

Translated from the original Hebrew to English by Adalah

The Supreme Court sitting as the High Court of Justice

HCJ 6345/10

HCJ 8148/10

Before: The Honorable Chief Justice A. Grunis
The Honorable Justice M. Naor
The Honorable Justice E. Arbel
The Honorable Justice E. Rubinstein
The Honorable Justice S. Jubran
The Honorable Justice E. Hayut
The Honorable Justice U. Fogelman

Applicants HCJ 6345/10: 1. MK Eitan Kabel
2. Amihai Ayalon
3. Tal Zilberstein
4. Amram Mitzna

Applicants HCJ 8148/10 1. MK Haneen Zoabi
2. Adalah- the Legal Center for Arab Minority Rights
In Israel
3. The Association for Civil Rights in Israel

Vs.

Respondents 6345/10: 1. The Chairman of the Knesset
2. The Knesset
3. The Knesset Committee
4. MK Haneen Zoabi

Respondent 8148/10 The Knesset

Present at the process The Attorney General

Petitions for an Interim Injunction-
Response of the applicants in 8148/10 of 11.2.2013
Response of the applicants in HCJ 6345/10 of 12.2.2013
Opinion of the Attorney General of 12.2.2013
Response on behalf of the Knesset of 12.2.2013

Date of the Hearing: 15 Sivan 5772 (05.06.2012)

Counsel for the Applicants

In HCJ 6345/10: Dan Geva, Adv; Adam Shapira, Adv.

Counsel for the Applicants

In HCJ 8148 and Respondent No. 4

In HCJ 6345: Dan Yakir, Adv.; Hassan Jabareen, Adv.

Counsel for Respondents

1-3 in HCJ 6345/10 and the

Respondent in HCJ 8148: Eyal Ynon, Adv.; Dr. Gur Blei, Adv.

Counsel on behalf of the

Attorney General: Hani Ofek, Adv.

Judgment

1. On 13.7.2010, the plenary of the 18th Knesset decided to revoke some of MK Haneen Zoabi's parliamentary privileges which are granted all Knesset members. (MK Zoabi is the applicant in HCJ 6345/10). The parliamentary privileges were revoked until the end of the tenure of the 18th Knesset. Both of the petitions before us were submitted against the decision of the 18th Knesset. On 5.2.2013, the 19th Knesset was sworn in. Following the end of the tenure of the 18th Knesset, we asked the litigants to state their position regarding the dismissal of the petitions on grounds that the period of time covered by the revocation of the parliamentary privileges has ended. The applicants in both petitions argued that the petitions must not be dismissed, and that it is appropriate to rule on the matter of the boundaries of the authority of the Knesset to revoke the parliamentary privileges of a Knesset member and to impose sanctions on him or her. It was noted, *Inter alia*, that the litigants completed their arguments concerning the petitions and that the issue may be raised again in the present Knesset. In contrast, the respondents believe that the petitions must be dismissed.

2. Our view is that the petitions must be dismissed. It is clear that from the time that the 18th Knesset concluded its mandate, there is no longer any relevance to the decision of the plenary of the 18th Knesset to revoke some of MK Zoabi's parliamentary privileges. Hence, the issue has become theoretical. Although it is indeed possible that a similar matter will be raised before the 19th Knesset, it is clear that the factual basis will be different even if the legal dilemma is the same. Although the Court heard the litigants' arguments, this fact as of itself is not sufficient to justify that the court allocate its limited resources to the consideration of a theoretical issue.

3. The petition is, therefore, dismissed without an order for the payment of legal expenses.

Given today, 3 Adar 5773 (13.02.2013)

Chief Justice

Deputy Chief Justice

Justice

Justice

Justice

Justice

Justice