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At the Supreme Court
Sitting as the High Court of Justice

HCJ 2359/13

In the matter of:

1. _____ **Yassin, ID No.** _____
Resident of the Palestinian Authority
2. **HaMoked: Center for the Defence of the Individual,**
founded by Dr. Lotte Salzberger - RA

all represented by counsel, Advocate Yadin Eilam
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The Petitioners

v.

1. **Military Commander of the West Bank Area**
2. **Head of the Civil Administration**
3. **The Legal Advisor for the West Bank**

The Respondents

Petition for Order Nisi

A petition for an *order nisi* is hereby filed which is directed at the respondents ordering them to appear and show cause:

- a. Why they should not grant petitioner 1 (hereinafter: the **petitioner**) an entry permit into the seam zone which would enable him to farm the lands of his family.
- b. Why they should not comply with the time table for the handling of applications, as established in their procedures, and respond, according to the time table which they assumed upon themselves, to petitioner's application to grant him an entry permit into the seam zone.

Request for Urgent Hearing and for the Scheduling of an Expedited Date for the Submission of Respondents' Response

"However, and as specified above, we cannot deny the possibility that in specific cases severe injury is caused to the right to livelihood and land of Palestinian residents who cannot adequately farm their lands or who encounter other access difficulties, and the respondents, on their part do not take adequate measures to minimize said injury."

HCJ 9961/03 **HaMoked: Center for the Defence of the Individual, founded by Dr. Lotte Salzberger v. The Government of Israel** and HCJ 639/04 **The Association for Civil Rights in Israel v. The Commander of IDF Forces in Judea and Samaria**; hereinafter: the **permit regime petitions** (rendered on April 5, 2011, not reported, all emphases in the petition were added).

This is an additional petition in a series of petitions which is filed due to the failure to respond to applications for entry permits into the seam zone, and a second petition which is filed on petitioner's behalf. A previous petition which was filed on petitioner's behalf (HCJ 8090/12) was deleted at petitioners' initiative after the petitioner was granted an entry permit into the lands of his family.

According to respondents' procedures, an answer to an application must be delivered within two weeks from the receipt of the application at the DCO. Petitioner's application was transferred to the Israeli DCO about two months ago, but despite petitioners' efforts to receive an answer to the application and refrain from the filing of this petition, the petitioners have no alternative but to turn once again to this honorable court.

The petitioner resides in 'Anin. Petitioner's family owns about 102 dunam of agricultural lands located on the west side of the separation fence in the seam zone. In the past, until recently, the petitioner held an entry permit into the lands. Upon the expiration of his permit the petitioner submitted an application for its renewal, but his application was not answered, despite petitioner 2's letters to the respondents, which emphasized the urgency of the application especially in view of the almonds harvest season.

Each passing day causes damage to the petitioner and his family as a direct result of his inability to farm the lands. This honorable court held, in many judgments which were rendered in seam zone petitions, that the damage inflicted on the inhabitants as a result of the erection of the separation fence should be minimized to the maximum extent possible. **In view of the above, and in view of the fact that the almonds harvest season is currently at its peak, the honorable court is requested to schedule the petition for a hearing at the earliest date possible and to direct the respondents to submit their response within a very short period of time which will be prescribed.** This is requested both in view of the extreme urgency, and in view of **past experience which shows that in the vast majority of the cases, the scheduling of the petition for an urgent hearing and the grant of an order directing the respondents to submit their response within a prescribed short period of time, renders the need to hear the petition on its merits redundant.**

The Factual Infrastructure

1. This is the **one hundredth** petition in a series of petitions concerning respondents' unlawful refusal or failure to respond to applications for the issuance of entry permits into the seam zone to the petitioner and others in his condition, farmers whose homes are located on the east side of the

separation fence and whose lands are located on its west side. Petition one hundred and one is filed along with this petition.

