

Translation Disclaimer: The English language text below is not an official translation and is provided for information purposes only. The original text of this document is in the Hebrew language. In the event of any discrepancies between the English translation and the Hebrew original, the Hebrew original shall prevail. Whilst every effort has been made to provide an accurate translation we are not liable for the proper and complete translation of the Hebrew original and we do not accept any liability for the use of, or reliance on, the English translation or for any errors or misunderstandings that may derive from the translation.

At the Supreme Court
Sitting as the High Court of Justice

HCJ 8947/04

In the matter of:

- 1. I. Sharab**
- 2. HaMoked: Center for the Defence of the Individual founded by Dr. Lotte Salzberger – Reg. Assoc.**

represented by attorneys Gil Gan-Mor (Lic. No. 37962) and/or Yossi Wolfson (Lic. No. 26174) and/or Manal Hazan (Lic. No. 28878) and/or Adi Landau (Lic. No. 29189) and/or Leena Abu-Mukh Zuabi (Lic. No. 33775) and/or Shirin Batshon (Lic. No. 32737) and/or Hava Matras-Ivron (Lic. No. 35174) and/or Sigi Ben-Ari (Lic. No. 37566)

of HaMoked: Center for the Defence of the Individual, founded by Dr. Lotte Salzberger
4 Abu Obeidah Street, Jerusalem
Tel. 02-6283555; Fax. 02-6276317

The Petitioners

v.

Commander of the army forces in the Gaza Strip

The Respondent

Petition for Order Nisi

A petition is hereby filed for an Order Nisi, directed to the Respondent and ordering him to show cause why he does not allow Petitioner 1, a resident of East Jerusalem, who is married to a resident of Gaza, to receive a permit to enter and stay in the Gaza Strip, in accordance with the procedure for separated families, to enable her to live again with her husband and their four children, whom she has been prevented from seeing since 29 July 2004 as a result of the Respondent's decision.

Petition for Urgent Hearing

The Honorable Court is hereby requested to set an urgent hearing date on the petition.

This petition involves a family on whom the Respondent has imposed a painful and prolonged separation, which has now lasted some two months. Petitioner 1 (hereinafter: the Petitioner) currently resides in Israel. She is not allowed to return to her home, to the bosom of her

family and her normal life. The forced separation of the Petitioner from her family severely infringes her rights and creates an intolerable, prolonged humanitarian situation. Her predicament is particularly grave because her son ____, 12, is an epileptic. His illness requires his mother's care, otherwise he may harm himself or others during one of his daily epileptic attacks.

The Petitioner also has three small children. Other than the youngest child, they have now begun the school year and greatly miss their mother. The Petitioner suffers great emotional distress as a result of her situation. **In the affidavit attached hereto**, she writes, "It hurts me that there are people who think that I do not manage to return to Gaza because I am not trying hard enough, and that I am ignoring my obligations to my children. One day, while I was here, ____ was wandering around on the streets there and was almost run over, and I feel responsible for that. I do not understand how it is possible to prevent a mother from taking care of her children."

The Respondent does not justify his acts on security grounds. He contends that he does not allow the Petitioner to enter Gaza because the previous time she stayed in the Gaza Strip, she did not renew on time her permit to stay, and thus "violated a commander's order." Keeping her from her family on this pretext, especially in light of the bureaucratic hardships in renewing permits in Gaza over the past four years, constitutes unlawful punishment. Forbidding the Petitioner to enter Gaza is unreasonable and disproportionate, and violates the Respondent's duty to act in a humanitarian manner.

The facts

The parties

1. The Petitioner, a resident of Jerusalem, has been married to a resident of Gaza, Mr. ____ Sharab (ID No. _____), since 1990. The couple has four children – ____, 12, ____, 11, ____, 6, and ____, 4. The children are residents of the Gaza Strip.
2. Petitioner 2 (hereinafter: HaMoked: Center for the Defence of the Individual or HaMoked), a human rights organization with offices in Jerusalem, and deals, *inter alia*, with the right of Israeli residents to maintain a family life with their Palestinian spouses and children living in the Gaza Strip.
3. The Respondent holds the Gaza Strip by belligerent occupation, and has the rights and obligations resulting from that status. Pursuant to his declaration of the Gaza Strip as a "closed military area," the Respondent is responsible for issuing entry and stay permits to Israeli spouses of residents of the Gaza Strip.

