

[emblem of the State of Israel]

At the Supreme Court sitting as the High Court of Justice

HCJ 4285/24

Before: Honorable Justice Isaac Amit
Honorable Justice David Mintz
Honorable Justice Yechiel Kasher

The Petitioners:

1. al-'Odeh
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]
6. [REDACTED]
7. [REDACTED]
8. [REDACTED]
9. [REDACTED]
10. HaMoked - Center for the Defence of the Individual
founded by Dr. Lotte Salzberger

- v -

The Respondents: Military Commander of the West Bank
Petition for Order Nisi and Interim Injunction

Session date: 15 Elul 5785 (September 8, 2025).

Counsel for Petitioners: Adv. Daniel Shenhar; Adv. Tehila Meir

Counsel for Respondents: Adv. Sharon Hoash-Iger

Judgment

Justice David Mintz:

A petition seeking an order requiring the respondent to show cause why the extensive restrictions imposed on Palestinian farmers' entry into the Seam Zone since the outbreak of the "Swords of Iron" war should not be revoked, or, at the least, reduced to a reasonable scope.

Background and course of events

1. The Seam Zone is a byproduct of the route of the security fence between the territory of the State of Israel and the territory of the Judea and Samaria Area in certain areas where there is no physical barrier between the two territories. As a result, the Seam Zone constitutes a significant security vulnerability. To overcome this difficulty, the respondent exercised his authority under the security legislation and declared the Seam Zone a closed military zone, where entry and exit require a permit. The purpose of the permit regime is to create the most stringent mechanism possible for monitoring persons entering the Seam Zone, to help security agencies address terrorism threats and to prevent infiltration into Israel, all while balancing imperative security needs against the preservation of a normal fabric of life for Palestinian residents with ties to the Seam Zone.
2. However, after the murderous terror attack of October 7, 2023, and following a security situation assessment, the respondent decided to extend the closure imposed on Palestinian residents of Judea and Samaria during the high Jewish holidays of 2023. This decision included substantially reducing the entry of Palestinians from the Area into Israel and into the Seam Zone. Under the closure order, all entry permits were suspended, except for humanitarian cases and demographics essential to the smooth running of the Israeli economy. Individuals holding entry permits for agricultural purposes in the Seam Zone were not excluded from the closure order; therefore, the agricultural gates, intended mainly for agricultural permit holders, remained closed. Hence, the petition at hand.
3. The petitioners, most of whom are farmers negatively impacted by restrictions on their entry into the Seam Zone, argue that the respondent's current policy, which imposes a blanket ban on the entry of thousands of Palestinian farmers to their lands in the Seam Zone, is disproportionate, lacks a sufficient and concrete security factual foundation, and gravely violates their fundamental rights such as property, freedom of occupation and freedom of movement. These restrictions, previously presented as temporary and the product of an exceptional security situation, have now become permanent policy, particularly for olive tree growers. Moreover, despite a marked improvement in security conditions, the partial measure of opening gates to a limited number of farmers fails to address the needs of the vast majority of affected farmers.
4. In his preliminary response, the respondent argued that the petition should be dismissed in light of changes in the factual basis underlying the petition. The respondent detailed his decision of May 29, 2024, to prepare for a gradual opening of the agricultural gates, whereby, in the initial phase, five agricultural gates would open starting June 23, 2024, to allow passage for farmers engaged in daily agricultural work. Additional gates would be opened subject to periodic situation assessments, the progress of infrastructure works in the Seam Zone, security needs and all other relevant considerations. Alternatively, the respondent requested leave to provide a further update on the progress of the implementation of his May 29, 2024 decision.
5. The respondent's notice of update of September 6, 2024, provided figures regarding the gates that had been opened, including the issuance of approximately 520 agricultural permits, the opening hours of the gates and the average number of permit holders passing through them daily. It was further reported that on July 24, 2024, a decision was made to open five additional agricultural gates in September 2024. However, at the beginning of September, in light of the complex security situation at that time (security incidents in Tulkarm and Etzion and an ongoing operation in Jenin), the planned opening of the gates was postponed until after the Jewish high holidays and closer to the olive harvest season, subject to a security situation assessment.
6. Subsequently, the respondent submitted several notices of update reflecting the development of his policy and the relevant figures. In the notice dated October 1, 2024, the respondent stated that the

