

The Supreme Court as High Court of Justice

Case 1845/17

Before:

Judges Hendel, Brun Mintz

Petitioners:

1. John Doe
2. PCATI
3. Shomrei Mishpat - Rabbis for Human Rights
4. PHR

vs.

Respondents:

1. The Military Commander in the West Bank
2. The military appeals Court

A petition for an order nisi

On behalf of the Petitioners: Adv. Gabi Laski, Adv. Keren Toren-Hibler, Adv. Yair Nehorai

On behalf of the Respondents: Adv. Ran Rosenberg

Decision

A petition for an order nisi, instructing the Respondents to provide a reason why they would not regulate within the security regulation the possibility of mandating social welfare reports for Palestinian minors, in accordance with the military court's discretion or the minor's request.

The petition raises a very significant question. The Respondents have notified the court that a draft of an order amending the security regulation in the Judea and Samaria area had recently been prepared, so that the military court would be granted the authority to exercise its discretion and instruct the preparation of social welfare reports for a Palestinian minor, in accordance with the condition stipulated in the order. In addition, several days prior to the date of the hearing the Respondents issued a notification statement, by which the required budgetary framework for the implementation of the amendment was regulated in the preparatory sessions of the state budget for 2019.

The Petitioners have asked the court for the petition to remain pending, until the amendment of said security regulation is implemented as described.

On the face of it, this petition has been exhausted for the time being and there are no grounds for letting it remain pending, therefore we instruct that it be erased. However, let it be clarified that without assuming the position of one side or another - the Petitioners reserve the right to pursue other legal means, also in case the matter discussed in the petition is not regulated as declared in the Respondent's statement.

On a positive note, the court notes the contribution of the petition to this important topic. There is no court order regarding court expenses.

7 March 2018