

[emblem of the State of Israel]

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

HCJ 28159-08-24

Before: Honorable Justice Daphne Barak-Erez
Honorable Justice Yosef. Elron
Honorable Justice Ofer Grosskopf

Petitioner: [REDACTED] al-Gharabli

v.

Respondent: 1. Israel Defense Forces
2. Chief Military Police Officer
3. Commissioner of the Israel Prison Service
4. National Security Council
5. Attorney General
6. Chief Military Prosecutor

Petition for Writ of Habeas Corpus

Counsel for Petitioner: Adv. Nadine Abu 'Arafah

Counsel for Respondent: Adv. Matanya Rozin

Judgment

Justice Ofer Grosskopf:

The respondents' notice of August 30, 2024 indicates that an additional inquiry conducted with military and Israel Prison Service officials has also failed to yield any new information as to the petitioner's whereabouts. In the respondents' words: "There is no indication of the petitioner's arrest or detention by military authorities at present or in the past; there is no indication of the petitioner's being held by the Israel Prison Service; and therefore there also cannot be any indication that the petitioner met his death subsequent to being arrested by the military." In light of this declaration, and in the absence of contrary evidence that could rebut the presumption of good governance, we are unable to grant the relief sought in the petition. Accordingly, we also found no need to hold a hearing on the petition.

Should counsel for the petitioner obtain additional information regarding the petitioner's alleged arrest, which could assist in the effort to trace his whereabouts, she shall submit an updated request to the respondents, and it is presumed that they will look into the matter.

The petition is therefore dismissed, without prejudice to parties' rights and arguments. No costs order is made.

Given today, 12 Elul 5784 (September 15, 2024).

[signed]

Ofer Grosskopf
Justice

[signed]

Yosef Elron
Justice

[signed]

Daphne Barak-Erez
Justice