Background: The separated-families procedure since October 2000

4. The objective of the separated-families procedure is to arrange the stay in the Gaza Strip of Israelis who have families living in the Strip. Until October 2000, this procedure was regularly implemented for the most part. Persons wanting to live with their spouses who were residents of the Gaza Strip received from the Respondent permanent permits to stay in the Gaza Strip. The permits were renewed every three months through the Israel District Coordinating Office in Erez [on the Gaza Strip Israel border].
5. Until October 2000, the Petitioner renewed her visiting permit, which she received in accordance with the separated-families procedure, regularly. Simultaneously, the Petitioner maintained contact with her family in Israel and visited them periodically. When the visit ended, she would return to Gaza without difficulty, deposit her identity card at the entrance to the Strip, and receive it on her return, as set forth in the procedure.
6. Since October 2000, following the violence, implementation of the procedure broke down. Following severe restrictions on movement, the cutting up of the Strip, many shooting incidents and fear that seized the population, many persons refrained from going to the Erez DCO to renew their permits, and remained in the Strip without a permit. Many who were then staying in the Strip also did not return to Israel for a long time. Others, who returned to Israel, were unable to return to their families in the Strip. The fear of a similar fate induced those who were in Gaza not to leave for Israel, although their permit had expired, on the chance that they would find themselves in even a worse situation.
7. The holders of the permits were not solely responsible for their failure to renew the permits. Quite the opposite. The Respondent contributed substantially to that through the closures, sieges, checkpoints, and frequent changes in the separated-families procedure and the bureaucracy involved in implementing the procedure. Many of these changes were unexpected and arbitrary, were taken usually as punishment following terrorist attacks, and were not made public. Again and again, staff members of HaMoked: Center for the Defence of the Individual warned the Respondent about the numerous problems in implementing the separated-families procedure.
 - 7.1 As early as 11 October 2000, HaMoked sent a letter of warning about the difficulty in reaching the Erez DCO, caused by the restrictions on movement, to extend permits.

A copy of the letter of 11 October 2000 is attached hereto, marked P/1.

7.2 Following this letter, the commander of the Israeli DCO in Gaza, Second Lieutenant Ben-Yatech, announced that, because of the circumstances, the permits given to Israelis to stay in the Gaza Strip pursuant to the separated-families procedure would be automatically extended. This information was disseminated among the relevant population, but a few days later, Second Lieutenant Ben-Yatech retracted her announcement and stated that the permits would not be extended automatically, and that persons wanting to extend their permits would have to go to Erez or fax their request for an extension to the DCO, and that the requests would be considered.

Copies of the said letters are attached hereto, marked P/2 – P/6.

7.3 In January 2002, it was decided to shorten the period of the permits given in the framework of the separated-families procedure from three months to one month.

A copy of the relevant letter, of 24 January 2002, is attached hereto, marked P/7.

7.4 In April 2002, the separated-families procedure was cancelled. Women who were at the time in Israel were unable to return to their loved ones. Women who were at that moment in the Strip were no longer able to extend their permits. Following a letter from HaMoked: Center for the Defence of the Individual, it was decided, in late May, to implement the procedure. It was also decided to enable women situated at the time in the West Bank to go to the DCO to renew their permits.

A copy of the said letters are attached hereto, marked P/8 and P/9.

7.5 In July 2003, the Respondent again decided to cancel the separated-families procedure, and permits ceased to be issued. On 13 August 2003, following a letter from HaMoked, the Respondent's representative stated that the separated-families procedure was being operated as normal.

Copies of the said letters are attached hereto, marked P/10 – P/11.

7.6 In January 2004, the procedure was again cancelled, and HaMoked: Center for the Defence of the Individual received many complaints that permits were not being issued. On 26 January, following a letter from HaMoked, the deputy legal advisor for the Gaza region stated that the procedure was in force. He denied that the procedure had been suspended during the said period.

Copies of the said letters are attached hereto, marked P/12 and P/13.

- 7.7 In April 2004, the separated-families procedure was again cancelled. Following a letter from HaMoked, the legal advisor for the Gaza region, Lt. Col. David Benyamin, stated that it had been decided to suspend the procedure for security reasons prevalent at the time.

Copies of the said letters are attached hereto, marked P/14 and P/15.

