At the Supreme Court in Jerusalem **HCJ 3571/20**
Sitting as the High Court of Justice

1. **_____ Khasib**
2. **_____ Hareshah,**
3. **_____ 'Amar**
4. **_____ Sabah**
5. **_____ Hussein**
6. **_____ Daud**
7. **Taysir Fathi Taha 'Amarneh, Head of Akkabah Village Council**
8. **HaMoked: Center for the Defence of the Individual**
   Represented by Counsel, Adv. Michael Sfard and/or Hagai Benziman and/or Alon Sapir and/or Kala Sapir,
   12 David Hachmi St., Tel Aviv, 6777812,
   Tel: 03- 6206947/8/9, Fax: 03-6206950,

The Petitioners

- Versus -

1. **Prime Minister of Israel**
2. **Minister of Defense**
3. **IDF Commander in the Judea and Samaria Area**
4. **Ministry of Defense - Separation Fence Administration**

   Represented by Counsel from the State Attorney's Office,
   Ministry of Justice, 29 Salah a-Din Street, Jerusalem

The Respondents

Petitioners Reply to the Preliminary Response on behalf of the Respondents

According to the decision of the honorable court dated September 14, 2021, the Petitioners respectfully submit their reply to the preliminary response on behalf of Respondents 1-4 which was submitted on December 18, 2020. This reply consists of 7 pages and therefore, simultaneously, an application is submitted to increase the quota of pages set by the honorable court by two additional pages.

The Details of the Reply

1. As recalled, the petition at hand concerns Petitioners' request to divert the route of the separation barrier in the segment running on the lands of the villages of Qaffin, Nazlat 'Isa and Akkabah in view of the numerous allegations raised therein of the great harm caused to the ability to cultivate land in the seam zone as a result of the fence, to the Palestinian presence in the seam zone, and to the connection of the farmers to their lands. According to the Petitioners, the imposition and implementation of stricter procedures for granting entry permits into the seam during the last years led to a situation making it difficult for the farmers to continue with their activity in the seam zone and forcing them to gradually reduce it.

2. In their preliminary response to the petition the Respondents raised different legal arguments (including, as usual, threshold arguments intended to prevent the petition from being heard on its merit). In addition, the Respondents presented in their preliminary response factual allegations which according to them contradict Petitioners' version and refute the allegations that adverse changes have occurred, or at least, the connection the Petitioners allege between the policy of the Standing Orders and the changes which have taken place to it over the last few years, and the concrete harm caused to the specific Petitioners. In this reply we shall only respond to the factual allegations raised by the Respondents.

A. Restrictions on the entry of family members of registered owners, and the reduction in the number of permits issued each year

3. In their preliminary response the Respondents argued in response to Petitioners' allegation that since 2014 the procedures and policy on the issuance of permits grew stricter, that permits could still be issued to the family members of farmers in the seam zone, including in excess of the quota set for the number of plot workers (paragraph 63). In addition, according to them not only that there was no decrease in the number of permits, but rather the number of permits which were issued "between the years 2014-2016" has **increased**. This response is misleading. Indeed, **as stated in the petition itself** (paragraph 77), a provision was added to the 2014 Standing Orders granting the Head of the DCO discretion to order permits to be issued for first degree relatives in excess of the quota (Section 10(a)(9)(c) of Chapter C). **However, in fact**, notwithstanding the above power vested with the Head of the DCO, **a dramatic reduction has occurred since 2014** in the scope of approved permits **each year**, and the option mainly remains theoretical.

4. In their response on this matter the Respondents chose to focus, in a manner which we have no alternative but to refer to as manipulative, on the specific point **in the trend of consistent reduction in the scope of issued permits** where an increase in the **absolute** number of issued permits may be pointed at – which is between the years 2015 and 2016. The Respondents disregarded the fact that the examination of each other pair of years (including a comparison between 2014 and 2015) and of the general trend, points at a clear and consistent reduction in the number of permits issued (the above according to the data provided by the Respondents themselves, as stated in paragraph 131 of the petition): between the years 2014 and 2015 (a decline from 3221 to 2661), between the years 2016 and 2017 (**from 4311 to 2389**) and between the years 2017 and 2018 (from 2389 to 1876). **Namely: from 2014 to 2018 there is a consistent decline in the number of permits from 3221 per year to 1876, with one, single and exceptional increase which does not represent the trend and it is precisely on that point that the Respondents have chosen to focus**.

