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**Supreme Court
Sitting as High Court of Justice**

HCI 4285/24

Regarding: AlOdeh et al.

The Petitioners

Vs.

The Military Commander in the West
Bank

The Respondent

Petitioners' Update Notice

1. The subject of this petition concerns the blanket prohibition on the entry of Palestinian farmers into the Seam Zone since the outbreak of the war on 7 October 2023. The petition seeks an order nisi instructing the Respondent to show cause "why the sweeping restrictions imposed on the entry of Palestinian farmers into the Seam Zone since the outbreak of the war on 7 October 2023 should not be revoked, or at the very least, reduced to a reasonable extent."
2. In its decision dated 8 September 2025, the Honorable Court directed the parties to update the Court regarding "the number of permits issued and the permit regime in force during the upcoming olive harvest season." In addition, the Respondent was instructed to submit updated data together with a security opinion concerning the entry of Palestinian farmers into the Seam Zone.

Number of Permits Issued for the 2025 Olive Harvest Season

3. Mr. Mohammad Qutqut, representative of the Palestinian District Coordination Office (DCO) in Qalqilya, reported that approximately 3,700 applications for entry permits to the Seam Zone were submitted in the Qalqilya District for the purpose of this year's olive harvest. Of these, approximately 2,500 permits were issued. Many families received only a limited number of permits—between one and three per family—whereas in previous years it was customary for all immediate and extended family members to participate together in the olive harvest, in accordance with traditional Palestinian social practice. This collective cultivation of family-owned land, particularly during the olive harvest season, constitutes a vital element of Palestinian cultural heritage and family life (see HCI

- 6896/18 *Ta'ameh v. The Military Commander in the West Bank*, paras. 55, 73, and 79 of the judgment by Justice Barak-Erez, published in Nevo, 6 March 2022).
4. Mr. Qutqut further noted that in the previous year, 2024, many farmers did not receive harvest permits despite confirmed ownership of olive trees. This year, those same farmers were again denied permits, with the justification that they had not received permits the previous year.
 5. Mr. Nasser Foqaha, representative of the Palestinian DCO in Tulkarm, stated that his office requested the issuance of olive harvest permits for 2,356 farmers from the Tulkarm District. In practice, only 1,304 permits were issued, and 754 applications were denied. Mr. Foqaha emphasized that the number of permits issued was insufficient, particularly given that farmers have been prevented from accessing their lands for more than two years and that extensive and intensive work is now required to rehabilitate the land.
 6. Mr. Ahmad Abdulrazzaq, representative of the Palestinian DCO in Salfit, reported that approximately 400 applications for harvest permits were submitted, of which 320 were approved.
 7. Mr. Mu'men Al-Kilani, representative of the Palestinian DCO in Jenin, reported that 669 applications were submitted in the Jenin District for permits to enter the Seam Zone via the Barta'a 356 checkpoint for the purpose of olive harvesting, none of which were approved. In addition, 350 applications were submitted for permits to access the Seam Zone through other gates in the Separation Barrier, and all of those applications were approved.

Entry Arrangements to the Seam Zone for the Olive Harvest

8. In addition to the limited number of permits issued, the HaMoked Center for the Defence of the Individual received reports that farmers were not provided with sufficient time to complete the necessary agricultural work.
9. Mr. Mohammad Qutqut reported that olive harvest permits issued for farmers from the Qalqilya District were valid for only approximately two and a half weeks, from 20 October 2025 to 6 November 2025. Moreover, even within this short period, the gates in the Separation Barrier were open only from Monday to Thursday and remained closed on Fridays, Saturdays, and Sundays—the days most suitable for agricultural work, when most people are not otherwise employed. Mr. Qutqut stressed that the few days of access permitted were insufficient for the completion of the harvest, particularly given that the lands had not been cultivated for two years and were in a state of neglect.
10. Mr. Nasser Foqaha reported that harvest permits for farmers from the Tulkarm District were valid for only ten days, from 20 October 2025 to 30 October 2025. In Tulkarm as well, the gates in the Separation Barrier were open only from Monday to Thursday, and remained closed on Fridays, Saturdays, and Sundays. Mr. Foqaha emphasized that the time allotted for harvesting was insufficient, particularly after two years in which farmers were denied access to their lands. He noted that the Palestinian DCO raised the matter with the Israeli District Coordination Office, and it was agreed that the issue would be discussed further; however, no such discussion has yet taken place.