- 7.8 When the separated-families procedure was renewed in May 2004, the Respondent changed the procedure – now, the Israeli spouse, when entering the Strip, would have to sign an undertaking not to leave the Strip for three months. A petition was filed with the High Court of Justice in opposition to change in procedure (HCJ 5076/04, *Husseini et al. v. OC Southern Command*). A day after the petition was filed, the Respondent issued another directive, whereby Israeli citizens staying in the Strip in the framework of the separated-families procedure would not be allowed to renew their permits to stay in the Strip, and that they should be directed to leave the Strip and return to Israel. Regarding this action, the petitioners in HCJ 5076/04 filed an application for an additional temporary injunction. Following the petition, the Respondent retracted the changes in the procedure.

A copy of the said letter and a copy of the Application for Additional Temporary Injunction are attached hereto, marked P/16 and P/17.

The Petitioner's interest

8. From the beginning of the current Intifada to 27 June 2004, the Petitioner refrained from leaving the Strip for Israel to visit her relatives. During this period, she did not meticulously and regularly renew the permit to stay in Gaza. The last permit given her bears the date 3 September 2000.
9. At the beginning of the current Intifada, the Petitioner's family lived in Khan Yunis, which is situated in the southern part of the Gaza Strip. The permits were renewed in the northern section, at the Erez checkpoint. This situation created great hardship for the Petitioner, because such a trip entailed real danger. Many times, the army divided the Strip, blocking completely travel from the southern part to the northern part. "One day the roads are closed, another day there is an attack..." is how the Petitioner describes the situation in her own words. Two years after the Intifada began, the family moved to a house they rented in Gaza. The move was made specifically

because of these problems in moving about the Strip, in that the Petitioner's husband works in Gaza.

Now, too, the Petitioner did not go to the Erez checkpoint to renew her permit. Travel between Gaza City and the Erez checkpoint was not free of danger. However, the Petitioner was particularly concerned that, if she went to the checkpoint, she would be removed from the Gaza Strip and would not be able to return to her children, who depended on her daily care. In retrospect, we see that her concern was well-founded.

10. Regarding implementation of the separated-families procedure, everything the Petitioner knows comes from rumors and information about experiences of other persons. She has never encountered any official directive by the Respondent regarding her rights or the procedures according to which she must act to obtain and renew permits. The lack of information meant that, as far as the Petitioner was concerned, anything was liable to happen when she went to the checkpoint, added to her reluctance to make any attempt to visit in Israel or to renew her permit. Even persons who hold valid permits, the Petitioner states, are extremely frightened when they renew the permit, because people never know the procedure, and holders of permits are afraid to enter Israel, worrying that they would not be allowed to return. In these circumstances, the Petitioner chose, as did many others in her situation, to remain in the bosom of her family in the Gaza Strip for a long time without a permit and without leaving for Israel, and to meet her moral and legal obligations to her children and husband.
11. In June 2004, the Petitioner decided to visit in Israel. She made the decision after she heard that a woman in her situation managed to go to Israel and return to the Strip, and after she heard that the Erez checkpoint was operating in some degree of normalcy. For quite some time she had wanted to visit her widowed and ill mother, who lived in Jerusalem.
12. On 27 June 2004, the Petitioner went with her youngest child, _____, to the Erez crossing. When she asked the official at the Israelis Office for her identity card, she was told that it had been lost. She was also informed that she would not be able to take her son with her. The Petitioner had to leave her infant son behind, and his father took him to the house in Gaza. The Petitioner entered Israel alone. While in Israel, she obtained a new identity card at the Ministry of the Interior, to replace the card that had been lost at the Israelis Office at Erez crossing.

13. At the end of her visit, the Petitioner wanted to return to her husband and children. On 11 July, she sent a request to the Erez checkpoint to obtain a permit to enter the Gaza Strip. She did not receive an answer.

A copy of the request is attached hereto, marked P/18.

14. On 20 July, the Petitioner submitted, through HaMoked: Center for the Defence of the Individual, a request for a permit to enter the Gaza Strip in accordance with the separated-families procedure. The request was received at the Israelis Office at Erez crossing, and on 29 July, Ms. Ariana Baruch, of HaMoked, was informed by telephone that the request had been rejected. Later, she was informed by telephone that the request had been rejected because the Petitioner “violated a commander’s order” by not renewing the permit and by not leaving the Strip for four years.

15. Following these events, HaMoked: Center for the Defence the Individual wrote on 2 August, on behalf of the Petitioner, to the legal advisor for Gaza, Lt. Col. David Benyamin, requesting that he intervene to enable the Petitioner to return to her family. The letter briefly explained the difficulties that precluded her from renewing her permit to stay in the Strip.

