



STOP THE TRANSFER

ISRAEL ABOUT TO EXPEL
BEDOUIN TO EXPAND
SETTLEMENTS

AMNESTY
INTERNATIONAL



The Israeli army plans to forcibly evict and transfer 20 Palestinian communities, some 2,300 people, from their homes in the area of the Ma'ale Adumim settlement bloc in the occupied West Bank. The plan aims to relocate the communities, a majority of which are Jahalin Bedouin, to a site about 300m away from the Jerusalem municipal garbage dump.

Israeli authorities have not consulted with the communities and the residents oppose the move. Military officials have said that the army will begin implementing the plan in early 2012. If carried out, this forced transfer would violate Israel's obligations under international law and uproot some of the poorest communities in the West Bank.

The Israeli army has already issued many demolition orders against these communities. In some of them, more than 90 per cent of homes and other structures are at risk of demolition.

Two schools, in Khan al-Ahmar and in Wadi Abu Hindi, which serve around 200 Jahalin children, are slated for demolition. Children make up about two thirds of the residents targeted for displacement. If the schools are demolished, the younger ones will have no access to education.

BACKGROUND

In the early 1950s, the Jahalin tribe was displaced from the Tel Arad area in the Negev to the West Bank by the Israeli authorities. Following Israel's occupation of the West Bank in 1967, the Israeli military restricted access to vast expanses of the Jahalin grazing land, declaring them military zones or confiscating land for

building settlements. Other areas were designated as nature reserves and the Bedouin were prohibited from using them. As a result, the Jahalin's seasonal movement and traditional way of life became impossible, and they were forced to settle in permanent small encampments in the area east of Jerusalem.

“We will not leave – they want to expel us, but we will not leave.”

Amneh Odeh Jahalin, whose house in al-Mihtwish was demolished by Israeli forces on 31 October 2011

Abu Raed lives in al-Mihtwish, one of the communities due to be transferred in the current plan. “I grew up during Jordanian rule, when the Bedouin were

allowed to move between the West Bank and Jordan”, he says. “Wherever there were grazing lands, we moved. In 1975 Israel started creating military zones. And they started moving us away from these areas towards the roads. After 1977, the first Jewish settlements were established in the area. The settlements grew, and they began to be surrounded by fences and then came the settlement security. Then they began to prohibit us from more areas and we no longer had access to grazing lands or water sources like Ein Fara, Ein Fawar or Ein Wadi al-Qelt.”

Because they lack access to grazing lands, many of the Bedouin have abandoned their traditional way of life and currently depend on humanitarian assistance. More than half of the communities are food insecure; none of the communities have access to the electricity grid and only half are connected to water networks.





For many the access to health services is very limited. “We go to the hospital on donkeys”, says Abu Mohammed, who lives in al-Muntar.

The Bedouin communities are all located in areas designated as “Area C” under the Oslo Accords between Israel and the Palestinian Liberation Organization (PLO). In these areas, which make up more than 60 per cent of the occupied West Bank, the Israeli army retains complete control over security, and the Israel Civil Administration, a military body, controls planning and zoning.

The Israeli authorities have not allowed Palestinians to build and develop their land in Area C. According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), 70 per cent of Area C is completely off-limits to Palestinian construction and a further 29 per cent is heavily restricted. Less than 1 per cent of

Area C has been planned for Palestinian development by Israel’s Civil Administration.

