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

**HCI 4285/24**

1. \_\_\_\_\_ al-Odeh
2. \_\_\_\_\_ Dalu
3. \_\_\_\_\_ Hamdan
4. \_\_\_\_\_ Hamdan
5. \_\_\_\_\_ Ganem
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9. \_\_\_\_\_ Gashash
10. **HaMoked Center for the Defence of the Individual founded by Dr. Lotte Salzberger**

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**The Petitioners**

v.

**Military Commander of the West Bank Area**

Represented by the State Attorney's Office  
29 Salah A-Din Street, Jerusalem  
Telephone: 02-6466590; Fax: 02-6467011

**The Respondent**

**Respondent's Update Notice**

1. According to the decision of the honorable court (the Honorable Justice D. Barak-Erez) dated October 6, 2024, the Respondent respectfully submits an update notice on its behalf as follows.
2. It is reminded that the petition at hand concerns Petitioners' request that the honorable court issues an *order nisi* ordering the Respondent to show cause as follows:

"Why the sweeping limitations imposed on the entry of Palestinian farmers into the seam zone since the outbreak of the war on October 7, 2023 shall not be cancelled, or at least limited to a reasonable extent".

3. It is reminded that on May 29, 2024 (after the submission of the petition) a decision was made by the military commander according to which Respondent's officers shall make preparations for a gradual opening of agricultural gates (five gates at that point), commencing from June 23, 2024. Accordingly, on June 25, 2024 the Respondent submitted a preliminary response to the petition in which it argued that since the factual infrastructure underlying the petition has changed it seems that the petition should be dismissed.

It was further informed in the above response that the opening of additional gates shall be determined according to periodic situation assessments, progress of infrastructure activities in the area and subject to security needs and all relevant considerations relating to the matter.

Alternatively, the Respondent requested in its response permission to update the honorable court again of the progress in the implementation of the decision dated May 29, 2024 and of the gate opening outline.

4. Following the submission of Respondent's response it was determined by the honorable court that "considering section 20 of the state's preliminary response and in view of Petitioners' position – the state shall submit an update notice on its behalf by September 5, 2024."
5. We shall briefly remind the backdrop against which the remedies in the petition are requested. Accordingly, following the murderous terror attack on October 7, 2023, and following a security situation assessment after the outbreak of the "Iron Swords" war, it was decided to extend the closure imposed during the Tishrei holidays limiting the entry of Palestinians from Judea and Samaria into Israel and the seam zone until further notice and according to the policy which is updated from time to time on the basis of periodic situation assessments (hereinafter: the **Closure Decree**).

The closure decree provides that while it is in force, the validity of all entry permits into Israel and in the case at hand into the seam zone is suspended, excluding unique humanitarian populations and additional populations which are required for the continued proper function of the Israeli economy, all as expressly defined in the appendices of the decree.

In view of the security situation assessment and the increasing security threats during the war, and in view of changes in the deployment of the central command forces and the increased risk arising from entry into the seam zone at that time, it was decided not to exclude from the closure decree, *inter alia* and in connection with the case at hand, holders of seam zone entry permits for agricultural purposes.

Hence, according to the closure decree as extended, the agricultural gates which are mainly intended for agricultural permit holders remained closed.

6. It was also informed by the Respondent in its response – that in view of the continuation of the war and the closure policy, its policy is examined from time to time. Accordingly,

for instance, it was decided to coordinate olive harvest works in the Jenin and Efrain regions on November 17, 2023. It was also decided by the military commander that administrative work shall be performed which shall include the mapping of all the needs in the seam zone and an examination of the ramifications of the gradual opening of the gates (since until said decision the agricultural gates remained closed and entry into the seam zone was allowed only through the fabric-of-life gates or subject to individual coordination).

Accordingly, and as informed, following the above staff work, on May 29, 2024 the military commander decided to allow gradual and controlled entry of farmers into the seam zone in the Efrain and Menashe region subject to absence of individual security preclusion and identification by smart card. It was decided that initially, entry shall be allowed for agricultural purposes requiring daily cultivation subject to inspections aimed at ensuring that the farmers comply with the conditions of the permit and do not misuse it, for instance: for the purpose of entering Israel unlawfully.

At that point, it was decided to gradually open five gates as aforesaid: 'Atil gate (609), Shweika gate (664), Falamiya South (935) and Habla North gate (1393).

