

The Case of Al-Nu'man Village: Israel's High Court of Justice Legitimises the Threat of Indirect Forcible Transfer

Today, 9 July 2008, the Israeli High Court of Justice (the Court) issued its decision on the case brought by Al-Haq, Defence for Children International – Palestine Section and the residents of al-Nu'man village against the Prime Minister of Israel, the Minister of Defense, the Commander of the Israeli military in the West Bank, the Minister of the Interior and the Municipality of Jerusalem. The following is a brief summary of an unofficial translation of the court proceedings.

The Court had previously indicated that it would today reach a decision on the merits of the case, but instead has uncritically accepted the facts on the ground created by the Israeli authorities in al-Nu'man village. The Court rejected outright any discussion related to the request presented in the petition to dismantle the Annexation Wall in the area, which has severed the village from the rest of the West Bank.

On the legal status of the residents of the village, the Court avoided taking any real decision, instead referring the petitioners to the general procedure requiring Palestinians to individually applying for permits to enter certain areas of the West Bank, including East Jerusalem. In so doing, the Court overlooked the unique nature of the status of al-Nu'man's residents. The majority of the residents, as West Bank ID holders, are currently considered illegally present in their homes due to the "bureaucratic oversight" of the State of Israel in failing to include the people of al-Nu'man in its census after redrawing the borders of illegally annexed Jerusalem in 1967. The only option for the residents of al-Nu'man to make their presence in their homes legal is

to submit a request to the Israeli Ministry of the Interior for a temporary permit to access their own village, thereby undergoing the Ministry's arbitrary scrutiny, hoping that no security issues are raised to deny such a permit. Should the permit application be refused, the applicants will have no option but to leave their homes and be indirectly forcibly transferred from their place of origin. The Court, deferring completely to the State's request to put an end to this case, ostensibly for the "benefit" of the villagers, also denied the request of the petitioners' lawyers to postpone the final decision in order to give their clients the opportunity to think through the consequences of applying individually for such permits.

Yet again, the Israeli High Court has not administered justice but given a stamp of approval to the repressive actions of the Israeli authorities. In this instance, those authorities are pursuing a political agenda of indirectly forcibly removing the residents of al-Nu'man from their land and homes for the benefit of the expansion of the nearby illegal Israeli settlement of Har Homa. Indirect forcible transfer is a grave breach of the Fourth Geneva Convention, entailing the individual criminal responsibility of those responsible.

The petitioners would like to express their most sincere thanks to their lawyers, Labib Habib and Leah Tsemel, and to all those who attended today's hearing. Should you have any questions, comments or require further information pertaining to the case, please do not hesitate to contact [haq\(a\)alhaq.org](mailto:haq(a)alhaq.org).