5. In addition, even said specific increase in the absolute number does not contradict Petitioners' allegations that the scope of permits issued has decreased, since **even in the only year in which the Respondents found a numerical increase <u>there was a decline in the percentage of permits which were issued</u>** out of the total applications which had been submitted, from 75% in 2014 to 62% in 2015. For the sake of convenience the datum which was included in the petition and which the Respondents were aware of is hereby reiterated: according to figures provided to Petitioner 8, a gradual but sharp decline has been recorded (without any exception), **<u>from the approval of 75% of the applications submitted in 2014 to 26% of the applications submitted in 2018</u>**.

6. We shall also briefly refer to the specific cases of some of the Petitioners, but we wish to note that the facts specified by the Respondents throughout their response are frequently out of context and misleading. The Respondents disregard the fact that the petition and the facts described therein pertain in most part to the years from the publication of the 2014 Standing Orders until the submission of the petition in 2020, while referring to the specific Petitioners in their allegations, they obscurely refer to these years and to the first years of the permit regime as one unit.

7. At the same time, we wish to update that it emerges from an examination made with **petitioner 1** following Respondents' response that a mistake occurred in our understanding (as his representatives) of the statement made by him in his affidavit, and that his intention was that in the past, permits which had been issued to his nephews were forfeited rather than permits which had been issued to his sons. With respect to his sons we wish to update that one of them had submitted an application to renew his agricultural permit which was approved in June. Applications for the renewal of permits were also submitted for him and for his daughters which have not yet been processed.

8. With respect to **petitioner 5** the Respondents chose to note, without disclosing the full facts, that in the past he had received permits and had a valid agricultural permit, without noting the *via dolorosa* that petitioner 5 had to go through in order to obtain the permit held by him. When in 2018 the permit held by him had expired, he submitted **eight renewal applications before receiving any answer (!)**. Moreover, as stated by him in his affidavit, said permit had been taken from him at the gate, in July 2019, without any explanation. According to the Respondents in their response, the permit was forfeited "due to violations of the conditions of the permit", but the petitioner has not been advised of this reason in the past, he has never been apprehended for having illegally stayed in Israel and **the Respondents themselves write in said paragraph: "it should be noted that there are no records in Respondents' systems of the nature of the violations**". It is therefore unclear why the Respondents feel free to argue before the court that petitioner 5 violated certain conditions, insinuating that the forfeiture was appropriate, particularly in view of the fact that **the Respondents know that the permit was returned to him following exhausting procedures**. In fact, Mr. Hussein was unable to receive the permit which had been taken from him **until an administrative petition was filed by him with the assistance of petitioner 8, and he was left without a permit for about one year following its unlawful forfeiture (!).** The petition on his behalf was consensually deleted some two weeks after submission of this petition, and months before Respondents' response was submitted which failed to mention it.

A copy of the judgment in AP 11701-06-20 is attached hereto and marked A.

9. According to Respondents' own description it also emerges with respect to the other petitioners that it is by no means a system which operates in a satisfactory manner in a bid to answer the needs of the residents. The contrary is true. The residents are forced to repeatedly turn to the Respondents in a bid to receive the permits on which their livelihood depends and deal with the unjustified forfeitures of permits. With respect to

petitioner 3 for instance, the Respondents point out: "… it should also be noted that Petitioner 3's agricultural permit was forfeited in 2014 and was returned to him at the DCO on February 5, 2014 (it should be noted that there are no records in Respondents' system documenting the circumstances of said short forfeiture)." Namely, with respect to Petitioner 3's matter, here too the Respondents are unable to explain the reason for the forfeiture but do not think that it is problematic in any way and feel comfortable presenting the forfeiture as justified although the permit was returned to him. **It is difficult not to notice the arbitrariness arising from the forfeiture of the permits of petitioners 3 and 5**.

