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State ordered to pay Arabs for stolen property

By Joseph Algazy, Ha'aretz Correspondent

The Jerusalem Magistrate's Court has ordered the state to pay compensation to two residents of the Batir village, near Bethlehem, for valuables stolen from their homes by IDF soldiers during Intifada searches.

In a rare ruling, Judge Bilha Kahana accepted the testimony of two of the four Palestinian plaintiffs over the testimony of the soldiers' commanding officers. She also reprimanded the military police's criminal investigation division for conducting a "sloppy investigation."

IDF units searched homes in Batir on May 22, 1989. Soon afterward, four residents of the village complained that valuables, jewels and cash were taken from their homes. With the help of the Center for the Defense of the Individual, the four men sued the state of Israel and the commanders of the unit that conducted the searches.

In her verdict, Judge Kahana ordered the state to pay two of the plaintiffs compensation totaling the value of the stolen goods and legal expenses. The judge rejected the lawsuits of the other two plaintiffs, whose testimony she found to be unreliable.

Kahana rejected claims made by one officer who said that "he does not know of any stealing, and therefore there was none," and an assertion made by another officer that he "knows the soldiers and their characters and [he knows] that none of them misbehaved." In her verdict, Kahana added that "once the military police had failed, the state should have admitted this, rather than waste hundreds of words and dozens of pages defending the action."

The legal adviser for the Center for the Defense of the Individual, attorney Eliyahu Avram, said yesterday that the verdict is the first of its kind in that it preferred the testimony of Palestinians to those of the officers and reprimanded the military police.