



# Settlement Monitor

16 MAY–15 AUGUST 2016

This section covers items—reprinted articles, statistics, and maps—pertaining to Israeli settlement activity in the West Bank, East Jerusalem, and the Golan Heights. They are reproduced as published, including original spelling and stylistic idiosyncrasies.

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*Significant developments this quarter: As the first half of 2016 came to a close, Israel continued demolishing Palestinian homes in Area C of the West Bank and stepped up punitive and agenda-driven demolitions across East Jerusalem. Israeli prime minister Benjamin Netanyahu also approved 800 new settlement units and announced another 600 in Beit Safafa after a spate of violent attacks in June and July. While officials in the United States were preoccupied with upcoming presidential elections, the Jerusalem Municipal Council for Planning and Building pushed forward with stalled expansion plans for the Ramot settlement, while Israel declared an area south of Bethlehem as state*

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*land to expand the Gush Etzion settlement bloc. Finally, Israel attempted to appease its settlers further by exploring means to override the High Court's decision to evacuate the illegal Amona outpost.*

## JERUSALEM DEVELOPMENTS

### "FULL ANALYSIS OF THE LATEST EAST JERUSALEM ANNOUNCEMENTS/APPROVALS" (EXCERPTS)

*In July 2016, Israeli prime minister Benjamin Netanyahu approved 800 new settlement units in the West Bank and East Jerusalem, justifying the plans as a response to a string of Palestinian attacks. In addition, the Israeli government announced the construction of 600 settlement units in Beit Safafa, a Palestinian neighborhood that falls within the Municipality of Jerusalem and is adjacent to the proposed Givat Hamatos settlement.*

*In this article, the organization Terrestrial Jerusalem explains the implications of these announcements and analyzes the politics behind the plans, arguing that Netanyahu would have approved the plans regardless of the attacks. The article, published 8 July 2016, is presented below and is available at [www.t-j.org.il](http://www.t-j.org.il).*

#### [. . .] *What Was Announced*

On July 3, at the conclusion of the weekly cabinet meeting, the Government **announced** the "approval" of plans for the construction of **800** new housing units in East Jerusalem and on its periphery, comprising: 560 new units in Maale Adumim (on Jerusalem's periphery); 140 homes in Ramot; and 100 units in Har Homa. The government also announced the "construction" of 600 new units in Beit Safafa, the Palestinian part of Givat Hamatos.

Why have we placed quotation marks around the words "approval" and "construction" in the paragraphs above? Because for now, at least, these announcements are mostly more about smoke and mirrors than actual concrete actions (except for the 169 units detailed below, the "approvals" of which were transformed from hypothetical to actual in the days after the announcements)—there being both more and less to each announcement than meets the eye.

When announced on July 3, neither the Prime Minister's Office nor any of the relevant authorities were able to identify the location or the details of the "approved" plans. As has happened on occasion in the past, this was not only because they didn't know at the time, but because no such plans had been actually put in play. It was only a few days later that detailed plans were published for 169 out of the 800 new units announced on July 3. Of these plans, only one was really new, and the others allow only for construction of additional units in existing construction—plans that would not have received attention had they not been highly touted by the Prime Minister.

These 169 units are comprised of three plans that have now been deposited for public review, a step approaching statutory approval of these plans. The first two of these plans allow for 120 units in Ramot (Plan 103753, on Mirsky Street) and 30 units in Pisgat Zeev, (Plan 143768, on Elyahu Meridor street), both of which pertain to adding new floors on previously authorized buildings,

the tenders for which were already published and awarded. Only the approval of a 6-story building with 19 units in Har Homa (Plan 202481, on Elyahu Koren street), is entirely new and is, indeed, the kind of plan that would have normally received attention. Furthermore, it is noteworthy that Pisgat Zeev was not listed as one of the settlements for which new construction was approved under the July 3 announcement; to understand why these highly irregular developments likely occurred, see our analysis below.

Click [here](#) for a map showing the location of the announced Beit Safafa “construction” as well as showing the location of the 169 approved units in Har Homa, Ramot and Pisgat Zeev. (Note that we cannot show the location of the remaining 631 “approved” new constructions, since that information is unknown and may not exist).

### ***What These Plans Are Actually About***

To understand what is going on, it helps to consider these two approvals in reverse order.

