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At the Supreme Court
Sitting as the High Court of Justice

HJC 7369/10

Before:	Honorable Justice E. Rubinstein Honorable Justice E. Chiyott Honorable Justice Y. Danziger
The Petitioners	1. a-Z'atari 2. HaMoked – Center for the Defence of the Individual, founded by Dr. Lotte Salzberger
	V.
The Respondent	Military Commander of the West Bank
	Petition for Order Nisi
Date of Meeting	11 Cheshvan 5771 (October 19, 2010)
Secretary	Sarit Filber
Representing the Petitioners:	Advocate Ido Blum
Representing the Respondent:	Advocate Roi Shweika

Protocol

Advocate Blum:

We are speaking of a young man who turned 19 two months ago. He was accepted to medical school in a foreign country. The Respondent refuses to allow him to leave the Occupied Palestinian Territories (OPT), a matter which will affect his future. The rationale of the Respondent does not include any claims relating to prohibited activities by the Petitioner but only security allegations that speak of a connection between the Petitioner and someone else. The Petitioner has not been arrested or interrogated. The Petitioner's father has been in administrative detention in the past, on the claim that he is a senior Hamas activist, which may explain the Petitioner's connection to which the Respondent is referring. It is clear that even if it explains the connection referred to, it does not justify harming the Petitioner and restricting his

rights because of claims against his father. This injury to the Petitioner, his dignity, and his freedom in the absence of any danger related to his actions is in breach of Basic Law: Human Dignity and Liberty. As Professor Kremnitzer says "...sanctions shall not be placed upon a person except on the basis of his guilt..."

Advocate Shweika:

It has been considered that the trip is for educational purposes. Regarding the father, there is solid information that relates to the son. The issue of connections with terrorists and prevention is because of the danger that if the Petitioner is allowed to leave the country he will be in contact with terrorists himself. I will present the rest ex parte. We also oppose the possibility that he return after a certain period.

Advocate Blum:

No claim is made regarding his activities, but the Petitioner admits that he is in contact with his father. It's contact, there are members of the family who have been in administrative detention. I consent to the Court's examining the confidential material and determining whether it is all confidential. We request that it be determined whether the confidential information relates to the Petitioner. The Petitioner left the country a year ago – to Jordan – without restriction and I request the Court to relate to this fact also. He intends to remain away from the OPT for an extended period to study medicine and we request that the connection between his leaving for purposes of medical studies and the danger that he allegedly poses be examined. Total refusal in this case is disproportionate and causes a severe injury.

A recess was held to review classified material and thereafter;

Honorable Justice Rubinstein:

We have heard the arguments and reviewed the relevant material. On the one hand, the refusal has reasons from the perspective of the available information. On the other hand, we think that there is no need to close the door and we suggest that the petition remain pending for a year. We, in this composition, will return for a continued hearing next September. If his conduct is proper, the issue will be reconsidered.

Advocate Blum:

We consent. This is the type of arrangement used in past cases.

The decision was given.

Stenographer: Ziva