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Human rights situation in Palestine and other
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Joint written statement* submitted by the International Organization for the Elimination of All Forms of Racial Discrimination, the General Arab Women Federation, the Union of Arab Jurists, North-South XX1, the Arab Lawyers Union, the United Towns Agency for the North-South Cooperation, the Indian Movement “Tupaj Amaru”, the Organisation pour la Communication en Afrique et de Promotion de la Coopération Economique Internationale - OCAPROCE International, non-governmental organizations in special consultative status; the International Human Rights Association of American Minorities, the Indian Council of South America, the World Peace Council, International Educational Development, Inc., non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[2 September 2013]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

The Israeli occupation: Imminent eviction of firing zone 918*

The Israeli occupation of West Bank and the resulting policy of discrimination against the local Palestinian population are in serious violation of international law. This is a broad consensus all over the world that has been reflected in numerous international calls and UN resolutions. Under international law Israel is bound to apply international law and notably the Fourth Geneva Conventions¹ relative to the protection of Civilian Persons in times of war.

All in all there are 149 substantive articles of the Fourth Geneva Convention that protect the rights people living in occupied territories. People living under occupation are considered to be “protected persons” and their rights are sacred under international law. Israel is under the obligation to apply these laws, with regard to the entire occupied territories, including West Bank, the Gaza Strip and the City of Jerusalem. Since 1967 however, almost each and every right of the Palestinian people recognized by the Fourth Geneva Convention has been violated by Israel despite all international outcries.

Firing Zone 918

Some of the most vulnerable communities throughout the occupied territories live in the so called “firing zones”. Approximately 5,000 Palestinians live in these areas, mostly Bedouin or herding communities, many of which existed prior to the closing of the area. According to a report by the Office for the Coordination of Humanitarian Affairs (OCHA), most residents have “limited or difficult access to services such as education and health and no service to infrastructure.”² According to the same report, Israeli authorities regularly carry out demolitions in these communities. Israeli settlement outposts established in these areas however, do not normally face demolition.

Firing Zone 918 is an area located in the Masafer Yatta area of Hebron. It is a remote and undeveloped landscape, rolling towards the Negev desert. It encompasses about 36,000 dunum and gives home to around 1700 Palestinians, traditionally earning their living through farming and shepherding many of which existed prior to the closing of the area.

In the 1970s the majority of the Masafer Yatta area was designated by the IDF as closed military area for training. As a result the Palestinian residents have been at continued risk of displacement and their living conditions undermined. The Civil Administration continuously prevented the development of the villages and infrastructure. In 1999 the majority of their residents were forcibly removed from their homes. The Palestinians appealed to the Israeli High Court of Justice (HCJ) and received a temporary permission to return to their lands. Ever since, legal proceedings have dragged on. Rebuilding the damaged structures was impossible due to the restricted permit system.

In April 2012 the Supreme Court started to re-examine the case and finally issued a demolition order against 8 out of the 12 communities. This demolition order would lead to the displacement of 932 people, including 452 children. The remaining communities will be severely affected. Israeli authorities claim that these people are living in the area on a

* Please see last page for the list of NGOs without consultative status, also sharing the views expressed in this statement.

¹ Fourth Geneva Convention relative to the protection of Civilian Persons in times of war
<http://www.icrc.org/ihl/INTRO/380>

² http://www.ochaopt.org/documents/ocha_opt_firing_zone_factsheet_august_2012_english.pdf

seasonal basis, however according to surveys established by OCHA there is little cross-year variation in population numbers, which clearly contradicts the Israeli statement.³

The only school in the Firing Zone has been issued a demolition order in April 2012. This is all the worse as this school had recently been upgraded by UNICEF. Meanwhile, Israeli settler outposts on the edge of Firing Zone 918 are hooked up to water and power, served by paved roads and protected by the Israeli army.

Petitions and State Reply, July 2013

Two petitions to the High Court of Justice were filed in January 2013 by the Association for Civil Rights in Israel and attorney Shlomo Lecker on behalf of the residents of Firing Zone 918. These petitions cited Israeli experts in international law Eyal Benvenisti, David Kretzmer and Yuval Shany and raised the Geneva Convention's prohibition against the forcible transfer of a protected population. Such concerns were shared by the European Union, which considered these expulsions to be in violation of international law.

Several times the High Court of Justice extended the deadline to respond until the state's response was finally submitted end July 2013. The next hearing has now been adjourned until the 2nd of September 2013.

