At the Supreme Court **HCJ 8155/06**
Sitting as the High Court of Justice

Petitioners:
1. **The Association for Civil Rights in Israel**
2. **HaMoked: Center for the Defence of the Individual**
3. **Physicians for Human Rights**

by counsel, Att. Limor Yehuda and/or Dan Yakir, and/or Dana Alexander and/or Avner Pinchuk and/or Michal Pinchuk and/or 'Auni Bana and/or Laila Margalit and/or Bana Shagri-Badraneh and/or Sharon Avraham-Weiss and/or Sonya Bulus and/or Oded Feller and/or Tali Nir and/or Nasrat Daqwar and/or Gil Gan-Mor
of the **Association for Civil Rights in Israel**
P.O. Box 34510, Jerusalem 91000
Tel: 02-6521218; Fax: 02-6521219

v.

Respondents:
1. **Commander of IDF Forces in Judea and Samaria**
2. **Head of the Civil Administration**
3. **Head of the Israel Security Agency**
4. **Legal Advisor for the Judea and Samaria Area**

by the State Attorney's Office
29 Salah al-Din St. Jerusalem

Response on behalf of the Petitioners to Notice on behalf of the Respondents and Request for Temporary Injunction

Request for temporary injunction

According to the decision of this Court dated 1 August 2007, the Petitioners were granted 60 days to file an updating notice regarding the procedure for travel abroad by residents of the Territories, which the Respondents announced was being formalized. The Petitioners were granted 30 days to file their response. This, after during a hearing on the petition held on 1 August 2007, the Respondents refused to hand over the draft procedure to the Petitioners before it was submitted to the Court for the purpose of commenting on the procedure in advance.

It was only 170 days later, on 21 January 2008, that the Respondents filed their updating notice with the newly formalized procedure attached. **As detailed below, this is a procedure which contravenes basic principles of good governance** as detailed in the petition, entrenches unjustified and unreasonable violations of human rights, and, under the guise of "reform", further burdens residents of the Territories

who wish to travel abroad. Rather than addressing the substantive problem in the authorities' conduct, the procedure seeks to alleviate the authorities of the "heavy burden" of involvement by human rights organizations, attorneys and the Court.

Before the end of the 30 day period granted to the Petitioners to file their response in accordance with the decision of the Honorable Court, and before the Court had the opportunity to review the matter and issue a decision, the Respondents rushed to implement the procedure and create facts on the ground.

A letter sent by the Respondents to Petitioner 2, HaMoked: Center for the Defence of the Individual, on 12 February 2008 stated:

> "According to the new procedure, applications by Palestinians wishing to inquire in advance whether there is a security preclusion for their travel abroad will be filed by the resident at the regional district coordination office (the procedure is attached).
>
> Applications shall be made using a designated form and ***submitted some six weeks prior to the requisite date of travel*** (attached).
>
> If a negative response is received, the resident will have the option of filing an objection to the decision which will be examined by a most senior security official. The objection application shall also be filed by the resident at the regional DCO.
>
> ***Thus, as of February 2008 applications for evaluation of a security preclusion will no longer be processed by the office of the Legal Advisor, except in extremely unusual cases, following exhaustion of the administrative process***".
>
> (emphases added, L.Y.)

A copy of the letter sent by Captain Ran Li-On of the office of the Legal Advisor for the Judea and Samaria Area is attached and marked **Exhibit P/48**.

A copy of a further letter from the office of the Legal Advisor for the Judea and Samaria Area dated 13 February 2008 which clarifies that objections sent subsequent to the notice regarding the change of procedure will not be processed is attached and marked **Exhibit P/49**.

The letter lets the cat out of the bag: the new procedure is not intended to improve services for residents of the Territories but rather to reduce workloads at the Legal Advisor's office, block these intervention avenues which have to date proved to be the only effective avenues and establish an endless system of "exhaustion of remedies" with the object of preventing the intervention of this Honorable Court.

As we shall see below, the procedure does not solve the only problem it purports to solve: the fact that in recent years, a resident of the Territories does not know whether there is a preclusion against him before he arrives at the Allenby Bridge with his luggage in hand. Such prior inquiry will be made possible only through a cumbersome six-week-long procedure which requires arriving at the DCO in person at least twice and will only be available after all preparations for the trip have been completed, since it involves submission of detailed applications supported by documents.

