

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 5875/07

In the matter of:

_____ **Kasem, et al**
Represented by Adv. Ido Blum et al
of HaMoked: Center for the Defence of the Individual
founded by Dr. Lotte Salzberger
4 Abu Obeidah Street, Jerusalem 97200
Tel: 02-6283555; Fax: 02-6276317

The Petitioner

v.

The State of Israel et al

The Respondent

Application by consent to file a response on behalf of the petitioners

The petitioners hereby request the honorable court to file a response on their behalf to the response on behalf of the respondents to the application to grant a temporary injunction, which was received today, 2 September, 2007 at the office of Hamoked- Center for the Defense of the Individual.

The respondents' representative, Adv. Itay Ravid has given his consent to the filing of this response.

And below is the response:

1. The respondents have not included in their response any justification or claim that had not previously been before the honorable court at the time when it decided to issue a temporary injunction forbidding the deportation of the petitioner.

2. In their response the respondents repeat the same “commitment” which contains nothing of substance with regards to the deportation of the petitioner, a “commitment” which anyway existed in the matter of the petitioner by virtue of the respondents’ general commitment in previous similar petitions (see paragraph 9 of the Application for a Temporary Injunction), **and which was in full view of the honorable court at the time of issuing the temporary injunction**
3. This “commitment” by the respondents, as has been argued in detail in the application for a temporary injunction is nothing but a catch – the respondents apparently commit themselves not to act towards deporting the petitioner, but at the same time they restrict its application from a situation in which she is captured and becomes a candidate for deportation, so that in fact they make the commitment completely devoid of all substance.
4. The balance of convenience clearly leans in favor of granting a temporary injunction that shall forbid the removal of the petitioner from the territories. On the one hand no harm whatsoever will be caused to the respondents from the continued residence of the petitioner amongst her family in the territories as it has been for the past years, whereas on the other hand the removal of the petitioner from her home and her family will cause extreme damage to the petitioner, to her spouse and to her minor children. As stated, these considerations have already been in full view of the court when it decided in favor of granting a temporary injunction.

In light of the above and in light of the fact that the respondents do not add the slightest amount to what was already presented to the honorable court in the application for the granting of a temporary injunction, and in light of the fact that the court had decided then in favor of granting a temporary injunction, the court is requested to issue a temporary injunction that shall forbid the removal of petitioner 2 from the occupied territories, or from taking any step whatsoever against her on the basis of her residence in the territories, so long as the petition in her matter is still pending.

2 September, 2007

Adv. Ido Blum
Counsel for the Petitioners

T. S. 49713