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At the Supreme Court
Sitting as the High Court of Justice

HCJ 970/14

_____ **Hadid, Mayor of Ramallah et al.**

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The Petitioners

v.

1. Military Commander of the West Bank Area
2. Legal Advisor for the West Bank

Represented by the State Attorney's Office,
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Telephone: 02-6466590; Fax: 02-6467011

The Respondents

Updating Notice on behalf of the Respondents

According to the decision of the honorable court dated March 30, 2015, respondents 1-2 (hereinafter: the **respondents**) hereby respectfully submit an updating notice on their behalf.

1. As recalled, the petition at hand concerns the removal of travel restrictions preventing Palestinian residents from passing through a checkpoint located on that part of route 466 which connects between Ramallah and Al-Bireh – and route 60 (hereinafter: the **DCO checkpoint**).
2. In their preliminary response to the petition, the respondents explained that the restrictions imposed on the passage through the DCO checkpoint were based on weighty security and traffic-safety reasons, and that the professional position was that - in the current security situation - it would be possible to open the DCO checkpoint for free movement of the Palestinian population, subject to the adjustment of junction No. 90.

3. On December 14, 2014, the respondents updated the honorable court of the **decision to enable free entry to Ramallah through the DCO checkpoint to all Palestinian private vehicles**, even before the execution of the works in junction No. 90. With respect to the exit from Ramallah through the DCO checkpoint by all Palestinian private vehicles, the respondents updated that it would be made possible after the adjustment of junction No. 90 (hereinafter: the **junction**).
4. In a notice dated March 15, 2015, the respondents updated that for the purpose of improving the entrance to Ramallah and shortening the waiting duration in the entrance checkpoint, recently another entrance route was added, which was available for all Palestinian vehicles wishing to enter the city of Ramallah through the checkpoint. The respondents also updated that a decision was made to change the master plan of the junction so that it would be controlled by a traffic light system. In this context the respondents updated that said change was expected to shorten the planning procedure, as well as the duration of the construction and infrastructure in the junction. It was stated that according to current projections, the planning of the traffic-light controlled junction would be completed within a few weeks following which it would be possible to evaluate the duration of the infrastructure works in the junction. Finally, the respondents updated that a project for the opening of the northern exit to Beitin was approved, which would enable a direct passage to Ramallah instead of going through "Givat Assaf" junction, with USAID's involvement. It was stated that said move was expected to reduce traffic volume in route No. 466 and make it easier for the Palestinian population to travel.
5. In a notice on behalf of the petitioners dated March 26, 2015, the petitioners requested the honorable court "to direct the respondents to update, within several weeks, whether the planning stage was completed, what was the projection for the completion of the works in junction 90 and what was their up-to-date position on the opening of the checkpoint for the purpose of exiting Ramallah" (paragraph 11 of the notice on behalf of the petitioners).
6. The honorable court, in its decision dated March 30, 2015, directed the respondents to submit an updating notice with respect to the issues specified in paragraph 11 of petitioners' notice (cited above).
7. Having shortly reviewed the relevant background, we shall update on the above specified issues.

Planning and execution of the works in junction 90

8. As noted by the respondents in their updating notice which was submitted on their behalf on March 15, 2015 (hereinafter: the **updating notice**), the master plan of the junction underwent changes in the months of February-March 2015. It was decided that the junction would be a traffic-light controlled junction and that a roundabout would not be built therein, as had been originally planned (as recalled it was decided to make this change following traffic monitoring and projections which were conducted and which indicated that the construction of a roundabout, as had been originally planned, would not accommodate the projected traffic volumes in the junction). Accordingly, as reported in the above updating notice, over the course of April 2015, three alternative master plans were presented before the Transportation Coordinator by Netivei Israel, National Transport Infrastructure Company Ltd. (hereinafter: **Netivei Israel**), which is responsible for carrying out the engineering and technical planning works and for the construction of the infrastructure in the junction and its preparation for use.
9. As to the evaluation of the duration of the works to be executed by Netivei Israel, including the detailed planning and actual construction works, at this stage **it is difficult to point at a precise date for the completion of the works in junction 90**. The work of Netivei Israel in this context for the arrangement of the junction – which is located in a very central traffic route in the Judea and Samaria Area (road No. 60) – requires a multi-stage process, consisting of engagements with suppliers and

service providers on behalf of Netivei Israel, and also depends on infrastructure works in additional areas (such as electricity, lighting and drainage). Moreover, over the course of April 2015 it became evident to the respondents that a delay is expected to occur in the accelerated time table established by the Transportation Coordinator, the upholding of which was agreed upon in work meeting which were held between the Transportation Coordinator and representatives of Netivei Israel, due to internal proceedings and procedures of said company, which are not at respondents' control.

