



ACTING THE LANDLORD:

Israel's Policy in Area C, the West Bank

June 2013

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Cover photo Ruins of mosque at Khirbet Yarza, Jordan Valley, demolished by the Civil Administration. 'Atef Abu a-Rub, B'Tselem, 30 October 2011.

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Introduction

Some 60% of West Bank lands have been classified as "Area C" ever since the initial stages of the Oslo Accords were implemented in the 1990s. Area C – which remains under full Israeli control, including Israeli jurisdiction over planning and construction – is home to an estimated 180,000 Palestinians and includes the major residential and development land reserves for all West Bank communities.

Israel strictly limits Palestinian settlement, construction and development in Area C, while ignoring the needs of the Palestinian population. This policy means Palestinian residents must subsist in very rudimentary living conditions. They are denied any legal avenue to build homes or develop their communities, so they face the constant fear that their homes might be demolished, and that they be expelled and lose their livelihood.

Area C covers most of the West Bank and includes 165 "islands" of Area A- and B-land. These scattered "islands" are home to the major concentrations of population in the West Bank. Consequently, Israel's policy in Area C has ramifications for residents throughout the West Bank. The boundaries outlined for Areas A and B impose an artificial scarcity of land for some of the communities in these areas. This situation contributes to the difficulty in obtaining lots for construction, the steep price hike for the few available plots, the dearth of open areas, and the total lack of suitable sites for infrastructure and industrial zones. If, for want of an alternative, residents of these areas build homes without permits on nearby land – owned by them but classified "Area C" – they live with an ever-present threat of demolition.

This report presents Israel's policy as implemented in Area C, primarily by the Civil Administration, and explores the policy's implications for the population of the West Bank as a whole. The report focuses on several specific locations in Area C where the impact on the lives of residents is particularly significant.

Chapter I of the report presents data about Area C, detailing Israel's planning and construction policy there and discusses the impact on the Palestinian residents. The next chapters present four cases that illustrate Israel's policy:

Chapter II focuses on the South Hebron Hills where there are dozens of Palestinian villages that the Civil Administration refuses to recognize and for which it does not prepare master plans. Over 1,000 people, residents of eight of these villages, currently live under the perpetual threat of expulsion for residing in a designated "firing zone".

Chapter III describes the Civil Administration's plan to uproot at least two thousand Bedouins from the vicinity of the settlement of Ma'ale Adumim and transfer them to so-called "permanent communities", in order to expand nearby Israeli settlements and establish a contiguous built-up bloc linking the settlements to the city of Jerusalem. Previously, hundreds of Bedouins from this area had been displaced for the establishment and then the expansion of Ma'ale Adumim.

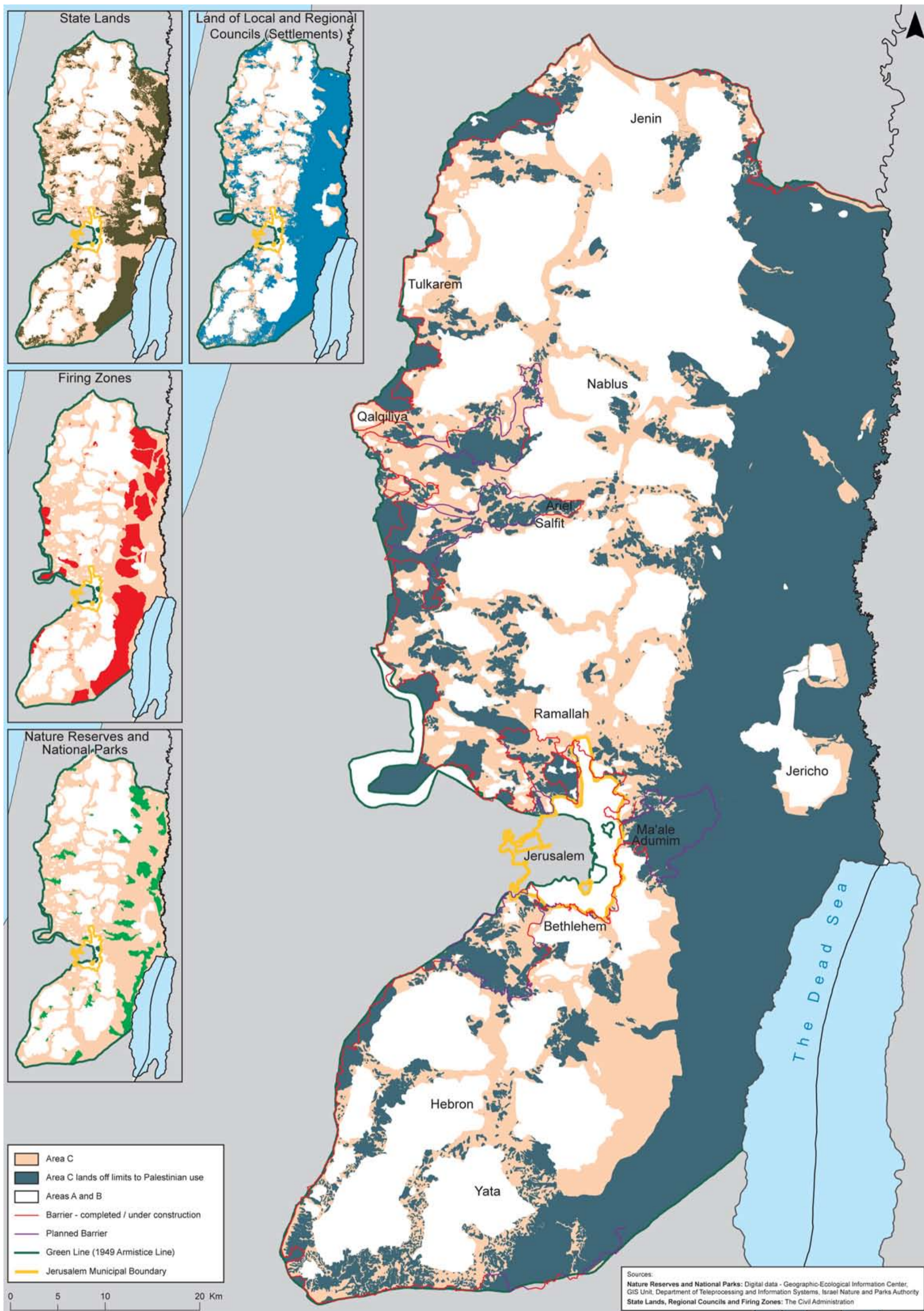
Chapter IV discusses the Palestinian communities of the Jordan Valley, whose inhabitants are subject to frequent house demolitions. They are occasionally evacuated for the

benefit of military exercises and must deal with the confiscation of water cisterns that are the source of drinking water for them and their livestock.

Chapter V presents the situation in several Palestinian communities most of whose built-up area is located in Area B. Yet most of the lands available in these communities for construction of homes, infrastructure and public services are located in Area C, where the Civil Administration does not allow construction and development.

Chapter VI analyzes breaches of international law related to Israel's policy in Area C.

Map 1 Area C Lands Off Limits to Palestinian Use



Chapter I:

Israel's Policy in Area C

Israel's policy in Area C is anchored in a perception of the area as meant above all to serve Israel's own needs: development of Israeli settlements, military exercises, economic interests, and so forth. Consequently, the policy restricts Palestinian construction and development and ignores the needs of the Palestinian population. The Civil Administration strictly enforces this policy through its arsenal of legal, planning and administrative tools. At the same time, Israel encourages the expansion and development of Israeli settlements in Area C by means of a parallel planning mechanism, this one supportive and accommodating, and the Civil Administration turns a blind eye to any building violations in the settlements.

What is Area C?

Since 1996, when implementation of the Interim Agreements between Israel and the PLO began, the West Bank has been divided into three categories: Areas A, B and C. Area A, currently comprising about 18% of the land in the West Bank, includes the Palestinian cities and most of the Palestinian population of the West Bank. The Palestinian Authority (PA) is endowed with most governmental authorities in Area A. In Area B, which comprises approximately 22% of the West Bank and encompasses large rural areas, Israel retained security control while transferring control of civil matters to the PA. In Area C, which covers 60% of the West Bank (about 330,000 hectares), Israel controls both security matters and all land-related civil matters, including land allocation, planning and construction, and infrastructure.¹ The PA is responsible for providing education and medical services to Area C residents. However, construction of the infrastructure necessary for these services remains in Israel's hands. Israel's Civil Administration is responsible for the management of Area C civil matters that remained under Israeli control.

The Civil Administration in the West Bank was established by military order in 1981 to take over the administration of the civil affairs of the Palestinian population, which had been managed up to that point by the Israeli military. According to the military order, the Civil Administration would "administer civil matters in the area, [...] for the benefit and welfare of the population and in order to provide and run public services, while

¹ See Bimkom, **The Prohibited Zone – Israeli Planning Policy in the Palestinian Villages in Area C**, June 2008, pp. 16-17. <http://bimkom.org/eng/wp-content/uploads/ProhibitedZone.pdf>. The West Bank has an area of approximately 560,000 hectares. See B'Tselem, **By Hook and By Crook: Israeli Settlement Policy in the West Bank**, July 2010, p. 11, http://www.btselem.org/sites/default/files2/201007_by_hook_and_by_crook_eng.pdf [all websites mentioned in notes accessed on 29 May 2013] Israeli law is in force in areas of the West Bank annexed to Jerusalem in 1967; these areas are not part of Area C and this report will not address them.

taking into account the need for proper administration and public order in the area.”² The head of the Civil Administration reports to the Coordinator of Government Activities in the Territories (COGAT), who is subject to the authority of the Ministry of Defense. When implementation of the Oslo Accords began in 1996, some of the powers of the Civil Administration were handed over to the PA, but it retained control of planning and construction in Area C.

The division of the West Bank into Areas A, B and C was done mostly on the basis of demographics, not geography: Areas A and B, which include the majority of Palestinian population centers in the West Bank (over 2.4 million people) are subdivided into 165 isolated units of land with no territorial contiguity and are surrounded by Area C land.³ In contrast, Area C is fully contiguous. It encompasses nearly all of the land in the eastern part of the West Bank, from the eastern slopes of the mountains of Samaria to the Jordan River, as well as broad swathes of land in the west and center of the West Bank. An estimated 180,000 Palestinians currently live in Area C. This number includes 60,000 Palestinians who live in some 180 villages and communities located in their entirety in Area C.⁴ The rest of Area C’s Palestinian population reside in approximately 300 villages and towns. Only some of the built-up area of these communities is located in Area C, while the remainder of their land is in Areas A or B.⁵

The communities located entirely within Area C include over 20,000 people who live in Bedouin or other shepherding communities, in tents, sheet-metal shacks or caves. They have only very limited access to services and are not hooked up to water, sanitation or electricity infrastructures. These communities face a high degree of food insecurity – 34% after receiving aid – as compared with 24% among the Palestinian population of Area C as a whole, and 17% in Areas A and B.⁶

The boundaries of Area C were drawn so as to incorporate all 125 Israeli settlements in the West Bank,⁷ as well as the entire jurisdictions of the local and regional councils of the settlements. These areas cover some 210,000 hectares – approximately 37% of the West Bank – and include the majority of state land.⁸ Beginning in the mid-1990s, approximately 100 settlement outposts – established without formal permission from state authorities, but with their encouragement and assistance – were also established

2 Israel Military Order No. 947 Concerning the Establishment of a Civilian Administration (Judea and Samaria), 5742-1981; see English version at: <http://www.israelawresourcecenter.org/israelmilitaryorders/fulltext/mo0947.htm>

3 The latter figure was calculated based on geographic data processing by Shai Efrati. The figure on population size is from the website of the Palestinian Central Bureau of Statistics, see: <http://www.pcbs.gov.ps/site/881/default.aspx#Population>

4 Data on population and villages was conveyed by Alon Cohen-Lifshitz of Bimkom, in a meeting on 7 May 2013. The data are based on an update of comparable data presented by Bimkom in **The Prohibited Zone**.

5 The figure was calculated based on geographic data processing by Shai Efrati. See further details below, pp. 77-78.

6 **Socio-Economic and Food Security Survey 2011**, FAO, UNRWA, WFP, PCBS, May 2012, pp. 7, 22, <http://documents.wfp.org/stellent/groups/public/documents/ena/wfp249301.pdf>. The measure for food security is access – through purchase or farming – to appropriate foods and diversity of diet.

7 This figure does not include the settlements in Hebron, which is not part of Area C. See the joint report by B’Tselem and the Association for Civil Rights in Israel, **Ghost Town: Israel's Separation Policy and Forced Eviction of Palestinians from the Center of Hebron, May 2007**: http://www.btselem.org/publications/summaries/200705_hebron

8 Figure calculated based on geographic data processing by Shai Efrati.

in Area C.⁹ At the end of 2011, there were at least 325,000 settlers living in settlements and outposts.¹⁰

Israel's policy in Area C has significant ramifications for the entire Palestinian population of the West Bank, in excess of 2.6 million people.¹¹ Area-A and -B lands were charted as such by an outline drawn around the concentrations of Palestinian population at the time the Interim Oslo Accords were signed. The land that surrounds Areas A and B – classified as Area C – comprises the bulk of future land reserves of the entire Palestinian population of the West Bank. These areas contain the opportunities for developing Palestinian communities and the West Bank economy, including mineral mining, use of water resources, agriculture, pastureland, the establishment of industrial zones and promoting tourism. These areas are also meant to allow for the development and expansion of existing communities and the construction of infrastructure, such as waste treatment facilities or industrial zones, which cannot be situated near residential areas. Likewise, the maintenance of inter-community infrastructure, including roads and water as well as electric grids, requires both passing through Area C and working there.¹²

Planning and construction policy for Palestinians in Area C

Areas where construction is prohibited

The Civil Administration prohibits Palestinian construction in vast areas of the West Bank, citing various rationales:

About 63% of Area C lands are under the jurisdiction of the local and regional councils of the settlements and are off limits to Palestinian development. Israel has classified as "state land" 34% of these lands, as well as another 2.5% of Area C. Some of this land had been registered as state land during the British and Jordanian rules; the rest was declared as such by Israel. These areas were declared state land based on a distorted interpretation of the law, and included even privately owned Palestinian land.¹³ Regardless, even had all the land in question been declared state land in accordance with the law, international law stipulates that state land must serve the needs of the local population of the occupied territory – in this case, the Palestinians. In practice, Israel virtually prohibits Palestinian construction and development on these lands and designates them almost exclusively for Israeli settlements, the Israeli military and Israeli infrastructure.

Pursuant to a petition filed by two Israeli NGOs – The Association for Civil Rights in Israel (ACRI) and Bimkom – the Civil Administration provided the following information:

9 Talia Sasson, Communications Division, Prime Minister's Office, **Opinion on Unauthorized Outposts**, April 2005 (hereafter: Sasson, **Opinion on Outposts**), p. 19, <http://www.pmo.gov.il/SiteCollectionDocuments/PMO/Communication/Spokesman/sason2.pdf> [Hebrew]; for an English summary of the report, see <http://www.mfa.gov.il/mfa/aboutisrael/state/law/pages/summary%20of%20opinion%20concerning%20unauthorized%20outposts%20-%20talya%20sason%20adv.aspx>. See also below, pp. 24-25.

10 Central Bureau of Statistics (Israel), **Israel Statistical Abstract 2012**, Table 2.6, Population by District, Sub-District, and Religion, p. 100: http://www.cbs.gov.il/shnaton63/st02_06x.pdf

11 Website of the Palestinian Central Bureau of Statistics, <http://www.pcbs.gov.ps/site/881/default.aspx#Population>

12 See World Bank, **The Economic Effects of Restricted Access to Land in the West Bank**, October 2008, (hereafter, World Bank, **Access to Land**), <http://siteresources.worldbank.org/INTWESTBANKGAZA/Resources/EconomicEffectsofRestrictedAccessToLandintheWestBankOct.20,08.pdf>

13 See B'Tselem, **Under the Guise of Legality: Declarations on State Land in the West Bank**, March 2012. http://www.btselem.org/publications/summaries/201203_under_the_guise_of_legality

since the Israeli occupation of the West Bank in 1967 the Civil Administration has allocated only 0.7% of state land in Area C (860 hectares) to Palestinians. As a point of comparison, about 31% of state land (approximately 40,000 hectares) have been allocated to the World Zionist Organization (WZO), which develops settlements; about 8% (approximately 10,300 hectares) have been allocated to settlement councils and Israeli mobile phone companies; and about 12% (approximately 16,000 hectares) have been allocated to Israeli government ministries and utility companies such as Bezeq (telephone company), the Electric Company and Mekorot (Israel's national water company).¹⁴ These percentages were calculated based on the estimate given by the Civil Administration in the State's response to the petition. The response emphasized that the numbers were merely an estimate based on maps that were "wholly imprecise"¹⁵ – stating that there are 130,000 hectares of state land in Area C.¹⁶

For a period of several years, beginning in late 1993, Israel stopped declaring state lands in the West Bank, and in 1997 enacted a procedure "regarding the monitoring and preservation of survey lands, their management and the removal of squatters." The regulation was designed to examine the status of lands that had not undergone the process of registration or declaration as state lands, with a view to keeping them as government property and enable their use by the state (e.g., incorporating them as part of a settlement's local jurisdiction).¹⁷ Approximately 20% of Area C are classified as "survey lands", and Palestinians may not build there.¹⁸

Thirty percent of Area C land have been designated military firing zones, mostly in the Jordan Valley and some on state land.¹⁹ According to the estimate made by the United Nations Office for the Coordination of Humanitarian Affairs in the Occupied Palestinian Territories (OCHA), there are 38 Palestinian communities in these areas, with an overall population of approximately 5,000 people.²⁰ The Civil Administration prohibits Palestinian construction in these areas and endeavors to displace them.²¹ Similarly, Palestinians are prohibited from building in areas that have been declared nature reserves and national parks, (comprising 14% of Area C, some which also serve as firing zones).²²

14 Administrative Petition 40223-03-10, District Court in Jerusalem sitting as the Court for Administrative Matters, **Bimkom et al v. Civil Administration et al.**, Respondents' amended writ of response dated 8 December 2011, and letter to ACRI from Tzion Shuker of the Civil Administration, dated 4 February 2013. The documents are available in Hebrew only, via the links following an ACRI article (Hebrew): <http://www.acri.org.il/he/?p=26514>; (For English version of the article, see <http://www.acri.org.il/en/2013/04/23/info-sheet-state-land-opt/>)

15 Administrative Petition 40223-03-10, Respondents' amended writ of response dated 8 December 2011, §29 [Hebrew].

16 Respondents' amended writ of response, §9.

17 "Procedure regarding the monitoring and preservation of survey lands, their management and the removal of squatters", set down in Order 507 of COGAT Headquarters. See, State Comptroller, **Annual Report 56A**, 2005, pp. 206-207: <http://www.mevaker.gov.il/serve/showHtml.asp?bookid=433&id=184&frompage=220&contentid=8057&parentid=8046&bctype=1&startpage=14&direction=1&sw=1600&hw=1130&cn=1.%20F0%E5%E4%EC%20E0%E3%-EE%E5%FA%20F1%F7%F8>, pp. 206-207 [Hebrew].

18 B'Tselem, **By Hook and By Crook**, p. 28; see Israel Land Administration's website: <http://www.mmi.gov.il/static/agapim.asp> [Hebrew].

19 According to data layers of the Civil Administration conveyed to Bimkom. Figures calculated by Shai Efrati. See also B'Tselem, **Dispossession and Exploitation: Israel's Policy in the Jordan Valley and Northern Dead Sea**, May 2011, p. 14: http://www.btselem.org/sites/default/files/201105_dispossession_and_exploitation_eng.pdf

20 OCHA, **Area C of the West Bank: Key Humanitarian Concerns**, January 2013, http://www.ochaopt.org/documents/ocha_opt_area_c_factsheet_January_2013_english.pdf

21 See below, on the South Hebron Hills, pp. 31-36 and the Jordan Valley, pp. 68-73.

22 Source of figures: digital data Geographic-Ecological Information Center, GIS Unit, Department of Teleprocessing and Information Systems, Israel Nature and Parks Authority. See also OCHA, **Restricting Space: The Planning Regime Applied by Israel in Area C of the West Bank**, December 2009: http://www.ochaopt.org/documents/special_focus_area_c_demolitions_december_2009.pdf, pp. 5-7.

Another measure Israel uses to prevent Palestinian construction is National Master Plan (NMA) 50, Israel's regional road plan for the West Bank, approved by the Civil Administration in 1991. The plan classifies many local roads in the West Bank as regional or major arteries up to 100 meters wide, although in reality, the roads are narrow and have little traffic. Israel has prohibited construction seventy meters on either side of the road – a prohibition even broader than that of NMA 3, the corresponding plan in Israel.²³ These restrictions have an impact on Palestinian villages located near existing or planned roads that have been classified under the plan as major arteries. Furthermore, 3.5% of the lands in Area C are located between the Separation Barrier – either already built or under construction – and the Green Line, so that Palestinians have no possibility of building there or of developing that land.

All this has significantly reduced the space available to Palestinians for residence and livelihood. After deducting for overlap among the various areas described above, Palestinians are prohibited from building on some 70% of Area C.²⁴

Restrictive planning processes²⁵

The prohibitions that prevent Palestinians from building on state land, in military firing zones, in nature reserves and alongside major roads leave only about 30% of Area C land on which constructions is not *a priori* prohibited. The Civil Administration, however, imposes severe restrictions even in these areas and, in practice, allows Palestinians to build on only about half of one percent of Area C (approximately 1,800 hectares), a considerable portion of which is already built up.²⁶

Under international law, the occupying power must honor the law that is in effect in the territory it occupies and may change it only when necessary for military purposes or for the benefit of the local population. Hence, planning and construction policy for Area C ought to continue to rely on the Jordanian planning law that was in effect in the West Bank when Israel occupied it in 1967. Notwithstanding, this law was altered substantially by order of the Israeli military. The military order did away with the local and district planning committees which enabled representation of the local population in the planning process, and transferred exclusive authority over planning processes to the Civil Administration.²⁷ These changes were made despite not serving any military need and certainly not benefiting the Palestinian residents.

To date, the Civil Administration has avoided approving any master plan at all for over 90% of the villages located entirely within Area C.²⁸ Consequently, these plans are still subject to the British mandate-era sub-district master plans approved in the 1940s. These plans remained in force under Jordanian rule in the West Bank, and Israel did not alter them when it changed the planning law. Under these existing plans, most of

23 Bimkom, **The Prohibited Zone**, p. 137. See also below, the case of the village of al-Jiftlik, pp. 60-61.

24 Figure calculated based on geographic data processing by Shai Efrati.

25 For a comprehensive description of Israel's planning policy for Area C, see Bimkom, **The Prohibited Zone**.

26 From a conversation with Alon Cohen-Lifshitz of Bimkom in a meeting on 26 December 2012. See below.

27 Order Concerning the City, Village and Building Planning Law (Judea and Samaria) (No. 418), 5731-1971. See Bimkom, **The Prohibited Zone**, pp. 39-41.

28 A minority of these villages are in the midst of a planning process, although so far a master plan has not been approved for them. See below.

the land currently part of Area C was designated agricultural, so that only one main building may be built in every original – not sub-divided – plot of at least one thousand square meters (equivalent to one tenth of a hectare). However, with permission from the planning authorities, the plans allow division of each original plot into construction blocs of 1,000 sq. meters each. On each, one main stand-alone structure may be built, thereby constructing a residential area that could meet the needs of a medium-sized village. The Civil Administration, however, does not use the British mandate plans to grant construction permits. Instead, it uses them only for the purpose of issuing demolition orders for Palestinian structures built without permits.²⁹

Over the years, the Civil Administration has proffered various explanations for its refusal to plan villages. The justifications include saying that a village is situated within an archeological site,³⁰ that there are land reserves in nearby Palestinian communities which the Civil Administration has chosen to plan and which it proposes as relocation sites for residents of villages without master plans;³¹ and the designation of villages as “collections of illegal structures” which, based on planning considerations, should not be authorized.³² The Civil Administration relies on these pretexts even in the case of villages that have existed for decades, and even when the villages are located on their own private lands.

Between 1987 and 1995, the Civil Administration drafted 380 master plans for villages in the West Bank.³³ Apart from six villages located in what is today Area C, the other hundreds of planned villages are located in Areas A and B. However, they include approximately 150 villages for which the plan also covers sections of the village now designated Area C.³⁴ From 2006 to 2008, the Civil Administration approved master plans for another ten villages in Area C, so that currently there are master plans for only 16 – less than a tenth – of the 180 Palestinian villages located entirely within Area C.³⁵ In addition, plans have been approved for the permanent village established by the Civil Administration for the Bedouin Jahalin tribe evicted from the Ma’ale Adumim area.³⁶

All of the master plans approved were drafted by the Civil Administration without participation by local residents. Instead of formulating a plan that would permit a community to develop, the boundaries set forth in these plans were determined according to the already built-up areas of each village, based on aerial photographs. The entire area of the plans – both those for the villages wholly within Area C and those for villages only partly in Area C – covers only about one half of one percent of

29 For more on the plans from the time of the British Mandate, see Bimkom, **The Prohibited Zone**, pp. 55-91.

30 HCJ11258/05, **Majed 'Affif 'Aref et al. v. Subcommittee for Building Supervision et al.** Respondents' response dated 27 November 2008, §45 in reference to Khirbet Tana [Hebrew] (see pp. 68-69, below). See also, regarding the village of Zif: Bimkom, **The Prohibited Zone**, pp. 127, 148-149.

31 HCJ11258/05, Respondents' response dated 27 November 2008, §§42-44 [Hebrew]; HCJ7151/05 **A-Najadah et al. v. Commander of IDF Forces in the West Bank et al.** Respondents' response dated 13 May 2009 regarding a-Duqaiqah; and HCJ6612/10 **Dababat et al. v. Commander of IDF Forces in the West Bank et al.**, Respondents' response dated 26 July 2011, §§38-39 regarding al-Farisiyah (also, concerning these villages, see below, pp. 29-31 and pp. 69-70, respectively).

32 See, e.g., HCJ7151/05, Respondents' response dated 13 May 2009, §30 [Hebrew].

33 Coordinator of Government Activities in the Territories, **Projects in Area C**, September 2012, p.41, (hereafter: COGAT, **Projects in Area C**), http://www.mfa.gov.il/MFA_Graphics/MFA%20Gallery/Documents/AreaCBooklet130912.pdf. For some of the villages, a few plans were approved, while some plans covered a number of villages. See also, Bimkom, **The Prohibited Zone**, p. 101.

34 Bimkom, **The Prohibited Zone**, p. 102, and an update conveyed by Alon Cohen-Lifshitz of Bimkom at a meeting on 7 May 2013.

35 Data conveyed by Alon Cohen-Lifshitz of Bimkom at a meeting on 7 May 2013.

36 See below, Chapter III.

Area C.³⁷ The limited building area these master plans designated not only excluded the open land surrounding a given village, despite its being available for development, but sometimes even excluded existing structures at the village outskirts. The plans do not label areas for public purposes such as schools or clinics and they project a high population density – up to 15 homes per hectare of built-up area.³⁸

Israeli NGO Bimkom submitted objections on behalf of the villagers to five of the plans for Area C villages that the Civil Administration filed for public comment since 2006. Some of the objections were the following: the non-inclusion of village residents in drafting the plan, reduced land area, exclusion of existing structures from the built-up area in the plan, and the high density slated for the village as planned. Objections to the plan for the village of Zif in the South Hebron Hills, were not accepted, and consequently, Bimkom and Rabbis for Human Rights petitioned the Israeli High Court of Justice.³⁹ Further to the petition, the State announced that it plans to prepare another plan for the structures that were left out of the original master plan. To date, the Civil Administration has accepted some of Bimkom's objections to the other plans and has decided to draft revised plans for the villages of Bruqin and Ta'nak, which are partly in Area B and partly in Area C, and for the villages of a-Tuwani and Um a-Rihan in Area C. The revised plans have yet to be approved or validated.⁴⁰

During the session to discuss the objections to the plan submitted by the Civil Administration for the village of Um a-Rihan, the Objections Sub-Committee of the Civil Administration's Supreme Planning Council concurred that – in view of the annulment of the authority of the local and regional planning committees as defined in Jordanian law, "the need might arise for information from local figures" in the course of the planning process. The Sub-Committee added, "Hereafter, before a plan is drafted, the planning authorities intend to obtain the opinion of local figures [...], concerning the planning possibilities for the place."⁴¹ in addition, the Sub-Committee noted that plans similar to the one soon to be revised for Um a-Rihan had been previously approved, and that the planning authorities must learn from past experience and adapt their policy accordingly.⁴²

The revised plan for the village of Um a-Rihan was prepared after in-depth discussion of the objections submitted by Bimkom on behalf of the village council. The new plan does not merely designate village boundaries as did prior plans, so that the needs of the villagers are better met: residential density dropped from 10 residential units per 0.1 hectare (about 55 persons) to 3 to 5 units per 0.1 hectare (approximately 16 to 27 persons); land was labeled and designated according to purpose and areas within the village were allocated for public use and future residential expansion. The area for the plan was increased by 120%, yet most of the additional land remains unavailable for construction in the near future because the plan bars construction there prior to rerouting a nearby regional road.

37 Conveyed by Alon Cohen-Lifshitz of Bimkom at a meeting on 26 December 2012. For more on Civil Administration master plans, see Bimkom, **The Prohibited Zone**, pp. 101-155.

38 Bimkom, **The Prohibited Zone**, pp. 106-107. For a discussion of housing density in the master plans, see **The Prohibited Zone**, pp. 110-128.

39 HCJ5118/08 **Mohammed Shatat et al. v. Supreme Planning Council**, Petition dated 8 June 2008 [Hebrew].

40 Conveyed by Alon Cohen-Lifshitz of Bimkom, in a meeting on 7 May 2013.

41 Protocol No. 5/09 of the Subcommittee on Objections of the Supreme Planning Council dated 29 March 2009, §71.

42 Protocol No. 5/09, §183.

In 2009, the European Union and its member states began investing funds in planning for Palestinian communities in Area C. Britain and the EU funded the drafting of master plans for 32 villages by the Palestinian organization International Peace and Coordination Center (IPCC)⁴³ in collaboration with the village communities and in coordination with the PA. As soon as the plans were completed, the earliest in July 2011, they were submitted to the Civil Administration. To date, no plan has been approved. Dozen more plans are currently being drafted, both by the IPCC with British funding as well as by a private Palestinian company with Belgian funding. Current overall European investment in the planning of Area C communities is 2.7 million Euros.⁴⁴

In 2010 the Civil Administration decided to retain the services of a private Palestinian planning company to prepare master plans for Area C villages. The Civil Administration even began including representatives of the PA in the planning sessions and, pursuant to its decision to revise the master plan for the village of a-Tuwani, decided to discuss the plan for the village submitted by the IPCC.

In 2011, the Civil Administration published a list of the criteria it reportedly uses in deciding whether to prepare a master plan for built-up areas in Area C. These criteria relate to the size of the built-up area; age and density of construction; proximity to an existing community, a nature reserve or archeological site; and the possibilities of erecting public buildings and infrastructure.⁴⁵ On the strength of these criteria, the Civil Administration has already dismissed planning for existing villages, ignoring the fact that Palestinians live there, and sometimes have been for decades.⁴⁶

About twenty master plans for Area C villages, part of whose land is in Area B, are currently undergoing an outside planning process on behalf of the Civil Administration. According to media reports, the “token gestures” that Israel decided to make toward the PA to alleviate diplomatic pressure on Israel, include a plan by the Civil Administration to invest NIS 3,000,000 (approximately USD 822,000) in 2013 for the purpose of drafting master plans for Palestinian villages in Area C. The number of villages proposed for planning was not specified.⁴⁷

In view of developments in recent years, there appears to be a trend of positive change in the Civil Administration’s planning process in Area C. The change includes a willingness to accept objections from a professional planning entity, such as Bimkom, with respect to master plans drafted by the Civil Administration; to acknowledge the problematic nature of previous plans; to revoke plans already prepared and to order the drafting of revised plans in their stead. Other changes have been assigning the actual planning to Palestinians and maintaining contact with the PA about planning for villages in Area C. Nevertheless, as not even one Civil Administration master plan has gone into effect since 2008, it is not yet possible to determine whether this is a substantive change.