According to the new procedure and the letter of the Legal Advisor for the Judea and Samaria Area, a resident who has not followed the new procedure (in which processing time is unknown) will be denied the right to file an objection!

If Respondent 4, the Legal Advisor for the Judea and Samaria Area, indeed follows through on his "threat" and refuses to process objections filed by residents whose travel abroad had been prohibited, one can expect <u>an increase in the scope of</u> the harm to residents of the Territories whose freedom of movement and travel abroad has been denied.

Moreover, the new procedure formulated by the Respondents clearly deviates from the timetables established in a different procedure regarding examining applications by Palestinian residents of the Territories to enter Israel. Under this procedure, the Respondents also undertook to provide a final response within no more than 9 business days. Additionally, the procedural requirement is that the applicant submit the application 14 days in advance.

A copy of the "procedure for responding to the entry of Palestinian residents from the Judea and Samaria Area and the Gaza Strip to Israel – provision of prior notice regarding approval/denial of the application", is attached and marked **<u>Exhibit P/50</u>**.

In these circumstances, the Court is requested to issue a temporary order which will freeze the entry into force of the new procedure and leave the current state of affairs intact, pending a decision in this petition.

<u>The procedure formulated by the Respondents – leaving intact a fundamentally flawed administrative procedure</u>

1. The sole purpose of the procedure, as it purports to self proclaim in the objective article, is – to establish a procedure for residents who wish to know in advance whether there is a security preclusion to their traveling.

   We shall recall: today, "travel abroad preclusions" are entered into a computerized system without notice (advance or retroactive) being given to the resident who discovers the preclusion only upon arrival at the Allenby Bridge en route abroad. In the past, it was possible to inquire at the DCOs if such a preclusion had been entered and challenge it.

   A review of the details of the procedure that has been established clarifies that this objective cannot be achieved in the current formulation. What the procedure does ensure, however, is the addition of red-tape and scurrying back and forth.

   And this is the process established in the procedure:

   <u>Stage 1 – advance inquiry (6 weeks) – whether a person's travel abroad has been prohibited</u>

2. **Arrival at the DCO, first time** – a resident who wishes to inquire whether his travel abroad has been prohibited must arrive at the regional DCO and submit a written application listing the grounds thereto and supported by documents. The requirement to arrive in person is one that many will not be able to meet, and in any case, it guarantees, as far as the Respondents are concerned, the exclusion of human rights organizations and attorneys from the process.

3. **Filing a detailed application** – despite the fact that this is a simple inquiry – whether a security preclusion is recorded under the resident's name or not – the resident is required to file a detailed application listing various personal details – including telephone numbers, destination of travel, date

of departure and arrival and the purpose of the trip. He must attach various documents and confirmations (which are unspecified) to the application.

The relevant reason for the demand put forward by Petitioner 1 to reveal personal details and provide documents for the purpose of the aforesaid inquiry at this stage is entirely unclear. For instance, why are telephone numbers required if the resident must arrive at the DCO in person regardless? Why are details of the dates and destinations of travel needed? Why is the resident required to attach documents (and what are they)?

The fact that the aforesaid details are required from all applicants and not just from persons against whom there is a preclusion raises the suspicion that security officials have decided to "jump at the chance" and use the opportunity presented when a Palestinian wishes to realize his right to travel abroad as another way of collecting information about him.

The tables have turned: the ISA will continue to enter "preclusions" against residents without giving notice, conducting periodic review or listing grounds; a resident, on the other hand, whether a preclusion against him has been entered or not, must submit a detailed application listing the grounds thereto just in order to **inquire** whether he is precluded… the inquiry procedure is constructed as an objection procedure from the outset – even before a person has been notified if he is precluded or what the grounds are for the same.

4. **Arrival at the DCO, second time** – in order to receive the response, the resident must **again** arrive at the DCO in person. This, even if there is no record of a security preclusion against the individual.

5. **Response time** –the procedure does not specify a response time in cases where there is no preclusion on record against the individual. If a preclusion is on record, the waiting period set forth in the procedure is six whole weeks. Needless to say, during these six weeks, a person cannot know whether or not he is able to travel abroad. Hence, his travel abroad is effectively prevented.

6. The procedure establishes no exception regarding urgent travel abroad or travel planned less than six weeks in advance. Given the fact that according to the notice of the Legal Advisor for the Judea and Samaria Area, applications by individuals who have not followed the procedure will no longer be processed by him, indeed the existing route for having decisions revoked will be closed.

