At the Supreme Court **HCJ 5263/08**

Sitting as the High Court of Justice

In the matter of:

1. **_____ Al-Harimi, ID _____**
   Resident of the Occupied Territories
2. **_____ Al-Harimi, ID _____**
   Resident of the Occupied Territories
   Minor, through her mother, Petitioner 1
3. **_____ Al-Harimi, ID _____**
   Resident of the Occupied Territories
   Minor, through his mother, Petitioner 1
4. **HaMoked Center for the Defence of the Individual, founded by Dr. Lotte Salzberger**

all represented by counsel, Att. Ido Bloom (Lic. No. 44538) and/or Yossi Wolfson (Lic. No. 26174) and/or Abeer Jubran (Lic. No. 44346), and/or Yotam Ben Hillel (Lic. No. 35418) and/or Hava Matras-Irron (Lic. No. 35174) and or Sigi Ben Ari (Lic. No. 37566) and/or Yadin Elam (Lic. No. 39475) and/or Alon Margalit (Lic. No. 35932)
Of HaMoked Center for the Defence of the Individual, founded by Dr. Lotte Salzberger
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The Petitioners

- Versus -

Commander of the Military in the Occupied Territories

The Respondent

Petition for *Order Nisi*

A petition for an *Order Nisi* is hereby filed which is directed at the Respondent ordering him to appear and show cause why he will not allow the passage of Petitioner 1 and her two young children, Petitioners 2 and 3 from Bethlehem in the West Bank to the Gaza Strip in order to visit her husband and father (father and grandfather of Petitioners 2 and 3) who were removed by the Respondent to the Gaza Strip in 2002, in the framework of the Church of Nativity affair.

The Parties

1. Petitioner 1 (hereinafter: **the Petitioner**) is a Palestinian resident of the city of Bethlehem in the West Bank. She has been married to Mr. _____ **Al-Harimi**, (ID _____) for some ten years. Petitioners 2 and 3 are their young children: Petitioner 2, _____, is six years old and Petitioner 3, _____, is a 3-year-old toddler.

2. In May 2002, the Petitioner's husband, _____, and her father Mr. _____ **Al-Harimi**, (ID _____) were removed by Israel from their home in Bethlehem to the Gaza Strip, in the framework of a secret arrangement under international sponsorship upon the culmination of the affair in which Palestinians barricaded themselves in the Church of Nativity in Bethlehem.

3. The Respondent is the military commander of the area of the West Bank on behalf of the State of Israel which has been holding the West Bank under belligerent occupation for over forty years. The Respondent holds the authority to allow the passage of Palestinians from the West Bank to the Gaza Strip through Israel.

The Factual Foundation

> A man has no emotional bond stronger than his bond with his close family members. The bond between a man and his children and spouse is strongest of all. Such are the bonds of a mother to her children and such are the bonds of a father to his children. This is the law of nature, a law more powerful and exalted than any law.
>
> (HCJ 4365/97 **John Doe v. Minister of Foreign Affairs**, *Takdin Elyon* 99(1) 7, 30 (1999)).

Visits by relatives of the Church of Nativity deportees

4. The arrangements pertaining to family visits of Church of Nativity deportees in the Gaza Strip were formalized in the framework of HCJ 10677/04 **Al-'Abayat v. Commander of IDF Forces in the West Bank** (unpublished, 27 December 2004) (hereinafter: **the Al-'Abayat case**). That case concerned elderly parents who wished to visit their son who had been expelled to Gaza in the framework of the Church of Nativity affair.

5. In the framework of the petition, the Respondent pledged to allow the family members of a person who had been expelled by security authorities to the Gaza Strip to visit him subject to individual security clearance for the visit. This was validated in the judgment as follows:

> All residents of the Judea and Samaria Area whose immediate relatives were removed to the Gaza Strip in the framework of understandings reached under international sponsorship following the siege on the Church of Nativity in April 2002, will be able to file individual applications to visit the Gaza Strip. These applications shall be approved, subject to individual examination by the ISA [Israel Security Agency], security clearance and the absence of a general closure in Judea and Samaria or the Gaza Strip which prevents the exit/entry of persons

holding a valid permit. Such applications will be handled promptly, as are all applications by residents of the Area wishing to exit to Israel.

A copy of the judgment dated 27 December 2004 is attached and marked **P/1**.

