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High Court Orders Return of Palestinian Families Driven Out by Settlers

The justices questioned why soldiers were filmed playing soccer with settlers who seized the homes, and why police failed to arrest suspects identified in attack footage. 'There are questions in abundance; satisfactory answers – fewer' the court said

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Israel's High Court of Justice ordered the state on Sunday to allow three Palestinian families who were expelled from their homes by settlers in the West Bank to return and to provide security for them.

In its decision on a petition filed by three residents of Jalud, the court sharply criticized the Israeli military and police for failing to prevent the settler attacks and the families' expulsion, as well as for failing to take sufficient action to bring those responsible to justice.

The petition was filed by three residents of Jalud, which lies in Area B of the West Bank, after violent settlers forced three families from their homes and entered and occupied one of the houses. Jalud, near Qusra, is one of several Palestinian villages in the Nablus area that have become a flashpoint for settler attacks over recent weeks.

Last week, an NBC News international correspondent and members of his press crew who were interviewing a Palestinian woman were attacked and injured by masked Israeli settlers in the village.

One of the families involved in the petition, the Tubasis, had been besieged for almost a month between two outposts that settlers had established on both sides of their plot of land in the village of Jalud, on the edge of Area B, which is under Israeli security control but Palestinian civil control.

After repeated settler attacks and an outpost established in their yard, the Tubasi family was finally expelled from their home in front of a Haaretz team and in the presence of Border Police officers on July 22.

Supreme Court President Isaac Amit and Justices Yechiel Kasher and Alex Stein wrote in their decision that "the bottom line, based on the material before us at the time of writing, is that the petitioners have still been unable to return to their homes. This fact speaks for itself and cannot be accepted."

The justices instructed the state to coordinate a date for the families' return, when security forces are to protect them and allow them to bring in equipment and supplies needed to repair their homes and restore their water and electricity infrastructure.

The court also issued a conditional order requiring the state to detail by September 22 what measures it is taking to arrest the settlers responsible for the attacks, prevent them from returning and harming the Palestinian residents, and pursue their prosecution.

The court noted that the state did not dispute the sequence of events described by the petitioners, according to which the harassment began in April, when settlers erected a tent on the residents' privately owned land. The Palestinians were subsequently subjected to months of incursions, threats, roadblocks, stone-throwing and damage to property and infrastructure.

According to the decision, settlers repeatedly threw stones at the petitioners' homes to intimidate the families, cut off their water line, broke and uprooted trees, grazed livestock on their private land, set fire to a vehicle belonging to one of the families and blocked the road connecting the homes to Jalud with large rocks.

The attacks effectively cut off and placed the homes under de facto siege, the court said. The families were forced to leave in July and have not returned since.

The justices also sharply criticized what they described as the failure of the IDF and police to effectively confront the settler attacks. They questioned why soldiers had been filmed playing soccer with settlers who had taken over the homes, why police had not seized vehicles documented as being used in the attacks and why people clearly identified in footage had not been arrested.

"The picture that emerges is extremely bleak," the justices wrote. "There are questions in abundance; satisfactory answers – fewer."

In addition to ordering the state to facilitate the families' return, the court demanded an update on the confiscation of vehicles, investigative measures and possible prosecutions of suspects involved in the attacks.

Attorney Ghiyath Nasser, who filed the petition on behalf of the residents, called the ruling "a courageous and important decision by the High Court" and "a significant milestone in confronting the phenomenon of settlers taking over Palestinian homes and land in the West Bank."

"The court made clear that general statements about enforcement are not enough, and that the real test is

the result: whether homeowners can return to their homes safely and whether the intruders are actually removed," Nasser added.

Shortly after the High Court issued its decision, police announced that two suspects had been arrested in connection with a violent attack in the nearby village of Qusra.

Police said a search of the vehicle of one suspect, a 19-year-old resident of the West Bank, uncovered an air pistol, a knife, a pocketknife and tear gas. A second suspect, an 18-year-old resident of the Jordan Valley who was serving as an active-duty IDF soldier, was also arrested as part of the investigation.

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