43 See The International Peace and Cooperation Center website: http://home.ipcc-jerusalem.org/en/ipcc/6/478/?tn=Urban_Planning_and_Zoning

44 AIDA, **Failing to Make the Grade**, May 2013, p. 8: <http://www.oxfamsol.be/reports/Failing-to-Make-the-Grade-AIDA-EU-public-report.pdf>

45 See, e.g., HCJ9715/07 **Batat et al. v. Subcommittee for Supervision of Building in Judea and Samaria et al.** Respondents’ response of 23 December 2011, §20 [Hebrew], <http://www.acri.org.il/he/wp-content/uploads/2012/07/hit9715tguva.pdf>

46 For instance, the village of a-Duqaiqah in the South Hebron Hills (see below, pp. 29-31).

47 Chaim Levinson, **Haaretz**, “Israel to retroactively legalize Palestinian construction in Area C of West Bank”, 19 March 2013, <http://www.haaretz.com/news/national/israel-to-retroactively-legalize-palestinian-construction-in-area-c-of-west-bank.premium-1.510502>

Home demolitions

All Palestinian construction in Area C – of private homes, agricultural structures, or infrastructure – requires the approval of the Civil Administration. Given its policy, the prospects for receiving a building permit outside the scope of the master plans are very slim. Therefore, most Palestinians feel it is futile to apply and do not even submit an application. Some, left no other alternative, choose to build their homes without a permit and then apply for a permit only after being issued a stop-work order. According to Civil Administration data, between 2000 and 2012, Palestinians submitted 3,750 applications for building permits. Only 211 – just 5.6% – were approved.⁴⁸ This percentage was especially low for the last four years for which the Civil Administration has provided statistics: from 2009 through 2012, a total of 1,640 applications were submitted. Only 37 – a mere 2.3% – were approved.⁴⁹

Palestinians who built without permits, received stop-work orders and did not then apply for a permit receive a final demolition order from the Civil Administration. If an application for a construction permit is submitted after a stop-work order is received and the application is rejected, a demolition order is sent, but it can be appealed. In nearly all cases the appeal is also rejected, on grounds that the building contravenes the British mandate's master plan in effect there, and a final demolition order is then issued.⁵⁰



Demolition of Ka'abneh home, village of Beit Hanina al-Balad, north of Jerusalem.
Photo: Iyad Hadad, B'Tselem, 24 November 2011.

48 Response dated 7 February 2008 from Deputy Minister of Defense Matan Vilnai to a parliamentary question submitted by MK Chaim Oran; response dated 22 March 2011 from Lieut. Laurent Tal-El of the Civil Administration to a request under the Freedom of Information Act submitted by Nir Shalev of Bimkom. Response dated 22 March 2011 from Lieut. Bar Akoka of the Public Ombudsman at the Civil Administration, in response to a request under the Freedom of Information Act submitted by Noga Kadman of B'Tselem (hereafter: Civil Administration's response to B'Tselem, 2013)

49 Civil Administration's response to B'Tselem, 2013.

50 Bimkom, **The Prohibited Zone**, pp. 77-78.

The order may be made appealed only through the Israeli High Court of Justice – a costly and lengthy procedure that most Area C residents cannot afford.

According to Civil Administration data, thousands of demolition orders have been issued in recent years for Palestinian structures in Area C. The Civil Administration served an average of 766 demolition orders a year to Palestinians from 2000 to 2012.⁵¹ There are villages in Area C with outstanding demolition orders on nearly all the buildings in the community.⁵² During this time, 2,829 Palestinian structures were demolished in Area C – an average of 218 a year. In 784 of these cases, demolition was carried out by the building owners themselves after having received demolition orders.⁵³ These figures include demolitions according to Planning and Construction Laws only, and do not include other demolitions, for example of structures located in military firing zones.

According to Civil Administration figures, 1,638 Palestinian structures were demolished from 2006 to 2012.⁵⁴ B'Tselem began documenting home demolitions in 2006, and according to its figures, demolitions during this period included 501 residential units (including tents).⁵⁵ From January 2013 through April 2013, a further 70 residential units were demolished. In early 2012, B'Tselem began documenting demolitions of non-residential structures as well, and by the end of April 2013 B'Tselem's count was 264 demolitions of such structures, including wells, and agricultural and commercial buildings.

According to B'Tselem's data, in the years since 2006, 571 residential units have been demolished (on average, 72 units annually). Evidence given by people whose homes have been demolished demonstrates that Civil Administration staff usually gave residents only a few minutes to collect their belongings before demolition began. Demolitions were carried out after demolition orders were handed out. In some instances, the order was simply posted on the door of a home or a tent flap and did not always reach the homeowner. From 2006 through April 2013, as a result of the demolitions, at least 2,882 people (an annual average of 378 people) have lost their homes, including at least 1,368 children (an annual average of 178). The homes of 367 of the Palestinians (including 176 minors) whose homes were demolished were demolished at least twice.

Non-development of infrastructure and services in Area C

The Civil Administration's restrictive planning policy extends to services and infrastructure. The Civil Administration grants building permits for schools, clinics, roads and infrastructure practically only to the very few villages for which it has approved a master plan. Similarly, it approves hooking up houses to water and power nearly only in these villages.⁵⁶ Over 48,000 Palestinians living in Area C are not connected to any

51 Response dated 26 January 2011 from Sec. Lieut. Amos Wagner of the Civil Administration to a request under the Freedom of Information Act submitted by Noam Raz of B'Tselem (hereafter: Civil Administration's response to B'Tselem, 2011); Civil Administration's response to B'Tselem, 2013.

52 E.g., the village of Susiya in the South Hebron Hills. See below, pp. 37-40.

53 Civil Administration's responses to B'Tselem, 2011 and 2013.

54 See references above in note 48.

55 See figures at B'Tselem's website: http://www.btselem.org/planning_and_building/statistics

56 Civil Administration's response to B'Tselem, 2013.

water supply network.⁵⁷ Residents of these communities are dependent on rainwater, which they collect in cisterns, and on water purchased from private contractors who deliver the water in tankers. In the southern West Bank, some 42 communities consume less than 60 liters of water per person, per day;⁵⁸ herding communities in the northern Jordan Valley consume only about 20 liters per person, per day.⁵⁹ This consumption is significantly lower than the 100 liters per person per day recommended by the World Health Organization.⁶⁰ For the sake of comparison, average water consumption in Israel is between 100 and 230 liters per person per day.⁶¹

The price of water purchased from private contractors is NIS 25 to 40 per cubic meter, depending on the distance from the water source to the village. This sum is up to three times greater than the highest price of water for household consumption paid by residents of the Israeli city of Tel Aviv (NIS 12.6 per cubic meter for any consumption over 3.5 cubic meters per person, per month), and up to 2.7 times as much as the comparable price rate in the settlements of Ariel and Karnei Shomron (NIS 14.8 per cubic meter).⁶² In the Palestinian communities that are forced to buy water from tankers, the average monthly outlay on water consumption per family in summertime is NIS 1,250 to 2,000 – as much as half of all monthly expenses.⁶³ In contrast, the average monthly expenditure for water consumption in the settlements is NIS 150 per family, or 1.4% of family expenditure.⁶⁴

The Civil Administration also takes action to disrupt water and power supplies that the residents obtain from alternate sources: Between 2009 and 2012, the Civil Administration destroyed 90 cisterns, 61 wells and 17 reservoirs belonging to Palestinians in Area C.⁶⁵ In 2012, the Civil Administration issued demolition orders for wind- and solar-powered electric systems erected by the nonprofit Comet-ME in villages in the South Hebron Hills.⁶⁶ During the summer in recent years, the Civil Administration has begun confiscating water containers purchased by residents of the Jordan Valley for drinking and for watering the livestock, alleging that the containers are located in firing zones.⁶⁷

57 **Area C Community Profiling, OCHA** – a comprehensive survey conducted in 2010 of all communities in Area C, emailed to B'Tselem by Yehezkel Lein of OCHA on 24 April 2013.

58 OCHA, **Restricting Space**, p. 11, http://www.ochaopt.org/documents/special_focus_area_c_demolitions_december_2009.pdf. For example, the village of Susiya in the South Hebron Hills. See below, pp. 37-40.

59 Ministry of Agriculture, Palestinian Authority, and Palestinian Water Authority, **Development of the Palestinian Valley: A plan for the development of water sources in the Valley districts**, final draft, May 2010 [Arabic], pp. 14-15. Hereafter: Palestinian Authority, **Development of the Palestinian Valley**.

60 Guy Howard and Jamie Bartram, **Domestic Water Quantity, Service Level and Health – Executive Summary**, World Health Organization, http://www.who.int/water_sanitation_health/diseases/WSH0302exsum.pdf

61 Data on water consumption in Israel, Mekorot website, <http://www.mekorot.co.il/Heb/WaterResourcesManagement/consumeData/Pages/default.aspx> [Hebrew].

62 Websites of water companies Mei Avivim (<http://mei-avivim.co.il/?CategoryID=174>) and Yuvalim BaShomron (<http://yuvalim-sh.co.il/heb/124.aspx>).

63 Monthly expenditure for a Palestinian family in the West Bank in 2008 was 708 Jordanian dinars (nearly NIS 4,000, using the exchange rate for the end of 2009). **Press Release: On the Occasion of World Population Day 11 July, PCBS Issues a Statistical overview on Palestinian Population**, Palestinian Central Bureau of Statistics, 11.7.08, http://82.213.38.42/Portals/_pcbs/PressRelease/worldpopday_e.pdf

64 The monthly outlay per family in an Israeli settlement in 2008 was NIS 10,520/month. See Table 6.15, Monthly expenditure for household consumption, by district, 2008, in Dan Suan and Vered Ne'eman-Haviv (eds.), **Judea and Samaria Statistical Yearbook for 2009**, Ariel: Ariel University Center of Samaria and the Samaria & Jordan Valley Regional R&D Center, 2011, pp. 144, 146 [Hebrew]: http://www.ariel.ac.il/images/stories/site/departments/social_anthropology/JudeaAndSamariaStatistics2009.pdf

65 Data conveyed to B'Tselem by Suhad Saqallah of OCHA by email dated 25 April 2013.

66 See below, p. 28.

67 See below, pp. 65-66. See also Amnesty International, **Troubled Waters: Palestinians Denied Fair Access to Water**, October 2009, pp. 45-48, <http://www.amnesty.org/en/library/asset/MDE15/027/2009/en/e9892ce4-7fba-469b-96b9-c1e1084c620c/mde150272009en.pdf>



Water tanker in Bedouin community south of settlement of Mishor Adumim.
Photo: 'Ammar 'Awad, Reuters, 19 August 2009.

According to the Civil Administration, “developing the medical services, access to medical treatments, and establishing medical clinics and facilities for Area C residents is a top priority for the Health Department of the Civil Administration.”⁶⁸ Nevertheless, in the case of villages not recognized by the Civil Administration – i.e., the vast majority of Area C villages – the Civil Administration does not grant construction permits. It does not grant permits for medical clinics either, and even issues demolition orders for them. In addition, as of summer 2012, 37 schools in Area C were facing possible demolition, after having been built without permits.⁶⁹

A COGAT report states that the Civil Administration approved 315 projects in Area C from early 2011 to August 2012 – including paving roads, constructing schools and medical clinics, as well as laying out infrastructure. The COGAT report provides detailed accounts of 236 of these projects, from which the following information can be gleaned: only 19 projects (8%) are for Palestinian villages located entirely within Area C. These projects are in 13 villages for which the Civil Administration has approved master plans. The remaining projects are meant either for communities all or most of whose land is located in Areas A and B (102), or for the entire population of the West Bank (104 projects – including 58 for erecting cellular communications antennas), or to serve beneficiaries in unspecified locations (11).⁷⁰

68 COGAT, **Projects in Area C**, p. 34.

69 OCHA, **Humanitarian Monitor**, August 2012, p. 10, http://www.ochaopt.org/documents/ocha_opt_the_humanitarian_monitor_2012_09_24_english.pdf. See below on a school at risk of demolition in al-Khader (p. 82).

70 COGAT, **Projects in Area C**. See OCHA, **Humanitarian Monitor**, December 2012, pp. 7-8, http://www.ochaopt.org/documents/ocha_opt_the_humanitarian_monitor_2013_01_28_english.pdf

The Civil Administration rarely takes the initiative to further development of Palestinian villages. Likewise, it rarely invests its own resources in doing so. In most cases the initiative and the funding for the projects approved by the Civil Administration, as detailed in the above-mentioned report, came from the international community or the PA. Accordingly, of the 32 road-paving projects recorded in the report as having been approved and implemented in Area C in 2011 and 2012, or approved and currently being implemented, only two were financed by the Civil Administration. The rest were funded by USAID and/or the PA.⁷¹ The Civil Administration did not fund even one of the 17 projects approved during that same period to renovate school buildings or of the six projects to renovate or construct medical clinics. These, too, were all funded by international organizations such as USAID, UNRWA and the Middle East Quartet.⁷²

In order to realize their initiatives for Area C, international organizations and the PA must undergo prolonged and wearisome bureaucratic procedures with the Civil Administration. According to the World Bank, the obstacles and delays involved in obtaining approval from the Civil Administration for such projects lead donors and organizations to give up on their implementation. Therefore, donor resources notwithstanding, the level of development in the area is extremely low and the expenditures for public investment are minimal.⁷³

Nearly all water-related projects intended for the entire West Bank population are located in Area C and require Civil Administration approval. These projects include drilling wells, hauling water and recycling waste water. International aid organizations endeavoring to promote these types of projects in Area C have told the World Bank that the Civil Administration is a major obstacle to their work.⁷⁴ A number of projects that did obtain approval from the Palestinian Water Committee and the Joint Israeli-Palestinian Water Committee were ultimately rejected – after numerous delays – by the Civil Administration.⁷⁵ Sixteen projects for water infrastructure, approved by the Joint Committee more than a year earlier, were still awaiting Civil Administration approval in April 2013.⁷⁶

Planning and construction policy in the settlements

In contrast to the restrictive planning policy followed for Palestinian communities, Israeli settlements in Area C enjoy expansive allocations of land, detailed planning, hookup to advanced infrastructure and a blind eye regarding illegal construction.

The military order that took the planning process away from the Palestinians after the occupation of the West Bank also enables the activity of planning committees in the settlements. The settlers, unlike the Palestinians, enjoy full representation in planning

71 Three additional road projects funded by the Civil Administration await implementation, according to COGAT, **Projects in Area C**, pp. 10-20.

72 COGAT, **Projects in Area C**, pp. 32-26 regarding schools, and pp. 39-40 regarding clinics.

73 World Bank, **Access to Land**, pp. 15-16; World Bank, **Assessment of Restrictions on Palestinian Water Sector Development** (hereafter: World Bank, **The Water Sector**), April 2009, p. 55: <http://siteresources.worldbank.org/INTWESTBANKGAZA/Resources/WaterRestrictionsReport18Apr2009.pdf>. See also: AIDA, **Failing to Make the Grade**, p. 9. For more on investment in infrastructure in Area C for the benefit of residents of Areas A and B, see below, Chapter V.

74 World Bank, **The Water Sector**, p. 54.

75 World Bank, **The Water Sector**, pp. 53-54. For example, see below pp. 60-62, on the project at al-Jiftlik.

76 The information was conveyed to B'Tselem by Emergency Water Sanitation and Hygiene Group (EWASH), who received it from the Palestinian Water Authority on 16 April 2013.

processes. For the benefit of settlements, the Civil Administration changed the land designation in the Mandate-era plans: nearly all West Bank settlements were erected on tracts of land designated as agricultural in the Mandatory plans. Nonetheless, over the years, the Civil Administration planning authorities approved hundreds of new master plans that changed the zoning, thereby enabling the establishment of settlements. In virtually all cases, construction in settlements was approved retroactively, or else by military order.⁷⁷ The Civil Administration also approved the establishment of small settlements numbering only a few dozen or a few hundred settlers when founded, as well as settlements located just a few kilometers away from existing settlements. In dozens of cases, the Civil Administration approved construction of Israeli settlements at archeological sites and on nature reserves.⁷⁸ According to Civil Administration data, in about 75% of settlements, construction was carried out without appropriate permits.⁷⁹

Whereas, from 2002 through 2010, only 176 construction permits were issued to Palestinians,⁸⁰ at least 15,000 residential units were built in settlements during that same period, with or without permits.⁸¹ In contrast to the partial and restrictive planning for Palestinian communities in Area C, for the settlements in that same area, detailed modern plans were drafted that featured public spaces, parks or commons, and in many instances low housing density.⁸² Unlike the plans designating and limiting the built-up areas of those few Palestinian villages for which plans were drafted at all, the jurisdictional boundaries of the Israeli settlements encompass huge tracts of land, including agricultural land for future development of the community subject to approval of master plans.

In contrast to the rigid enforcement of building laws vis-à-vis the Palestinians, the treatment of Israelis who built without benefit of permits in settlements is far more lenient: according to the Civil Administration's data for 2000 to 2012, the Palestinian population of Area C was served approximately 3.4 times as many demolition orders as the settler population (proportional to their respective populations), and there were 3.6 times as many demolitions of Palestinian structures during those years as of structures built without permits in settlements.⁸³

In addition to the settlements sanctioned by the State of Israel and the Civil Administration, over a hundred settlement outposts were established in Area C with

77 See for example: B'Tselem, **Dispossession and Exploitation: Israel's Policy in the Jordan Valley and Northern Dead Sea**, May 2011, pp. 32-33, http://www.btselem.org/download/201105_dispossession_and_exploitation.eng.pdf.

78 For example, the settlement at Tel Hebron (Tel Rumeida), where Israelis settled at a declared archeological site; or Plan No. 220/12 for the settlement of Givat Ze'ev, in the framework of which houses were built and roads paved in an area designated as archeological. See also Peace Now, **Construction of Settlements and Outposts on Nature Reserves in West Bank**, February 2007: <http://peacenow.org.il/eng/content/construction-settlements-and-outposts-nature-reserves-west-bank>

79 As per the database of Brig. Gen. (res.) Baruch Spiegel, which is based primarily on Civil Administration data. http://www.peacenow.org.il/sites/default/files/Spiegel_Report.pdf [Hebrew].

80 Response dated 7 February 2008 from Deputy Minister of Defense Matan Vilnai to a parliamentary question submitted by MK Chaim Oron; response dated 22 March 2011 from Lieut. Laurent Tal-El of the Civil Administration, to a request submitted by Nir Shalev of Bimkom in accordance with the Freedom of Information Law.

81 The data is from the Peace Now website, http://peacenow.org.il/eng/sites/default/files/ConstructionAndTenders_forPublication.xls. It should be noted that in the vast majority of cases, the local committees of the settlements themselves, not the Civil Administration, issue construction permits for settlements.

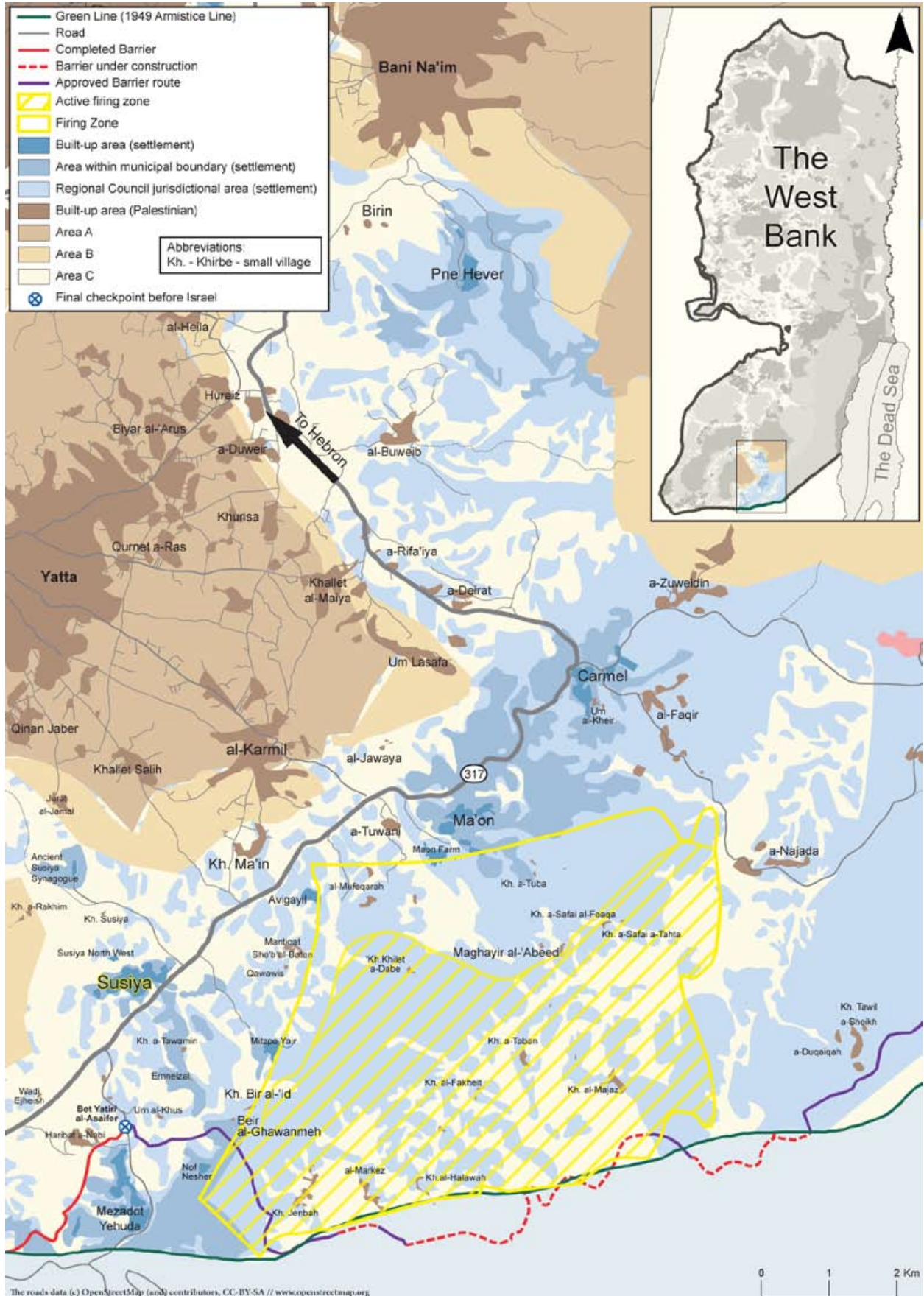
82 For the rural settlement of Carmel, for instance, average building density is 18 residential units per net hectare. In the settlement of Efrat, it is 39.6 units per net hectare. See Bimkom, **The Prohibited Zone**, pp. 131-132.

83 This is based on the Civil Administration's responses to B'Tselem in 2011 and 2013, and a population estimate of 150,000 Palestinians (Bimkom, **The Prohibited Zone**, p. 7), and 290,000 settlers in Area C in 2008: Peace Now website, **The Settlements in the West Bank – Facts and Figures**, <http://peacenow.org.il/eng/node/297>

neither master plans nor state sanction. Nonetheless, the establishment of most of the outposts was carried out in coordination with various government and security agencies – including the Civil Administration – and with their support. The authorities turned a blind eye to the illegality of the settlement outposts, hooked them up to advanced infrastructures and, for the most part, did not take steps to demolish them.⁸⁴

84 Sasson, **Opinion on Outposts**.

Map 2 The South Hebron Hills



Chapter II:

The South Hebron Hills – The threat of demolition and expulsion

In dozens of villages in the South Hebron Hills, Palestinians live without running water or electricity, without any legal avenue to build and develop their communities, and at imminent risk that the structures that they built – built without permits because they could not get any – would be demolished. The thousand people or so in this area, half of them children, live under the very real threat of expulsion from their homes and the destruction of their villages on the pretext that they are living in a military firing zone.

Background – Masafer Yata

The South Hebron Hills are in the southern West Bank on the edge of the desert, near the Green Line. The largest community in the area is the town of Yatta. Located to the south and east of the town are 30 small satellite villages, with a combined population of over 4,000 residents. The region, known as *Masafer Yatta* ("Greater Yatta"), is dotted with numerous natural caves. A study published by Israel's Ministry of Defense recounts the historical process whereby residents of Yatta left it to live in caves in the nearby countryside. The process began in the first third of the nineteenth century and culminated in the late 1940s.⁸⁵ Some families left Yatta due to the high cost of home construction there. They made the caves their permanent home and began cultivating the surrounding land. Other caves served as seasonal homes for shepherds during pasturing, a period of about seven months out of the year.⁸⁶ Over the years, these shepherds and their families made some of the caves their permanent homes.⁸⁷ Today, residents of this area live mostly in tents and other temporary structures, and eke out a living through dry farming and raising sheep. A field study conducted by B'Tselem and ACRI in the fall of 2012 in 12 of the Masafer Yatta villages, which fell under the firing zone declared there (see below), demonstrates that most of the residents live there on a permanent basis. The greater part of what they produce is for personal consumption, and any surplus is sold in Yatta and surrounding villages.⁸⁸

The Civil Administration does not recognize the Masafer Yatta villages and refuses to prepare master plans for them, with one exception: the village of a-Tuwani

85 Ya'akov Habakkuk, **Life in the Hebron Mountain Caves**, (Ministry of Defense, 1985), (hereafter: Habakkuk, **Life in the Hebron Mountain Caves**), p. 26 [Hebrew].

86 Habakkuk, **Life in the Hebron Mountain Caves**, pp. 31, 35, 55, 56.

87 Prof. Gideon M. Kressel, director of the Social Studies division at the J. Blaustein Institute for Desert Research, Ben-Gurion University of the Negev, opinion attached to the petition by ACRI of January 2000 (see below).

88 For more on life in Masafer Yatta, see **Expert Opinion – Shuli Hartman, Social Anthropologist: The Lifestyle of Fellahin and Shepherd Communities in Firing Zone 918**; opinion appended to the petition submitted by ACRI to Israel's High Court in January 2013 (see below), <http://www.acri.org.il/en/wp-content/uploads/2013/02/918-anthropological-report-eng.pdf>

(population: 350) for which a plan was prepared in 2008.⁸⁹ In February 2009, Bimkom submitted an objection to the plan on behalf of the villagers, stating that it did not meet the needs of a-Tuwani residents.⁹⁰ The Civil Administration accepted the objection in 2012 and decided to draft a revised plan for the village. In the framework of this decision, the Civil Administration discussed the plan the IPCC submitted for this village.⁹¹

Without a master plan, the Civil Administration refuses to grant the area's villages construction permits for housing, public buildings, agricultural structures or infrastructure. Left no alternative, residents must build without permits and live under the ever-present threat of demolition.

In addition, the villages in the vicinity are not hooked up to regular and consistent power and water supplies. The only village in the area with regular water and electricity is a-Tuwani, which was connected in August 2010 following a public campaign.⁹² Residents of the other villages must rely on collecting rainwater in cisterns, which run dry in the summertime. According to OCHA, between 2009 and 2012, the Civil Administration demolished nine cisterns in this area, alleging they had been constructed without a permit.⁹³ The residents are obliged to buy water in Yatta and haul it in tankers or containers. This is a substantial financial burden: purchasing and hauling water in this area costs about NIS 40 per cubic meter.

In recent years, after the nonprofit organization Comet-ME installed local wind- and solar-energy-based electric systems in 21 of the area's villages, 1,400 or so villagers now enjoy access to a limited supply of electricity.⁹⁴ In 2012, the Civil Administration issued demolition orders for these power systems in nine of the villages. Following a legal, diplomatic and public campaign led by Comet-ME, the Civil Administration agreed not to implement the orders.⁹⁵

The villagers of the South Hebron Hills have no easy access to medical and school services. The main elementary school in the vicinity is in the village of a-Tuwani. There are other, smaller schools at Khirbet Susiya, Khirbet a-Duqaiqah, Khirbet al-Fakhit and Khirbet Jenbah. Demolition orders were issued for all these schools in recent years. Children from other villages must walk to these schools – up to half an hour walk for those living nearby and up to two hours each way for those living further away. Boys and girls who go on to junior high school and high school do so at Yatta. They live in town during the week with relatives and return to their villages for weekends, holidays, and summer vacations. There is only one permanent medical clinic. It is located in a-Tuwani, which is about twenty away kilometers from some of the other villages. In Khirbet al-Fakhit and Khirbet Jenbah, there are medical clinics that operate only two days a week,

89 Special Master Plan 1764/1/05, a notice concerning the deposit of the plan was published on 28 December 2008.

90 Bimkom, Objections to the Special Master Plan 1764/1/05, a-Tuwani, dated 23 February 2009, <http://bimkom.org/wp-content/uploads/A-Tawani.pdf> [Hebrew].

91 See above, p. 18.

92 See One Action a Day, **The Success of Us All – There's Water and Electricity at a-Tuwani!**, <http://actionaday.co.il/category/water/>, [Hebrew].

93 Conveyed by Suhad Saqallah of OCHA by email, 25 April 2013.

94 On the impact of electricity on the lives of the village residents, see Shuli Hartman, **Like Water for the Thirsty: Renewable Energy Systems in the Palestinian Communities in the South Hebron Hills**, Comet-ME, December 2012: http://comet-me.org/wp-content/uploads/2012/09/Cmt_ShuliReport_Eng_F.pdf

95 **Comet-ME**, 2012 Annual Report, pp. 14-19: http://comet-me.org/wp-content/uploads/2012/09/Comet_AR2012_web.pdf

and both are located in buildings slated for demolitions. The clinic is accessible only by off-road vehicle, on foot or donkey.

The absence of development in the area makes village residents heavily dependent on the urban center of Yatta with its hospitals and other medical services, schools, and commercial centers. Although most of the villages are not more than twenty kilometers away from Yatta, getting to town involves numerous hardships because access from the villages is over unpaved trails. Villagers must negotiate these mountainous, winding, rutted paths on foot, animal, tractor or off-road vehicle in order to reach the main road. Military travel restrictions – such as vehicles checks, confiscation of vehicles, and barring entry to the firing zone declared in the area – impose additional hardships.

The case of Khirbet a-Duqaiqah, home to over 300 residents, illustrates the conduct of the Civil Administration toward the villages of this area. Although the village has existed for decades in its location near the Green Line (the 1949 Armistice Line),⁹⁶ the Civil Administration has refused residents' requests to draft plans for their village and has issued demolition orders for its buildings.

After demolitions orders were served in 2005 for various village structures, including the school and the mosque, the NGO Rabbis for Human Rights filed a petition to the High Court of Justice on behalf of the villagers. The petition sought to require the Civil Administration to revoke the dozens of demolition orders hitherto issued for village buildings and to prepare a master plan for the village.⁹⁷ In response, the Civil Administration argued that the village does not meet the criteria set for village planning in Area C and emphasized that "it is inconceivable that the authorities should take action on a regular basis to promote master plans for every cluster of illegal construction."⁹⁸ The Civil Administration argued further that just a few kilometers from Khirbet a-Duqaiqah there is a village (Hameiydah) for which the Civil Administration was considering to draft a plan. According to the Civil Administration, the residents of the two villages belong to the same Bedouin tribe and the school and clinic at Hameiydah also serve the residents of Khirbet a-Duqaiqah. The Civil Administration added that the construction of the "illegal structures" in Khirbet a-Duqaiqah does not justify "legalizing another compound in this vicinity".⁹⁹ Notwithstanding, the Civil Administration noted that the villagers could submit a plan of their own, which the Civil Administration would study carefully.

In January 2010, the Court rejected the petition, after finding no justification for intervening in the considerations of the Civil Administration.¹⁰⁰ A year later, in January 2011, even before the villagers had had a chance to draft a master plan, the Civil Administration demolished 17 structures in Khirbet a-Duqaiqah, including residential

96 The village is clearly seen in aerial photographs as of the late 1970s. See Bimkom, Expert professional planning opinion, **The Bedouin Village of Duqaiqah**, November 2011, p. 8, http://bimkom.org/wp-content/uploads/Dkaika_expert-opinion-11_2011-final.pdf [Hebrew]. The expert opinion was appended to High Court petition 8506/11, **Duqaiqah Village Council et al. v. Commander of IDF Forces in the West Bank et al.**, petition dated 21 December 2011.

97 HCJ7151/05 **A-Najadah et al. v. Commander of IDF Forces in the West Bank et al.**, petition dated 25 July 2005 [Hebrew].

98 HCJ7151/05, Respondents' response dated 13 May 2009, §§30, 31, 33, the quote is in §33.

99 HCJ7151/05, Respondents' response, §§34-36.

100 HCJ7151/05, ruling dated 12 January 2010: <http://elyon2.court.gov.il/files/05/510/071/M27/05071510.M27.pdf> [Hebrew].