6. It shall be noted, that due to the special circumstances of the matter, **the State's pledge was given despite the fact that as far as security was concerned, it was not a simple period of time, to put it mildly:**

At the end of September 2004, Israel launched a large scale military operation deep inside the Gaza Strip, which was named the "Days of Atonement" operation. The operation began as a response to massive Qassam rocket firing on the city of Sderot. Unfortunately, one of the rockets hit and killed two children in their home in Sderot.

During the operation, many dozens of people were killed and dozens of houses were destroyed. The major part of the operation terminated in October 2004, but large military forces continued to intensively engage in the Gaza Strip after that time - as they had been doing when the State made its pledge in the month of December. The Erez Checkpoint was closed throughout the operation, and in the middle of December 2004, the Rafah Crossing in the south of Gaza was also closed following bitter battles in the area, in which five soldiers were killed.

In effect, a mere week before the pledge was made, Israel announced a large scale joint military strike in the Khan Yunis are of Gaza following the firing of 50 Qassam rockets during the previous week, which injured 18 civilians and soldiers and killed one person.

It must also be recalled that Yasser 'Arafat passed away in October 2004, which further deteriorated the uncertainty and disorder already characterizing the Gaza Strip.
It shall be further noted that earlier that year, in May of 2004, a large scale operation was conducted in the Gaza Strip – an operation named the "Rainbow" operation which began following bitter battles in the vicinity of the Philadelphi Route and the killing of six

soldiers in an armored car in the Zeitun neighborhood on the outskirts of Gaza City. In this operation too, dozens of people were killed and dozens of buildings were destroyed.

A copy of a publication by the Ministry of Foreign Affairs dated 19 December 2004 regarding military action in the Gaza Strip during December 2004 is attached and marked **P/2**.

7. Thus, despite the complicated and difficult security circumstances, the Respondent acknowledged the unique nature of the situation whereby a man is expelled from his home to the Gaza Strip by the authorities and pledged to allow the relatives Church of Nativity deportees to visit them in the Gaza Strip, subject to a number of conditions as detailed above.

Exhaustion of remedies

8. In September 2006, the Petitioner left the Gaza Strip with her two children to visit relatives in Bethlehem.

9. Shortly thereafter, the Petitioner appealed to the Israeli DCO in Bethlehem and filed an application to transit to the Gaza Strip. The application was refused. For about a year, the Petitioner filed application after application, but all were refused on the grounds of "security preclusion".

A copy of an "Application Processing Form" dated 13 November 2007 from the Israeli DCO in Bethlehem refusing the Petitioner's application due to a "security preclusion" is attached and marked **P/3**.

10. On 12 December 2007, HaMoked - Center for the Defence of the Individual appealed to the office of the Legal Advisor to the Respondent requesting permits to enter Israel be issued for the Petitioner and her children in order to visit her husband and father in the Gaza Strip. The appeal emphasized the Respondent's pledge, given in the context of the

Al-'Abayat case, to allow the relatives of the Church of Nativity deportees to visit them in the Gaza Strip.

A copy of the letter dated 12 December 2007 is attached and marked **P/4**.

11. On 23 January 2008, the response of the Legal Advisor to the Respondent was received. It referred to the State's Response in HCJ 9283/07 and claimed that:

> Due to the substantial change of circumstances that occurred after the judgment in the Al-'Abayat case was handed down, the arrangement which was reached in the Al-'Abayat case is no longer relevant. This is so because, *inter alia*, there is a general closure preventing the passage of residents of the Area in Israel for the purpose of visiting in Gaza.
>
> […]
>
> Inasmuch as your clients are unable to point to exceptional and humanitarian grounds justifying permitting their entry into Israel for the purpose of transiting to the Gaza Strip, indeed, their matter does not meet the criteria.
>
> Inasmuch as your client wishes to settle in the Gaza Strip, please forward a clarification on this matter to our office.

A copy of the response of the Legal Advisor to the Respondent dated 22 January is attached and marked **P/5**.

12. On 5 March 2008, HaMoked - Center for the Defence of the Individual again appealed to the Respondent's Legal Advisor, responding to the letter dated 22 January 2008. The appeal stated that in light of the fact that the Legal Advisor's response had not raised any security related claims regarding the Petitioners' matter, it seemed that inasmuch as there had been significant security related grounds justifying their removal to the Gaza Strip in 2002, indeed this reason has expired and was no longer valid. In these circumstances, clearly Petitioners 4 and 5 must be allowed to return to their homes in the West Bank.