closure order was occasionally reviewed and updated based on security situation assessments. Additionally, at that time, the Agricultural Staff Officer believed there was no impediment to beginning the olive harvest season in November, such that farmers would not have been harmed if the gates opened at the end of October 2024. It was also noted that there were no known requests for an early harvest for the preparation of pickled black olives, and that, if such requests were submitted, they would be reviewed on an individual basis. In a further notice of update, dated November 4, 2024, the respondent reported that as of October 29, 2024, ahead of the harvest season, many gates had been opened in the Jenin and Ephrayim sectors to allow passage for permit holders. By that date, 4,430 Seam Zone entry permits had been issued for harvest purposes, of which 776 were used between October 29 and 31, while 1,680 applications were denied mainly on security grounds. On November 26, 2024, another update was provided regarding the number of harvest entry permits, stating that by November 23, 2024, 7,858 applications for Seam Zone entry permits for harvest purposes had been submitted, of which 2,394 were denied on security grounds. The notice dated December 17, 2024, stated that by December 11, 2024, 5,656 entry permits had been issued, and 2,403 applications had been denied mainly due to security impediments; 10,993 entries for harvest purposes had been recorded at the crossings, and 3,062 permit holders had used their permits. Finally, in a notice of update dated January 8, 2025, the respondent reported a decision had been made to open three additional gates enabling permit-holding farmers to enter the Seam Zone, bringing the number of active gates to eight. It was further clarified that farmers with perennial crops are permitted entry on a regular and continuous basis, and farmers with seasonal crops would be permitted entry, if necessary, during the relevant season, following a review of the proper application. In this context, it was noted that there are 919 active daily agricultural permits.

7. At the hearing held before us on September 8, 2025, the petitioners reiterated their argument that denying them access to their lands violates their fundamental right to freedom of occupation and contradicts previous judgments regarding the separation barrier, particularly judgments that mandated access be granted even in times of war. The respondent's previous assertion that his policy is reviewed daily no longer holds up to scrutiny, as two years have elapsed since October 7, 2023, and the policy has remained unchanged despite changes in the security situation. Nor did the respondent positively argue a specific security need, such as the one that existed on October 7, but instead referred only to a change in the factual basis. According to the petitioners, at issue is a long-term policy that withholds access from a large proportion of landowners who are not subject to any security ban. The petitioners further argue the situation is absurd, given that thousands of Palestinians have been permitted to enter Israeli communities in Judea and Samaria and in Israel for work, but not their agricultural lands. The respondent's policy in practice infringes upon the right to property and the farmers' ties to the lands and results in landgrab, Israeli takeover, fires and tree diseases caused by neglect. The petitioners noted that olive trees require care outside the harvest, and that farmers were forced to switch to this crop due to impediments to daily access to their lands since the construction of the barrier.
8. The respondent, on the other hand, argued that his policies have changed in accordance with current security assessments, including the opening of eight gates that facilitate agricultural activity, and that following a complex endeavor, thousands of permits were issued during the harvest season. The review is based on agricultural needs. For example, hundreds of farmers whose crops require daily care received permits and have been entering the Seam Zone accordingly. By contrast, olive trees do not require daily care, and the main agricultural need in relation to these trees is the harvest, during which the respondent generously grants access to grove owners and their families. In response to the argument that permits for work in Jewish communities are granted more liberally than permits for entry into the Seam Zone alone, the respondents argued that, due to significant past abuse of the permit regime and the current security situation, the respondent proceeds on the understanding that it is not possible to return to the previous policy, and needs are examined according to agricultural

necessity as dictated by the type of crop. In addition, the small number of legal proceedings initiated regarding olive growing indicates that the current arrangement does not pose significant difficulty. The respondent further emphasized that the October 7, 2023 attack dramatically changed the situation on the ground, although even before that attack, agricultural gates had become a platform for unlawful entry into Israel. Additionally, the entire area was mapped by experts, and the entry policy is based on daily need. Most of the area is indeed planted with olive trees, and the harvest season requires special arrangements. Therefore, plowing and tree pruning are permitted, but not so daily entry into the groves.