Water tanker in village of Khirbet a-Duqaiqah, South Hebron Hills.
Photo: Nasser Nawaj'ah, B'Tselem, 19 August 2012.

tents and a classroom. The villagers' legal counsel contacted the Civil Administration to receive its basic opinion regarding planning for the village. In September 2011, the Civil Administration replied, saying "The prospects for approval of the proposed plan are not very good", because "the village will have trouble maintaining itself as a social and geographic entity", and that the size of its population cannot justify the costs of building the infrastructure and services involved in establishing an independent community.¹⁰¹ In December 2011, the Civil Administration issued another 46 demolition orders for structures in the village. Together with other demolition orders issued in prior years, the number of buildings facing demolition now reached 77, a majority of the village buildings. The residents again applied to the High Court of Justice seeking to freeze the implementation of the demolition orders, until the preparation of the master plan for the village would be completed and deliberations held about it by the Civil Administration's planning institutions.¹⁰² Following the petition, the parties reached an agreement whereby the Civil Administration would discuss the master plan to be submitted by the petitioners, and would summon them to present the plan to its planning agencies. Until conclusion of the discussion concerning the plan, the Civil Administration would not demolish village structures, and the petitioners undertook not to construct any new ones. The agreement between the parties was given the force of a legal ruling in April 2012.¹⁰³

In March 2013, the Civil Administration rejected the master plan submitted by the villagers. Neither representatives of the village residents nor their attorneys had been

101 Letter to Attorney Jiyat Nassar of Rabbis for Human Rights from First Lieut. Eliran Ben Eliezer of the Office of the Legal Adviser for the West Bank, dated 14 September 2011.

102 HCJ8506/11, petition dated 21 December 2011.

103 HCJ8506/11, ruling dated 17 April 2012: <http://elyon2.court.gov.il/files/11/060/085/C16/11085060.C16.pdf> [Hebrew].

summoned to present the plan to the planning authorities of the Civil Administration, as the latter had pledged in the agreement. When challenged by the villagers' legal counsel, the Civil Administration voided its decision and is to summon village representatives before reaching a new decision.¹⁰⁴ Until that time, the village was obliged to freeze all construction: residents may not build new homes or public institutions, may not connect to water or power supplies, and continue to live in uncertainty about their future there.

In the 1980s, the Israeli settlements of Carmel, Ma'on, Susiya and Mezadot Yehuda ("Beit Yatir") were established in the South Hebron Hills. Later, the settlers established outposts at Susiya Northwest, Avigayil, Mitzpe Yair ("Magen David"), Nof Neshet ("Havat Lucifer"), and Havat Ma'on.¹⁰⁵ In 2011, these settlements had a population of approximately 2,400.¹⁰⁶ All the outposts established in the area were built without construction plans and without land allocation by the authorities.¹⁰⁷ Nonetheless, the buildings constructed there have not been demolished. There are paved roads connecting them to the main road and they are all hooked up to water infrastructure and a power grid.

Firing Zone 918 and the expulsion of its residents

In the early 1980s, the Israeli military designated an area of some 3,300 hectares in the South Hebron Hills as a closed military zone, later known as Firing Zone 918.¹⁰⁸ Over the next few years, 574.3 hectares of the firing zone were declared state land and assigned to the Settlement Division, which handles the establishment of settlements.¹⁰⁹ The area of the firing zone was home to twelve Palestinian villages where 100 to 120 families were living at the time,¹¹⁰ and included some 1,200 hectares of privately owned Palestinian land.¹¹¹ Until 1993, this declaration had almost no effect on the residents of these villages, who continued to live there, cultivate their land and herd their livestock. Meanwhile, although up until then expulsion orders had been issued to 17 families, only three had been implemented. Between 1994 and 1998, 38 expulsion orders were issued, including nine which were implemented.¹¹²

In 1999, the military reaffirmed its designation of the area as a firing zone.¹¹³ Over the course of October and November of that year, the Civil Administration served expulsion orders to most of the villagers. Consequently, about 300 residents left their homes. On

104 Conveyed to B'Tselem by Attorney Quamar Mishirqi-Ass'ad of Rabbis for Human Rights, legal counsel for the residents of a-Duqaiqah, by email on 11 April 2013.

105 The original Havat Ma'on was located in the firing zone. It was evacuated in November 1999 by the Israeli military and reestablished in 2001 near the Ma'on settlement.

106 This relies on the **List of Settlements and Outposts** compiled by Peace Now (hereafter, Peace Now, **List of Settlements and Outposts**): <http://peacenow.org.il/sites/default/files/settlements%20database%20for%20publication.xls>

107 See Sasson, **Opinion on Outposts**. The opinion states that an application for approval was submitted and denied for the Susiya North outpost (p. 100) and that the Mitzpe Yair and Avigayil outposts were built partly on private Palestinian land (pp. 101 and 103, respectively).

108 Area Closure Order No. S/40/63 dated 8 June 1980 and Area Closure Order No. S/5/60 dated 12 November 1982. On 30 June 1991, Area Closure Order S/2/91 was issued for all of Firing Zone 918.

109 Information emailed by Dror Etkes on 3 May 2013, based on data layers he received from the Civil Administration.

110 Habakkuk, **Life in the Hebron Mountain Caves**, p. 65.

111 Based on mapping by the Civil Administration that was conveyed to Dror Etkes. An affidavit by Etkes on this subject was attached to the January 2000 petition by the ACRI; see below.

112 Based on Civil Administration data. See the table in B'Tselem, **Means of Expulsion: Violence, Lawlessness and Harassment Toward Palestinians in the Southern Hebron Hills**, July 2005, p. 17, (hereafter: **Means of Expulsion**), http://www.btselem.org/download/200507_south_mount_hebron_eng.pdf.

113 Area Closure Order No. S/6/99, 1999.

16 November 2011, security forces forcibly expelled about 430 of the residents who had remained in their homes and also sealed caves, demolished homes and cisterns and confiscated property – including tents, blankets and food.¹¹⁴

In January and February 2000, ACRI and Attorney Shlomo Lecker filed a petition to the High Court of Justice on behalf of 86 expelled residents, demanding they be allowed to remain in their homes, and recover their confiscated and destroyed property or receive compensation for it.¹¹⁵ The State's response to the petition was that albeit permanent residents are allowed to live in the area designated a firing zone, the petitioners are not permanent residents, given that they live there only seasonally for farming and herding, so that the expulsion was lawful.¹¹⁶

In March 2000, the High Court of Justice issued an interim injunction stating that until final disposition of the petition, the status quo was to be preserved, keeping the area as it had been prior to the expulsion orders. This order allowed the petitioners to return to their homes and have their herds graze in the closed zone.¹¹⁷ In their decision, the judges ordered the parties to jointly select a person to examine the issues of permanent residency in the zone and the rights of the residents there. This person's recommendations would serve as the basis for proceeding with the petitions.¹¹⁸

Despite the selection of two agreed-upon experts, the review was never conducted. The State said that this was due to budgetary reasons and the outbreak of the Second Intifada.¹¹⁹ Instead, the State itself examined the homes of 82 of the petitioners. In June 2002 it informed the Court that these people were not permanent residents of the closed area. They were merely seasonal residents whose permanent residence is Yatta.¹²⁰ On that basis, the State announced that it maintains its position that these people must evacuate their homes. Notwithstanding, the State agreed to allow their presence in the area "during plowing and planting, during the harvest period, and for pasturing on Fridays and Saturdays and Israeli holidays." The State added that it would not evict the residents of four villages: Khirbet a-Tuba, Khirbet al-Mufaqqarah, Khirbet Sirat 'Awad Ibrahim and Khirbet Sarura, which are located in the northwest of the closed area. The latter two villages were already uninhabited at that time.¹²¹

In response, the residents argued that the State's position is factually incorrect and sought to have the High Court of Justice enforce its decision regarding an examination of the facts that would be comprehensive, professional and acceptable to both parties.¹²² The court accepted this position, and in December 2002 the parties entered into

114 For more on the expulsion, see B'Tselem, **Expulsion of Residents from the South Mt. Hebron Area, October-November 1999**, February 2000, https://www.btselem.org/press_releases/20000229.

115 HCJ517/00 **Mahmoud Hussein Hamamdeh et al. v. Minister of Defense et al.**, petition dated 19 January 2000; HCJ1199/00 **Ahmad 'Issa Abu 'Aram et al. v. Commander of IDF Forces in Judea and Samaria**, petition dated 15 February 2000.

116 HCJ517/00 Respondents' response, §16.

117 When the residents sought to return to their homes, it was found that the Civil Administration considered the interim injunction as applicable only to the 86 petitioners, and therefore prohibited the return of any other residents. In July 2001, 112 residents joined ACRI's petition, bringing nearly all the families who lived in the firing zone under the protection of the interim injunction.

118 HCJ517/00, Decision dated 29 March 2000, §1: <http://elyon2.court.gov.il/files/00/170/005/A04/00005170.A04.pdf> [Hebrew]

119 Application by Attorney Malchiel Blas of the State Attorney's Office to the HCJ on 13 January 2002, §2.

120 HCJ517/00, 1199/00, Supplementary notice by the State Attorney's Office, 11 June 2002.

121 HCJ517/00, 1199/00, Supplementary notice by the State Attorney's Office, 11 June 2002, §1.

122 HCJ517/00, 1199/00, Petitioners' response to supplementary notice by the State Attorney's Office, 11 June 2002.

mediation. In May 2005, the mediator – Brig. Gen. (Res.) Dov Zadka – notified the Court that the arbitration had ended unsuccessfully. The Court then ordered the State to submit an updated position. Since then, the State has filed 27 requests to postpone submission of its position. Over the years, the petitions have remained pending and the interim injunction in force.

During all that time, the Civil Administration tried to prevent the development of the communities in the closed zone. In January 2005, for example, the Civil Administration issued demolition orders for 15 cisterns and 19 outhouses built in three villages by the Department for International Development on behalf of the British government. Further to a High Court petition filed by Rabbis for Human Rights, the Court ruled that the demolition orders would be stayed, on condition that the residents undertake “to freeze the existing situation”, not build new outhouses and not inhabit new structures.¹²³ The Civil Administration persisted in issuing demolition orders for structures built in these villages over the years. In March 2013, in the villages located in the firing zone, there were demolition orders pending for at least 80 residential structures and animal sheds and for at least 30 cisterns that were built in the 13 years since the residents had returned to their villages.¹²⁴ These orders have not been carried out, and in August 2012 Attorney Shlomo Lecker filed a High Court petition against the Civil Administration, seeking to have them withdrawn. The petition is still pending.¹²⁵

In July 2012, more than 12 years after the submission of the petitions against expulsion, the State presented to the Court the updated position of the Ministry of Defense, which was identical to the position it had submitted to the Court a decade earlier. This position stated that “permanent residence will not be allowed” in most of the area due to military live-fire training. In a map submitted by the State to the High Court of Justice, the live firing zone incorporates eight villages slated for demolition: Khirbet al-Majaz, Khirbet a-Taban, Khirbet a-Safai, Khirbet al-Fakhit, Khirbet al-Halawah, Khirbet al-Markaz, Khirbet Jenbah and Khirbet Khilet a-Dabe’. The State’s position stipulated that the residents of these villages could work their land and graze their herds in the firing zone only on weekends and Israeli holidays, and during two one-month periods a year.¹²⁶ The State reiterated its position that the residents of the four villages in the northwestern section of the firing zone – two of which have not been inhabited for years – could remain in their homes.¹²⁷ This would mean both the expulsion of more than a thousand people – nearly half of them children – from their homes, leaving entire families without a roof over their heads, as well as the destruction of eight villages.¹²⁸

In its notice to the Court, the State reiterated its contention that the firing zone had not served as a permanent residence prior to the filing of the petition, and that “at the time, a small number of residents of Yatta lived there on a seasonal basis.”¹²⁹ To

123 HCJ805/05, **Awad et al. v. Commander of IDF Forces in the West Bank et al.** Ruling dated 17 February 2005.

124 Communicated by Yehezkiel Lien of OCHA by email, 4 March 2013.

125 HCJ5901/12 **Muhammad Halil Dababseh v. Head of the Civil Administration in Judea and Samaria**, petition dated 5 August 2012.

126 HCJ517/00, 1199/00, Update notice by Respondents dated 19 July 2012, §3.

127 For the names of the villages, see above, p. 32. In the “permitted” area, as per the map submitted by the State to the High Court of Justice, there is another village, Maghayir al-’Abid. This village was not on the list of villages whose continued presence at that location Israel approved. Hence, until informed otherwise, its 35 residents also face expulsion.

128 The data on the number of residents is based on a field study conducted by B’Tselem and ACRI in the fall of 2012.

129 HCJ517/00, 1199/00, Updated notice by respondents dated 19 July 2012, §5.

prove its position, the State appended an aerial photograph of the area as it was just before the original petition was filed. According to the State, since the petition was filed and the interim injunction issued, “an extensive phenomenon of illegal building commenced in the firing zone, alongside a widespread phenomenon of people – in numbers significantly exceeding the number of the petitioners – entering the area and remaining there”.¹³⁰ The State added that the area is crucial to the military’s training needs, due to its “unique topography”, and that alternative firing zones do not fully meet these needs.¹³¹

Following this notice, the High Court of Justice vacated the petitions in August 2012, finding that the State’s notice indicated a “change of the normative situation.” The Court extended the interim injunctions by several months, allowing residents to continue living in their homes and working their land, so as to enable the petitioners to examine the State’s position and decide whether to submit a new petition to counter it.¹³²

On 16 January 2013, ACRI filed a new petition to the High Court of Justice on behalf of 108 of the villagers slated for expulsion. In the petition, the residents sought to have the Court prevent their forcible removal from their homes, legalize their dwellings in the area declared a firing zone, and void the very declaration of the area as a firing zone.¹³³ That same day, the Court issued an interim injunction forbidding the forcible transfer of the petitioners and their families from their homes by the Israeli military. The State was required to submit its response to the petition within sixty days.¹³⁴ In February, Attorney Shlomo Lecker filed a petition on behalf of another 143 residents threatened with expulsion.¹³⁵ The deliberations on the two petitions were amalgamated. In late March 2013, the State submitted a preliminary response, saying it requires a ninety-day extension to present its position and respond to the substantive arguments in the petition.¹³⁶

In its decision to expel the residents of the firing zone, the State ignored the fact that the order to close the area stated that it would not apply to “a person living in the closed area”, but did not specify whether that person lives there permanently or seasonally.¹³⁷ Moreover, the State’s claim is detached from the situation on the ground. According to a field study of all the communities in the firing zone conducted in the fall of 2012 by B’Tselem and ACRI, only 18% of the villagers are seasonal residents, and even they live in the area for months – as many as six– at a time.

The State argued that the fact that Yatta is the home address registered in the residents’ ID cards and that most of the residents have homes there proves that they live in the firing zone only temporarily. The State’s argument is a weak one. Although dozens of families among the residents of the firing zone also have homes in Yatta, this does not

130 HCJ517/00, 1199/00, Updated notice, 19 July 2012, §6.

131 HCJ517/00, 1199/00, Updated notice, §§10-11.

132 HCJ517/00, 1199/00, Ruling dated 7 August 2012, <http://elyon2.court.gov.il/files/00/170/005/M71/00005170.M71.htm> [Hebrew].

133 HCJ413/13 **Abu Aram et al. v. Minister of Defense et al.**, petition dated 16 January 2013, <http://www.acri.org.il/he/wp-content/uploads/2013/01/hit413.pdf> [Hebrew].

134 HCJ413/13, Interim injunction dated 16 January 2013, <http://elyon2.court.gov.il/files/13/130/004/H01/13004130.H01.pdf> [Hebrew].

135 HCJ1039/13 **Yunes et al. v. Minister of Defense et al.**, petition dated 7 February 2013.

136 HCJ413/13, Respondents preliminary response dated 24 March 2013.

137 Area Closure Order No. S/99/6, §4, 5 May 1999, see Appendix 5 to B’Tselem, **Means of Expulsion**.



Demolitions at Khirbet al-Mufaqqarah in Firing Zone 918, South Hebron Hills.
Photo: Nasser Nawaj'ah, B'Tselem, 24 November 2011.

prove that they do not live in their villages. By the same token, their village property could be proof of residence in the villages. In practice, residents are obliged to register Yatta as their official home address, because the villages where they live are not recognized by the authorities and do not appear in the register of communities.

Furthermore, the aerial photograph presented by the State ostensibly to prove the sparseness of communities in the firing zone cannot constitute viable evidence. The photograph was taken in 2000, after the expulsion of the residents, and hence it reflects the destruction wrought in the area by the Civil Administration and its demolitions rather than the true extent of residence, which may be discerned from earlier aerial photographs taken over the course of decades.¹³⁸

The State emphasized that the area in which the villages are located is essential for military exercises. However, since the zone was closed in the early 1980s, there has been practically no training there, not even after the residents were expelled.¹³⁹ In addition, despite the theoretical importance of the zone, the State dragged out the legal process for many years, so that the military was obliged to refrain from conducting substantial exercises in the area. Moreover, for years, the security establishment managed to train despite the existence of the Havat Ma'on settlement outpost in the firing zone.¹⁴⁰

138 Photographs like these were appended to the ACRI petition of January 2013.

139 B'Tselem, **Expulsion of Palestinian Residents from the Area of South Mt. Hebron, October-November 1999**, pp. 11-12.

140 See above, note 104.

Testimony of Meyasar Dababseh, 65, married mother of six, Khirbet a-Safai¹⁴¹

For the last nine years, I've suffered from illnesses like diabetes and heart disease. [...] Sometimes I have to walk an hour to the village of Hameiydah so I can be checked by the doctors who come there once a week and to get medicines from them. For years now, I've been taking five different medications. I also have to walk home, and I get home very tired. [...]

I have to stay in the village to take care of the sheep and to protect the land, a large tract extending over more than ten hectares. Here we grow wheat, barley and other grains that are the main source of food for ourselves and our flock, which has more than ninety head of sheep. I take the sheep out to graze, water them and care for them with my husband, who is old and ill. The land and the animals and the work and the fact that I've gotten used to life here are the main reasons why I'm here and am holding on to this place. [...]

I've gotten used to life here, despite the great hardships it involves. The path is very mountainous, so that getting to and from the village is extremely difficult and mostly done on foot. Getting feed for the sheep is also a difficult and expensive task. The rainwater we collected last winter is about to run out and soon we'll have to start buying expensive water to drink and for watering our sheep. Five cubic meters of water cost us two hundred shekels. [...]

Despite the hardships of our primitive life here, the Israeli military won't leave us alone. In February 2012, a Hummer truck came by and left us a written warning, saying that they are going to destroy our houses and cisterns and sheep pens. In the past, the military came and destroyed the outhouses and left us feeling scared and worried for a long time. In 1999, the military expelled us from the village and we went to live in al-Baraka for a few months until we returned.

I heard from my neighbors that a decision has been made to expel us again from the village. [...] When I heard the news, I was beside myself and I worried a lot. I felt they were about to uproot me from this place of mine. I have no other place apart from here. I'd rather die here and go to hell than leave the cave where I spent my childhood and my adolescence and my entire life. Besides, what will we do with our sheep and our land if they carry out the expulsion order? The sheep and the land are our source of life. We inherited them from our fathers and forefathers.

141 Testimony of Meyasar Ibrahim Ahmad Dababseh was given to B'Tselem researcher Musa Abu-Hashhash on 11 October 2012, at the witness's home.

Khirbet Susiya – An entire village threatened with demolition

The Palestinian village of Khirbet Susiya has existed in the South Hebron Hills at least since the 1830s. Its residents have traditionally earned a living from herding sheep and growing olive trees. In 1983, the Israeli settlement of Susiya was established near the village, on Palestinian land that Israel declared state land. In 1986, the Civil Administration declared that the village was located on an archeological site. The village's lands were appropriated "for public purposes" and the Israeli military expelled the villagers from their homes. At the time, there were about 25 families living in caves and buildings in Khirbet Susiya.¹⁴² Having no alternative, the families were obliged to relocate to other caves in the area and to light-frame shelters and tents they pitched on agricultural land several hundred meters southeast of the original village and the archeological site.

In July 2001, shortly after Palestinians killed Yair Har Sinai, a resident of the Susiya settlement, the Israeli military once again expelled Khirbet Susiya's residents. The expulsion was carried out without advance warning, and soldiers destroyed property, demolished caves and blocked up cisterns.¹⁴³ Following a petition to the High Court of Justice filed by Attorney Shlomo Lecker on behalf of 83 of the residents, the Court issued an interim injunction in September 2001 prohibiting further demolition pending a ruling on the petition.¹⁴⁴ With the caves ruined, the people of Khirbet Susiya were obliged to build temporary shelters and tents to live in.

The Civil Administration refused to prepare a master plan for the village that would enable its residents to build their homes legally and to hook up to water pipelines and a power grid. Instead, the Civil Administration issued demolition orders for the new structures, alleging they were not covered by the interim injunction. In February 2004, the petition was amended, and the villagers requested permission to apply for building permits.¹⁴⁵ More than three years later, in June 2007, once the residents' application to the planning authorities had proved unsuccessful, the Court decided to vacate the petition. The judges ruled that the petition had been exhausted, given that the residents had tried and failed to "legalize" the construction in their village. The judges also noted that their decision should not be construed as an opinion regarding "the question of appropriate solutions with respect to the population to which the petitioners belong."¹⁴⁶ The Court granted the petitioners permission to submit applications for building permits within 45 days of the ruling, which the petitioners proceeded to do. In September 2008, the Civil Administration rejected all the applications "in accordance with several planning- and land-related reasons."¹⁴⁷

In 2001 and 2002, settlers established a number of outposts on some of the land that had previously served the Palestinian residents. Furthermore, since the destruction of

142 David Grossman, **The Arab Village and its satellites – processes in Arab settlement in Eretz Yisrael during the Ottoman period**, (Yad Ben Zvi, 1996), p. 226 [Hebrew].

143 See HCJ7530/01 **Ali Khalil Musalem Sharitih et a et al. v. Civil Administration for Judea and Samaria et al.** Amended petition dated 26 February 2004.

144 HCJ7530/01, Interim injunction dated 26 September 2001.

145 HCJ7530/01, Amended petition dated 26 February 2004.

146 HCJ7530/01, Ruling dated 6 June 2007, <http://elyon2.court.gov.il/files/01/300/075/C39/01075300.C39.pdf> [Hebrew].

147 HCJ1556/12 **Regavim et al. v. Minister of Defense et al.** Respondents' response dated 16 February 2012, §4.

Khirbet Susiya in 2001, settlers from Susiya and its outposts have been preventing continuous access by the villagers to about 300 hectares of land around the settlement, including 23 water cisterns. Prevention of access was accomplished through threats and violence, including vandalizing pastureland, fields, trees and cisterns, and harassing shepherds.¹⁴⁸ The settlers exploit the inability of the Palestinian residents to reach their land in order to take over some of it. In the summer of 2010 settlers cultivated about 40 hectares, approximately 15% of the land area to which Palestinian access is denied.

When injured Palestinian parties lodge complaints with the police, the complaint files are usually closed without effect. According to follow-ups by Rabbis for Human Rights, of 120 complaints lodged by Khirbet Susiya residents, alleging assaults, threats, trespassing and incursions, and property damage by settlers, at least 95% of the cases were closed without filing charges.¹⁴⁹ Since 2004 B'Tselem has been monitoring 11 complaints to the police regarding settler violence against Khirbet Susiya residents, including physical assaults, setting fire to tent dwellings, threats, chopping down olive trees, stealing crops and other property damage. In eight of these cases, the investigation was closed on grounds of lack of evidence or culprits unknown, and in three cases the investigation is still ongoing.¹⁵⁰

In August 2010, Rabbis for Human Rights submitted a High Court petition on behalf of 55 of the villagers who sought to be allowed, *inter alia*, daily access to their land.¹⁵¹ In October 2010, in response to the petition, the State notified the High Court of Justice that the military and the Civil Administration planned to map land-ownership in the area and then, accordingly, instruct the troops in the field on dealing with the need to allow access to agricultural plots of land.¹⁵² Up until mid-May 2013, the military had issued only four orders, closing an area of 41.7 hectares to the settlers – only about 13% of the land to which access is denied to the Palestinian residents. In practice, the military undid only one incursion by settlers, removing them from a plot the size of about one-third of one hectare (3.5 dunams). Prevention of access to some 87% of the area persists.¹⁵³

In February 2012, Regavim (an Israeli right-wing non-profit organization dedicated to “preserving the nation’s land”) and the settlement of Susiya petitioned the High Court of Justice demanding that the Civil Administration implement the demolition orders issued for buildings in Khirbet Susiya.¹⁵⁴ Following deliberations on the petition in June 2012, the Court issued an interim injunction prohibiting new construction in the parts of the village included in the petition. The Court did not prohibit the Civil Administration from carrying out the demolition orders in the meantime.¹⁵⁵

148 For more on this phenomenon, see B'Tselem, **Access Denied – Israeli measures to deny Palestinians access to land around settlements**, September 2008, http://www.btselem.org/publications/summaries/200809_access_denied.

149 A list of 84 of the complaints was appended to the petition submitted by Rabbis for Human Rights in August 2010. See below. Since then, another 36 complaints have been lodged. This information was communicated to B'Tselem by Att. Quamar Mishirqi-Ass'ad of Rabbis for Human Rights by email dated 29 April 2013.

150 The last update about these investigations was communicated to B'Tselem by Yaniv Vaki, Director of Appeals, State Attorney's Office, on 1 July 2012.

151 HCJ5825/10 **Nawaj'ah et al. v. Minister of Defense et al.**, petition dated 3 August 2010.

152 HCJ5825/10, State's response dated 20 October 2010.

153 Reported to B'Tselem by Att. Quamar Mishirqi-Ass'ad of Rabbis for Human Rights, by email on 21 May 2013.

154 HCJ1556/12 **Regavim et al. v. Minister of Defense et al.** Petition dated 21 February 2012, <http://www.regavim.org.il/images/stories/na.pdf> [Hebrew].

155 HCJ1556/12, Decision dated 7 June 2012, <http://elyon1.court.gov.il/files/12/560/015/s06/12015560.s06.pdf> [Hebrew].

About a week later, the Civil Administration distributed notices to the residents of Khirbet Susiya informing them of their right to submit objections prior to demolition. The Civil Administration appended maps to the notices, marking six segments of land, totaling 13,200 square meters and encompassing most of the built-up area of the village. About seventy structures, most of which had not previously been issued demolition orders, were on the marked segments. The structures facing demolition included: 24 residences (including four ancient caves), 21 sheep pens and chicken coops, five structures housing solar energy systems, six outhouses, a medical clinic, a community center, cisterns, and structures housing a butter-churn and a shop. Thirty other buildings in the village, including an elementary school, already had demolition orders. Implementation of the demolition orders would mean annihilation of the village, its homes, community institutions and its residents' means of livelihood. On behalf of the residents, Rabbis for Human Rights lodged an appeal with the Civil Administration against the demolition notices, but has received no response to date.

At present, the village is composed of two compounds which are home to about 250 people. In late 2012, Rabbis for Human Rights submitted to the Civil Administration a master plan on behalf of Khirbet Susiya's residents for the northern part of the village. In January 2013, the State notified the High Court of Justice that the Civil Administration was evaluating the plan and that, until a decision about the plan would be reached, the demolition orders would not be carried out.¹⁵⁶ In late January 2013, the High Court of Justice held a combine session on the two petitions concerning Khirbet Susiya, one by Regavim and the other by Rabbis for Human Rights. The judges decided to allow the residents to submit a plan for the southern part of the village within 90 days. They also decided that within that same period of time, the State must provide an update regarding the plan submitted for the northern part of the village and address the status of each tract of land to which villagers are denied access.¹⁵⁷ In April 2013, Rabbis for Human Rights submitted a proposed plan for the southern part of the village. As of mid-May 2013, the State had yet to submit its position on the petition.

Testimony of Muhammad Belal, farmer and shepherd, 62, married father of twelve, Khirbet Susiya¹⁵⁸

I was born and raised in Susiya. I inherited the land from my father, and all our lives we have earned our living from farming and raising sheep. Once, before the settlements were established in this area, including the settlement of Susiya that is located about a kilometer east of my house, farming was more profitable. We could graze the sheep freely, but now, because lands have been taken over and the proximity to the settlements, we can't reach the pastures and we are more blocked in. We started buying industrial food for the sheep, so raising them has gotten very expensive and not worthwhile. We used to have 150 head of sheep but we had to sell most of them and now we're left with 60. [...]

156 HCJ1556/12, Respondents' response dated 13 January 2013.

157 HCJ5825/10, 430/12 and 1556/12: Ruling dated 3 February 2013, <http://elyon2.court.gov.il/files/10/250/058/M34/10058250.M34.pdf> [Hebrew].

158 Testimony of Muhammad Hamdan Hamad Belal was given to B'Tselem researcher Musa Abu Hashhash, on 23 April 2013, in the witness's home.

In the winter, we collect rainwater in cisterns. Because our area gets little rain, the water we collect isn't enough, and summertime means a serious water crisis. So we are obliged to buy water from Yatta, which is very expensive. Sometimes foreign agencies help us with that. The Israeli government forbids us to hook up to the water network because we're in Area C. If we were hooked up to the water supply, our lives would be much easier, because we could grow fruit and vegetables instead of wheat and barley which often don't ripen properly because of insufficient rainfall.

We aren't hooked up to electricity either because we're in Area C. We started using electricity just three years ago, thanks to a small solar panel that we got from an Israeli organization. We have electricity just a few hours a day, for lighting, radio and television, because the solar panel is small. We can't use large electrical appliances like a refrigerator or a washing machine, so I feel that our lives haven't advanced that much.

In addition to the scarcity of water and electricity, we also don't have a paved road to our village. The road is rocky and only a tractor or a four-wheel-drive vehicle can negotiate it. The village is more than half a kilometer away from the nearest paved road. We still have to walk or ride donkeys to get places. Sometimes we are forced to transport sick people or women in labor that way as far as the paved road, and from there, they are taken in a car or an ambulance to the hospital.

In addition to all these difficulties, the settlers attack us. We always have a sense that our lives on this land are temporary and illegal. This affects social, emotional and economic stability. It's hard for us to sleep at night because we're afraid.

Recap on the firing zone: Is it really about military training needs and adherence to planning laws?

Dozens of unrecognized and unplanned villages, whole villages under threat of demolition, and a thousand people threatened with expulsion on the grounds that their homes are in a firing zone: All this is the result of Israel's policy in the South Hebron Hills. The State justifies this policy by citing either enforcement of planning and construction laws or military needs. However, Israel's policy and the statements it has made over the years regarding the South Hebron Hills suggest that its true motivations are otherwise. In particular, they appear to suggest a plan to annex the land, a goal more easily achieved if its residents have been expelled.

Due to the proximity of the South Hebron Hills to the Green Line and the sparse Palestinian population there, the area is perceived as practical for annexation and attractive for settlement in that it would create a contiguous Jewish-Israeli bloc bridging the Green Line. Indeed, all settlement programs in the West Bank that have guided all Israeli administrations clearly point to an intention of annexing parts of the South Hebron Hills to Israel:

The Allon Plan, which served as a guide to Israeli governments from 1967 to 1977 on all aspects of establishing settlements in the West Bank, proposed the annexation of about half of the area of the South Hebron Hills.¹⁵⁹ Another plan was drawn up by Matityahu Drobles, then head of the Settlement Division of the WZO. It served as the basis for government policy from 1978 to the mid-1980s. Under that plan, Israel would continue to hold the entire West Bank, and to that end would establish a chain of settlements throughout its territory.¹⁶⁰ One of the settlement blocs proposed by the plan was south of Hebron, on either side of the Green Line, near what would later be the closed zone. In 1981, then Minister of Defense Ariel Sharon proposed a plan to annex parts of the West Bank to Israel, including vast sections of the South Hebron Hills. Maps from the plan were made public. In July 2000, in the framework of the Camp David negotiations for a final status arrangement between Israel and the Palestinians, then Prime Minister Ehud Barak made a proposal to the Palestinian representatives whereby Israel would annex 13% of the West Bank and retain another 10% for a good number of years. Parts of the South Hebron Hills, including the closed zone, were among the areas that Barak was hoping to retain.¹⁶¹

The original route of the Separation Barrier in the southern West Bank, which was approved by the Israeli government in October 2003, also testifies to Israel's aspirations to annex the South Hebron Hills, even if only de facto. The planned route situated the barrier five to eight kilometers north of the Green Line, leaving some 17,000 hectares of the South Hebron Hills on the "Israeli" side, including all the settlements and outposts in the vicinity as well as the villages of Greater Yatta. This route was ultimately changed.¹⁶² According to the altered route, approved in February 2005, the Separation Barrier would be built in the southern West Bank near the Green Line, leaving only two settlements (Eshkolot and Metzadot Yehuda) on the "Israeli" side of the barrier. To date, construction of the Separation Barrier has not begun in that area. However, in December 2005 the military began work on an 82-cm-high concrete barrier along 41 kilometers of Route 317, from the settlement of Carmel to a point south of the Tene settlement, following a route similar to the original route of the Separation Barrier. Pursuant to a petition to the High Court of Justice, the Court ordered the barrier to be dismantled.¹⁶³ After some delays, the dismantling was accomplished in August 2007.

