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**At the Supreme Court**  
**Sitting as the High Court of Justice**

**HCJ 1336/16**  
**HCJ 1337/16**  
**HCJ 1721/16**  
**HCJ 1777/16**

**Atrash et 6 al.**  
**Abu Kaf et 7 al.**  
**Tawil et 5 al.**

**Petitioners in HCJ 1336/16**  
**Petitioners in HCJ 1337/16**  
**Petitioners in HCJ 1777/16**

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**Petitioners in HCJ 1721/16**

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**The Petitioners**

**V.**

**GOC Home Front Command**

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**The Respondent**

### **Notice on behalf of the Respondent**

In accordance with the decision of this Honorable Court dated March 9, 2016, the Respondent hereby respectfully submits the following notice:

1. The petitions herein concern the seizure and demolition orders issued against the housing units which were the homes of four of the terrorists who committed the attack on September 13, 2015, in which the late Alexander Levlovitch was killed.
2. On September 13, 2016, the Honorable Court held a hearing in the petitions, following which it issued a decision which stated as follows:

The Respondent will submit an updating notice with respect to any remission proceedings carried out with the approval of the

Minister of Defense regarding reversible sealings and revestment of land in cases of demolition, in addition to the single case mentioned in his oral arguments...

3. In accordance with the aforesaid, we wish to provide an update with respect to the findings made during the review held in recent days. Naturally, the review is merely partial, given both the time the Respondent had to perform it, and particularly given that between 2005 and 2014 powers under Regulation 119 were not used in the Judea and Samaria Area, and use of the Regulation inside Israel was limited. As such, most cases involved locating documents more than a decade old, with everything this entails.
4. We further note that according to the text of Regulation 119, the power to remit a seizure and demolition or sealing order inside Israel is vested in the Minister of Defense, and in the Judea and Samaria Area, with the military commander.
5. Given the aforesaid, we wish to update that **with respect to remission applications considered by the Military Commander of the Judea and Samaria Area**, three applications for remission were located, filed between 2000 and 2006 regarding orders issued in the 80s and 90s of the previous century. The documents located indicate that the applications were considered on their merits, before being transferred to the military commander for a decision. However, due to the passage of time, no documentation of the military commander's decision has been found.

A copy of the letter sent by the office of the Legal Advisor for Judea and Samaria is attached hereto and marked P/1.

6. With respect to **applications for remission reviewed by the Minister of Defense regarding orders issued inside Israel**. We note first that, as mentioned during the hearing held before the Honorable Court, on July 5, 2012, then Minister of Defense, Ehud Barak, signed a partial remission order with respect to the order issued by the GOC Home Front Command on June 25, 2009 regarding the building which was the home of terrorist Qassem Mughrabi, who committed the attack in IDF Square in Jerusalem on September 22, 2008. The remission order revoked the seizure and demolition order issued with respect to the third story of the building, where the terrorist's family lived, but left the order intact with respect to the housing unit on the second floor, where the terrorist lived. We note that this decision was made after the matter was considered with attention to the comments made by the Honorable Court in its judgment in H CJ 5696/09 **Mughrabi v. GOC Home Front Command**, para. 28 of the opinion of Justice Melcer, published on the Judicial Authority Website on February 15, 2012), rather than in response to an application filed by the owners of the building.

A copy of the remission order dated July 5, 2012, is attached hereto and marked P/2.

In addition to the aforesaid, the review held over the past few days showed that the Respondent and the Ministry of Defense have documentation of additional applications for remission regarding seizure and sealing or demolition orders issued pursuant to Regulation 119. So for example, an application for remission submitted in 2005 regarding a seizure and sealing order issued in 1968 by the GOC Home Front Command at the time was located. The application for remission was accepted in 2006 by then Minister of Defense Amir Peretz. A remission order was issued in 1992 by late Minister of Defense Yizhak Rabin, which ordered the removal of a sealing in another building in Jerusalem – issued in the same matter. An application for remission from 2008 was found with respect to a seizure and sealing order against a structure in Shu'fat Refugee Camp (considered in H CJ 3218/98 D'ajneh v. IDF Judea and Samaria Area Commander (unpublished), wherein the application for remission was rejected. Finally, in early 2015, an application for remission was filed prior to the execution of the seizure and demolition orders issued against the home of the terrorist who committed the attack at the Har Nof

synagogue on November 18, 2014. The orders themselves were considered in HCJ 8066/14 **Abu Jamal v. GOC Home Front Command** (published on the Judicial Authority Website, December 31, 2014). According to the Ministry of Defense, the application for remission was not accepted and the orders were executed.

A copy of the remission order issued November 16, 2006 is attached hereto and marked **P/3**. A copy of the remission order issued September 9, 1992 is attached hereto and marked **P/4**. A copy of the letter issued by the Legal Advisor for the Security Establishment is attached hereto and marked **P/5**.

7. The aforesaid indicates that applications for remission pursuant to Regulation 119 have been filed in the past, and have been considered on their merits by the competent authorities. Clearly, applications for remission submitted in the future will be considered by the competent officials and a decision will be issued given the overall circumstances of the matter, and the broad discretion enjoyed by the competent officials in such matters.

Today, 6 Adar 5776, March 16, 2016

[Signed]

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Yonatan Zion-Moses, Advocate  
Deputy, State Attorney's Office