7. In the update notice submitted by the Respondent on September 5, 2024, data were provided concerning the gates which were opened as aforesaid, including the opening hours and the average number of permit holders passing through the gates per day, while until that time approximately 520 agricultural permits were issued. It was further informed by the Respondent that in the situation assessment which took place on July 24, 2024 the military commander decided that during September five additional gates shall be opened for the passage of agricultural permit holders – Akkabe gate (408), Falamiya North gate (914), Salman gate (1419), Beit Amin gate (1447) and Oranit gate (1474).

However, and as specified in the above update notice, due to the complex security situation at that time and the security events which occurred in Tulkarem and Etzion, the attempted attacks which were prevented and the operation which took place in Jenin at that time, it was decided by the military commander in the security situation assessment which took place in the beginning of September that the opening of additional gates shall have to wait until after the holidays and towards the harvest season, during which the Respondent shall also open the seasonal gates, subject to the security situation assessment at that time.

In view of the aforesaid, the Respondent requested permission to update the honorable court about the progress made in the implementation of his decisions dated May 29, 2024 and July 24, 2024 by November 13, 2024.

8. On September 22, 2024 the Petitioners submitted their reply to Respondent's update notice dated September 5, 2024, following the court's approval, and on that day the Honorable Justice D. Barak-Erez decided that the Respondent shall submit his response to Petitioners' reply by September 29, 2024 and shall also refer in its response "... *inter alia*, to section 19 of Petitioners' reply, concerning the dates of the harvest season and the solution given thereto."

9. The Respondent's response submitted October 1, 2024 informed that the closure decree is examined by the Respondent from time to time and updated on the basis of periodic security situation assessments, that the last update of the decree was signed on June 10, 2024 and that it has most recently been examined at the end of September. It was also noted that according to the agricultural officer there is no preclusion for starting the harvest season in November and therefore the farmers wishing to harvest olives are not expected to be harmed to the extent that the gates are opened by the end of October 2024, according to Respondent's declared intention, subject to the security situation at that time. In addition, with respect to the harvest of olives used for the preparation of black pickled olives, it emerged from Respondent's examination that there was no knowledge of any application submitted on behalf of Palestinian farmers to enter the seam zone for an early harvest, and if such permit applications are received, they shall be handled and examined according to the individual circumstances underlying the application.
10. Following Respondent's response, the court decided that the Respondent shall submit "another update notice on his behalf by November 3, 2024 referring, *inter alia*, to the number of seam zone entry applications for harvest purposes which were submitted, and to the number of permits granted for this purpose."
11. We now wish to update that as informed by Respondent's representatives, as of October 29, 2024 and towards the harvest season, many gates were opened, as specified below, in the Jenin and Efrain regions, where most seam zone agricultural lands are located, to enable permit holders to pass through them in this period.

Accordingly, the gates operating in the harvest season in the above regions are: Jilabun gate; Faqoa gate; 'Anin gate, Taybeh gate; gate 708; gate 609; gate 664; gate 408; gate 839; gate 623; gate 408; gate 914; gate 935; gate 965; gate 1012; Hetz checkpoint; Eliyahu checkpoint; gate 1231; gate 1263; gate 1360; gate 1419; gate 1447; gate 1474; gate 1634; gate 1649; and gate 1667.

12. We also wish to update that 4,430 seam zone entry permits were issued for harvest purposes, of which 776 permits were used between October 29, 2024 and October 31, 2024. In addition, until now 1,680 entry applications were refused, mainly due to security preclusion. It should also be noted that as of the date hereof, there are no additional applications awaiting decision.

It emerges from the above that the vast majority of seam zone entry applications submitted for harvesting purposes were accepted and approved by Respondent's representatives, and that most denials were made on the basis of a security preclusion which applied to the applicants, and subject to the complex security situation at this time, as broadly described in the preliminary response on behalf of the Respondent and in the update notice dated September 5, 2024. In this context it should be noted that the Respondent is not aware of individual court petitions which were submitted against any refusal.

13. It should also be noted that although the coordinated harvest has only commenced on October 29, 2024, to the extent possible security-wise, harvest in the entire area has commenced earlier.

14. In view of the aforesaid and considering the fact that the harvest season is going to conclude at the end of December, the Respondent wishes to submit another update notice on his behalf concerning the progress made in the framework for opening additional gates for the passage of agricultural permit holders by January 5, 2025.
15. The facts specified in this response shall be supported by the affidavit of Brigadier General Ofer Hindi, Head of Keshet Zevaim Administration at the Central Command. Brigadier General Ofer Hindi confirmed the content of this notice, but for technical difficulties his affidavit could not be attached upon the submission of this notice. Therefore the Respondent requests to attach his affidavit which supports the notice within the next few days.

Today: 3 Heshvan, 5785  
November 4, 2024

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