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HCJ 9132/07

The Supreme Court
Sitting as the High Court of Justice

Mr. Ahmed Albesioni
Represented by Sari Bashi, Fatima Aleju and others

The Petitioners

v.

The Prime Minister
The Defense Minister
Represented by the Office of the State Attorney
Ministry of Justice, Jerusalem

The Respondents

**Respondents' Response to the Petitioners' Request for an Urgent Hearing
and the Bringing Forward of the Submission Date for the Response
to the Request for an Interim Order**

1. Pursuant to the ruling of the honorable court this morning a response is hereby submitted to the request of the petitioners.
2. The respondents' position is that there is no reason to grant the request that the deadline for submission of a response to the petition and the interim order be brought forward. Even so, the respondents are prepared to set a hearing date close to the submission of their response, which in any case had a very short period of only five days allocated for its submission.
3. The respondents seek to update the honorable court that as a result of the hearing held yesterday, the Attorney-General decided that at this stage and until the completion of the additional staff work and subject to the outcome of that, there is no reason to restrict the supply of electricity to Gaza. Therefore, electricity supply to Gaza will not be restricted at present. For this reason, the petition on this point has become redundant.
4. Despite this, the plan to restrict the supply of fuel was approved. In accordance with the plan, the instruction was given to restrict fuel supplies over the coming two weeks. According to the plan, as it was conveyed by the security forces, during the next two weeks the supply of gasoline and diesel to the Strip will be reduced by around 15%. No restrictions on the supply of cooking gas will be implemented.

5. Regarding the supply of diesel (mazut) to the power stations, the planned restrictions over the coming two weeks will see a reduction of around 21%, compared to supply during the most recent period. Even so, it has been clarified, according to security forces, that recently there has been a significant increase in the supply of diesel to the Gaza Strip's power stations, apparently due to the Palestinians' concern that there would be a reduction in the supply of diesel to the power stations. Therefore, the reduction of supply will not be by more than 15% compared to the average prior to the most recent period, and will apparently return to the average supply that preceded the recent increase.
6. We also seek to emphasize that the respondents have no intention of causing humanitarian harm to the Strip's population and this point was actually addressed in Security Cabinet's decision of September 19, 2007. It was determined then that restrictions will be implemented only following a legal evaluation and after taking into account humanitarian concerns, with the aim of preventing a humanitarian crisis in the Gaza Strip. A copy of the notice published by the Prime Minister's Office is attached and marked MS/1.
7. In accordance with this approach, the respondents will conduct a continuing evaluation of the impact of the fuel supply restrictions on the residents of the Strip and the humanitarian situation in Gaza, and will work on an ongoing basis in order to prevent humanitarian harm.
8. Under these circumstances the respondents believe that there is no reason to bring forward the deadline for a response or to set an emergency hearing. Rather, the respondents should be allowed to submit a detailed response during the short period – five days only – that was allocated by decision of the honorable court.
9. Therefore the honorable court is asked to reject the request of the petitioners.

Dated: Cheshvan 18, 5768
October 30, 2007

[Signed]
Dana Briskman
Head of HCJ Affairs
Office of the State Attorney