10. Therefore, given the fact that currently Netivei Israel is the only relevant company for the planning and execution of the works in the junction for the civil administration, the Transportation Coordinator took steps, *vis-à-vis* the representatives of Netivei Israel, to expedite and advance the planning works by Netivei Israel. Consequently, and following clarifications given by representatives of Netivei Israel, **the Transportation Coordinator – who diligently supervises and acts, in person, in all matters pertaining to the works in junction 90 – estimates that the planning of the junction would be completed by the end of 2015, and that the construction works and their derivatives would be completed by the first half of 2016, subject to the approval of the budget for that year.**
11. It should be emphasized that the respondents are aware of the fact that said time table consists of several additional months, but under the circumstances – in view of the fact that we are concerned with infrastructure works in the Judea and Samaria Area, and in view of the fact that to date, the civil administration is totally dependent on Netivei Israel in connection with the execution of the works, while any other contractual alternative would result in additional significant delays in the planning process of the junction and in the execution of the works, for budgetary, planning, contractual and other reasons – the above described process does not reflect a deviation from the ordinary pace of works of this type in the Area.

Opening the DCO checkpoint for exit from Ramallah

12. As specified above, the exit of all private Palestinian vehicles from Ramallah through the DCO checkpoint would be made possible only after the junction is arranged. However, the respondents pointed out that they were constantly checking the possibility to open the checkpoint prior to the completion of the works.

Hence, enabling the exit of private vehicles through the DCO checkpoint has been recently tested during night time, given the fact that at this time traffic volume is lower. Following this test and in the framework thereof, in fact, the exit of private vehicles through the DCO checkpoint is being currently facilitated during night time, beginning from 22:00 until 06:00.

13. Beyond the above it should be recalled that along the procedures concerning the junction, a project is carried out which provides a significant alternative to traffic in the Ramallah area – opening the blockade from the Beitin area to the city of Ramallah. The removal of the blockade to and from the Beitin area, which is being currently executed, is expected to provide a full traffic solution for entering Ramallah and in addition, to substantially alleviate traffic of Palestinian vehicles in the Area in general, thus providing a traffic solution for the problems which were encountered in entering Ramallah from the Beitin area.

Professional agencies estimate that the opening of said blockade would shorten the travel distance to Ramallah for the inhabitants of the Beitin area including the various settlements therein, as well as for individuals who exit through the DCO checkpoint (individuals holding a general permit as well as individuals who exit at night when no specific permit is required, as explained above), and will enable traffic "distribution" over additional routes in the Binyamin region and in the Ramallah district, in a manner which will have a positive impact on all inhabitants of the area.

14. It should be emphasized that the above actions depend on the traffic volumes which will be created as a result of any change, and that the authorized agencies in the central command and in the civil administration are obligated to examine the impact of said actions on the security, safety and traffic regime in the area, taking into consideration, *inter alia*, the dangerous incidents which have recently occurred in the Judea and Samaria Area (such as a Molotov cocktail which was thrown at a bus that caught fire and burned on route 443, on April 25, 2015).

The danger that security incidents as described above will occur in traffic jams and on narrow routes such as those forming part of the road system adjacent to the DCO checkpoint is greater as compared to wide multi lane roads, where the movement of the security forces is more effective. Therefore, the respondents exercise cautious discretion in considering the issue being the subject matter of this petition and similar issues.

15. In conclusion, and given the fact that according to the estimate of the Transportation Coordinator, the planning process of the junction is expected to be completed by the end of 2015, the respondents propose to continue to update the honorable court as to the progress made in the planning of the junction, and as to the exit options from Ramallah made available to all Palestinian vehicles, as requested, within a period of about six months.
16. The facts specified above are supported by the affidavit of the Transportation Coordinator, Mr. Israel Afriat.

Today, Iyar 16, 5775
May 5, 2015

(Signed)
Avinoam Segal-Elad, Advocate
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(Signed)
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