

[emblem of the State of Israel]

At the Jerusalem District Court sitting as the Court for Administrative Affairs

Administrative Petition 75387-09-25 al-Muhtaseb et al. v. Military Commander of the West Bank Area

External file:

Before: **Honorable Justice Eli Abarbanel**

Appellants:

1. **al-Muhtaseb**
2. **al-Muhtaseb**
3. **HaMoked – Center for the Defence of the Individual, founded by Dr. Lotte Salzberger**
all represented by counsel, Adv. Maysah Abu Saleh Abu Baker

v.

Respondent: **Military Commander of the West Bank Area**
Represented by counsel, Adv. Mino Elisian-Pele

Judgment

1. The petition before me concerns the respondent's decision of October 20, 2025, wherein the petitioner's request to travel with her son from the Judea and Samaria Area to Turkey via Jordan, in order to obtain medical treatment for the son, was denied.

The decision stated as follows: "Your request to remove the ban on travel abroad for resident 919767012 is denied. Travel has been deemed a risk as 'you are suspected of assisting your husband, Bilal Muhtaseb, in advancing Hamas activity', advancing Hamas military activity in which your husband, Bilal Muhtaseb is involved." [sic]

2. The respondent does not dispute the petitioners' argument that the son, born on January 5, 2023, requires urgent medical treatment, which he can receive in Turkey. The petition states that "Petitioner 2... was born with a liver defect. On February 3, 2025, the petitioner underwent liver transplant surgery at [REDACTED] Hospital in Istanbul, Turkey. The organ was donated by the petitioner's father." It is further argued that the liver transplant was necessary to save the child's life and that "in recent months, the petitioner's medical conditions has alarmingly declined, as manifested, *inter alia*, in enlargement of the spleen, increased blood coagulation, prolonged fever, weakness, weight loss and additional symptoms raising suspicion he had developed PTLN Disease - a life-threatening complication well known as a possible complication following a liver transplant, particularly among children... This is a medical emergency which requires immediate investigation and treatment in a medical facility experienced in dealing with transplant complications. In this case, the medical team at the hospital in Istanbul, which

performed the transplant and is familiar with the particularities of the case, is the appropriate and required provider for continued treatment”. As noted, the respondent does not dispute the above.

3. Applications submitted by the petitioner to the respondent in July 2025 for urgent approval of her departure with her son from the Area to Turkey via Jordan were denied on various grounds. An application submitted on August 26, 2025, and reminders sent thereafter, went unanswered despite the great urgency. The aforesaid decision was rendered following submission of this petition.

As part of the proceedings in this petition, counsel for the respondent stated that from the outset, security officials were of the view that the petitioner’s departure abroad should be prevented, in view of the negative security intelligence about her and based on the assessment and risk evaluation conducted in her regard. Nevertheless, in light of the medical condition of Petitioner 2, her infant son, as alleged in the petition, the respondent noted in his response of October 10, 2025, that despite the security ban registered against the petitioner, and subject to the conditions specified therein, namely that the petitioner deposit a monetary guarantee in the amount of 50,000 ILS [~ 16,900 USD] and sign an undertaking to refrain from criminal and terrorist activity abroad, the respondent would allow the petitioner to travel abroad for the purpose of accompanying her son for the medical procedure, “and for this purpose only”.

4. During the hearing, counsel for the respondent agreed to set the guarantee at 25,000 ILS [~ 8,450 USD]. Counsel for the petitioners stated that they would not be able to provide more than 5,000 ILS [~1,690 USD], given their difficult financial situation, which precludes a higher sum. At the demand of counsel for the respondent, this contention was supported by a detailed affidavit submitted by the petitioner. It was further stated that the petitioner agreed to sign an undertaking, upon her departure abroad, to refrain from terrorist or criminal activity.
5. The respondent argues that there are no grounds for intervention in his decision, since it was made after the various considerations were properly balanced, and in view of the gravity of the information regarding the petitioner’s husband and the level of suspicion that the petitioner’s departure abroad would be misused to harm national security. According to the respondent, setting conditions for the petitioner’s departure, including a monetary guarantee and an undertaking to refrain from engaging in terrorism, duly and reasonably balances the relevant considerations in this matter, with attention to the relevant procedure.

Deliberation and decision

6. An ex parte review of the classified material used as the basis for the decision reveals that the brief statements provided in the decision and during the hearing concerning the petitioner’s husband’s involvement in terrorism and the level of concern regarding assistance to this activity by the petitioner are well-founded.

Nevertheless, since the respondent believes the aforesaid concern can be neutralized if the petitioner signs the said undertaking and deposits a sum of money, and since it has been demonstrated prima facie that the petitioner is unable to raise the required sum of money, her request to reduce the sum to 5,000 ILS [~ 1,690 USD] to secure the conditions of her departure abroad should be granted, in view of the serious medical condition of the son and the urgent need to provide him with life-saving treatment at the hospital where he underwent surgery.

While the monetary gap between the parties, amounting to 20,000 ILS [~ 6,760 USD], would mitigate the risk posed by the petitioner to some degree, it does not, in the circumstances of the matter, justify putting the son’s life in danger. In this respect, the respondent’s position is tainted by extreme unreasonableness, which justifies granting the petition.

7. Therefore, the petition is granted. As of November 9, 2025, at 10:00 A.M., the petitioners may travel to Turkey via Jordan, as requested, in order to obtain medical treatment for Petitioner 2 at the above-mentioned hospital in Nablus [sic], subject to the petitioner signing the required undertaking and depositing 5,000 ILS [~ 1,690 USD] to guarantee her compliance with the aforesaid conditions. The arrangements for the petitioners' departure to Turkey, including the dates of departure and return, and the manner of their escort, shall be determined by the respondent.

There is no order for costs.

The secretariat shall urgently provide this decision to the parties' counsel and verify receipt.

Given today, 15 Cheshvan 5786, November 6, 2025, in the absence of the parties.

[signed]
Eli Abarbanel, Justice