A copy of the letter of 2 August is attached hereto, marked P/19.

16. On 23 August, a response was received from the legal advisor’s office. Ms. Ariana Baruch, of HaMoked, sent the legal advisor a follow-up letter in which she pointed out that arranging the Petitioner’s entry into the Strip was an urgent special humanitarian matter, in that her son was epileptic, and needed his mother’s supervision and care. A medical document was enclosed with the letter.

Copies of the letter and the medical document are attached hereto, marked P/20 and P/21.

17. Simultaneously, the Petitioner contacted Member of Knesset Issam Makhoul, who contacted the office of the legal advisor, the Ministry of Defense, and the office of the Coordinator of Government Activities in the Territories. These actions were to no avail.

18. On 9 September, a response was received from the legal advisor, which is set forth here in its entirety: “A check was recently made with the Israelis Office at the DCO, which indicated that the applicant’s entry into the Gaza Strip region was not allowed, the reason being that she violated a commander’s order a number of times.”

A copy of the letter of 9 September 2004 is attached hereto, marked P/22.

19. Thus, the Respondent decided, through the legal advisor, to repeat, in curt fashion, his decision and did not relate to the substantive contentions against her.
20. HaMoked tried again to change the decision, and maintained contact with the Israelis Office at the Erez DCO regarding her matter, but with no success. The only action left open was to file this petition.

The legal argument

In exercising his authority, the Respondent relied on extraneous and forbidden reasons

21. Pursuant to his status as sovereign in the Occupied Territories, the Respondent has the authority to grant, or refuse to grant, permits to stay in the occupied territory, but he is forbidden to exploit the authority, which is given him to ensure the safety in the territory, to punish the Petitioner without trial, and to breach the fundamental principle that a person may be punished only in accordance with law. Without stating whether the Petitioner in fact committed an offense, if the Respondent believes that in breaching the commander's order, she committed an offense, she can be tried. He does not have the power to punish the Petitioner by such a harsh administrative means, refusing her entry into the Strip and forcing her to remain separated from her husband and children.
22. The Respondent does not hide behind the security claim, which purportedly justifies preventive administrative measures. **The Petitioner was told explicitly that the only reason she was not allowed to enter the Strip was that she “violated a commander's order.”**
23. The Respondent's reason is completely improper. The Respondent's administrative powers, including the authority to restrict entry into territory under his control, are powers that look to the future, which must be based solely on grounds of security, for the purpose of preventing future threats (see HCJ 7015/02, *Ajuri et al. v. IDF Commander in the West Bank et al.*, *Piskei Din* 56 (6) 352, 370; HCJ 253/88; *Sajdiya v. Minister of Defense*, *Piskei Din* 42 (3) 801, 821). By preventing the Petitioner from returning to her home, on the other hand, the action looks to the past, is based on reasons unrelated to security, and is intended solely to punish the Petitioner.
24. Furthermore, unlike administrative measures (such as administrative detention, deportation, and assigned residence), which are limited in time and require that the person against whom the action is directed be given an opportunity to state his case, the Respondent's action against the Petitioner is not limited in time, and she has not been given an opportunity to state her case or defend herself.

25. The Court has discussed the Respondent's reasons for restricting entry of Israelis into the Strip. For example, the Court accepted as legitimate the Respondent's refusal based on concern for the safety of Israelis who entered the Strip or on pure grounds of security, such as the fear that the permit would be exploited to provide services to hostile entities (see, for example, H CJ 9293/01, *MK Mohammad Barakeh et al. v. Minister of Defense*, *Piskei Din* 56 (2) 509, 5155; H CJ 10089/02, *Alteib v. Commander of IDF Forces*, *Takdin Elyon* 2003 (1) 578).
26. Clearly, these reasons do not exist in the Petitioner's case, and the Respondent did not contend that such reasons are applicable in the Petitioner's case. The only reason that he raised was breach of the terms of the permit. The Respondent also did not even argue that the breach of the terms of the permit was exploited to harm security, or that security was involved in any way.
27. The Court has previously ruled on a similar case. In H CJ 3648/97, *Stemkeh et al. v. Minister of the Interior*, *Piskei Din* 53 (2) 728 (hereinafter: *Stemkeh*), the matter involved the foreign spouses of Israelis, who breached the conditions of their permit to stay in Israel. The Court prohibited the Interior Ministry from forcing the prolonged separation of the couples by deporting the foreign spouse from Israel, and held that the right to family life should not be infringed:
- The Interior Ministry's policy on foreigners married to Israelis while they (the foreigners) are staying in Israel without a permit does not meet the test of proportionality, and is improper and void. The Interior Ministry's requirement— as a fundamental principle – that the foreign spouse would leave the country for a number of months until the authenticity of the marriage is checked, is inconsistent with the primary precepts of a democratic regime that cherishes human rights (Ibid., p. 782).**
28. We see from the above that the Court does not consider breach of the conditions of a permit to stay reason, in and of itself, to justify the destruction of families.
29. Therefore, the "violation of a commander's order" by itself is an improper reason for refusal, which would cause a tragedy to the Petitioner and her family.
- The Respondent's decision causes the Petitioner severe and disproportionate harm**
30. Reliance on the forbidden reason chosen by Respondent to explain the separation from her family that he is forcing on the Petitioner is sufficient to switch the burden