9. At the conclusion of the hearing held before us, we directed the parties to submit, by November 15, 2025, an update regarding the number of permits issued and the permit regime during the harvest season that was then approaching. We also ordered the respondent to attach to his notice of update current figures together with a security brief concerning the entry of Palestinian farmers into the Seam Zone.
10. Indeed, the recent notice of update on behalf of the respondent, dated December 23, 2025, provided details regarding the policy change, whereby entry into the Seam Zone for agricultural purposes would be permitted only at times when an agricultural need is present. In this context, the respondent addressed the background for the construction of the security fence, the permit regime and the changes it underwent following the war. The respondent also addressed the security risk posed by the Seam Zone and the fact that it materialized in several attacks carried out by assailants who left the area for Israeli territory, as well as the significant scale of abuse of permits granted for farmers' entry into the Seam Zone. The respondent provided details on the number of permits and the permit regime during the now-concluded harvest period, which differ from the figures cited by the petitioners in their November 13, 2025 notice. It was reported that in the Qalqiliyah sector, 3,650 permit applications were submitted, of which 3,009 were approved and only 641 denied; in the Salfit sector, 257 permit applications were submitted, of which 190 were approved and only 67 denied; in the Tulkarm sector, 2,065 permit applications were submitted, of which 1,353 were approved and 712 denied; and in the Jenin sector, 325 permit applications were submitted, of which 290 were approved and only 35 denied. The notice further provided figures on unusual incidents recorded in the Qalqiliyah, Salfit and Tulkarm sectors, in which farmers did not return at the end of the workday or were caught on their way into Israeli territory. It was explained that the relatively low approval rate in the Tulkarm sector, compared with other sectors, stems from the high proportion of permit holders who abused their permits issued in 2024 and did not return home at the end of the workday. The notice of update enclosed a current security brief, dated December 11, 2025, written by the Head of the Central Command Keshet Tzevaim ve-Tefer Directorate, which is responsible for civilian-military coordination in the area. The brief highlighted the inherent security risk posed by the Seam Zone as a potential entry point into Israel without screening, and the increased risk since October 7, 2023. A large volume of individuals entering also reduces monitoring capacity, and the updated policy is intended to prevent uncontrolled entry and better address security needs in relation to farmers' interests by preventing the entry of residents with no current agricultural needs.
11. In their response to the respondent's notice of update, the petitioners argued that the respondent's position is not factually grounded, is not supported by an opinion from the competent authority on counterterrorism and lacks substantive elements necessary to substantiate the alleged security risk. They further maintained that the respondent's position directly contradicts his stance in earlier proceedings, in which the restrictions were presented as temporary, and that his claims regarding the scope of the harm do not reflect reality. The respondent does not explain why the security risk has not abated over time, or why this injurious policy is maintained even though thousands of other Palestinians are admitted into Jewish communities in Judea and Samaria and Israel for work purposes. The new distinction between perennial crops, for which year-round permits are granted, and seasonal crops (such as olive trees), for which permits are granted mainly for the harvest season, in effect

transforms a temporary arrangement into a permanent one, denying olive farmers regular access to their lands and severely violating their rights. In light of all this, the petitioners requested that the Court issue an order nisi as sought in the petition.