2. Out of the ninety nine petitions to which petitioner 2 was a party, twelve petitions, in which permits have not yet been issued to the petitioners, are still pending. Out of the remaining eighty seven petitions, nine petitions, which constitute ten percent of the petitions, were denied by the honorable court or were deleted at petitioners' consent, after the court reviewed privileged information concerning petitioners' matter, or were deleted at the request of the petitioners after having been provided with a security paraphrase within respondents' response to the petition. It should be noted that two of the petitioners whose petitions were denied, have eventually received permits after additional petitions were filed by them. In another matter a statement was made to the effect that should a new application be submitted it would be positively reviewed, subject to updated security information. A tenth petition was deleted by the petitioners, before a court hearing, as it was clarified that following a change in the route of the fence, petitioner's land would be located again on the east side of the fence. Two additional petitions were deleted after a court hearing, and it was ruled that another hearing would be held for the petitioners. **In seventy five petitions, which constitute 86 percent of the petitions which were filed, the petitioners received permits.** It is unfortunate that the permits were issued to the petitioners only after the filing of the petitions in their matter, which caused considerable monetary costs and an unnecessary waist of expensive judicial time.
3. In the hearings which were held before this honorable court in many petitions which were filed concerning the route of the separation fence, the respondents undertook to allow all residents whose connection to the seam zone was substantiated, to enter the seam zone. This undertaking was also expressed in the "Collection of Seam Zone Standing Orders 2011" (hereinafter: the "**Standing Orders**") issued by the respondents. As will be explained below, the respondents fail to comply with their undertakings.
4. From the erection of the separation fence a permit regime was applied, according to which a Palestinian resident who wishes to enter the seam zone must have a permit. The permit regime petitions were filed with this honorable court against the permit regime. On April 5, 2011, a judgment was rendered in these two petitions, which denied them "**subject to our comments in paragraph 36 and paragraph 39 concerning the required changes to ease the passage of the permanent residents into the zone; the adoption of an approach which would expand the causes based on which a person may be recognized as a permanent resident and concerning the issuance of permits to an "occasional interest holder" in cases which do not fall within the categories which were set forth in the rules, and concerning the establishment of a clear time schedule for the handling of the different applications submitted to the civil administration.**" (Paragraph 47 of the judgment).
5. This petition is filed for the purpose of solving the practical problem of the petitioner and other residents in his condition who cannot farm their lands. The honorable court established its position concerning the permit regime "... on the basis of our presumption that **the permit regime imposes a very heavy burden on the Palestinian population and severely injures their rights. This presumption obligates the respondents to establish arrangements that would minimize to the maximum extent possible the encumbrance inflicted on the inhabitants,** without undermining the security objective." (paragraph 31 [*sic*] of the judgment). The petitioners will show that the encumbrance which is inflicted on the petitioner is very severe, disproportionate and does not comply with respondents' statements before this honorable court and the judgment in the permit regime petitions.

6. The petitioners argue that the respondents conduct themselves in a sort of a slippery slope. In order to obtain the approval of this honorable court for the construction of the fence, the respondents undertook that the damage that would be inflicted upon the population which was harmed by the construction of the fence would be minimal. After the honorable court granted its approval and the fence was erected, the respondents breached their undertakings and have gradually reduced the number of permits issued by them. **To date, after the permit regime judgment was rendered, and in complete contradiction thereto, the respondents impose more difficulties and hardships on the Palestinian residents who need entry permits into the seam zone.**
7. It seems that not only the petitioners, but also the honorable court, noticed that the respondents failed to comply with their undertakings. Thus, for instance, in its decision dated July 20, 2011, in a motion to cancel the hearing in HCJ 5205/11, after the respondents notified, one day before the hearing, that a decision was made to issue permits to the petitioners, the honorable Justice Rubinstein said that "**It is very unfortunate** that what could have been solved without a petition and a waste of administrative and judicial time, and all things involved – is solved at the last minute before the hearing. This comment should be brought to the attention of the relevant personnel, to the extent they care, and I hope they do. The hearing will be postponed as requested and as agreed. An updating notice will be submitted by August 10, 2011, and I am **very hopeful** that a further hearing will not be required. The issue is primarily **practical.**" (the emphases appear in the original); During the hearing in HCJ 5078/11 which was held on July 27, 2011, Justice Vogelman also expressed his opinion of respondents' conduct and noted that "**in all fence files you tell us (that) there is no problem it is the seam zone, and now we see the reality so stand by your words... I sense here a sort of double representation**" and the honorable Justice Beinisch added that "**to enter the zone there should not be a difficulty**"; during the hearing in HCJ 4034/11 which was held on September 7, 2011, the honorable Justice Vogelman told respondents' representative that "**In each case of this sort we have an uncomfortable feeling. You came in the fence petitions and there is a disparity here. You said that appropriate permits would be issued to minimize the harm caused to the fabric of life and the petitions were denied and we see that in practice this is not upheld**" (page 2 of the protocol); and on September 15, 2011, during the hearing in HCJ 2546/11 and HCJ 2548/11, the honorable Justice (as then titled) Grunis said that "since probably money will be paid maybe next time this will be handled differently" (page 1 of the protocol).

