At the Supreme Court **HCJ 6579/08**
Sitting as the High Court of Justice

In the matter of:

1. **_____ Qablan, I.D. _____**
   Resident of the Palestinian authority
2. **_____ Qablan, I.D. _____**
   Minor boy, via his mother, petitioner 1
3. **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-Daqwar (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) of HaMoked Center for the Defence of the Individual, founded by Dr. Lotte Salzberger
4 Abu Obeida St., Jerusalem, 97200
Tel: 02-6283555; Fax: 02-6276317

The Petitioners

v.

Commander of the Military Forces 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:

a. Why he will not issue petitioner 1 and her young son, petitioner 2, permits to enter Israel for the purpose of their passage from Qalqiliya in the West Bank to the Gaza Strip, where the father of the family, a kidney patient, is located.

b. Why he will not refrain from making the petitioners' passage conditional on an undertaking not to return to the West Bank.

c. Why he will not desist from the policy of exerting pressure on Palestinians from the West Bank to permanently relocate to the Gaza Strip, including why he will not refrain from making the passage of Palestinians from the West Bank to the Gaza Strip conditional on undertakings not to return to the West Bank.

Request for an Urgent Hearing

The honorable court is requested to schedule an urgent hearing in the petition in light of its clear humanitarian circumstances and the forced separation between the family members for an entire year. The

petitioner's husband is a kidney patient awaiting a kidney transplant, yet despite the difficult circumstances, the respondent is making the petitioner's passage conditional on her **pledging never to return to her home in the West Bank**.

The Parties

1. Petitioner 1 (hereinafter: **the petitioner**) is a Palestinian, resident of Qalqiliya in the West Bank. Since 2002, the petitioner has been married to Mr. _____ Qablan, (I.D. _____), who currently lives in the Gaza Strip after having been forcibly removed thereto in 2005. More on this will follow.

2. Petitioner 2 is their 3 and a half year old son.

3. Petitioner 3 (hereinafter: **HaMoked**) is a human rights organization located in Jerusalem.

4. The respondent is the military commander of the West Bank area on behalf of the State of Israel, which has been holding the West Bank under military occupation for over forty years. The respondent has the authority to allow the passage of Palestinian residents of the West Bank through Israel for the purpose of travel to the Gaza Strip.

The Factual Infrastructure

The one-way policy between the Gaza Strip and the West Bank and the attempt to use the plight of Palestinians from the West Bank in order to remove them "by consent" from the West Bank to the Gaza Strip

5. Recently, HaMoked has received applications from Palestinians from the West Bank who wish to travel to the Gaza Strip for various reasons – visiting their spouses or children, visiting sick relatives and more.

   In all cases, the applicants received a similar answer from the respondent: **their passage will be allowed only if they undertake never to return to the West Bank**.

6. These cases reveal a new policy which is being implemented by the respondent: a policy of exerting pressure on Palestinians from the West Bank to relocate to the Gaza Strip by using their plight in order to extort a "pledge" not to return to their homes in the West Bank.

7. In similar cases, the respondent has claimed that the condition regarding "single" passage stems from the alleged difficulty of allowing recurring passage between the Gaza Strip and West Bank. However, the respondents' policy regarding travel in the opposite direction – from the Gaza Strip to the West Bank – clarifies that this claim is baseless:

   In all matters concerning passage in the opposite direction, namely, from the Gaza Strip to the West Bank, the respondent's policy is the absolute opposite: **a Palestinian wishing to travel from Gaza to the West Bank is required to return immediately upon completion of the visit to the Gaza Strip**, and sometimes, even to deposit large sums of money as a guarantee of his immediate return.

8. Thus for example, in a petition concerning the passage of a Palestinian from the Gaza Strip to the West Bank with her parents, in order to participate in her own wedding, the respondent notified that:

   > [T]he respondents do not object … *ex gratia*, to enable the transit of petitioners 1-3 from the Gaza Strip to the Judea and Samaria Region **for the purpose of attending the wedding ceremony of petitioner 1**, on condition

> that they undertake – all of them – to return to the Gaza Strip at the end of the ceremony and subject to the deposit of a guarantee in the sum of NIS 20,000 on their behalf, as a surety for said return.
>
> (HCJ 3592/08 **Hamidat v. Commander of the Military Forces in the West Bank,** Preliminary Response on behalf of the Respondents, dated May 5, 2008, section 27).

