

שומרי משפט רבנים למען זכויות האדם, ע"ד  
Rabbis for Human Rights  
حاکمین من اجل حقوق الانسان



Susiya: Legal status update

- **The history of Susiya:** Susiya is an old Palestinian village of farmers and shepherds. The village residents, from 25 different families, lived in ancient caves on land they owned for decades.
- **Establishment of the settlement of Susiya:** In 1983 the settlement of Susiya was erected on state land near the residents' farming lands.
- **The expropriations:** In 1986 the IDF expropriated the land of the Palestinian village in favor of an archaeological site (today, settlers manage a site open to visitors for an entry fee. Besides five caves showcasing artifacts, dozens of other caves stand empty. In addition, settlers built an unauthorized outpost within the archaeological site).
- **Passage to agricultural land and attempted expulsion:** As a result of expropriating the village land, the residents dispersed and most of them moved into the handful of caves that were scattered on their farmlands. In 2001, when the second intifada broke out, the army destroyed the caves, the structures and the water cisterns.
- **Stopping the demolition by High Court of Justice order:** The residents petitioned the High Court of Justice in an expedited procedure against the violent attempt to expel them. The HCJ issued an interim order to stop the destruction but did not order planning procedures for the village.
- **Construction after the cave demolitions:** In the absence of caves, the residents had to build temporary structures. The village has no outline plan and therefore it is difficult to receive building permits based on plan RJ5. All attempts to obtain building permits, appeals and requests of amnesty were rejected. Today the village has 100 structures that serve about 340 residents.
- **Petition to the High Court of Justice on access to land:** In 2010 the residents, with Rabbis for Human Rights, petitioned the High Court of Justice to grant them access to their

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agricultural land and evict the agricultural takeover of part of their land by settlers. As a result of the petition, the army signed a number of closure orders against Israelis only.

- **The response of the Susiya settlers:** A petition to expedite the demolition of the village. In 2012, in an act of revenge against the residents' petition, the Susiya settlers along with the right-wing organization Regavim, petitioned the court to expedite the demolition orders in the village of Susiya. The court rejected both petitions in light of the State's response that it was handling both demands reasonably. And indeed, as a result of the settlers' petition, dozens more demolition orders were distributed in the village.
- **Submission of an outline plan:** In late 2012 village residents submitted to the Civil Administration five alternative outline plans for their village in its present location.
- **Rejection of the outline plan:** In late 2013, the Civil Administration Planning Committee rejected plan on unreasonable grounds, such as the small number of residents in the village; their connection with the town of Yata; the feasibility of the plan in terms of construction and infrastructure costs; the quality of the services presently provided to the village; and the need for infrastructures that would allow the female residents to advance in the labor market etc. "Indulgently," the residents were offered to plan for themselves on state land in an alternative location.
- **Petition to the High Court of Justice against the decision to reject the plan:** In early 2014, the residents and Rabbis for Human Rights petitioned the court against the reasonableness of the decision to reject the plan. They argued that the State is responsible for the fate of the residents of Susiya and is responsible to arrange their living on their land, especially in light of the village's unique history. Along with the petition we submitted a motion for an interim order to freeze the realization of the demolition orders against the village, because their execution would obviate the hearing of the petition and render it moot.

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- **The State's objection to granting the interim order:** For a year, the State asked to postpone its response to the motion for an interim order, while undertaking to freeze the realization of the demolition orders. In March 2015 the State submitted its objection to the motion for an interim order. As a rule, the State agrees to interim orders on demolition petitions. But this time, exceptionally, the State opposed the motion. The State explained its objection by saying the petition must be rejected out of hand because, on the supervision level, the State acted within its powers without prejudice, whereas the residents of the village took the law into their own hands and continued to build in violation of orders and in lack of good faith. On the planning level, argued the State, the village has no feasibility or justification, for the reasons detailed in the decision to reject the plan, as well as because there was no Palestinian village at the archaeological site. At the very most there were seasonal residencies of a handful of families, and in any case the area was legally expropriated in 1986.
- **The residents' response to the State's objection to granting an interim order:** in response, the petitioners argued among other things that the State's objection reveals the lack of good faith in its offer to allow planning at an alternative site, because a new planning processe, to which they object, would take years and meanwhile people will have no place to live. We further argued that the State has increased responsibility because it expropriated the village area, and we presented affidavits and photos from life in the caves before the expropriation.
- **The court's decision to reject the motion for an interim order:** In May 2015 the court rejected the motion for an interim order since the residents had taken the law into their own hands during the years. The judge "noted" the State's willingness to examine the possibility of advancing planning at an alternative site as long as preliminary planning would be done by the petitioners. The judge's decision is de facto permission for the State to realize the demolition orders in the village, that has stood in its present location for 30 years. It also legalizes the forced transfer of protected persons in an occupied territory – a forbidden act

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under international law, which is defined as a war crime. The village of Susiya is threatened by imminent demolition and presently the State refuses to promise not to realize the demolition orders until the main hearing on the petition.

- **The scheduled hearing on the petition:** The hearing on the main petition was scheduled for August 3, 2015.

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