7. **Uncertainty** - the inquiry application form indicates, under the title "DCO/Security official's response", next to the option noting that there is no record of a security preclusion for travel abroad against the individual:

> "There is no security preclusion to your traveling abroad. For your information, the aforesaid is relevant at the time of issuance of this confirmation. A different decision may be reached by the date of departure".

The application form sent by the office of the Legal Advisor for the Judea and Samaria Area is attached and marked **Exhibit P/51**.

In this case too, we deduce, the Respondents do not intend to inform the resident of such a decision.

8. In conclusion, under the new procedure, in order to perform an inquiry – whether there is a decision to prohibit travel abroad regarding a resident – he is required to report in person to the regional DCO at least twice, fill out a written, detailed application which includes providing various personal details

and attaching various documents. This red-tape and sending of applicants back and forth clarifies that residents will not use this [procedure] of their own free will.

9. This bureaucratic ordeal is not predestined. For the purpose of demonstration only, one may turn to the inquiry services provided by the Israel Police Force. According to the Israel Police Force website, an Israeli citizen who wishes to inquire whether he is denied exit from the country is required to:

    - Send a fax with a copy of [his] ID card/passport
    - Call after sending the fax to receive a response from a service representative

    A copy of the publication on the Israel Police Force website describing this process is attached and marked **Exhibit P/52**.

10. Even supposing an inquiry is required into the matter of every single resident, the rather long timeframe (six weeks) which the Respondents have granted themselves for the purpose of providing an initial response is patently unreasonable. As indicated by the Respondents' procedure regarding review of applications to enter Israel (Exhibit P/50), they require no more than 9 days in order to fully review the application.

11. However, had the Respondents acted as they are required to do, and worked toward arriving at an informed decision before a "travel preclusion" is entered regarding a certain individual and the same preclusion were restricted to a limited period of time at the end of which a review were held as to whether it was still necessary, there would have been no impediment to providing this response immediately.

Stage B – The Objection

12. As demonstrated, the initial "inquiry" stage is not constructed as an inquiry, but is rather a unique creation, an advance objection of sorts, to a decision which is unknown to have been made. Undoubtedly, following the "inquiry", some of the preclusions, which should never have been entered or have expired, will be removed. (It may also be the case that following submission of the applications, new preclusions will be entered for some of the applicants). The authority has thus acted twice in the matter of the refused resident: first in entering the preclusion, second in leaving it intact despite the detailed "inquiry". Ostensibly, the road to a legal challenge to the decision has been cleared. However, the Respondent is obviously aware of the quality of the decisions, most of which, even today, are reversed following external intervention. He chooses to introduce a third administrative procedure of a further objection, which, as far as he is concerned, is part and parcel to the exhaustion of remedies.

13. What do we know about this further station on the *via dolorosa* toward fulfilling the constitutional right to travel abroad?

14. Regarding the objection stage, all that is stated in the procedure is that after receiving the response, the resident will be able to file an objection. According to the procedure, the objection must also be filed by the person at the DCO. The requirement to report in person ensures that at this stage too, the resident will not be able to be represented by either a human rights organization or a private attorney.

15. The procedure remains silent as to the official authorized to decide on the objection and the length of time in which the decision is to be made.

16. Moreover, the notice sent to the organizations by Respondent 4 (Exhibit P/48) stated that "as of February 2008 applications for evaluation of a security preclusion will no longer be processed by the office of the Legal Advisor, except in extremely unusual cases, following exhaustion of the administrative process". Namely, a resident who has not gone through the bureaucratic ordeal described above and did not apply six weeks ahead of time:

    a) Will be denied the right to object to the decision to prohibit his travel abroad, even if the Respondents prevented his travel in practice and he was turned away at the Allenby bridge;
    b) Will be denied the right to the assistance of an attorney or a human rights organization for the purpose of having the decision revoked.