Similar replies were received in other cases, such as HCJ 2430/08 **Abu Ghali v. Commander of the Military Forces in the West Bank** and HCJ 2905/08 **Abu Shnar v. Commander of the Military Forces in the West Bank** (the petitions are still pending before the court).

9. Thus, when a person wishes to travel from the West Bank to the Gaza Strip, the respondent demands a pledge **never to return**, whereas when a person wishes to travel in the opposite direction, from the Gaza Strip to the West Bank, the respondent demands a pledge to **return immediately**.

10. This policy joins another policy: the policy of forcibly removing Palestinians whose registered address is in the Gaza Strip from the West Bank regardless of their actual place of residence and while ignoring the fact that they had lived in the West Bank for many years and the fact that Israel is the element preventing them from updating their registered address to correspond with their actual address. This was the case of the petitioner's husband.

    (See on this issue, for example: HCJ 3555/05 **Nabahin v. Commander of the Military Forces in the West Bank**, HCJ 5463/06 **Effendi v. Commander of the Military Forces in the West Bank**, HCJ 9386/07 **Firani v. Commander of the Military Forces in the West Bank**. All these cases concerned Palestinians from the West Bank who were expelled from the West Bank to the Gaza Strip or prevented from returning from there due to their registered address. Only following the petitions did the respondent permit the petitioners to return to their homes in the West Bank and the petitions were deleted.)

11. In so doing, the respondent has turned travel between Gaza and the West Bank into a "one way valve" with a clear purpose: exerting pressure and attempting to impose permanent relocation of Palestinians in one way – out of the West Bank and into the tightly sealed Gaza Strip.

The Petitioner's Individual Case

The petitioner's husband's expulsion to the Gaza Strip

12. The petitioner's husband, Mr. _____ Qablan, is a native of the Gaza Strip. In 1998, when the safe passage between the Gaza Strip and the West Bank was still operating in accordance with the Interim Agreement, the petitioner moved with his parents and other family members to Qalqiliya. He has since conducted his life in Qalqiliya. It is where he worked, studied, met the petitioner and it is where they were married and had their son.

13. At some point, Mr. Qablan contacted the Palestinian Interior Ministry requesting to update his registered address to his correct address in Qalqiliya. However, he was told that due to the freeze imposed by Israel on changes to registered addresses, this was not possible.

14. On May 20, 2005, the petitioner's husband was in Tira, inside the State of Israel. He was seeking to make a living and provide for his family. He came across a police patrol in the morning hours. He was taken to a police station, and the police officers asked for his ID card. When they saw he was Palestinian they sought to immediately remove him to the Territories. Since his registered address

was Gaza, the officers sought to immediately remove him to Gaza.

The officers completely ignored the petitioner's arguments regarding his place of residence and his request to be removed to his home in Qalqiliya rather than to Gaza.

There is no doubt that the officers knew of his actual place of residence. He even explained to them how he had arrived from the West Bank and how he would return there and pleaded with the officers to allow him to return to his home in Qalqiliya. Despite his pleadings, the officers decided to remove him to Gaza.

He was taken to Gaza two days later, and found himself trapped in the Gaza Strip, away from his family and unable to return home.

Immediately after his expulsion to Gaza he began his attempts to return to the West Bank. His attempts failed and he still lives in Gaza Strip.

15. The petitioner's husband has suffered from kidney failure for some eight hears. Since his expulsion to the Gaza Strip, his condition has deteriorated and he has had to undergo frequent dialysis treatments. Last February, his condition deteriorated further and he was admitted to hospital in the Gaza Strip, where the doctors determined that he must undergo a kidney transplant as soon as possible.

    A copy of the medical document is attached and marked **P/1**.

The petitioner's previous visits to her husband

16. After the petitioner realized that the respondent would not easily allow her husband to return home, she submitted an application to visit him in the Gaza Strip. In October 2005, the petitioner travelled through Israel with a permit by the respondent, remained there with her ailing husband for four months, nursed him, helped him and returned to their home in Qalqiliya.