However, as long as the decision to assign the residence of the Petitioner's husband and father remained intact, the Respondents were requested to permit the Petitioner and her children to visit her father and husband in the Gaza Strip.

In regards to the "request for clarification" presented by the Legal Advisor in the conclusion of his letter with respect to the possibility of the "Petitioner's settling in the Gaza Strip", HaMoked wrote:

> We shall note that your request to clarify whether my client is seeking to "settle in the Gaza Strip" and the insinuation that my client's permanent relocation to the Gaza Strip may bring about an affirmative answer to the request, is outrageous and inconceivable. Do you seek the deportation of the entire family to the Gaza Strip? Must my client make a choice between "voluntary" deportation to the Gaza Strip and being cut off from her husband and father and having the family torn apart?

At the time of writing, no response has been received to this letter.

A copy of the letter from HaMoked to the Respondent's Legal Advisor dated 5 March 2008 is attached and marked **P/6**.

The Legal Argumentation

Retracting the obligation validated in judgment and the "change of circumstances"

13. The Respondents claim that they wish to retract their pledge, as validated in the Al-'Abayat judgment "[d]ue to the substantial change of circumstances that occurred after the judgment in the Al-'Abayat case was handed down, the arrangement which was reached in the Al-'Abayat case is no longer relevant. This is so because, *inter alia*, there is a general closure preventing the passage of residents of the Area in Israel for the purpose of visiting in Gaza.

14. As known, an administrative authority cannot easily retract its undertakings – all the more so when such undertaking received the force of a judgment:

> Once a judgment has been handed down, the duty rises from the law and it is an expression of the necessity to organize the life of a society in accordance with basic norms which facilitate the existence of an organized framework wherein the law rules…
>
> It is inconceivable that a pledge given by the Speaker of the Knesset before the Court, which was validated in a judgment, shall not be upheld…
>
> There is no need to state that if judgments are not upheld, there will be no purpose or substance to legislative actions and we shall find ourselves undermining the ability of State authorities to fulfill their mission.
>
> (HCJ 5711/91 **MK Poraz v. Speaker of the Knesset**, *Piskey Din* 46(1) 299, 307-308 (1991)).

Justice Zamir made similar remarks:

> Almost two years ago, this Court handed down a judgment in the first petition, in which the parties' consent was noted…
>
> Upholding the decision is necessary not only as a matter of proper conduct by any person who takes an obligation upon himself, and all the more so by a public agency which takes an obligation upon itself, but also as a matter of legal duty.
>
> … any public agency must uphold not only obligations set forth by law or contract, but also administrative obligations which do not amount to a contract; all the more so obligations which received the seal of a judgment.
>
> (HCJ 1965/00 **Kugle v. Ministry of Education Executive Director**, *Piskey Din* 55(5) 150, 161-162 (2001)).

15. Even if the State's pledge were not validated in a judgment, indeed, in order for an administrative authority to retract its pledge, it must show – at least – that **the change of circumstances and public interest <u>necessitate</u> the retraction of the pledge**.

16. In our matter, aside from vague statements regarding "substantive change of circumstances", the Respondents do not present any serious grounds necessitating the retraction of the pledge.

17. In effect, the only clear factual claim presented by the Respondents, upon which they base their claim that the pledge is, ostensibly, "no longer relevant", is the claim that – at the time of writing the letter – a closure had been imposed on the Territories.

    However, this "change of circumstances" is no change of circumstances in any way!

    Indeed, the possibility of a closure was foreseen and taken into consideration at the time the pledge was made and was specifically addressed in the framework of the pledge. This, in light of the very difficult security situation which existed at the time and the full closure that was imposed during the months prior to making the pledge.

18. Moreover, presenting the issue in a manner which creates the impression that it is, ostensibly, very difficult to allow visits by family members of persons who were expelled following the Church of Nativity affair beyond the scope of visits currently made possible, is an exaggeration, as, one must recall, the total number of people who were removed to the Gaza Strip out of those who barricaded themselves in the Church of Nativity is only **<u>26</u>** (thus, according to the State's Response dated 24 March 2003 in HCJ 10223/02 **Phish-Liefshitz v. Attorney General**, *Piskey Din* 57(3) 517).