#### **The 600 New Units in Beit Safafa**

Last week, following a legal battle largely ignored by (or unknown to) the media, the government of Israel informed the Jerusalem District Court that it would approve the construction of 600 units in Beit Safafa provided for under the Givat Hamatos settlement plan. This decision—the substance and timing of which were driven not by terrorism or politics but by the bureaucratic process within the Israeli courts—is the “approval” that is now the focus of Israeli politicians and the media.

How and why did this come about? As may be recalled, the Givat Hamatos plan involves construction of a major new settlement in East Jerusalem, akin to the other large government-planned, government-backed settlements that ring East Jerusalem. As may also be recalled, the Givat Hamatos plan provides for some new construction in the adjacent Palestinian neighborhood of Beit Safafa—but beware false symmetry. The claim made by defenders of the Givat Hamatos settlement plan—i.e., that the planned “construction” in Beit Safafa proves the plan serves the needs of both Palestinians and Jewish Israelis—are misleading and disingenuous in the extreme.

- The construction of Givat Hamatos is (a) planned, sponsored and implemented by the Government on “state land” or land privately owned by Israelis, and includes government-constructed massive associated infrastructure work; (b) involves a very large number of units (with the overwhelming majority of the 4500 units provided for under the plan to be built for Israeli Jews); and (c) given the strong Government support, can take place in short order.
- The “construction” of units in Beit Safafa: (a) enjoys no Government involvement, let alone support—it merely involves authorization for Palestinian landowners to build, at their own expense and with the responsibility for the development of associated infrastructure placed entirely on the Palestinian landowners, rather than on the Government; (b) is much smaller in scope; and (c) given that that onus for construction and associated infrastructure falls entirely on the Palestinian private sector, is unlikely to take place in the foreseeable future.
- All that being said, the most significant distinction between the imminent settlement construction of Givat Hamatos and the more remote construction in Beit Safafa lies in the intent and impact behind the plans. Construction in Beit Safafa—i.e., allowing East Jerusalem Palestinians to develop their own lands—is a basic obligation that Israel owes to these residents both under international and domestic law. Construction of Givat Hamatos

means the establishment of a new, illegal settlement neighborhood in East Jerusalem—the first settlement of this kind established in East Jerusalem since Har Homa was established in the 1990s—transparently geared to thwart a political agreement in Jerusalem and, more broadly, to thwart a two-state outcome.

But there's one more difference between the settlement plans and the plans for Beit Safafa: as the planning for the new Jewish construction under the Givat Hamatos plans was promoted and even expedited by the Government, the far more limited plans to allow construction in Beit Safafa mysteriously hit a wall. This led Beit Safafa landowners to eventually take the matter to the courts, where the State told the court that the Beit Safafa plan had been frozen due to a secret decision by senior policymakers. While the residents moved that the plan be approved, the State even refused to disclose the reasons why this had not happened.

Subsequently, on May 24, 2016, the Jerusalem District Court issued a [ruling](#) rejecting the State's refusal to disclose the reason for suspending the implementation of the Beit Safafa part of the Givat Hamatos plan. In [response](#), the State last week told to Court that the 600 units will be approved, making further Court interventions unnecessary (for more on this saga, see [here](#)). Which brings us to where things are today.

### **The 800 New Settlement Units**

[. . .] What can be said specifically about the announced plans? First, aside from the plans for 169 units published on July 5 (which include planning for another settlement, Pisgat Zeev), as of this writing, no new tenders have been issued and no information has been published about the precise location of the planned units. As a result, it is unknown as yet what these announcements are actually about. Second, there are three possible explanations for all of these announced “approvals”:

- They may represent a recycling or routine revision of old plans—plans already approved but not implemented, or plans already in the approval pipeline.
- They may be brand-new plans that have yet to be formally introduced into the approval process.
- They may be announcements backed by no actual plans—i.e., announcements reflecting a purely political motivation and arbitrary numbers, backed by no actual concrete planning.

The third option—an announcement disconnected from any actual planning—is the most likely. Announcing settlement approvals, and then only after the fact fleshing out plans to match those announcements, is a well-established *modus operandi* of Netanyahu. The fact that the plans deposited for public review two days after the Cabinet announcement included units for a settlement not mentioned in the original announcement (Pisgat Zeev) bolsters this analysis.