159 See Meron Benvenisti and Shlomo Khayat, **The West Bank and Gaza Atlas, West Bank Data Project** (The Jerusalem Post, Jerusalem, 1987), pp. 63-64.

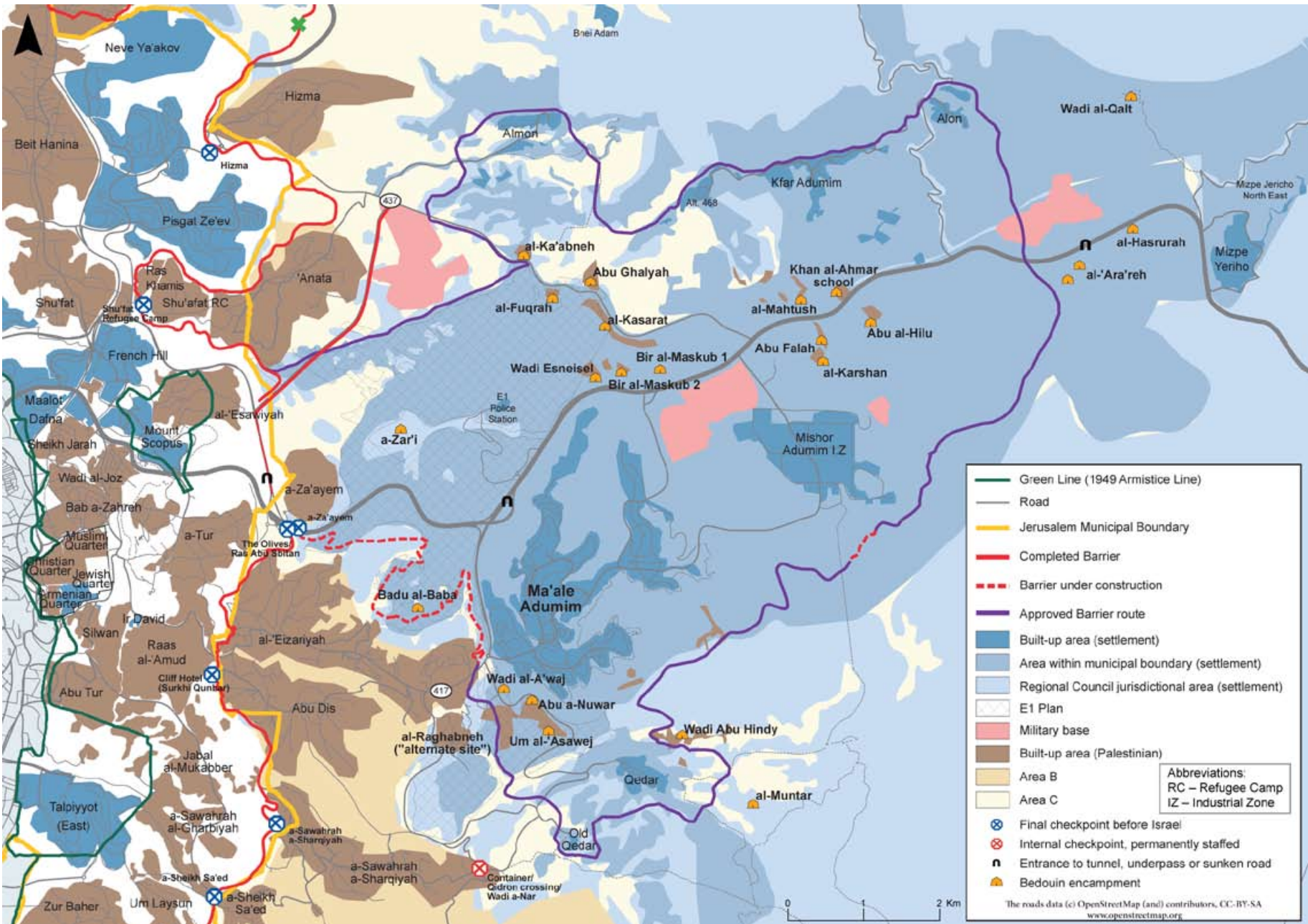
160 Matityahu Drobles, **Master Plan for the Development of the Settlement in Judea and Samaria for the years 1979-1983** (World Zionist Organization, Jerusalem, 1979) [Hebrew].

161 Ron Pundak and Shaul Arieli, **The Territorial Aspect of the Israeli-Palestinian Final Status Negotiations**, (Peres Center for Peace, September 2004), p. 29 [Hebrew].

162 Influenced by HCJ ruling 2056/04, **Beit Sourik Village Council et al. v. Government of Israel et al.**, ruling dated 30 June 2004, which decreed that the route of the barrier northwest of Jerusalem is illegal in that it disproportionately harms the Palestinian residents living nearby. The Court ordered the State to propose an alternate route. Pursuant to the ruling, Israel altered the route in several locations in the West Bank.

163 HCJ1748/06 **Head of Dhahiriyah Village Council v. Commander of IDF Forces in the West Bank** (and additional petitions), Ruling dated 14 December 2006: http://www.btselem.org/heb/legal_documents/hc1748_06_20061214_southern_hebron_hills_concrete_barricade_ruling.pdf [Hebrew].

Map 3 The Ma'ale Adumim Area



Chapter III:

The Ma'ale Adumim area – expelling Bedouins to benefit Israeli settlement

Hundreds of Palestinian Bedouins from the Jahalin tribe were displaced by the Civil Administration in the 1980s and 1990s, expelled from the areas in which they lived in order to make way for the establishment of the settlement of Ma'ale Adumim and its subsequent expansion. The Bedouins cannot continue their traditional way of life at the permanent site to which they were relocated near the Abu Dis garbage dump because it requires wide open spaces for their flocks. Nearly 3,000 more Bedouins who still reside in the Ma'ale Adumim area currently face expulsion. Most of them live in an area which, once the Separation Barrier is built, will be an enclave connecting Ma'ale Adumim to the rest of Israel. About 1,400 of these 3,000 Bedouins live in Area E1, within the jurisdiction of Ma'ale Adumim, where planned Israeli construction will forge a continuous bloc between the settlements and Jerusalem.

The Jahalin and the area around Ma'ale Adumim

In the early 1950s, Bedouin of the Jahalin tribe relocated from the Tal Arad (Tel Arad) area of the Negev in southern Israel to the West Bank. Some were expelled from the site of their original community by the Israeli military; others were grazing their herds in the West Bank at the time, and were forbidden to return to Tal Arad.¹⁶⁴ The displaced Bedouins contracted leases with Palestinian landowners for land in the area where the settlement of Ma'ale Adumim would later be built, and there they settled. The members of the tribe were nomadic, roaming in this area and in the Jordan Valley, to graze the livestock on which their livelihood depended. After the occupation of the West Bank by Israel in 1967, the Israeli military increasingly restricted the Jahalin's access to many of their grazing grounds. Some sections were declared military zones and others, nature reservations. Consequently, the Bedouins' options of traveling and grazing were severely restricted, and resulted in a sharply reduced income from handling livestock. The Bedouins were forced little by little into the vicinity of the Jerusalem-Jericho road. There, until the 1980s, they established semi-permanent tent encampments as well as at least two permanent structures.¹⁶⁵

164 See, e.g., Emanuel Marx, **Bedouin Society in the Negev**, (Reshafim, 1974), p. 17 [Hebrew]; Moshe Sharon, "The Bedouin in the Judean Desert" in Yitzhak Bailey (ed.), **Writings on the Bedouin [B]**, (Sde Boker Institute, Field School, undated [mid-1970s, based on other pamphlets in the series]), pp. 181-187, see p. 181 [Hebrew].

165 See B'Tselem, **On The Way To Annexation - Human Rights Violations Resulting from the Establishment and Expansion of the Ma'aleh Adumim Settlement**, June 1999, pp. 23-24: http://www.btselem.org/sites/default/files2/on_the_way_to_annexation.pdf; Bimkom and B'Tselem, **The Hidden Agenda - The Establishment and Expansion Plans of Ma'ale Adummim and their Human Rights Ramifications**, December 2009, pp. 26-28, 48, http://www.btselem.org/download/200912_maale_adummim_eng.pdf

In 1974, the government decided to build an industrial zone for Jerusalem at Mishor Adumim as well as residential units for its future employees.¹⁶⁶ In March 1975, the ministerial committee for land allocations ordered the appropriation of approximately 3,000 hectares of some villages, including al-'Eizariyah and Abu Dis – a much greater area than necessary for an industrial park.¹⁶⁷ In December of that year, 23 families took up residence in a camp for laborers, and in 1977 it was recognized as a civilian community – the settlement of Ma'ale Adumim.¹⁶⁸ That year also saw the appropriation of approximately 400 additional hectares for the expansion of the settlement and the construction of infrastructure.¹⁶⁹ The boundaries of Ma'ale Adumim were set in 1979 by military order, and encompassed at the time approximately 3,500 hectares, of which 150 hectares had been expropriated during the period of Jordanian rule.¹⁷⁰ Also in 1979, the settlement was recognized as a local council, and in 1991 Ma'ale Adumim was the first settlement to be classified a city.¹⁷¹ During the 1980s and 1990s the boundaries of the settlement were expanded by approximately 1,300 hectares, which Israel had declared state land.¹⁷² The principal part of this area comprises Area E1, where Israel plans to build additional neighborhoods to connect Ma'ale Adumim to the territory of Jerusalem (see below). The jurisdictional area of Ma'ale Adumim covers approximately 4,800 hectares and has a population of over 36,000.¹⁷³

Expulsion of the Jahalin and their life at the alternate site

The establishment of Ma'ale Adumim had seriously negative effects on the members of the Jahalin tribe and continues to harm them to this day. Hundreds of Jahalin were expelled over the years from their tents and living areas to enable the development and expansion of the settlement. As far back as the 1980s, during development work for the city, the authorities demolished their tent encampments and at least two permanent structures in which members of the tribe lived.¹⁷⁴ In 1994 the Civil Administration ordered the evacuation of dozens of Jahalin families from land that had been allocated to the expanding new settlement. A petition submitted to the High Court of Justice opposing the expulsion was rejected,¹⁷⁵ and the Bedouin families were evacuated that year to a site near the Jerusalem municipal garbage dump, on Abu Dis land, which Israel had declared state land. Two further forcible evacuations of groups of Jahalin¹⁷⁶ were effected in January 1997 and January 1998.

166 Government Decision no. 159, "Development of Jerusalem", 23 November 1974 [Hebrew]. See Bimkom and B'Tselem, **The Hidden Agenda**, pp. 12-13. For a map of the expropriated land, see in that report, pp. 17, 19.

167 Decision no. 385 by Cabinet Committee for Land Allocations, 30 March 1975. See Bimkom and B'Tselem, **The Hidden Agenda**, pp. 9, 14.

168 Government Decision No. 835 (Settlement/20) of 26 July 1977 [Hebrew].

169 See Bimkom and B'Tselem, **The Hidden Agenda**, p. 10. For a discussion of the nature of the expropriations, see **The Hidden Agenda**, pp. 11-16, 25-28, and B'Tselem, **On the Way to Annexation**, pp. 9-15.

170 Order in the matter of Ma'ale Adumim management (Judea and Samaria) (no. 788), 1979 [Hebrew].

171 Ma'ale Adumim municipal website: <http://www.maale-adummim.muni.il/Page.asp?Id=128>

172 See Bimkom and B'Tselem, **The Hidden Agenda**, pp. 28-29.

173 The number of inhabitants refers to the year 2011 and is given on the website of Israel's Central Bureau of Statistics, http://www.cbs.gov.il/reader/?MIval=%2Fpop_in_locs%2Fpop_in_locs_e.html&LocalityCode=3616.

174 Bimkom and B'Tselem, **The Hidden Agenda**, pp. 26-28, 43.

175 HCJ2966/95 **Muhammad Ahmad Saleh Haresh et al. v. Minister of Defense et al.** Ruling dated 28 May 1996.

176 For more on the evacuation, see B'Tselem, **On the Way to Annexation**, pp. 26-28.

The residents' property was loaded onto trucks and transported to the new site, and the residents were moved into small metal shipping containers, which were to serve as housing.

Attorney Shlomo Lecker filed five petitions to the High Court of Justice on behalf of all the Jahalin groups that had received demolition and expulsion orders in 1997 and 1998. Following the petition by one of these groups, an agreement was drafted between its representatives and the head of the Civil Administration, and then affirmed by the High Court of Justice.¹⁷⁷ Afterwards, members of the group moved to the site near the garbage dump (hereinafter, the "alternate site"), where the Civil Administration leased them plots of land gratis, about 500 square meters for single people and between 1,000 and 1,500 square meters for families. They built their homes on these lots, after receiving building permits free of fees. The Civil Administration provided a connection to water for each lot and allocated land at the site for public buildings including a mosque, a school and a medical clinic. The Civil Administration gave the evacuees money intended to provide final, "full compensation" for their rights and/or any damages involved in the move: NIS 15,000 for one person or NIS 28,000 to NIS 38,000 for a family, depending on its size.¹⁷⁸ The agreement provided for an area of approximately 300 hectares in which the evacuees were permitted to graze their flocks, and stated that if they exceed those limits, the Civil Administration "retains full authority to remove the petitioners."¹⁷⁹ This arrangement was subsequently applied to all other families that had been forcibly evacuated previously.¹⁸⁰

Although the arrangement was reached with the agreement of the Jahalin, the expulsion itself to the alternate site was forced on them as non-negotiable. All they could do was try to improve the conditions of the expulsion. Today, under the conditions of this arrangement, approximately 190 families live at the alternate site.¹⁸¹ Meanwhile, the remaining members of the tribe, approximately 2,700 persons, still live along the Jerusalem-Jericho road and around Ma'ale Adumim (see below). Furthermore, in the same area there is also one community of about 80 people of the Bedouin tribe of a-Kaabneh and one 150-person community of the tribe of a-Sawahra.¹⁸²

Life in the Jahalin village as planned by the Civil Administration involves several serious problems for its residents. The alternate site is very close to the Abu Dis garbage dump, where thousands of tons of garbage have been trucked daily since July 2011, and more than 1,500 tons a day before that, most of it from Jerusalem.¹⁸³ The outermost buildings of the Jahalin are located about 300 meters from the dump, subjecting them to a terrible stench. The State explained to the High Court of Justice that large accumulations of methane gas have collected at the waste site over the years, and the fires that occur

177 HCJ1242/98 **Jahalin et al. v. Civil Administration et al.** Notice of agreement between the parties, 7 February 1999.

178 §§12-13 of the agreement.

179 §6, 17 of the agreement.

180 See, for example, HCJ5813/00, ruling dated 23 October 2003, <http://elyon2.court.gov.il/files/00/130/058/N18/00058130.N18.pdf> [Hebrew].

181 HCJ3930/12 **Ar'ara et al. v. Head of Civil Administration for Judea and Samaria**. Respondents' response dated 14 June 2012 at §16.

182 The numbers are based on field research conducted by B'Tselem researcher 'Amer 'Aruri in April 2013.

183 HCJ3930/12 **Ar'ara et al. v. Head of Civil Administration for Judea and Samaria**. Respondents' response dated 14 June 2012 at §47.



Encampment of Jahalin Bedouins. (Background: Settlement of Ma'ale Adumim).
Photo: 'Ammar 'Awad, Reuters, 3 December 2012.

there “could cause the collapse of the mountain of waste”, which is liable to “**cause severe environmental damage and even pose a danger to human life.**”¹⁸⁴ The waste collection site was supposed to be shut down in March 2013. Yet, on 1 May 2013, the site was still operating, and there has been no change in the quantities of garbage hauled there.¹⁸⁵ Even once the site is closed, gases will continue to accumulate for many decades after refuse is no longer being buried there, and the planned rehabilitation process will take years.¹⁸⁶

The area allotted to each family at the site is small and unsuitable for keeping flocks. Thus, the permanent homes at the alternate site prevent the relocated Jahalin from maintaining their traditional way of life, which relies on seasonal migration and raising livestock. The 300 hectares allotted the village residents for grazing their flocks are situated alongside the Ma'ale Adumim settlement, part of which is even designated a firing zone, and the military limits access to it. The difficulty in gaining access to the pastureland creates a dependence on the purchase of costly fodder for the sheep. This led herders to sell off some of their livestock, and today only about 30% of the residents at the alternate site still raise livestock. The others depend for their living on family members who work as laborers, including in the nearby settlements. Another problem is that although Israel has decided that the land at the alternate site is

184 HCJ10611/08 **City of Ma'ale Adumim v. Commander of IDF forces in Judea and Samaria**, State's response dated 22 February 2009, §17. (Emphasis in original.)

185 See website of the Ma'ale Adumim Economic Development Company Ltd.: <http://www.parkedom.co.il/the-economic-development-company>

186 Communicated by Yoav Goel of the Ministry of Environmental Protection, in a meeting of the Knesset Joint Interior-Labor Committee on 6 February 2012, <http://www.knesset.gov.il/protocols/data/rf/pnim/2012-02-06.rtf> [Hebrew].

state land, from the perspective of Palestinians, including the Jahalin there, the land belongs to the residents of Abu Dis, so the Jahalin are perceived as trespassers.¹⁸⁷

'Eid Abu Ghalia, 55, married father of thirteen, is one of the Jahalin who were expelled in 1997 to the alternate site and subsequently built their homes there. He told B'Tselem how his life and the life of his community were altered by the uprooting and relocation.¹⁸⁸

The Bedouin way of life is based on three components: a tent, a large and borderless open space, and the raising of livestock as both a source of livelihood and a mark of social status. [...]

I grew up in the area that is now the settlement of Ma'ale Adumim. [...] The area was suitable for Bedouin life – there were open spaces available for grazing and the winter weather was relatively mild. I remember that my life was happy. My father taught me to herd the sheep and I would go with them from place to place. The Bedouin scorn other types of labor, and their social status is determined by the size of their herd and the number of female camels. My family, with four boys and two girls, had two hundred head of sheep.

[...] On 27 January 1997 at about 9:30 in the morning, a large Israeli force came to the area. [...] They forced us to leave and relocated us to iron shipping containers that aren't fit for a family to live in. The dimensions of the iron structure are two and a half meters by six meters. It can be appropriate for an office, not a home.

I remember that one day there was a big storm in the area and we couldn't stand it. The iron structure was too cold and the winds and rain shook it. Some of the people had to run to nearby caves, and others fled to the houses of friends or acquaintances in al-'Eizariyah and 'Anata. [...] There is no heating in the iron structure that the Israeli military gave us, and you can't burn wood inside it, either. After the storm was over, I decided to go back to the village, to the iron structure [...] I built a shack out of wood to live in and another shack for the sheep, near the iron one. [...] In 2001, I got a plot of land from Israel and I built a two-story home on it. [...]

Living in this village has completely destroyed the Bedouin way of life. The houses are close together and crowded and we no longer have open space or air, which is at odds with the Bedouin spirit, and it influences the social fabric. The most significant thing is that the "Bedouin tent" has disappeared, because of the severe lack of space. The tent is of decisive importance for Bedouin society. When a stranger comes to a Bedouin community, he goes into the tent. Someone from the community is always sitting there, so the guest can be honored and received with greetings and coffee, and one also hears the purpose of his visit.

187 For more on the alternate site, transfer of the Bedouins to the site and their life there, see Bimkom and UNRWA, **Al Jabal: A Study on the Transfer of Bedouin Palestinian Refugees** (No date printed, published in May 2013), <http://www.unrwa.org/userfiles/201305290269.pdf>

188 Testimony by 'Eid Ali Salem Abu Ghalia given to B'Tselem researcher 'Amer 'Aruri on 17 January 2013 at a-Raghabneh.

As Bedouin we were accustomed to moving from place to place with the flock, and as the saying goes, "movement is a blessing." But now most people in the community no longer have sheep; they sold their flocks because there were no pastures available. Consequently, many of the community became unemployed and inactive.

I myself have only ten head of sheep now, and I've only kept them because my sons urged me to. It was impossible to keep the two hundred sheep I used to have because there are no available pastures and there is no government assistance to cover the cost of the feed, which costs thousands of shekels per ton.

I have four sons and only one of them, the 30-year-old, is married. Meanwhile, my son Mustafa chose to study social work at Al-Quds University instead of getting married, because he knows that he has nowhere to build a house and start a family. My son Mahmoud, who is 26 and single, works as a cleaner in Ma'ale Adumim. My sons Ahmad, 28, and 'Abdallah, 20, are single and unemployed, and have been forbidden to work in Ma'ale Adumim for security reasons.

What happened to the Bedouins is a tragedy. They forced us to leave our land to put the settlement of Ma'ale Adumim and other settlements there instead, and they also completely destroyed the Bedouin way of life and our livelihood, too. We sold our flocks. Our women have become cleaners in the settlements, like my sons. And as if that weren't enough, for security reasons, we aren't allowed to cultivate the land that we do have. [...]

When we came here to live, the main garbage dump was 600 meters away, but the site was expanded and now it's 300 meters away. In the summer the site gives off a hideous odor and attracts rats and stray dogs and cats. [...] The place is called "the Bedouin village", but there isn't anywhere here where agricultural work can be done. With the residents crowded this way, how could it even be called a "village?" It's practically a giant prison, which makes me, as a Bedouin man, feel smothered.

Future plans

Two plans, intended to reinforce the settlement bloc in the Ma'ale Adumim area and connect it with Jerusalem, threaten the Bedouins who still live in the tent encampments and tin shacks in the area: one is the E1 Plan, in the framework of which Israel plans to create a contiguous built-up bloc between Ma'ale Adumim and Jerusalem; the other is Israel's plan to erect the Separation Barrier on a route that will leave Ma'ale Adumim and the settlements around it in an enclave connected to Israeli territory.

The E1 Plan

The area of E1 (acronym for East-1) extends over about 1,200 hectares, which were joined to the jurisdictional area of Ma'ale Adumim in the 1990s. It is located north and

west of the settlement and includes mainly territory to the north of the Jerusalem-Jericho road (Route 1) but also to the south of it (west of Route 417). In 1999 the Civil Administration approved master plan 420/4, which encompasses all of E1, and whose implementation will create a continuous, built-up urban bloc between Ma'ale Adumim and Jerusalem.¹⁸⁹

The lands in the plan have been designated state land, and within that area are a few enclaves of privately owned Palestinian agricultural land. The plan's northern and southern boundaries mostly adjoin the Separation Barrier as planned for the area; the barrier will leave Ma'ale Adumim on the "Israeli" side and cut it off from nearby areas of the West Bank.

Implementation of the master plan depends on approval of detailed component plans, which must precede issuance of building permits. To date, two such plans have been approved: Plan 420/4/2, approved in 2002, encompasses approximately 135 hectares in the northwest section of E1, adjoining the Jerusalem municipal boundary. The plan designates this area as an employment and commercial center but has yet to be implemented. Plan 420/4/9, approved in 2005, encompasses approximately 18 hectares and designates this area as headquarters for the Judea and Samaria police, and has been implemented; the police headquarters opened in 2008. In addition, Israel has built a vast network of roads in the area of the plan and performed infrastructure work at a cost of 200 million shekels.¹⁹⁰ Infrastructure development of this magnitude is intended to serve the residential neighborhoods that Israel plans to build there.

At least three detailed plans for construction of 4,000 residential units and ten hotels are in the process of development for E1.¹⁹¹ So far, Israeli governments have held up further building in the area, partly due to strenuous opposition by the United States and the European Union. According to media reports, Israeli Prime Minister Benjamin Netanyahu pledged to the US president not to build in E1.¹⁹² Notwithstanding, at the end of November 2012, the government gave the go-ahead for the detailed plans, in response to the UN decision to accept Palestine as an observer state.¹⁹³ Subsequently, the Civil Administration allowed two of the three plans for residential construction in E1 to be made available for public scrutiny and objections.¹⁹⁴ By 1 May 2013 the plans had yet to be filed and no progress was made in the process of approving them.

The implementation of the plan for E1 is expected to have serious implications for the population of the entire West Bank. Jerusalem is located near the narrowest part of the West Bank, where it is only about 28 km across from east to west. In practice, because of the area's steep topography toward the Jordan Valley in the east, the passage possible between the northern and southern West Bank is far narrower and more restricted.

189 For more on the plan, see Bimkom and B'Tselem, **The Hidden Agenda**, pp. 32-36.

190 Amos Harel, **Haaretz**, "NIS 200m spent on new W. Bank neighborhood", 1 February 2009, <http://www.haaretz.com/print-edition/news/nis-200m-spent-on-new-w-bank-neighborhood-1.269218>

191 Plans 420/4/3, 420/4/7 and 420/4/10. See Bimkom and B'Tselem, **The Hidden Agenda**, p. 34.

192 Barak Ravid, **Haaretz**, "Erekat: Netanyahu promised not to build between Ma'ale Adumim and Jerusalem", 26 January 2011, <http://www.haaretz.co.il/news/politics/1.1158910> [Hebrew].

193 Itamar Eichner, **YNET**, "Response to the UN: 3,000 apartments on other side of Green Line", 30 November 2012, <http://www.ynet.co.il/articles/0,7340,L-4313849,00.html> [Hebrew]

194 Itamar Fleischman, **YNET**, "Civil Administration okays E1 building plan", 5 December 2012, <http://www.ynet.co.il/articles/0,7340,L-4316002,00.html> [Hebrew].

Building in E1 will create a continuous urban strip between Jerusalem and Ma'ale Adumim, greatly narrowing the passage between the northern and southern portions of the West Bank.

When the plan goes through, sections of Routes 1, 417 and 437 will be within the built-up areas of the settlement, making them officially inaccessible to Palestinians. This includes the section of Route 437 that currently provides the only open access for Palestinians traveling between the northern and southern parts of the West Bank. Cutting off this access will complicate the establishment of a territorially contiguous Palestinian state. Israel is planning to pave an alternate route for Palestinians that would connect the two parts of the West Bank, but this road would be only a traffic link. Private Palestinian land that will remain within the territorial enclaves delineated by the plan will be surrounded by built-up areas of the settlement, suggesting that the landowners are liable to have trouble getting to their land to cultivate it. One of the roads leading to police headquarters crosses such an enclave and appropriates part of its territory.

The Separation Barrier

In April 2006, the Israeli government decided on an amended route for the Separation Barrier in the West Bank.¹⁹⁵ In the Ma'ale Adumim area, the planned route penetrates up to 14 kilometers into the West Bank east of the Green Line, encompassing the settlements in that area and connecting them with the "Israeli" side of the barrier. Thus the barrier would create an enclave of 6,400 hectares, which would include most of the jurisdictional area of Ma'ale Adumim, nearly all of the E1 master plan territory, the settlements of Kfar Adumim, Almon, Nofei Prat, Alon and Keidar, and the Mishor Adumim industrial park.¹⁹⁶ Likewise, the enclave will enclose the Palestinian village of a-Za'ayem and its 3,500 residents as well as about 2,100 Bedouins. In June 2009, Israel notified the High Court of Justice of its decision to freeze work on erecting the Separation Barrier around Ma'ale Adumim, due to "budgetary restrictions and other needs facing the security establishment."¹⁹⁷ To date, of the planned 42-kilometer route of the Separation Barrier in the Ma'ale Adumim area, only a 6.4-kilometer section has been built along, in the al-'Eizariyah area.¹⁹⁸

The threat of further expulsion

The Bedouins in the Ma'ale Adumim vicinity who were not expelled in the 1990s now number 3,000, about half of them are children. They live in over twenty clusters along the Jerusalem-Jericho road and also to the north, west and east of Ma'ale Adumim. Eleven of these communities are in the area of the E1 plan or on its margins. Although they have lived in the area for decades, the Civil Administration refuses to prepare a

195 Government Decision no. 4783 dated 30 April 2006. A map defining the barrier's route was published on the Seam Zone Authority website: http://www.securityfence.mod.gov.il/Pages/Eng/seamzone_map_eng.htm

196 See Bimkom and B'Tselem, **The Hidden Agenda**, Photo no. 4, pp. 20-21.

197 HCJ9919/05 **Suwahra Sharqiyyah Council et al. v. Minister of Defense**; HCJ2001/06 **Abu Dis Council v. Minister of Defense**. The petitions were voided on 11 August 2009 following the State's announcement.

198 For more on the Separation Barrier in this area, see Bimkom and B'Tselem, **The Hidden Agenda**, pp. 41-45.

master plan for these communities, thereby denying them the possibility of building legally. The Civil Administration issues demolition orders against buildings in the various Bedouin population centers, and in some cases the orders are for all buildings. None of these communities is hooked up to the power grid, and only about half are connected to the water pipelines. In addition, their access to health and educational services is extremely limited.

The Israeli settlements in the vicinity – Kfar Adumim, Nofei Prat and Alon – were also founded and built without a detailed master plan. Notwithstanding, the Civil Administration sanctioned them retroactively, by preparing a master plan and approving it, sometimes as long as a decade after the settlement was founded. The Mitzpe Hagit outpost, which was an offshoot of Alon, did not receive valid planning approval, although its residents continue to live there and benefit from being hooked up to utility infrastructure.¹⁹⁹

In 2005, the Civil Administration prepared a plan for the relocation of another two hundred or so Jahalin families to the alternate site near the Abu Dis garbage dump, on the “Palestinian” side of the Separation Barrier.²⁰⁰ The Civil Administration planned to expand the alternate site and settle the relocated families there, in what Israel terms as “natural contiguity of the Jahalin tribe’s settlement.”²⁰¹ The plan was to build the new houses just 150 meters from the waste site. The plan was approved by the Civil Administration’s planning authorities, but did not go into effect.

In May 2012, Attorney Shlomo Lecker petitioned the High Court of Justice on behalf of Bimkom and some of the residents slated for displacement, protesting the planned expulsion by the Civil Administration. The petitioners sought to have the Civil Administration rescind the evacuation, involve them in any subsequent planning concerning their future, and prevent expulsion pending a ruling on their petition.²⁰² In its response to this petition, the State explained that the Jahalin had been living in a “haphazard and illegal” manner near Ma’ale Adumim since the 1960s.²⁰³ The State argued that its plan to transfer members of the tribe to an alternate site is part of the Civil Administration’s overall policy regarding Bedouins in the West Bank and that it is meant “to achieve a permanent solution in accordance with the rule of law and to provide a reasonable standard of living to the rest of the tribe.”²⁰⁴ The State added, “The Civil Administration has recently been promoting a series of plans for various tribes, to provide a permanent residential solution for the Bedouin population, in accordance with the rule of law.”²⁰⁵

Israel emphasized that, through these plans, the Civil Administration would provide “reasonable living conditions” for the population on designated state lands. It would bestow legal rights in plots for building permanent residences, hookup to water and electricity, and roads, and finding solutions for sewage, “that will markedly raise the

199 Bimkom, **Expert Professional Planning Opinion – the Jahalin Tribe at Khan al Ahmar**, February 2010. Appended to High Court petition 6288/09 **Ar’Ara et al. v. Military Commander for Judea and Samaria**, pp. 13-16, [http://www.bimkom.org/dynContent/articles/Khan%20Al%20Ahmar_expert%20opinion\(1\).pdf](http://www.bimkom.org/dynContent/articles/Khan%20Al%20Ahmar_expert%20opinion(1).pdf) [Hebrew].

200 Plans 1627/4/05, 1627/6/05, 1627/5/05 and 1627/8/08 [Hebrew].

201 HCJ3930/12 **Ar’ara et al. v. Head of Civil Administration for Judea and Samaria**, Respondents’ response dated 14 June 2012, §23 [Hebrew].

202 HCJ3930/12, Petition dated 7 May 2012.

203 HCJ3930/12, Respondents’ response dated 14 June 2012, §§15, 19.

204 HCJ3930/12, Respondents’ response, 14 June 2012, §20.

205 HCJ3930/12, Respondents’ response, 14 June 2012, §12.

standard of living of the Bedouin population.”²⁰⁶ The State underscored the point that in the framework of the planning, “the connection of the tribe to the space around it will also be examined (such as where the members of the tribe are accustomed to pray, where the children of the tribe study, where places of employment are located, etc.).”²⁰⁷

Regarding the relocation of the Jahalin to a site near the garbage dump, the State noted that in early 2012, the Civil Administration had conducted a risk assessment and only when the report is complete would a decision be made regarding final approval of the plan. In the meantime, no action will be taken on the ground, and if a decision is made to promote the plan, it would be resubmitted for objections and the petitioners would be able to register their objections.²⁰⁸ Following this announcement, the petition was voided by agreement of the parties, with emphasis that “the authorities in the area reserve the right to continue to act with the aim of planning for the benefit of the Palestinians in general, and the Bedouin sector in particular, in the entire region of Judea and Samaria.”²⁰⁹ In early May 2013, the Civil Administration had not yet published its decision concerning the plan for relocation to the dump, nor has it submitted an alternative plan for the removal of the Bedouin from the area of Ma’ale Adumim.