A summary of the process according to the procedure

17. In order to complete the process, including exhausting the possibility of filing an HCJ petition, a person must apply some 3 to 4 months prior to a planned trip. And these are the stages a person "precluded from travel abroad" must go through:

    a) Arrival at the DCO for the first time and filing of a detailed application
    b) Within six weeks – a second summons to the DCO
    c) Arrival at the DCO a second time and reception of a written response
    d) Arrival at the DCO a third time in order to file an objection
    e) At the end of an unspecified period of time – reception of a response to the objection, likely involving arrival at the DCO for a fourth time
    f) Only at this stage the "time is nigh", according to the Respondents, for filing an HCJ petition

18. If the existing situation is Kafkaesque, the new procedure is even more so. Even today, every resident is subject to computer records which are entered in unseen offices. Now the resident will have to challenge the record or the non-record without knowing whether the record exists, as someone sent to fight an elusive shadow. To ensure the resident's powerlessness, he is sent into the ring alone, without the possibility of procuring assistance from an organization or a representative. If he has not done so – the Respondent will claim that he "has not exhausted the remedies".

Examples illustrating the unreasonableness of the new procedure

19. A number of cases recently handled by HaMoked: Center for the Defence of the Individual are detailed below. Not only would implementation of the new procedure not have improved these situations, but rather would have exacerbated them.

20. *A CEO of a tourism company who needs to accompany pilgrims on the Hajj* – a resident who has been prohibited from traveling abroad in the past and turned away at the Allenby Bridge. Following HaMoked's appeal, and the submission of a petition, the preclusion was removed within 20 days.

    Copies of HaMoked's letter, the petition and the notice of deletion are attached and marked **Exhibit P/53**.

21. *A member of the city council is invited to attend a twin city delegation* – a resident of the city of 'Anabta, whose travel abroad has been prohibited in the past on the claim that he is "precluded for security reasons". Following HaMoked's appeal and the submission of the petition, the preclusion was removed within 10 days.

    Copies of HaMoked's letter, the petition and the notice of deletion are attached and marked **Exhibit P/54**.

22. *A grandson who wishes to support his grandparents who are in hospital in Jordan* – a resident of the West Bank whose travel abroad has been prohibited in the past. Following HaMoked's appeal, the preclusion was removed within 9 days.

    Copies of HaMoked's letter and the response of the Legal Advisor for the West Bank are attached and marked **Exhibit P/55**.

23. Under the new procedure, which requires the application be submitted six week in advance, none of the abovementioned residents would have been able to leave the country on time. All without grounds or justification.

24. *A lecturer on economics is required to take an exam in order to complete a PhD program in Egypt* – on 11 August 2007, while Mr. Ghahleh was en route to Egypt in order to take the exam, he was turned away at the Allenby Bridge. On 23 August 2008 [*sic*], HaMoked appealed to the Respondent on his behalf, requesting to remove the preclusion. On 29 August 2007, within six days, Respondent 4 replied that "an examination we conducted regarding your client indicates that there is no impediment to allowing the aforementioned person to travel to Jordan as per ordinary procedures".

    Had the new procedure formulated by the Respondents been in effect, Mr. Ghahleh too would not have been able to make it to the exam on time. This is so because as he did not apply in advance, Respondent 4 would have refused to review his objection.

    Copies of HaMoked's letter and the response of the Legal Advisor for the West Bank are attached and marked **Exhibit P/56**.

The conclusion - most of the flaws remain unchanged

25. The new procedure formulated by the Respondents does not address the main flaw to which we referred in our petition. As we have seen, there are a number of new flaws and impediments added following the formulation of the procedure. The flaws remaining in the Respondents' actions are listed below in the "chronological order" of the administrative process.

A. Breach of the proper authority's duty to exercise its powers and discretion independently

26. In their response to the petition, the Respondents notified that the database in which people appear as "precluded from travel" is not forwarded to the military commander, but rather remains solely in the hands of the ISA.

27. As indicated by the procedure, the Respondents intend to leave the decision on prohibiting a Palestinian from traveling abroad at the hands of the ISA, whilst the authorized official completely "disarms" himself of his discretion.

28. In view of the notice of the Legal Advisor for the Judea and Samaria Area, Respondent 4, that he will henceforth cease to review objections to decisions except in extraordinary cases, even this limited involvement by an "extra-ISA" official, if only at the objection phase, has been revoked.

29. The aforementioned indicates that the ISA is not a recommending agency whose recommendations are used by the authorized official as per law, but rather a deciding agency which arrives at decisions *ultra vires*.

30. Thus, this fundamental flaw remained intact (see pp. 40-42 of the petition).

B. <u>Breach of the duty to deny the fundamental right to freedom of movement only following a hearing, examination of the evidentiary infrastructure and pursuant to a written warrant</u>

31. The substantive and fundamental flaw challenged in this petition is the Respondents' failure to uphold their basic duty under administrative law - conducting a proper administrative procedure **<u>prior</u>** to receiving a decision which infringes upon a person's fundamental right (see pp. 43-47 of the petition).