B. Plot size presumptions and division among the heirs

10. It is argued in the petition that the provision of the 2017 Standing Orders conditioning the grant of permits to a minimal plot size, thereby forcing plots to be divided according to the number of heirs of the plot (hereinafter: the "size restrictions"), contributed to the dramatic reduction in the number of the agricultural permits which have been granted since the introduction of said provision (see paragraph 112(c) – (d)). The size restrictions were also challenged in HCJ 6896/18 **Ta'meh v. Military Commander in the West Bank** (hereinafter: **Ta'meh**) which was filed by several specific petitioners and petitioner 8 in the case at hand.

11. In their response to the petition, the Respondents admitted that the 2017 amendment of the Standing Orders was aimed at reducing the number of those eligible for permit, or in their 'clean' language: "to prevent wide and uncontrolled entry of Palestinians into the seam zone". According to them, said restriction was intended to provide a solution to the problem created by the previous amendment of the Standing Orders which caused the number of permit applications to increase "in a manner which did not conform with the security purposes for which the fence had been erected." At the same time, **the Respondents did not provide any data substantiating the allegation that any security harm was caused justifying the severe and deliberate encumbrances imposed on any and all seam zone farmers**.

12. It was also noted in Respondents' response that criteria were established in the 2019 amendment for receiving a "permit for personal needs in the seam zone" and it was insinuated that said permit gave a solution and enabled residents to access their seam zone plots and use them in cases in which they were unable to receive a farmer permit with respect thereto. Pointing at this provision as a complementary provision closing the gap which was created and enabling proper access to the lands is extremely deceiving to the extent of bad faith. First, the amendment was valid for only one year and subsequently the procedures concerning "permits for personal needs" were **exacerbated** once again. As stated in the petition and confirmed in Respondents' response, said procedure (the "punch card method") was cancelled following **HCJ Ta'meh**, in which an *order nisi* was issued due to the state's failure to prove that any change has occurred which justified the imposition of stricter procedures on farmer permits. Second, even during the year in which the 2019 amendment was valid, the permits were not given "for a period of three years" as alleged in Respondents' response. The amendment enabled issuing a permit for a **maximal** period of three years, while the duration of the period and the **number of entries** were determined "according to the applicant's specific need", **as evaluated by the officer in charge of making the decision** in the application. In practice, as was argued in **HCJ Ta'meh**, the permits were given for three months also during this time, to Petitioners' best knowledge.

13. Following **HCJ Ta'meh** the 2021 Standing Orders were published. In addition to the cancellation of the punch card method and following what was described above, it was determined that permits for "personal needs" shall be again issued for such period as shall

be determined at the sole discretion of the deciding body. Indeed, after the publication of the 2021 Standing Orders, the common practice is that such permits are issued only for three months. In other words, following the rules which were included in the 2017 Standing Orders and which also apply today, a farmer cultivating a plot which does not meet the plot size presumption, is forced to apply for **eight** permits for the same period with respect of which they could have received in the past a single farmer permit and the details pointed at by the Respondents do not refute this important point.

14. The Respondents also allege that Petitioners' allegations concerning the size restrictions are not relevant since their plots are not "miniscule". First, as was explained by petitioner 8 in its petition in **Ta'meh**, many plots are regarded by the Respondents as "miniscule" although they are not miniscule and are not divided by their owners in the same manner in which they are divided by the Respondents in their calculations. Second, it seems to be the situation with respect to **most** of the plots of Petitioners 1-7 but the accurate information is held solely by the Respondents and is unknown to the farmers unless the Respondents provide it when the application is denied. At least two of the specific petitioners in the petition at hand (petitioners 2 and 6) described in their affidavits permit applications which had been denied on the grounds of a "miniscule plot". And third, **due to the policy whereby the plot size is divided by the number of the heirs – eventually all plots shall become miniscule plots, and even plots which are not miniscule at this time shall become miniscule plots in the future**.

