



Associazione Comunità Papa Giovanni XXIII

## **Universal Periodic Review (UPR) for Israel**

**15<sup>th</sup> Session ( 2013)**

**INDIVIDUAL SUBMISSION ON THE SITUATION IN THE AREA OF  
AT-TUWANI, SOUTH HEBRON HILLS**

**NGO Submission by  
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**UNIVERSAL PERIODIC REVIEW OF ISRAEL**

**Executive summary**

The Associazione Comunità Papa Giovanni XXIII, NGO in Special Consultative Status with ECOSOC, has prepared the following submission for the Universal Periodic Review of the State of Israel and Occupied Palestinian Territories, with the intention to focus on the implementation of the recommendations made to Israel in the first cycle of the Universal Periodic Review with regard to the violence against local population and children in West Bank area. Since 2002 the Associazione Comunità Papa Giovanni XXIII, through Operation Dove (OD), his Nonviolent Peace Corps lives in the OPT, sharing the daily life with the Palestinians. Since 2004 OD has a permanent presence in the southern West Bank Village of At- Tuwani<sup>1</sup>, near the Israeli settlement of Ma'on and the Israeli outpost of Havat Ma'on (Hill 833).

The present submission summarizes the Human Rights situation in some Palestinian villages of the Masafer Yatta area. The Association wants to stress that Palestinians are often denied basic human rights, as right to life, to safety, to work and to have a standard of living adequate for one's health and well-being. Moreover, the Association wants to highlight the problem of demolitions of Palestinian properties, the denied right to land and the violences by Israeli settlers and the right to not be subjected to arbitrary arrest or to cruel, inhuman or degrading treatment. The Association wants also to underline the children's rights violation, such as the right to receive an education.

**1.Right to Adequate Housing – Practice of property demolitions**

The Association would like to denounce the attitude of Israeli Authority to demolish Palestinian structures, residential and non-residential, and to deny building permits in South Hebron Hills area<sup>2</sup>. The recent statistics show that a total of 262 structures were demolished in the West Bank from September 2011 through January 2012<sup>3</sup>.

The International Rights prohibit the destruction of private property unless they are closely linked and need to be a military operation in progress, notwithstanding the number of demolished structures has increased by 42% compared to 2010<sup>4</sup>.

Moreover the demolition order doesn't concern only houses, but also cisterns and other structures.

The Association notes that the demolition orders of Palestinian houses and other structures have increased a lot during the last year and this is inconsistent with the International and Humanitarian Law.

The Association has documented during the year 2010, 3 stop working<sup>5</sup>, 3 demolition orders in At Tuwani and in Ar Rakeez and 5 structures have been demolished<sup>6</sup>. In 2011 the number of demolished structures was 37 in the area of Masafer Yatta<sup>7</sup>: 11 House-tents, 2 cisterns, 6 shacks, 6 light poles, 3 houses, 2 barns, 1 shed for the generator and 1 mosque, 3 residential structures, 1 oven

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<sup>1</sup> A Palestinian Village located in Area "C", according to the Oslo Agreements (under complete Israeli control)

<sup>2</sup> House demolition is an administrative procedure carried out without trial and without proof in court of the guilt of the person because of whom the action is taken.

<sup>3</sup> Office for the Coordination of Humanitarian Affairs (OCHA), Monthly Humanitarian Monitor (January 2012), p. 12.

<sup>4</sup> Office for the Coordination of Humanitarian Affairs <http://www.unocha.org/>

<sup>5</sup> For two Palestinian house and for one water 's well in At Tuwani,press release [www.operazionecolomba.it](http://www.operazionecolomba.it)

<sup>6</sup> 3 water cisterns and 2 well in the Bedouin village of Um Al Kher,press release [www.operazionecolomba.it](http://www.operazionecolomba.it)

<sup>7</sup> In the village of Amnyr, Bir Al Idd, Um Fagarah, Tuwani and Susiya,press release [www.operazionecolomba.it](http://www.operazionecolomba.it)

and 1 bathroom in the Bedouin village of Um Al Kher. The Israeli Army has uprooted more than 150 Palestinian olive trees in village of Amnyr. Since the first six months of 2012 the demolition orders have been increased significantly: the DCO<sup>8</sup> delivered 26 stop working orders, 37 demolition orders and 16 demolished structures. 50 olive trees uprooted by the Israel Army in Ar Rakez.

