

- URGENT -

Date: June 21, 2017
Reference: 10005

To
Ms. Dina Poliak
Ministry of Defense Freedom of Information officer

By email

Dear Madam,

Re: Urgent Application under the Freedom of Information Act 5758-1998
“Reduction in the supply of electricity to the Gaza Strip.”

1. I hereby contact you, in your capacity as Ministry of Defense Freedom of Information officer, on behalf of Gisha – Legal Center for Freedom of Movement, with an urgent application under the Freedom of Information Act 5758-1998 (hereinafter: **the Act**), for information on the **decision of the minister of defense and the Security Cabinet on the matter of reducing the supply of electricity to the Gaza Strip.**
2. The minister of defense, the Ministry of Defense and the coordinator of government activities in the territories are the most relevant officials within the government in terms of implementation of the decision. We request information on the following:

Ministry of Defense discussions prior to the decision:

3. What is the wording of the decision that was passed? Where was this decision published? Please provide us with a copy of the decision.
4. What was the position of the minister of defense regarding the decision? Was the decision accepted unanimously by all members of the cabinet? Please provide us with documentation of the minister’s decision and a breakdown of votes: which ministers voted in favor and which against the decision.
5. How many discussions were held on the issue prior to reaching the decision on June 11, 2017? Please provide us with a list of all discussions held at the Ministry of

Defense regarding the reduction in the electricity supply, the list of participants in the discussions and copies of the transcripts of all discussions held on this issue.

6. Please provide all relevant data: Expert opinions (including opinions of legal experts) and assessments regarding the anticipated implications of the decision and its future impact on the lives of Gaza residents, including impact on the operation of hospitals, sewage and water facilities, industry and agriculture, and the supply of food and other essential commodities, as presented to the minister of defense or other relevant officials in the Ministry of Defense.
7. We ask that you provide us with a detailed list of all such information presented to the minister of defense and other ministry officials prior to the decision, as well as copies of any written, recorded or filmed materials presented to the minister.
8. Please list the relevant officials and experts who appeared before the minister and his staff prior to the decision. Please provide a full list of all persons invited to speak with defense ministry officials and the cabinet prior to the decision, and any minutes or transcripts of the main points discussed.
9. Please provide a copy of the expert opinion prepared by the Ministry of Defense on the reduction of the electricity supply. Inasmuch as more than one expert opinion was drafted, we ask that you provide a copy of all expert opinions drafted on this matter.

Details of the decision and its implementation

10. Please provide us with a copy of the detailed plan for the implementation of the decision, including reference to the following information:
 - a. What is the exact volume of electricity to be reduced, and by what specific lines carrying electricity to the Gaza Strip? Following the reduction, how many megawatts will Israel supply to the Gaza Strip each month and on each line? We ask that you provide the answer in absolute values and percentages.
 - b. Will the reduction be implemented gradually or synchronously? Is the reduction constant or fluctuating? Will the reduction occur uniformly and consistently throughout the day? Please provide a **detailed and accurate schedule for implementation** (e.g.: The reduction in the supply to line X will begin on date Y, such that the volume of electricity supplied through this line will be Z megawatts. This reduction will be valid for period T (and between what dates)).
 - c. Please provide us with a copy of the directives issued to the Electric Corporation with respect to the implementation of the decision, and of any other relevant correspondence between Ministry of Defense officials and the Electrical Corporation on this issue.

Coordination of implementation vis-à-vis officials in Gaza

11. Please provide a copy of the notice provided, inasmuch as such notice was provided, to the civilian authorities in Gaza regarding the adoption of the decision, its effective date and its implications.
12. Please provide a copy of the notice provided, inasmuch as such was provided, to other authorities in Gaza regarding the adoption of the decision, its effective date and its implications. We ask that you supply a list of all officials who were provided with such notice, including the Gaza Electricity Distribution Company, hospital directors, sewer and water authority officials, international organizations operating in Gaza, foreign diplomats in Gaza, etc. Please provide a copy of the notice sent to said officials.
13. How long in advance were officials in Gaza provided with notice of the reduction in supply? We ask that you provide the exact schedule by which various officials in Gaza were notified of the planned reduction.

Arrangements for the prevention of grave harm to the civilian population of the Gaza Strip

14. What measures have been put in place to ensure that the reduction in the electricity supply does not harm essential services in the Gaza Strip, including health and hospital services, sewer and water systems, education services, food supply, treatment of sewage pumped into the sea, as well as the anticipated environmental and health repercussions for Israel. We ask for the full data collected on this matter, including copies of all relevant expert reports and reviews provided to the cabinet.
15. What measures have been put in place to monitor and control the situation in the Gaza Strip and ensure it does not escalate into a humanitarian crisis, and that the humanitarian needs of the civilian population are met? We ask for a copy of the detailed monitoring plan. We request documentation of action taken up to the present time and of plans for subsequent action.

Alternative power supply

16. Has a decision been made to allow the entry of generators into Gaza due to the electricity shortage to be caused by implementation of the decision? Have any decisions been made to facilitate the entry of spare parts and maintenance materials for generators and for the power grid, as well as large quantities of fuel to compensate for the decreased power supply? Please provide us with a copy of all decisions made regarding the entry of equipment for the purpose of mitigating the electricity crisis experienced by the civilian population in Gaza, as well as information regarding their expected date of implementation.

Conclusion

17. Given the interest Gisha has in this information, and the public interest in providing it for reasons of public health and safety and environmental protection (Art. 10 of the Act), you are hereby requested to provide all the information sought above. I shall recall that the Supreme Court has held in the past that even if the information relates to public health in the Gaza Strip, it 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).
18. 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.

19. 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]

Osnat Cohen-Lifshitz

Director of the Legal Department