32. Both the Respondents' response to the petition and the procedure submitted now clearly indicate that the Respondents have no intention of correcting the substantive flaw in their actions – their practice of preventing Palestinian residents of the Territories from traveling abroad in a manner which is not based on an informed, up-to-date decision, without issuing a written warrant signed by the proper authority and without giving notice.

33. Additionally, the procedure does not make any reference to the substantive considerations that must guide the authority through the process of weighing the option to prohibit a person from leaving the country, or to its duty to give due consideration to the fact that what is at issue is the denial of a fundamental constitutional right (see pp. 50-51 of the petition; see for example: HCJ 448/85 <u>Dhaher v. Minister of the Interior</u>, *Piskey Din*, 40(2) 710; HCJ 4706/02 <u>Salah v. Minister of the Interior</u>, *Piskey Din* 56(5) 695).

34. Contrary to the norm regarding Israeli residents, the provisions of the procedure formulated by the Respondents in conjunction with the letter of Respondent 4 indicate that not only have the Respondents no intention of correcting these fundamental flaws, but rather they intend to impose advance inquiry on residents of the Territories, an inquiry which involves a bureaucratic ordeal and requires planning and applying well ahead of time… a resident who will not do so will be denied the right to object to his being prevented from traveling abroad.

35. This burden of inquiry, imposed under the new procedure, turns the principle – the existence of a right to travel abroad – on its head.

36. We shall recall what has been proven in the course of the petition: a fundamental defect in the Respondents' conduct – some 70% of the decisions are reversed. In the petition, we presented data which proved the scope of the flaw at issue:

    <u>2003-2005</u> – of 621 cases in which HaMoked appealed on behalf of individuals who were turned away at the Allenby Bridge en route abroad, the decision to prohibit exit was retroactively revoked in some 75% of the cases (of the remaining 25.4% cases, only in 17.4% a final refusal was rendered, whereas in 8%, processing ceased for various reasons). The revocation of the decision is implemented retroactively, after the individual's travel abroad had been prevented.

    See sections 71-71 of the petition and the statistics attached as Exhibit P/26.

37. **<u>2006</u>** – of 196 cases handled by HaMoked, the decision was revoked in 138 cases. Namely, in 70% of the cases handled, the decision was reversed (in 67% through objections filed to the office of the Legal Advisor for the Judea and Samaria Area and 3% following HCJ petitions).

38. **<u>2007</u>** – Data collected during 2007 point to a similar systemic failure. Thus, in 113 of the 169 cases handled by HaMoked, the decision was revoked. Namely, in 67% of the handled cases, the decision was reversed (of these, 55% through objections filed to the Legal Advisor of the Judea and Samaria

Area and 12% following an HCJ petition).

A copy of the data is attached and marked **Exhibit P/57**.

39. Thus, the vast majority of the "preclusions" due to which individuals have been turned away by the authorities at the Allenby Bridge while en route abroad, were revealed to be baseless and unjustified.

40. The Respondents' response to the petition as well as the procedure submitted indicate that the Respondents have no intention of changing their practice and start holding advance, proactive reviews of the "precluded list", a list which signifies a ban on travel abroad for the people included therein.

C. Breach of the duty to deny a right for a limited period of time only at the end of which the evidence and grounds for continuing the denial are reviewed

41. The procedure attached by the Respondents makes no reference to this issue, indicating that:
    - A record against an individual in the database does not undergo periodic review regarding the material in the case, including an evaluation of whether the same justifies the continued imposition of the restrictions stemming from the record;
    - Individuals are recorded on the list of persons precluded from travel abroad for an unlimited period of time;
    - The Respondents did not bother responding to these arguments, despite these having been elaborated in the petition.

D. The duty to hold a hearing - including the duty to divulge the information which forms the basis of the decision to the victim

42. The rule is, and we examined the same in the petition, that the right to plea requires disclosure of all the information, to the extent possible, so that the victim is aware of the considerations weighed by the authority and the basis for its decision and so that he is able to respond to them on their merits (see sections 141-144 of the petition).

