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[emblem of the State of Israel]

At the Supreme Court sitting as the High Court of Justice

HCJ 4427/16

Before: Honorable President M. Naor
Honorable Justice H. Melcer
Honorable Justice A. Baron

The Petitioners: 1. Badran
2. Abu Yasin
3. Badran
4. Badran
5. Badran
6. Shahabi
7. Manarius
8. HaMoked: Center for the Defence of the Individual
founded by Dr. Lotte Salzberger

v.

The Respondents: 1. Coordinator of Government Activities in the Territories –
Ministry of Defense
2. Military Commander of the West Bank
3. Israel Security Agency
4. Minister of Defense
5. Minister of Interior
6. State of Israel

Petition for Order Nisi

Session date: 17 Tammuz 5777 (July 11, 2017)

Counsel for the Petitioners: Adv. Abir Joubran-Dakwar; Adv. Benjamin Agsteribbe

Counsel for the Respondents: Adv. Yonatan Berman

Decision

1. Order Nisi issued as requested.
2. Sixty days for response.

Issued today, 17 Tammuz, 5777 (July 11, 2017)

President
At the Supreme Court sitting as the High Court of Justice

Justice

Justice

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Order Nisi

On the basis of this petition, submitted to this Court today, the Court hereby issues an Order Nisi directed at the Respondents and directing them to appear and show cause

- A. Why should it not be determined that Palestinian residents of the Territories, whose application for family unification in Israel has been approved by the Minister of Interior, and who reside in Israel pursuant to permits to enter and remain in Israel (hereinafter: stay permits), including Petitioner 1,

may exit Israel and return to it via Ben Gurion International Airport (hereinafter: travel via Ben Gurion airport), with no need for any further permit or procedure and with no restrictions.

- B. Why it should not be determined that Palestinian residents of the Territories to whom the Minister of Interior has granted Israeli temporary residency status (A/5 visa), as part of the family unification process, including Petitioners 6 and 7, may exit Israel and return to it via Ben Gurion airport with no need for any further permit or procedure and with no restrictions.
- C. Why they should not refrain from applying the blanket ban on travel via Ben Gurion airport by Palestinian residents of the Territories who reside therein (hereinafter: the blanket ban) to Palestinian residents of the Territories lawfully residing in Israel pursuant to the family unification procedure both under stay permits and with temporary residency status (A/5 visa) (hereinafter: the special population or Palestinians living in Israel under family unification).
- D. Why they should not cite the legal basis and material jurisdiction pursuant to which the Coordinator of Government Activities in the Territories (COGAT) is imposing the blanket ban on Palestinian travel via Ben Gurion Airport in general.
- E. Why they should not cite the legal basis pursuant to which COGAT is applying the blanket ban to members of the special population, those whose family unification applications have been approved by the Minister of Interior and who lawfully reside in Israel under renewable stay permits or temporary residency.

The Respondents shall present the Court and the parties, if they so wish, with their response within sixty days of issuance of this order.

Issued today, 17 Tammuz, 5777 (July 11, 2017)

Idit Malul
Head Secretary