15. As stated by **petitioner 2** in his affidavit (paragraph 4) his permit application was denied twice after the 2017 amendment of the Standing Orders, once due to the determination that his plot was a "miniscule plot". Here too it is implied by the Respondents who state that "petitioner 2 holds a farmer permit" that the permit was received by him without any difficulty. Indeed, his previous permit was eventually renewed and given to him for a period of two years until April 1, 2021, but he received it **more than a year and a half after he had applied for it and also only after an administrative petition was filed by him with the assistance of petitioner 8 (!)**. We also wish to update that an application was submitted by petitioner 2 and his spouse to renew their permits which had expired on April 1, 2021. The permits were renewed on May 3, 2021 and are valid for two years until May 2, 2023.

16. The same applies to **petitioner 6** with respect of whom general allegations were made by the Respondents without describing the numerous obstacles that he and his family had to overcome before receiving their permits. Petitioner 6 noted in his affidavit that he was the only one from among his siblings and children to have received **consistently and regularly** a farmer permit after the erection of the fence. In 2017 petitioner 6's application to renew his permit was denied. Petitioner 6 commenced an exhaustion of remedies procedure with the assistance of petitioner 8, in which it emerged that his application was denied due to the aggravation of the procedure in 2017 and the determination that his plot was a "miniscule plot".

17. It should be noted that in the 2021 amendment of the Standing Orders (which for some reason was not mentioned by the Respondents), a possibility was added for land owners whose plots are considered "miniscule" due the calculation of the division of the area by Respondent 4, to transfer rights between them such that the plots shall be calculated as one cumulative plot larger than 330 square meters, entitling the holder of the rights therein to receive a farmer permit. The above amendment does not nullify the harm caused by the size limitations, since in order to enjoy the benefit of the change many owners are required to waive their rights in the plots – an act threatening their ties to the land – ties which the Respondents undertook to maintain.

C. Restrictions on the transfer of equipment and vehicles

18. In the petition the Petitioners claimed that the restrictions on the transfer of agricultural equipment and on performing certain agricultural tasks in the seam zone (see for instance paragraph 106, 136 of the petition) caused the agricultural yield and its financial value to drop. In their response the Respondents claimed that the ban on the transfer of dual-use materials was not unique to the seam zone and applied to all West Bank areas, and that farmers could apply for a permit to bring in the banned materials and equipment and could also ask for a permit to enter the seam zone with an agricultural vehicle. The Respondents also noted that the Petitioners did not present applications to bring in equipment which had been denied. In addition, the Respondents denied the allegations that said restrictions harmed the farmers' ability to cultivate the lands and led to agricultural yield drops, on the grounds that in their opinion said conclusion was not sufficiently substantiated.

19. The Petitioners wish to emphasize in this context a few important points, as specified below:

    a. The Petitioners referred in their petition to two separate levels with respect to the transfer of equipment and vehicles (and people) into the seam zone: the policy emerging from the procedures on the one hand, and the **actual prevention of crossing by the soldiers at the gates**, on the other – which occasionally occurs also when the residents hold suitable permits (see paragraph 93, 133 of the petition). It is a major point with respect to this matter since **the bitter experience of the farmers in the seam zone made it clear that the type of permits which shall be issued and the times on which actual access shall be allowed are unpredictable and cannot be relied on**. Therefore, the vast majority of the petitioners, like others in their villages had to forgo bringing in vehicles and equipment and have regretfully reduced the scope of their activity in the seam zone accordingly. The argument that the Petitioners did not submit applications for the transfer of equipment or vehicles shows only that they are familiar with the policy and the reality on the ground. However, by merely noting this fact the Respondents do not deal with the substantial issue of the restrictions imposed in fact and by the policy on the transfer of equipment into the seam zone and the extreme effect that said restrictions have on the scope of farming in the seam zone.

