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Cross Examination in the High Court of Justice and the Administrative Court

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This article discusses the question: should the courts recognize the right of a petitioner in administrative petitions to testify or to examine (directly or in cross) the statements made by the respondent in his or her deposition? This question arises due to the judicial policy outlined by the High Court of Justice and the Administrative Court, which denies such requests except in the most unusual and rare of cases. The article seeks to explore the rationale behind such a policy, and demonstrates how it raises a variety of issues and difficulties, which may justify rethinking its implementation. The reasoning behind the adoption of a new policy on the matter is based both on formal and material aspects, as demonstrated in the discussion. The conclusion ultimately proposed is that the right of a petitioner to testify or to examine (directly or in cross) the statements made by the respondent in his or her deposition should be recognized, barring a few notable exceptions, aimed at preventing abuses that may hinder judicial efficiency.