

## Supreme Court: Individuals can sue PA

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The Supreme Court on Wednesday reversed a 2006 decision by the Jerusalem District Court according to which the Palestinian Authority is immune from lawsuits filed by private individuals because it has the elements of a sovereign or quasi-sovereign entity.

In doing so, the court accepted an appeal by the Society of the Eilon Moreh Seminary, whose lawsuit against the PA was rejected two years ago by the Jerusalem court.

The 2006 ruling came in the wake of a lawsuit lodged earlier that year by the Society, an organization established to purchase land in the West Bank. The seminary sued the sheikh of a village in Area A, which is under complete PA control, for falsely declaring that people agreeing to sell village land to the society indeed owned the land. After the society paid for the land, it emerged that the sheikh's affidavit was false.

The society sued the sheikh in Tel Aviv's District Court and won. But the estate of the sheikh, who had meanwhile died, ignored the ruling and did not pay. The society then sued the PA and the Israeli government in the Jerusalem District Court for the damages they could not collect from the sheikh's estate.

But Judge Boaz Okun ruled then that Israel cannot compel the PA to exercise a prerogative that belongs to it and which, together with other prerogatives that Israel has recognized, give the authority elements of sovereignty.

The judge wrote that after the Six Day War, the IDF commander of the West Bank was the source of authority in the area, based on the rules of international law. But the situation changed after the signing of the Interim Agreement, which dealt with the 'status of the occupied territories' and recognized the Palestinian Authority in these territories.

The Society of the Eilon Moreh Seminar was represented in court by attorneys Nitsana Darshan-Leitner and Roi Kochavi of the Shurat HaDin Israel Law Center. According to a press release issued by the advocacy, one of the results of the ruling is that, should the PA lose lawsuits and refuse to pay as per court order, the plaintiffs will be able to draw the payment from PA tax money, which is held by Israel and amounts to approximately NIS 7 million a month.

Darshan-Leitner said the verdict was not only a victory for the Society but for all terror victims. "This is a decisive blow to the PA's attempts to shirk its responsibility to the damages and suffering it has caused, and still causes, to many of the nation's citizens," she said.