

Date: June 21, 2017
Reference: 10005

To
Adv. Ehud Kremer
Freedom of Information Officer
Israel Electric Corporation LTD

Email: kremer@iec.co.il

Dear Sir,

Re: Urgent Application under the Freedom of Information Act 5758-1998
Information on the supply of electricity to the Gaza Strip.

1. I hereby contact you on behalf of Gisha – Legal Center for Freedom of Movement with an application under the Freedom of Information Act 5758-1998 (hereinafter: **the Act**), for information regarding the supply of electricity to the Gaza Strip.
2. While the law does not oblige an applicant to cite the reason for the application (Art. 7(a) of the Act), I will note that Gisha works on issues affecting the fulfillment of the fundamental rights of Palestinian residents of the Gaza Strip and their ability to lead normal lives. As such, information regarding the supply of electricity from Israel to the Gaza Strip is highly relevant and necessary for advancing our goals and our routine work.
3. As you are aware, on June 11, 2017, the Security Cabinet made a decision to reduce the amount of electricity Israel provides to the Gaza Strip (hereinafter: **the cabinet decision**). According to Electric Corporation CEO, Yiftah Ron-Tal, the decision was made following a communication from the Electric Corporation, which, “as a commercial company, was obliged to cut off services” once the Palestinian Authority notified it would only allow for a 25 million NIS monthly deduction (<http://www.news1.co.il/Archive/001-D-392268-00.html>, in Hebrew).
4. According to information we received from the Ministry of Justice and that was reported in the media, the Electric Corporation has stated that the reduction entered into effect on Monday morning, June 19, 2017, such that each day, supply will be limited in two of the ten lines running electricity from Israel to Gaza. According to the reports, the reduction will continue until supply is restricted on all ten lines, such that the supply volume matches the financial assurances.
5. Given these facts, we request the following information:

- a. Please provide copies of the transcripts of all discussions held at the Electric Corporation on the issue of reducing the electricity supply, prior to the cabinet decision.
- b. Please provide copies of all **documents and expert reports** presented to the Electric Corporation before the recommendation to reduce the power supply was made and forwarded, including reports regarding electricity consumption in Gaza, the state of infrastructure in Gaza, the environmental impact of a possible reduction, as well as the impact on health and sanitation in the area, and on the security situation in the region.
- c. Please provide copies of all decisions made by the Electric Corporation Board of Directors in this matter.
- d. Please provide information regarding all meetings, discussions and consultations between Electric Corporation officials and Palestinian Authority officials regarding said reduction – before and after the decision to reduce the supply.
- e. Please provide a copy of the cabinet decision to reduce the supply of electricity to the Gaza Strip.
- f. Please provide a copy of the Electric Corporation's operational plan for the phases of supply reduction – what is the reduction volume, on what lines, how frequently and for how long? **Please indicate what the final goal of the reduction is in terms of the amount of electricity reduced. Inasmuch as there is a table or map describing the reduction phases, please provide copies of these as well.**
- g. Please specify whether the authorities in the Gaza Strip have been notified of the decision and the details of the supply reduction plan so that they may prepare for its repercussions. If so, how long in advance were the relevant details provided?
- h. Please provide a copy of the supply agreement between the Electric Corporation and the Palestinian Authority. On this point, I shall remind you that in your response dated September 9, 2015, you noted that a long-term supply agreement with the Palestinian Authority had not yet been signed. Therefore, I ask to be provided with the current supply contract, even if it is a short-term one.
- i. Please indicate the exact monthly electricity bill incurred by the Gaza Strip over the past year, specified by month.
- j. Please indicate what portion of the volume of electricity available to the Gaza Strip on all lines was effectively supplied to the Strip over the past seven years. Please specify by year.
- k. Please specify what percentage of Gaza's electricity consumption is supplied by the Israel Electric Corporation.

1. Please provide all information in the possession of the Electric Corporation with respect to the installation of the “161 Line” to Gaza – what is the status of installation and implementation?

6. I shall recall that we have contacted you with a request for information on the supply of electricity to the Gaza Strip in 2015. The response, received on December 9, 2015, indicated that given Gisha’s interest in the information and the public interest in disclosing it, and according to Arts. 10-11 of the Freedom of Information Act, the requested information was provided. **The same certainly holds true for my current application concerning the reduction in the electricity supply, and I, therefore, ask that you follow the same considerations, perhaps more strongly, in your response to this application as well.** I call your attention to Art. 10 of the Act in particular, which indicates that an administrative authority must consider, *inter alia*, “the public interest in disclosing the information for reasons of public health or safety or environmental protection.” The Supreme Court has held in the past that information relating to public health in the Gaza Strip is still covered by this article and justifies disclosure of information in the possession of the authority – **including information produced in internal discussions within the authority** (see, AAA 3300/11 **State of Israel v. Gisha** (published in Nevo, September 5, 2012))

7. According to Section 6(B) of the Freedom of Information Regulations (fees) 5759-1999, a registered non-profit association is exempt from payment of fees and from the first four hours of processing fees.

A copy of proper administration confirmation from the Registrar of Associations, for the year 2017, is attached hereto.

8. Since the decision has far-reaching implications for life in the Gaza Strip, and since the requested information is required for conducting an informed, serious, public debate on the matter, you are requested to process this application promptly, and provide us with the information requested therein **as quickly as possible and, to the extent possible, in no longer than 30 days**. Inasmuch as you are initially in possession of only some of the information or of information that can be divulged subject to certain conditions, we request that you provide it accordingly.

Sincerely,

[signed]

Michal Luft, Adv.

Legal Department