

Excerpt from affidavit given by State of Israel (20.12.07)

4. **First**, in recent days I have discovered that the figures that were presented with regards to the amount of electricity that is currently supplied via two of the four electric lines which are the subject of the planned electricity restrictions – figures which were provided to me by Israel Electric – are not accurate. As part of the statement that the respondents submitted on November 28, 2007, I informed the court in an affidavit that no restriction is currently imposed on the amount of electricity conducted via the four lines, and that each of the lines conducts some 400 ampere to the Strip. It was also written in the affidavit that the 5% reduction of electricity supply under the security plan will reduce the supply of electricity on these lines to around 380 ampere.

However, based on updated figures provided to me by Israel Electric, it turns out that two of the four lines – the "Hemda" and "Iron" lines – have been operating with load regulators, which limit the supply of electricity to 330 ampere, since January 2007, for reasons clearly unrelated to the current plan to restrict electricity supply to the Strip. In December 2007, the "Iron" line's capacity was adjusted to some 380 ampere.

5. The restrictions on these two lines originated in an agreement reached in 2005 between Israel Electric and the Palestinian Authority. Under that agreement, the "Hemda" and "Iron" lines were to be regulated so that each line would supply 11 megawatts, which is around 330 ampere.

Israel Electric informed me that throughout the most of the period since the agreement, Israel Electric continued to supply to the Strip more electricity than was agreed with the Palestinians, as a courtesy. For operative reasons and based on Israel Electric's operational considerations, starting half-way through the month of January 2007 supply on the "Hemda" and "Iron" lines was limited to around 330 ampere (in accordance with the 2005 agreement with the Palestinians).

6. The above figures, even though they should have been clarified earlier, and for this we apologize, clearly do not support the petitioners' claims but rather weaken them. The petitioners claim that the reduction in supply of electricity from 400 ampere to 380 ampere (based the inaccurate figures erroneously presented in the earlier affidavit) will cause severe and disproportionate harm to the residents of the Strip.

Yet two facts have now become clear: **First**, the Palestinians themselves agreed in 2005 to a much lower supply of electricity on those two lines (as well as on the two other lines we are dealing with). However, Israel Electric supplied them with more electricity for most of the period as a courtesy. It can be assumed that the

Palestinians would not have agreed to a supply of 330 ampere on these two lines if it thereby caused significant harm to the residents of the Strip.

**Second**, as of January 2007, for purely operative reasons, in accordance with the agreement with the Palestinians and not as a result of a state or military order, Israel Electric restricted the supply of electricity on those two lines to 330 ampere. Yet there was no significant harm to the residents of the Strip – and this is in complete contradiction to the petitioners' claims.

7. **Second**, I have been made aware that for 13 days, due to a local error by Israel Electric personnel for reasons unknown, the "Nekarot" and "Shiryon" electric lines were restricted from December 5, 2007, to December 18, 2007, to some 380 ampere. On 5 of those 13 days, the load regulator on the "Nekarot" line was malfunctioning and so for those 5 days, the capacity on the line was 400 ampere. In practice this situation reduced electricity consumption via these lines. In my estimation, overloads that were manifested with an electric flow consumption of 380 ampere would most likely have also manifested at 400 ampere. So even without the local error, a continuous supply of electricity would not necessarily have been preserved on these lines. This was an error that went against the instructions given by the respondents in light of the ruling of the honorable court on November 29, 2007.

In any case, the situation was discovered in the early morning hours of December 18, 2007, during a meeting held in the Justice Ministry's Department of HCJ Affairs, with my participation and the participation of an Israel Electric representative. An immediate order was given to discontinue the operation of the load regulator. So the former situation was reinstated in the sense that the load regulator is not currently operating on those two lines, and they have the capacity for some 400 ampere.

8. Without downplaying the seriousness of these mishaps, I must emphasize once again that under the 2005 agreement between the Palestinians themselves and Israel Electric, the "Nekarot" line was supposed to be restricted to some 12.5 megawatts (some 370 ampere), and the "Shiryon" line was supposed to be restricted to some 12 megawatts (some 360 ampere). This agreement, as noted above, was reached with Israel Electric operational considerations in mind and not as part of an order from the political or defense establishment. In the most recent period, besides the 13 days when the aforesaid error took place, the restrictions that were agreed with the Palestinians were not put into practice, as a courtesy.