

## ISRAELI HIGH COURT RULES TERROR VICTIMS' CASES CAN PROCEED

2007-07-20 13:27:35 by Southern

Israeli terror victims and their families have today scored a landmark victory in their legal struggle to win compensation from the Palestinian Authority (PA) for its role in perpetrating and financing acts of terror . In a sparsely written decision handed down this morning by the Israeli Supreme Court, the Justices held that cases brought against the PA by Israeli citizens must be allowed to proceed in the Jerusalem District Court.

Attorneys for the PA had sought to argue that the PA was a state and had sovereign immunity which shielded it from civil lawsuits brought by the victims of PA sponsored terror. Although the District Court had rejected this defense and ordered the cases to go forward, the PA filed an interim appeal of the lower court's decision to the Supreme Court.

The PA's appeal was filed in 2003. Attorneys for the terror victim families argued that the matter of the PA's status and the question of its immunity had already been decided by the Foreign Ministry, whose opinion the District Court had accepted and that the PA had no right to seek a ruling by the Supreme Court on other unripe legal issues. As such, there was no basis for the appeal and the proceedings in the District Court should be allowed to go forward.

The Supreme Court, however, stayed the lower court cases and then refused to rule on the appeal for four years! The Supreme Court repeatedly delayed scheduling the case for oral arguments and would not bring itself to actually writing its decision. Throughout the long four years the case remained on the Supreme Court's docket, the Justices took every opportunity they could to postpone the matter, including granting the PA and State's Attorney numerous extensions of time and, thus, unjustly deprived the terror victims their day in court. It was obvious to the terror victims and their families that the Supreme Court's ideological bias in favor of the PA factored heavily in its deliberate effort to obstruct their cases from being heard.

Today's Supreme Court ruling upheld the decision of the District Court and adopted all of the arguments of the attorneys for the terror victims. In fact, the appeal could have been rejected by the Supreme Court the day after it was filed four years ago as this long-delayed decision contained nothing new. .

According to lead counsel for the terror victim families Attorney Nitsana Darshan-Leitner: "This is an important decision which will now allow the terror victims to have their cases heard against the Palestinian Authority. The Israeli Supreme Court has finally ruled as other courts around the world already have ruled -- that the PA must face trial for its involvement in terror. There was no legal reason and certainly no moral reason to delay the cases for four years. The family of the "Ramallah Lynch" victims and other innocent Israeli victims of Palestinian terror will

now be able to receive a measure of justice from the ones who devastated their lives."

FOR MORE INFORMATION:

[Israel Law Center](#)

<http://www.southernwolf.net/modules.php?name=News&file=article&sid=1>