    In September 2006, the respondent requested – and received – another permit from the respondent in order to travel to visit her husband in the Gaza Strip. On this visit, the petitioner remained in the Gaza Strip for nine months at the end of which she returned to Qalqiliya.

Exhaustion of remedies

17. On December 24, 2007, the petitioner filed an application for a permit to enter Israel in order to travel from the West Bank to the Gaza Strip to visit her ailing husband with the Palestinian District Coordination Office (DCO) in Qalqiliya. The DCO informed her that the Israeli side notified that **her application would be approved only if she pledged not to return to her home in the West Bank**.

    Clearly, the petitioner could not accept this outrageous condition and between December 2007 and the end of March 2008 filed four more applications, hoping the response would change. Yet, the response remained the same: her application will be refused, **unless she permanently leaves her home and undertakes never to return**.

18. The petitioner asked the Palestinian DCO for a written document regarding the response of the Israeli side. The DCO provided her with the Israeli answer form. This is a document entitled "refusal report", decorated with flowers and illustrations, and reading:

> Generally, visits to Gaza are prohibited, and in this case, the applicant is a resident of Qalqiliya who is married to a resident of Gaza and wishes to enter

> and visit him due to his condition. Due to lack of authorization for this purpose, her application will not be approved.
>
> **It is possible to approve a one way, single use permit to Gaza, provided that she decides to remain in Gaza and live there with her husband. To do this, she must change her address to the Gaza Strip and/or proffer a Palestinian undertaking she wishes to return to Gaza to live there and will not return to the Judea and Samaria Area.** [Emphasis added, I.B.].

A copy of the "refusal report" is attached and marked **P/2**.

19. As noted, this is not the only case in which HaMoked came across this unacceptable policy by the respondent. Other Palestinians in the petitioner's predicament who requested to travel to their spouses or children in the Gaza Strip have received a similar answer. (See for example, HCJ 6180/08 **Amam v. Commander of the Military Forces in the Occupied Territories** (pending before the court)).

20. Thus, the matter is clear and express: it does not matter how many times the petitioner applies to the DCO or any other agency. The only way the respondent will agree to allow her and her young son to see her husband again, is if she agrees to pack her belongings and permanently leave the West Bank.

21. On May 22, 2008, HaMoked contacted the respondent's legal adviser demanding to desist from the unacceptable condition under which a Palestinian wishing to travel from the West Bank to the Gaza Strip must pledge to remain in the Gaza Strip permanently and not return to his home. Copies of the letter were sent to the GOC Central Command, the Coordinator of Government Activities in the Territories, the Attorney General and the State Attorney's Office, and it read, *inter alia*:

> Instead of alleviating her suffering and allowing her to see her husband, or alternatively, allowing her husband to visit her, the military apparatus is imposing substantial difficulties on my client, and even abusing her plight to exert emotional pressure on her to leave her home and relocate to the Gaza Strip. Such a stipulation is unreasonable and unacceptable.
>
> The right to family life is supreme and protected by Israeli and international law. It is the military commander's duty to protect my client's rights. Instead, we find an abuse of authority and an unacceptable attempt to remove Palestinians from the West Bank in contravention of the rules of international law.

A copy of the letter dated May 22, 2008 is attached and marked **P/3**.

Until the date on which the petition was submitted, no response to the letter had been received.

The Legal Argument

The powers and obligations of the military commander

22. The premise is that the authorities of the military commander are **temporary** in essence. The military commander is not a sovereign, but rather a temporary ruler, pursuant to the laws of war and as such, he is not permitted to take action toward effecting substantive changes in the occupied territory, unless this is action for the benefit of the protected population. As part of this, the military commander may not lead legislative, economic and particularly **demographic** changes.

