

J u d g m e n t

President D. Beinisch

1. The petition before us is directed at the Respondents' decision to reduce or limit the supply of fuel and electricity to the Gaza Strip. In their petition for relief from this Court, the Petitioners described in particular the need of different kinds of fuel, benzene and diesel fuel, to enable proper operation of hospitals and water and sewage pumps, and also the need for supply of electricity, whether by means of power lines from Israel or by supply of industrial diesel fuel to operate the Gaza Strip's power station.

2. In the background of the petition lies the protracted warfare activities that have been undertaken in the Gaza Strip area and the incessant terror offensive aimed at citizens of Israel. The terrorist actions increased in intensity and severity since the Hamas organization solidified its control of the Gaza Strip. These actions include incessant firing of missiles and mortar shells at civilian communities in the State of Israel, and in terrorist attacks and attempted attacks aimed at civilians and IDF soldiers at the border crossings between the Gaza Strip and Israel, along the perimeter fence, and inside Israel. In the framework of the actions the State of Israel is taking against the ongoing terror, the Respondents decided to cut back the supply of fuel and electricity to the Gaza Strip. The decision, which was adopted by the Political-Security Cabinet on 19 September 2007, sets forth the following:

Hamas is a terrorist organization that seized control of the Gaza Strip and turned it into hostile territory. This organization engages in hostile activity against the State of Israel and its citizens and is the body responsible for such activity. Therefore, it was decided to adopt the recommendations presented by the defense establishment, which includes the continuation of military and preventive action against the terrorist organizations. In addition, further limitations will be placed on the Hamas regime in a manner that will limit the movement of goods into the Gaza Strip, reduce the supply of fuel and electricity, and limit the movement of persons to and from the Strip. The restrictions will be applied following a legal examination [of such restrictions], taking into account the humanitarian situation in the Gaza Strip and with the intention of preventing a humanitarian crisis.

The petition is directed against this decision.

3. The petition against the decision was filed on 28 October 2007. On 7 November 2007, we held a hearing on the petition in the presence of the sides. At the hearing, the State announced that it had not yet made a final decision regarding the implementation

of reducing the supply of electricity to the Gaza Strip. Therefore, arguments were heard only with respect to the reduction of the supply of fuel. At the hearing, Respondents' counsel stated to the court that the State recognizes that it is bound by the obligation not to prevent the supply of vital humanitarian needs to the Gaza Strip, and therefore it announced that, during the period, it would monitor and ensure that the reductions imposed would not reach the level at which they would harm vital humanitarian needs. At the end of the hearing, we directed the State to provide, within seven days, the elementary data on which its assessments are based regarding the effect of the reduction in the supply of fuel to the Gaza Strip, and specify the way it will monitor and check the data for the purpose of protecting the humanitarian needs of the residents of the Gaza Strip.

Reduction of the supply of fuel to the Gaza Strip

4. On 29 November 2007, we held with respect to the part of the petition dealing with the cut back of fuel supply to the Gaza Strip that the fuel which the Palestinian Energy Authority purchases from the Israel company Dor Energy, which the Authority divides among private suppliers based on the highest bids and without setting preferences, can also be distributed in another manner. We noted that it was possible to distribute the different kinds of fuel supplied to the Gaza Strip by setting priorities that would take into account the humanitarian needs of the civilian population, as well as the operation of the generators in order to run the water pumps and electricity facilities in the area. In our decision, we gave weight to the State's position that, at this time, in which warfare is being waged and missiles are being fired at communities in Israel, some of the fuel passing into the Gaza Strip is used, in practice, by terrorist organizations for various purposes. Under the circumstances, reduction in the fuel supply, in a controlled manner, might harm the terrorist infrastructures and the organizations' ability to attack Israeli citizens. In reducing the supply, consideration must be given to the amount of fuel passing into the Strip that is required to meet the humanitarian needs for which fuel is needed. Therefore, we were not convinced at that stage that the Respondents' decision to reduce the amount of fuel transferred to the Gaza Strip through the crossings in Israel, based on the data provided to us, harmed, at that stage, the vital humanitarian needs of the Gaza Strip. Therefore, we held that it was not necessary to issue an order nisi and temporary injunction with respect to reduction of the supply of fuel (benzene and diesel fuel). This decision was based primarily on the State's undertaking to monitor events in the Gaza Strip and verify that the said reduction did not cause humanitarian injury to the residents of the Gaza Strip, as required under Israeli law and international law. In these circumstances, we ended the hearing on the limitation of fuel supply to the Gaza Strip and

turned to an examination of the arguments regarding the anticipated harm to the residents of the Strip as a result of reductions in the supply of electricity.

