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At the Supreme Court
Sitting as the High Court of Justice

HCJ 726/08

_____ **Al-'Adluni et al.**
represented by counsel, Att. Ido Bloom et al.
Tel: 02-6283555; Fax: 02-6276317

The Petitioners

v.

GOC Central Command
by the State Attorney's Office
Ministry of Justice Jerusalem
Tel: 02-6466590; Fax: 02-6467011

The Respondent

Supplementary Response on behalf of the Respondents

In accordance with the decision of the Honorable Court dated 3 February 2008, the Respondents hereby respectfully submit their response to the petition.

1. The petition concerns the request of Petitioners 1-4, minors (hereinafter: **the Petitioners**), residents of the Gaza Strip to travel to the West Bank, where, it is claimed, their mother has been present since September 2007, due to her medical condition. According to the Petitioners, the mother's medical condition requires she remain in the West Bank and therefore, they request that the Respondents allow their passage to the West Bank as well.
2. In their response to the petition as well as in the hearing before the Honorable Court held on 3 February 2008, the Respondents declared that inasmuch as the mother's medical condition requires her to remain in Ramallah, the Respondents do not object to the Petitioners' passage to the West Bank, if the Petitioners' mother pledges that the Petitioners and their mother will return to the Gaza Strip at the end of the medical treatment which necessitates the mother's presence in the West Bank, inasmuch as such exists.
3. In its decision of 3 February 2008 at the end of the hearing, the Honorable Court ordered the Petitioners to present the Respondents with additional medical documents.
4. On 6 February 2008, the Petitioners presented the Respondents with a medical report regarding the mother. The Civil Administration medical coordinator notified that this letter has nothing significant to add to a similar letter attached to the petition by the Petitioners.

R/1, a medical report sent to the Respondents by the Petitioners on 6 February 2008, is attached and marked **R/1**.

On 7 February 2008, the Petitioners presented a medical opinion which was given on the basis of the aforesaid medical report. The Civil Administration medical coordinator informed that, as the letter indicated, this letter had been written without the physician having seen or examined the Petitioners' mother, and it therefore had no bearing on the petition. It shall be further noted that the medical coordinator commented that the Respondents have not yet been presented with the results of the medical test due to which the Petitioners' mother was granted a permit to leave the Gaza Strip at the time.

R/2, the document sent by the Petitioners on 7 February 2008 is attached and marked **R/2**.

5. The Respondents wish to further note that according to information provided by the office of the legal advisor at the Erez DCO, the Petitioners' mother last entered Israel for the purpose of medical treatment on 30 January 2002. She returned to the Gaza Strip on 2 February 2002.
6. Therefore, the Respondents reiterate their position, according to which the condition of the Petitioners' mother does not necessitate she remain in the West Bank particularly. In any case, the Respondents maintain that the Petitioners' mother can return to the Gaza Strip, where she resides, and reunite with her children there. The Respondents further wish to note that, as stated in their preliminary response, in effect, and without this being expressly mentioned, indeed the relief sought by the Petitioners is a change of residence from the Gaza Strip to the Judea and Samaria Area. As stated in the Respondents' preliminary response, the Respondents object thereto for lack of cause.
7. Therefore and in light of the aforesaid, the Petitioners reiterate their position according to which the petition must be rejected. The Respondents declare, once again, that inasmuch as the Petitioners produce medical documents according to which the mother's medical condition necessitates she remain in Ramallah, the Respondents do not object to the Petitioners' passage to the West Bank, subject to an undertaking as stated in their preliminary response.

Today,
6 Adar 5768
12 February 2008

[signed]
Ro'i Shweika
Assistant to the State Attorney