19. The claim that visits in the Gaza Strip by a few relatives of Church of Nativity deportees (relatives who pose no substantive and individual security risk), constitute a heavy security burden to the point that despite their special significance, they cannot be allowed at all, is patently unreasonable.

20. It must be reemphasized – even at the time the pledge was given, the Respondents did not allow unlimited visits to the Gaza Strip. Then too, the security situation was extremely difficult. As stated, the Erez Checkpoint was effectively completely sealed off during the major military operations that had taken place in the period prior to the giving of the pledge. Despite this, the Respondents understood then, that in the special circumstances in which people were removed from their homes and families by the authorities, there is a special, intensified, obligation to allow members of their families to visit them – all the more so when this is a small group of people and a limited scope of visits.

Infringement of fundamental rights

21. The Respondent's decision to refuse the Petitioners' application severely infringes their rights. The right to family life, which includes the right of parents, children, grandparents, grandchildren and siblings to preserve their family ties is an acknowledged right in Israeli and international law. Pursuant to this right, the Respondent is under obligation to respect the family unit.

22. Regulation 46 of the Hague Regulations, which constitute customary international law stipulates:

> Family honour and rights, the lives of persons, and private property, as well as religious convictions and practice, must be respected

23. It has already been ruled that:

> Israel is obligated to protect the family unit pursuant to international conventions.
>
> (HCJ 3648/97 **Stamka v. Minister of the Interior**, *Piskey Din* 53(2) 728, 787 (1999)).

See also: Art. 10 of the International Covenant on Economic, Social and Cultural Rights, 1996; Arts. 17 and 23 of the International Covenant on Civil and Political Rights, 1966;

Art. 12 and Art. 16(3) of the Universal Declaration of Human Rights, 1948; Art. 12 of the European Convention on Human Rights; Art. 26 of the Fourth Geneva Convention.

24. The Supreme Court has reiterated the great importance of the right to family life in many judgments, and particularly in the judgment given in the **Adalah** case (HCJ 7052/03 **Adalah v. Minister of the Interior**, *Takdin Elyon* 2006(2), 1754 (2006)).

Thus for example, writes President Barak in section 25 of his opinion:

> It is our main and basic duty to preserve, nurture and protect the most basic and ancient family unit in the history of mankind, which was, is and will be the element that preserves and ensures the existence of the human race, namely the natural family
>
> [...]
>
> [T]he family relationship... lie[s] at the basis of Israeli law. The family has an essential and central purpose in the life of the individual and the life of society. Family relationships, which the law protects and which it seeks to develop, are some of the strongest and most significant in a person's life.
>
> [translation: Supreme Court website, http://elyon1.court.gov.il/files_eng/03/520/070/a47/03070520.a47.htm]

25. The Respondent undertook to allow relatives the Church of Nativity deportees to visit them in the Gaza Strip, in order to allow them to preserve the fabric of their family life. In refusing to allow the visit now, the Respondent is causing serious injury to the family life of the Petitioners.

Assigned residence is not a tool for violating human dignity and severing family ties

26. The Petitioner's father and husband were forcibly removed from the West Bank to the Gaza Strip. The basis for their exiling is unknown since it was carried out in the context of a secret agreement with international involvement, apparently between the government

of Israel and the Palestinian Authority. Whatever the normative framework (this matter is beyond the scope of this petition), it is clear that for all practical purpose, the liberty of the Petitioner's father and husband was restricted by the authorities. Their status is, in practice, tantamount to the status of a person against whom an **order of assigned residence** was issued, allowing him to reside only in the Gaza Strip.

27. International humanitarian law permits restricting the liberties of residents of an occupied territory in certain circumstances (in the framework of arrest and incarceration, administrative detention and "assigned residence"). **Coincident with these permissions, international humanitarian law sets forth a number of guarantees designed to minimize injury to individual liberty and reduce the effects of the injury on the individual's other rights and on the rights of his family and dependants.**

28. "Assigned residence" is one of the harshest measures occasionally taken by the Respondent. This measure is a particularly grave administrative measure which severely injures the liberty of the protected resident to choose his place of residence and freely move inside the occupied territory. The restriction of these rights bears harsh consequences: **assigning a place of residence extricates a person from his familial and social environment, from his workplace and his sources of income. It uproots him from his home, relatives and friends. It injures his dignity as a human being.**

