Emblem of State of Israel

At the Supreme Court Sitting as the High Court of Justice

HCJ 2828/16

Before: Honorable President M. Naor

The Petitioners: 1. Abu Zeid

2. Abu a-Rob

3. HaMoked: Center for the Defence of the Individual founded by Dr. Lotte Salzberger

V.

1. Commander of the Military Forces in the West bank

2. Legal Advisor for the Judea and Samaria Area

Request on behalf of the Petitioners for expansion of panel, dated 5.4.2016

Preliminary response on behalf of the Respondents, dated 17.4.2016

Counsel for the Petitioners: Adv. Gaby Lasky; Adv. Michael Sfard; Adv. Limor Goldstein

Counsel for the Respondents: Adv. Roi Shweka

Decision

1. In this petition, the petitioners challenge a seizure and demolition order issued in relation of a residential apartment in the Village of Qabatiyah. The order was issued by Respondent 1 according to his authority under Regulation 119 of the Emergency (Defense) Regulations, 1945 (hereinafter: *Regulation 119*). In the framework of the petition the Petitioners have asked that the hearing in it would be held before an expanded panel of

justices. The Respondents on their part object to the expansion of the panel. The request for expanding the panel was transferred to me for my consideration so that I decide on it according to my authority under Section 26(1) of the Courts Law [consolidated version], 5744-1984.

2. For now, I see no room for expanding the panel. All of this court's justices sitting in random panels expressed and will likely continue to express their position on the issues relating to Regulation 119. The various positions were before my eyes. I have not been persuaded that there is at present instability in the case law to such a degree as warrants the expansion of the panel. To this, it should be added that the practical meaning of accepting the request to expand the panel is the issuance of interim orders in all of the proceedings that would be initiated until the judgment of the expanded panel. At this stage, there is no room for that. As a matter beyond the necessary, I note that I am unconvinced that the questions of principle that are sought to be raised are indeed called for in the circumstances of the case.

3. For now, as said, I find no room for expanding the panel.

Issued today, 24 Nisan 5776 (2.5.2016).

President