See:

HCJ 393/82 **Jam'iat Iscan Al-Ma'almoun v. Commander of the IDF Forces** (*Piskey Din* 37(4) 785, 792 (1983);
HCJ 2056/04 **Beit Sourik Village Council v. Government of Israel**, *Piskey Din* 58(5) 807, 833-834 (2004);
HCJ 1661/05 **Hof Aza Regional Council v. Prime Minister**, *Piskey Din* 59(2) 481, 519 (2005);
HCJ 351/08 **Electricity Company, Jerusalem District v. Minister of Energy**, *Piskey Din* 35(2) 673, 692 (1981)).

23. The military commander's discretion is narrow and limited between two "magnetic poles": the benefit of the population on one hand and security considerations on the other:

> The military commander may not weigh the national, economic and social interests of his own country, insofar as they do not affect his security interest in the Area or the interest of the local population. Military necessities are his military needs and not the needs of national security in the broader sense.
>
> (HCJ 393/82 **Jam'iat Iscan Al-Ma'almoun v. Commander of the IDF Forces** (*Piskey Din* 37(4) 785, 793 (1983).

24. In fact, the military commander has an **active duty** to take action to ensure public order and safety and safeguard the rights of the residents of the Territories:

> Within the latter the Area Commander is responsible not only for maintaining the inhabitants' order and security but also for protecting their rights, particularly the constitutional human rights conferred to them. The concern for human rights lies at the heart of the humanitarian considerations which the commander must consider.
>
> (HCJ 10356/02 **Haas v. IDF Commander in the West Bank**, *Piskey Din* 58(3) 443, 456 (2004)).

The strict prohibition on forcible transfers

25. Article 49 of the Geneva Convention strictly prohibits forcible transfers of protected civilians:

> Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive.

26. The prohibition on forcible transfers is one of the strictest in the Convention. Its violation is considered a grave violation under Article 147 of the Convention. This means that whoever perpetrated or ordered to perpetrate a forcible transfer of protected persons bears individual, criminal international responsibility for his actions and every party to the Convention is under obligation to seek and prosecute any such person, regardless of his citizenship.

27. The scholar Roch, in his essay on forcible transfers perpetrated in Yugoslavia, stresses that the prohibition refers to any transfer of groups or individuals from their homes against their will – whether by force or by other means of pressure or coercion:

> Forced displacement takes one of two forms. In its direct form an occupying force may merely round up specific groups of individuals, transport them to

> their nation's border and force them across. However, other, equally blatant methods, such as "voluntary" resettlement, are also carried out.
>
> […]
>
> Regardless of which method the perpetrator chooses, the effect is the same: individuals or groups of individuals are removed from their homes and *Heimatslaander* against their own free will.
>
> (Michael P. Roch, *Forced Displacement in the FormerYugoslavia: A Crime Under International Law?*, 14 DICKINSON JOURNAL OF INTERNATIONAL LAW, 6, 18 (1995-1996)).

28. The statute of the International Criminal Court defines deportation and forced displacement as war crimes which fall under the jurisdiction of the court (Article 8(2)(a)(vii)). Forcible displacement also constitutes a crime against humanity under the court's statute when it is perpetrated as part of a systematic policy. In this context, it is defined there (Article 7(2)(d) as:

> Forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law.

29. The International Criminal Tribunal for the Former Yugoslavia (ICTY), when reviewing the Milošević case, clarified that when considering forcible transfer or deportation, the question is **whether it was reasonable to anticipate that a person would leave his home as a result of the defendant's actions**:

> In relation to forcible transfer or deportation there must be evidence of an intent to transfer the victim from his home or community; it must be established that the perpetrator either directly intended that the victim would leave *or that it was* reasonably foreseeable that this would occur as a consequence of his action.
>
> (Payam Akhavan, Reconciling crimes against humanity with the laws of war: human rights, armed conflict, and the limits of *progressive jurisprudence*, JOURNAL OF INTERNATIONAL CRIMINAL JUSTICE 2008, 21)

30. The matter is crystal clear: the respondent may not take action to effect demographic changes in the occupied territory. The respondent may not exert pressure on Palestinians to leave their homes in the West Bank and relocate to the Gaza Strip – or any other place, in any way.

    Such conduct clashes head-on with his duties and powers as a military commander in an occupied territory and contravenes the strictest of prohibitions in Israeli and international law.

