



Press Release – for immediate release
April 21st, 2010

Human rights group *Yesh Din* petitioned the HJC:

"Land expropriated for road that was never completed should be returned to its Palestinian owners"

It is almost a decade since work was halted on a road to connect a settlement block to the main transport artery carrying Israelis through the West Bank to Jerusalem. With the help of Human Rights group Yesh Din, the Palestinians whose land was expropriated by the Israeli government in order to pave the road, have filed a petition to the High Court of Justice to demand that the State return their land to them

The heads of the village councils of Bituniya, Ein Arik and Dir Abziya in the West Bank, petitioned the High Court of Justice (HCJ) today (Wednesday) with the help of Human Rights group, Yesh Din, in a plea to order the Israeli government to release and return the lands that were expropriated for work which was never carried out.

Between the late 1990s and 2001, as much as 59 hectares (590 dunams) were expropriated along the existing route between land belonging to the villages of Bituniya, Ein Arik and Dir Abziya. The purpose, which formed the basis of the justification for such a large scale expropriation, was the plan to build road 935, which was to facilitate a shortcut to Jerusalem for the residents of the settlement block Dolev-Talmonim, which includes the settlements Dolev, Talmon, Neriah and Nahliel.

However, work was halted in 2001 after a 2.4km long section of road had already been dug. In 2007, the settlement councils of Dolev, Talmon, Neriah and Nahliel petitioned the HCJ to demand that the work be completed, or that an alternative road be paved for the same purpose.

In the affidavit signed by the State in response to the settlers' petition, it was clarified that the plan to pave road 935 had been frozen due to security, economic and environmental reasons, in particular given that the proposed route would be exposed to security risks, against which the IDF could not offer protection to passengers traveling on the road.

The affidavit also pointed out that construction of the road would necessarily cause **"disproportionate" harm** to the Palestinian population and their property and especially to the residents of the villages from whom the lands in question were expropriated. The State set out in its response that it had no intention to use the expropriated land. In its Decision on August 20th 2009, the HCJ rejected the settlement councils' petition.

Following the ruling, the heads of the village councils enlisted the help of Yesh Din to approach the OC Central Command and the Civil Administration with a request to annul of the expropriation

orders and to return the land to the legal owners. Yet when no response was received, the villages' council leaders petitioned the Court demanding that the expropriation orders be annulled.

In the petition, filed by attorneys **Michael Sfard and Shlomy Zachary**, the petitioners state that **if and when the public need on the basis of which lands are expropriated ceases to exist, then the expropriation should be annulled and correct procedure is to return the land to its original owners.**

"This petition aims to restore the downtrodden rights of Palestinians to own property, a right which is protected by law in the West Bank, and to return the property to its owners, when the Army has stated it has no use for the land it expropriated", **says Attorney Shlomy Zachary** of the Yesh Din legal team. "Following the authorities' declaration before the Court, **there is no alternative other than to restore the land to its original owners**, something the authorities should have initiated themselves. Since they did not, the petitioners had no choice but to appeal to the Court to rule on the annulment of the expropriation."

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