In its response the state declared that the development of a new generation of weapons with longer ranges demanded larger training areas than before. It argued that Firing Zone 918 would save time and money, because of its closeness to the Nahal Brigade's training base in Tel Arad. Such reasoning of course is a travesty in view of the fact that the base in question was built in 1993 precisely because of its closeness to firing zones 918 and 522 and, according to a 2005 report by B'Tselem,⁴ the two main military bases located in the area of the firing zone had been closed down since long, which makes the "need" for Israeli security forces to take over the area and expel Palestinians from their homes even harder to justify⁵.

Still, the State continued to argue that the use of Firing Zone 918 as a closed military zone was consistent with international humanitarian law⁶, as well as with the laws in force at the time of occupation⁷ and with Israeli military law in general⁸. The residents of the Firing Zone had not been permanent residents at the time of the declaration of the area as a closed military zone⁹, the State insisted, and Art. 49 of the Fourth Geneva Conventions is not intended to protect non-permanent residents from forcible transfer.

Unfortunately the State reply ignored clear historic documentation that shows generations-long Palestinian settlement in these villages, at one time only in caves, and later also outside of them. Moreover, the state reply diverted from the real issue at stake, which is the legality of the declaration of the firing zone. It failed to explain under what law the military had declared the area a "firing zone" and what was the legal justification for this declaration. An occupying state must act within occupied territories solely on the considerations of the welfare of the local population and immediate military necessity. It is

³ http://www.ochaopt.org/documents/ocha_opt_the_humanitarian_monitor_2012_08_23_english.pdf

⁴ http://www.btselem.org/download/200507_south_mount_hebron_eng.pdf

⁵ Info-sheet: The 12 Villages of Firing Zone 918 in the South Hebron Hills
<http://www.acri.org.il/en/2012/11/07/firing-zone-918-infosheet/>

⁶ In particular, the Hague Regulations

⁷ The 1945 British Mandate Defence Regs

⁸ The Order concerning Security Provisions 1967

⁹ The 1967 Military Order was amended in 1978 to exclude permanent residents from being prevented from entering an area closed.

not authorized to use land for broader military needs, nor is it authorized to expel residents from their homes, destroy their property and harm their livelihood for such purposes.

Despite all, the State finally argued that the use of the Firing Zone does not constitute seizure, confiscation or expropriation, since the petitioners were periodically granted access to the land for agriculture and grazing and the military trainings were a necessity. Such an argument of course is rendered a farce in view of the fact that the only dirt road leading from Jinba out of the firing zone area and to Yatta City has received a demolition order, which will, in practice, render the agricultural use of the area during the periods in which military trainings do not take place, impossible.

Conclusion

The extensive harm caused to the inhabitants of all the twelve villages in firing zone 918 is out of proportion to the advantage in terms of training conditions. It does not only consist in the loss of homes and agricultural land but will affect the future use of the whole area. The destruction of private property for the extension of a firing zone cannot be justified. The Israeli military requirement has no relation with the occupation. It refers to IDF general trainings and as such is not a military need. A *new generation of weapons* cannot be declared as military necessity due to "hostilities" anyway.

The fourth Geneva Conventions¹⁰ state that an occupying power must not destroy the property of the local population "except where such destruction is rendered absolutely necessary by military operations." Since 1967 though, Israeli authorities have demolished more than 27,000 Palestinian homes in the OPT in favor of its own population. The eviction of firing zone 918 is an additional serious breach of international law. Moreover, article 49 of the IV Geneva Convention demands that evacuated persons shall be transferred back to their homes as soon as hostilities have ceased but Israel intends the eviction to be permanent for dubious reasons not justified through military necessity. Such plans cannot be accepted.

According to Article 147 of the Fourth Geneva Convention the extensive destruction of property not justified by military necessity and the unlawful deportation or transfer or unlawful confinement of a protected person constitute a grave breach of the IV Geneva Conventions, amounting to war crimes, giving rise to criminal responsibility.¹¹ The eviction of firing zone 918 must be stopped. The International community must urge the Israeli authorities to submit to international Human Rights standards, halt the eviction of firing zone 918, search for alternative solutions and reverse these demolition orders. As an occupying power of Palestine, Israel is bound by international law regarding the use of the territory and has obligations toward the civilian population. If Israel does not respect these obligations this case should be taken to the ICC.

¹⁰ Compare Article 53, Fourth Geneva Convention of 1949
<http://www.icrc.org/applic/ihl/ihl.nsf/Treaty.xsp?documentId=AE2D398352C5B028C12563CD002D6B5C&action=openDocument>

¹¹ Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the present Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, compelling a protected person to serve in the forces of a hostile Power, or wilfully depriving a protected person of the rights of fair and regular trial prescribed in the present Convention, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.