The Khan al-Ahmar area

Twelve of the Palestinian communities whose residents face the threat of expulsion live in the vicinity of Khan al-Ahmar and have an overall population of about 1,400 people. These communities are scattered on either side of the Jerusalem-Jericho road, east of Mishor Adumim, and on either side of Route 437, which connects the main road to Hizmeh. The people of these communities lack sources of income and suffer from a severe dearth of health, education and welfare services and the absence of physical infrastructures – electricity, sewage, roads.²¹⁰ One of these communities is known as the Khan al-Ahmar School community. It is located about two kilometers south of the settlement of Kfar Adumim. It is home to some 160 residents, about half of them children. The villagers reside in 22 homes: all of have been issued demolition orders by the Civil Administration in 2011 or 2012.

Although the main road runs right next to Khan al-Ahmar, the Civil Administration does not permit direct access from the road to the village nor does it allow private cars or public transportation to stop on the shoulder of the nearby road. The Civil Administration has not built an access road to the village nor provided a bay on the main road where vehicles can stop, and the residents are obliged to travel on poor, rutted byroads.

Because there was no school in the village before 2009, the younger children were obliged to travel to distant schools. Transport is costly and also, for small children, potentially unsafe. In June 2009, the Italian aid organization Vento di Terra began building a primary school at Khan al-Ahmar, in buildings made of mud and rubber

206 HCJ3930/12, Respondents’ response, 14 June 2012, §12.

207 HCJ3930/12, Respondents’ response, 14 June 2012, §13.

208 HCJ3930/12, Respondents’ response, 14 June 2012, §§6-8.

209 HCJ3930/12, Ruling dated 7 August 2012, <http://elyon2.court.gov.il/files/12/300/039/T08/12039300.T08.pdf> [Hebrew].

210 For more on Khan al-Ahmar, see: Bimkom, **Expert Professional Planning Opinion**.



Encampment of Jahalin Bedouins. (Background: Police station in E1).
Photo: 'Ammar 'Awad, Reuters, 6 December 2012.

tires.²¹¹ A month later, the Civil Administration issued a demolition order for the buildings, alleging proximity to the main road, given that a plan to widen the road had been approved.²¹²

In August 2009 Attorney Shlomo Lecker filed a petition to the High Court of Justice on behalf of the residents of the Khan al-Ahmar area, seeking to prevent the demolition of the school.²¹³ In September, about fifty children from Khan al-Ahmar and the surrounding area began attending school there. That same month, the settlements of Kfar Adumim, Alon and Nofei Prat petitioned the High Court of Justice, in conjunction with Regavim, seeking implementation of the demolition orders for 257 Palestinian-owned buildings, including school structures, in the vicinity of the settlements.²¹⁴

In response to the villagers' petition, the Civil Administration agreed not to demolish the school before the end of that school year in June 2010, and declared that as part of its planned relocation of the area's residents, it would also find a solution for planning a school to serve them.²¹⁵ Given these declarations, the Court denied both petitions in March 2010. The Court determined that the school buildings were built on land covered by an already approved plan for widening the road's route, and hence no legal option existed to authorize their construction. Justice Fogelman noted that "Even if, for the sake of argument, and without making a determination on this

211 For more on the project, see the organization's website, <http://www.ventoditerra.org/la-scuola-di-gomme-2/> [Italian].

212 Communicated in the State's response to HCJ6288/09 **Sliman Arara et al. v. Head of Civil Administration in Judea and Samaria et al.**, dated 5 November 2009 [Hebrew].

213 HCJ6288/09, petition dated 4 August 2009.

214 HCJ7264/09 **Kfar Adumim et al. v. Minister of Defense et al.** Petition dated 10 September 2009 [Hebrew].

215 HCJ6288/09, Respondents' response dated 5 November 2009 and 23 February 2010.

issue, we would assume that there is substance to the petitioners' argument that the respondents did not provide a master plan enabling them to receive a building permit, this would be insufficient to halt the enforcement procedures adopted against the illegal construction." In view of the fact that the Civil Administration agreed to postpone demolition of the school and declared its intention to begin a planning process for the residents, the judges decided to reject the petition. The settlers' petition was also rejected, after the Court refused to intervene regarding the priorities of the law enforcement agencies.²¹⁶

The school was not demolished by the Civil Administration at the end of the 2010 school year, nor the following year either. In August 2011, the settlers petitioned the High Court of Justice once more, seeking to have the Israeli military and the Civil Administration carry out the demolition orders already issued for the school.²¹⁷ In November 2011, Attorney Shlomo Lecker, on behalf of the local Palestinians, also filed a new petition to the High Court of Justice. The petitioners sought to defer the demolition of the school until the finalization of the master plan for a village next to Khan al-Ahmar, where it would be possible to rebuild the school legally.²¹⁸

In response to the settlers' new petition, the State announced in April 2012 that the minister of defense had given instructions to find an alternate site for the Khan al-Ahmar community and its school.²¹⁹ In September 2012 the State announced that to that end, two alternative sites in the Jericho area were being considered, Nu'eimeh North and Armonot Hashmonaim, adding that the relocation would be carried out through a participatory process that would include representatives of the Jahalin.²²⁰ The State also announced that the demolition orders would not be carried out before this process is complete. In light of the State's announcement, the Court decided not to intervene, and dismissed the petitions.²²¹ According to press reports, in May 2013 the Civil Administration approved for filing a plan for establishing a permanent community on state lands in Area C for the Bedouins of the Nu'eimeh region. According to the reports, the Civil Administration plans to gather into this community Bedouins from various tribes who live in different areas of the West Bank, including the area of Ma'ale Adumim.²²² The plan has yet to be made public.

216 HCJ6288/09 and HCJ7264/09, Ruling dated 2 March 2010, <http://elyon2.court.gov.il/files/09/880/062/M24/09062880.M24.pdf> [Hebrew].

217 HCJ5665/11 **Kfar Adumim et al., v. Minister of Defense et al.**, Petition dated 1 August 2011.

218 HCJ8615/11 **Ar'ara et al. v. Head of Civil Administration for Judea and Samaria et al.**, Petition dated 22 November 2011.

219 HCJ5665/11, Respondents' response dated 19 April 2012.

220 HCJ5665/11, Respondents' response dated 7 September 2012.

221 HCJ5665/11 and HCJ8615/11, Combined ruling dated 13 September 2012, <http://elyon1.court.gov.il/files/11/650/056/m18/11056650.m18.htm> [Hebrew].

222 Amira Hass, "It's not just settlers who oppose Israel's plan to relocate Bedouin in West Bank", **Haaretz** 16 May 2013, <http://www.haaretz.com/news/national/it-s-not-just-settlers-who-oppose-israel-s-plan-to-relocate-bedouin-in-west-bank.premium-1.524176>.

Testimony of Sarah Abu Dahuk, 40, married mother of seven, Khan al-Ahmar²²³

I have seven boys and girls. [...] My daughter Sabrin, now 19, had to leave school at 13. She would travel to primary school at the 'Aqbat Jaber refugee camp, 20 kilometers away, with her older brothers Khamis and Salameh and her younger brother Naser. They would go on a Palestinian Authority bus in the morning, but sometimes the bus didn't arrive, and at the end of the school day, the bus didn't always come back in our direction. In the winter, Sabrin and her brothers didn't go to school because it was impossible to rely on the transportation. And when the bus did come, it was complicated, because there is nowhere to stop on the side of the main road near the encampment.

We are a traditional society and we won't let a girl travel alone without a chaperone, but Sabrin's father and I were always easy in our minds about Sabrin because we knew that her older brothers were with her at school and would protect her. Especially coming home from school, when they walked along the shoulder of the road until a cab driver would see them, feel sorry for them and stop for them.

The 'Aqbat Jaber school goes only up to the ninth grade. Khamis and Salameh went on to study at the boys' school in Jericho when they finished ninth grade. Since then, there was no longer anyone to accompany Sabrin to school, so we decided to end her studies. This was a painful decision, because Sabrin was an excellent student. Her brothers also asked to drop out of school because it was so hard to get there. Khamis and Salameh both finished eleventh grade, and Naser finished only ninth grade.

The school built at Khan al-Ahmar is important to the lives of the Bedouins in the encampment. Although it only goes up to the seventh grade, it gives the children, and especially the girls, a chance to learn. The fact that there is a demolition order pending against the school jeopardizes the right of our children to an education. Isn't it enough that my children Khamis, Salameh, Naser and Sabrin left school because they couldn't get transportation to Jericho? Now these problems threaten the education of my younger children Mahmoud, Nisreen and Iman. Even if they manage to finish seventh grade before the school is demolished, they will face the same difficulties that interfered with the education of their older siblings. [...]

I first heard about the plan to relocate the Bedouin of this area four years ago, and in recent months there's been more talk about it. We are a community that makes its living from raising and grazing livestock. I'm afraid that we'll be forcibly evicted and forced to go to a place that doesn't suit the Bedouin way of life. I won't leave this place, despite the hardships and the harassment by settlers. I'm connected to this place and feel I belong to it. I feel that my home is the source of my security. I was born in this encampment. This is where I

223 Testimony by Sara Salem Saleh Abu Dahuk was given to B'Tselem researcher 'Amer 'Aruri on 20 December 2012 in the witness's home.

got married and had my children. I have beautiful memories of this place. How can the Israeli authorities want me to leave the encampment voluntarily?

Two days ago, a large group showed up here, made up of Border Police, regular police and officials in civilian clothes. They barged into my home and into those of my neighbors and took down the names of each member of the family. When my younger children saw them, they got scared and you could see it right away on their faces. My children asked me: "Did they come to kick us out?" Although young, the children are already aware of what is going on around them. I told them: "Don't worry, your father is here, he'll speak to them and they won't kick us out."

Since the expulsion plan came up again, confrontations with settlers have become more common. Settlers from Keidar and Ma'ale Adumim come late at night and shine searchlights at our houses and at the encampment and curse us. Every time this happens, I wake up in a panic, thinking someone has come to evict us. Two days ago, settlers threw stones at our houses. We're very anxious, especially the children, who woke up screaming when the stones hit our tin shack. We didn't go outside to defend ourselves against the settlers because they were armed and would have seized the chance to assault us. [...] The settlers attack us at night. Sometimes they shout on megaphones and play loud music for a whole hour. It's hard to describe the anxiety that my children experience.

[...] My family had 125 head of sheep, and also camels. Because of the Israeli restrictions, settler harassment and confiscation of our animals, we sold the eight camels we had, along with other animals. With the money, my husband bought a tractor, but in 2009 it was confiscated because he used it for construction and digging for the school at Khan al-Ahmar. He was also fined 17,000 shekels [...], and that's put us into debt.

Recap on forcible relocation: Expulsion of Bedouins to benefit settlements

Further to the legal proceedings, immediate expulsion of whole Bedouin communities and their relocation to the Abu Dis garbage dump was no longer a threat. Nevertheless, the Israeli authorities still refuse to allow these communities to remain where they are. While planning relocation of the Bedouins, the Civil Administration does not permit construction and development in their present communities, consigning the residents to a limbo of underdevelopment, helplessness and uncertainty about their future.

The Civil Administration portrays its plans for forcible resettlement of the Bedouin as if designed to raise the Bedouins' standard of living and offer them decent housing. Yet the Civil Administration did not bother to consult the residents themselves and drafted its plans unilaterally, dictating drastic changes to the Bedouin way of life, their options of making a living and their culture.

The Civil Administration's plan to relocate the Bedouins of the Ma'ale Adumim area must be considered in the context of Israel's aspirations to annex this territory. Even before the settlement of Ma'ale Adumim was built, Israel treated its site in the West Bank as part of the greater Jerusalem region. Ma'ale Adumim was planned as a Jerusalem suburb. Nearby, the Mishor Adumim industrial zone and the Abu Dis garbage dump were constructed, both of them primarily to serve the needs of the city of Jerusalem. The jurisdiction of Ma'ale Adumim was expanded – land-wise it is the largest settlement – with the objective of creating, as the State Attorney's Office told the High Court of Justice "a link between Ma'ale Adumim and the jurisdiction of Jerusalem [...] considering the importance of the urban connection and contiguity from Ma'ale Adumim to Jerusalem."²²⁴ This urban bloc is to materialize through the building plans that Israel is promoting for E1, which is located on land appended to the jurisdictional area of Ma'ale Adumim.

Senior government officials have stated that they view Ma'ale Adumim as part of Israel also in the future. Former Defense Minister Ehud Barak declared, "Ma'ale Adumim is inseparable from Jerusalem and the State of Israel, under any final status arrangement."²²⁵ Prime Minister Benjamin Netanyahu described Ma'ale Adumim as "an integral part of the State of Israel and the greater area of the country's capitol",²²⁶ asking rhetorically: "Can anyone possibly conceive of Ma'ale Adumim not being a part of the State of Israel?"²²⁷ The planned route for the Separation Barrier will also link Ma'ale Adumim to Israel, isolating it from Palestinian communities in its vicinity.

The relocation of the Bedouins from this area will move them over to the "Palestinian" side of the planned Separation Barrier. This will allow for continued construction in the settlements in the area, even on land where Bedouin are currently living. This also includes E1. By developing the land in E1, Israel hopes to link Ma'ale Adumim to Jerusalem. Emptying Ma'ale Adumim and its environs of Palestinian residents will facilitate future annexation by Israel.

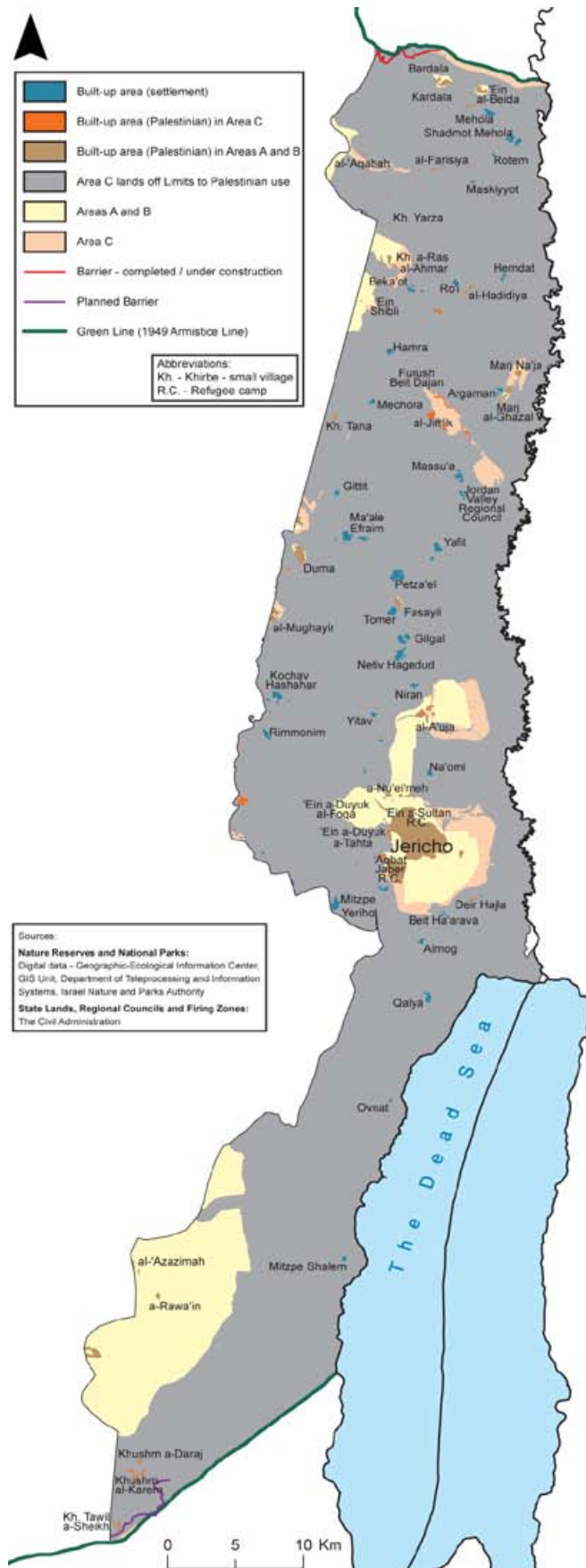
224 HCJ3125/98 **'Abd al-Aziz Muhammad Iyad et al. v. Commander of IDF Forces in Judea and Samaria et al.** Respondents' response dated 3 October 1999, §§11 and 28 [Hebrew].

225 Amos Harel, **Haaretz**, "NIS 200m Spent on New W. Bank Neighborhood", 1 February 2009, <http://www.haaretz.com/print-edition/news/nis-200m-spent-on-new-w-bank-neighborhood-1.269218> [Hebrew]. The article quotes similar statements by the heads of the other large parties at the time, Tzipi Livni and Benjamin Netanyahu.

226 Communicated in Netanyahu's speech at a tree planting event at Ma'ale Adumim on 24 January 2010, <http://www.pmo.gov.il/mediacenter/speeches/pages/speechnetiot240110.aspx> [Hebrew].

227 Remarks by Prime Minister Netanyahu at an ambassadors' conference at the Foreign Ministry, 3 January 2013, <http://www.pmo.gov.il/MediaCenter/Speeches/Pages/speechamba030113.aspx> [Hebrew].

Map 4 The Jordan Valley



Chapter IV:

The Jordan Valley – demolitions, expulsions and stifled development

The Jordan Valley has extensive areas that are empty and sparsely populated. It houses the makings for the urban, agricultural and economic development West Bank. Yet Israel prohibits the Palestinians from making use of most of the territory of the Jordan Valley, limits their access to the region's abundant water resources and refuses to draft plans for the villages located in Area C. Moreover, Israel has declared vast tracts of Jordan Valley land military firing zones and urges shepherding communities who live there to leave their homes.

Background – The Jordan Valley

The Jordan Valley and northern Dead Sea cover an area of approximately 160,000 hectares, which comprise about 28.8% of the West Bank.²²⁸ Jordan Valley lands designated as Area C make up some 88% of the area, comprising approximately 42% of Area C in the West Bank. The rest of the land in the Jordan Valley is contained in enclaves of Palestinian communities located in Areas A or B, including the city of Jericho.²²⁹ About 10,000 of the Palestinians in the Jordan Valley live in more than twenty communities located in Area C. This number includes about 2,700 people who live in small Bedouin and shepherding communities²³⁰

To date, 39 Israeli settlements, including nine illegal outposts have been established throughout the Jordan Valley and the area near the northern Dead Sea. In 2011, the settler population here was 10,738.²³¹ The municipal land of the settlements encompasses approximately 12% of the area's total area and is about 30 times greater than the built-up areas of the settlements.²³² The municipal lands are surrounded by lands under the jurisdiction of the regional councils of the Jordan Valley. All told, some 95% of Area C lands in this area are under the jurisdiction of local or regional councils.²³³

228 Figures were calculated based on geographic data processing by Shai Efrati.

229 Ministry of Agriculture in the Palestinian Authority and Palestinian Water Authority, **Development of the Palestinian Valley – a plan to develop water sources in the valley districts**, May 2010, (Hereafter: Palestinian Authority, **Development of the Palestinian Valley**), pp. 14-15 [original is in Arabic].

230 Palestinian Authority, **Development of the Palestinian Valley and OCHA, Area C Community Profiling, a comprehensive survey of all the communities in Area C conducted in 2010**.

231 Peace Now, **List of Settlements and Outposts**, <http://peacenow.org.il/sites/default/files/settlements%20database%20for%20publication.xls>

232 See B'Tselem, **Dispossession and Exploitation**, p. 9, note 22.

233 The figure was calculated based on geographic data processing by Shai Efrati. For more on the tracts of land of the settlements and their regional councils, see B'Tselem, **Dispossession and Exploitation**, pp. 9-10.

Israel forbids Palestinians from using most of the land in the Jordan Valley and northern Dead Sea on various pretexts: 48.7% of the area is defined as state land, some of it located within the boundaries of thirty settlements (much of it declared as such under Jordanian rule); 46.1% of the territory has been declared a closed military zone, including the municipal land of the settlements and 11 firing zones; Israel has designated 26 nature reserves, encompassing about 20% of the area; on one percent of the land, Israel had once planted landmines. The vast majority of the remaining land is under the jurisdiction of the settlements' regional councils. All told, after accounting for overlaps in the areas cited, 85.2% of the land area of the Jordan Valley and northern Dead Sea are off-limits to Palestinian construction and development.²³⁴

Planning avoided; construction prohibited; structures demolished

The limited space allowed for Palestinian residence in the Jordan Valley is divided into isolated sections that are surrounded by firing zones, settlements and nature reserves. Like its policy in the rest of the West Bank, Israel limits the possibilities for building and development in the villages of the Jordan Valley. Among the more than twenty Palestinian population concentrations in the Jordan Valley, all of whose land is designated Area C, Israel has prepared master plans for only one village (see below). In the other villages, the Civil Administration issues demolition orders for the houses that Palestinians – having no other option – build without a permit. Some of these orders are implemented. According to B'Tselem's data, from January 2006 through the end of April 2013, the Civil Administration demolished at least 308 residential structures in Palestinian communities in the Jordan Valley and another unknown number of agricultural structures. The houses demolished were home to at least 1,421 Palestinians, including at least 604 minors. Of the Palestinians whose homes were demolished, 287 Palestinians, including 132 minors, lost their homes to demolition at least twice.

The only village in the Jordan Valley planned by Israel and which is located entirely in Area C is the village of al-Jiftlik, which was home to over 3,700 individuals in 2007.²³⁵ The three plans approved for the village in 2005 were drafted without input from the residents and confine construction and development in al-Jiftlik to a small area. At the time of their approval, the boundaries of these plans included only 60% of the built-up area of the village, and left 40% of the village's buildings at risk of demolition. The planners did not earmark any land for public buildings or new paved roads and left no vacant areas for future construction and development.²³⁶ NMA 50, the regional master plan for roads, was used as a means of restricting the area the master plan permitted for construction. NMA 50 designates Route 57, which is close to some of the buildings in al-Jiftlik, as a major route, thereby creating a 240 meter wide strip of land on which

234 Figures calculated based on geographic data processing by Shai Efrati.

235 As per the Palestinian Population Census of that year: PCBS, **Census Final Results in the West Bank**, 2007, Table 26, p. 115, http://www.pcbs.gov.ps/Portals/_PCBS/Downloads/book1487.pdf. On 19 March 2013 the media reported that the Civil Administration intended to plan additional villages in Area C, including Fassayil and Rashayidah in the Jordan Valley. Master plans for those villages have yet to be approved. See Chaim Levinson, **Haaretz**, "Israel will whitewash illegal Palestinian construction in Area C", 19 March 2013, <http://www.haaretz.co.il/news/politics/1.1969703> [Hebrew].

236 Plans no. 1409/05, 14010/05, 1411/05. See Bimkom, **The Prohibited Zone**, pp. 120-121, 151-155.

construction is prohibited. This was done despite the fact that the road is actually a narrow one and gets little traffic. For the purpose of the plans it drafted for the village, the Civil Administration reduced the strip of land prohibited to construction on either side of the road in certain sections of Route 57. However, even after this change, only 59 hectares of the plan's overall area of 76.1 hectares are available for development, while the remainder is taken up by the road and the wide margins to either side.

According to B'Tselem's data, since 2005 the Civil Administration has demolished at least 11 residential units in al-Jiftlik, built before the village's master plan was drafted. As a result of the demolitions, 133 people, including at least 50 children, were rendered homeless. The last five of these buildings were demolished on 24 January 2013, leaving 34 people, including 18 children, without a roof over their heads. In addition, the head of the village council informed B'Tselem that the Civil Administration had also demolished dozens of agricultural structures on village land.²³⁷

The Civil Administration approved a hookup to the power grid only for the sections of the village covered by the master plan it prepared.²³⁸ However, the Civil Administration ultimately hooked up only one of the plan's three sections to the power grid.²³⁹ Having no alternative, the residents hooked up the entire village to that one power connection, which was not designed to provide electricity to an entire village. Consequently, the incoming current is weak, damages electrical appliances and provides only dim light. According to a September 2012 report by the Civil Administration, a project funded by the PA to build electric utility rooms for a connection to the grid and to channel electricity to the various segments of the village is currently being planned.²⁴⁰ As of 1 May 2013, this project has not been implemented.

The head of the local council informed B'Tselem that the village had been hooked up to the water network in 1984. Ever since, the Civil Administration has refused to permit expansion of the network to provide more water so as to serve the entire village, despite the doubling of the population in the intervening years. The old, narrow water pipes cannot conduct the necessary amount of water to all parts of the village, and the system has 40% water leakage.²⁴¹ In consequence, residents suffer water shortages in the summertime, and must purchase water from water trucks. The village's application to the Civil Administration in 2006 for a permit to build a reservoir was denied, on the grounds that the requested location is an archeological site. Citing the same argument, the Civil Administration rejected a project initiated by the Humanitarian Aid and Civil Protection arm (ECHO) of the European Commission to rehabilitate the water system in al-Jiftlik in 2005 – a project that had been approved by the Palestinian Water Authority as well as by the Joint Israeli-Palestinian Water Committee.²⁴² This rationale was also used as the basis for rejecting a request by the village council to pave new roads in the built-up area of the community, instead of the existing narrow dirt roads. That said, when the German Agency for International Cooperation sought to build a medical clinic

237 Communicated to B'Tselem by 'Abd a-Rahman Ibrahim Hussein Kasab, head of the village council, on 3 April 2013.

238 Order concerning handling electricity (organizing and actions) (Judea and Samaria) (No. 427), 1971: Instruction concerning handling electricity (Jiftlik) (temporary order), 5 December 2006.

239 Communicated to B'Tselem by 'Abd a-Rahman Ibrahim Hussein Kasab, head of the village council, on 3 April 2013.

240 COGAT, **Projects in Area C**, p. 29.

241 World Bank, **The Water Sector**, p. 125.

242 World Bank, **The Water Sector**, pp. 54, 64. According to Alon Cohen-Lifshitz of Bimkom, the master plans for the village do not include archeological sites. Communicated by email on 4 April 2013.

for the village in 2010, the Civil Administration undertook archeological excavations at its own expense. After archeological findings were unearthed and removed from the site, construction of the clinic was approved.²⁴³

An example of a village for which the Civil Administration refuses to draft a master plan is the village of al-'Aqabah, on land designated Area B in the northern Jordan Valley, about two kilometers east of the village of Tayasir, which is located. Al-'Aqabah has been at that location since the early 1900s. After the occupation of the West Bank, a large area that includes the village was declared a closed military zone, and, military exercises that included the use of live fire were frequently conducted within the village itself. These exercises, involving the closing of roads and destruction of crops, seriously disrupted the residents' normal routine, interfered with their livelihood, and even claimed lives. After a petition to the High Court of Justice filed by ACRI in 1999, the Israeli military pledged there would be no more live-fire exercises in the village and that soldiers would not maneuver among the villagers' houses.²⁴⁴

The approximately 300 residents of al-'Aqabah live in houses built of stone and sheet metal. The Civil Administration has never prepared a master plan for the village and, in early 2004, it issued demolition orders for 35 of the village's 45 buildings, including most of the residential structures, a mosque, a pre-school, a medical clinic, and the community's only paved road. Residents filed petitions to the High Court of Justice seeking to annul the demolition orders and force the Civil Administration to prepare a master plan that would allow construction in the village.²⁴⁵ In August 2008, in response to these petitions, the Civil Administration announced that it had marked out an area in the center of the village, where most of the public buildings and fewer than half the residential buildings are located, which it does not intend to demolish "at this time".²⁴⁶ That same month, the Court rejected the petition, after finding that rescinding the demolition orders, "would be akin to the Court's granting a seal of approval to unlawful actions".²⁴⁷ Since then, the Civil Administration has demolished several village buildings located outside the marked area. In addition, roads that the village council had paved as well as street lighting placed by the council to light the access road to the village were demolished several times by the Civil Administration.²⁴⁸

Since the rejection of their High Court petition, the al-'Aqabah residents applied to the Civil Administration a number of times, submitting planning requests and master plan proposals. All were rejected on various grounds. In March 2012, for example, the

243 COGAT, **Projects in Area C**, p. 41 [Hebrew].

244 HCJ3950/99 **Sabih et al. v. Minister of Defense et al.** Petition dated 14 June 1999. During 2012, these regulations were breached several times. For more, see ACRI website, <http://www.acri.org.il/en/2012/09/04/al-aqaba-infosheet/>

245 HCJ143/04, **Jabr et al. v. State of Israel et al.**, HCJ8440/04 **Dabak et al. v. State of Israel et al.**, Petitions dated 7 January 2004 and 4 September 2004, respectively.

246 HCJ143/04, HCJ8440/04, Update notice by respondents dated 10 April 2008. OCHA, **Demolitions of buildings in Area C due to lack of building permits and resulting displacement of residents**, May 2008, pp. 7, 12: http://www.ochaopt.org/documents/Demolitions_in_Area_C_May_2008_English.pdf

247 HCJ143/04, HCJ8440/04, Ruling dated 17 April 2008, <http://elyon1.court.gov.il/files/04/430/001/o14/04001430.o14.htm> [Hebrew].

248 Communicated to B'Tselem by the head of the al-'Aqabah village council, Sami Sadek Mahmoud Subuh, on 27 December 2012.

Civil Administration rejected a master plan proposed by the villagers on the grounds that the area of the plan is inflated in proportion to projected population growth. In its decision, the Civil Administration noted that there is no need to “establish a new planning entity in a firing zone”, when the village of Tayasir is located nearby, in Area B, and its master plan “has not yet fully exhausted its building potential”. The Civil Administration expressed concern that “the main aim of the plan [...] is the retroactive approval of illegal construction carried out at that location over the years”.²⁴⁹ Later, the Civil Administration noted that “because Khirbet al-'Aqabah” is located in a closed zone (a firing zone), prospects for approval of the plan at this point are poor”.²⁵⁰ In July 2012, the Civil Administration issued new demolition orders for several village structures, some of them residential. The residents again petitioned the High Court of Justice seeking to have the orders rescinded, and the Court issued an interim injunction on the demolitions, “subject to a freeze of the status quo on the ground in terms of construction and making use of buildings.”²⁵¹ To date, court deliberations on the petition have yet to take place.

Robbed of their water

The Jordan Valley has some of the most abundant water resources in the West Bank, and Israel has taken over most of them. Israeli drilling and pumping reduces the volume of water that the Palestinians can draw from their wells and also affects the quality of the water. It also diminishes the flow of natural springs throughout the Jordan Valley.²⁵² In addition, Israel denies Palestinians access to springs located beyond the boundaries of their communities.²⁵³

Of the total volume of water it draws from the Jordan Valley, Israel allots about 80% for use in Israel and Israeli settlements.²⁵⁴ The settlers receive a volume of water several times greater than the amount with which their Palestinian neighbors must make do. In 2011, average household water consumption in the Jordan Valley settlements was approximately 450 liters per person per day,²⁵⁵ whereas for Palestinians in the central and northern Jordan Valley, average water consumption in 2009 was around 60 liters per person per day.²⁵⁶ The World Health Organization recommends a hundred liters per person per day.

249 Civil Administration, Supreme Planning Council, Subcommittee for Planning and Licensing, Protocol no. 4/12 dated 21 March 2012.

250 Letter from Lieut. Bar Akuka of the Office of the Head of the Civil Administration to Attorney Raghda Jaraisy of ACRI dated 13 August 2012, <http://www.acri.org.il/he/wp-content/uploads/2012/09/alaqaba130812.pdf> [Hebrew].

251 HCJ5043/12 **Jabr et al. v. Subcommittee for Supervision of Building in Judea and Samaria et al.** Ruling of 4 July 2012, <http://elyon2.court.gov.il/files/12/430/050/V02/12050430.V02.pdf> [Hebrew].

252 See World Bank, **The Water Sector**, p. 12.

253 For details, see B'Tselem, **Dispossession and Exploitation**, pp. 18-23.

254 UNHRC, **Report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem**, 7 February 2013, p. 18, http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-63_en.pdf

255 The data are based on the annual compendium by the Israel Water Authority, **Water Allocations through the end of 2011**, February 2012, <http://www.water.gov.il/Hebrew/ProfessionalInfoAndData/Allocation-Consumption-and-production/DocLib/water-allocation-end2011.pdf> [Hebrew] and on Peace Now, **List of Settlements and Outposts**. The 2012 allocation of water for household needs to Jordan Valley settlements was 40% higher than in 2011, without a comparable increase in population. See Israel Water Authority, **Water Allocations through the end of 2012**, March 2013.

