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At the Supreme Court
Sitting as the High Court of Justice

H CJ 580/13
H CJ 584/13

1. _____ **Masri**
2. _____ **'Odeh**
3. **HaMoked: Center for the Defence of the Individual** **The Petitioners in H CJ 580/13**

1. _____ **Abu**
2. **HaMoked: Center for the Defence of the Individual** **The Petitioners in H CJ 584/13**

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v.

1. **Military Commander of the Wes Bank Area**
2. **Coordinator of Government Activities in the Territories**
3. **Person in charge of Population Registration at the Civil Administration**

Represented by the State Attorney's Office
Ministry of Justice, Jerusalem
Telephone: 02-6466787; Fax: 02-6467011

The Respondents

Respondents' Notice

According to the decisions of the honorable court, the respondents hereby respectfully submit their response as follows:

1. As recalled, the petitioners are Gaza Strip residents, registered with the population register in the Gaza Strip. They reside in the Judea and Samaria Area (hereinafter: the **Area**) and request to arrange their relocation to the Area.
2. Respondents' position from the commencement of the proceeding was that the petitioners should exhaust the proceedings available to them according to the procedure for the "Processing of Relocation Applications of Gaza Strip Residents in the West Bank Area" (hereinafter: **relocation procedure**). And indeed, along the way the petitioners – through the Palestinian Authority – submitted an application which was examined, and as notified by the respondents it was decided, on December 16, 2014, to approve petitioners' entering into the multi-stage procedure for the purpose of relocating to the Area according to section 11 of the procedure. Therefore, the respondents notified, prior to the hearing which took place in the petitions at hand on October 28, 2015 that the petitioners could act for the issue of renewable stay permits (in the first year two six month permits are concerned and thereafter renewable permits, each valid for one year period, are issued). The respondents also notified prior to said hearing that the timeframe established in the procedure for the completion of the multi-stage procedure was seven years, but that according to section 15 of the procedure the petitioners, who entered the Area prior to September 12, 2005 (the termination date of the Israeli military rule over the Gaza Strip (hereinafter: the **effective date**)) could request to shorten the period of the multi-stage procedure to three years (*in lieu* of the above seven years) already upon the expiration of said period. Finally, the respondents notified that in the absence of any reason to the contrary and subject to 'center of life' examinations and to the absence of security and criminal preclusion – such a request would be favorably considered.
3. At the end of the hearing the honorable court ordered, *inter alia*, as follows: "Following our comments the state shall consider the possibility that the petitioners would not continue to receive renewable stay permits and following an additional period of time to be established by the respondent according to the special circumstances of each petitioner, the petitioners will be registered in the population registrar of Judea and Samaria in their current residential address in the Area (subject, of course, to the absence of security preclusion)."
4. The respondents respectfully notify that following an examination of petitioners' case, under the circumstances, considering the decision of the honorable court and without derogating from the content of their previous responses, it was decided, as an exception, to **exempt** the petitioners from the obligation to act for the receipt of renewable stay permits in Judea and Samaria and from the obligation to carry the permits, which permits would be issued to them regardless of their application and would be fed into the Civil Administration's systems. It seems that the above provides a solution to petitioners' alleged daily needs as well as to their general objection to act for the receipt of permits, on the one hand, while also providing a solution to the need underlying respondents' position for a periodic examination, over a period of time, of petitioners' matter prior to a final arrangement of their relocation to Judea and Samaria, on the other.
5. In addition, with respect to the period required for the completion of the relocation process, after the issue was considered it was decided – *ex gratia* – not to require the petitioners to submit an application for the shortening of the period established in the procedure (the seven year period) at the end of the three year period as was notified in the past as aforesaid and as required by the procedure. Instead, it was decided to already **approve** now that upon the termination of the three year period from the approval of their application, namely – December 16, 2017 – their relocation application shall be approved and they shall be registered as Judea and Samaria residents in the population registration. All of the above,

in the absence of a security or criminal preclusion and subject to the existence of a 'center of life' in Judea and Samaria.

It should be emphasized that according to the respondents and as established in the procedure, it is the minimum period which is required for the examination of a person's matter wishing to relocate to Judea and Samaria. We shall remind again what has already been argued in the past that prior to the filing of the petitions at hand the Civil Administration had no indication that the petitioners resided in Judea and Samaria.

6. Under these circumstances, in which the petitioners do not need renewable stay permits, but can rather stay in Judea and Samaria **lawfully** by virtue of permits fed by the respondents subject to their periodic examination regardless of any application on their behalf, and *in lieu* of the need to submit an application for the shortening of the seven year period established in the procedure only upon the termination of the three year period, it has already been approved now that upon the termination of the three year period petitioners' status in Judea and Samaria would be finally arranged (in the absence of any reason to the contrary as aforesaid), it is respondents' position that the petitions at hand exhausted themselves and should be dismissed.
7. Before we conclude it should be emphasized that nothing in the above-said derogates from respondents' position regarding petitioners' general arguments about the procedure, and on this issue reference is made again, *inter alia*, to paragraph 7 of respondents' response dated October 25, 2015.

The facts specified in this response are substantiated by the affidavit of Colonel Sharon Biton, head of operations department at the offices of the Coordinator of Government Activities in the Territories.

Today, 7 Shvat, 5776

January 17, 2016

(Signature)

Avishai Krauss, Advocate
Deputy at the State Attorney's Office