Reduction in the supply of electricity to the Gaza Strip

5. The hearing on the matter relating to reduction of the supply of electricity to the Gaza Strip required complicated factual clarifications, and we had difficulty obtaining data with respect thereto from the State's representatives. For that reason, the proceeding on this question continued while we received at various times detailed requests from the Petitioners and written and oral responses from the Respondents. On 15 November 2007, the Petitioners filed an urgent application for a temporary injunction, and on 23 November 2007, they requested that we hold an urgent hearing on the petition, following the State's announcement that, beginning on 2 December 2007, the quantity of electricity supplied to the Gaza Strip would be decreased. The Petitioners argued that there was no physical way to reduce the electricity to Gaza without causing power outages in hospitals and in the installations for pumping clean water to the civilian population in Gaza, and without causing severe disruptions in vital needs. Their principal argument was that implementation of the decision would cause certain, serious, and irreversible harm to vital humanitarian systems in the Gaza Strip, to hospitals, to the water and sewage systems, and to the entire civilian population.

6. According to data that are not disputed by the sides, slightly more than 200 megawatts of electricity is needed for peak periods in the Gaza Strip. About 120 megawatts are supplied by Israel and 17 megawatts are supplied by Egypt. The balance is supplied by the Gaza Strip's power station. The amount of electricity supplied to the Gaza Strip by Israel is transferred through ten power lines. Load-limit devices are installed on four of these lines. The Respondents' intend to reduce gradually the power supply on those four lines by five percent of the amount of electricity supplied by each line respectively. The Respondents argue that this action will require the entity in control of the Gaza Strip to manage overloads and effectively reduce electricity consumption in the area to which the specific line supplies electricity, in order to prevent the supply of electricity needed to carry out terrorist acts, such as the supply of electricity to workshops for the design of Qassam rockets, and the like. They are of the opinion that, if the authorities in Gaza manage electricity consumption properly, the flow of electricity from Israel to the Gaza Strip should continue without disruption. Contrarily, if consumption exceeds the permissible amount, the supply will stop automatically due to the load-limit devices installed on the aforesaid four power lines. The Respondents emphasized in their

response that the said reduction in power supply would not harm the vital humanitarian needs of the residents of the Gaza Strip.

7. According to the Petitioners' argument, it is physically impossible to limit the reduction of electricity to Gaza without causing power outages in hospitals and in the installations that pump clean water to Gaza's civilian population. Therefore, implementation of this decision will cause certain, severe, and irreversible harm to vital humanitarian systems in the Gaza Strip, to hospitals, to the water and sewage systems, and to the entire civilian population. In their supplemental brief, of 27 November 2007, the Petitioners delineated their arguments regarding future reduction of electricity to the Gaza Strip. They contended that, already at this stage, and since the bombing of the local power station by the Air Force in 2006, there has been a power shortage in the Gaza Strip, leaving the "electricity distribution company" in Gaza no option but to initiate power outages for a number of hours a day. They contend that the frequent power stoppages already affect the functioning of vital systems in Gaza, such as hospitals, because the infrastructure in the Gaza Strip cannot distinguish between cutting off vital systems and cutting off electricity to the civilian population. In addition, it was emphasized that preventing power from reaching the houses of residents of Gaza makes it impossible for the residents to receive clean drinking water in their homes and impedes the functioning of the water and sewage pumps.

8. On 29 November 2007, we held a hearing on the petition, in which we heard the arguments of the sides. We also heard the affiants on behalf of the Respondents, Col. Shlomi Muktar, head of the Operations Branch in the office of the Coordinator of Government Activities in the Territories, and Mr. Idan Weinstock, head of the Electricity Administration in the Ministry of National Infrastructures. On behalf of Petitioners, we heard the comments of Petitioner 2, Mr. Maher Najjar, deputy director of the Water Authority in the Gaza Coast Towns Administration. After hearing the sides' arguments and the affiants regarding the planned reduction in the supply of electricity to the Gaza Strip, and after considering the partial data provided to us, we requested the Respondents to file a supplemental response on a number of points relating to the possibility of regulating the electricity in Gaza, so as to refrain from harming humanitarian needs. Also, we ordered that, until we received the aforesaid supplemental material, the plan to reduce the supply of electricity to the Gaza Strip was not to be implemented.

