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At the Supreme Court
Sitting as the High Court of Justice

H CJ 1891/10

_____ **Jarbo'a et al.**
all represented by counsel, Adv. Bilal Sbihat et al.
Of 4 Abu Obeida St., Jerusalem, 97200
Tel: 02-6283555; Fax: 02-6276317

The Petitioners

v.

1. **Military Commander of the West Bank Area**
2. **Coordinator of Government Activities in the Territories**
Represented by the State Attorney's Office,
Ministry of Justice, Jerusalem
Tel: 02-6466157; Fax: 02-6467011

The Respondents

Respondents' Updating Notice

According to the decisions of the honorable court, the respondents hereby respectfully submit an updating notice on their behalf, as follows:

1. This petition concerns petitioners' request to order the respondents to show cause why they should not allow petitioner 2, petitioner 1's wife, and their children, petitioners 3-4, all of them residents of the Gaza Strip, to travel to Judea and Samaria (hereinafter: the **Area**) together with the father of the family – petitioner 1, via Israel, for the purpose of living and residing in the Area. Thus, the petition focuses on the issue of petitioners 2-4's settlement in the Area.
2. It should be reminded that in their previous pleadings, the respondents notified, with respect to petitioner 1 (hereinafter: **petitioner 1**) - who is registered with the population registry as a resident of the Area – that according to the position of security agencies, the respondents were willing to enable petitioner 1 to relocate to the Area, subject to restrictions on passage hours and subject to petitioner 1's escort according to the civil administration procedures.

3. With respect to petitioners 2-4, the respondents noted that their request constituted, in fact, **an application to relocate to the Judea and Samaria Area**, and their matter should therefore be examined according to the "Procedure for Handling Applications by Gaza Strip Residents for Settlement in Judea and Samaria" (hereinafter: the **settlement procedure** or the **procedure**).
4. Meanwhile, after the honorable court rejected the general petition which challenged the legal validity of the procedure – H CJ 2088/10 **HaMoked Center for the Defence of the Individual v. Commander of the West Bank Area** (given on May 24, 2012)(Judicial Authority Website) - and after the respondents revised the settlement procedure according to the comments of the honorable court in said judgment, this petition was scheduled for a preliminary hearing, for September 10, 2013, before the Honorable Justice Vogelman. Upon the conclusion of the hearing the honorable court directed the petitioners [*sic*] to submit an "updating notice in writing to the coordinator of government activities in the Territories" for his review and decision concerning the settlement of petitioners 2-4, according to the revised settlement procedure.
5. The respondents wish to update that following his review of the entire considerations relevant to the matter, the coordinator of government activities in the Territories decided to **approve** the physical passage of the petitioners to the Area subject to the coordination of armed escort according to the civil administration procedures – as well as the commencement, by petitioners 2-4 of the multiphase procedure leading to settlement in the Area according to the exception set forth in section 11 of the settlement procedure.

On March 9, 2014, a notice to that effect was sent to petitioners' counsel, which stated as follows:

1. Your above referenced request was examined as a settlement application according to the "Procedure for Handling Applications by Gaza Strip Residents for Settlement in Judea and Samaria" (hereinafter: the **procedure**).
2. **According to the procedure, marriage and parenthood do not constitute, in and of themselves, reason to approve an application for settlement in the Area. In this case, in view of its special circumstances, including the circumstances of petitioner 1's arrival to Gaza and the events which followed it, we found it appropriate to exceptionally approve the application, according to the authority established in section 11 of the procedure.**
3. **Therefore, the issuance of temporary residency permits in the Area to petitioner 1's wife and children, according to the multiphase procedure set forth in the procedure, was approved.**
4. **Their passage from Gaza to the Area through Israel is approved with armed escort only. For this purpose, they must engage the services of a security company approved by Israel Police, which would carry out the escort and provide us with its details for the coordination of their entrance.**

[emphasis added]

6. It should be noted that the petitioners can also travel to the Area not via Israel, thus avoiding the above escort requirement.
7. Under these circumstances, in view of the coordinator's decision which allowed the passage of all petitioners to the Area, as aforesaid, and in view of the fact that the petitioners were granted an approval to embark on a settlement proceeding according to the procedure, respondents' position is that the petition became redundant and should therefore be denied.

Today, 11 Adar B 5774
March 13, 2014

(signed)
Avishai Krauss, Advocate
Assistant to State Attorney