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## At the Supreme Court Sitting as the High Court of Justice

HCJ 7961/15

Before:

**Honorable Justice N. Hendel  
Honorable Justice N. Sohlberg  
Honorable Justice U. Shoham**

The Petitioners:

1. \_\_\_\_\_ **Dwayat**  
2. \_\_\_\_\_ **Abu Kif**  
3. \_\_\_\_\_ **Atrash**  
4. \_\_\_\_\_ **Abu Ghanem**  
5. **HaMoked: Center for the Defence of the Individual, founded by Dr. Lotte Salzberger – RA No. 580163517**

v.

The Respondents:

1. **Government of Israel**  
2. **Minister of Interior**

Petition for *Order Nisi* and Interim Order

Representing the Petitioners:

Adv. Abir Jubran-Dakawar

Representing the Respondent:

Adv. Yochi Genesin; Adv. Moria Freeman

## Judgment

### Justice N. Hendel:

1. In the petition at bar we are requested by the petitioners to order the respondents to refrain from taking action for the revocation of the permanent residency status of East Jerusalem residents involved in terror activity, including petitioners 1-4, until such time as a decision is given in HCJ 7803/06 – where a general petition is pending before an expanded panel of this court against respondent 2's power to act in this manner.
2. Petitioners 1-4 are East Jerusalem residents having permanent residency status in Israel, while two of them also hold Jordanian citizenship. Indictments have recently been filed against all of them for involvement in murderous terror activities and there are held in detention till completion of the criminal proceedings pending against them. On October 21, 2015, respondent 2 notified the

petitioners that he was considering the revocation of their permanent residency status in Israel – according to the power vested in him pursuant to section 11(a)(2) of the Entry into Israel Law, 5712-1952 – and gave them the opportunity to present their written arguments in this regard within thirty days.

A request filed by the petitioners on December 30, 2015, indicates that their written arguments had been submitted to the respondents on December 15, 2015, and that a few days later an oral hearing was also held for petitioners 1-3. It was also stated that a similar hearing is expected to be held for petitioner 4 on January 14, 2016. In any event, until this date no decision has yet been given with respect to the petitioners and the administrative proceeding in their matter is still pending.

3. Under these circumstances the petition should be dismissed *in limine*. There is no doubt that the revocation of the permanent residency status of East Jerusalem residents raises weighty constitutional and administrative issues. However, these general issues are being deliberated on, as foresaid, by an expanded panel of this court in HCJ 7803/06, and it would not be appropriate to discuss them at the same time – or grant remedies which constitute, by their nature, a sort of an "interim order" in the main petition – in the case at bar.

With respect to petitioners' specific matter, the petition at bar is premature – and is also flawed as a result of petitioners' failure to exhaust their remedies. As aforesaid, no decision has yet been given in petitioners' matter and petitioner 4's hearing is yet to be held. Moreover, the petition indicates that the petitioners are held in detention till completion of the criminal proceedings pending against them, with all ensuing consequences. Due to all of the above there is therefore no reason to give the petitioners an "interim order" which would stay the proceedings in their matter until such time as a decision is given in the main petition.

4. In conclusion, the petition is dismissed. No order for costs is given.

Given today, 26 Tevet 5776 (January 7, 2016).

Justice

Justice

Justice