Unfortunately, experience shows that nothing causes the respondents to treat differently the petitioner and other residents like him, whose sole wish is to farm their lands.

The Parties to the Petition and the Factual Background

8. The petitioner is a Palestinian resident, who resides with his wife and six children in 'Anin, located in the Jenin region.
9. Petitioner 2 (hereinafter: **HaMoked**) is a not-for-profit association which acts to promote human rights of Palestinians in the Occupied Palestinian Territories (OPT).
10. Respondent 1 is the military commander of the West Bank area, on behalf of the State of Israel, which holds the West Bank under belligerent occupation for over forty five years.
11. Respondent 2 is the head of the civil administration, a body which was established to administer the civil affairs in the West Bank "**for the benefit and advantage of the population** and for the rendering and provision of public services, in view of the need to maintain good governance and public order" (section 2 of the Order on Establishing the Civil Administration (Judea and Samaria) (No. 947), 5742-1981). The officers of the head of the civil administration are the ones who

communicate with the protected population in all matters concerning the issue of entry permits into the seam zone. A public liaison officer acts on behalf of the head of the civil administration. Paragraph 28 of the permit regime judgment provides as follows: "In addition, the state emphasized the existence of a civil administration "public liaison officer" who receives requests on different matters, and whose activities are intended, *inter alia*, to increase the availability for applications and requests of the Palestinian inhabitants, also on seam zone issues."

12. Respondent 3 (hereinafter: the **legal advisor for the West Bank** or the **legal advisor**) is the legal advisor of respondents 1 and 2 and he and his officers accompany, on an ongoing basis, the legal aspects of the work of respondents 1 and 2, including the issue of entry permits into the seam zone.
13. Petitioner's family owns agricultural lands of about 102 dunam, located on the west side of the separation fence in the seam zone, in the lands of 'Anin. The lands are registered in the name of the deceased grand-grandfather of the petitioner, Mr. _____ al-Yassin, who passed away in 1956. When the grandfather passed away, ownership in the lands passed to his heirs, including petitioner's grandfather, Mr. _____ Yassin. Petitioner's grandfather also passed away in 1986, and petitioner's father, Mr. _____ Yassin, became one of the owners of the lands. The family members grow on their lands, among other things, almond trees. **As stated in the beginning of the petition, the almonds harvest season is currently at its peak.**

A copy of the land registration documents is attached and marked **P/1**.

A copy of the inheritance orders is attached and marked **P/2**.

14. And it should be emphasized. There is no and there can be no dispute regarding the connection between the petitioner and the lands. This is substantiated by the fact that until recently, the petitioner held an entry permit into the lands, and that currently petitioner's father holds an entry permit into the seam zone for the purpose of farming said lands. Therefore, the documents which were attached as Exhibits P/1-P/2 are for the sake of good order rather than to prove the connection between the petitioner and the lands.
15. Until 2003, when the separation fence which divides between the home of the petitioner and the lands, was erected, the petitioner could farm the lands without any obstacles *en route*. Since the erection of the fence, several entry permits to the lands were issued to the petitioner. Petitioner's last permit was valid from December 17, 2012, until February 17, 2013. **It should be noted, that said permit was issued in the course of the handling of a petition which was filed on behalf of the petitioner (HCJ 8090/12), a petition which was also filed against the backdrop of the failure to respond to petitioner's application to obtain an entry permit into the seam zone.**

A copy of the permit is attached and marked **P/3**.