9. During the period in which the petition was pending, the Petitioners made a further application to require the State to continue its normal supply of electricity, without

limitation. Their arguments focused primarily on the inability of the local power station, which supplies electricity to vital humanitarian facilities, to operate properly given the severe shortage of industrial diesel fuel. According to the Petitioners, the amount of industrial diesel fuel that the Respondents allow to enter the Gaza Strip does not meet the needs of the power station and does not enable sufficient electricity production to meet the residents' needs in winter. They argued that the shortage of industrial diesel fuel caused a reduction of about 30 percent of the amount of electricity produced by the power station in the Gaza Strip, which led to long power outages in the Gaza Strip. They emphasized that the industrial diesel fuel supplied to the Gaza Strip is used by the power station only to produce electricity. On 9 January 2008, the Petitioners filed an updated statement in which they pointed out that, as a result of the severe shortage in industrial diesel fuel for the power station in the Gaza Strip electricity outages were imposed for 8 hours each day, and that in Gaza City electricity outages were imposed for eight hours every two days. It was further argued that, as a result of reduction of power production, the main hospital in Gaza was suffering from power outages of 6-12 hours every day, disrupting the hospital's operation. On 21 January 2008, the Petitioners provided an update, whereby the shortage of industrial diesel fuel caused a total cessation of electricity production by the Gaza power station, which led to a shortage of 43 percent of the amount of electricity required by residents of the Gaza Strip. According to Petitioners, on 20 January 2008, the Respondents prohibited any movement of industrial diesel fuel to the Gaza Strip, and the lack of reserves caused the power station to shut down. Under the circumstances, the Petitioners contended that many residents of the Gaza Strip were being prevented from accessing clean drinking water, that the sewage was overflowing, and that residents were unable to operate medical devices in their homes.

10. As a result of the aforesaid contentions, the Respondents filed a supplemental response, in which they related to the various contentions and to the dynamic changes in the facts. It was pointed out that, in a meeting between the head of the Operations Branch in the office of the Coordinator of Government Activities in the Territories, Col. Shlomi Muktar, and representatives of the Palestinian Energy Authority, the Palestinians stated that it was possible to regulate loads by means of reducing power consumption inside the distribution area of each power line, and that regulated power transmission of this kind was already being implemented; for example, the Palestinian officials stated that they were able to reduce consumption on a certain line so as to enable proper operation of a hospital. We also learned that, following an understanding reached in 2005 between the Electric Company and the Palestinian Authority, the supply of electricity on two of the lines supplying electricity from Israel to the Gaza Strip was limited to 11 megawatts. The Respondents noted that the Nahal Oz crossing, through which industrial diesel fuel needed to operate the Gaza power station is transferred, was recently closed. The closing of the

crossing prevented the movement of industrial diesel fuel to the power station in Gaza on the days of such closure. The Respondents explained that the closure of the crossing and prevention of the movement of the industrial diesel fuel to the power station was undertaken in light of the extremely heavy missile attack on Israel, from January 15th to the 8th, in which 222 mortar shells were fired at communities in the "Gaza envelope," Ashkelon, and Sderot, causing physical injury to seven civilians, trauma injury to many other civilians, and extensive physical damage. In comparison, the Respondents noted that it had now been decided that 2.2 million liters of industrial diesel fuel would be allowed to pass into the Gaza Strip weekly, as had been transferred prior to implementation of the reduction plan. Regarding the supply of electricity by Israel, the Respondents noted that they intend to carry out a gradual reduction of five percent of the capacity supplied by three of the power lines, such that the amount of electricity supplied by means of such lines will reach 13.5 megawatts, to be supplied by two of the lines, and 12.5 megawatts, to be supplied by the third. The Respondents emphasized in this context that the Palestinians themselves announced on several occasions that they were able to reduce the load if limits were placed on the lines, so as not to harm humanitarian objectives and needs. Finally, the Respondents pointed out that the break in the Rafah crossing in the direction of Egypt, which the Palestinians undertook unilaterally, was liable to affect the entire situation in the Gaza Strip and the obligations of the State of Israel toward the Strip, but added that this latter subject was new and was under factual, legal, and political review. On 27 January 2008, we held a hearing that focused on the supply of industrial diesel fuel to the Gaza Strip, in which the sides repeated their basic arguments, as specified above, and the State announced, as stated, that industrial diesel fuel was flowing in the manner that had been customary in the past.