256 Palestinian Authority, **Development of the Palestinian Valley**, pp. 14-15.



Residents of Khirbet Humsah, The Jordan Valley, using water containers.
Photo: 'Atef Abu a-Rub, B'Tselem, 28 June 2012.

The Civil Administration has avoided making improvements to the water sources that serve Palestinians and issues demolition orders when the residents do so themselves. For example, there are springs in the al-Malih region that the residents use to water their flocks. Over the years, the stone banks around the springs crumbled, filling the springs with debris and possibly polluting the water. At the request of the village council, UNICEF rebuilt the stone banks around the springs in January and February of 2012. In April of that year, the Civil Administration issued demolition orders for the rebuilt springs. The village council petitioned the High Court of Justice against these orders and the Court issued an interim injunction forbidding demolition pending a ruling.²⁵⁷ The State has yet to submit its response to the petition.

The Palestinian communities in the Jordan Valley, which are prevented by the Civil Administration from planning as well as from legal construction, generally do not get permission to be hooked up to the water system. The Civil Administration has rejected a demand by ACRI to connect the village of al-'Aqabah to the water system on the grounds that it cannot connect the village to the system without an approved master plan for the village.²⁵⁸ The residents of these communities depend for water on the scant rainfall which they collect in cisterns. They also depend on water trucks brought in by private contractors. On average, this water costs around NIS 25 per cubic meter. The average water consumption in these communities – for instance in the villages of al-Aqabah, al-Hadidiyah and al-Farisiyah – is only twenty liters per person per day.²⁵⁹

257 HCJ3278/12 **Wadi al-Malih Village Council et al. v. Commander of IDF Forces in the West Bank et al.** Petition dated 25 April 2012, Ruling dated 24 May 2012.

258 Letter from Lieut. Bar Akuka of the Office of the Head of the Civil Administration, to Attorney Raghad Jaraisy of ACRI, dated 13 August 2012.

259 Palestinian Authority, **Development of the Palestinian Valley**, pp. 14-15.

The village of al-Hadidiyah is cut off from any regular water supply, despite its proximity to a Mekorot (Israeli national water company) pump (Beka'ot 2), which provides water to the nearby settlements of Ro'i and Beka'ot. The per diem water allotment per person in these settlements, for household use alone, is over 460 liters – at least 23 times the consumption of water in al-Hadidiyah.²⁶⁰

Village residents who earn their living as shepherds roam with their flocks through vast grazing areas that have no water. To water their animals, they generally transport large containers of water to the grazing areas. Testimony given to B'Tselem shows that over the past few summers the Civil Administration has confiscated these types of water containers, each of which costs nearly 300 NIS, alleging that they were placed in firing zones. Residents have reported that official Israeli representatives dumped the contents of the containers prior to removing them.²⁶¹

Testimony of Salem Abu Wadi, 63-year-old farmer, married father of fifteen, al-Jiftlik²⁶²

I have more than 250 head of sheep and I also grow vegetables, wheat and barley. There are 17 people in our family and we all make our living this way. The flock depends mainly on grazing in the Jordan Valley, and without these pasturelands we can't raise the livestock. Feed is very expensive and the prices for milk are not encouraging. The products we manufacture from our work and from the grazing barely cover the costs. [...]

My children roam with the flock from place to place, depending on the weather and the availability of grass. During the summer, they live in the plain of the Jordan Valley, north of al-Jiftlik, where there are extensive areas for grazing and the weather is mild compared with al-Jiftlik. In the summer the military stepped up its pursuit of the shepherds: About a month ago, the military confiscated a donkey from us and they still have it near the Adam Bridge [on the Jordan River in the central Jordan Valley]. They also confiscated some of our water containers, so that the children began hiding them under a tree in the ravine, and moving the tractor far away from the area so it won't be taken. This morning my son Yasser called me. He told me that the military and the Civil Administration had started a campaign of confiscating water containers in the area. Later I found out that the soldiers had taken my son's water tank, emptied it and four other water barrels, tied the container to a 4-wheel-drive vehicle and hauled it away. The sheep were left without any water.

Now 250 head of sheep are in danger of death, because they can't survive without water. [...] I'm trying to think how to get some water to the area, because if I don't find a solution, I'll suffer great losses and possibly have to give up a large part of the flock. Even though this is a real possibility, I can't

260 Israel Water Authority, **Water Allocations Annual**.

261 See Amnesty International, **Troubled Waters – Palestinians Denied Fair Access to Water**, October 2009, pp. 45-50.

262 Testimony of Salem Muhareb Suleiman Abu Wadi was given to B'Tselem researcher 'Atef Abu a-Rub on 4 September 2012 in al-Jiftlik.

imagine doing that. I was born into a shepherding family, and my sons also work in agriculture and raising sheep, and they can't work at anything else. Most of them have no education and giving up the sheep would mean ruin. I hope that we won't have to do that.

Damage to agriculture

The Jordan Valley region is suitable for agriculture due to its fertile soil, diverse water resources and high temperatures. The strong sun and low humidity contribute to protecting the crops from disease.²⁶³ However, the Palestinians are hard put to develop this sector because of the Israeli prohibition on use of most of the land in the area, diminished access to water and restrictions on construction and infrastructure hookups.²⁶⁴ This reality makes farming more costly, limits the range of crops that can be raised and puts Palestinian agriculture as an industry at a disadvantage compared with the settlements. Under these circumstances, despite substantial agricultural potential, Jordan Valley farmland is the least cultivated farmland in the West Bank.²⁶⁵ The Palestinian Ministry of Agriculture estimates that Palestinians in the Jordan Valley currently cultivate only 5,000 hectares, an eighth of its arable land.²⁶⁶

The Civil Administration mounts obstacles even to small agricultural projects. Citing various reasons, such as the prohibition on cultivating state land or land in closed military zones, the Civil Administration keeps Palestinian farmers and developers, including those who live in Areas A or B, from developing agricultural projects in the Jordan Valley and creating jobs.

Testimony of 'Abd a-Nasser 'Abd a-Razeq, 47-year-old farmer, al-Far'ah Refugee Camp²⁶⁷

I was born into an agricultural family whose farming is based on irrigation. Initially our crops were mostly in the al-Far'ah area. Over the years, my brother 'Abd al-Hakim and I expanded the scope of our work and brought in modern farming equipment. [...] We gained experience, developed tools, and the market demand for our products grew. In 2008 and 2009, we thought about expanding some more and cultivating dozens of hectares. After a while,

263 Agriculture and Agricultural Research, Jordan Valley Tourism website, <http://www.bikathayarden.co.il/%D7%94%D7%A2%D7%AA%D7%99%D7%93-%D7%94%D7%99%D7%A8%D7%95%D7%A7-%D7%97%D7%A7%D7%9C%D7%90%D7%95%D7%AA-%D7%95%D7%9E%D7%97%D7%A7%D7%A8-%D7%97%D7%A7%D7%9C%D7%90%D7%99> [Hebrew]. For briefer account in English, see: <http://www.bikathayarden.co.il/english>

264 Itzhak Gal, Adi Ashkenazi, Saeb Bamyia and Shawqi Makhtooob, "The Economic Development of the Jordan Valley", in Arie Arnon and Saeb Bamyia (eds.) **Economic Dimensions of a Two-State Agreement Between Israel and Palestine**, Volume II Supplementary Papers, Aix Group, p. 236 (hereafter: Gal et al., **Jordan Valley Economic Development**), http://www.upsite.co.il/uploaded/files/1339_a6feca2ad988b37af50c3cde9029952e.pdf

265 Gal et al., **Jordan Valley Economic Development**, p. 225.

266 Palestinian Authority, **Development of the Palestinian Valley**, p. 16. For Jordan Valley agricultural development by the area's settlements, see below, p. 74.

267 Testimony by 'Abd a-Nasser Mustafa Muhammad 'Abd a-Razeq, given on 3 February 2013 to B'Tselem researcher 'Atef Abu-a-Rub at the Plain of al-B'qe'ah.

we found an appropriate location at the 'Atuf Plain, which is also known as the al-B'qe'ah Plain. It extends from Tammun westward to Route 90 and includes more than 7,000 hectares suitable for cultivation. In 2010 we began growing crops there on an area of 70 hectares, for which we paid a monthly rent of 250 dinars [about 1,300 NIS] to the landowners from Tamun and Tubas. Due to the shortage of water, we connected water pipes to the fields, including auxiliary pipes to reach all the plots. Each kilometer of pipe costs about NIS 100,000, and we bought 25 km worth of pipes.

While we were laying the water pipes in October 2010, Civil Administration patrols appeared, accompanied by planning committee officials. They confiscated our welding and digging equipment and a tractor. They also arrested the laborers working on the project, alleging that work in this area requires work permits because it's a closed military area. All this transpired without any advance notice or warning.

A week later, we contacted Attorney Tawfiq Jabarín and filed a suit to regain the confiscated equipment. In March 2011, we paid NIS 17,000 to cover the military's costs for storing the equipment and for transporting the equipment back to us. We also received a demolition order for the existing water pipes. Later, we found a notice lying on the ground that said that the land was a military zone and that laying water pipes requires a permit from Beit El. We turned the matter over to our attorney, and he got an interim injunction freezing the demolition of the water pipes.

Now we are cultivating 170 hectares that we have leased from the landowners. The project provides hundreds of seasonal jobs. For example, during cucumber season, there are around two hundred families in the area who work in exchange for some of the produce. We also have 15 permanent, year-round workers and some who work intermittently. We pay over four million shekels a year in wages. [...] In addition, we lease transport services for the produce. All this means a source of income for hundreds of workers, and are especially important in the current situation in which places of employment are shutting down and living conditions are difficult.

Our case is still in court and we are doing everything possible to receive permits, but we're worried that the court will ultimately rule against us. We are very concerned and can't continue developing the project. An important component of our project was hothouses for medicinal herbs and trees, but because of our concerns about the authorities, we haven't built them.

If we do get permits from the Israeli authorities, we'll be able to employ another 15 permanent workers and also around thirty families seasonally. We hope that the court will rule in favor of the project because it will lead to jobs and assure continuation of the project and its success. If the decision is negative, it will jeopardize all our achievements.

Shepherding communities being pushed out of firing zones

Some 2,700 people live in approximately twenty shepherding communities in the Jordan Valley in areas declared firing zones by the military or on the periphery of those areas. Some of the communities existed there even before the land was declared a closed zone in the 1970s. In 2009 – decades after the firing zones were originally declared – the military placed cement slabs near each of these communities and posted notices stating that the area was a firing zone and entry was prohibited. According to testimony provided by residents of these communities to B'Tselem, it has been years since any exercises were conducted in the zones where they live.²⁶⁸

From Israel's standpoint, these communities, some of them Bedouin, are living in their homes illegally. So the Civil Administration acts in various ways to prevent them from remaining there and using the land on which they live. In June 2012, the Civil Administration notified the High Court of Justice of its intention to relocate Bedouin communities from various parts of the West Bank to "permanent sites", where permanent housing would be built and linked to utility infrastructure. This program also includes evacuation of the Bedouins of the Jordan Valley to two sites in the vicinity of Fasayil in the central Jordan Valley, two in the Nu'eimeh area north of Jericho and two other sites also north of Jericho.²⁶⁹

The Civil Administration's conduct vis-à-vis the villages of Khirbet Tana, al-Farisiyah and Hamam al-Maleh is illustrative of Israel's policy in the Jordan Valley. In Khirbet Tana, east of Beit Furik, the 300 or so residents live in caves, tents, as well as in both temporary and permanent structures. This community has existed in the area for decades and the people make their living farming and herding sheep and cattle. In the 1960s, when some of the residents were already living at that location, the area on which the village sits was declared a closed military zone.²⁷⁰ The Civil Administration does not recognize Khirbet Tana as a village worth planning and prohibits construction there. The community is not connected to water or electricity and its residents use two local springs for water.

In July 2005, while Khirbet Tana residents were on agricultural land at Beit Furik, the Civil Administration demolished nearly all the village buildings and blocked up the entrances to the caves used by the residents. The demolition was executed on the grounds of construction without permits in a firing zone, even though at the time the firing zone had been inactive for at least 15 years. The villagers rebuilt their homes, and at the end of that year petitioned the High Court of Justice seeking to have the Civil Administration prepare a master plan for the village and not demolish their homes.²⁷¹

268 See B'Tselem website, **12 August 2010: Civil Administration demolishes Bedouin village of al-Farisiyah, in the Jordan Valley**, http://www.btselem.org/planning_and_building/20100812_whole_village_demolished_in_jordan_valley

269 HCJ3930/12 **Ar'ara et al. v. Head of Civil Administration for Judea and Samaria**, Respondents' response dated 14 June 2012, §§12-13. In this response, names of the communities are not specified. See above, pp. 50-54, concerning evacuation of Bedouin from the Ma'ale Adumim area in accordance with this plan.

270 Firing Zone 904A. See OCHA, **Khirbet Tana: Large-scale demolitions for the third time in just over a year**, February 2011, http://www.ochaopt.org/documents/ocha_opt_khirbet_tana_fact_sheet_20110210_english.pdf ; HCJ11258/05 **Hanni et al. v. Subcommittee for Supervision of Building et al.** Petition dated 4 December 2005, <http://www.acri.org.il/he/wp-content/uploads/2012/06/hit11258.pdf> [Hebrew].

271 HCJ11258/05 **Hanni et al. v. Subcommittee for Supervision of Building et al.** Petition dated 4 December 2005. Petition was filed by ACRI and Rabbis for Human Rights, <http://www.acri.org.il/he/wp-content/uploads/2012/06/hit11258.pdf> [Hebrew].

In its response to the petition, the State announced that the planning authorities had decided not to draft plans for Khirbet Tana, "given that the cluster [of homes] is located on the grounds of an archeological site and in the middle of open space designated as agricultural land in the relevant [British mandate-era] master plan, and in light of the extensive land reserves for the village of Beit Furik."²⁷² The State also said that, in any case, the residents reside permanently in Beit Furik in Area B, and stay at Khirbet Tana only seasonally.

In January 2009, the judges rejected the petition and accepted the State's position.²⁷³ Since then, the Civil Administration has demolished buildings in the village five times. The last time was in March 2011, when the Civil Administration demolished all 46 structures in the village, including eight ancient caves used as dwellings and for raising livestock, and also water cisterns. 152 of the village residents, including 64 children, were left homeless. Apart from a few caves, only the mosque, in an Ottoman-era structure built over a century ago, was left standing.²⁷⁴ After each round of demolitions, the residents returned and rebuilt their homes.

Following the latest demolition campaign, the residents of Khirbet Tana once again petitioned the High Court of Justice against the demolition of the village and the expulsion of its residents.²⁷⁵ The Court issued an interim injunction prohibiting the authorities from demolishing buildings pending a ruling on the petition, on condition that the situation on the ground be "frozen."²⁷⁶ In its response to the petition, the State reiterated its opposition to drafting plans for the site, adding that "beginning shortly, and over the next few months", there would be a "series of comprehensive training exercises for IDF forces" using live fire which would take place in the firing zone in which the village is located.²⁷⁷ In November and December 2012, the Israeli military commenced training in Khirbet Tana, for the first time in years, and ordered the evacuation of the residents four times, for two days each time. The petition is still pending.

Over 200 residents live in the village of al-Farisiyah in the northern Jordan Valley. They live in tents and sheet-metal shacks, earning their living by grazing their 3,000 head of sheep and from farming. The village is not connected to water or electricity and its children attend school in 'Ein al-Beida, a five-kilometer walk each way. In June 2010, the Civil Administration served notices to the residents, instructing them to evacuate the village within 24 hours, because it is a closed military zone.²⁷⁸ According to the residents, the military has never conducted training exercises in the village.²⁷⁹ The residents remained in their village.

On 19 July 2010, the Civil Administration demolished 26 huts and residential tents in al-Farisiyah, along with dozens of sheep pens, kitchens, water containers, toilet stalls,

272 HCJ11258/05, Respondents' response dated 27 November 2008, §45.

273 HCJ11258/05 **Hanni et al. v. Subcommittee for Supervision of Building et al.** Ruling dated 26 January 2009.

274 See OCHA, **Protection of Civilians Weekly Report**, 16-22 February 2011, p. 2, http://www.ochaopt.org/documents/ocha_opt_protection_of_civilians_weekly_report_2011_02_25_english.pdf

275 HCJ1850/11 **Hatatba et al. v. Minister of Defense et al.** Petition dated 7 March 2011.

276 HCJ1850/11, Ruling dated 7 March 2011, <http://elyon2.court.gov.il/files/11/500/018/E01/11018500.E01.pdf> [Hebrew].

277 HCJ1850/11, Respondents' supplementary response dated 6 November 2012, §6 [Hebrew].

278 Firing Zone 900, under the Order for closure of territories (900-911) (No. 496) dated 25 December 1972.

279 See B'Tselem website on al-Farisiyah (see above, note 268).

irrigation lines and farm buildings, including a packing house established 23 years previously in conjunction with the Israeli export company Agrexco, a facility that at the time of demolition was being used to store agricultural produce. At least 107 people, including 52 children, were left without shelter from the hot July sun, at a time of year when Jordan Valley temperatures can reach a high of 50 degrees Centigrade (122 degrees Fahrenheit) in the shade. On 5 August 2010, the Civil Administration returned to the village and destroyed 27 temporary tents provided by the Red Cross and the PA to residents who had been rendered homeless.

In September, the residents petitioned the High Court of Justice seeking to avert the expulsion and have the Court void the notice that they were living in a firing zone.²⁸⁰ In its response to the petition, the State argued that the site was not continuously inhabited and that military exercises, including live-fire exercises, were frequently conducted there. The State further argued that there were villages nearby in Area B, namely Bardalah and 'Ein al-Beida, for which it had made plans that would meet the needs of the area's population.²⁸¹ The residents of al-Farisiyah opposed relocation to these villages, and their legal counsel sought to have the Civil Administration allocate state land for their community. The Civil Administration suggested land in Area C, south of Bardalah. The villagers and their attorney are still studying the proposal.

Very early on the morning of 17 January 2013, demolitions were carried out in communities about 8-kms west of Tayasir, near the Bedouin springs of Wadi al-Maleh and Route 4799 which links Tayasir and the Jordan Valley Road (Route 90). The residents have lived there since the 1970s in the communities known as Hamam al-Maleh and 'Ein el-Mita and in other encampments in the area. These communities are on land owned by the Latin Patriarchate, which owns some 2,000 hectares in the northern Jordan Valley. In Hamam al-Maleh some of the buildings date back to Ottoman days, and there are watermills that had been in use until the Wadi al-Maleh stream gradually dried out, in the wake of Israeli drilling in the area after the area was occupied in 1967. The 220 or so residents of the area make their living by herding sheep. They live mostly in sheet-metal shacks, which are not connected to water, electricity or telephone lines. Along the periphery of their residences, south and north of the road, there are extensive territories that the Israeli military has proclaimed a firing zone.²⁸² Some of the structures built by the residents are located in that zone. Over the years, the Civil Administration has issued various evacuation and demolition orders, and has demolished structures belonging to the community's residents.

The military and representatives of the Civil Administration arrived at the al-Maleh area that day. Using bulldozers, the military demolished tents, residential structures, sheep pens and feed storerooms. Once the demolitions were accomplished, the bulldozers shoveled earth over the debris. All told, 22 residential structures and sheep pens were destroyed; 63 people, including 33 children, were made homeless. Later that day, the Red Cross provided tents, mattresses, blankets and kitchen utensils for the residents left without shelter. The residents pitched the tents and began restoring the pens for their flocks. Two days later, the military returned, tore down the tents and sheep pens

280 HCJ6612/10 **Dababat et al. v. Commander of IDF Forces in the West Bank et al.**, Petition dated 12 September 2010.

281 HCJ6612/10, Respondents' response dated 26 July 2011.

282 Order and closing of territories no. 496 dated 25 December 1972 (Firing Zones nos. 900-901).

and confiscated them along with the other gear that the Red Cross had provided.²⁸³ Six of the families whose tents had been destroyed relocated from Hamam al-Maleh to the vicinity of 'Ein el-Mita, and five other families moved elsewhere in Hamam al-Maleh or its vicinity.²⁸⁴ On 23 April 2013, the bulldozers returned and demolished the tents of two families whose tents had already been previously demolished in January.

Testimony of Qasem Daraghma, 65-year-old shepherd, father of four, Hamam al-Maleh²⁸⁵

When the Jordan Valley was occupied, we were living in the mountains across from Hamam al-Maleh, where there is plentiful and extensive pasture land. The forces of the Occupation tried to relocate me and other people from the area, and even arrested me. Once they put me in a helicopter, rounded up the sheep, killed a few of them and fined me. [...]

On Thursday, 17 January 2013, I was home alone, and a group of soldiers and Civil Administration personnel arrived at Hamam al-Maleh with bulldozers. They demolished my house with bulldozers [...] and also demolished the sheep pens. After they left, the place looked like it had been through an earthquake.

After the military left, my children and I rebuilt temporary sheep pens from the debris, and got some barbed wire from relatives. We did this immediately because it's impossible to leave the sheep out in the open, especially at night, without protecting them from ranging wild animals.

In the afternoon, people from international organizations drove in from the Tubas District to assess the damages. At sunset, the Red Cross brought us dwelling tents. We pitched the tents and slept in them that night. The Red Cross also brought us cleaning products, kitchen utensils, some mattresses and blankets.

On Thursday evening, the military came and photographed the place and the tents. Early the next morning, a military force arrived with lots of vehicles as if this were a battle or a large-scale exercise. They got out of their vehicles, spread out every which way and told us to get out of the house. They dismantled the Red Cross tents and the sheep pens we had put together. On the road, they made a pile of the tent poles and arches and the heavy tent fabric. A big truck came by at midday and the soldiers loaded everything on it.

283 For additional cases of confiscation of tents after home demolition by the Civil Administration, see p. 70 above, on Farisiyah. Similarly, on 19 March 2011, the Civil Administration confiscated a shipment of tents by the UN Humanitarian Emergency Fund, intended for 15 families in Khirbet a-Rahwa in the Hebron area, who had lost their homes through demolitions in February. See OCHA, **Humanitarian Monitor**, March 2012, p. 6, http://www.ochaopt.org/documents/ocha_opt_the_humanitarian_monitor_2011_04_23_english.pdf. On 19 April 2012, the Israeli authorities confiscated six tents provided by the Red Cross to families whose homes had been demolished in the Bedouin community of Khalyleh, near Jerusalem. See OCHA, **Protection of Civilians Weekly Report**, 18-24 April 2012, http://www.ochaopt.org/documents/ocha_opt_protection_of_civilians_weekly_report_2012_04_27_english.pdf

284 Communicated to 'Atef Abu a-Rub of B'Tselem by 'Aref Ahmad Daraghme, head of the Village Council for al-Maleh and the encampments, in a meeting on 2 April 2013.

285 Testimony of Qasem Hussein Qasem Daraghme given to B'Tselem researcher 'Atef Abu a-Rub on 19 January 2013 at Hamam al-Maleh.

Now, as you can see, we are sitting on the ground and don't know what will happen to us or how we'll manage. We have no options. Tonight, with my sons, I'll guard the sheep and try to set up my home again. I'll only leave this place as a corpse or if they take me by force. I was born in the Jordan Valley and I can live only here. I pray to God that I'll die here.

As of early summer 2012, the military occasionally ordered the temporary evacuation of the communities located in the areas designated firing zones, alleging that this was necessary for the purpose of military exercises. The orders required the residents to leave their homes for periods ranging from a few hours to two days at a time and stated that, if the residents would not leave voluntarily, they would be forcibly removed, their livestock confiscated, and they would be billed for the cost of the evacuation. In some cases documented by B'Tselem, only an oral warning of the evacuation was conveyed. In each such evacuation, the families must take along mattresses, blankets, and food and water for themselves and their livestock. They have to leave their homes with their children and flocks and find a place to shelter from the weather. In some cases the military training sessions damaged residents' cultivated fields.

Until the end of April 2013, there were at least 12 such instances. The communities thus harmed include Hamam al-Maleh, al-Burj, 'Ein al-Mita, Khirbet Ras al-Ahmar, Ibziq, Khirbet Tana, al-Hadidiyah, Khirbet Yarza, 'Ein al-Hilweh and Samra. Some of the communities were evacuated several times, sometimes within the space of a week.²⁸⁶



Demolition of homes, Fasayil, the Jordan Valley.
Photo: 'Atef Abu a-Rub, B'Tselem, 20 December 2011.

286 See for example, OCHA, **Protection of Civilians Weekly Report**, 16 – 22 January 2013; 19 December 2012 – 1 January 2013; 26 February – 4 March 2013; 5 January – 11 March, 2013; 12-18 March 2013.

Testimony of Rihab al-Harub, 36, married mother of five, Ibziq²⁸⁷

In November 2012, I don't know the exact date, the military came and told us to evacuate the area, leave our house and to take our sheep with us. It was a rainy day. I hadn't sent the children to school. My children and I and other families went to the home of Abu Mahmud Suafta who lives three kilometers away and we slept there. The sheep stayed out in the open. It was a rough day. There wasn't enough room for all of us and we didn't feel comfortable in someone else's house despite their hospitality. I kept thinking about the sheep and felt that this day was the longest day of my life. The next day we went back home at around 10:00 o'clock in the morning. I started the day by preparing food for the children and drying out the house from all the water that had leaked in. The day was as tough as the day of the demolition.

On 3 January 2013, we were again evacuated for a day, not including the night, for military training. I got ready in advance of the evacuation and baked bread the day before. I got up with the children at 1:00 o'clock in the morning. We milked the animals and made cheese. My husband pitched a tent elsewhere, far from the training exercises, and set up a pen to protect the sheep.

Around 6:00 A.M., a military force came and ordered people to leave. We stayed home. At 8:00 o'clock they again ordered us to evacuate and we did. We took bread, cheese, tomatoes and cucumbers to prepare a meal for that day. We left all our belongings in the house. We stayed where we went to until 2:00 o'clock in the afternoon, as the military had ordered. While we were there, the military didn't come to the area but we heard shells exploding nearby. In the end, we went back home. We brought the sheep to the pen and checked them, to make sure they were all right. Some of them got sick because of the rough road.

When I went into the house, I discovered that dogs had been inside and damaged some items. Before we were evacuated, I had put some yogurt in a bag and I found that the dogs had torn the bag and ruined the yogurt. We had to tidy up the house again.

In general, being evacuated and forced to go elsewhere, even for just a few hours, is very hard and gives a feeling of instability. We raise sheep, and the evacuation requires a lot of preparation for the animals, like making sure they have water and feed. It's hard. It's almost impossible.

287 Testimony of Rihab Fawzi Hassan al-Harub given to B'Tselem researcher 'Atef Abu a-Rub on 16 January 2013 in Ibzik.

Recap: de facto annexation and impeding development

The vast area of the Jordan Valley and the fact that it is relatively sparsely populated makes it the largest land reserve for future development in the West Bank. In this region, urban centers could be developed to handle population growth; its fertile land is crucial for food for the West Bank's growing population and for making a profit from agricultural exports; the extensive empty spaces in the Jordan Valley also make it potentially attractive for development in terms of energy, infrastructure and industry. Israeli and Palestinian economists believe that "to ensure the future sustainability of a Palestinian state, the Jordan Valley must be opened immediately to the Palestinian population", thereby enabling realization of the potential for economic development in this region, which is crucial to rehabilitation and development of the Palestinian economy.²⁸⁸

According to a joint study by Israeli and Palestinian economists, agricultural cultivation of 10,000 hectares in the Jordan Valley could yield 150,000 to 200,000 new jobs. The use of advanced agricultural technologies would enable farmers to increase their production five- to ten-fold. It would enable developing an area of approximately 5,000 hectares for agricultural exports worth about one billion dollars a year. Agricultural development on this scale depends on allocations of water and cannot be realized without Israeli cooperation.²⁸⁹

However, in practice, Israel does not allow Palestinians to build on or develop land in most of the Jordan Valley. Israel restricts the growth and development of the few Palestinian communities located in Area C of the Jordan Valley, and prevents Palestinian access to the abundant water resources. Over the years, Israel has also severely limited travel between the Jordan Valley and the rest of the West Bank, including passage of workers and goods.²⁹⁰ By means of all these restrictions, Israel pressures the Palestinian communities in the Jordan Valley to leave and also causes Palestinian development of the region to stagnate.

In contrast, Israel invests extensive resources in the settler population in the Jordan Valley. Nearly all the land in the Jordan Valley is under the jurisdiction of the settlers' regional and local councils; the settlements enjoy generous allocations of water and have received unprecedented benefits over the years.²⁹¹ All this has enabled Jordan Valley settlements to develop modern intensive agriculture on an area of some 3,200 hectares. The settlements' agricultural production in the Jordan Valley is currently estimated at about half a billion shekels a year. Thirty percent of the families in Israel's Jordan Valley settlements engage in agriculture and a similar percentage of families provide auxiliary services to farmers.²⁹²

288 Arie Arnon and Saeb Bamyia (editors) **Economic Dimensions of a Two-State Agreement Between Israel and Palestine**, Volume II Supplementary Papers, Aix Group, pp. 39-40; also Gal et al., pp. 212, 215, 233, http://www.upsite.co.il/uploaded/files/1339_a6feca2ad988b37af50c3cde9029952e.pdf

289 Gal et al., "**The Economic Development of the Jordan Valley**", pp. 239-240.

290 In October 2012 the IDF notified ACRI of the lifting of travel restrictions in the Jordan Valley. This was implemented by the end of the year. See B'Tselem website, "Easing of restrictions on Palestinians' movement in the West Bank, 2012", http://www.btselem.org/freedom_of_movement/20121217_restrictions_lifted. For more on restrictions, see B'Tselem, **Dispossession and Exploitation**, pp. 27-29.

291 Lee Cahaner, Arnon Sofer and Yuval Kna'an, **Future of the Jordan Valley – Keeping It under Israeli Sovereignty – Pro and Con** (Reuven Chaikin Chair in Geostrategy, University of Haifa, February 2006), pp. 22-23 [Hebrew].

292 Settlement and Agriculture in the Jordan Valley, Jordan Valley R&D website: http://www.mop-bika.org.il/130651/haklaut_babika [Hebrew].

In October 1995, when then Prime Minister Yitzhak Rabin announced to the Knesset the approval of the Interim Accords under the Oslo Agreement he emphasized that "the security border for the defense of Israel will be located in the Jordan Valley, in the broadest possible meaning of this term".²⁹³ In a speech to the Knesset in 2010, Prime Minister Benjamin Netanyahu quoted Rabin's statement, and during a visit to the Jordan Valley declared that Israel's armed forces "would have to remain through the entire length of the Jordan in any future agreement".²⁹⁴ Israel's policy regarding the Jordan Valley derives from the aspirations that underlie these pronouncements. The idea is to create a reality of Israeli control over the region and de facto annexation, while exploiting the area's resources and minimizing Palestinian presence there. This is designed to pave the way for Israeli presence in the Jordan Valley to become a permanent fixture over the long term, even within the framework of a political solution.

293 Announcement to the Knesset Plenum by Yitzhak Rabin, then prime minister and minister of defense, on approval of the Israeli-Palestinian agreement on the West Bank and Gaza, 5 October 1995, http://www.knesset.gov.il/rabin/heb/Rab_RabinSpeech6.htm [Hebrew].

294 Prime Minister's website, "Prime Minister's remarks in a special Knesset session to mark the 15th anniversary of the assassination of the late Yitzhak Rabin", 20 October 2010, <http://www.pmo.gov.il/sitecollectiondocuments/pmo/32communication/speeches/2010/10/rabinkneseteng201010.doc> [Hebrew]; Barak Ravid, **Haaretz**, "Netanyahu: Settlers' price tag policy is unacceptable", 8 March 2011, <http://www.haaretz.com/news/diplomacy-defense/netanyahu-settlers-price-tag-policy-is-unacceptable-1.347941>. For an overview of Israeli plans in this vein published over the years, see B'Tselem, **Dispossession and Exploitation**, p. 5.

Chapter V:

Policy impact on Area-A and Area-B communities

More than 90% of the Palestinians in the West Bank live in villages and cities located in what the Oslo Accords define as Areas A and B, where civil powers, including of planning and construction were handed over to the PA. However, the lands comprising the majority of future land reserves for many of these communities are located in Area C. This is a contributing factor to shortage of land in Areas A and B for residential purposes, public buildings and critical infrastructure. It is one of the reasons that residents build their homes on lands designated Area C, thereby risking demolition. Infrastructure built by Palestinian authorities on such land is similarly at risk.

