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October 19 2015

To
Advocate Andre Rosenthal

By fax: 02-6221148

Dear Colleague,

Re: Objection against the intention of the Military Commander to take measures for the seizure and demolition of the residential apartment in which
lived Rizziq, ID No.

Reference: your letter 81 dated October 17, 2015

1. Your letter to the Military Commander of IDF Forces in the Judea and Samaria Area on behalf of the neighbors of the terrorist _____ Rizziq, ID No. _____ who murdered in cold blood by gun shots the late Henkin couple was brought to the attention of the military commander, was examined by him and the following is his decision in the above referenced matter.
2. In the objection you expressed the concerns of the terrorist's neighbors about the intention of the military commander to take measures for the seizure and demolition of the apartment in which the terrorist lived, and about the ramifications that such demolition may have on their own apartments.
3. In this context it should be noted that the apartment's demolition plan was prepared by professionals on behalf of the military commander, who are qualified engineers, following an exact mapping of the apartment, taking into consideration its engineering traits and location. The professional method which was examined and selected by the professionals for the execution of the decision of the military commander is the method, which in the opinion of the engineering professional would enable to carry out the decision of the military commander taking into consideration the need to avoid, to the maximum extent possible, damage to neighboring structures or parts of the structure which are not designated for demolition, namely, the lower and upper floors of the structure.
4. Obviously, as stated by the Honorable Deputy President Rubinstein in the Sidr case, in the case at hand too, the demolition would be closely monitored by a military engineer who would ensure that all required measures are taken to avoid incidental damage.

5. With respect to your demand that the engineering opinion which was prepared in this regard be transferred to you, we would like to note that similar demands were discussed in HCJ 5290/14 **Qawasmeh v. The Military Commander of the Judea and Samaria**

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Area¹ where it was held by the court that it did not find reason to direct the military commander to transfer for petitioners' review the engineering opinion or to interfere with the demolition method.²

6. For these reasons and based on the above ruling, the military commander rejected your above demand.

Conclusion

7. In view of all of the above, having examined your arguments, the military commander decided to reject the objection in its entirety.
8. Therefore, the attached seizure and demolition order is hereby delivered which pertains to the apartment in which the terrorist lived together with his nuclear family, which is located on the middle floor of the structure.
9. It should be emphasized that the enforcement of this order will not commence before the elapse of 48 hours from its delivery.

Very truly yours,

(Signed)

Sandra Beit-On Ofinkero, Major
Head of Division Infrastructure and Seam Zone
On behalf of the Legal Advisor

¹ Reported in the Judicial Authority Website on August 11, 2014.

² Paragraph 31 of the judgment.