Notes:

The following are NGOs without consultative status, who also share the views expressed in this statement: BRussels Tribunal, Arab Lawyers Association- UK, Geneva International Centre for Justice (GICJ), Association of Humanitarian Lawyers (AHL), The International League of Iraqi Academics (ILIA), The Iraqi Commission on Human Rights (ICHR), Women Will Association (WWA), Organization for Widows and Orphans (OWO), Ikraam Center for Human Rights, Belgian Peace Movement, Ligue camerounaise des droits de l'homme, Monitoring Net of Human Rights in Iraq (MHRI), Women Solidarity for an Independent and Unified Iraq, Alliance to Renew Co-operation among Humankind, International Coalition against War Criminals (ICAWC), Medical Aid for the Third World, Association of Iraqi Diplomats (AID), The African Association of Human Rights (AAHR), Protection of Human Rights Defenders in the Arab World, Moroccan Association for the Right to a Fair Trial, Americans Against the War (France), General Federation of Iraqi Women (GFIW), The International Action Center (IAC), American Worker, Association of Iraqi Intellectuals and Academics, The International Network of Arab Human Rights NGOs, America In Solidarity, Federacion De Mujeres Cubanas, Association of Victims of American Occupation Prisons, International Anti-Occupation Network (IAON), International Lawyers.org, International Society of Iraqi Scientists, The Perdana Global Peace Foundation, Kuala Lumpur Foundation to Criminalise War, Spanish Campaign against the Occupation and for Iraq Sovereignty- CEOSI, Arab Cause Solidarity Committee, Iraq Solidarity Association in Stockholm, El Taller International, World Courts of Women, Center for Development Studies- India, Wariscrime.org, Action Center for Justice, 1% A Peace Army.org, A Bigger Tent.org, Agir contre la guerre (France), American Voices Abroad (Berlin, Germany), American Voices Abroad Military Project (Europe), Anti War Fair, Arizona Christian Peacemakers, Armbands for Peace, Arms Against War, Artists Against the War, Backbone Campaign, Be the Change, Become Active, Bike for Peace (Germany), Bill of Rights Defense Committee, Bird Dogger Org., Children of Iraq Association (UK), Bloomington Peace Action Coalition (IN), Blue State News Only, Boston Mobilization, Bring Democracy Back, Bring Them Home, Butterfly Gardeners Association, Citizens for Accountability on Iraq, California for Democracy, Camp Casey Blog, Camp U.S. Strike for Peace Campaign, Campaign Against Sanctions and Military Intervention in Iran, Canada Watch, Carolina Peace Resource Center (SC), Cartoon Free America, Catalysts of Hope, Central Colorado Coalition on the Iraq War, Chester County Peace Movement (PA), Cindy Sheehan Org., Cities for Peace, Citizens for Legitimate Government, Citizens for Peace & Justice, Human Rights for all-Morocco, Christian Clergy For Impeachment.com, Clothing of the American Mind, Coalition Against Election Fraud, Coalition for Impeachment Now (COIN), Code Pink, the Iraqi Association for Human Rights (IAHR), Al-Basa'er Media Association, Consumers for Peace.org, Dhafir Trial.org, DC Anti-War Network.org, Democracy Action, Democracy for America Meetup (Birmingham, AL), The Democratic Activist, Democracy Rising.org, Democratic Underground, Human Resources (Tbilisi, Georgia), Democratic Renewal, Democrats.com, Earth Day.org, Earth Island Institute, East Cobb Democratic Alliance (Cobb County, GA), Eastern Long Island Democracy for America (NY), ECU Peace and Justice NC, Election Solar Bus, Environmentalists Against War, Envision a New America, Foundation for the Development of Fox Valley Citizens for Peace and Justice (IL), Global Exchange.org, Global Network Against Weapons & Nuclear Power in Space, Global Resistance Network, Gold Star Families for Peace, Grandmothers Against the War, Grandmothers for Peace, Grass Roots Impeachment, Grass Roots Impeachment Movement, Grassroots North shore WI, Green Delaware, Hawaii CD-01 Impeachment Action Coalition, Historians Against the War, Honk to Impeach, Idriss Stelley Foundation, Impeach Bush Cheney, Independent Progressive Politics Network, Impeach Bush Coalition, Impeach Bush TV.org, Impeachbush-cheney.com, Impeach Central, Impeach for Peace - Marshall, TX, Impeachable Treason, Impeach Duh, Impeachment Sunday, Inform Progressive Virginia, International Socialist Organization, Impeach Bush Cheney Net, Iraq Veterans Against the War, Iraq Veterans Against the War - Kansas City, Justice Through Music, Lake Merritt Neighbours Organized for Peace (Oakland, CA), Latinos for America, Leader of the Free Word - a great screen saver, Liberal Democracy Alliance, Liberal Kids, LIBERTY TREE Foundation for the Democratic Revolution, Los Angeles National Impeachment Centre, Louisiana Activist Network, Marijuana Policy Project, Massachusetts Impeachment Coalition, Men's Project for Peace, Michael Moore Online.org, Michigan Peace Works, Military Families Against the War (UK), Military Free Zone, Stop the War Coalition (Bedford, UK), Plataforma Aturem la Guerra (Stop the War Catalonia), Million Musicians March, Mission Not Accomplished, Montgomery County Progressive Alliance (MD), Musicians and Fine Artists for World Peace, Muslims for Peace (Australia), National Lawyers Guild - Chicago chapter, National