Deliberation and decision

12. Having considered the parties' written arguments, the respondent's notices of update and the petitioners' responses, and following the hearing we held, I have concluded that the petition must be dismissed without prejudice for lack of grounds for intervention in the respondent's decision.
13. The Seam Line barrier was constructed some two decades ago to address the complex security reality that prevailed following the outbreak of the second intifada ([HCJ 9961/03 HaMoked: Center for the Defence of the Individual founded by Dr. Lotte Salzberger v. Government of Israel](#), paragraph 12 (April 5, 2011) (hereinafter: **HaMoked**)). The security purpose served by the Seam Zone is terrorism prevention, and this purpose has been upheld in several proceedings before this Court (see, for example: [HCJ 8172/02 Ibrahim v. Commander of IDF Forces in the West Bank](#) (October 14, 2002); [HCJ 7957/04 Mara'abe v. Prime Minister of Israel](#), IsrSC 60(2) 477, 547 (2005); [HCJ 5558/23 Abu a-Rob v. Commander of IDF Forces in the West Bank](#), paragraph 2 (February 12, 2024)). Because it is possible to enter Israeli territory from the Seam Zone without an additional physical barrier, the respondent declared the Seam Zone a closed military zone requiring a permit for entry and presence ([HCJ 2205/23 Head of 'Anin Local Council – Muhammad 'Issa v. Military Commander of the West Bank Area](#), paragraph 1 (August 7, 2023); [HCJ 3066/20 Zeid v. Military Commander of the West Bank Area](#), paragraph 1 (July 12, 2021) (hereinafter: **Zeid**)). The arrangements governing entry into the Seam Zone have been brought before the courts over the years, and it has been held that although they do infringe on the rights of local farmers who wish to cultivate their lands in the Seam Zone, as a rule, they meet the tests of proportionality (**HaMoked**, paragraph 42; [HCJ 3571/20 Hasib v. Prime Minister of Israel](#), paragraph 12 (May 1, 2022) (hereinafter: **Hasib**)).
14. The respondent's duty to maintain public order and safety in the Area has been recognized with regards to various aspects, for instance, ensuring traffic safety, issuing land seizure orders for ongoing security purposes, and enforcing the prohibition on construction near the security fence through construction prohibition orders ([HCJ 26925-03-25 Jerusalem Center for Human Rights v. Commander of IDF Forces in Judea and Samaria](#), paragraph 7 (January 7, 2026); [HCJ 7007/23 Tayyem v. Commander of IDF Forces in the West Bank](#), paragraph 11 (December 21, 2023); [HCJ 3246/17 Abu Tir v. Commander of IDF Forces](#), paragraph 22 (June 11, 2019)). This duty does not apply only retrospectively, after a security risk has materialized. The respondent is required to take an active, preemptive approach, taking measures to ensure the security of the Area and its residents against existing and future security risks ([HCJ 31424-07-25 'Azzun 'Atmah Village Council v. Commander of IDF Forces in the West Bank](#), paragraph 9 (September 16, 2025); [HCJ 4275/22 Abu 'Arram v. Minister of Defense](#), paragraph 17 (October 18, 2022)).
15. In the present case, the respondent has exercised his authority and occasionally modified the permit regime while balancing security considerations against the farmers' rights, such that in place of granting year-round permits to farmers in the Seam Zone, the permit given to farmers is adapted to the nature of the crop (seasonal or perennial). This was implemented in light of the data presented in the respondent's notice of update regarding abuse of the previous permit regime, in the form of permit holders crossing into Israeli territory and the grave security gap this creates. In these circumstances, the respondent's policy is proportionate and does not give cause for intervention in his discretion, particularly in view of our case law, according to which this Court does not readily intervene in the respondent's discretion in security matters (**Hasib**, paragraph 12; **Zeid**, paragraph 17; **HaMoked**, paragraph 31).

16. Nevertheless, the petitioners may present these arguments again should security conditions change. It need hardly be said that any person who is individually harmed may challenge the respondent's decisions in the appropriate forum.

As stated, the petition is denied. In the circumstances, there is no order for costs.

Given today, 29 Tevet 5786 (January 18, 2026).

<u> [signed] </u>	<u> [signed] </u>	<u> [signed] </u>
Isaac Amit	David Mintz	Yechiel Kasher
President	Justice	Justice