> The fundamental premise is that the displacement of a person from his place of residence and his forcible assignment to another place seriously harms his dignity, his liberty and his property. A person's home is not merely a roof over his head, but it is also a means for the physical and social location of a person, his private life and his social relationships.
>
> (HCJ 7015/02 Ajuri v. Commander of the IDF Forces Piskey Din 56 (6) 352, 365 (2002), hereinafter: the Ajuri case). [Translation: Supreme Court website, http://elyon1.court.gov.il/files_eng/02/150/070/A15/02070150.a15.htm]

29. It is not in vain that the Court placed severe constraints on the Respondent's use of "assigned residence". In the Ajuri case, the Court ruled that an order of assigned residence must be issued due to military grounds concerning only the security of the Area. Issuance of the order shall be carried out by an authorized person; the order may be appealed and a special committee shall examine the need to extend the order at least once every six months.

    The Court further ruled that an order of assigned residence shall be implemented only against a person who poses danger at the present time and that an order of assigned residence shall not be issued against an innocent or a relative for the sole purpose of deterrence.

    Additionally, the Court established that an order of assigned residence shall be issued only on the basis of administrative evidence which "shows clearly and convincingly that if the measure of assigned residence is not adopted, there is a reasonable possibility that he will present a real danger of harm to the security of the territory".

    Finally, the Court ruled that the assigned residence must meet the test of proportionality.

30. Indeed, sometimes there is no choice and the Respondent is forced to issue an order of assigned residence due to security needs. However, even when an order is issued, the Respondent must respect the supreme principle of Israeli and international law that **restricting a person's liberty does not allow injury to his dignity and rights, including his right to family life**:

    > This is expressed in article 10 of the 1966 International Convention on Civil and Political Rights. Israel is a member of this covenant. Article 10 of this covenant is generally recognized as reflecting customary international law… The article states:
    >
    > All persons deprived of their liberty shall be treated with human dignity and with respect for the inherent dignity of the human person.

(HCJ 3278/02 **HaMoked - Center for the Defence of the Individual v. Commander of the IDF Forces in the West Bank** *Piskey Din* 57(1) 385, 397 (2002)). [Translation: Supreme Court website, http://elyon1.court.gov.il/files_eng/02/780/032/A06/02032780.a06.htm]

This was also expressed in Article 27 of the Fourth Geneva Convention which casts an **obligation** on the Respondent to protect the dignity of protected residents **under all circumstances**:

> Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity.

31. Thus, **assigned residence restricts a person's liberty, but it must not cause injury to his dignity and his right to family life and to preserve his familial ties.**

The Respondent's increased obligation toward persons whose liberty he restricted and their family members

32. The normative foundation for issuing an order of assigned residence or administrative detention in a territory under belligerent occupation is located in the Fourth Geneva Convention. Article 78 of the Convention establishes:

> If the Occupying Power considers it necessary, for imperative reasons of security, to take safety measures concerning protected persons, it may, at the most, subject them to assigned residence or to internment…Protected persons made subject to assigned residence and thus required to leave their homes shall enjoy the full benefit of Article 39 of the present Convention.

33. Article 39 of the Convention, which is cited in Article 78, casts an **obligation** on the Respondent to support the person against whom an order of assigned residence had been

issued and his family members, if, as a result of the assigned residence, their ability to support themselves with dignity was denied. In the Ajuri case, the Respondent declared that he acknowledged his duty under Article 39 (*ibid*, p. 368).

34. This is indicative of the way international humanitarian law relates to the military commander's **increased responsibility** toward residents against whom he had taken restrictive measures for imperative reasons of security. The law explicitly establishes: restricting liberty – yes; injuring other fundamental rights and dignity – absolutely not.

    As described by the scholar Pictet:

> There are a great many measures, ranging from comparatively mild restrictions… to harsher provisions such as a prohibition on any change in place of residence without permission, prohibition on access to certain areas, restrictions of movement, or even assigned residence and internment (which… are the two most severe measures a belligerent may inflict on protected persons)…
>
> What is essential is that the measures of constraint they [the Parties] adopt should not affect the fundamental rights of the persons concerned. As has been seen, those rights must be respected even when measures of constraint are justified.
>
> (J. S. Pictet, Commentary – IV Geneva Convention (1958), 207).

35. One may learn of the right to visitation and of the Respondent's increased obligation to allow these visits also in the case of persons kept under lock and key.