The Association underlines that the demolitions are “an unlawful instances of collective punishments and violations of Palestinian property Rights” in according with the Special Rapporteur on the situation of Human rights in OPT<sup>9</sup>. This policy of property demolition has the aim to expel all Palestinian communities from the South Hebron Hills area and to allow a further enlargement of Israeli settlements and outposts. Israeli authorities violate the Right to housing of Palestinians living under military occupation. The Israeli administration attitude is discriminatory against minorities in according also with the Special Rapporteur on Adequate Housing. This degrading and discriminatory treatment is in breach with Art 25(1) of the Universal Declaration of Human Rights, Art.11 of CESC<sup>10</sup>, Art. 17 CCPR<sup>11</sup>, the Art. 53 of the IV Geneva Convention<sup>12</sup>, the Art. 2 and 5 (e) (iii) of CERD<sup>13</sup> and with the Art 16 and 27 of the CRC<sup>14</sup>.

If the Israeli authorities will follow up all demolition orders issued last year, several Palestinian villages will disappear and there would be a risk of incurring an other forced evacuation by the Israeli army as in 1999 part of a plan to evacuate the area Firing 918 and an independent Palestinian State will not be established.

## **2.Right to Land of the Palestinian people**

The control of land remains the crucial issue in the Arab-Israel conflict. The Association wants to highlight the violation of the Right to land of the Palestinian people by the Israeli authority.

Israel through a complex legal-bureaucratic mechanism, declares the land as “State Land”<sup>15</sup>. The other methods used is the requisition for “military needs”, declaration of land as “abandoned property,” and expropriation of land for “public needs.” Sometimes the Israeli army declares the land as “temporary closed military zone”. Consequently, Palestinians are not allowed to enter on their lands and cultivate them or use them to graze sheep.

Israeli settlers commit acts of violence against shepherds, driving them from their lands, preventing access to land for farming or grazing livestock. All such acts of violence against the Palestinian people prevent shepherds to work and support their families.

The attitude of Israeli army and the Israeli settlers is inconsistent with International law. The right to land, the right to work, the right to an adequate standard of living is not provided, breaching international covenants such as art.3,6 and 11, of the CESC<sup>10</sup>.

Especially, the Association wants to underline the continuous raids by settlers on Palestinian land, in particular the one that took place on 8 of November 2009 in Um Zeitouna valley, while Tuba shepherds were grazing the flock, 4 young settlers came on a tractor and chased them away throwing stones. Then, they started to plough the valley that is a Palestinian land property. On 19

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<sup>8</sup> District Coordination Office, the Israeli army department that works in the civil administration of the Palestinian Occupied Territories

<sup>9</sup> [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-32\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-32_en.pdf)

<sup>10</sup> International Covenant on Economic, Social and Cultural Rights

<sup>11</sup> International Covenant on Political and Civil Rights

<sup>12</sup> Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations

<sup>13</sup> Convention on the Elimination of All forms of Racial Discrimination.

<sup>14</sup> Convention of the Right of the Child International.

<sup>15</sup> This procedure, which began in 1979, is based on the application of the Ottoman Land Law of 1858, which was in force on the eve of the occupation. The mechanism resulted in the declaration, mostly between 1979-1992, of 913,000 dunams as state land, which comprise 16 percent of the West Bank (B'Tselem - The Israeli Information Center for Human Rights in the Occupied Territories )

March 2011, Israeli soldiers prohibited Palestinians to gather herbs and grazing sheep in Humra valley. The soldiers used sound grenades and kicked sheep to remove them from the area. One elderly Palestinian man was injured and required hospitalization and 2 Palestinians were arrested. Soldiers declared a large area of Palestinian land a closed military zone. On 21 April 2012, 5 Palestinian shepherds were arrested because they were grazing on Israeli state land, but they were grazing in Meshaha Valley, of Palestinian property.

### **3. Violence against Palestinian population**

#### **3.a. Settlers Violence**

Palestinians living in Masafer Yatta area, in villages like At Tuwani, Um Fagarah and Tuba, are often exposed to many and serious acts of violence, perpetrated by Israeli settlers coming from the outpost of Havat Ma'on. Even the volunteers of the Association who live in At -Tuwani have been victims of Israeli settler attacks.

Many of the settlers who live in the outpost of Havat Ma'on are linked to the extremist group called Kach.<sup>16</sup> The outpost is illegal under International law.<sup>17</sup> The settlers violence acts are a serious harm to people living under occupation and create a continuing atmosphere of violence, suffering and constant high tension.

Efforts should be made by the Israeli Authority to put an end to the attacks of Israeli settlers against Palestinians. This intimidation and threats of various kinds are directed against the Palestinian people, Operation Dove volunteers, properties and often against children.

