



Yesh Din

Volunteers for Human Rights

The legal struggle with the residents of Burqa against the Homesh outpost continues

Yesterday, August 16, 2023, Yesh Din filed a [High Court petition](#) on behalf of the Head of the Burqa Village Council demanding that the newly defined jurisdiction of the Samaria Regional Council, intended for the re-establishment of the Homesh settlement, be cancelled. The petition further calls for the public ('State') lands to be allocated for the benefit of Burqa residents, rather than to a new settlement.

Despite the increasingly clear propensity of Israel's High Court to prioritize political considerations rather than uphold the rights of Palestinians living under Israel's prolonged military occupation, the residents of Burqa and Yesh Din remain steadfast in their struggle.

The new petition makes two primary demands:

1) That **order 2138**, issued by Military Commander of the West Bank, Yehuda Fuchs, on May 18, 2023, which included all of the plots of public land in the relevant area into the jurisdiction of the Samaria

Regional Council, ostensibly for the purposes of re-establishing Homesh as a settlement, be cancelled.

2) That rather than being allocated to an Israeli settlement jurisdiction, that **these same public lands be allocated for the benefit of the residents of Burqa**. To this end, the petition challenges the illegal practices and political considerations at play in the planning procedures for Homesh, putting them into context of the blatantly discriminatory land allocation policies in the West Bank. As part of these practices, a staggering 99% of all public/state lands in the West Bank have been allocated to expanding the settlement enterprise while less than 1% have been allocated for use by the Palestinian public.

Yesh Din argues in the petition that the allocation in order 2138 serves a political agenda which is entirely incompatible with the provisions outlined by both international law and previous Israeli High Court rulings and contradicts the fundamental duty of the military commander to prioritize the occupied population.

The petition further explains that the lands newly added to the regional council's jurisdiction are in fact isolated islands of public land amidst privately-owned Palestinian lands. This configuration is anticipated to cement and perpetuate violations of property and freedom of movement rights of the local Palestinian population. Under the legal framework governing the West Bank, Palestinian residents are prohibited from accessing lands included in the jurisdiction of Israeli local authorities. This jurisdictional allocation will also exacerbate the prevalence of settler violence in the area, impacting landowners and endangering public order and safety.

Finally, order 2138 was issued in violation of several standard planning regulations: the announcement did not include a map

detailing the confines of the regional council's jurisdiction and was carried out without prior notification or opportunity for review and hearing by the residents of the villages in the affected area.

This new petition is the latest development in the years long legal struggle by the residents of Burqa to regain access to their private lands in the area of the illegal outpost, as part of which the High Court [ruled to delete the previous petition](#) on August 2.



The map depicts the plots of 'State Land' near the former location of Homesh in Green. These green plots, surrounded by privately-owned Palestinian lands (grey) have been recently allocated to the jurisdiction of the Samaria Regional Council as part of order 2138, and indicate where the State may intend to establish a new settlement.

[Click to read the petition \(Hebrew\)](#)

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