    One of the Respondent's most fundamental obligations toward detainees is the **obligation to allow family visits**. This obligation is an increased obligation, which stems from the acknowledgement that the taking of liberty by the Respondent obliges him to be particularly diligent regarding the detainee's rights, in order not to make a mockery of them. This obligation includes the obligation to allow the entry of Palestinians to Israel, if

the detainee is incarcerated in a prison inside Israel. Article 116 of the Geneva Convention establishes:

> Every internee shall be allowed to receive visitors, especially near relatives, at regular intervals and as frequently as possible.
> As far as is possible, internees shall be permitted to visit their homes in urgent cases, particularly in cases of death or serious illness of relatives.

The right which stems from the Convention has also been entrenched in the Respondent's regulations regarding administrative detention (administrative detention holding conditions) which were instituted pursuant to his authority under Section 87 of the Order regarding Defense Regulations 5730-1970.

36. Accordingly, the Court has ruled time and again that the rights of prisoners must not be limited –in reference *inter alia* to family visitation – except for limitations which are inherent in the incarceration itself:

> A criminal penalty entailing incarceration is not intended, in and of itself, to directly infringe the offender's right to family life and parenthood. However, it is clear that his physical ability to conduct a regular family life, and, in so doing, to fulfill the right to family life, is proscribed as a consequence of denying his personal liberty, which is entailed in the incarceration… However, given this restriction, which is inherent to the incarceration, the fulfillment of the human right to family and parenthood necessitates reducing the scope of the restriction to the extent possible and only within necessary boundaries, for example by way of monitored permits for family visits of prisoners, prison leaves under specific conditions, measures allowing for conjugal visits of couples and the likes. In so doing, one maintains the proportionality of the infringement of the human right which is inherently necessitated by the very fact of the denial of liberty which comes with incarceration.

(HCJ 2245/06 **Dobrin v. Israel Prison Service**, *Takdin Elyon* 2006(2) 3564, 3573 (2006)).

37. Thus, the Respondent's obligation to respect family life, which exists at all times and with respect to all families, is an **increased obligation** where the Respondent expels a person from his home, tears him away from his family, exiles him to a distant location and assigns his residence – and there is no substantive difference in this regard to the distinction between assigning his residence inside an incarceration facility and assigning his residence to a secluded and well guarded area. In both cases, family members are entirely dependent on the Respondent for visiting their relative and for preserving the integrity of the family unit. As it is impossible to meet with an inmate outside prison walls, so the Petitioner cannot meet with her husband and father outside the Gaza Strip.

38. In light of this, a special and increased obligation is incumbent upon the Respondent to safeguard the rights of the Petitioner's husband and father to regularly maintain their familial relationships. An increased obligation is incumbent upon him also to respect the rights of the relatives, the Petitioners.

Summary

39. The Respondent must make reasonable and proportional decisions. Beyond the fact that the Respondent is refraining from acknowledging his increased obligation toward the Petitioner's husband and father, due to the forcible measures he took against them – a matter which, in itself, renders his decision unreasonable – it seems that the Respondent did not take into account other important considerations at all.

    The Respondent's refusal to allow the visit has resulted in a situation whereby members of a family have been apart for some 18 months. A woman is cut off from her husband and her father. The children are growing up as orphans and are unable to see their father and grandfather – and the father and grandfather are forced to live completely isolated from their close relatives.

40. After the Respondent removed the Petitioner's husband and father from their homes in the West Bank to the Gaza Strip, he acknowledged that despite the many security related difficulties, he has a special and increased duty to allow their relatives to visit them. This duty was validated in the judgment handed down by the Court in the Al-'Abayat case. Now, the Respondent refuses to allow even these visits and wishes to tear the family asunder. This severe infringement is neither reasonable nor proportional.

This petition is supported by an affidavit signed in the presence of an attorney in the West Bank and sent to the undersigned by fax, following coordination over the telephone. The Honorable Court is requested to accept this affidavit and the power of attorney also transmitted by fax, considering the objective difficulties relating to a meeting between the Petitioners and their counsels.

In light of the aforesaid, the Honorable Court is requested to issue a temporary injunction as requested and render it absolute after hearing the Respondent. The Court is also requested to rule the Respondent pay the Petitioners' expenses and attorney fees.

12 June 2008

_____

Ido Bloom, Att.
Counsel for the Petitioners

[T.S. 53136]