16. Shortly before the expiration of the permit held by him, the petitioner submitted an application for its renewal through the Palestinian Authority. The application was transferred to the Israeli DCO on February 3, 2013.
17. On March 3, 2013, HaMoked sent a letter to the head of the Jenin DCO. The letter requested that the head of the DCO would act to approve the application as soon as possible according to the procedures which were established by the respondents, according to which an answer to an application should be given within two weeks from its receipt at the DCO, and due to the urgency of the application in view of the upcoming almonds harvest season. A copy of the letter was transferred to the civil administration public liaison officer and to the legal advisor for the West Bank.

A copy of the letter dated March 3, 2013, without an exhibit which was attached above, is attached and marked **P/4**.

18. It should be emphasized that the schedule set forth in section 55 of seam zone standing orders provides that "As a general rule, **an answer to a permit application** under part C (a part entitled "Issue of permits to residents of the Judea and Samaria Area for the purpose of entering and remaining in the seam zone" – the undersigned) will be given within **two weeks** from the receipt of all required documents at the District Coordination and Liaison Office." (The emphases appear in the original).

A copy of section 55 of the seam zone standing orders is attached and marked **P/5**.

19. As neither the application nor HaMoked's letter were answered, on March 12, 2013, HaMoked sent another letter to the head of the Jenin DCO, reminded the urgency of the application, and reiterated the request that petitioner's application be handled. A copy of this letter was also sent to the civil administration public liaison officer and to the legal advisor for the West Bank.

A copy of the letter dated March 12, 2013, is attached and marked **P/6**.

20. On April 4, 2013, shortly before the petition was filed, HaMoked's representative spoke with the public liaison officer, to inquire about the status of the application. The public liaison officer, who, according to respondents' statements mentioned in paragraph 11 above, is " ... intended, *inter alia*, to increase the availability for applications and requests of the Palestinian inhabitants, also on seam zone issues" said that the soldier Eyal was handling the seam zone, but that the soldier was busy on the phone and would get back to HaMoked's representative. After a while, HaMoked's representative called the office of the public liaison officer again, and was told by the public liaison officer he has already told her that the soldier Eyal would call her back. About two hours later the soldier Eyal called HaMoked's representative, and in response to her question concerning the status of petitioner's matter, he told her that there was no answer yet.
21. **As is recalled, according to the schedule established by the respondents, an application should be answered within two weeks from its receipt at the DCO. About two months passed from the date the application of the petitioner was transferred to the DCO, and about a month passed from the first application to the respondents until the filing date of this petition, and yet, no answer has been received. Therefore, the petitioners had no alternative but to turn to this honorable court and request remedy.**
22. **It should be remembered, that this is the second petition which is filed on behalf of the petitioner due to the failure to respond to his application to obtain an entry permit into the seam zone. Will the petitioner be forced to turn to this honorable court, whenever he wishes to renew his permit?**

The Legal Argument

23. The petitioners argue that by denying petitioner's entry into the seam zone, and by failing to respond to his applications as well as to the letters sent to them in his matter, the respondents severely, unreasonably and disproportionately violate petitioner's right to own property, and his rights for freedom of occupation and freedom of movement. This violation of his rights is made contrary to the law, case law, respondents' explicit statements made before this honorable court and even contrary to the rules and procedures of the respondents themselves.