of proof to him, and to order him to show cause for his actions. However, it is imperative that we describe in brief the severe harm being caused to the Petitioner and her family, a harm that, even if the Respondent shows cause for his decision, is excessive and unreasonable.

31. By refusing to let the Petitioner to enter the Gaza Strip, the Respondent infringes her right to freedom of movement. This restriction on her freedom of movement severely infringes her right to maintain family life. This harm is aggravated by the fact that her Gazan husband is forbidden to enter Israel, and is not entitled to any status in Israel following enactment of the Amendment to the Nationality and Entry into Israel (Temporary Order) Law, 5764 – 2003, (a petition contesting the amendment is pending in HCJ 8099/03, *The Association for Civil Rights in Israel v. Minister of the Interior*). As a result, refusing to allow the Petitioner to enter the Gaza Strip decrees the absolute separation of her family and, in practice, destruction of the family unit.
32. The right to family life, which includes, in part, the right to maintain a joint household, the right of parents to raise their children, and the right of children to maintain ties with their mother and father, is recognized in Israeli law and international law. Infringement of the right to family life violates human dignity and breaches the Basic Law: Human Dignity and Liberty. See, on these points: Article 12 and Article 16(3) of the International Declaration on Human Rights, 1948; Articles 17 and 23(1) of the International Covenant on Civil and Political Rights, 1966; Article 10(1) of the International Covenant on Economic, Social and Cultural Rights, 1966; the Convention on the Rights of the Child, 1989; Article 12 of the European Convention on Human Rights; *Stemkeh*, p. 787.
33. The right to family life includes the obligation of the state not to interfere in the family unit and not to force painful separation between spouses and between parents and their children. In *Stemkeh*, cited above, Justice Cheshin held:

It would be improper to make light of the injury to the couple's dignity and family unity. And the separation of the lovers, how can that be mitigated in our case? Have we forgotten the pain of Desdemona when the Duke ordered Othello to leave and fight in Cyprus? (Ibid., p. 780)

Regarding separation of a child from his parents, Justice Alon said:

The Sages said that the matching of a person is as hard as the dividing of the Red Sea (Tractate *Sota*, 2A, and Rashi's commentary there). And if the matching and partnership of

persons are such, even more so is separation and “dividing” of one from the other, which is as hard as the dividing of the Red Sea (CA 488/77, *John Doe et al. v. Attorney General, Piskei Din* 32 (3) 421, 432).

34. The Respondent’s action also infringes the rights of the Petitioner’s family as protected persons in territory under belligerent occupation, as set forth in international humanitarian law (Article 46 of the Hague Regulations; Article 27 of the Fourth Geneva Convention).
35. The Respondent never requested the Petitioner’s explanation of her failure to extend her permit to stay in the Gaza Strip. Had he done so, he would have understood the impossible situation in which she found herself with the outbreak of the violence in the region, as described in Sections 4-10 above.
36. In addition, the Respondent wrongfully reacted with indifference to the grave humanitarian effect of his decision – children living in an area under his control have been unable to see their mother for a long time. The situation is particularly grave for her son ____, 12, who is epileptic and desperately needs his mother’s care; for the husband and wife, who love each other but are forced to live apart; and for the family, which is destroyed.

On the grave humanitarian situation, see the Petitioner’s affidavit, attached hereto.

The State of Israel is a state of law; the State of Israel is a democracy, which respects human rights, and gives serious weight to humanitarian considerations (HCJ 794/98, *Obeid et al. v. Minister of Defense, Piskei Din* 55 (5) 769, 774).