    b. The Respondents did not refer to the statements in Petitioners' affidavits concerning the use of their private cars for agricultural purposes and the manner by which preventing private cars from crossing actually prevents the transferring of agricultural equipment and crops in and out of the seam zone. Things may not have been sufficiently emphasized in the petition and therefore it should be clarified – most of the Petitioners do not have tractors or motor plows, and **they therefore need a <u>private vehicle</u>** (in many cases with a trailer such as a wagon or a water tank) to transfer tools and agricultural materials to and from the farmlands, and to take out the crops. This is what farmers on the other side of the fence do, and in the case at hand using the vehicle is particularly important in view of the distance between the gates and some of the plots. Indeed, there is a possibility to have a private vehicle registered on an agricultural permit but it is limited even on the level of the written procedure, as the 2019 Standing Orders provide as follows: "In exceptional cases only and subject to the approval of the Head of the DCO, a private vehicle shall be allowed to cross the agricultural gates." Hence, it is not an easy and accessible possibility as implied in Respondents' response.

20. With respect to the allegation that the Petitioners did not substantiate the connection between the failure to bring in agricultural equipment and the problems faced by the farmers in cultivating their farmlands --- it seems that it is embedded in basic rules of

logic and it is strange that proof is needed in this regard. It is similar to the demand to prove the harm caused to attorneys in the state attorney's office if a ban is imposed on bringing computers into their offices. The attorneys will probably not stop working but shall resume writing preliminary responses to petitions by hand.

21. Beyond need it should be reminded that some of the specific complaints which were raised in petitioners' affidavits expressly describe the hardships inflicted on them as a result of the restrictions on the transfer of equipment, and reference is made in this regard to the affidavits of petitioner 1 (paragraphs 7, 10), petitioner 6 (paragraph 9), and petitioner 7 (paragraphs 11-12).

22. In addition, **petitioner 8** often represents seam zone farmers in permit applications and its experience shows that the registration of vehicles in permits is not as easy as alleged by the Respondents in their response. Since the petition was filed, petitioner 8 represented several farmers in appeals to the civil administration appeal committees and in administrative petitions to the district court on refusals to register private vehicles in permits (among other things). Last January, several decisions were given accepting the allegations of the appellants/petitioners and ordering to register the details of their vehicles. The decision in one of the petitions is attached as an example.

A copy of the judgment in AP 7706-01-21 is attached and marked B.

23. To summarize this point, the overall picture is that the Respondents impose restrictions, some by law (procedures and decrees) and some in fact, on the transfer of equipment and agricultural and private vehicles into the seam zone, actually encumbering the ability to perform agricultural tasks leading to reduction of the scope of work performed in the seam zone. Respondents' response is an attempt to divert the discussion from the state of affairs on the ground but the facts mentioned by them in this context do not refute Petitioners' version.

D. Access Routes

24. In the petition the Petitioners argued that limiting the entry of the protected residents to a few certain gates forces the farmers to traverse a long and difficult route to reach their lands, and encumbers the transfer of equipment into the lands and the transfer of crops therefrom, severely harming the ability to consistently farm the lands in a sustainable manner (see paragraphs 103 – 105).

25. In their response the Respondents did not deny Petitioners' allegations concerning the distance between some of the farmlands and the designated gates, or the difficult routes which are actually used which are partly unpaved and hilly. However, the Respondents noted that there were paths leading from the agricultural gates "to the lands". The Respondents also claimed that Petitioners' allegations in this context were raised without sufficient factual basis concerning the mere existence of the problem and its connection to the Petitioners. The Respondents particularly emphasized that the Petitioners did not mention any specific attempts to contact the Respondents for the purpose of finding a solution to the access problems.

