

[UNOFFICIAL TRANSLATION]

June 10, 1982

To: Judea, Samaria and Gaza Coordinator

Re: Identifying Khirbet Susiya

My professional opinion has been repeatedly requested regarding the identification of land in the area around the ruins of the synagogue in Susiya.

The synagogue is located in an area known as the lands of Khirbet Susiya, surrounded by an Arab village, which is situated among ancient ruins. The lands of Khirbet Susiya are registered with the Israel Land Authority (ILA) as territory spanning 3,000 dunams and privately owned by numerous Arabs. It follows that the area in close proximity to the synagogue is privately owned.

However, according to the description of the borders, the territory registered with the ILA as privately owned reaches up to the village's lands. As such, the intention may be the lands that are being cultivated near Yatta, located about 1.5 kilometers north of the synagogue, and up to Umm al Arayis. There is a place called Umm al Arayis located four kilometers southeast of the synagogue. If these are in fact the borders the ILA defines in its registry, the land spans an area of that reaches nearly 10,000 dunams, and not just 3,000.

[TWO CENSORED PARAGRAPHS OMITTED]

Among the lands that are not being cultivated, nor have been in the past, there may be, in light of what has been said, some room to doubt their inclusion in the aforementioned land registry. Neither are far from the area on the map known as Khirbet Susiya. We identified two small, flat hilltops that, if it wasn't for said registration, could have been deemed state lands. This territory spans 300 dunams in total. As such, we cannot determine that these lands are state lands, but there is some room to try and clarify further whether they are somehow excluded from the registry.

In order to resolve these uncertainties, it was suggested that the Hebron district demand from the mukhtars [village leaders] of Yatta to notify them of the owners of these hilltops, if there are any at all, during a field visit with them through the area; in addition to explaining their rights to the Hebron district coordinator overseeing government property. If the mukhtars say they have no ownership of these hilltops, and if the owners do not turn to the coordinator in light of this, it will strengthen the notion that the registration does not include this territory. In this case, and in light of the report on the results of this action, I may examine whether the supervisor can provide documentation that this territory is state land through accepted

proceedings, to explain the documentation to the mukhtars and inform them that anyone who makes claims should turn to an appeals committee. If after all that, there are no claims or appeals for 21 additional days, then ownership over the territories can be assumed. If there is an appeal filed thereafter, we will address it accordingly.

As for the territory itself, it is marked within the framework and figures of 1 and 2 on the map at a scale of 1:20000, attached here. The area marked as number 3 is a 7-meter wide plot connecting areas 1 and 2, and while it seems like it was plowed, it apparently was not sown. It currently serves herders between the hills, and it is possible a connecting road can be paved there.

Two kilometers southeast of these hilltops is another territory that is not cultivated and apparently won't be, which seems to be excluded from the registration in the ILA. This territory is marked as number 4 on the map and is located southeast of Umm al Arayis. This area is excluded from the registration of Khirbet Susya, anyhow. There is however one registration with the ILA of Umm al Arayis itself, but the registration relates to a small area surrounded by rocky ground, and is apparently an enclave that was cultivated in the past and marked on the map in order to ensure that it is not included in the identified area, or in the area bordering the northern part of the territory, marked as number 4.

The territory marked number 4 is apparently state land and includes close to 1,000 dunams, of which several hundred are suitable for construction, and may also be suitable for an alternative site for a settlement.

If ownership is to be assumed over a certain territory in number 4, documentation must be issued showing that the territory is government property through accepted proceedings; notifying the mukhtars of Yatta and showing them the borders during a tour of the area. If no appeals are filed within 21 days, ownership may be assumed. If there is an appeal thereafter, we will address it accordingly.

Sincerely,

Plia Albeck
Head of Civil Department
State Attorney's Office