37. Therefore, opposite the extraneous reason of the Respondent stand the grave, prolonged harm to the Petitioner and her family, and the severe humanitarian harm. There are also the special circumstances that led the Petitioner to “violate the commander’s order,” circumstances for which the Respondent is largely responsible. When taking into account all the reasons and considerations, one conclusion can be made – the Respondent improperly exercised his discretion in the matter of the Petitioner’s request.

Summary

This petition is based on two pillars: first – that the Respondent erred in exercising administrative authority in a manner that so gravely infringed the Petitioner’s rights, by imposing an illegal punitive measure for previously “violating a commander’s order”; second

– that even if the Respondent had other reasons for rejecting the Petitioner’s request, the Respondent exercised his discretion in an unreasonable and disproportionate manner.

Either of these legal rationales are sufficient to void the Respondent’s decision.

Therefore, the Court is requested to issue the Order Nisi as requested in the beginning of the petition, and after hearing the Respondent’s response, make it absolute, and to order the Respondent to pay the Petitioner’s costs and attorney’s fees.

5 October 2004

_____ *[signed]* _____

Gil Gan-Mor, Attorney
Counsel for Petitioners

A F F I D A V I T

I the undersigned, I. Sharab, ID No. _____, after being warned that I must tell the truth, and that I shall be subject to statutory punishment if I do not do so, hereby declare in writing as follows:

1. I make this affidavit in support of the petition in the matter of entry into the Gaza Strip.
2. All the facts in the petition that relate to me are true. The facts relating to the actions taken by HaMoked: Center for the Defence of the Individual are true to the best of my knowledge, according to what I was told by HaMoked.
3. I would like to add a few comments about my family situation and the distress in which my family and I find ourselves.
4. Since 1990, I have been married to a resident of the Gaza Strip, and we have four children.
5. My eldest son, _____, is twelve years old. He is epileptic, and suffers attacks daily, up to five or six a day. He takes two medications to treat his condition. From time to time, for a number of days every six months, he requires hospitalization.
6. Because of his epilepsy, _____ is unable to go to school, and he stays at home. He requires constant supervision and cannot be left alone because he is liable to endanger himself or others. He is liable, for example, to hurt his infant brother _____ (as he has done in the past). In general, I remain at home and watch him.
7. I also have two daughters of school age. _____ is now starting seventh grade. _____ just began second grade. I have not seen them since the beginning of the school year.
8. My youngest son, _____, is four and is not in school. I was not allowed to take him when I left the Gaza Strip to go to Israel.
9. All of my children are registered in the Gaza Strip. They are now living in the family home in Gaza.
10. I made a short visit to Jerusalem to see my mother, who lives there. My mother is a widow. She is elderly and suffers from diabetes and [has] blood-pressure problems.
11. I did not intend to spend more than two weeks visiting my mother, but three months have already passed in which I have not managed to return to my family in the Strip.

12. The situation at home is extremely grave. My husband works. ____ cannot be left alone. Before university started, my husband stayed at home and watched him. Now, there are times that relatives come to watch him. Sometimes, he stays with his grandfather and grandmother. ____, who is just a young child, took charge in the house and caring for her small sister and brother.
13. I speak daily with my family in Gaza, and each time, the conversation ends in tears.
14. This horrible separation is one of the reasons that I was worried about going to the Erez checkpoint to renew my permit. I could not take the chance that they would separate me from my children. I have duties as a mother, particularly because of the condition of ____, who depends on me so much. I think that it is forbidden for me to endanger my children who depend on me. It hurts me that there are people who think that I do not manage to return to Gaza because I am not trying hard enough, and that I am ignoring my obligations to my children. One day, while I was here, ____ was wandering around on the streets [there] and was almost run over, and I feel responsible for that.
15. I do not understand how it is possible to prevent a mother from taking care of her children.
16. I declare that this is my name, this is my signature, and the contents of this affidavit, which was translated into Arabic for me, is the truth.

[signed]

The Declarant

I hereby certify that on 26 September 2004, the aforesaid appeared before me, Attorney Gil-Gan-Mor, at the office of HaMoked: Center for the Defence of the Individual, 4 Abu Obeidah Street, Jerusalem, and after she identified herself by her identity card _____, and after I warned her that she must tell the truth and that she is subject to statutory punishment if she does not do so, she confirmed the accuracy of her said declaration and signed it.

[signed]
Gil Gan-Mor, Attorney