For example, in the neighborhood of Um Raqba in al-Khader, the Civil Administration issued demolition orders for 25 structures, including a school; on the outskirts of the villages of Yatma and Qibyah it issued 23 and 36 demolition orders, respectively; and in the area of al-Makhrou, near Beit Jala, the Civil Administration destroyed a restaurant and the power grid that served the farmers who work in the area. The following chapter describes these cases, which portray the difficulties of building on Area C land that adjoins communities situated in Areas A and B.

Background: Designating Areas A and B

The boundaries drawn for Areas A and B created a non-contiguous space, made up of 165 separate segments of Areas A and B – so-called islands surrounded by Area C land, which is under full Israeli control. One hundred and three of these islands comprise the built-up area of either a single village, or only parts of it.²⁹⁵ This means that, in practice, nearly all land reserves for future expansion and development of many Palestinian communities were designated as Area C.

Since the 1990s when the West Bank was divided into Areas A, B and C, there has been a population increase in the West Bank of hundreds of thousands of people.²⁹⁶ According to the World Bank, municipal lands in Areas A and B – under Palestinian planning authority – have been almost completely exhausted, and the few private lands still available have become very expensive.²⁹⁷ In parts of these same communities designated as Area C, however, there are vast available tracts of land. However, a permit from the Civil Administration is required for any building or development there, and the Civil Administration refuses

295 The figure was calculated based on geographic data processing by Shai Efrati.

296 The Palestinian Central Bureau of Statistics estimated the population in the West Bank in 1995 at approximately 1.48 million persons; in 2012, the figure was approximately 2.65 million. Regarding 1995 see PCBS, **Small Area Population in West Bank and Gaza Strip**, 1994, p. 141, http://www.pcbs.gov.ps/Portals/_PCBS/Downloads/book1.pdf; for 2012, see <http://www.pcbs.gov.ps/site/881/default.aspx#Population>

297 World Bank, **Access to Land**, p. 25.

to give such permits, alleging that the area is outside the community's master plan. Meantime, of the hundreds of villages for which the Civil Administration had drafted a master plan before the Oslo Accords were signed and which today are situated in Areas A or B, only in 146 is part of the territory covered by their master plans in Area C, so that construction there is allowed. That said, the areas involved are frequently very small and insufficient for the residential needs of the growing population of these villages.²⁹⁸

Residents who, for want of any other alternative, build their houses in Area C risk demolition even when the building is located only a few dozen meters from the other village buildings that are located in Areas A or B. Demolition will be carried out even if the residents were completely unaware of the fact that they were building in Area C, since the border between the areas is not marked physically on the ground.

With the expansion of construction in Area C, there are currently some 300 Palestinian towns and villages in the West Bank part of whose built-up area is in Area C, and the rest of which is in Areas A or B. In 184 Palestinian communities at least one tenth of their built-up area is designated Area C, and in 46 of these communities, over 50% of the built-up area is in Area C.²⁹⁹ Houses built in Area C – in some communities, these amount to entire neighborhoods – face the threat of demolition. B'Tselem applied to the Civil Administration for data on the number of houses in such communities either issued demolition orders or already demolished. The Civil Administration replied that it does not have this type of data at its disposal.³⁰⁰

Given the housing shortage, the land still available in Areas A and B is often used for residential construction, even if it is more suited to other uses. Therefore, fertile arable land is converted to residential construction, while infertile land suitable for urban development is in Area C and consequently cannot be used for construction.³⁰¹ This is one of the factors that impede local Palestinian authorities in erecting public structures such as medical clinics and schools, or initiating planning that would include open spaces for the benefit of the population in Areas A and B.

There are infrastructure facilities such as waste removal sites and sewage treatment plants which, like polluting factories, ought to be situated far from population centers. Due to the inadequate space allocated in the first place to Areas A and B, in some regions the sites appropriate for this type of infrastructure and factories are in Area C. In other cases, infrastructure was built before the West Bank was divided, and are now on land designated Area C. Also intercity infrastructure projects for the West Bank, such as roads, water systems and power grids, necessitate work in Area C.³⁰² Permits from the Civil Administration for the erection or repair of infrastructure projects in Area C are often forthcoming only after a significant delay – sometimes as long as two or three years – and sometimes are completely denied.³⁰³ As a result, even when there is funding available from a donor or from the PA for development and infrastructure projects, getting them built is difficult, and some donors even steer clear of investing in projects in Area C.³⁰⁴

298 Bimkom, **The Prohibited Zone**, p. 101.

299 The figure was calculated based on geographic data processing by Shai Efrati.

300 Civil Administration's response to B'Tselem, 2013.

301 See World Bank, **Access to Land**, pp. 19, 23.

302 **Access to Land**, p. 2.

303 **Access to Land**, pp. 15-16; World Bank, **Water Sector**, pp. 53-54, 64.

304 World Bank, **Access to Land**, pp. vi, 19. For more about water, see above, p. 23; Emergency Water Sanitation and Hygiene group (EWASH), **Down the Drain**, March 2012, pp. 13-14.

Um Raqba, al-Khader – 25 homes and a school face demolition

The town of al-Khader is located west of Bethlehem. Its western border adjoins the Bethlehem bypass road built in the 1990s to connect Jerusalem and Hebron, and also adjoins the Separation Barrier that Israel built there in 2006. The land belonging to the town once encompassed over 2,200 hectares. Several hundred hectares were declared state land during the 1970s, and it was on that land that Israel built the settlements of Efrat – directly south of al-Khader, Neve Daniel and El'azar. In 2006, a section of the Separation Barrier was built along 3.5 km west of al-Khader. The barrier left only 260 hectares of al-Khader's land on the "Palestinian" side. Most of the town's agricultural land was left on the other side of the Separation Barrier, a situation significantly impeding access.

The master plan drafted by the Civil Administration for the town in the 1990s comprised only 75.6 hectares, and about 6,700 of the town's residents at the time were allowed to build on that section only.³⁰⁵ Under the Oslo Accords, the town's territory was divided into three different areas: 74.5 hectares (9%) were in Area A; 45.7 hectares (5.5%) were in Area B; and more than 700 hectares (85.5%) were in Area C.³⁰⁶ Since 1997, the population of al-Khader has nearly doubled. The head of the local council, 'Adnan Ibrahim Salah, estimates the current population at 12,000 residents.³⁰⁷ Meanwhile, the tracts of land available for construction in the town have not expanded to keep up with the population increase. According to the head of the local council, the land included in the master plan – now in Areas A and B – has already been utilized and fully populated. As for the town's land that is located in Area C, he says that Israel permits no building there, and anyhow, most of it has ended up on the other side of the Separation Barrier.

A tract of about a hundred hectares of al-Khader land in Area C on the "Palestinian" side of the Separation Barrier is in the Um Raqba agricultural area, at the southern edge of al-Khader, southwest of Solomon's Pools. Over the years, this agricultural area has also turned residential, and there are 55 homes there now. Thirty of the houses are adjacent to the northern access road to Efrat: five were built before Israel occupied the West Bank and 25 were built from the 1990s onward. Since 2000, the Civil Administration has issued demolition orders for 25 of these houses, home to approximately 140 people, including 90 children. The other 25 houses in Um Raqba are located further away from the settlement's access road, and the Civil Administration has not issued demolition orders for them. The homeowners facing demolition are represented by the St. Yves organization, which has petitioned the High Court of Justice on their behalf. The legal proceedings have yet to be concluded.

305 Number of residents is an estimate by the Palestinian Central Bureau of Statistics: PCBS, **Small Area Population 1997-2010** (hereafter PCBS, **Small Area Population**), 1999, p. 77, http://www.pcbs.gov.ps/Portals/_PCBS/Downloads/book498.pdf

306 ARIJ, **Al-Khader Town profile**, 2010, p. 20, http://vprofile.arij.org/bethlehem/pdfs/VP/Al%20Khader_tp_en.pdf

307 According to the 2007 West Bank census, al-Khader had a population of 9,774 people: PCBS, **Census Final Results in the West Bank**, 2007, p. 117.

Aerial Photo 1 Al-Khader



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Testimony of Amal Da'du', 39, married mother of eight, al-Khader³⁰⁸

I was married 17 years ago, and my husband and I lived in his parents' house which belongs to the extended family. There I bore five children. We lived in the same house together with the families of my father-in-law and my husband's brother. We were 30 people in all. It was dreadfully crowded. There was only one bathroom and there was always a line at the door, especially in the morning when the children were going off to school and the men to work. We had to eat mainly what my father-in-law and mother-in-law liked. Everyone knew what we bought, and if it was something private of my own, I would hide it from everyone else in the family. I felt that I had no privacy at all, that everyone knew everything about me and my husband. We didn't dare say a word to each other, complimentary or otherwise, because everyone would hear. Living with such crowding created a constant feeling of bitterness and anger.

Because of the population growth and lack of land for building in the center of al-Khader, we couldn't build our own home. We realized that the place where we could build a house and get out of this distressing situation was on the family's land in the Um Raqba area, on the old Wadi Rahhal road, in Area C.

In the early 1990s, we parceled out the family land, all together 1.6 hectares, among my husband and his brothers. My husband received a plot of a quarter of a hectare, and we decided to build a house there for ourselves and our children. Before we began construction, we applied twice for a building permit at the Etzion DCO [District Coordination Office], but both times the reply was that it's in Area C where construction is prohibited. Meantime, the Efrat settlement was expanded onto land belonging to al-Khader without any impediment, whereas we, the owners of the land, with ownership documents, were forbidden to build. We had no alternative and we built our house there without a permit, near houses that were already there.

[...] In the early 2000s, we received demolition orders alleging that we posed a danger to Route 60, and that we were in Area C where building is prohibited, even though we had ownership documents for the land. We and our neighbors sent the demolition orders to the St. Yves organization in Bethlehem and they represented us in the Israeli court. We were asked to prepare a plan for the land and to prepare all the papers to open a file at Etzion and submit another application for a construction permit, and we did.

Over the years, several court sessions were scheduled and then postponed. Each time that we put down a piece of iron near the house, we received a demolition order. For example, we fenced the area for the house with metal pipes because we were raising horses, and in 2008 we got an order to tear

308 Testimony of Amal Ibrahim Hassan Da'du' given to B'Tselem researcher Suha Zeid on 24 December 2012 at the witness's home.

down the pipes, alleging that they were above Route 60. That order, too, I handed over to St. Yves, who are handling it.

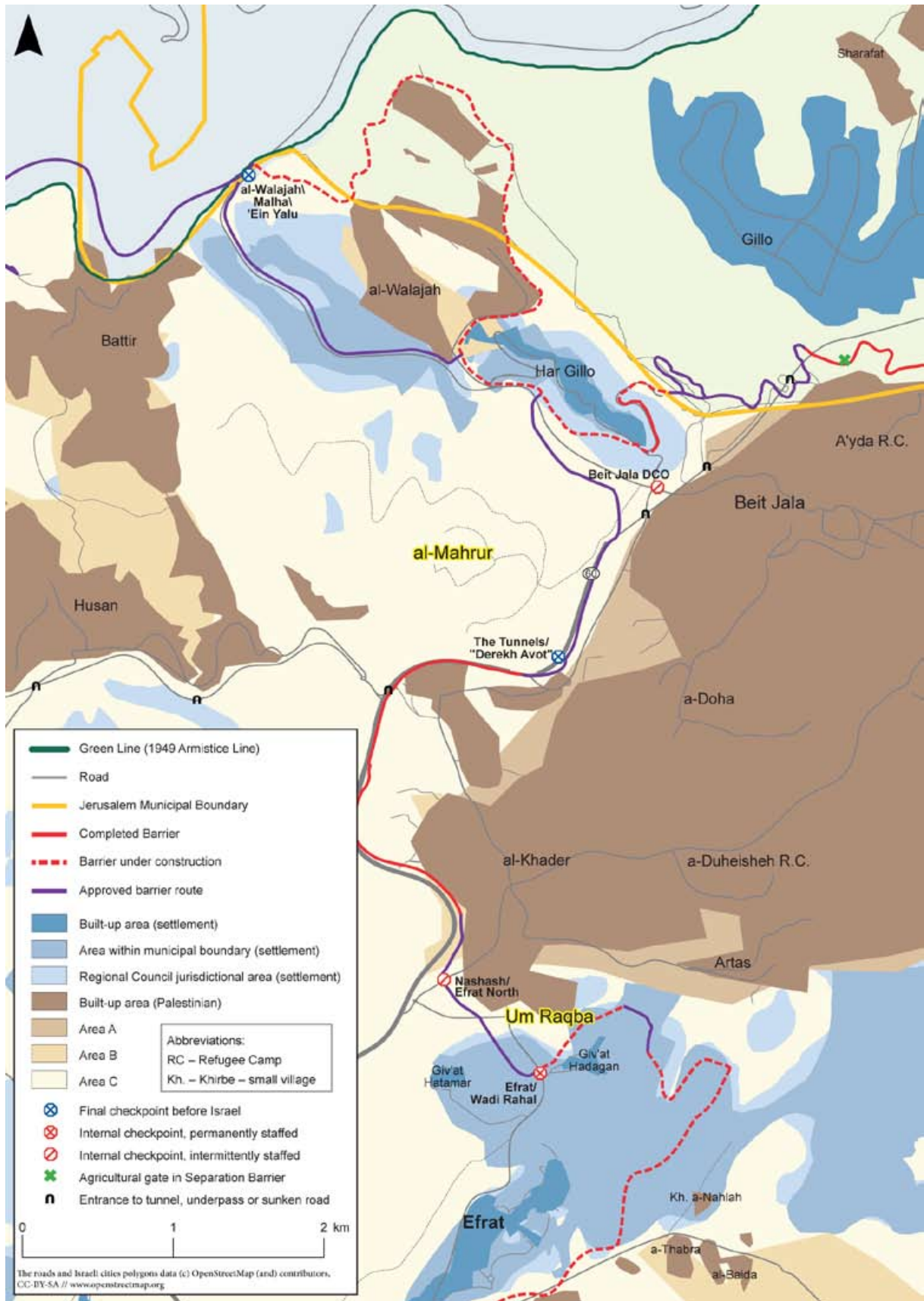
My husband and I live in an ongoing nightmare. Every time we see a military jeep anywhere near the house, we worry that they've come to demolish it and that we'll end up homeless. It feels to me like a kind of slow death, a kind of suicide, if we'll have to go back to my husband's parents' house with our eight children.

When the Israelis serve demolition orders and tear down someone's house, they don't think about who lives in that house, or how this hurts them. They haven't tried living with crowding, and without privacy even in the bedroom, in a house with 30 people. They don't understand that our little house is a huge dream come-true for us, and it's our only hope of living like other people. Even if they demolish the house over my head, I won't leave. I'll put up a tent on the ruins and live in it. It's impossible for me to go back to that earlier hell.

The shortage of land for building in al-Khader also damages basic services to which the town's residents are entitled, including medical care and education. The mayor reported to B'Tselem that the girls' school in the town is located in an old building without enough classrooms for its 780 students. Renovating the building involves major expenditure and the municipality cannot build a new school because there is no land available, and also because most of the village's lands are part of Area C. For the same reason, the al-Khader Municipality passed up the opportunity of building a hospital on town land, although the local community has already amassed donations to fund it. In addition to serving the residents of al-Khader itself, the hospital would serve the residents of Bethlehem, Beit Jala and the villages west of Bethlehem, all of whom presently rely on the government hospital in Beit Jala, with its mere 127 beds.

One of the schools in al-Khader is the Zuhur al-Amal (Flowers of Hope) School, which is made up of an elementary school and a junior high school for both boys and girls. The school was built in 1992 in Um Raqba, before the town was divided into sectors of differing status. An application submitted to the Civil Administration for a building permit for the school was denied. Under the Oslo Accords, the school is considered Area C and is registered as an educational institution with the Palestinian Ministry of Education. At present it has about 700 students. In 2003, after the school had been operating for about a decade, the Civil Administration issued a demolition order. The school's principal contacted a lawyer, who petitioned the High Court of Justice against the demolition. In November 2003 the Court stayed the demolition order, but the threat to the school remains.

Map 5 Al-Khader and al-Makhrour



The al-Makhrou area – damage to businesses, leisure and agriculture

The al-Makhrou area extends over approximately 300 hectares west of the village of Beit Jala, Route 60 and the planned route of the Separation Barrier, and south of the Israeli settlement of Har Gilo. Al-Makhrou is an agricultural area with ancient terraces on the slopes of the hills, ancient *shomerot* [unique stone towers used to store harvests and house watchmen] still used by the local farmers, living vestiges of Sumerian culture that the area's farmers still cultivate, along with fruit orchards and groves, some wild, others planted.³⁰⁹ At an elevation higher than 900 meters above sea level, the al-Makhrou area has clear air, open spaces and scenic views, all quite rare in the surrounding, densely populated vicinity. The hills around it attract locals, who enjoy hiking and spending their leisure time there. A restaurant built there in 2001 had operated successfully. Italy's foreign office is funding a tourism project in the al-Makhrou area to improve the paths linking it to the village of Battir and arranging guided walking tours.³¹⁰

Apart from the ancient *shomerot*, there are 12 buildings in al-Makhrou built 150 to 500 meters apart. The buildings serve the local landowners during cultivation seasons as well as their extended families who join them on weekends. In 2006, the Beit Jala Municipality erected approximately 50 electricity poles in al-Makhrou, with funding from the European Union. Having electric power allowed the local farmers, most of them elderly, to light and heat these agricultural outbuildings, and made cultivating the land easier, since it enabled them to use electricity-powered equipment such as water pumps and electric sprayers.

Al-Makhrou is designated Area C. In December 2011, the Civil Administration demolished three of its agricultural structures. In May 2012, the Civil Administration demolished the restaurant there and three months later, after it had been rebuilt, demolished the restaurant once again. On 3 April 2012, the Civil Administration demolished about half of the electricity poles. The local farmers purchased new poles and cables, and were able to restore the power supply with the aid of the Palestinian electric company. On 16 January 2013, the Civil Administration demolished the restored power grid once more, and on 18 April 2013 demolished the restaurant a third time.

Testimony of Ramzi Qusiyyah, restaurateur, married father of three, Beit Jala³¹¹

I live in Beit Jala and at the beginning of the second Intifada, in 2000, my house, which was across from the [Israeli] neighborhood Gilo, was shelled by Israel and destroyed. I have four-tenths of a hectare in the al-Makhrou area so I built a house on a plot of 160 square meters out of concrete blocks, with

309 See information on the al-Makhrou area at the Palestinian Centre for Cultural Heritage Preservation, <http://www.cchp.ps/index.php?lang=en&page=1233682287335> and on the website of the Palestine Wildlife Society, http://www.wildlife-pal.org/wadi_al-makhrou.htm

310 See Battir Landscape Ecomuseum Office website, <http://bleoffice.blogspot.co.il/>

311 Testimony of Ramzi Nakhleh Yaqub Qusiyyah given to B'Tselem researcher Suha Zeid on 20 December 2012 at the witness's home.

wooden pillars and a tile roof. The house has two stories: the living room, kitchen and bathroom are on the ground floor, and the bedrooms are on the upper floor. The house is in Area C. We didn't apply for a building permit because we knew we wouldn't get one. Over the past few years I've gotten three warnings of demolition but they haven't been carried out.

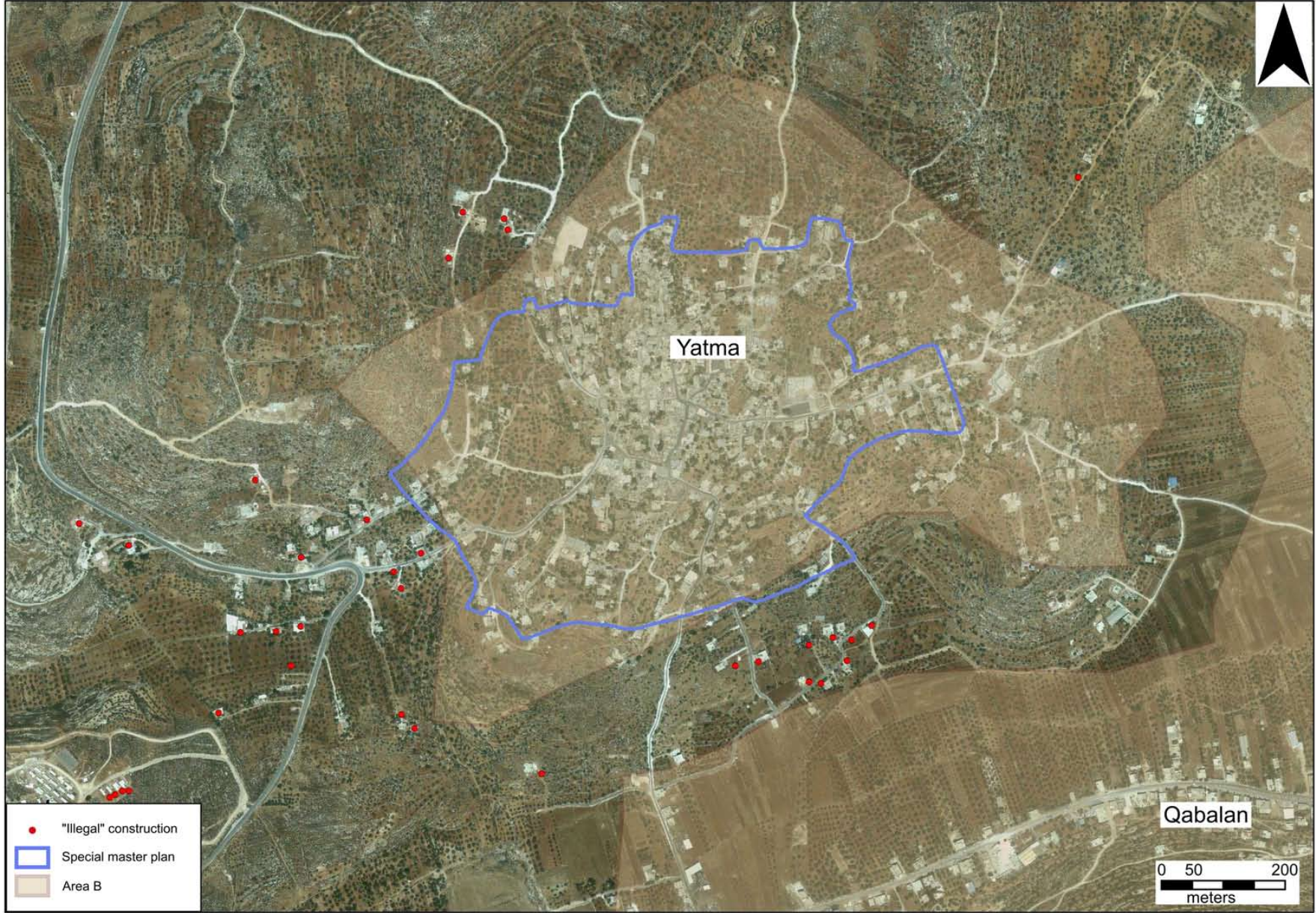
In 2001, I built a restaurant alongside the house, using wooden pillars, and floored it with reinforced iron. I built it in a place that attracts people, so that it would provide a living for my family. The al-Makhrour area is the only refuge that local residents have. It's a place of tranquility, nature, and no crowding. My wife and I worked in the restaurant and prepared traditional Arab food. The restaurant did fairly well. Customers, especially families, would come regularly. We added a play area for the children in the middle of green fields, and the parents would enjoy the natural surroundings and it was a happy place.

On 3 May 2012, my wife and three of our children woke in a panic, awakened by the noise of a bulldozer and shouts outside. We went out of the house and saw a huge bulldozer, military jeeps and Civil Administration vehicles. The Civil Administration representative said that they were going to demolish the restaurant because it was built without a permit. I replied that the restaurant had been open since 2001 and that it was the source of my family's livelihood. The representative allowed me to take all my equipment out of the restaurant, so I took out the kitchen gear, the chairs and tables. Then the bulldozer started tearing down the restaurant right in front of my eyes and in front of my family. We could see our lives and our future being demolished along with the restaurant. It was hard to watch them destroy the means of supporting my children. I was very angry but couldn't do a thing. [...]

After the demolition, I put the wooden poles back and rebuilt the roof using reinforced iron. My family and I went back to work at the restaurant. Because electricity to al-Makhrour had been cut off even before they demolished the restaurant, we lived in the house and worked in the restaurant without electricity. At the time, we contacted the Beit Jala Municipality and the electric company's office in Bethlehem. They advised us to bring electric cables and connect them to the main electricity pole at the entrance to al-Makhrour. I did that, and it was a major effort and cost me a lot of money. After that, an electric company vehicle came and they connected the cables to the electric pole. My family and I tried to get back on our feet and we ran the restaurant again but, unfortunately, the Civil Administration came back on 2 August 2012 and demolished it once more.

I was left without work and my family was seriously harmed. I got no help from anywhere, even though I decided to stay on my land and hang onto it. Unlike my neighbors, who come to their land there only to cultivate it, my family and I are live here on a permanent basis. I hired a lawyer, 'Adnan al-Ashhab, and he submitted an application on my behalf for a building permit to the Civil Administration. Although the lawyer believes there's no chance I'll be given a permit, we still have to go follow official procedure. I'm afraid that my house will also be demolished, and then I'll have to leave my land. God help me.

Aerial Photo 2 Yatma



Yatma - demolition threatens homes built by residents on their own land

The village of Yatma is situated south of Nablus, about two kilometers southeast of Tapuah Junction. In 1991, a few hundred meters southwest of the village, the settlement of Rechelim was built on Yatma's land. The village land covers some 400 hectares, yet in January 1992, a master plan was approved for the village on an area of only 35.7 hectares, and the village residents – at the time, numbering about 1,900 – are permitted to build only on that area.³¹² In 1995, the Oslo Accords designated 73.3 hectares of the village as Area B, including practically the entire area covered by the master plan. The rest of the village lands were made part of Area C, including 0.8 hectares of the master plan.

The village's current population is 4,500.³¹³ Due to the scarcity of available building plots in Area B, Yatma residents have begun building houses on their nearby lands, which are part of Area C. There are now dozens of buildings on this land at the outskirts of the village, mainly to the south and west. In 2009-2010, Israel issued demolition orders for 23 of these buildings.³¹⁴

After applications submitted by residents for building permits were rejected by the Civil Administration on the grounds that the intended construction site is not part of the village's master plan, 21 of the residents petitioned the High Court of Justice. They sought to have the demolition orders voided and an up-to-date master plan for the village prepared, in the framework of which the buildings already standing would be approved.³¹⁵ The State has yet to submit its response to this petition.

Testimony of Munira Muhammad Jabber Snobar, 37, married mother of six, Yatma³¹⁶

I am married to Zidan Muta'b Snobar and we have six children. [...] After I was married, we lived in a small room that we rented from one of the villagers. In 2003, on a plot measuring 1/20 of a hectare in the southwest part of the village, we built a 90-square-meter home. There were 3 rooms plus a living room, a kitchen and two bathrooms. We were happy that we had a relatively spacious house compared with the one room we had lived in before. When the children were older, we needed more room, so in 2010 we put pillars on the roof of the house to build another story.

We were surprised when soldiers gave us a stop-work warning in May of that year. Only then did we find out that we are actually building in Area C. This had

312 Information about the master plan was communicated to 'Abd al-Karim Sa'adi of B'Tselem by Hanin a-Sayed, Director of the Engineering Department in the Nablus Local Government Offices, in a meeting on 7 April 2013. Population figures taken from PCBS, **Small Area Population**, p. 119.

313 According to the Palestinian census for that year, PCBS, **Census Final Results in the West Bank**, 2007, p. 110.

314 The information was communicated by the head of the Yatma local council, 'Abd al Mun'im Jibril Snobar, to 'Abd al-Karim Sa'adi of B'Tselem in a meeting on 7 April 2013.

315 HCJ3153/11 **Najar et al. v. Supreme Planning council et al.** Petition dated 21 April 2011.

316 Testimony by Munira Muhammad Jabber Snobar given to B'Tselem researcher Salma a-Debi' on 30 December 2012 at the witness's home.

never occurred to us, because my husband inherited the plot of land from his father who inherited it from his grandfather and it is within the boundaries of the village. There's no sign that could have indicated what is Area B and what is Area C, and I didn't know that you have to ask Israel for a building permit if you want to build in Area C.

Our relatives tried to calm us down and advised us to get a lawyer to take care of things for us and get us a building permit. Houses nearby also received similar warnings. We all submitted applications for building permits. They asked us for ownership papers for the land and for the master plan. Attorney Tawfiq Jabarin was authorized by the Nablus District to represent us and handle our cases.

To our astonishment, on 19 December 2012 our applications for building permits were denied and we were advised to lodge a court appeal within ten days. My husband paid a fee of NIS 2,250 and submitted a petition to the High Court of Justice through the attorney. Since then we have been waiting impatiently for a ruling.

When I imagine the bulldozers demolishing our home, I can't fall asleep. I feel really sick, and my body hurts all over. I have worked my whole life as a nurse, and I took loans from banks and from friends to build this house. I built it slowly, one step at a time, using only the money I was able to accumulate, and I'm still in debt. My husband is a laborer but he can't work in Israel for security reasons, so he works one day out of ten, so the entire burden falls on me. Even the children ask whether our house is going to be demolished, whether we'll be allowed to take our belongings out, where we'll go, where we'll sleep, and I don't know what to tell them.

Building this house cost me 30,000 dinars [about NIS 150,000], and over the last year we've invested more than NIS 25,000 in a new floor and kitchen cabinets. This was a very big sum for me but it was important to me because I always dreamed about having an attractive, well-organized kitchen. The dream came true but unfortunately for me, they are going to tear down my kitchen and my entire house.

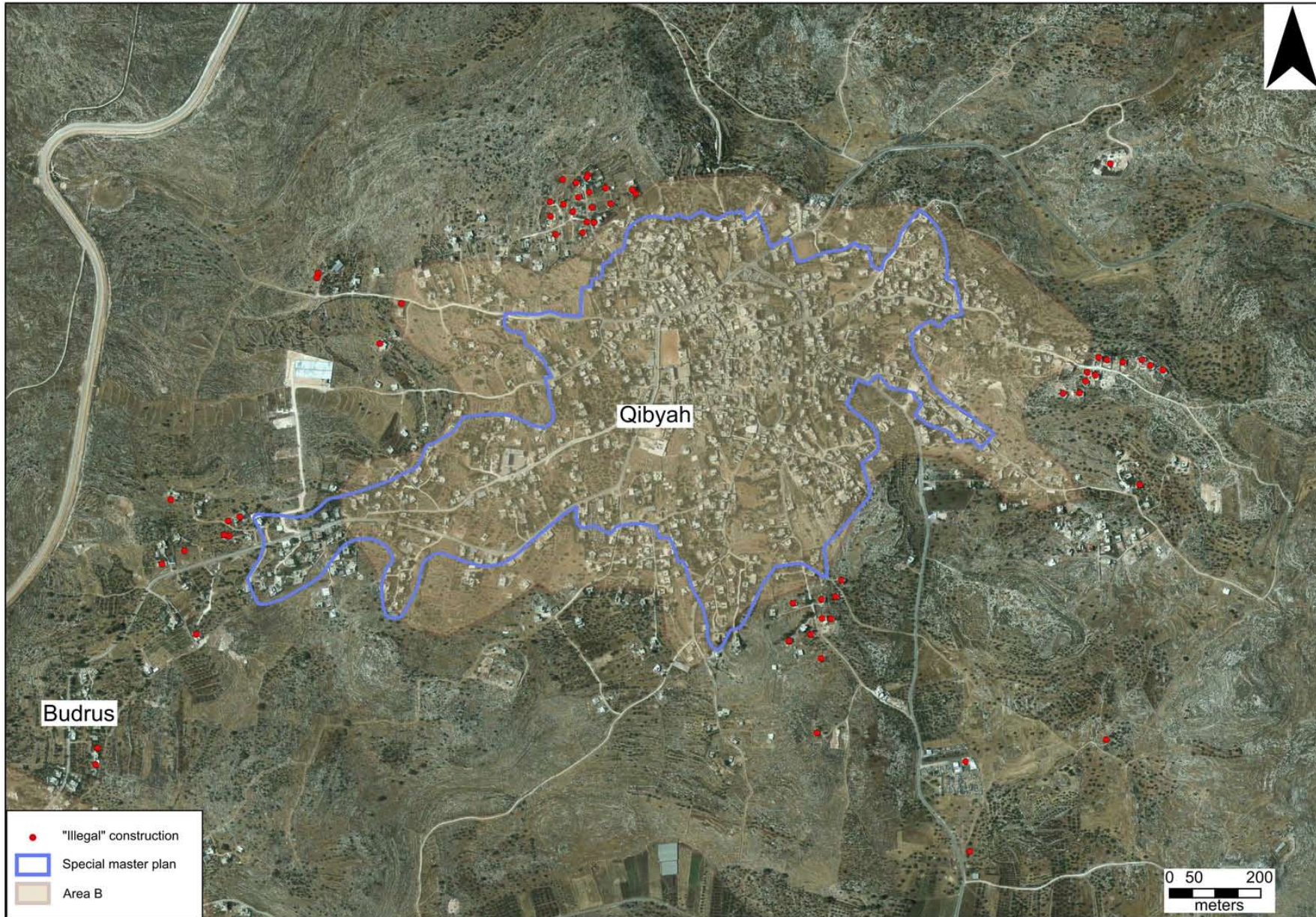
Qibyah: Crowding – construction without permits – demolition orders

The village of Qibyah is located in the central West bank, west of Ramallah, just two kilometers east of the Green Line, and its land extends over 513 hectares. The 2007 Palestinian census counted 4,900 residents, and today there are about 6,000.³¹⁷ In 1991, the Civil Administration drafted a master plan for the village, which covered 74.2 hectares. The plan delimited the built-up area of the village at that time and did not include land for future expansion.³¹⁸ The Oslo Accords classified about 110 hectares

317 The figure for 2007 is taken from the Palestinian population census of 2007, p. 113. The figure for the current population was given to B'Tselem by the head of the village council, Wahid Hussein 'Abd Qatani, in December 2012.

