



security officials, and received clarifications with respect to the information presented to us. At this point it must be clarified – parenthetically – that after the limited scope of the exposure of the competent authority to the intelligence material was clarified (as will be specified below), we suggested to the counsel for the Petitioner that the examination of the matter be returned to the competent authority. However, due to the urgency of the matter, he requested that we grant our decision without delay on the basis of the intelligence material that was provided to us. We were convinced that there are no grounds to intervene in the determination of the military commander according to which there is a concern that the Petitioner’s travel abroad will be utilized to promote the activities of the Hamas and Kutla Islamiya, and that the prevention of the Petitioner’s travel is not solely due to membership in the Kutla Islamiya. In wake of the remarks we made following the hearing of the petition the counsel for the Petitioner informed us, after consulting with his client, that he does not stand by the petition and it is, hereby, dismissed.

Prior to the conclusion of the matter we would like to make two remarks relating to the issues that were deliberated in the course of the hearing and require further examination, irrespective of the results of the specific hearing before us.

The first remark relates to the relations between the Respondent and the General Security Service. The statements of the counsel for the Respondent reveal that the competent authority bases its decisions on Paraphrased briefs it receives from security officials and that it is not exposed to the intelligence material per se (the State Attorney’s office was also unaware, at this stage, of the scope of the intelligence material included in these paraphrased briefs). At the hearing we made it clear that this is inadequate; that the necessary infrastructure must be provided to the authority so it can make its decision with direct reference to the intelligence material; and that one must not be satisfied with paraphrased briefs alone. The counsel for the Respondent informed us that this issue will be examined in depth, and we presume that this examination will be conducted and that its results will be submitted to the director of the High Court of Justice department and the State Attorney.

The second comment relates to the concrete flaw in the in the manner the case was handled after it was discovered that only partial intelligence material was presented to the Court during the hearing on the request for an interim injunction, and that the intelligence infrastructure in its entirety was only provided to us at the hearing we held on the objection to the interim order. We are aware of the difficulty involved in preparing for a hearing for which short notice was given (due to the nature of the matter to be deliberated). Nevertheless, it must be ensured that even under constraints of time, the various state officials will be prepared to present information in full so that the court can formulate its decision on the basis of a complete and accurate factual intelligence infrastructure.

The petition is, therefore, dismissed. No order is rendered regarding costs.

Delivered today 23 Shvat 5775, February 2, 2016.

Justice

Justice

Justice