The violated rights

24. The petitioners can elaborate on the importance of the rights, bring references from Israeli law, international law and the words of different scholars on the subject, but it seems that this honorable court has already said what the petitioners would have liked to say in a better and clearer manner than the petitioners themselves.
25. HCJ 9593/04 **Rashed Morar v. Commander of IDF Forces in Judea and Samaria** (not reported; rendered on June 26, 2006; hereinafter: **Yanun**), concerned the power of the military commander to issue an order which denies the access of Palestinian residents to their agricultural lands. In paragraph 12 of the judgment, the honorable Justice (as then titled) Beinisch defined the issue in question as follows: "The question before us is whether the military commander exercises his power lawfully with regard to the closure of agricultural areas to Palestinian residents who are the owners or who have possession of those areas."
26. This is also the question with which this petition is concerned with one major difference. **Yanun concerned an impermanent closure of an area. The seam zone petitions concern a closure which is not limited by time.** Therefore, measures which may be deemed proportionate with respect to a temporary restriction which is imposed on protected residents, and which would enable them, in any event, to enter their lands and farm them, may not necessarily be deemed proportionate when a permanent restriction is concerned, such as the restriction in the petition at hand.
27. Paragraph 14 of the **Yanun** judgment provides as follows:

"The petition before us concerns agricultural areas that are owned by Palestinian inhabitants and which are closed by the order of the military commander. Therefore, **the right to security and the protection of physical integrity is opposed by considerations concerning the protection of the rights of the Palestinian inhabitants, and in view of the nature of the case before us, we are mainly concerned with the right to freedom of movement and property rights.** In the judgment given in HCJ 1890/03 **Bethlehem Municipality v. State of Israel** (not reported yet), we said that **the freedom of movement is one of the most basic human rights.** We noted that in our legal system the freedom of movement has been recognized both as an independent basic right and also as a right which is derived from the right to liberty, and that there are some authorities which hold that it is a right which is derived from human dignity... The freedom of movement is also recognized as a basic right in international law and this right is enshrined in a host of international conventions... **It is important to emphasize that in our case we are not concerned with the movement of Palestinian residents in nonspecific areas throughout Judaea and Samaria but rather with the access of the residents to lands that belong to them.** In such circumstances, where the movement takes place in a private domain, especially great weight should be afforded to the right to the freedom of movement, and the restrictions imposed on it should be reduced to a minimum. It is clear that restrictions which are imposed on the freedom of movement in a public area should be examined differently from restrictions which are imposed on a person's freedom of movement within the area which is connected to his home and the former cannot be compared to the latter...

As aforesaid, **an additional basic right that should be taken into account in our case is, of course, the proprietary right of the Palestinian farmers in their land. In our legal system, the right to own property is protected as a constitutional human right...** This right is of course also recognized in public international law... Therefore, **the residents in the territories held under belligerent occupation have a protected right to their property.** In our case, there is no dispute that agricultural land and agricultural produce are concerned in which the petitioners have property rights. **Therefore, when the petitioners are denied access to land that is their property and they are denied the possibility of cultivating the agricultural produce that belongs to them, their right to own property and their ability to enjoy it are thereby seriously violated."**

28. In the permit regime judgment, the honorable President Beinisch also emphasized the severe violation of the rights of the protected residents (paragraph 22 of the judgment):

"Indeed, it is difficult to disagree that the declaration of the areas of the seam zone as closed areas, as well as the mere erection of the security fence, severely encumber the Palestinian inhabitants, and in particular, inflict a severe injury on innocent inhabitants who happen to be in the seam zone against their will due to the fact that they live or work in the zone, as their businesses or fields and agricultural lands remained locked within the zone. The application of the permit regime, and the need to obtain a permit in order to enter and leave the zone, imposes a clear restriction on the freedom of movement of the inhabitants of the Area within this zone, and restricts the accessibility of the inhabitants – to their homes, lands and businesses located within the seam zone. As will be further specified below, this state of affairs creates a reality which makes it difficult to maintain the routine of family life, social life, commerce and work, both of the inhabitants who live in the seam zone and of those who are related to them but do not live therein."