Especially the Association wants to denounce that from March 2009 to the first six months of 2012, Palestinians have suffered 106 serious threats and 26 cases of physical assaults.<sup>18</sup>

The Association reports that many of these aggressions were directed against children or children were present during the assaults. Moreover Israeli soldiers were present during many incidents of settlers violence, but they never intervened to protect Palestinians from settler attacks and to ensure the safety of the Palestinian people. The Association wants to emphasize not only the violence assaults of Israeli settlers, but also the tendency of Israeli Army to not investigate and to not arrest the Israeli settlers guilty of these assaults, breaching international law such as article 51 of Additional Protocol to the Geneva Conventions, article 4.b and 5 of CERD, art.11 of CESC the Universal Declaration of Human Rights.

On 6 October 2009, in Um Zeitouna valley 6 settlers, masked, chased Tuba shepherds along the road. One of them threatened with a gun the Palestinians. On the morning of Saturday, on 12 June 2010, about 30 Israeli settlers from Havat Ma'on outpost, masked and armed with slings and sticks, attacked the most exposed house of At-Tuwani village and throwing stones against Palestinian villagers. That day, only women and children were at home. On the morning of 21 March 2011, a Palestinian man from the village of Tuba was attacked while he was going to the village of At-Tuwani. A masked settler, coming from the Havat Ma'on outpost, ambushed him and stabbed him in his right arm and in his chest. On 17 March 2012, Saturday 5 settlers from the illegal outpost of Havat Ma'on attacked and chased a Palestinian shepherd and an International volunteer. From June 2012 to the 10<sup>th</sup> of July 2012, the Association recorded 8 harassment directed against Palestinians and OD volunteers.

#### **3.b. Arbitrary Arrests and Detentions**

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<sup>16</sup> Kach was a far-right political party in Israel. Founded by Rabbi Meir Kahane in the early 1970s, and following his Jewish nationalist ideology that the Israeli government declared a terrorist organisation.

<sup>17</sup> Article 49(6) of Fourth Geneva Convention

<http://www.icrc.org/ihl.nsf/c525816bde96b7fd41256739003e636a/77068f12b8857c4dc12563cd0051bdb0?OpenDocument>

<sup>18</sup> press release [www.operazionecolomba.it](http://www.operazionecolomba.it)

The Association would like to highlight the violations made by the Israeli Military Force, which often fails to protect the Palestinians from settlers attacks and arrests and detains Palestinians arbitrarily and indiscriminately, using aggressive physical force. From 2009 to the first six month of the 2012 in the area of Masafer Yatta, the volunteers of the OD have documented 17 person arrested and 10 detained, including 5 children without apparent reason. This is in breach with art. 9, 10, 14 of ICCPR, Art. 71 of the Geneva Convention, article 2, 5 of CERD, article 12 of CESC.

On 7 of January 2010, 2 shepherds from Tuwani were grazing in their land. The army arrived, spoke with a settler, then they ordered to shepherds to leave the area. The army followed them, pushing them away, becoming increasingly violent. Villagers tried unsuccessfully to talk with the soldiers in order to de-escalate the situation but the soldiers were extremely violent, firing also tear gas. One of the shepherds was arrested and the others were injured. On 26 March 2010 Palestinians from Tuwani erected a fence to protect vegetation from animals. The army came and ask them to stop working, otherwise they would have been arrested. On 6 March 2010, Israeli soldiers detained 3 Palestinian children who were gathering herbs with OD volunteers on a field owned Palestinian in At-Tuwani. Soldiers pushed them to the Jeep and made them kneeling on the ground for about ten minutes. Then the soldiers forced two of the children inside the Jeep and the third one tried to run away. The soldier ordered him to stop threatening him with his weapon, the boy stopped and he was put inside the Jeep with the other boys and driven away. Fifteen minutes later, the children were released.

### **3.c. Right to freedom of movement**

The freedom of movement of Palestinians, in the South Hebron Hills is arbitrarily and strongly influenced by flying checkpoints set up by Israeli soldiers almost daily. During the checkpoint Palestinians are stopped indiscriminately for many hours, waiting for the documents control. In some cases men are subjected to invasive searches. In the past 4 years the Association has tracked more than 200 checkpoints, especially on the main road connecting the South Hebron Hills area to the city of Yatta and the rest of the West Bank. The Right to freedom of movement is denied, breaching international covenants such as art.13 of the Universal Declaration of Human Rights, art.12 of the ICCPR.

### **4. Violation to Children's Right to Education Right to Life and Right to Safety**

In South Hebron Hills area the schoolchildren are routinely denied basic rights. Palestinian children who walk from the villages of Tuba and Maghayir Al Abeed to their school in At-Tuwani, are forced to go to school, escorted by the Israeli military because of repeated physically attacks perpetrated by Israeli settlers<sup>19</sup> who live in the outpost of Havat Ma'on. By implementing the military escort, the Israeli Government has offered a band-aid solution that avoids addressing the real problem: armed and dangerous adults with a history of threatening and attacking school children are free to live and act in the area.