11. One of the farmers represented by HaMoked, Mr. Khaled Ghanem, a resident of Deir al-Ghusun in the Tulkarm District whose land lies in the Seam Zone near Deir al-Ghusun, reported that, like other farmers in the area, he received a permit valid from 20 October 2025 to 30 October 2025. Access to the Seam Zone under this permit was permitted only from Monday to Thursday. Mr. Ghanem and two of his sons received permits for the olive harvest, but they were unable to complete the harvest within the limited period allotted. Similar reports were received from two other farmers from the Tulkarm area represented by HaMoked: Mr. Ahmad Ghanem, and Mr. Mahmoud Ghad'a.
12. Mr. Ahmad Abdulrazzaq reported that olive harvest permits issued for farmers from the Salfit District were valid for one month beginning on 20 October 2025. Farmers were allowed to enter the Seam Zone only through a single gate—Magrn Dan Gate—which, like the others, was open only from Monday to Thursday and remained closed on Fridays, Saturdays, and Sundays. In addition, farmers from Salfit were prohibited from accessing agricultural lands located within approximately 150 meters of nearby settlements.
13. Mr. Mu'men Al-Kilani reported that harvest permits issued for farmers from the Jenin District were valid for only one or two days. The validity dates varied among farmers, resulting in a rotation system under which approximately seventy farmers were allowed entry into the Seam Zone each day.
14. One of the Jenin District farmers represented by HaMoked, Mr. Adnan Kabha, reported that the relevant agricultural gate for his land—Tura 300 Gate—was opened for only two days, 2 and 3 November 2025. However, the DCO notified the Palestinian liaison office of the gate opening only on 2 November 2025, meaning that many farmers were unable to enter the Seam Zone that day and were left with just one day to reach their lands for the olive harvest. Mr. Kabha himself entered the Seam Zone on 3 November 2025. He reported that his land was in catastrophic condition and expressed deep regret at having entered the area at all, as it was distressing for him to see his plot in such a deteriorated state—neglected, dry, and overgrown with weeds and thorns. Mr. Kabha was the only member of his family to receive a permit for access to the land.

Legality of the Current Permit Regime

15. As detailed in the petition, the consistent case law concerning the Separation Barrier and the associated permit regime has established that the State is obligated to establish arrangements that minimize, to the greatest extent possible, the harm caused by the Separation Barrier to the residents affected by it, and that preserve, as much as possible, the fabric of life that existed in the area prior to the construction of the Barrier. There can be no doubt that the policy pursued by the Respondent for over two years now—whereby Palestinian landowners and their family members are categorically and continuously denied access to over 95% of the agricultural lands located within the Seam Zone, on which olive trees are cultivated, except for a few days each year—is contrary to this case law.

16. It should be recalled that in the prior proceedings concerning the blanket prohibition on entry into the Seam Zone since 7 October 2023—**HCJ 7945/23 Ghanem v. Military Commander of the West Bank** and **HCJ 8112/23 Radwan v. Military Commander of the West Bank**—the Respondent submitted a preliminary response shortly after the outbreak of the war, in November 2023 (attached to the petition as Exhibit P/1), which stated as follows:

It should be emphasized that the current restrictions on movement into the Seam Zone are a direct result of the exceptional security situation and derive from complex security, operational, and logistical considerations, left to the discretion of those entrusted with the security of the area. This complex factual reality, which dictated the changes introduced following the war, is reviewed on a daily basis by the security authorities responsible for the matter, with the intent of returning to normalcy as soon as possible. (Paragraphs 4–5; all emphases added, T.M.)

And further:

In light of the security assessment and the heightened threats during wartime, as well as the changes in the current force deployment of the Central Command and the increased risk posed by entry into the Seam Zone at this time, it was decided not to exempt holders of entry permits for commercial and agricultural purposes in the Seam Zone from the closure order. (Paragraph 30)

And further:

The Respondent will argue that its decisions are not made in a vacuum and that the prevailing security circumstances in the area compel it to act proactively to eliminate the grave risks threatening the lives of the State's citizens and security forces. This is reflected in the reduction of the number of persons permitted to cross through the checkpoints and to remain within the Seam Zone... This matter is also reflected in the Military Commander's declaration of a 'special situation on the home front' in the Judea and Samaria area. (Paragraphs 86–87)

17. It is inconceivable that the same policy which, according to the Respondent, was adopted as a direct result of the exceptional and extreme security situation of October and November 2023, would remain in force two years later—despite the many changes that have since taken place in the security reality, foremost among them the end of the war in the Gaza Strip pursuant to an agreement that included the release of the hostages and a long-term stabilization plan for the region.
18. Is it truly the Respondent's position that the current security situation is identical to that which prevailed in October and November 2023? Has the prolonged and difficult two-year war produced no security benefit whatsoever? If the Respondent's policy regarding the entry of farmers into the Seam Zone indeed

derived from the exceptional security circumstances of 7 October 2023 and the early stages of the war, then the Respondent must rescind that policy once the security situation has improved, in accordance with the commitment it made in the prior proceedings on this matter. As stated in the petition, the previous petitions were dismissed “in light of the Respondent’s consideration of all relevant circumstances and the performance of the necessary balancing; its ongoing assessment of changes in the security situation; its weighing of the urgent security needs in good faith; and the possibility of coordinating entry into the Seam Zone through the DCOs.” Maintaining the sweeping prohibition on the entry of Palestinian farmers into the Seam Zone, despite the dramatic changes in the security situation over the past two years, is contrary not only to the general jurisprudence concerning the Separation Barrier and the permit regime, but also to the specific rulings regarding the prevention of entry into the Seam Zone since 7 October 2023.

13 November 2025

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