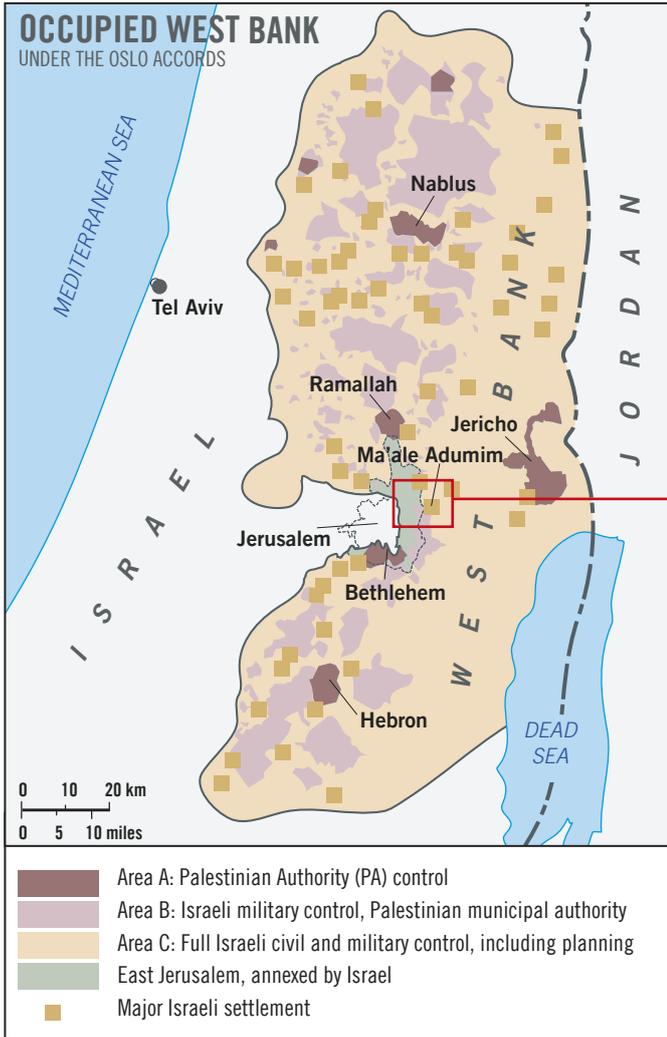
Meanwhile, the Israeli authorities have continued to build and expand Israeli-only settlements on Palestinian land in these same areas, in violation of international law and in contempt of resolutions by the UN Security Council and other bodies. Since its occupation of the West Bank, Israel has established more than 150 settlements in the West Bank (including East Jerusalem). The establishment of these settlements violates the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, which prohibits an occupying power from settling its civilian population in the territory it occupies.

Settlers in the nearby settlements consistently harass the Bedouin communities and attack their property with virtual impunity. “In September 2009 I went to the Kfar Adumim settlement

above: Jahalin family outside their tent days after their homes were demolished by the Israeli army, al-Mihtwish, 3 November 2011.

cover: Jahalin homes in al-Muntar in the occupied West Bank, 12 November 2011. The community is at imminent risk of forced eviction by the Israeli army.

council and invited them to come and see the school.” Eid Jahalin, from Khan al-Ahmar, told Amnesty International. “They came and drank tea and coffee and left. Three days later we received a letter from the Israeli court saying that the school is a security threat. The settlers then came and destroyed the fence around the school and some of its doors and windows. They have attacked it several times since.”