Discussion

11. The question presented before us, theretofore, is whether the various limitations on the supply of fuel and electricity to the Gaza Strip harm vital humanitarian needs of residents of the Gaza Strip. As we pointed out in our decision of 29 November 2007, the State of Israel has no obligation to allow the passage of an unlimited quantity of electricity and fuel to the Gaza Strip, in circumstances in which some of these products are actually used by terrorist organizations to harm Israeli citizens. The obligation imposed on it is derived from the vital humanitarian needs of the residents of the Gaza Strip. The Respondents must meet the obligations imposed on it under international humanitarian law, whereby they must allow into the Gaza Strip only those goods necessary to meet the vital humanitarian needs of the civilian population.

12. The State argued before us that it acts according to the rules of international law and respects its humanitarian obligations under the laws of warfare. According to counsel for the State, these are limited obligations, derived from the state of warfare in existence between the State of Israel and the Hamas organization that controls the Gaza Strip, and from the need to prevent harm to the civilian population caught in the area of the hostilities. In this context, we note that since September 2005, Israel no longer has effective control over what takes place within the territory of the Gaza Strip. The military government that previously existed in that territory was abolished by means of a decision of the government, and Israeli soldiers are not present in that area on a permanent basis and do not direct what occurs there. In these circumstances, under the international law of occupation, the State of Israel has no general obligation to care for the welfare of the residents of the Strip or to maintain public order within the Gaza Strip. Israel also does not have the effective capability, in its current status, to maintain order and manage civilian life in the Gaza Strip. Under the circumstances that have developed, the primary obligations imposed on the State of Israel regarding residents of the Gaza Strip are derived from the state of warfare that currently ensues between Israel and the Hamas organization which controls the Gaza Strip; these obligations also stem from the degree of control that the State of Israel has at the border crossings between it and the Gaza Strip; and also from the situation that was created between the State of Israel and the territory of the Gaza Strip after years of Israeli military control in the area, following which the Gaza Strip is now almost totally dependent on Israel for its supply of electricity.

13. In this context, the Respondents noted in their arguments various provisions of international humanitarian law that apply in our case. Among other provisions, the Respondents referred to Article 23 of the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 1949 (hereafter: Fourth Geneva Convention), which requires a party to a conflict to allow the free passage of goods intended for the citizens of the adverse party. However, they noted that this obligation is extremely limited, inasmuch as the provision requires a party to a conflict to allow unlimited passage of medical goods, and also foodstuffs, clothing and medicines intended for children under age 15 and for pregnant women. The Respondents also referred to Article 70 of the First Additional Protocol to the Geneva Conventions, of 1977 (hereafter: First Protocol), which represents, in their opinion, international customary law, and which sets forth a general and broader obligation, whereby the parties to the conflict must allow the rapid and unimpeded passage of vital goods to the civilian population. Finally, the Respondents referred in their brief also to Article 54 of the First Protocol, which prohibits the starvation of a civilian population as a means of warfare, and prohibits a party to attack, destroy, remove, or render useless installations that are vital to the civilian

population, including food storehouses, agricultural fields, and drinking-water installations.

14. The State's arguments are based on norms of international customary law, which specifies the basic obligations applying to parties engaged in an armed conflict, and requires the parties to ensure the wellbeing of the civilian population and protect its dignity and fundamental rights. It would not be superfluous to add that, under customary international humanitarian law, every party to the conflict must refrain from impeding the passage of basic humanitarian relief to the population requiring such in areas under the control of that party to the conflict (J. Henckaerts and L. Doswald-Beck, *Customary International Humanitarian Law* (ICRC, Vol. 1, 2005), p. 197, 199). Also, in the commentary on Article 70 of the First Protocol, it is stated that Articles 70 and 54 of the First Protocol are to be read together, in a manner that does not allow a party to the conflict to deny the passage of shipments of food and basic humanitarian goods required for the survival of the civilian population (Yves Sandoz, Christophe Swinarski, Bruno Zimmerman, Eds., *Commentary on the Additional Protocols of 8 June 1977 to the Geneva Conventions of 12 August 1949* (ICRC, Geneva, 1987), p. 820).

