

URGENT ACTION

FORCED EVICTIONS OF PALESTINIANS TO GO AHEAD

Some 1,000 Palestinians living in the south of the occupied West Bank, nearly half of them children, are still facing forced eviction by the Israeli army; the Israeli High Court of Justice did not rule in favour of their rights.

The Israeli army plans to expel and forcibly evict from their homes all the residents of eight villages situated in the hills south-east of Hebron, in the southern West Bank, to make way for a military training zone, Firing Zone 918. The villages are Safai, Majaz, Tabban, Fakhit, Halaweh, Mirkez, Jinba and Hillel al-Dhaba'a. If the evictions go ahead they have the potential to violate a range of residents' rights including adequate housing, water, sanitation, health and education.

In its response to the villagers' petitions to the Israeli High Court of Justice, the state insisted on the legality and necessity of the evictions, arguing that the evictions do not constitute forced transfer according to the Fourth Geneva Convention. Its rationale was that the villagers are not actually resident in the villages, but rather use the land on an occasional basis only, and that the villages were established in contravention of a military order after the military zone was declared in the area in 1980. This is contradicted by the villagers' own accounts and academic research documenting local habitation and cultivation for many decades. The state attorneys also argued that the military had the right to confiscate private property for training needs, which are of "high military importance", but chose only to restrict access by permitting occasional agricultural activities in the area. The High Court of Justice decided on 2 September 2013 that the state and the villagers should enter mediation to reach a solution. The petitioners agreed to the mediation and the state has until 7 October to decide whether to do so as well. Previous efforts at mediation which took place 10 years ago came to no result, as the Israeli authorities offered a different tract of land, only a fraction of the size of the area on which they live and work now, and this was inadequate for the villagers' needs.

Please write immediately in Hebrew, English or your own language:

- Expressing concern that some 1,000 people in Safai, Majaz, Tabban, Fakhit, Halaweh, Mirkez, Jinba and Hillel al-Dhaba'a, located in Firing Zone 918, are in danger of forced transfer and eviction, and calling on the authorities to cancel the eviction order immediately, prior to mediation or consultation with the villagers;
- Comply with the High Court of Justice proposal to undertake mediation with the communities whilst ensuring that it amounts to genuine consultation in line with international standards;
- Calling on them to remove responsibility for planning and building regulations in the Hebron hills and elsewhere in the Occupied Palestinian Territories from the Israeli military authorities and give it solely to the local Palestinian communities;
- Calling on them to place a moratorium on all house demolitions and evictions in the West Bank until the law is amended to bring it into line with international standards.

PLEASE SEND APPEALS BEFORE 23 OCTOBER 2013 TO:

Minister of Defence
Moshe Ya'alon
37 Kaplan Street, Hakiryia
Tel Aviv 61909, Israel
Fax: +972 3 696 2757
Email: minister@mod.gov.il
Salutation: Dear Minister

Commander of IDF in the West Bank
Major General Nitzan Alon
GOC Central Command
Military Post 01149
Battalion 877, Israeli Defence Forces
Israel
Fax: +972 2 530 5741 /24
Salutation: Dear Major General

State Attorney
Advocate Aner Helman
Department of Bagatsim
Ministry of Justice
29 Salah ad-Din Street, P.O. 49029
Jerusalem 91010, Israel
Fax: +972 2 6467011
Salutation: Dear Mr Helman

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Please check with your section office if sending appeals after the above date. This is the first update of UA 170/13. Further information:
www.amnesty.org/en/library/info/MDE15/011/2013/en

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ADDITIONAL INFORMATION

Under international humanitarian law (IHL), including the Geneva Conventions, evacuation of protected persons (such as the inhabitants of an occupied territory) is prohibited, unless undertaken for their own protection, or if there is an imperative military reason for taking this extreme measure. Even then, such evacuations must be temporary, and the residents returned to their homes as soon as hostilities in the area have ceased. The description of Firing Zone 918 provided by the Israeli state in its legal response, where it claims that “Firing Zone 918 constitutes a very important area for IDF exercises and has no substitute identical in nature” does not make the case that the threshold of “imperative military reason” has been met. Therefore, if implemented, the eviction of the residents of this area would constitute forced transfer in violation of IHL. Similarly, IHL prohibits destruction of property in occupied territory except where absolutely necessary for military operations. The military activity that does take place in the area occasionally damages the residents’ property, and arbitrarily restricts movement including access to medical treatment and the transport of water containers. The military administration of the Occupied Palestinian Territories (OPT) issues and implements demolition orders against the residents’ property, because there are no planning provisions for Palestinian residency in the eight villages, as well as in dozens of other Palestinian villages around them. The residents’ rights to an adequate standard of living including the rights to adequate housing, water and sanitation, to the highest attainable standard of health and to education, under the International Covenant on Economic, Social and Cultural Rights (ICESCR), together with their right not to be discriminated against in relation to those rights, are being violated repeatedly and in various ways.

In Area C, Israel has complete control over planning and construction and the approximately 150,000 Palestinians living there lack representation at all levels of the Israeli military planning system. Not only are there no Palestinian representatives on the planning institutions, but even the ability of Palestinian residents to submit objections to eviction and demolition orders are very limited. Palestinians, especially villagers in marginal areas such as the hills to the south-east of Hebron and the Jordan Valley, have suffered particular pressure. In a “closed military zone” there is effectively no possibility for Palestinian construction and development, and many existing structures are at risk of being demolished on the grounds that they had been built illegally. The discriminatory policy means that Palestinians living there face severe restrictions on building, while settlements for Israelis in the same area continue to expand and are provided with utility services and other infrastructure. International law forbids occupying powers from settling their own civilians in the territories they occupy.

The lack of genuine consultation to explore all alternatives with the affected communities to date and the failure to provide alternative accommodation for those who need it means that these demolitions amount to forced evictions. This places Israel in breach of its obligations under international human rights law, including the ICESCR, which it ratified in 1991, enshrining the right to adequate housing for everybody and prohibiting forced evictions, defined by the Committee on Economic, Social and Cultural Rights in General Comment 7 as “the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of and access to, appropriate forms of legal or other protection”. Mediation such as that suggested by the High Court of Justice in the case of the villages in Firing Zone 918 can potentially amount to genuine consultation if it is conducted according to international standards and not prejudiced by existing unlawful orders and policies. Genuine consultation requires the provision of full, accurate and timely information, meaningful engagement by the authorities and serious consideration of alternative proposals by affected communities.

The situation is compounded by the fact that, under Israeli military law, evicted families are not entitled to alternative housing or any compensation, thereby violating their right to effective remedy, meaning many would face homelessness and destitution were it not for relatives, friends and charities.

Name: Residents of Safai, Majaz, Tabban, Fakhit, Halaweh, Mirkez, Jinba and Hillet al-Dhaba'a

Gender m/f: both

Further information on UA: 170/13 Index: MDE 15/013/2013 Issue Date: 11 September 2013