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H CJ 3117/02

**Center for the Defence of the Individual, founded by Dr.  
Lotah Saltzberger**

**v.**

**The Minister of Defence**

The Supreme Court sitting as the High Court of Justice  
[April 14, 2002]

*Before President Barak., Justices T. Or and D. Beinisch.*

Petition to the Supreme Court sitting as the High Court of Justice.

**Facts:** This petition was submitted during IDF operations against the terrorist infrastructure in the areas of the Palestinian Authority. (“Operation Defensive Wall.”) Petitioners argued that respondent was not using the special rescue unit of the IDF Homefront Command to search for all persons that may be buried alive under ruins in the Jenin refugee camp.

**Held:** The Supreme Court held that both law and morality mandated that the rescue unit enter the Jenin refugee camp. As this unit had entered the camp, as per respondents reply, the goal of the petition had been fulfilled.

For the petitioners—Yossi Wolfson

For the respondent—Malchiel Blass, Yuval Rotman

## **JUDGMENT**

This petition before us asks why respondent does not, using the special rescue unit of the IDF Homefront Command, search for and rescue all persons buried alive under the ruins of the Jenin refugee camp. The petition was served on Saturday night. The Justice on duty decided that the petition would be heard today, April 14, 2002, in the morning. At the beginning of the hearing, with respondent not having had time to prepare a written response, he informed us that the rescue unit of the Homefront Command had already entered the Jenin refugee camp, together with other forces, to the extent that security restrictions have allowed. The unit will attempt to locate people.

As such, it appears to us that this petition has achieved its objectives. The entry of the rescue unit is necessitated by both law and morality. The responsibility lies, of course, on the shoulders of the Military Commander on site. He will collect information regarding the possible location of people—information relayed by soldiers and locals, as well as making use of the experience of the unit itself. All this is subject to the judgment of the Military Commander and to the security needs in the field.

In light of the declaration of the State, the petition is rejected.

April 14, 2002