About the Separation Fence, the Seam Zone and the Petitions concerning them

The route of the separation fence

29. The infringement of petitioner's freedom of movement results directly from the erection of the separation fence which divides between his home and the lands of his family.
30. A large number of petitions were filed with this honorable court against the erection of the separation fence. This petition does not concern the separation fence itself, but rather the preclusion which was imposed on the petitioner and which prevents him from entering the seam zone where the lands are located.
31. In HCJ 10905/05 **Mayor of Jayyus v. The Prime Minister**, it was held as follows (in paragraph 32 of the judgment):

"Within the duty to protect the rights of the residents of the Area, the military commander must take into consideration the injury which may be caused to the rights of the protected residents – those whose

lands are expropriated for the erection of the fence, those who are separated from their lands by the fence which divides between them, and those whose access to the big cities which are located near their villages, where they are provided with health, education, religion, employment and such other services, is burdened by the fence... In this context it should be emphasized, that the human rights of the local residents consist of a host of human rights. Thus, for instance, Article 27 of the Fourth Geneva Convention provides... that the protected residents are entitled in all circumstances, to respect for their persons, their honor, their family rights, their religious convictions and practices, and their manners and customs. The Article further provides that that they shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity. All of the above, subject to the required balances *vis-à-vis* competing rights of other persons or public interests. Similarly, Article 46 of the Fourth Hague Convention of 1907 provides... that **the rights of the local residents to life, honor, freedom of religious convictions and practices, family life and private property must be respected. The right to own property and the manner by which private property of the local residents should be treated are also entrenched in and protected by Articles 23(g) and 52 of the Hague Convention and by Article 53 of the Fourth Geneva Convention.**"

32. In all of the petitions which were heard by this honorable court concerning the route of the separation fence, the honorable court accepted the proposed route only after it was convinced that "the proposed route proportionately balances between the security interest, which obligates to protect human lives against terror attacks, and the rights of the Palestinian residents" (paragraph 39, *ibid*). When the honorable court was of the opinion that the proposed route excessively infringed the rights of the Palestinian residents, it rejected the proposed route.

The permit regime

33. The petitions which concerned the route of the separation fence, did not engage, in general, with the question of whether, after the erection of the fence, the Palestinian residents who wanted to enter the seam zone, would have to obtain a permit for that purpose, what would be the procedure for obtaining the permit, etc.
34. In the permit regime petitions the petitioners requested to revoke the declaration under which the seam zone was declared as a closed military zone and to revoke the orders which were issued thereunder, which obligate Palestinian residents who wish to enter the seam zone to obtain entry permits. In said petitions the requested remedy was not given, but the honorable court emphasized throughout its judgment the recognition of the rights of the Palestinian residents to maintain their way of life. Hence, in paragraph 34 of the judgment:

"Under the circumstances at hand, *prima facie*, it indeed seems that the respondents acknowledge the residents' right to continue to farm their lands and seek to enable those who have a connection to lands in the seam zone to continue to farm them, **by enabling family members and other workers to assist them with their work.**"

35. In said paragraph, the honorable court continued to clarify that notwithstanding respondents' statements before it, it was not inevitable that in certain cases severe injury was caused to the rights

of the residents and in such cases the court would find it appropriate to intervene and give remedies in individual petitions:

"However, and as specified above, **we cannot deny the possibility that in specific cases severe injury is caused to the human right to livelihood and land of Palestinian residents who cannot adequately farm their lands or who encounter other access difficulties, and the respondents, on their part do not take adequate measures to minimize said injury.** As stated above, these cases may be reviewed within the framework of specific petitions, in which the court will be able to examine the gamut of relevant arrangements which apply to a certain area, and the specific balancing which takes place therein between the rights of the residents and other interests, as was previously done in similar petitions."

36. Paragraph 74 of respondents' response dated November 13, 2006, to the permit regime petitions explicitly states:

"As held in **Yanun**, the infringement of a person's freedom of movement in a public area in a territory held under belligerent occupation cannot be compared with the infringement of his freedom of movement on his private land. Therefore the respondents are of the opinion that the closing of the seam zone area and **the establishment of the permit regime** at the same time, **which regime enables all those having an individual connection to lands in the seam zone to receive an entry permit into the zone or live therein**, as the case may be, appropriately balances between the pressing security need which underlies the taking of such measures, and the injury inflicted on the rights of the residents of the Area."