15. The above indicates, therefore, that the Respondents do not disagree that they are bound by the humanitarian obligations imposed upon them, which require the State of Israel to allow passage of vital humanitarian goods to the Gaza Strip, and to refrain from causing intentional injury to humanitarian installations. According to the Respondents, as verified by affidavits and declarations of the persons in charge, not only do they allow passage of vital goods for the civilian population into the Gaza Strip, they also consider such actions a humanitarian duty by which they are bound under both international law and the Cabinet's decision. However, the Respondents emphasize that they are not obligated to transfer non-vital goods or more goods than are required to meet basic humanitarian needs. This is the crux of the controversy between them and the Petitioners.

16. On this last point, Col. Nir Peres, commander of the Coordination and Liaison Office, appeared before us and delineated the relevant facts and the information on which the Respondents base their actions. Col. Peres clarified the statements made on behalf of the State and insisted that the amount of fuel and electricity being transferred to the Gaza Strip was sufficient for the proper functioning of all the humanitarian systems in the Strip. Col. Peres also described regular contact with Palestinian officials to monitor the functioning of the humanitarian systems in the Gaza Strip. Among other things, it was mentioned that the State of Israel allows patients requiring treatment to enter Israel, and

enables the delivery of food and medicines without any limitation. This is done in order to avoid harming residents of the Gaza Strip beyond that which is necessary in light of the ongoing warfare between the State of Israel and Hamas, which controls the Gaza Strip. In his comments to us, Col. Peres confirmed that the situation of the civilian population in the Gaza Strip was difficult, but he presented examples of exaggerated descriptions published on behalf of Hamas with respect to the humanitarian crisis in the area.

17. The principal matter remaining for us to consider, which arose in the last hearing that was held before us, is the amount of industrial diesel fuel needed to operate the power station in the Gaza Strip. As noted above, we were persuaded by the Respondents' declarations that they intend to continue to allow the supply of industrial diesel fuel at the level that preceded implementation of the reduction, i.e. 2.2 million liters a week. It was clarified that the industrial diesel fuel can serve, and currently serves in practice, only the power station being operated in the Gaza Strip, and, presumably, the supply of the industrial diesel fuel will not be decreased below this amount. The inquiry that we conducted indicates that the supply of industrial diesel fuel to the Gaza Strip in the winter months of last year is comparable to the amount that the Respondents now undertake to allow into the Gaza Strip. This fact also indicates that the amount is reasonable and suffices the vital humanitarian needs in the Gaza Strip. For a number of days, the border crossings were closed, so the requisite amount of diesel fuel was not delivered; however, as was explained, this resulted from a specific security need that was caused due to an extremely heavy missile attack on Israeli communities that originated from inside the Gaza Strip. It goes without saying that, during this period as well, in which a specific security need arose to close the border crossings, Israel continued to provide the Gaza Strip the amount of electricity supplied to it from Israel without any modifications.

18. With regard to the revised plan presented to us, which calls for a reduction of five percent of the power supply in three of the ten power lines that supply electricity from Israel to the Gaza Strip, to a level of 13.5 megawatts in two of the lines and 12.5 megawatts in the third line, we were persuaded that this reduction does not breach the humanitarian obligations imposed on the State of Israel in the framework of the armed conflict being waged between it and the Hamas organization that controls the Gaza Strip. Our conclusion is based, inter alia, on the affidavit of the Respondents indicating that the relevant Palestinian officials stated that they have the ability to reduce the load in the event that limitations are placed on the power lines, and that they have exercised this capability in the past.

19. It should be emphasized that, in the course of the hearings on the petition, the State reiterated its obligation to monitor the humanitarian situation in the Gaza Strip, and in this framework, we were made aware by various affidavits on behalf of the Respondents that this obligation is carried out with total responsibility and seriousness, and that the defense establishment assesses the situation on a weekly basis, which is based, inter alia, on contacts with Palestinian electricity and health officials, as well as contacts with international organizations. In this context, it should be noted that from the hearing on this matter before us, as in other cases in which an immediate response was needed for issues related to humanitarian needs, it was clarified that the parties could reach understandings and arrangements in this area of activity. Indeed, the solution in the form of contacts between the persons in charge on behalf of the defense establishment and the officials who maintain contact with them and point out to them the vital basic needs is the best way to find rapid solutions for concrete problems that arise from time to time. This is evidenced also by the fact that prior to our hearing on the matter, the State announced at its initiative the renewal of the supply of regular diesel fuel, which is necessary, inter alia, for the movement of ambulances and the operation of hospital generators, in the same amounts that were supplied prior to the reduction of the supply, as well as the renewal of the supply of industrial diesel fuel. These facts indicate that the State, indeed, monitors the situation in the Gaza Strip, and allows supply of fuel and electricity in the amount needed for the vital humanitarian needs in the area.