43. The form which was attached to the letter sent by the Legal Advisor for the Judea and Samaria Area (Exhibit P/51) includes two lines, in which the grounds for the security preclusion are to be recorded. The Respondents did not specify in the procedure, or anywhere else, whether they intend to change their practice of not divulging, at all, the grounds and factual foundation which lies at the basis of a decision on a security preclusion for travel abroad (pp. 49-50, sections 167-170 of the petition).

E. The duty to provide a decision on an objection within a reasonable timeframe

44. The procedure includes no reference to the timeframe in which a decision on an objection filed by a resident whose travel abroad had been prohibited is to be reached.

45. The decision to prohibit a person's travel abroad is a decision which involves an infringement upon the person's fundamental right.

46. Considering the fact that a decision denying a person's fundamental right is at issue and that during the waiting period the denial of the right continues, the Respondents are obligated to reach a decision on an objection expeditiously.

47. **In conclusion**, the procedure formulated by the Respondents does not remove the main violations challenged in the petition. Thus, not only have the Respondents not improved their conduct in order to alleviate the harm suffered by the residents, it seems that they have made matters worse.

In light of all of the aforesaid, the Honorable Court is requested to issue a temporary injunction as requested in the first part of this request.
Additionally, and given that the flaws against which the petition was filed have not been rectified, the Court is requested to issue an order nisi as requested in the petition (after adjusting it to the decision of the Court dated 1 August 2007) instructing the Respondents to appear and show cause as follows:

A. Why it shall not be determined that current records of residents of the Territories as "precluded for security reasons", or "ISA preclusions" (or other such classifications – hereinafter: ISA preclusions), due to which their travel abroad is prohibited, have been implemented through a severely flawed administrative procedure, and are, therefore, intrinsically void, and any administrative decision based on these records is also null and void.

B. Why will the Respondents not be obliged to establish and publish clear written protocols entrenching, *inter alia*, the duties listed below.

C. Why will the Respondents not be obliged to conduct a proper administrative procedure, in accordance with a published written procedure, when acting toward having a person classified as precluded for security reasons and whose travel abroad has been prohibited, including:

D1. [*sic*] Why will the Petitioners not be obliged to notify the resident victim of the intention to include him in the list of persons precluded for security reasons and allow a hearing in his matter before the decision is made. Why, where it is vital to implement the inclusion immediately and without notice, will retroactive, immediate notice not be provided and a hearing be made possible at that time.

D2. Why will the Respondents not be obliged to divulge to the resident, prior to holding a hearing, the material on which the intention to classify him as precluded for security reasons and prevent his travel abroad, with the exception of information which cannot be divulged for security reasons; and why will the decision not to divulge information not be made by an appointed authorized official and for reasons which will be specified.

D3. Why will the Respondents not be obliged to establish considerations and criteria for the existence of a "security preclusion" which reflect a proper balance between the degree of danger attributed to the individual and the extent of the infringement or the strength of the right at stake, while considering the force of the right which is breached as a result of preventing travel abroad.

D4. Why will it not be determined that recording a person as being precluded for security reasons, due to which his travel abroad has been denied (including extension of an existing preclusion) may be carried out only by written warrant, issued by the proper authority and handed to the person who is the subject of the preclusion expeditiously, including a written translation in the language of said person. The warrant shall list the nature of the preclusion, the reasons thereto, the manner in which it may be challenged. Why, in cases of failure to hand a warrant, will an accessible inquiry mechanism not be instituted, allowing every resident to inquire in advance and at any time – whether a warrant had been issued against them and to receive it.

D5. Why will it not be determined that recording a person as precluded for security reasons and prohibited from travel abroad may be carried out for a limited period of time not exceeding six months and that renewal of the record and the restriction, if necessary, will be done only after a reevaluation and a determination that there are grounds relevant to the person which justify the continued record and restriction.

D6. Why will the Respondents not be obliged to list the grounds for their decisions to classify individuals as precluded for security reasons and prohibit them from traveling abroad.

D7. Why will an expedited and binding schedule for processing applications or objections regarding restrictions of movement due to "ISA preclusions" not be determined, in situations where processing takes place whilst the resident's freedom of movement is restricted.

D. Why will the Respondents not be prohibited from using prohibitions to travel abroad in order to recruit residents to collaborate with Israeli security officials or in order to extract information from them.

E. Why will the Respondents not list the number of residents of the Territories who are classified by them as precluded from travel abroad for security reasons.

Today, 20 February, 2008

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Limor Yehuda, Att.
Counsel for the Petitioners