



Adalah Summary:

The Case of Umm el-Hieran

Demolishing an Arab Bedouin village to build a Jewish town

The Israeli Supreme Court ruling ignores the political, social and historical roots of the community, and legitimizes the racist demolition and displacement of an entire Arab Bedouin village to build a Jewish town.

12 May 2015

On 5 May 2015, the Israeli Supreme Court decided to approve the state of Israel's plan to demolish the unrecognized Arab Bedouin village of Umm el-Hieran, located in the Naqab (Negev) desert in the south of Israel, and evict its Bedouin residents, citizens of Israel, in order to establish a new Jewish town called 'Hiran' over its ruins. The Court's 2-1 decision follows 13 years of legal struggle waged by Adalah and the villagers to cancel the eviction and demolition orders.

In its ruling delivered by Justice Elyakim Rubenstein and concurred by Justice Neal Hendel, the Supreme Court acknowledged the state's intention to demolish the Bedouin village in order to build a town "with a Jewish majority." The Court also recognized that the Bedouin residents of Umm el-Hieran were not trespassers and had not entered the land illegally - a claim initially made by the state - but were moved there in 1956 by Israeli military order, after having their land confiscated and after having been displaced from their original village of Khirbet Zubaleh. Nonetheless, the Court concluded that the state had merely allowed the Bedouin citizens to use the land, which was state land, and therefore the state could still recover it and do with it as they wished.

Justice Rubinstein argued that the petition should be dismissed based on two reasons. The first reason was that, in his view, the case did not belong in court but should have been brought before land planning committees, because it was an "indirect attack" on the plan to build new homes for the town of Hiran. The second reason was that even if the Bedouin citizens' rights were being harmed, the state was providing reasonable and proportionate "alternatives" for the Bedouin residents to live in Hura. In a surprising comment, Justice Rubinstein also wrote "This Court is not the address for creating chaos."

Adalah rejects the Court's decision. First, the problem is not that new houses will be built, but that the current inhabitants will not be allowed to live in them, and thus the issue falls directly under the domain of the Supreme Court and not the planning bodies. Second, the "alternatives" offered by the state in fact force the Bedouin families to accept far less land than they previously had, to abandon their rural way of life, and to live in an impoverished township mired by social troubles and government neglect.

In the dissenting opinion, Justice Daphne Barak-Erez wrote that the state's decisions concerning the village were "flawed" because the villagers were not trespassers, and the state should therefore reconsider the compensation offered to them for their relocation. The justice also suggested that the state should consider offering the Bedouin residents plots of land in the new town of Hiran. However, like the other justices, Barak-Erez avoided addressing the petitioners' arguments about the clear discriminatory aspects of the entire plan.

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In response to the decision, Adalah commented: "The Supreme Court condoned a discriminatory and racist state plan, which gives the state the 'right' to do what it wants with the people and with the land. Despite the fact that the Court found that the residents were not trespassers, it nevertheless upheld their 'uprooting'. The ruling completely ignores the political, social and historical roots of the community, and legitimizes the demolition of an entire Arab village and the displacement of all of its inhabitants in order to build a Jewish one."

Adalah further stated: "With this ruling, the Court has set a very dangerous precedent. It shows that the Court is pursuing an approach that defends the state's right to dispossess Arab citizens. The result is that the constitutional rights granted by Israeli law do not protect Arab citizens, simply because of their nationality. Arab citizens are not only identified as an obstacle but also as an enemy to the 'public interest', which encompasses Jewish citizens only."

Adalah will work closely with the villagers, human rights organizations and other partners in the coming months to evaluate the next steps that can be taken to defend the residents and the village against the discriminatory plans for demolition and displacement. On 15 May 2015, Adalah will launch a public campaign on behalf of Umm el-Hieran to raise awareness and solidarity with the village, and to demand that the state cancel the demolition and eviction.

Case Citation: (Supreme Court) Appeal 3094/11, *Ibrahim Farhood Abu al-Qi'an, et al. v. The State of Israel* (decision delivered 5 May 2015)

Supreme Court's decision [available here \(Hebrew\)](#)

Resources:

Reports:

- Report, "[Nomads Against Their Will: The Example of Atir-Umm el-Hieran](#)"

Newsletters and press releases:

- Newsletter, "[Can Israel demolish an Arab village to build a Jewish one?](#)" November 2013
- Newsletter, "[Israel's 'Invisibility Cloak': A Village and a Detainee](#)" April 2014

Multi-media:

- Video: "[Umm al-Hieran Unrecognized Village v. Hiran Settlement](#)" by Adalah and the Negev Coexistence Forum
- Photo gallery and testimonies: [The villagers of Umm el-Hieran](#)

Media articles and op-eds:

- Aeyal Gross, "[Israel's discrimination gets high court stamp of approval](#)", Haaretz, 11 May 2015
- Amira Hass, "[Israeli colonialism, plain and simple](#)", 11 May 2015
- Oudeh Bisharat, "[It's 1948 again for Bedouin tribe](#)", Haaretz, 11 May 2015
- Amjad Iraqi (Adalah Coordinator), "[High Court okays plan to raze Arab village, build Jewish one in its place](#)", +972 Magazine, 11 May 2015
- Shirley Sidler, "[Supreme Court allows state to replace Bedouin village with Jewish one](#)", Haaretz, 6 May 2014