

In the Supreme Court sitting as the High Court of Justice

HCJ 4212/06

Before: The Honorable Justice E. E. Levy  
The Honorable Justice S. Jubran  
The Honorable Justice D. Cheshin

The Petitioners:

1. Avocats Sans Frontieres
2. Attorney Hazem Ahmad Haniyeh
3. Attorney 'Amar Ahmad Abu Zaida
4. Attorney Raja'a Musa 'Eid
5. Attorney Manal Farhan Abu Mahisan
6. Attorney Rafiq Muhammad Maslam
7. Attorney Ahlam 'Ali Aqr'a
8. Attorney Hanan 'Azmi Fatima
9. Attorney Jadeh Hashem Nazli
10. Attorney Ibrahim Muhammad Zurani
11. Gaza Mental Health Center
12. Palestinian Center for Human Rights
13. Mezan Center for Human Rights
14. Adalah – The Legal Center for Arab Minority Rights in Israel
15. The Association for Civil Rights in Israel
16. HaMoked: Center for the Defence of the Individual, founded by Dr. Lotte Salzberger
17. Gisha – Legal Center for Freedom of Movement

v e r s u s

The Respondents:

1. OC Southern Command
2. Minister of the Interior

Petition for Order Nisi

Date of the session: 2 Tammuz 5766 (28 June 2006)

On behalf of the Petitioners: Attorney Sari Bashi

On behalf of Respondents: Attorney Yuval Roitman

**J U D G M E N T**

Justice E. E. Levy:

Two of the reliefs for which the petitioners petition, again do not require consideration, and, therefore, there remains the hearing on their request to require the respondents to respond to the requests of residents of the Gaza Strip for permits to enter Israel, including for the purpose of traveling from Gaza to the West Bank, within a reasonable time, that will enable them to object to the decisions before administrative officials or judicial bodies.

The respondents do not dispute their obligation to act expeditiously, and how could they contend otherwise in light of the provision of section 11 of the Interpretation Law, 5741 – 1981. However, there is difficulty in establishing a binding norm with respect to the time for giving a response, given that the decision essentially relates to a specific person and depends on the special circumstances of the person applying for the entry permit or crossing permit.

The respondents informed the court, in their supplemental response of 25 June 2006, that they had decided that requests received a reasonable time in advance would be responded to no later than three days prior to the requested date of exit. In our view, this arrangement leaves the applicant an extremely short period of time to take action if his request is refused. Thus, the respondents would do well if they responded to applicants, except in cases that the circumstances require otherwise, from five to seven days prior to the planned date of exit.

Subject to this observation, we did not find it proper to offer concrete relief in the context of the petition, and consequently we have decided to deny it.

Given today, 2 Tammuz 5766 (28 June 2006).

Justice

Justice

Justice