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**At the Supreme Court Sitting as the High Court of Justice**

**HCJ 2732/05 – H'**

Before: **Honorable President D. Beinisch**

The Petitioners:

1. **Head of 'Azzun Municipal Council \_\_\_\_\_  
Hassin**
2. **Head of An Nabi Elyas Village Council \_\_\_\_\_  
Radwan**
3. **HaMoked - Center for the Defence of the  
Individual, founded by Dr. Lotte Salzberger**

v.

The Respondent:

1. **Government of Israel**
2. **Military Commander of the West Bank**

Application for an order under the Contempt of Court Ordinance

Representing the Petitioners: Att. Michael Sfard; Att. Shlomi Zecharia

Representing the Respondent: Att. Ro'i Shweika

**Decision**

In accordance with the statements included in the response on behalf of the respondents of 7 January 2009 and pursuant to the notice on behalf of the respondents of 24 September 2009, it is no longer necessary to review the application for an order under the Contempt of Court Ordinance. This, in view of the establishment of the new route of the fence in the area which is the subject matter of the petition and the dismantling of the unlawful route.

However, in the case at bar, the state took the law into its own hands and did not begin implementation of the judgment until the submission of the application for an order under the Contempt of Court Ordinance. In our judgment of 15 June 2006, the route of the fence which is the subject matter of this petition was

found to be unlawful and therefore null and void, and sharp criticism was directed at the state which had presented the court with partial and unfounded information during the hearing of the petition.

This was not all. Now, more than three years passed between the time the judgment was given and the time it was implemented in practice by the state – following submission of an application for an order under the Contempt of Court Ordinance.

This sort of conduct cannot be accepted. The judgments of this court are not recommendations and the state is bound by duty to respect them and implement them with the speed and efficiency required by the circumstances of the matter.

Therefore, the respondents shall bare the petitioners' expenses incurred in filing this application to the sum of NIS 20,000.

Given today, 16 Tishrei 5770 (5 October 2009).

President

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