The Respondent's Policy Severely Infringes on the Petitioners' Rights

The right to family life

31. The right to family life, including the rights of parents and children, grandparents and grandchildren and siblings, to maintain their family relationships, is recognized in Israeli law and international law. Corresponding to this right is the respondent's obligation to honor the family unit.

32. Article 46 of the Hague Regulations, which constitutes customary international law, establishes:

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

33. And it has already been ruled that:

> Israel is committed to the protection of the family unit by virtue of international conventions.
>
> (HCJ 3648/97 **Stamka v. The Minister of the Interior**, *Piskey Din* 53(2), 728, 787 (1999)).

See also: Article 10 of the International Covenant on Economic, Social and Cultural Rights, 1966; Articles 17 and 23 of the International Covenant on Civil and Political Rights, 1966; Article 12 and Article 16(3) of the Universal Declaration of Human Rights, 1948; Article 12 of the European Convention on Human Rights; Article 27 of the Fourth Geneva Convention.

34. The Supreme Court has repeatedly emphasized the major importance of the right to family life in many judgments, and especially in the judgment that was handed down in the Adalah case (HCJ 7052/03 **Adalah v. Minister of the Interior**, *Takdin Elyon* 2006(2) 1754 (2006)).

Thus, for example, President Barak writes in paragraph 25 of his judgment:

> 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]the 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.

35. The respondent severely infringes on the right of the petitioners and their relatives to family life in stipulating draconian conditions in order to allow them to preserve the family unit. Yet, worst of all, the respondent is using the petitioners' family life and the great difficulty involved in the family's being split in order to exert pressure on the entire family to leave the West Bank and relocate to the Gaza Strip.

The best interest of the child

36. The existence of the International Covenant on the Rights of the Child (1989), which was ratified by the State of Israel in 1991, and the legislation of Basic Law: Human Dignity and Liberty strengthened the status of the child as an independent bearer of rights, and as an independent legal personality.

37. Court rulings have emphasized on more than one occasion that when discussing the best interest of the child, this consideration should have a great amount of weight. The principle of the child's best interest is an additional consideration which the respondents must weigh when they review the petitioner's application.

The dicta of the Honorable Justice Silberg are pertinent to our case:

> The test of the best interest of the child is a supreme principle… it may not be intermixed or merged with any other kind of consideration. Because when the legislator elevated it to the level that it has achieved in modern conception – and this modern conception has been adopted by the Sages of Israel throughout the eras - because a child is not an "object" that is preserved and held for the benefit or enjoyment of one of the parents, but he himself is a "subject", he himself is the "litigant", in this essential question, hence it is not possible to disregard his interests through any combination of reasons.
>
> (CA 209/54 **Steiner v. The Attorney General**, *Piskey Din* 9(1) 241, 251 (1955)).

On the principle of the best interest of the child see also:
HCJ 40/63 **Lorentz v. Head of the Execution Office**, *Piskey Din* 17(3) 1709, 1717 (1963);
CA 549/75 **John Doe v. The Attorney General**, *Piskey Din* 30(1) 459, 465 (1975);
CA 2266/93 **John Does v. Richard Roe**, *Piskey Din* 49(1) 221, 271-272 (1995).

38. It is in the interests of children to be raised under the same roof as their father and mother within the framework of as stable a family unit as possible. Prolonged separation from one of the parents is a traumatic experience which scars the tender souls of children. As time passes the damage caused to the petitioner's toddler becomes increasingly severe until it is liable to become irreversible. The respondent may not turn the difficult split between the toddler boy and his ailing father into a means of exerting pressure in order to compel the petitioner to leave her home and relocate to Gaza.

The right to dignity and freedom of movement

39. Palestinian residents of the Palestinian Authority have a right to freedom of movement within the parts of their land, including movement between the Gaza Strip and the West Bank, since they are a single territorial unit.