37. Had the respondents complied with the statements made by them before this honorable court and permits were issued to any person whose connection to lands in the seam zone was substantiated, this petition, probably, would not have been filed. The honorable court, which held that the permit regime satisfied the proportionality tests, explicitly pointed out that **"Our said determination is based not only on the arrangements themselves, but rather, also on the measures taken by the state to implement the arrangements, de facto, and on the crossing regime applied by it."** (Paragraph 40 of the judgment, *ibid.*)

The duty to answer to applications in writing and within a reasonable time

38. It is a well known rule that the "obligation to act expeditiously is one of the basic principles of good governance." (I. Zamir, **The Administrative Authority** (Volume B, Nevo, 5756), 717).
39. The honorable court has already expressed its opinion in the permit regime judgment about the need to establish a time table for the handling of residents' applications which concern the seam zone. Paragraph 39 of the judgment provides that:

"However, it should be noted that we did not find that within the different handling processes, the civil administration assumed upon itself an obligation concerning the required duration for the handling of the various applications submitted to it, despite the importance embedded in the quick and efficient handling of such applications,

which are intended to enable, to the maximum extent possible, an uninterrupted ongoing and dynamic fabric of life for the residents of the seam zone and Palestinian residents who live outside the zone and wish to enter it. Naturally, the period of time required for the processing of each one of the applications is different, and so is the reasonable period of time which is required for the handling thereof, in view of the urgency of the matter and the scope of injury inflicted on the inhabitant. Under these circumstances, **we are of the opinion that the respondents should establish a reasonable time frame for the handling of the different applications** in view of their unique characteristics, so that the inhabitants would be able to make the necessary preparations for the submission of appropriate applications according to the different needs. In addition, a reasonable time frame would enable to maintain a proper and consistent continuity of the lives of the inhabitants, as required."

40. The respondents established a time table for the handling of the applications, which entered into effect on November 15, 2011. **The time table provides that an application will be answered within two weeks from the date of its receipt at the DCO. About two months passed from the date on which petitioner's application was received at the DCO, but no answer has been obtained.** This conduct is unreasonable and disproportionate, and severely injures the rights of the petitioner, who is prevented from entering the lands of his family.
41. Obligating the respondents to meet the time table established by them, will reduce the number of petitions which Palestinian residents, such as the petitioner, are forced to file with this honorable court, for the purpose of obligating the respondents to respond to their applications. The time of HaMoked's representatives and of the attorneys of the HCJ department as well as the expensive time of the honorable Justices of this court and its employees will thus be saved.

Conclusion

42. The petitioner has the right to receive entry permits into the seam zone to farm the lands of his family.
43. The petitioner has the right to receive a pertinent response to his application within a reasonable time, and according to an expeditious time table, as the urgency of the matter requires and as is established in the seam zone Standing Orders which were issued by the respondents.
44. In view of all of the above, the honorable court is requested to issue an *order nisi* as requested in the beginning of this petition, and after receiving respondents' response, make the order absolute and to order the respondents to pay petitioners' costs and legal fees.
45. In addition the honorable court is requested **to schedule the petition for a hearing as soon as possible and to direct the respondents to submit their response within a very short period of time**, in view of the daily damage caused to the petitioner, and in view of past experience which shows that sometimes, the submission of a response, renders the hearing of the petition on its merits, redundant.

46. This petition is supported by an affidavit which was signed before an attorney in the West Bank and was sent to HaMoked by fax, subject to coordination by phone. The honorable court is requested to accept this affidavit and the power of attorney which was also sent by fax, taking into consideration the objective difficulties involved in a meeting between the petitioner and his legal counsels.

22 Nisan 5773

April 2, 2013

Yadin Eilam
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