

## US ruling against PA enforceable here

Wednesday, September 3, 2008, Jerusalem Post: In a landmark decision, a Jerusalem court has ruled that a US court decision ordering the Palestinian Authority to pay the family of an American citizen killed in a Palestinian terror attack over \$116 million in compensation is enforceable in Israel.

The decision, which was handed down by the Jerusalem District Court, is expected to be appealed by both the PA and the Palestine Liberation Organization; a process that could drag on for years.

The court's decision concerns a 2004 US federal court ruling that the PA had to compensate the relatives of Yaron and Efrat Ungar, who were killed in a terror attack 12 years ago. The couple, who were killed in a shooting attack near Beit Shemesh, left behind their two sons, who were two years old and nine months old at the time. The original lawsuit, filed in 2000 in the US because the victims were American citizens, argued that the PA bore responsibility for the attack - which was carried out by Hamas - because the PA and the PLO were assisting Hamas.

The Jerusalem court decision, which is the only such judgment against the PA and PLO to date, is the first terror-related case to be filed abroad and subsequently deemed enforceable in Israel, the family's attorney Mordechai Heller said. "This is an important step forward, but not the end of the story," Heller said.

The PA has argued in court that paying such a high sum would lead to its financial collapse. It claimed that paying the high sum would empty the authority's coffers and would lead to more lawsuits against it. Its claims were dismissed by Judge Aharon Farkash, who said the PA and PLO had done everything in their power to delay the case.

Heller said the PA has billions of dollars of assets within the jurisdiction of Israeli courts besides the Palestinian tax money Israel collects on its behalf.

The Israeli government has previously opposed distributing the PA's tax money in such cases. "We will seek the tax money only as a last resort," Heller said.

Family members said Tuesday that they knew the case will drag on for years. "It's hard to say we are happy. From past experience we know that it will not happen so soon," said Yehudit Unger. "We have no special expectation," she said. "We are realistic."

The long-running lawsuit, which could serve as a precedent-setting case for similar suits filed in Israel, is now expected to go to the Supreme Court.

More than 100 other cases filed in Israel are still pending, said attorney Nitzana Darshan-Leitner, who represents many of the families involved in them. "These cases will take time, but there is no reason why they should not get the money," she said.

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