In regards to the recognition by the State of Israel of the Gaza Strip and the West Bank as one territorial unit:
Article 5 of the" Declaration of Principles" dated 13 September, 1993, signed by Israel and the PLO;
Article 23(6) of the Gaza Jericho Agreement, the "Cairo Agreement", that was signed by Israel on 4 May, 1994;
Article 11(1) of the Interim Agreement, which was signed by Israel at the White House on 28 September, 1995;
Article 1(2) of the Appendix I to the Interim Agreement, Security Arrangements;
Proclamation regarding the Implementation of the Interim Agreement (Proclamation No. 7);
The Israel-Palestinian Authority Agreement on Movement and Access of 15 November, 2005;
HCJ 7015/02 **Ajouri v. IDF Army Commander of the West Bank**, *Takdin Elyon* 2002(3), 1021 (2002);

40. The right to freedom of movement is the primary manifestation of a person's autonomy, his free choice and the realization of his abilities and his rights. The right to freedom of movement is listed among the norms of customary international law.

See regarding the right to freedom of movement:
HCJ 6358/05 **Vanunu v. GOC Homefront Command**, *Takdin Elyon* 2006(1) 320, sec. 10 (2006);

HCJ 1890/03 **Bethlehem Municipality v. The State of Israel**, *Takdin Elyon* 2005(1) 1114, sec. 15 (2005);
HCJ 3914/92 **Lev v. District Rabbinical Court**, *Takdin Elyon* 94(1) 1139, 1147 (1994).

41. The right to freedom of movement is the motor that sets into motion the tapestry of human rights, the motor that enables a person to realize his autonomy and choices. When freedom of movement is restricted that very "motor" is damaged and as a result, some of the possibilities and rights of a person cease to exist. His dignity as a human being is thus injured. These are the reasons for the great importance attributed the right to freedom of movement.

42. Preventing a person from regularly traveling to broad integral territories within the territory of the state or entity in which he lives infringes upon his social life, his cultural life and human rights, as well as his freedom of choice. That person is then restricted in the most essential questions of his life: where he will live, with whom he will share his life, where he will educate his children, where he will receive medical care, who his friends will be, where he will work, what will occupy him and where he will pray.

43. The right to freedom of movement is also enshrined in international humanitarian law. The Fourth Geneva Convention reinforces freedom of movement as a basic right of protected persons, whether they are in an occupied territory in the territory of an enemy state.

44. International human rights law is also a binding source which enshrines freedom of movement as a basic human right. Thus article 12(A) of the International Covenant on Civil and Political Rights, which Israel signed and ratified establishes:

> Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.

The aforesaid Article 12 is a binding source. As a source of interpretation see also Article 13 of the Universal Declaration of Human Rights and Article 2 of the Fourth Protocol (1963) to the European Convention on Human Rights.

45. The petitioner's way of life, dignity, and right to privacy and autonomy have been severely harmed as a result of the respondent's decision not to allow passage to Gaza via Israel.

46. The respondent impairs the petitioners' freedom of movement severely and unacceptably by using the fact that the petitioners must travel through Israel in order to limit their freedom of movement between the parts of their land and in using his complete control over movement between the West Bank and Gaza Strip in order to "encourage" by coercive means, the movement of Palestinians in one direction – from the West Bank to the Gaza Strip.

Conclusion

47. All the petitioner seeks is to travel with her son through Israel to see her ailing husband in the Gaza Strip. The respondent has no security allegation against the petitioner and he is even prepared to allow the passage, **but he is using the family's plight and its utter dependency on him for fulfilling its family life in order to compel the petitioner – like other Palestinians in her predicament – to leave the West Bank permanently.**

Such a policy is entirely unacceptable, exceeds all bounds of reasonableness and proportionality and clashes head-on with the obligations of the respondent as the commander of an occupied territory.

This petition is supported by an affidavit which was signed in the presence of an attorney in the West Bank, and which was sent to the undersigned by fax, after coordination via telephone. The honorable court is requested to accept this affidavit, as well as the power of attorney which was also given by fax, considering the objective difficulties with respect to a meeting between the petitioners and their counsel.

For all these reasons the honorable court is requested to issue an order nisi as requested, and after receiving the respondent's response, to render it absolute. The court is also requested to charge the respondent with the petitioners' costs and attorney fees.

48.

24 July 2008

_____

Ido Bloom, Att.
Counsel for the Petitioners

[T.S. 55519]