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Date: May March 9, 2014  
In your response please note: 78312

To:  
Advocate Yehuda Weinstein  
Attorney General  
Ministry of Justice  
29 Salah a-Din Street  
Jerusalem 91010

**By Fax: 02-6467001**

**Very Urgent**

Dear Sir,

Re: **Urgent Request for your intervention in view of the conduct of state representatives in punitive demolition files**

1. I hereby write to you in connection with the conduct of state representatives in the various courts in files concerning the demolition of homes of individuals who are suspected of committing attacks, *vis-à-vis* HaMoked Center for the Defence of the Individual and the attorneys who represent the families in these files.
2. Heavy political and public pressure is exerted to take action against the families of perpetrators and to demolish their homes as soon as possible. Such pressure has been recently exerted on the Justices of the Supreme Court who received your support and condemnation of the criticism which was raised against them.
3. It appears that the representatives of the state also work under this pressure, as also indicated by publications in the media, in a manner which infringes upon the execution of the legal work in a reasonable and composed manner.
4. We particularly wish to complain of the tight schedule imposed by military representatives and the State Attorney's Office on the legal counsels of the families, as specified below:

Upon receipt of notice regarding an intention to issue a house demolition order, the family is given an opportunity to submit an objection against the decision within 48 hours only. In the vast majority of cases in which such notice was given, it was done by the end of the work week (Thursday). Notwithstanding this fact, state representatives refused to give any extension whatsoever, which means that the objection should have been submitted – since a failure to submit an objection would result in the issue of a demolition order against the house – on Saturday. This conduct forced the representing counsels, the engineers involved in the preparation of an engineering opinion, and all other involved parties to work on Saturday, urgently, under pressure and in a manner which does not enable proper representation, while on the



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other hand, the representatives of the state who initiated the issue of the notice in such timing, enjoy their rest day.

Moreover, once the objections are dismissed and the orders are issued, the representatives of the state insist that the demolition be stayed for 48 hours only, for the purpose of exercising the opportunity to petition to the High Court of Justice. No extensions for this purpose were granted.

As aforesaid, the representatives of the state enforced a strict policy of refusal to any request for extension, without any consideration and with complete disregard of the needs of the counsels who represent the families.

5. This conduct is particularly outrageous since it applies unilaterally to one side only – the families and their legal counsels – as the following examples demonstrate:
  - a. In the last two cases which were heard by the Supreme Court (HCJ 5844/15 **Alashalmon v. Military Commander of the West Bank Area** and HCJ 6745/15 **Abu Hashiyeh v. Military Commander of IDF Forces in the West Bank**, the representatives of the state commenced the demolition procedure (notice of the intention to issue a demolition order) about a year after the date on which the attack was committed, conduct which was also severely criticized by the court.
  - b. In recent weeks state representatives took measurements of a considerable number of houses, mostly in East Jerusalem. However, in some of these cases more than two weeks have already passed from the date on which measurements were taken as aforesaid, but no additional steps were taken. Experience however shows, as aforesaid, that only when notice of an intention to issue a demolition order is given, the need to carry out the demolition becomes all of a sudden extremely urgent, to the extent that it must be handled on Saturday.
  - c. In the framework of the above HCJ 6745/15, the representatives of the state undertook to notify the court as soon as possible, and not later than Sunday (October 25, 2015), whether they accepted the court's suggestion to limit the scope of the demolition order. Until this day, and despite the urgency which is emphasized time and time again in the replies to the requests for extension submitted by the families' legal counsels, no such notice has been filed.
  - d. On Saturday, October 17, 2015, an objection was submitted against the intention to issue a demolition order against the home of Muhannad Halabi located in Surda, Ramallah district, following the refusal of the state representatives to grant any extension due the security condition. On October 19, 2015, IDF representatives demanded that a scheme of the building be provided to them until noon time of the next day. A scheme of the building was hastily prepared and was submitted on October 20, 2015. Ever since and until this day no decision in the objection has been made by IDF representatives.
  - e. The fact that the representatives of the state sweepingly refuse to grant extensions to the legal counsels of the families, did not prevent the lawyers handling the ten petitions which will be heard tomorrow by the High Court of Justice, from filing with the court, on October 27, 2015, a

request for extension of a few hours for the submission of their responses in the petitions.

6. Evidently, when the burden is on the representatives of the state, suddenly greater flexibility may be shown. And indeed, there is no objective urgency which requires that the houses be demolished expeditiously without giving the families a real opportunity to exhaust the right to apply to court in view of the draconian and extreme measure which the state chooses to take against them.
7. The lack of symmetry and the demand that impossible schedules be strictly met, which demand is directed by the representatives of the state only at the families, is nothing but unfair and outrageous conduct which has no room.
8. In view of all of the above, we request that you act immediately to calm things down so that both parties would be able to exhaust the legal proceeding, whatever its results may be, in a proper manner.

Sincerely,

Dalia Kerstein  
Executive Director

CC:  
Minister of Justice, Ayelet Shaked  
Osnat Mandel, Head of HCJ Department