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Andre Rosenthal, Advocate

April 21, 2015
Reference: 2810/3

To
GOC Home Front Command
Through Major Efrat Pariente
Legal Advisor, Home Front Command
Facsimile: 08-9784134; Telephone: 08-9784244

Dear Sir,

Re: **Hearing in the matter of my client _____ al-'Awal, ID No. _____**

1. According to the letter of Major Pariente dated April 16, 2015, we hereby respectfully argue against the possible extension of the removal order against my above referenced client. Based on the mere fact that we were given a paraphrase, we assume that your honor does not have in his possession any open material. If this is not the case, we would like to receive a copy of said material and be given the opportunity to complete our arguments after having reviewed it.
2. From Major Pariente's letter we could not understand whether new and updated privileged information was submitted to your honor which refers to the period of the previous order. If such material exists, we argue that my client should be interrogated before the order is issued. On this issue we refer to the words of the Supreme Court in H CJ 978/15 **al-'Awal and HaMoked: Center for the Defence of the Individual, founded by Dr. Lotte Salzberger**, paragraph 15 of the judgment. We argue that an "interrogation" which was conducted after the issue of the previous order cannot be re-used.

"... the respondents should bear in mind, looking forward, that an effort should be made to conduct a serious interrogation to the maximum extent possible..." (page 7 of the judgment)

3. As your honor knows, during the term of the previous order my client could not participate in any activity in his village, Ras al-Amud or in any other part of Jerusalem, in view of the fact that he stayed outside the municipal area of Jerusalem.
4. In H CJ 978/15 it was held – based on the privileged information – that my client "took part in violent incidents in Shu'fat after the horrendous murder of the youth Muhammad Abu Khdeir." Said incidents occurred in July 2014. It is therefore hard to understand how it can be argued that my client could have been actively involved in "popular terror activity" in Jerusalem recently, while he was expelled from the city.

5. My client totally denies that he is active "in the building of the organizational force of the Popular Front Organization" and claims that said suspicions were given to your honor – through the Israel Security Agency (ISA) – by agents who have an intrinsic interest to incriminate my client.
6. To the extent the order is based on human privileged information, we request that your honor will be provided with detailed information regarding each and every source, including the terms of his engagement with the ISA, the number of years he has been engaged by the ISA, benefits or other consideration received by the source for his work. It is easy to incriminate a person when the incriminating person does not undergo an open cross examination: even if several "sources" refer to the same type of activity, for as long as the incriminated person was not given the opportunity to properly defend himself and explain or refute the arguments raised against him, we are of the opinion that such incrimination, should be treated with adequate suspicion.
7. Finally, we argue that the use made in 2015 of the Defence (Emergency) Regulations, 1945, against my client, regulations used by the British Mandate to impose order, does not befit a state which purports to be Jewish and democratic, regardless of the fact that the Supreme Court held that it was "law" which had not been revoked before the end of the British Mandate in Palestine.
8. In view of the above, we request your honor not to issue in this matter a new removal order.

Sincerely.

Andre Rosenthal, Advocate

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