

## ANDRE ROSENTHAL | ADVOCATE

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October 18, 2015

Ref: 81

To:

IDF Commander in the West Bank

By e-mail: [pniot-tzibur@mail.idf.il](mailto:pniot-tzibur@mail.idf.il)

Dear Sir,

Re: Objection of Residents of \_\_\_ Abu Rizziq, Nablus

1. I am representing the residents of a three-story building in Nablus which includes the housing unit of \_\_\_ Rizziq, on behalf of HaMoked: Center for the Defence of the Individual.
2. According to the notice received on October 15, 2015, you intend to seize and demolish the housing unit located on the middle floor of a three-story building.
3. The residents of the building fear that such an action would harm the entire building, including their own units on the first and third floor. Residents fear that should their own units come to harm as a result of the demolition any compensation claim they make would be rejected by the State using the argument that this was a "wartime action" which absolves it of liability.
4. We refer to the remarks of Honorable Justice Rubinstein in HCJ 5839/15 **Sidr et al. v. IDF Commander in the West Bank**, p. 3, para. H:

Third, as to the demolition itself: we have taken note of the Respondents' declaration regarding both the character of the demolition action and its placement under the command of the engineer. We would like to emphasize this point and ask that every effort be made to fulfill all the components of what has been promised regarding the demolition, especially and particularly with regard to the apartments of the neighbors who are not involved in the grave affair [of the terror attack]; there is a need for serious attention on this matter .

5. We request a copy of the demolition plan for referral to our own engineer for an opinion on the method of the demolition, unless it is decided not to rely on such a drastic regulation.

On this issue, we refer to the remarks of Honorable Justice Vogelman in **Sidr**, p. 5, para. 2 of the judgment:

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...[M]y own opinion would have brought me to the conclusion that the employment of the authority under Regulation 119 when no sufficient proof has been provided that the family of the suspect were involved in hostile activity – is not proportional

6. Should the Rizziq family not be spared, we seek an undertaking to provide compensation in the event that use of the Regulation results in damage to my clients' housing units.

Sincerely

Andre Rosenthal | Advocate