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Israel's High Court of Justice denies appeal of landowners whose property has been overtaken by thousands of Bedouin squatters: "This case does not justify judicial interference."

After a decade of legal proceedings, yesterday (Monday) Israel's High Court of Justice denied an appeal by owners of private property who sought a court-mandated deadline for the removal of squatters from their land – land located on the outskirts of Bir Hadaj, the crime capital of the Negev. "An outrageous miscarriage of justice."

Yesterday (Monday), Israel's High Court of Justice rejected a petition filed by individual land owners whose property has been overrun by Bedouin squatters. Over the past number of years, , more than 1,000 Bedouin families invaded state land and private properties on the outskirts Kibbutz Revivim, while rejecting a series of increasingly generous relocation-compensation packages offered by the Israeli government. The owners of the property took their case to court ten years ago, and in their most recent appeal, they sought a court-mandated timetable for the restoration of their property.

In stark contrast to a well-established record of High Court judgements that required the state to remove Jewish homes built on privately-owned Arab property according to non-negotiable deadlines, in the case of the Jewish landowners of Bir Hadaj, Justices Groskopf, Mazuz and Wilner decided that "the rights of ownership of the appellants regarding their private property are not absolute, and do not exist in a vacuum," and that this "is not among those exceptional and extreme cases that justify judicial intervention in the policy of the authorities responsible for enforcing planning and construction laws."

The squatters' camps near Bir Hadaj began to take shape in the early 2000's, after the Israeli government temporarily relocated 15 families from the Ramat Beka area to state land near Kibbutz Revivim. This set off a massive movement of families from the Al Azazmeh tribe, who quickly covered thousands of dunams of state land in the vicinity, as well as some 2000 dunams of land owned privately by Jews, with hundreds of illegal structures.

This sprawling squatters' camp has grown into the crime capital of southern Israel, an extraterritorial no man's land where Israeli law enforcement is virtually nonexistent. Residents of the squatters' camp have been in the news recently: The suspects in the rape of a 10-year old girl in the course of a home invasion, the massive drug production plantations on the nearby Tzeelim firing zone, large-scale plunder of IDF ammunition and harassment of IDF trainees and reservists are all "credited" to residents of the Bir Hadaj hinterland.

In 2003, the Israeli government decided to create a new, legal alternative for the squatters: an all-Bedouin town, built on state land. Each of the squatter families was offered a "compensation" package of hundreds of thousands of shekels as well as a 5 dunam plot of land (!) – but this wasn't enough to convince the squatters to relocate.

The owners of the stolen land, together with the Regavim Movement, petitioned the Beer Sheva District Court, asking that the state be required to provide a timetable for the evacuation of the squatters, but the government responded that it was carrying out negotiations with the squatters with the aim of achieving a mutually-acceptable evacuation - and the petition was dismissed. When the much-awaited agreement didn't materialize, a second petition was filed in 2015 – which the court denied without explanation.

A third petition was filed after the Director of the Bedouin Authority, Yair Maayan, released an official announcement that all attempts to achieve a mutually-accepted evacuation agreement had failed.

The owners of the purloined property returned to court, proving that from the time they had first petitioned, the squatters had built hundreds of additional illegal structures on their property. To make matters worse, what meager law enforcement activity had taken place in the interim (6 relocation agreements were signed with squatters, out of over 1000) had focused on clearing state-owned land, and the private owners were left 'high and dry.'

This third petition was also denied, despite the government's response to the court that it could not predict when enforcement activity would be completed in the squatters camp as a whole, and in the privately-owned sections in particular. The property owners turned to the High Court of Justice to appeal the District Court decision.

Yesterday (Monday), the High Court of Justice denied their appeal. "The situation in Bir Hadaj as a whole, and in the privately-owned section in particular, is unacceptable," wrote Justice Groskopf in the opening words of the judgement. "The state must not accept a situation in which there are areas under its jurisdiction that are beyond the law," and even after a decade has passed, "it is unclear when the owners of the property will be able to exercise their rights to it."

Nonetheless, the judges refused to require the state to adhere to a deadline for evacuation of the property. "The appellants' ownership rights to the privately-owned land, which undoubtedly and undeniably been harmed, are not absolute and do not exist in a vacuum. They are to be weighed against the state's policy of creating appropriate regulation solutions for the illegal compound at Bir Hadaj, in the larger context of efforts to regulate Bedouin settlement in the Negev."

Meir Deutsch, Director General of Regavim, reacted to the judgement: "This is a miscarriage of justice that cries out to the very heavens. In inverse cases, the High Court ordered the wholesale evacuation of Jewish communities and the destruction of Jewish homes according to draconian, non-negotiable timetables. In this case, it has become clear that the government itself is creating the cesspool of lawlessness that is exploding on us all. The squatters' camps have become an extraterritorial incubator for the horrors that continue to befall Israeli citizens of the Negev and beyond. The unthinkable has become the norm; the rape of a child in her own home, the invasion and looting of IDF bases, and the terrorizing of law abiding Israelis speak for themselves."

Chaim Goloventsis, one of the owners of the land, added: "We must not accept a reality in which the High Court of Justice once again denies us the right to our property. I am convinced that if our land had been located in the 03 area code (i.e., greater Tel Aviv), the judgement would have been totally different. This is just one more pathetic, embarrassing instance of the breakdown of the state's institutions in southern Israel."

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