20. We have said more than once that we will not intervene with regard to the security means adopted by the security officials – neither with respect to their effectiveness nor with respect to their wisdom – except with regard to the legality of such. Our role is limited to the judicial review of compliance with Israeli law and international law that binds the State of Israel, to which - as the Respondents declared before us - the State is bound to adhere. We have already stated that the rule of law applies also in time of warfare, and that the laws of warfare are to be fulfilled. In *Church of the Nativity*, we held in a similar context, in the words of President Barak, that:

Israel is engaged in grave warfare against wanton terror. It acts in accordance with its right to self defense (see article 51 of the United Nations Charter). This warfare is not conducted in a normative vacuum. It is conducted under the rules of international law, which specify principles and rules for the conduct of warfare. (HCJ 3451/02, *Almadani v. Minister of Defense*, P.D: 56 (3) 30; and see also HCJ 168/91, *Murkus v. Minister of Defense*, P. D. 45 467(1), 470).

The decision involving the humanitarian obligations that bind the State of Israel in time of warfare in the framework of Operation Defensive Shield noted that:

Also in a period of warfare, the laws applying to warfare are to be met. Everything must be done to protect the civilian population (see HCJ 2901/02; HCJ 2936/02; HCJ 2977/02; and HCJ 3022/02).

(HCJ 3114/02, *Barakeh v. Minister of Defense*, P. D. 56 (3) 11)

21. Indeed, during a period of warfare, as is the case before us, the civilian population finds itself, to its disadvantage, in territory in which the warfare is being waged, and it is the first and principal victim of the fighting, even when efforts are made to minimize the injury to such civilian population. In the territory of the State of Israel as well, in an era of terrorist attacks that have continued for years, the immediate and principal victim of the warfare is the civilian population. However, in the case of the actions against Israel, the damage is not of an accidental or incidental nature, but rather is the result of deliberate and frequent attacks against the civilian population that are aimed at harming innocent civilians. This is the difference between the State of Israel, a democracy fighting for its life within the confines of the law, and the terrorist organizations that rise up against the State of Israel. "The State is fighting for the sake of the law and for the sake of safeguarding the law. The terrorists are fighting against the law while breaching it. The war against terrorism is also a war of the law against those who rise up against it" (HCJ 320/80, *Qawasmeh v. Minister of Defense*, P. D. 35 (3) 113, 132; and see also HCJ 3451/02, *Almadani v. Minister of Defense*, P. D. 56 (3) 30). In our case, the facts presented to us, delineated above, indicate that the State of Israel accepts and respects the rules set forth in the laws of warfare, and undertakes to continue to transfer to the Gaza Strip the amount of fuel and electricity needed to meet the vital humanitarian needs of the civilian population in the Strip.

22. In conclusion, we again point out that the Gaza Strip is controlled by a murderous terrorist group that operates incessantly to cause injury to the State of Israel and its citizens, and violates every possible precept of international law with its violent actions, and makes no distinction toward civilians – men, women, and children. Nevertheless, as stated above, the State of Israel is required to act against the terrorist organizations within the framework of the law and in accordance with the dictates of international law, and to refrain from deliberately harming the civilian population located in the Gaza Strip. In light of the entirety of the information presented to us with respect to the supply of electricity to the Gaza Strip, we believe that the amount of industrial diesel fuel that the State indicated it intends to supply, and the electricity that is regularly supplied through the power lines from Israel, are sufficient to meet the vital humanitarian needs of the Gaza Strip at this time.

Therefore, and for the reasons delineated above, the petition is denied.

The President

Justice E. Hayut:

I concur.

Justice

Justice Y. Elon:

I concur.

Justice

It is decided as stated in the judgment of President D. Beinisch.

Given today, 23 Shvat 5768 (30 January 2008)

President

Justice

Justice