Likewise, as reported by Channel 10 evening news on the evening of July 4, the bodies that are most involved in settlement planning and approvals—the Municipality of Jerusalem, the planning administration, and the Israel Lands Authority—had no knowledge of these plans and were themselves surprised by the announcement (in contradiction to the Prime Minister's office's claim that these plans were currently drawn at the planning administration under the Minister of Finance). Moreover, the specific numbers of units announced for the various settlements do not match those listed in any of the (numerous) plans already in the pipeline of the Jerusalem Planning Committee or in previously approved plans.

## Concerns/Observations

**The 800 “approved” units:** More information is needed about all of these plans, but even in the absence of more details, some observations are in order:

- Not just words: Nobody should be complacent or take comfort in the fact that these “announcements” are for the most part (so far) likely not linked to actual, operational schemes. Netanyahu invariably follows up such “stunts” with clear orders to the relevant authorities: find places to turn my rhetoric into facts on the ground. Even if Netanyahu pulled the locations for construction and the numbers of new units out of thin air, this construction will happen, and sooner rather than later. This has indeed commenced, in the form of the plans deposited for public review in the days since the Prime Minister’s July 3 announcement.
- Choice of these settlements is not accidental: Even if the details of these schemes are mostly not yet operational, the choice of Maale Adumim, Ramot, and Har Homa is not accidental. Each of these settlements—Ramot to the north, Maale Adumim to the east, and Har Homa to the south—plays a critical role in expanding the “Jerusalem envelope” to encompass huge swathes of the surrounding West Bank, and in creating a solid, populated barrier cutting off East Jerusalem from the West Bank (consistent with the goal of using settlements for Spatial Shaping—see detailed analysis [here](#)). The announcement of further expansion in these settlements—even if it is not yet clear how Netanyahu plans to implement it—is a clear declaration of intent, and intent that is being made real on a daily basis.
- Never enough for the settlers: In response to the announcements, settler leaders and supporters are upping the ante, demanding more. MK Yoav Kisch (Likud) and Bezalel Smotrich (Jewish Home), and their “Eretz-Israel” Knesset lobby have launched a campaign in cooperation with the Maale Adumim municipality calling for Israel to formally annex that settlement, and are moving forward with legislation to make that happen (more [here](#); note that this initiative first popped up in May of this year—see more [here](#)). [ . . . ]

**The Beit Safafa plan:** While the approval of the Beit Safafa plan is in no way as significant as its opponents claim, it is nonetheless a positive development with regard to the needs of the Palestinians in East Jerusalem, and should be welcomed as such. Like other Palestinian neighborhoods, Beit Safafa has for decades struggled under an Israeli system that denies the population planning or permits for new construction, even as East Jerusalem settlements have been established and grown without cease. However, the decision to link the new settlement “approvals” with the Beit Safafa plan is deeply troubling, and may well be the most dangerous part of Netanyahu’s announcements. Indeed, the Beit Safafa approval is being used primarily to make the implementation of Givat Hamatos far more likely.

- By invoking the approval for Beit Safafa (a decision made prior to these announcements) Netanyahu knew he was inviting pressure from his own cabinet and his political base to publish the tenders for the construction of the 1500 units in Givat Hamatos. [ . . . ]
- Education Minister [Naftali Bennett](#) immediately slammed the approvals, suggesting that the approvals would lead to division of Jerusalem and calling instead for construction of Givat Hamatos (to prevent any such division and secure a “united” Jerusalem cut off from the West Bank). Bennett went on to state: *“I’m sure that’s what the prime minister will approve and that he will not help establish a Palestinian bridgehead in the heart of Jerusalem.”* [ . . . ]

As we have noted in the past, Givat Hamatos is not just another detrimental settlement; it is a game-changer. While it is a smaller project, its implications are no less problematic than those of E-1. Unlike E-1, which requires additional planning that will take many months, no such trip-wire exists for Givat Hamatos. The tenders for the construction of the first 1,500 units can be published as early as tomorrow morning—and the circumstances now orchestrated by Netanyahu make this eventuality significantly more likely. For background on Givat Hamatos and the threat it poses to a two-state solution, see [here](#), [here](#), [here](#) and [here](#). [. . .]