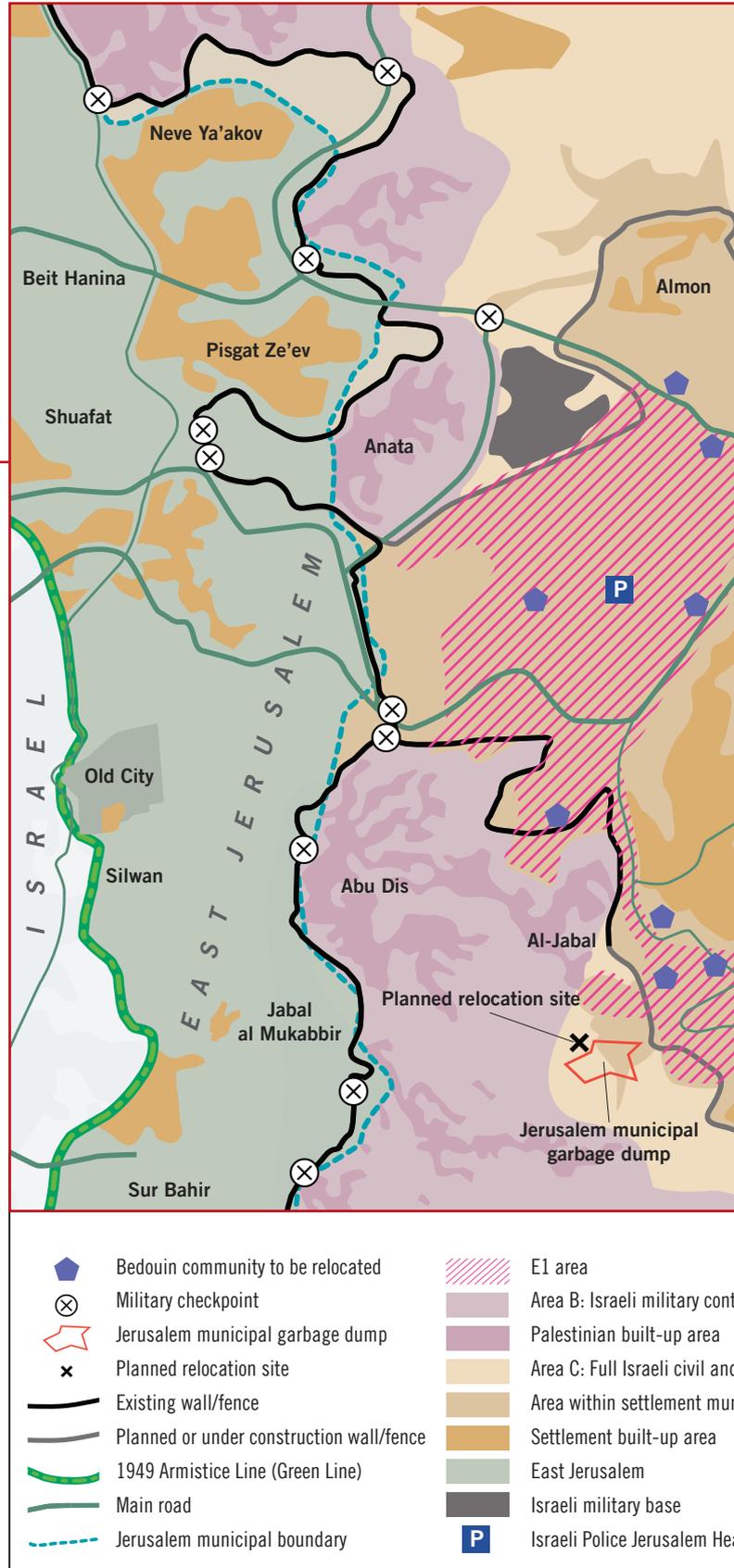


THE E1 PLAN

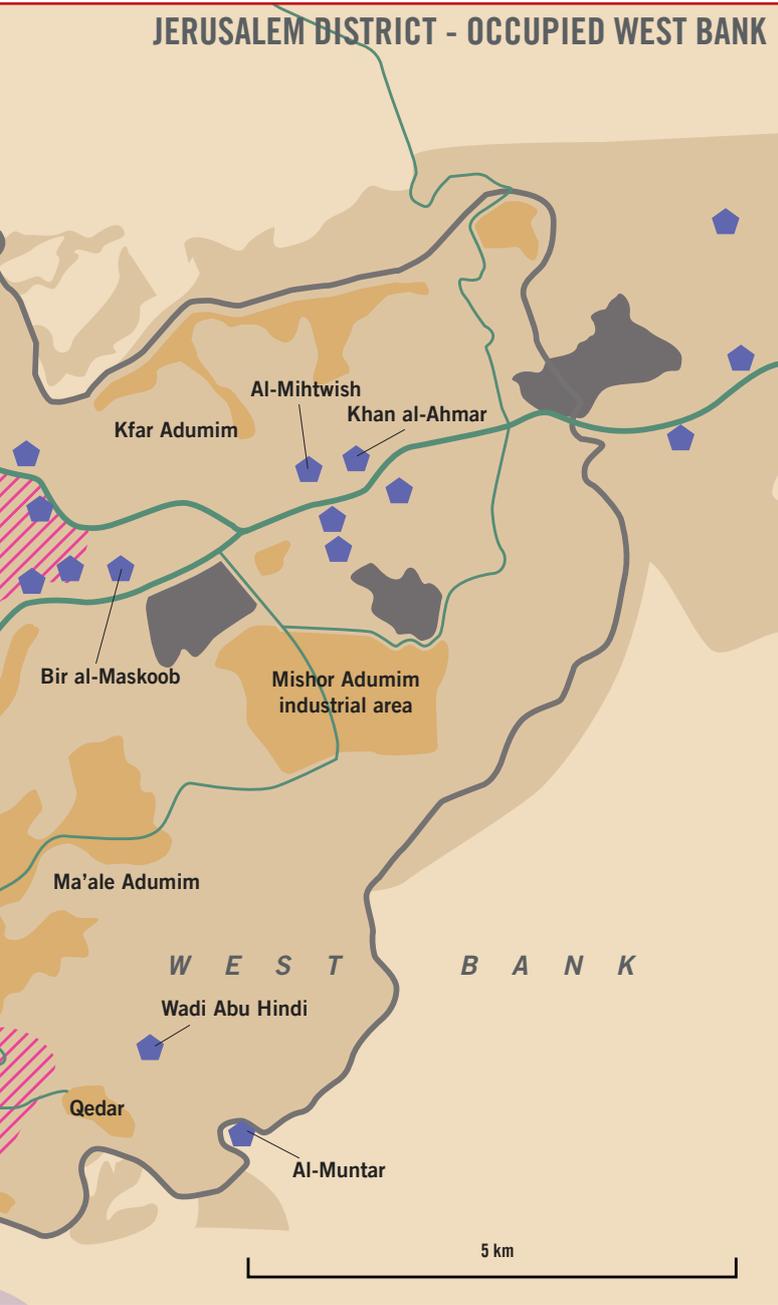
E1, an abbreviation for East 1, is the Israeli plan developed in the 1990s to expand settlements in the area between East Jerusalem and Ma'ale Adumim. More than half of the Bedouin communities targeted for home demolitions and displacement live in and around the area designated for the E1 plan.

If implemented, the plan will effectively cut the geographic contiguity of the West Bank, with a solid line of Israeli settlements dividing the northern and southern West Bank. It will also prevent Palestinian neighbourhoods in East Jerusalem from using their lands for badly needed development.

The E1 settlement plan includes around 4,000 housing units, hotels, an industrial area and a large police station that serves as the police headquarters for the West Bank area. The police station was officially opened in 2008 and much of the infrastructure is already in place. However, successive Israeli governments have delayed further construction due to opposition by the US government and the European Union.



The maps indicate the general locations of areas and boundaries and should not be treated as an authoritative statement of Amnesty International's view on questions of borders or disputed areas. The maps are adapted from Foundation for Middle East Peace.



control, Palestinian municipal authority

and military control, including planning
municipal boundary

headquarters

Description of the area or interpreted as
for Middle East Peace maps by Jan de Jong.

from top: Garbage trucks at the Jerusalem municipal garbage dump, 3 November 2011; An effluent pool outside the dump, next to the area designated for the communities after their forced evictions; Jahalin Bedouin homes in al-Muntar, 3 November 2011. In the background and in the bottom picture is the settlement of Qedar. The Israeli military has restricted access to vast expanses of the Jahalin grazing land, confiscating land for building settlements.



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YEARS OF BEING PUSHED OUT

For decades, the Jahalin have been struggling to hold on to their homes in the face of land expropriations, house demolitions and forced evictions by the Israelis. In 1975, Israel expropriated 3,000 hectares of the area where the Jahalin lived, to build the Ma'ale Adumim settlement. In the following years, Israel expropriated further land, began construction of Ma'ale Adumim, and established the Mishor Adumim industrial zone and the settlements of Kfar Adumim and Qedar. With this expansion, the authorities also demolished homes and structures belonging to the Jahalin in an attempt to push them out of the area.

