

[Unofficial Translation]

At the Supreme Court in Jerusalem
Sitting as the High Court of Justice

HCJ 5022/08

Before: Hon. Jus. E. A. Levi
Hon. Jus. E. Rubinstein
Hon. Jus. H. Meltzer

Concerning:

Shawan Rateb Abdullah Jabarin

The Petitioner

– Versus –

The Commander of IDF Forces in the West Bank

The Respondent

Date of hearing: 30 Sivan 5768 (3 July 2008)

For the Petitioner: Adv. Sfard Michael, Adv. Neta Patrick

For the Respondent: Adv. Gilad Shirman

Decision

Judge E. A. Levi:

The petitioner heads the organisation "Al Haq", which according to his definition is a human rights organisation. For over two years the petitioner has been prevented from leaving the West Bank for abroad. In his view this is an illegal refusal, and a harassment involving a double injury, both to the petitioner and to the image of the State of Israel.

A similar petition submitted by the petitioner in 2007 was rejected in Tamuz 5768 (June 2007), after it was found that alongside activity in a human rights organisation, the petitioner is also a senior activist in the Popular Front terrorist organization. Yet the petitioner believes that his matter requires another examination in view of the time that has passed, and in view of his belief that the prevention of his leaving for abroad without being confronted with incriminating facts, and without being given the right to respond to them, is an injury to basic rights.

We can understand the frustration of the petitioner's learned representative, who finds it difficult to argue against the decision of the respondents in view of the ambiguity surrounding their motives. However, these motives were divulged to us when, with the agreement of Adv. Sfar, we examined classified intelligence material. This examination has led us to two conclusions: first, that it is reliable information according to which the petitioner is among the senior activists of the Popular Front terrorist organization; second, the divulging of this material to the petitioner involves the exposure of important sources of information, and thus certain harm to national security.

In view of all of this, we have not found fault or error in the respondents' decision, and therefore our decision to reject the petition.

Given today, 4 Tamuz 5768 (7 July 2008)

Signed:

Judge

Judge

Judge