26. It should be clarified: Respondents' general allegation regarding the existence of paths leading to the seam zone lands does not provide an answer to the allegation that there are no paths to all of the plots, it does not answer the allegations that there is inconsistency between the designated gates and the specific plots and it provides no information on the ease and safety of said existing paths. With respect to the argument regarding specific attempts to contact the Respondents, it should be noted that when their response was penned the Respondents were in the midst of a lengthy proceeding *vis-à-vis* one of the petitioners of the petition at hand – petitioner 3, who filed on October 18, 2020 an

administrative petition requesting to add one additional gate to his permit and to his son's permit, due to the great difficulty involved in reaching his lands as a result of the need to traverse the long and challenging route from the designated gate registered in the agricultural permit held by them, after the applications submitted by them to the Respondents had been denied (see the petition in AP 30834-10-20 **'Amar v. Military Commander for the West Bank Area**, paragraph 12, 56-57, 70 (not reported)).

A copy of the petition in AP 30834-10-20 is attached and marked C.

27. Once again, while referring to petitioner 3 in their response, the Respondents point out that he holds a farmer permit enabling him to cross through two gates, and things are stated in a manner giving the impression that *ab initio* the Respondents gave him a permit corresponding to his needs and the physical conditions on the ground. The Respondents have also failed to mention in their response concerning petitioner 3's matter that the permit which currently enables him to pass through the closest gate to his lands was given to him only following an administrative petition which had been filed by him. The application to amend the permits had been submitted on August 6, 2020, and the petition was eventually deleted by mutual consent on December 10, 2020, after the remedies which had been originally requested were received, and costs were awarded in favor of petitioner 3 and his son.

A copy of the decision to award costs in AP 30834-10-20 is attached and marked D.

E. Reduction in agricultural yield and types of crops

28. The Respondents deny Petitioners' allegations concerning the harm caused to agricultural work as a result of the restrictions and the consequent reduction and almost elimination of field crops in the seam zone, and argue that the farming patterns and scope of crops grown in the seam zone have not changed since the erection of the fence. The Respondents also argue that "even if it is assumed that there is a decline in the scope of agricultural cultivation" it was not proven that the harm reaches the scope alleged by the Petitioners (see paragraph 70). To prove these allegations the Respondents present in their preliminary response aerial photos which according to them show that already in 2002 some 93% of the crops in the seam zone were olive trees and that also today crops requiring constant cultivation are grown including several greenhouses for the cultivation of seasonal crops. For instance, the Respondents mention one type of crop which still exists – tobacco.

29. However, the Respondents did not attach an analysis report on the basis of which their allegations are made, and the Petitioners do not understand how according to the Respondents the photos they have attached prove their allegations concerning the types of crops and scope of agricultural yield currently produced therein, either from the olive trees or from the other crops. In addition, the Petitioners shall argue that there are substantial contradictions in that regard in Respondents' response, while alongside their allegations concerning the continuous agricultural activity in the seam zone, they state that "The Respondents do not dispute the fact that many plots in the seam zone are not cultivated and it emerged from a tour conducted by the Agriculture Staff Officer in the area that many plots required turning, plowing and spraying against weeds" (paragraph 73), and " it should be noted that Respondents' bodies are familiar with the phenomenon of cessation of agricultural cultivation" (paragraph 74).

30. In view of Respondents' allegation on these issues the Petitioners requested the opinion of an aerial photography analysis expert with respect to several points in the area which is the subject matter of the petition. According to the opinion, a comparison made between the aerial photos from 2002 and photos from the years 2019 or 2020 **fully**

substantiates Petitioners' version and tells the same exact story which arises from the petition and petitioners' affidavits. The major changes pointed out by the expert are the following:

a. Many plots in which field crops were grown before the erection of the fence, are currently deserted and are not cultivated.

b. Plots in which field crops were grown now consist of olive trees.

c. Plots consisting of olive trees which in the past were well cultivated currently seem to be uncultivated.

A copy of the expert opinion by Ms. Hagit Ofran, is attached and marked E.

F. Grazing

31. The Respondents did not deny Petitioners' allegation that the 2017 Standing Orders imposed new restrictions on shepherds whereby, *inter alia*, grazing permits shall be given only in lands owned by the applicant, and only if the grazing field is located no more than 2.5 km from where the livestock is kept. The Respondents did not raise any arguments to justify said exacerbation and referred to this issue in a marginal manner, and satisfied themselves by stating that to their knowledge only one of the petitioners in the petition at hand was making his living from shepherding.

