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Unclassified

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Israel Defense Forces
Judea and Samaria Area
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House Demolition
(Perpetrators and
Operations 00152-17-365
Shvat 23 5776
February 2 2016

To
Advocate Lea Tsemel
By fax: 02-6289327

Dear Colleague,

Re: Demolition of the home of the perpetrator _____ Skafi ID

Your letter: Houses 20/12 dated January 1, 2016

Your Letter: 20/12 dated February 2, 2016

1. In the above referenced objection the Commander of IDF Forces in the Judea and Samaria Area was requested to refrain from the forfeiture and demolition of the housing unit which served as the residence of the perpetrator _____ Skafi, ID _____ (hereinafter: the **perpetrator**), who committed on November 4, 2015, a ramming attack in which he has critically injured the Border Police officer, the late Binyamin Ya'akovovitch, who passed away a few days later.

The argument regarding collective punishment

2. The objection argued that the inhabitants of the housing unit were not involved in the perpetrator's actions, no guilt on their part has been proved, and they were expected to be the main victims as a result of the exercise of the power of the military commander.
3. In view of the fact that this issue has been discussed and dismissed by the Supreme Court in recent judgments, there is no need to elaborate on this matter. In a nutshell it should be noted that the Supreme Court was convinced that the demolition of perpetrators' homes had an advantageous deterring effect and that said power could be also be exercised against family members for as long as the power was exercised reasonably and proportionately. Therefore, these arguments are rejected by the military commander who

is of the opinion that currently, in view of the deteriorating security situation, the above regulation should be used in the case at hand.¹

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The arguments regarding the demolition method of the housing unit

4. It was further argued in the objection that the military commander should have specified the demolition method in the notice which had been transferred to your clients, and that he should have also transferred a proper engineering opinion for your clients' review.
5. In that regard it should be noted that it has been recently held by the court (HCJ 7040/15 **Fadel Mustafa Hamed et al., v. Commander of IDF Forces in the Judea and Samaria Area**) as follows: "In my opinion there is also no reason to intervene in respondents' refusal to provide the engineering opinions for petitioners' review. In the cases at hand in which it was argued that damage may be caused to buildings adjacent to the building designated for demolition, the respondents described in the framework of their decisions in the objections and in their responses to the petitions the manner by which each demolition would be carried out and clarified that the execution of the demolitions themselves would be monitored by an engineer. The above indicates that the petitioners were presented with a comprehensive picture of the contemplated demolitions, and their arguments that the demolition plans remained vague and unclear should not be accepted".
6. Moreover. The demolition plan for the housing unit was prepared by a qualified engineer from the engineering corps following an engineering mapping which was carried out on scene, taking into consideration the engineering characteristics of the housing unit itself and those of the neighboring apartments.
7. Notwithstanding the above please note that in view of the fact that this case concerns demolition of a housing unit which is located on the third floor, the demolition method which was chosen involves the use of polyurethane foam. Accordingly, the internal partitions of the apartment will be demolished manually and the entire space of the apartment will be filled with polyurethane foam which will render the apartment unusable.
8. Hence, no damage or harm is expected to be caused to the neighboring apartments.

The demand to receive the investigation materials

9. As to your demand to receive the investigation materials which lead to the conclusion that this case concerned an attack rather than an accident, please note that due to the classification of the materials in the possession of the security forces they cannot be transferred to you.
10. However, an open video clip which was taped by one of the civil security cameras which was installed on scene at that time and documented the incident (broadcasted by Mako on November 4, 2015 – website source www.r4fm.ps) shows the perpetrator's car veer

¹ HCJ 7040/15 **Fadel Mustafa Hamed et al., v. Commander of IDF Forces in the Judea and Samaria Area**

