to allocate to us 24 hours for submitting the objection instead of the 'customary' 48 hours. The rush has already been proved to be problematic and it is unfortunate that no lessons were learnt.
2. We are in an awkward situation in view of the fact that the main argument of the family is that A Abu Jamal and his family indeed lived in the one-story structure rather than in the apartment of his sister, S , which is located on the ground floor of a three story building owned by the father of the family, Mr. _____ Abu Jamal.
3. In the objection which was submitted in the framework of HCJ 7219/15 it was argued that it would be difficult to claim in the case at hand that the purpose of house demolition according to Regulation 119 was to deter others, in view of the fact that A Abu Jamal witnessed the demolition of the homes of his family members which took place about ten months after the execution of the attack. It did not prevent him from carrying out the attack being the subject matter of this objection. No reference was made by you to this argument when you denied that objection. Therefore, despite what was written and emphasized in paragraph 6 of Major Jerbi's letter dated November 4, 2015, we reiterate and insist on this argument. In the case at hand there is no doubt that the deterring measure did not prevent the attack.
4. With respect to the factual aspect, I would like to clarify that no false representation was made by the Abu Jamal family, as will be specified below.
 - A. When the military broke into the apartment of the sister S on October 13, 2015, the certificate of excellence of A Abu Jamal was not on the wall of his apartment in the one story structure but rather among the pictures of the children of the family, including the children of A and S , on a corridor wall of the apartment located on the ground floor of the three story building, which is the apartment of S. In fact, S took down the certificate prior to the entry of the military into her apartment on October 13, 2015, and put it in the living room's cabinet. The cabinet was partly broken during the search, apparently as a result of the search. According to the

photograph which was attached to the notice in HCJ 7219/15 the certificate was thrown on a carpet on the floor, and was not hanging on any wall.

- B. As noted above, the pictures of the family members, including A's children were on the corridor wall in S's apartment, near the house entrance.
 - C. The girls' room in S's apartment, which is located on the ground floor of the three story building, had a bunk bed which was used by her two daughters. This bedroom did not have three beds, as you alleged. It should be noted that no photograph was attached with respect to your above allegation.
 - D. In S's apartment pay slips were found, about four slips according to the attached photograph, in the name of A Abu Jamal. As indicated by the affidavit of his wife _____, her husband was not a very organized person and used to scatter his things around. Taking into consideration the fact that A was a "Bezeq" employee since his eldest son was born, more than eight years ago, and that he had in his possession a large number of pay slips – the fact that in his sister's apartment – which is adjacent to his apartment – three or four of his slips were found- does not prove anything in and of itself. In addition, it is unclear from the content of the notice which was submitted to the Supreme Court, where these slips were found and to which months they pertain.
 - E. In the entry closet to S's home, "Bezeq" routers and additional "Bezeq" equipment were found. Various pieces of equipment are still stored in the closet, and not only of A, but also of other members of the Abu Jamal family. A's apartment is small – a bedroom, living room, kitchen and bathroom. Therefore A, like the other residents of the house, used the entry closet to S's apartment.
 - F. The health fund card of A's eight years old son _____, was found in the third drawer in S's kitchen. This has a simple explanation. Several days before October 13, 2015, _____ did not feel very well and had fever. His aunt, S took him to the health fund clinic because at that time his mother, _____, studied hairdressing in Al 'Eizariya, and therefore requested S to take her son to the clinic. Consequently, the health fund card was placed in the drawer in S's kitchen. No other health fund cards of any member of A's family were found in S's apartment, neither in said drawer nor elsewhere.
5. No confiscation report was attached to the notice which was submitted to the Supreme Court in HCJ 7219/15; No report was attached which describes the visit in the place; No explanation was given as to how the certificate was photographed; No photograph was attached which shows the wall on which photographs of the family members were hanging; There is no operation report.

The visit in the house and the search therein were made in the absence of witnesses, such as the residents of the house, and apparently without documentation. There is no registration of said visit.

To the extent there are any additional documents, beyond the photographs which were attached to the notice – such as a confiscation report, operation report, written description of the photographs, additional photographs of the apartments, and any other document related to said visit of October 13, 2015 – please provide me with a copy thereof, since we are convinced that the affidavit of the Israel Security Agency (ISA) coordinator, dated November 3, 2015, which was attached to the notice in HCJ 7219/15, is not based solely on the coordinator's memory. I request to receive said records.

In addition we do not understand why it was necessary to break into the house and why it was not possible to wait for one of the residents of the house to arrive and be present during the visit and the search, which would have prevented the current situation.

6. In addition, according to said notice, a "neighbor" was questioned. Attached is the affidavit of said neighbor, _____ Abu Jamal. _____ Abu Jamal was not asked about A's apartment. He was asked only about the three story building. We also found out that _____ Abu Jamal was interrogated or questioned in Russian Compound. Please provide me with a copy of said questioning or interrogation.
7. Due to the short time allocated to us, we did not manage until this time, to speak with additional neighbors who allegedly gave information regarding A's residence.
8. In support of the content of this objection, with the exception of the arguments concerning "deterrence", attached are copies of the affidavits of S A's sister, his wife _____, and his father _____.
9. In conclusion, S , her husband and two daughters live on the ground floor of a three story building which belongs to the father of the family, _____ Abu Jamal. A , his wife _____ and their three children lived in the adjacent small one-story house.
10. Therefore, you are requested to accept the objection and not to issue a seizure and sealing order against the apartment of S Abu Jamal.

Sincerely,

(Signature)

Andre Rosenthal, Advocate

Enclosures: Affidavits of S , A and D Abu Jamal

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