32. In any event, according to the Respondents (paragraph 40 of their response) that single petitioner holding flocks of sheep did not apply for a permit. Even if Respondents' allegation is correct at this point in time, it fails to refer to the concrete situations described in the affidavits of petitioners 4 and 7, whereby prior to the erection of the fence and their submission to the permit regime they had held in their possession substantial flocks, and that due to the gradual exacerbation of the policy they had to reduce the scope of shepherding to nearly zero. It emerges from their cases and from the experience of petitioner 8 that to the extent the number of shepherds among the petitioners and among the seam zone population has decreased as well as their permit applications, it substantiates the devastating effects of the permit regime, rather than its legitimacy.

33. Beyond need it should be reminded that **petitioner 4** described that as of 2015 his crossing to the seam zone through the gates was prevented and that the applications submitted by him were denied until he gave up, discontinued shepherding in the seam zone and reduced the size of the flock restricting it to grazing areas near his home. **Petitioner 7** also described how the permit regime forced him to gradually abandon parts of his flock and reduce the scope of shepherding for his livelihood and way of life. Here too the data presented by the Respondents do not refute his version.

G. Conclusion

34. In view of the aforesaid, the factual allegations presented by the Respondents do not refute the facts which had been presented in the petition and in petitioners' affidavits.

35. As described above, the scope of permits which were given has clearly dropped in the years which passed from the publication of the 2014 Standing Orders. The Respondents keep mentioning in all contexts the fact that the petitioners have several permits and eagerly emphasize petitioners' failure to submit applications, in an attempt to create an absurd and disrespectful narrative whereby the only

reason that the petitioners are unable to cultivate their lands as they used to do in the past is that they do not apply for permits. The collection of Respondents' allegations in that regard attests to the burden involved in maintaining the work in each plot, while it emerges from Respondents' response that each farmer should apply separately for a host of permits in order to cultivate one plot, to fight for receiving them – many times by filing appeals and administrative petitions – which include (in the vast majority of the cases): the permit for the farmer himself, permits for his family members, permits for his workers, permits for the agricultural tools, permit to bring in fertilizers and permit for the vehicle to transport all of the above. It is difficult to see how in Respondents' eyes, this list attests to the accessibility and efficiency of the permit regime.

36. **The severity of the difficulties described above which are faced by the farmers is doubled considering the fact that the permits held by some of the petitioners were obtained only after lengthy proceedings with the assistance of petitioner 8, as described above. Therefore, the fact that some of the petitioners hold permits does not support Respondents' version in which they try to draw a picture of a functioning and enabling system. These cases are the result of the huge and patently unreasonable efforts that the farmers are forced to invest in order to maintain their presence and cultivate the lands owned by them.**

37. **With respect to the plot size restrictions and other exacerbations included in the last amendments of the Standing Orders, the Respondents presented inaccurate and/or misleading facts. The true factual state of affairs emerging from the petition and from this reply is that the procedures were exacerbated and new obstacles were imposed, and when coupled with the actual implementation, which is often arbitrary – they critically harm the ability of the specific petitioners to receive entry permits according to their needs, and if received – to exercise them.**

38. **Among the most substantial exacerbations are the restrictions on the transfer of equipment and vehicles into the seam zone, the access problems to the plots and the connection between these two and the reduction of the scope of farming in the seam zone in different ways. We have also mentioned the decrease in shepherding as a way of life and as a source of livelihood, again as a result of the recent exacerbation of the procedures. In their preliminary response the Respondents are trying to refute the facts described in the petition, but a thorough review of the facts proves that the allegations in the petition are accurate.**

This Reply is supported by the affidavit of Ms. Jessica Montell, Executive Director of HaMoked: Center for the Defence of the Individual, petitioner 8 in the petition.

Today: September 29, 2021, Tel Aviv

_____	_____
Micahel Sfard, Adv.	Kala Sapir, Adv.

Counsel for the Petitioners