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To  
Adv. Gali Baharav-Miara  
Attorney General  
31 Salah-a-Din Street  
Jerusalem  
Fax: 02-6467001  
[Lishkat-yoetz@justice.gov.il](mailto:Lishkat-yoetz@justice.gov.il)

To  
Adv. Sagit Afik  
Israel Knesset – Legal Advisor  
The Knesset  
Jerusalem  
Fax: 02-6496802  
[hdept@knesset.gov.il](mailto:hdept@knesset.gov.il)

Date: March 5, 2025  
**In your response  
please refer to 2251**

Dear Sir and Madam,

Re: **Halting implementation of the Terrorist Families Deportation Law, 2024**  
**Exhaustion of remedies before legal proceedings**

On behalf of my client, HaMoked: Center for the Defence of the Individual, R.A., I urgently request you to order to halt implementation of the Terrorist Families Deportation Law, 2024.

We have recently learned that the Ministry of the Interior is implementing the law although it is unconstitutional, although there are difficulties in its implementation and although it grants absolute discretion to a government entity without any criteria. We request that your honors stop this improper move, and instruct the state not to implement the law.

**The grounds for the request are as follows**

**A. Background**

1. On November 7, 2024, the Knesset plenum passed the Terrorist Families Deportation Law, 2024 (hereinafter: the “**Deportation Law**”).
2. The law authorizes the Minister of the Interior to deport from Israel (subject to a hearing) for periods of 7-15 years an Israeli citizen and for periods of 10-20 years a resident of Israel if they did one of the following:
  - (1) They knew or should have known in advance of the terrorist’s plan to commit an act of terror and did not make all the necessary efforts to prevent the commission, completion or consequences, as the case may be, of the act of terror, including reporting it to the security bodies or to Israel Police;
  - (2) They expressed support or identification with an act of terror or published words praising, sympathizing with or encouraging an act of terror or a terrorist organization.
3. The wording of the Deportation Law as ultimately enacted is draconian, unconstitutional, and contrary to the existing legal system. The Deportation Law critically violates human rights, primarily the core rights to residency and citizenship and the basic rights embodied therein – constituting fundamental rights and forming a

condition for a range of rights depending on them. The broad and vague wording is also contrary, as we understand it, to the position of the professional and legal bodies.

4. In fact, the law allows the Minister of the Interior, acting as a purely political entity, to deny the most fundamental aspect of citizenship and residency in an administrative procedure, without clear criteria and almost without restrictions. In HCJ 367/19 **Abu Arafe et al. v. Minister of the Interior et al.** (October 26, 2020), which dealt with a similar issue of revocation of residency due to breach of allegiance, the court emphasized the requirement whereby legislation authorizing the violation of fundamental rights must include a clear, unequivocal, explicit and detailed authorization, and that the criteria for the factors permitting the violation embedded therein should be established in primary legislation, and the criteria for its implementation should be established in secondary legislation (see especially paragraph 38 of the opinion of the Honorable Justice Barak-Erez and paragraph 54 of the opinion of the Honorable Justice Vogelman). Similarly, the Supreme Court also overturned the decision to revoke citizenship due to breach of allegiance in the absence of criteria for exercising the authority, in its judgment in HCJ 8277-17 **Zayud v. Minister of the Interior** (July 21, 2022), which was consolidated with AAP 7932-18 **Minister of the Interior et al. v. Mefarje** (hereinafter : **Zayud**).
5. In **Zayud**, which dealt with the revocation of citizenship due to breach of allegiance, it was held that the declaratory purpose, which was determined to be the main purpose of the arrangement for the revocation of citizenship (see paragraph 50 of the opinion of the Honorable President Hayut in **Zayud**) could meet the limitations clause. However, the court was of the opinion that the deterring purpose or the preventive purpose themselves could not be accepted as justifying the revocation of citizenship. It clearly emerges from the legislative process in the case at hand that we are not concerned with a desire to realize a deterring or preventive purpose against a specific person, but rather with the use of collective punishment against Arab citizens and residents, in a discriminatory and racist manner, in order to punish them for the acts of others, and it seems that there are also motives of vengeance and populism.
6. In the case at hand, the law fails to even remotely meet the conditions of the limitations clause, commencing from its general and vague wording which does not meet the condition that violation of rights requires explicit legislation. The general law grants full discretion to a political entity, without any criteria. Furthermore, the law fails to clarify where the family members will be deported to. The provisions of the law are not meant to serve a proper purpose as clearly emerges from the minutes of the Knesset committee prior to its enactment.
7. The sanction imposed on a family member of a person defined as a terrorist is not proportionate by any standard, and does not meet any of the sub-tests of proportionality.
8. This is a law that has no parallel in liberal and democratic countries, and for good reason.

9. Since you are aware of the above as you were involved in the law's preparation and it is clear that attempts were made on behalf of the legal department to change its wording and prevent its enactment in this manner, we will not go into more detail at this point. Obviously, nothing stated above exhausts our arguments against the law.
10. We are writing to you now, as aforesaid, due to the fact that the Minister of the Interior decided to implement the law, although it is not constitutional, and although it lacks criteria and includes no reference to the fate of the residents and citizens against whom the law will be invoked, regarding where they will be deported to and the status which will be given to them. The Minister has also decided to apply the Law against residents who have not been convicted of anything, some of whom have not been prosecuted, and retroactively, namely, for acts committed by both the resident and the family member before the law was enacted.
11. The law is unconstitutional and fails to meet any legal and moral standard. It certainly cannot be implemented contrary to the basic principles of the system, given its inherent fundamental deficiencies. We request that you instruct the Minister of the Interior to refrain from implementing the law and freeze the deportation proceedings initiated by him.
12. We shall wait for a positive and pertinent response by April 1, 2025 before we consider applying to the courts.

Sincerely,

Adi Lustigman, Adv.

CC:

Minister of the Interior, Moshe Arbel by fax: 077-4448800

Adv. Gil Limon, Deputy Attorney General

by email: [GillL@justice.gov.il](mailto:GillL@justice.gov.il)

Adv. Avital Sompolinski, Deputy Attorney General

by email: ---