318 Plan no. 1587/91, approved on 28 March 1991.

Aerial Photo 3 Qibyah



of Qibyah land – 21.5% – as Area B, and today that is the area on which the village residents are permitted to build. The rest of the village land, over 400 hectares (nearly 80%), is designated Area C.³¹⁹

With the population growth in the village, land available for building became scarce and very expensive, and housing density increased. As a result of this situation, over the years the residents from the village began building homes on village land located in Area C. In late December 2012, the head of Qibyah's local council, Wahid Hussein 'Abd Qatani, told B'Tselem that there are currently 850 structures in Qibyah within the boundaries of the master plan, and about a hundred others outside of those boundaries – in Area C – in the village's northwestern, southern and eastern peripheries. The Civil Administration has issued stop-work orders with regard to 34 houses and two agricultural structures built in these neighborhoods, on the grounds that they have no building permits. Most of the 196 people living in these houses are children. The homeowners whose houses face the threat of demolition are represented by the Al Quds Center for Human Rights, which applied to the Civil Administration on their behalf, seeking building permits. The Civil Administration has not yet conveyed its decision regarding these houses.

Testimony of Muhammad Asmar, 31, married father of two, Qibyah³²⁰

My family and I live in Qibyah in the Ramallah district. [...] In 1990, our whole family – my father, mother, and 13 children – lived in a six-room house of 150 square meters. My family had no other plot of land where we could build should one of the brothers get married, so we put together all our savings and in 1998 bought a of 1,300 square meter plot in Area C. Actually, the land is located outside the village boundaries but it's only about 100 meters from my father's house, and we hoped that one day it would be included in the village master plan. [...]

In 2008, my brother Hamdi got married. My father built him a room with a kitchen and bathroom in the family home, so that he could live with his wife and children. I decided to build another room and kitchen on top of my father's house to get ready for my future marriage. Because of the crowding and the financial hardships, it took me a long time to decide to get married.

In 2009, my first son was born and right away I realized that it would be too crowded for us in the room we were living in, above my father's house. And also, I wanted to help my brothers and enable them to get married and spread out like me in the family home. So, I decided in 2010 to build on the land we had bought. I used the money I had saved and I took out a loan, although it was a big risk because I was building without a permit.

I built a house on 70 square meters, with three small rooms, a bathroom and a kitchen. I went to live there before I finished all the work on the house and

319 ARIJ, **Qibyah Village Profile**, 2012, p. 16.

320 Testimony of Muhammad Mahmoud 'Eid Asmar given to B'Tselem researcher Iyad Hadad on 24 December 2012, at the witness's home.

before I'd put in the windows, so to protect us from the cold and the heat I covered the windows with plastic sheeting.

I didn't apply for a building permit from the Civil Administration because I knew in advance that I wouldn't get one outside the master plan, in Area C – even though the new house was only 50 meters away from the plan's boundary. On 23 November 2011, representatives of the Civil Administration left a stop-work order on the door of the house. I turned to the village council for help with the legal process of an appeal. It turned out that 13 houses in the neighborhood where I live [...] had received similar orders from the Civil Administration. My brother Hamdi also got a second stop-work order on the foundation of the house he was building near mine. [...]

I live in constant fear and anxiety because of the threat that the Israelis will demolish my only home, for which I have invested everything that is dear to me. I even sold some of my wife's jewelry and borrowed money from people so I could build. I can't imagine the day when all this will turn into rubble. If heaven forbid this happens, it will end my life and my family's life. We have nowhere else to live. If they demolish my house, I won't leave it. I'll bring a tent and live in it with my wife and my two children. My dream is that they have stability in this house, which they will be able to inherit from me. [...]

Recap – restrictions on building in Area C harm entire West Bank population

Israel's rule over Area C not only restricts the limited population that lives there, but also harms the entire population of the West Bank. The West Bank was divided into Areas A, B and C as part of the Interim Agreement under the Oslo Accords. This agreement was supposed to be temporary, and as such it was not supposed to address the needs of long-term demographic growth. Yet this temporary agreement has already been in force for almost twenty years. Continued Israeli control of the extensive territory of Area C, along with the prohibition imposed by the Civil Administration on Palestinian building and development in that territory, produces an artificial shortage of land in Areas A and B, leading to a lack of sufficient housing and a spike in the price of what little land is available. Residents of these communities do not enjoy basic services in education, health care and sanitation, for various reasons, including the difficulties that their local councils have in providing these services in the absence of suitable sites for building the required facilities.

Chapter VI:

Violations of international law

The Oslo Accords and the division of the West Bank into areas with differing status have not altered the status of the West Bank overall as land occupied by Israel. Even according to Israel's official version, Area C is held temporarily due to a war situation and is not part of the sovereign territory of Israel.³²¹ As an occupying power, Israel's actions in Area C – as in the entire West Bank – are subject to the laws of occupation, grounded mainly in the regulations appended to the Hague Conventions and the Fourth Geneva Convention.³²²

Furthermore, under international human rights law (IHR), Israel must protect the human rights of everyone under its rule, including those of the residents of the West Bank. Israel's claim that these conventions do not apply to its actions in the Occupied Territories has been repeatedly rejected by jurists and by the UN committees responsible for the implementation of the conventions. They have ruled that the conventions apply in any area where a state is in control, irrespective of the question of sovereignty in the area.³²³

In its policy in Area C, as described in this report, Israel violates IHL and IHR, as detailed below.

International humanitarian law

One of the basic principles of IHL is that occupation is temporary and hence the occupying power is not sovereign in the territory and is prohibited from making permanent changes in the occupied territory.³²⁴ During the temporary period which the occupying power holds the territory, it must protect the status quo ante, safeguard the assets of the territory and care for its population, which is classified as a protected population.³²⁵ Military commanders may have only two considerations when making decisions that concern the occupied territory: the welfare of the local population and the military interests in the occupied area. As Israeli High Court Justice Aharon Barak ruled: "The military commander is not authorized to weigh the national, economic and social interests of his country, in so far as they have no implications for his security interest in the area or for

321 For example, HCJ1526/07 **Ahmad Isa 'Abdallah Yasin et al. v. Head of Civil Administration et al.**, §12 of the Supplementary writ of complaint by the State, dated 5 July 2007.

322 **Convention respecting the Laws and Customs of War on Land** (Hague, 1907), <http://www.icrc.org/ihl/7c4d08d9b287a42141256739003e636b/f6c8b9fee14a77fdc125641e0052b079> ; **Convention (IV) relative to the Protection of Civilian Persons in Time of War** (Geneva, 12 August 1949), <http://www.icrc.org/ihl/INTRO/380> ; HCJ393/82 **Jama'it Askan v. Commander of IDF Forces in Judea and Samaria**, Ruling dated 28 December 1983, http://www.nevo.co.il/psika_html/elyon/PADI-LF-4-785-L.htm [Hebrew]. In addition, Israel is also bound by certain regulations in Protocol 1 of 1977 appended to the Geneva Conventions of 1949, reflecting customary law.

323 See sources in B'Tselem, **By Hook and By Crook**, p. 42, note 205.

324 See HCJ393/82 Ruling of 28 December 1983.

325 Articles 43, 55 of the Hague Regulations.

the interest of the local population. Even the needs of the military are [specific] military needs and not national security needs in a broader sense.”³²⁶

Prohibited use of the resources of the occupied territory

Based on the temporary presence of the occupying power, IHL imposes a series of restrictions and prohibitions regarding all aspects of the use of the occupied land – private and public – and its natural resources. These rules are anchored in protocols 46 and 52 of the Hague Regulations and in Article 53 of the 4th Geneva Convention, all considered customary law to which Israel is obligated.

Prohibited use of land

Under Article 52 of the Hague Regulations, using enemy property is prohibited “unless for the needs of the occupying army”. The accepted interpretation holds that this does not apply to the general needs of the occupying state or army, but only to cases in which there is an immediate military need, in wartime, of the occupying army in the occupied territory. And even then, use must be only temporary.³²⁷

Israel’s policy in Area C contravenes these rules:

1. Israel designated about 40% of Area C as state land, some of it had been under privately owned land, and instituted a blanket prohibition on Palestinian building and development on this land. The designation of tens of thousands of hectares as state land was done via a process that violates the local law in force in the West Bank.³²⁸ Even had the declarations been made legally, they are intended to serve unlawful purposes. The Civil Administration designates state land almost exclusively for Israeli settlements and Israeli infrastructure, although no military need exists that could justify these actions, and they clearly do not benefit the Palestinian population.
2. Thirty percent of Area C consists of designated firing zones. These areas are meant for general military training with the objective of preserving the overall readiness of the Israeli military – not an essential military need.³²⁹ This emerges very clearly in the State’s declaration concerning Firing Zone 918, which shows that the area is needed for training in combat of the type required in the Second Lebanon War.³³⁰ In other words, the territory is required for needs wholly unconnected with the occupied territory itself and consequently Israel has no authority to declare it a firing zone.

326 Ruling in HCJ393/82, **Jama’it Askan**, pp. 793-794.

327 See Legal Expert Opinion by Prof. Eyal Benvenisti, Prof. David Kretzmer and Prof. Yuval Shany, appended to High Court Petition 413/13, §§14-19 (hereafter: Benvenisti, Kretzmer and Shany, **Opinion**): <http://www.acri.org.il/he/wp-content/uploads/2013/01/hit413expert1.pdf> [Hebrew]. The High Court also accepted this interpretation in its ruling that “the needs of the military mentioned in that paragraph cannot include, under any reasonable interpretation, national security needs in their broader sense [...]” HCJ390/79 **Dweikat v. State of Israel**, ruling dated 22 October 1979.

328 For further information, see B’Tselem, **Under the Guise of Legality**.

329 See Opinion of Dr. Michael Bothe, **Limits of the right of expropriation (requisition) and of movement restrictions in occupied territory**, appended to High Court Petition HCJ413/13, p. 5, <http://www.acri.org.il/he/wp-content/uploads/2013/01/hit413expert1.pdf>.

330 HCJ413/13, Respondents’ updated notice dated 19 July 2012, §12.

Exploiting water resources

Under Article 55 of the Geneva Convention, the occupying state is obligated to guarantee “with the full measure of means at its disposal, the provision of food and medicines to the population”. This obligation includes the assurance of access to water.³³¹ According to customary law, the occupying state is obligated to protect water facilities and assure the appropriate provision of water to the protected population³³² and is prohibited from destroying water facilities.³³³ A long-term occupation imposes an even greater obligation to assure provision of water and food.³³⁴

Contrary to these directives, Israel has taken control of most of the sources of water in the area and allots the lion’s share for use in Israel and Israeli settlements, while ignoring the needs of the Palestinian residents and the chronic water shortage in the West Bank. The Civil Administration will not allow hookups to the water system unless there is an approved master plan. Yet, it does not allow most Palestinian villages under its control to prepare a plan, thereby leaving entire villages without running water. Moreover, the Civil Administration destroys cisterns, alleging illegal construction. It confiscates water containers arguing that they were used in a firing zone.

Damage to private property

Article 46 of the Hague Convention states that the occupying power must respect private property and not confiscate it. The restriction on the ability to make effective use of property – for example, by preventing access to land so that the owner can cultivate it – is a violation of this article and impedes the owner’s ability to benefit from his property.³³⁵

Consequently, Palestinian residents who own land in Area C, including those who live in Areas A or B, are usually prevented from building on it. For example, half the land of Firing Zone 918 is privately owned. As for the residents of the eight villages in this zone for whom the State decreed expulsion, the State is prepared to grant them access to their land only a few days a year.³³⁶ Such an arrangement prevents them from making continuous use of their houses, their lands and their assets. With this policy, Israel is violating its obligation to protect the private property of the protected residents living in the occupied territory.³³⁷

331 J. Pictet (ed.), **Commentary, Fourth Geneva Convention Relative to Protection of Civilian Persons in Time of War**, p. 310. The right to water is not explicitly mentioned in basic international documents in the field of human rights. However, since water is a precondition for other rights recognized in these documents, it is customary to consider the document as guaranteeing the right to water as part of the right to food. For more detailed sources, see: **The Right to Adequate Food, Fact Sheet No. 34, OHCHR**, <http://www.ohchr.org/Documents/Publications/FactSheet34en.pdf>.

332 Rule 54 of the Berlin Rules on water sources, 2004, drafted by the International Law Association (ILA), http://www.internationalwaterlaw.org/documents/intldocs/ILA_Berlin_Rules-2004.pdf.

333 Article VI (3) of the ILA decision of 4 September 1976, p. 55, http://untreaty.un.org/ilc/documentation/english/a_cn4_427.pdf.

334 Prof. Eyal Benvenisti, **Expert Opinion concerning demolition of buildings necessary for the survival of protected civilian population, due to the absence of construction permits**. Expert opinion submitted at the request of Rabbis for Human Rights in the case HCJ5667/11 **Deirat a-Rifa’iya Village Council v. Minister of Defense et al.**, p. 7 [Hebrew] (hereafter: Benvenisti opinion on demolitions).

335 See HCJ9593/04 **Rashed Murar v. Commander of IDF Forces in Judea and Samaria** (not published, handed down on 26 June 2006), §14 of the Ruling of Justice Dorit Beinisch; Yoram Dinstein, **Supranational International Law**, 1979, pp. 224-225 [Hebrew].

336 HCJ413/13, Updated notice by respondents, dated 19 July 2012, §3.

337 See Benvenisti, Kretzmer and Shany opinion, §36.

Destruction of facilities crucial for the population's survival

In addition to houses, the Civil Administration also demolishes agricultural and commercial structures and even cisterns. Article 54 of the first Additional Protocol of the Geneva Conventions prohibits the demolition of facilities crucial for the survival of the protected population, including farmland, basic foodstuffs and water facilities.³³⁸ The Civil Administration also destroys tents built by humanitarian aid organizations to protect residents living in arid areas from the sweltering sun by day and the cold wind at night, after the military has destroyed their homes.³³⁹ The damage to such facilities is permissible only if it serves a legitimate military need during wartime.³⁴⁰ By destroying cisterns, tents provided by the Red Cross for displaced residents, and other facilities necessary for the people's survival, the Civil Administration is violating Article 54.

Absence of planning – a violation of the duty to assure normal existence

The laws of occupation define the population that lives in the occupied territory, when its people are not citizens of the occupying state, as a protected population.³⁴¹ The occupying state is obliged to act for the benefit and wellbeing of this population, including by protecting their human rights and assuring provision of basic needs.

Article 43 of the Hague Convention obliges the military commander "to restore, and ensure [...] public order and safety, while respecting [...] the laws in force in the country". Israel's High Court of Justice has ruled that the needs of the population must be assured in accordance with the prevailing standards of modern life at the present time. It further ruled that this obligation extends to all aspects of public life, including "economic, social, educational, welfare, sanitation, health, traffic, and so forth".³⁴²

Israel has completely shirked the obligation imposed on it by this article. Israel altered Jordanian law that regulated planning on the West Bank prior to the occupation, and took away West Bank residents' power to participate in the process of planning their communities.³⁴³ Apart from the illegality of changing local laws, this change was not made for the benefit of the locals but quite the reverse – it is harmful to them. The Civil Administration exploits its sole control of the planning process and does not prepare master plans for villages in Area C. It refuses to allow residents to build homes or public buildings in those areas and forbids them from connecting to water and power supplies. Similar restrictions are imposed on communities in Areas A and B, where Israel controls the land around their boundaries and refuses to let them develop. Even in cases in which the Civil Administration has drafted master plans, they are far from enough to address the needs of the population: construction is permitted only in a very limited

338 The clause is presently considered to reflect customary international law. See Benvenisti opinion on demolitions, p. 3.

339 Benvenisti opinion on demolitions, p. 4.

340 Benvenisti opinion on demolitions, p. 5.

341 Article 4 of the Fourth Geneva Convention on the Protection of Civilian Persons in Time of War.

342 HCJ 393/82, ruling dated 28 December 1983, p. 786.

343 Order concerning the Law of Planning Cities, Villages and Buildings (Judea and Samaria) (No. 418) 1971. See above, p. 15. For more on the illegality of altering the original laws, see the Opinion of experts on international law, Prof. Marco Sassoli and Dr. Theo Boutruche, appended to Petition HCJ 5667/11 **Deirat a-Rifa'iya Village Council et al. v. Minister of Defense et al.**, pp. 22-27 (hereafter: Sassoli opinion) [Hebrew].

area and the plans do not enable the community to expand in keeping with population growth and the changing needs of the residents.

Israel's conduct negatively affects the lives and wellbeing of the West Bank residents and causes them to live under difficult conditions and with perpetual uncertainty about their future. This is a violation by Israel of its obligations under Article 43.³⁴⁴

Expulsion of population—a violation of the prohibition on forcible relocation

Israel intends to expel some one thousand people from the eight villages in the South Hebron Hills for the purpose of military training exercises. It also routinely displaces communities of shepherds from the land where they live in the Jordan Valley, for the same reason. In the Ma'ale Adumim area, the Civil Administration is planning the evacuation of nearly 3,000 Bedouin from their homes in communities that the Civil Administration refuses to recognize.

The expulsion of residents of an occupied territory is a violation of Article 49 of the Fourth Geneva Convention, which prohibits the expulsion and forcible transfer of protected civilians – whether within the occupied territory or to areas outside it – “no matter the motive”. The only circumstances under which the occupying power is allowed to evacuate residents from their homes is when doing so is critical for their own safety, or by virtue of “considerations of military necessity” – when the presence of the civilians at that location hinders a military action during hostilities.³⁴⁵ Even then, the evacuees must be permitted to return to their homes “immediately upon cessation of the hostilities in that area”. During the temporary evacuation, the occupier must provide the evacuees with alternate living quarters and basic life necessities.³⁴⁶ A violation of Article 49 is classified as a serious breach of the Geneva Conventions.³⁴⁷

In the cases described in this report, evacuation of the residents was not intended to protect them from hostilities in progress nor to enable essential and urgent military action. The stated rationale for evacuating Palestinians from areas designed as firing zones is for regular, ongoing military exercises. These do not constitute a military necessity involving the occupation, and hence cannot justify forcible evacuation.³⁴⁸ Meanwhile, the State has not cited security considerations at all as the reason for the forcible evacuation of the Jahalin tribe. In all of these cases, the forcible evacuation is a severe breach of the Geneva Conventions.

Israel maintains that the residents of Firing Zone 918 in the South Hebron Hills, like the residents of the Jordan Valley communities located in firing zones, are not permanent residents, and can therefore be evacuated. Apart from the fact that, in practice most of these people live there permanently, the prohibition in the Geneva Convention on forcible transfer is absolute and permits no exceptions. The protection is for “protected”

344 See Sassoli opinion, pp. 17, 27, 30.

345 See Benvenisti, Kretzmer and Shany opinion, §8.

346 See Dinstein, **Supranational International Law**, p. 225

347 Article 147 of the Geneva Conventions defines expulsion and relocation as a severe violation of the conventions; the constitution of the International Criminal Court includes this severe violation among “war crimes” over which it has jurisdiction. Rome Statute of the International Criminal Court, p. 5, §2(a)(vii), <http://www.icc-cpi.int/NR/rdonlyres/ADD16852-AEE9-4757-ABE7-9CDC7CF02886/283503/RomeStatutEng1.pdf>

348 See Benvenisti, Kretzmer and Shany opinion, §30.

people – i.e., residents of the occupied territory – and not solely for those whom the occupying power defines as “permanent residents”.³⁴⁹ The villages in Firing Zone 918, the communities of shepherds in the firing zones in the Jordan Valley and the tent encampments near Ma’ale Adumim are home to thousands of people, and Israel is prohibited from displacing them.

Displacing people is considered “forcible” even if it is not effected by direct physical force. Creating circumstances that impel protected residents to leave their homes is also a form of prohibited transfer. The war crimes tribunal in Yugoslavia ruled, for example, that the crucial element making a transfer forcible is that people are not relocating of their own volition and that those being displaced had no alternative but to relocate.³⁵⁰ The court enumerated circumstances such as cutting off water, electricity and telephone service as part of the process of making life so difficult that residents will leave their homes, making it prohibited forcible transfer.³⁵¹

Israel’s planning and construction policy in Area C compels the residents to live in villages without being able to develop them, without being hooked up to water and electricity. Enforcement of planning and construction regulations includes demolishing homes and leaving people without a roof over their heads. This policy shapes a reality of life such that residents have no choice but to leave home. This outcome makes the policy that produces it a violation of Article 49 of the Geneva Conventions.

Violating the prohibition against establishing settlements in occupied territory

IHL prohibits the establishment of settlements in occupied territory. This violates the principle of the temporary nature of an occupation, which prohibits the occupying power from creating permanent facts on the ground in the occupied territory. It also contravenes Article 49 of the Fourth Geneva Conventions, which forbids the transfer of citizens of the occupying power into the occupied territory. This prohibition also applies to government policies that encourage its citizens to relocate to occupied territory.³⁵²

With its settlement policy in the West Bank, Israel is creating permanent facts on the ground that change the demographic and spatial status quo, thereby violating international law. Furthermore, establishing settlements leads to a series of infringements of the human rights of the Palestinian residents, including the right to equality, property, a decent standard of living, freedom of movement and self-determination.³⁵³

349 See Benvenisti, Kretzmer and Shany opinion, §6.

350 ICTY, Prosecutor v. Milorad Krnojelac, Trial Chamber, Judgment, IT-97-25-T (2002), <http://www.icty.org/x/cases/krnjelac/acjug/en/krn-aj030917e.pdf>

351 ICTY, Prosecutor v. Momčilo Krajišnik, Case No. IT-00-39-T, Trial Chamber I, Judgment, (2006), parag. 72, <http://www.eccc.gov.kh/sites/default/files/documents/courtdoc/00207004-00207008.pdf>. See Benvenisti, Kretzmer and Shany opinion, pp. 5-6.

352 Opinion of the International Court of Justice at the Hague concerning the Separation Barrier, 2005. For more, see B’Tselem, **By Hook and By Crook**, pp. 37-47.

353 See B’Tselem, **Land Grab: Israel’s Settlement Policy in the West Bank**, May 2002, pp. 41-46.



Khirbet al-Halawah in Firing Zone 918, South Hebron Hills.
Photo: Nasser Nawaj'ah, B'Tselem, 22 September 2012.

Human rights law

The right to a decent standard of living

Article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) guarantees a person's right to "a reasonable standard of living for himself and his family, including food, clothing and reasonable housing and a continual improvement in his living conditions". Israel, as a party to the ICESCR, is obliged both to prevent residents of the territories from becoming homeless, as well as to assure them of reasonable and decent housing.³⁵⁴ Israel has failed on both counts: home demolitions and forcible displacement have left residents homeless;³⁵⁵ its restrictive planning and construction policy in Area C does not enable development and expansion of communities in this area consonant with the population's growth and needs and precludes the possibility of obtaining reasonable housing. In the vast majority of villages in Area C, Israel prohibits building and planning and prevents connection to electricity and the water supply.

The right to livelihood

Article 6 of the ICESCR guarantees the right of every person to work, including the right to earn a living from an occupation of one's choice. Restrictions of the right to work damage people's ability to avail themselves of other rights, such as the right to live in dignity, the right to housing and the right to education. Evacuating people from land used for agriculture and grazing and limiting access to that land, preventing access to land reserves for future development and industry, restricting access to water sources,

354 See Committee on Economic, Social and Cultural Rights (CESCR) **General Comment 4**, 13 December 1991, [http://www.unhcr.ch/tbs/doc.sf/\(Symbol\)/469f4d91a9378221c12563ed0053547e?OpenDocument](http://www.unhcr.ch/tbs/doc.sf/(Symbol)/469f4d91a9378221c12563ed0053547e?OpenDocument)

355 See UN Commission on Human Rights, **Forced evictions**, 10 March 1993, E/CN.4/RES/1993/77, http://www.unhabitat.org/downloads/docs/1341_66115_force%20evic%20chr1.htm

preventing connection to the electric grid and demolishing facilities used to earn a living – all represent egregious infringements of the right to work and live in dignity.

Freedom of movement and the right to choose where to live

Article 12(1) of the International Covenant on Civil and Political Rights (ICCPR) guarantees the right to freedom of movement and freedom to choose one's place of residence.³⁵⁶ Israel's policy deprives the Palestinian population of this right to choose. Palestinians are forbidden to live in most of Area C on various pretexts, and their ability to build in the rest of Area C is highly restricted.

The right to health and education

Article 13 of the ICESCR guarantees the right of each person to an education.³⁵⁷ Article 12 of the covenant states that each person must be assured of health services and medical care. Article 28 of the UN Convention on the Rights of the Child specifies in the right of a child to an education, based on equal opportunity.³⁵⁸ In Article 24, the Convention obligates its party states to ensure that no child be denied access to health services. In the framework of the planning and construction policy Israel pursues in Area C, the Civil Administration also prohibits the construction of schools and clinics, necessary for the realization of residents' rights to education and health, and even issues demolition orders for buildings housing such facilities. In this way, Israel violates its obligation to provide education and health services to the residents of the Occupied Territories.

The right to self-determination

The first article of both the ICCPR and the ICESCR guarantees the right of all peoples to self-determination. The official, declared position of the Israeli government, the PA and most of the international community is that the appropriate framework for the realization of the right to self-determination for the Palestinian people is an independent Palestinian state in the West Bank and Gaza alongside the State of Israel.³⁵⁹

Israel's actions in Area C, first and foremost the establishment of the Israeli settlements, truncate and dissect Palestinian space. The plan to expand the settlements in E1 threatens to intensify the division of the West Bank into two distinct areas and increase its isolation from East Jerusalem and the rest of the West Bank, further impeding the establishment of a sustainable, territorially contiguous Palestinian state.

This article also states, "All peoples are entitled, for their own purposes, to enjoy their natural resources and wealth to the fullest [...]. In no case shall a people to be deprived of the means of making a living." Israel violates this principle by depriving Palestinians of the use of most of the extensive land area and abundant water resources of the Jordan Valley, thereby preventing them from realizing the land's agricultural and economic potential.

356 International Covenant on Civil and Political Rights, 1966, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

357 International Covenant on Economic, Social and Cultural Rights, 1966, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ICESCR.aspx>

358 Convention on the Rights of the Child, 1989, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CRC.aspx>

359 See "Performance-Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict" on the Knesset's website, http://www.knesset.gov.il/process/docs/roadmap_eng.htm

Conclusions

Not long ago, Israeli Minister of Economy Naftali Bennett, former chairman of the Judea, Samaria and Gaza Council, called on Israel to impose sovereignty unilaterally on Area C and then grant Israeli citizenship to the 50,000 – by his count – local Palestinian residents of Area C.³⁶⁰

The above proposal considers Area C an independent region, separate from the rest of the West Bank. Yet the division of the West Bank into Areas A, B and C does not reflect a geographic reality, but rather an administrative division made as part of the Interim Agreement of the Oslo Accords. The division was to have been temporary and to have enabled an incremental transfer of authority to the PA. It was not designed to address the needs of long-term demographic growth. Nonetheless, this “temporary” arrangement has remained in force for nearly twenty years. In theory, the Interim Agreement grants Israel complete control in Area C only. In practice, as this report has shown, Israel’s control of Area C severely harms the Palestinian population of the West Bank as a whole.

Some 60% of West Bank lands have been classified Area C and are under full and exclusive Israeli control. In the vast majority of these lands, Israel denies Palestinians any opportunity to build and develop. It refuses to recognize most of the villages in the area or draw up plans for them, prevents the expansion and development of Palestinian communities, demolishes homes and does not allow these communities to hook up to infrastructure. Thousands of inhabitants live under the constant threat of expulsion for living in alleged firing zones or “illegal” communities. The land reserves that surround the built-up sections of West Bank towns and villages are often designated Area C, and Israel does not allow construction or development on these reserves. Israel thereby stifles many Area-A and -B communities, denying them the opportunity to develop. Israel even impedes the construction of critical infrastructure needed throughout the West Bank.

For example, Palestinians living in the South Hebron Hills, in the Bedouin communities near Ma’ale Adumim and in villages of the Jordan Valley have no possibility of receiving construction permits to build legally or develop their villages. They live without a regular power supply or running water, and face the constant threat of home demolition and forced displacement. On the outskirts of al-Khader, Yatma and Qibyah – communities most of whose lands are in Area B under PA civil control – residents face the constant threat of demolition of homes built in Area C because no plots were available within the limited area in which their community is permitted to build.

360 Naftali Bennett, “Plan for Stability, a practical outline for managing the Israeli-Palestinian conflict”, <http://www.baityehudi.org.il/wp-content/uploads/2012/09/hargaa.pdf> [Hebrew].

Some Area C residents, harmed by Israel's planning and construction policy, have applied to Israel's High Court of Justice for redress. However, of the dozens of petitions submitted, the Court deemed not a single case worthy of its intervention with Civil Administration considerations. The Court thereby enabled the restrictive, harmful and discriminatory policy to carry on.

At the same time, and counter to international law, Israel encourages its own nationals to settle in the West Bank. Israel allocates vast tracts of land and generous water supplies to these settlements, draws up detailed plans that take into account both current requirements and future expansion, and turns a blind eye to violations of planning and construction laws in settlements.

Israel's policy in Area C is anchored in a perception of the area as meant above all to serve Israeli needs. Consequently, Israel consistently takes actions that strengthen its hold on Area C, displace Palestinian presence, exploit the area's resources to benefit Israelis, and bring about a permanent situation in which Israeli settlements thrive and Palestinian presence is negligible. Israel's actions have brought about a de facto annexation of Area C and have created circumstances that will more easily enable it to influence the final status of the area.

With its policy in Area C, Israel abuses its basic obligations under IHL: to preserve the territory under temporary occupation, to refrain from making changes and exploiting resources for its own benefit and, especially, to provide for the needs of the local population and respect their rights. Instead, through the Civil Administration, Israel pursues a policy designed to achieve precisely the opposite: the Civil Administration refuses to prepare master plans for the communities of Area C residents, and cites absence of master plans to prohibit nearly all building in Area C or hooking up residents to infrastructure. When residents, having no other options, nonetheless build, the Civil Administration demolishes their homes. The fact that the residents have no legal avenue to build their homes is not considered significant by Israel, as if it were not a direct result of Israeli policy.

As long as Israel controls the West Bank, including Area C, it must meet its obligations under IHL and IHR. First, Israel must revoke the allocation it has made of vast tracts of "state land" to the local and regional councils of settlements' – whose very existence is in contravention of international law – and also retract the classification of extensive areas as firing zones.

Second, Israel must allocate lands throughout Area C to Palestinians for housing, infrastructure and industrial zones, and pursue an expert planning process whose top priority will be the needs of the Palestinians in the West Bank. In accordance with Jordanian law which was in effect in the West Bank before Israel changed it, representatives of the local Palestinian population must be included in the planning process. The process must also feature recognition of existing West Bank communities, and all Palestinian residents of the West Bank must be promptly hooked up to water and power infrastructure. Israel must work in conjunction with PA representatives to promote overall planning in the West Bank and to address the planning and development needs of the residents of the West Bank as a whole.

As long as Israel retains planning authority in Area C and does not allow Palestinians to build legally, it must immediately desist from demolishing homes, business-related

structures (e.g., buildings used for agriculture or trade) and rainwater-collection cisterns. In addition, Israel must not expel people from their homes in the absence of a clear, essential and immediate military justification.

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