Lawyers Guild - Detroit & Michigan chapter, Northeast Impeachment Coalition, North Jersey Impeach Group (NJ), Northeast Georgia Peace Corner Group (Helen, GA), Northwest Ohio Peace Coalition, Northwest Progressive Institute (Pacific Northwest US), Not in Our Name.org, Not in Our Name (Aotearoa, New Zealand), Nyack Impeachment Initiative (NJ), Ohio Progressive Action Coalition, One Global Community, Olympia Citizens' Movement to Impeach Bush/Cheney (WA), One Million Reasons, Operation Cease Fire, Operation Impeachment, Orange County Grassroots (CA), Out of Iraq, Out of Iraq Bloggers Caucus, Patrick Henry Democratic Club, Patriotic Pulse, Patriots for Gore, Peace Action, Peace Action Wisconsin, Peace and Accountability, Peace Drum, Peace Majority, Peace Movement Aotearoa (New Zealand), Peace Reso.org, Peninsula Peace and Justice Center (Palo Alto, CA), People's Campaign for the Constitution, People Powered Impeachment, People's Email Network, People's Glorious Five Year Plan, Picnic to Impeach, Pixel4Peace.org, Playing in Traffic, PledgeToImpeach.org, Political Cooperative, Politics and Art, Progressive Action Alliance, Progressive Action Center, Progressive Avenues, Progressive Democrats of America, Progressive Democrats of Hawaii Project Filibuster, Project for the OLD American Century, Refusing to Kill.org, Rescue Our Democracy, Sacramento for Democracy (CA), St Pete for Peace (FL), Sampsonia Way, San Diego for Democracy, School of the Americas Watch, Sheehan for Congress, South Florida Impeachment Coalition, South Mountain Peace Action (Maplewood & South Orange, NJ), Springs Action Alliance (CO), Stop the War Coalition (UK), Students for Impeachment, Students Towards a New Direction (STAND), Summit County Progressive Democrats (OH), The Known UnKnowns, The Politically Incorrect Cabaret, The Rational Response Squad, Think Blue Dems, Time for Accountability, Toronto Coalition to Stop the War (Canada), Torture Abolition and Survivors Support Coalition International, True Blue Liberal.org, Trumansburg Impeachment (NY), Truth Empowered, Truthtelling Project, UC Nuclear, Underground Action Alliance, Unitarian Universalist Peace and Justice Group (Nantucket, MA), United Blue USA, United for Veterans (Wayne, MI), United Progressives, Upbeat Defiance, US Peace Memorial, US Tour of Duty: Iraq Veterans and Military Families Demand the Truth, Velvet Revolution, Vet Gulf March, Veteran Intelligence Professionals for Sanity, Veterans for Peace, Chapter 27, Virginia Grassroots Coalition, Voters for Peace, We the People for Peace, We the People Network, We the People Now, We The People United Bangladesh.org, Peace Surge, Peace and Justice Action League of Spokane (WA), Stop the War (UK), U.S. Peace Council, World Can't Wait.org, World Prout Assembly, Komite Internacionalista- Basque, Asociación Paz, Igualdad y Solidaridad Internacional, Arab Cause Solidarity Committee, Iraq Solidarity Association in Stockholm, Málaga, Spain, Stop Fascism Action Network, The Asian Jurists Centre, Association of Human Rights Defenders in Iraq (AHRDI), The African Center for Human Rights (ACHR), Veterans for Peace, Your Declaration of Independence.org, Arab Lawyers Network-UK, Conservative Centre of Environmental & Reserves in Fallujah (CCERF), Willie Nelson Peace Research Institute, Studies Centre for Human Rights and Democracy, The Iraqi Centre for Human Rights, Association internationale des droits de l'homme.