#### “EAST JERUSALEM: EMERGING PATTERNS”

*In this piece published by Terrestrial Jerusalem on 3 June 2016, the organization identifies patterns in East Jerusalem home demolitions that have emerged over the first half of 2016, placing them in the categories of punitive and/or agenda-driven demolitions. The article focuses on demolitions in the E-1, Silwan, and al-Walaja areas as well as accelerating settler takeovers of Palestinian residences in the Old City and Sheikh Jarrah. The article is presented below and is available at [www.t-j.org.il](http://www.t-j.org.il).*

Building legally (i.e., with the required building permits issued by Israeli authorities) is virtually non-existent as an option for Palestinians living in East Jerusalem. The numbers tell the story:

- In 1967, there were 69,000 Palestinian residents in East Jerusalem, living in 12,600 housing units.
- In 2016, there are more than 320,000 Palestinian inhabitants in East Jerusalem, living in 55,000 housing units.
- Since 1967, the Jerusalem municipality issued only about 4,000 construction permits, which, roughly estimated, covers about 10,000 housing units.
- This means that more than 38,000 out of the 55,000 Palestinian homes in East Jerusalem were built illegally—and that more than 50% of the Palestinian population of East Jerusalem lives under constant threat of seeing their lives/homes destroyed with little notice and less resource (to better understand the issue, see our [Layman’s Guide to Jerusalem Home Demolitions](#)). Many homes have pending demolition orders for years; other Palestinians simply live with the risk that such an order will be delivered and eventually executed.

Within this context, we have identified emerging patterns in the way the Israeli government has intensified home demolitions in East Jerusalem. These patterns fall broadly into two categories: **punitive demolitions** and **agenda-driven demolitions**.

- **Punitive demolitions** involve the destruction of the homes belonging to the families of Palestinians who have engaged in terrorism against Israelis, as a form of collective punishment aimed at “detering” others from undertaking such acts. Punitive demolitions also include destruction of homes and in areas perceived as particularly hostile to Israel (like in Issawiya, following clashes and rock throwing), as a form of collective punishment aimed at teaching the inhabitants of the area the lesson that their resistance to occupation carries a high cost.

- **Agenda-driven demolitions** involve the destruction of Palestinian homes that, due to their location, stand in the way of settlers' plans and ambitions, and due to lack of permits or construction violations, are vulnerable to demolition orders at any time.

Punitive demolitions often grab headlines—both for the controversial nature of collective punishment itself, and for the evident double standard of justice imposed by Israel, which in no case demolishes the homes of Israelis who have committed acts of terror. And the number of punitive demolitions has significantly increased with the wave of terror attacks and popular uprising witnessed in Jerusalem since last year.

At the same time, it is equally if not more important to pay attention to agenda-driven demolitions—whose scope and intensity disclose a great deal about the intentions and concrete plans of the settlers and their allies in the government, as they seek to increase the settlers' hold in the targeted areas in order to prevent any two-state solution and guarantee, instead, that these areas are a permanent part of Israel. Following the same logic, these targeted areas are often those in which evictions or expropriations of Palestinian homes and lands have become a routine, to allow government-backed settlers to move in. Specifically, we have seen the following developments in the last months:

**Methodical destruction of Bedouin homes in E-1:** On an almost monthly basis, the government of Israel has been destroying structures in Bedouin communities located in and adjacent to East Jerusalem, in the area connecting Maale Adumim to E-1. Based on the figures published by [OCHA](#), since January, approximately 38 structures were demolished in that area. Does this mean that the government is laying the ground for construction in E-1? As [we reported](#) in December 2015, the Ministry of Housing is in the process of updating/expanding pending plans for initial construction in E-1. While this process does not necessarily mean that a decision to proceed with E-1 construction has been made, the forcible displacement of Bedouins from E-1 is a worrying sign that the government of Israel is going ahead with preparing the area for that next step. For more, see: [OCHA \(18 May 2016\)](#): Humanitarian Coordinator calls on Israeli authorities to stop destruction of humanitarian aid and respect international law; [OCHA \(8 April 2016\)](#): OCHA Flash Update—Multiple demolitions across Area C in the West Bank with 124 people displaced; [OCHA \(19 January 2016\)](#): UN officials call for an immediate revocation of plans to transfer Palestinian Bedouin in the Jerusalem area.

