

At the Supreme Court
Sitting as the High Court of Justice

HCJ 8084 /19
Scheduled for September 14, 2020

Raddad et al.

Represented by counsel, Adv. Tehila Meir
4 Abu Obeida St., Jerusalem, 97200
Tel: 02-6283555; Fax: 02-6276317

The Petitioners

v.

Military Commander for the West Bank Area

Represented by the State Attorney's Office,
Ministry of Justice, Jerusalem
Tel: 073-3925305; Fax: 02-6467011

The Respondent

Consent Motion for Cancellation of Hearing

1. The petition at hand concerns the opening hours of the 'Magen Dan' gate – a security fence gate in the vicinity of the 'Hotzeh Shomron' border crossing and south of Elkana (hereinafter: the **Gate**).
2. In Respondent's Preliminary Response dated February 9, 2020, the Respondent notified that Gate operation responsibilities would be transferred from security forces performing routine security missions to the Military Police battalion, whose chief mission is the operation of crossings in the area.
3. Petitioners' notice dated September 9, 2020, indicates the responsibility for opening the Gate has not yet been transferred to the Military Police.
4. Recent events, with the spread of the coronavirus and the numerous security events at the security fence – including harm caused to the security fence, particularly in this region – have resulted in a personnel shortage that required the military commander of the area to divert forces and handle a large number of complex assignments.
5. On September 9, 2020, the commander of the Efrayim Division held a meeting with the deputy commander of the Efrayim Division, the head of Efrayim District Coordination Office, the commander of the Military Police battalion, the head of the Rainbow Administration and his deputy.

The meeting concluded with an agreement that commencing on September 10, 2020, full responsibility for opening the Gate would be transferred to the Military Police. Monitoring will be conducted in the coming days to assess whether the problem of delays has been resolved. In addition, a decision was made to open the Gate throughout

the week, including Fridays and Saturdays, as follows: morning: 06:00 A.M. to 06:30 A.M.; midday: 12:00 P.M. to 1:00 P.M.; evening: 5:00 P.M. to 17:20 P.M.

6. Under the above circumstances, it seems that at this stage, a hearing before the Honorable Court is not required. Therefore, and to refrain from wasting the time of the Honorable Court, the Respondent requests, with Petitioners' consent, to cancel the hearing scheduled for September 14, 2020. The Respondent also requests to give Petitioners leave to file notice concerning the need to proceed with the hearing of the petition within three months, according to the circumstances at that time.

In addition, it should be noted that in the near future, an assessment will be made as to the need to keep the aforesaid agricultural gate as a permanent gate open year-round or convert it into a seasonal agricultural, according to mapping performed by the Civil Administration and the professional bodies on an ongoing basis, taking into consideration the needs of the local population.

7. In view of the above, the Honorable Court is moved to cancel the hearing and give Petitioners leave to file a notice on their behalf by December 31, 2020.
8. This application is made with the knowledge and consent of Petitioners' counsel, Adv. Meir.
9. This notice is supported by the affidavit of Lieutenant Colonel (Reserves) Zabari Aharon, Deputy Head of Rainbow Administration.

Today,
September 10, 2020

Roi Shweika, Advocate
Acting HCJ Officer (*de facto*)
State Attorney's Office