Settlers used violence against the children 10 times during the children's journey to school in the 2008-2009 school year. During 2009-2010<sup>20</sup>, the Association documented 12 cases of settler aggressions directed against the children during the journey to or from school<sup>21</sup>. During 2010-2011

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<sup>19</sup> Because of settlers routinely attacked the schoolchildren, in November 2004, the Israeli District Coordinating Office (DCO), a branch of Israeli military that administers civilian affairs, issued a verbal order for a daily escort of the school children. The Israeli Knesset Committee for Children's Rights later confirmed this order. Since the escort began, settlers' violence towards the children has diminished, but the military escort has not eliminated violent attacks or threats.

<sup>20</sup> even if the escort was present in 92% of the case

<sup>21</sup> See release "Israeli Army inefficiency endangers Palestinian schoolchildren of Tuba and Maghayir Al Abeed" 3 may 2010 [www.operationdove.org/?p=317](http://www.operationdove.org/?p=317). The 27 October 2009, the escort never arrived. Even though the children tried to go to school accompanied by internationals, they were harassed by the settlers masked and with a slingshot. On 2 may 2010 the military escort failed to arrive. While the children were going to school, a masked settler on horseback chased and stopped the On 5 of May 2011

school year there were 22 cases of aggressions, and 17 cases between 2011 and the first six months of 2012.

During 2008-2012 school years, the Association documented many case of violations, incompetences and aggressions during the military escort of the schoolchildren. The increasing negligence of the escort creates a serious harm for the children. There is an obvious connection between military escort negligence and settler aggression toward the children. Settlers attacks occur at times when the escort is not present or is late and the children had to walk alone in risky areas. Other times, the aggression took place during the escort, while soldiers refused to walk with the children on the road or to get out of the Jeep when problems occurred. In contravention of the agreement between the Israeli DCO and the At Tuwani mayor, Israeli soldiers did not walk with the children during the escort in 35% of the case between 2008 and 2009, in 75% of the case between 2009 and 2010, in 66% of the case between 2010 and 2011 and in 47% between 2011 and 2012. On several occasion soldiers refused to protect the children.

This situation endured by the children of Tuba and Maghayir al Abeed is only one example of the challenges faced by many Palestinian children trying to access their right to education. In order to ensure the rights of the children, the Israeli government must fulfil its obligation to evacuate the settlement outpost of Havat Ma'on (Hill 833). As long as the outpost remains, the children remain under threat of attack.

The State of Israeli failures to provided the Right to Education and also to ensure welfare and safety of these children. The Right of Life and the Right of Safety of Palestinian children are not guaranteed. This is in breach with the Article 2-3-6-16-19-38 of the Convention of the Right of the Child, the Article 13 of the International Convention on Economic Social and Cultural Right and the Article 26 of the Universal Declaration of Human Right.

#### **4.a. School Demolitions**

The Association wishes to stress the demolition order delivered on 23 February of 2012 concerning the school of Jinba, Al Fakhit and Susiya: if the Israeli authorities will follow up these demolition orders the Right to education of Palestinian children in this area will be denied.

#### **Conclusions**

Even if the Association welcomes the efforts of the Israeli administration as the construction of electric power lines and water lines in Tuwani in 2010, the Palestinian poeple's human Rights have not yet provided.

In the other village of Massafer Yatta area<sup>22</sup> the main basic services for the Palestinian population are still not guaranteed.

Restrictions on freedom of movement that deny the fulfilment of basic needs and the failure to respect several human rights, are still a serious harm to the well-being of Palestinians.

#### **Recommendations:**

- ⤴ The immediate cessation of all demolition and the withdrawal of all demolition orders issued by Israeli administration, but not yet executed.
- ⤴ To issue to Palestinians the permits, required under existing legislation, for the construction of residential and non-residential structures.
- ⤴ To ensure the Right of Adequate Housing to Palestinians in West Bank.
- ⤴ To ensure the Right to land to the Palestinian people.
- ⤴ To ensure the Right of Palestinian civilian to freedom of movement in West Bank.
- ⤴ To protect the Palestinian population from attacks by settlers, in compliance with the main

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during the morning escort, a settler car drove aggressively on road where the children walk who had to jump out of way of car.

<sup>22</sup> that is in area "C", under Israeli administration,

International Conventions.

- ♣ To execute the Evacuation order issued to the illegal outpost of Havat Ma'on.
- ♣ To put an end to acts of violence against the Palestinian people by Israeli forces.
- ♣ To ensure the Right to Freedom of Movement of Palestinian civilians in the West Bank.
- ♣ To ensure the full implementation of the Right to Education.
- ♣ To ensure that the Right to Life and to Safety of Palestinian children becomes a priority.
- ♣ To put in place policies to ensure the safety of the Palestinian population in West Bank.