In 1991, Israel designated Ma'ale Adumim as a city and continued to expand it further. Three years later, the Civil Administration ordered the eviction of dozens of Jahalin families from land that was intended as a new settlement neighborhood.

The community refused to move out of their homes and petitioned the Israeli High Court of Justice against the military order. In 1995, the court rejected their petition on the basis that the Jahalin did not possess official title to the land. That year, the Israeli

army forcibly evicted the Jahalin from their homes and relocated them to a site next to the Jerusalem municipal garbage dump where the Civil Administration had built 120 residential buildings for them. Two more forced evictions were carried out in 1997 and 1998 respectively.

Hamad Salamat Jahalin, also known as Abu Daoud, was one of the Jahalin forcibly evicted in 1998 to a site near the Jerusalem municipal garbage dump, referred to by residents as al-Jabal. He was born in Tel Arad and moved to the southern West Bank after Israeli forces displaced his family in 1948. After Israel occupied the West Bank, his family settled in Bir al-Maskoob. In 1998, Israeli forces demolished homes in Bir al-Maskoob and forcibly removed him and other members of the family to al-Jabal. He recalls:

"A huge [Israeli] force including police and army, Civil Administration and bulldozers, came with no warning. They demolished all our houses, took our possessions and moved them to al-Jabal. We refused to leave and the Palestinian Authority gave us 35 tents, one for each family. The next day another [Israeli] force came, confiscated the tents, and arrested five of us, including

me. They took us to the Ma'ale Adumim police station and asked us to sign a paper saying that our homes were in a military area. We refused and they took us to the prison in Gush Etzion and kept us there for days. Meanwhile, our families were left with nothing. For ten days, they had the sky as their blanket and the ground as their mattress. The Palestinian Authority hired a lawyer who fought our case. On 1 March 1998, the lawyer told us that the court ruled that we could put up our tents but nothing else. The army was there every day after that, not letting us build anything. [Al-Jabal] is like a prison to us. It is very unsuitable. The garbage releases gases and we are very close to it. Animals cannot live here."

A similar fate awaits 2,300 people if the current Israeli plan to displace further Bedouin communities is implemented.

THREAT OF TRANSFER IMMINENT

According to the Israel Civil Administration a plan to relocate the Bedouin in these 20 communities to other sites in the West Bank has existed for years. Military officials have said that the plan will be implemented in phases beginning in early 2012.



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left: Israeli army and police forcibly evicting a member of the Jahalin community, east of Jerusalem, 1997.

above: Jahalin family outside their tent days after their homes were demolished by the Israeli army, al-Mihtwish, 3 November 2011. The Jahalin communities are some of the poorest in the West Bank.

FORCED TRANSFER DEFIES INTERNATIONAL LAW

As the occupying power, Israel's actions in the Occupied Palestinian Territories (OPT) are bound by the Fourth Geneva Convention, to which Israel is a High Contracting Party. Article 49 prohibits "[i]ndividual or mass forcible transfers... regardless of their motive", which includes forcible transfer within national boundaries as well as deportation from the occupied territory. Article 53 prohibits destruction of property not justified by military necessity. According to Article 147, unlawful transfer and extensive destruction or appropriation of property carried out unlawfully and wantonly are grave breaches of the Convention, and hence war crimes.

Israel's argument that the Fourth Geneva Convention does not apply to the OPT has been rejected by the most authoritative international bodies, including the UN Security Council and the International Court of Justice.

Israel's unlawful demolitions of Palestinian homes and forced evictions of these Bedouin communities also violate international human rights law, particularly the right to adequate housing. Housing rights violations experienced by Palestinians in the OPT are both a symptom of the wider human rights violations to which Palestinians are subject and a barrier to their achievement of other human rights, including their rights to family life, work and education.

