

Israeli High Court Orders Removal Of Disputed West Bank Settlement

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TEL AVIV, Oct. 22 — Israel's highest court struck at part of the Israeli Government's settlement policy today by ordering the dismantling of a disputed outpost in the occupied West Bank set up on land seized from Arab owners.

In a unanimous ruling, the first against Israel's settlement policy, a panel of five justices rejected the Government's argument that Elon Moreh, which was established on a rocky hilltop south of Nablus in June, was needed for military and security reasons.

However, Israeli officials said that the judgment did not nullify earlier rulings authorizing the Government to requisition land from private owners for settlements that could be demonstrated to be vital for security. Nor, they said, did it ban settlement on state lands in the occupied areas.

Ruling Stunned Begin's Cabinet

Nevertheless, the ruling, which gave the settlers 30 days to get out, further stunned the Cabinet of Prime Minister Menachem Begin, which has already been shaken by the resignation yesterday of Foreign Minister Moshe Dayan.

Mr. Dayan cited as the principal reason for his action differences with Prime Minister Begin and other leading members of the Cabinet over the way talks on Palestinian self-rule in the West Bank and Gaza Strip were being conducted. But he also specifically noted his opposition to the establishment of Elon Moreh.

The Arab owners of the land on which

Elon Moreh was situated had appealed to the court, challenging the Government's contention that the settlement was needed there. In upholding the appeal, the justices held that the Israeli Government, instead of being motivated by military considerations, had selected the spot so as to respond "to the strong desire" of Gush Emunim, or Faith Block, to settle there.

Building the settlement there was not the Israeli Army's idea, the justices declared, despite testimony by the Chief of Staff, Lieut. Gen. Rafael Eytan, that Elon Moreh was vital for Israeli security. The court noted that he had testified under cross-examination that the initiative had come from the Government and that he had been asked for his professional opinion.

There was consternation in the Cabinet today when the ruling was handed down in Jerusalem. The Interior Minister, Yosef Burg, a member of the National

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Associated Press

A young girl played yesterday outside prefabricated homes in Elon Moreh, in the Israeli-occupied West Bank

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Religious Party, expressed shock over the court's decision.

But in consultations in the Prime Minister's office with officials of the Department of Justice, according to one official, it was noted that the objections of the court centered on procedure. The Elon Moreh project, he went on, should have been set in motion by the military and not by political leaders.

The court's ruling will be obeyed, said Aryeh Naor, the Cabinet Secretary, who added, "We are a country of law."

Arab leaders in the West Bank welcomed the court's decision but criticized it as not going far enough. They said they wanted a ruling that would prohibit all Jewish settlement in the occupied areas.

Gush Emunim militants denounced both the court and the Government. Leaders of the movement said they had always disliked what they called the Government's tendency to describe their set-

tlements as necessary for military purposes. They said the Government would now have to address the matter more honestly as a national project.

Israeli ministers decided at their meeting in Mr. Begin's office that the Government should not press its case by starting any action that would enable the 100 or more people at Elon Moreh to remain in their prefabricated huts.

Some pro-Government members of Parliament said they were considering retroactive legislation to undo the court's judgment. But legal experts declared that legislation dealing with occupied areas would not be recognized under international law. For such legislation to be effective, they said, Israel would have to annex the territories, but this is impossible because of commitments made by the Prime Minister during the Camp David meetings with President Anwar el-Sadat of Egypt and President Carter in September 1978.

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