Israel is a state party to the International Covenant on Economic, Social and Cultural Rights (ICESCR), which explicitly guarantees the right to adequate housing without discrimination (Article 11.1):

"The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions."

Adequate housing includes legal protection against forced evictions, and states parties to the ICESCR are obliged to both respect and protect people's right to housing. In no circumstances should people be evicted or moved without genuine consultations, prior reasonable notice and the opportunity to submit legal challenges. Nobody should be made homeless or vulnerable to any of their other rights being violated due to an eviction. This requires states parties to ensure that there is access to appropriate alternative housing, resettlement, and, if necessary, productive land.

All the UN human rights treaty bodies, which oversee the implementation of these treaties, have dismissed Israel's claim that UN human rights conventions do not apply in the OPT.

Residents of some of the communities told Amnesty International that they have been threatened with removal by different Civil Administration officials over the years, but that they had not received written notice of the plan and that they have never once been consulted.

"The Civil Administration has never been here once to discuss the plans with us", said Abu Mohammed. "We heard about the [garbage dump] from rumours. Later we were called to two meetings in Jericho with UNRWA, [UN Relief and Works Agency for Palestinian Refugees] where we said we refused to be moved. If you

want to move us, you have to let us have a livelihood. We depend on grazing sheep. There [by the dump], there's no way we could do that. We can't raise sheep inside our houses. And they'd be moving all the different tribes to the same place, which would create problems. We Bedouin have never lived close together with other tribes like that. There are old differences in how we live, where we graze our animals, and so on. There is an alternative location, Tabeq al-Qtayf, which we suggested if we are required to move. The land there is not owned by anyone, it's an open area, but the Civil Administration won't talk to us about it... I'm 45, and I can't move to

an urban house for the last 20 years of my life. I'd rather be in prison."

The Civil Administration's plans call for the displaced Bedouin to be relocated to a site next to a large garbage dump near the Palestinian town of Abu Dis. The dump receives up to 1,100 tons of garbage per day, most of it from Jerusalem. The Israeli Ministry of Environmental Protection stated that the site creates air pollution, ground pollution and possible water contamination and that it is improperly fenced-off and poses a "danger of explosion and fires" due to untreated methane gas produced by the

Jahalin students at the Khan al-Ahmar primary school in Occupied East Jerusalem, 27 April 2010. The school is due for demolition by the Israeli army.

decomposition of garbage. Although disposal of waste at the dump site is due to end in mid-2012, no rehabilitation plan for the site has been approved or budgeted, and the site will likely be hazardous for many years to come.

DEFENDING THEIR RIGHT TO STAY ON THEIR LAND

In 2011, the communities targeted by the plan created the Protection Committee for Bedouin in the Jerusalem Periphery to coordinate a collective response to the displacement plan. The Committee includes representatives from each of the 20 communities.

As the Bedouin tribes were expelled from southern Israel after 1948 and are registered refugees with the UN, international law guarantees their right to return; the Committee has stated that if they are to be moved from their current locations, they should be allowed to return to their lands in the Negev desert. Alternatively, the Israeli authorities should recognize their right to remain in their current homes, provide them with infrastructure (as Israel does for the neighbouring settlements) and connect them to the water, electricity and road networks, and lift arbitrary restrictions on their movement so they have access to sufficient grazing lands.

As a final option, the Committee has said that they would be willing to negotiate the possibility of relocating again – but only if the Civil Administration treated them as equal negotiating partners.



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ACT NOW

Call on the Israeli government to:

- Cancel the plan to transfer the Jahalin Bedouin communities, and provide services and infrastructure for the communities in their current locations.
- Immediately stop all demolitions in the Jahalin Bedouin communities and elsewhere in the Occupied Palestinian Territories (OPT), including East Jerusalem.
- Transfer responsibility for planning and building policies and regulations in the OPT from the Israeli authorities to the local Palestinian communities.
- Immediately stop the construction or expansion of Israeli settlements and related infrastructure in the OPT as a first step towards removing Israeli civilians living in such settlements.

Please write to:

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We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

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