**Demolition orders in Silwan (Bustan), settlement approvals in Silwan (Batan al-Hawa):** In April 2016, Israel issued [30 stop work and demolition orders](#) in the Silwan's neighborhood of Al Bustan—where the Municipality of Jerusalem has plans to build a tourism complex. [Two additional demolition notices](#) were delivered at the end of May.

**Demolition orders in Al-Walaje:** Al-Walaje [*sic*] is a Palestinian village located on Jerusalem's southern boundary—as in, Jerusalem's municipal border goes through the middle of the village (for excellent background on the village, see this [B'Tselem report](#)). Notably, the entire village is on the Palestinian side of the Israel's separation barrier. Also notably, Israel views a huge amount of the construction in the village as illegal (because of the village's unique circumstances/location, approval of planning for construction and permits has been virtually impossible for decades—for more, see [here](#)). Since the beginning of 2016, Israel has started to issue demolition orders in the

village; in April, [three homes](#) there were demolished. These demolitions could be punitive, since residents have been engaged in active efforts to oppose the disconnection of Al-Walaje from its agricultural lands and water resources and confiscation of lands located in the Cremisan valley, as a result of the construction of the fence. However, given the broad consensus across [the] Israeli political spectrum that areas located beyond the fence in Jerusalem will not be part of Israel, it is still difficult to make sense of the demolitions in Al-Walaje, which are taking place following a period of relative lax enforcement by Israel against illegal construction in the village. Thus, these demolitions should be monitored closely, as they appear to signal a shift of policy whose objectives are not fully clear. (For more, see: [+972 Magazine: Jerusalem Demolishes Palestinian Homes beyond the Wall for First Time](#); [Haaretz: Palestinian Villagers Tilled Their Land So Well, Israel Is Now Confiscating It from Them](#).)

**Takeover in the Old City/Muslim Quarter:** On May 9, a group of settlers took over a six-unit apartment building in the Al-Sadia neighborhood of the Old City's Muslim Quarter (between Damascus Gate and Herod's Gate). This area is reportedly a new focus of the settlement organization Ateret Cohanim. Read more [here](#).

**Settler-related developments in Sheikh Jarrah:** In Sheikh Jarrah, construction is ongoing of the new offices for Amana—the company behind many of the settlements and outposts established across the West Bank. A report last month by [Peace Now](#) (and subsequently covered in detail in [Haaretz](#)) laid out in detail the murky and legally dubious manner in which the land for the new Amana HQ was expropriated from its Palestinian owners and handed over to the settler group. The sordid tale offers powerful insights into the way business is conducted in East Jerusalem—i.e., that successive Israeli governments have routinely and systematically both looked the other way and acted in violation of the law in order to further the interests of the settlers, and that, when caught, Israeli courts have failed to provide a fair legal remedy. In addition, on 5/17, a [Jerusalem court ruled](#) in favor of a Jewish right of return to properties in Sheikh Jarrah. The court ruled that Palestinian residents of three East Jerusalem properties must vacate the premises, based on the fact that the properties were owned by Jews before 1948. Also see [this report](#) from Ma'an (Palestinian news outlet).

#### "A NEW SETTLEMENT ENCLAVE IN SILWAN—BATAN AL HAWA"

*In August 2015, Israeli media reported that settlers were pushing to transform a building in the Palestinian neighborhood of Batan al-Hawa in Silwan, East Jerusalem, into a new settler enclave. Although the building had been inhabited by the Palestinian Abu Nab family since 1948, the property on which the building stands was sold by the Israeli General Custodian to the Zionist settler group Ateret Cohanim in 2005 under a law that allows Israeli Jews to "reclaim" property allegedly owned by Arab Jews prior to 1948. After lengthy court battles, the Abu Nab family was forcibly evicted from their home by settlers and Israeli police in October 2015.*

*In June 2016, the Israeli government approved plans allowing settlers to build a four-story building where the Abu Nab family lived and where hundreds of Palestinians face the same threat of eviction. This article, published by [Terrestrial Jerusalem](#) on 28 June 2016, assesses the Batan*



*al-Hawa plans in the context of Israel's continued takeovers in Jerusalem. The article is presented below and is available at [www.t-j.org.il](http://www.t-j.org.il).*

On June 15, the Jerusalem Local Planning Committee approved a building permit for the construction by Israeli settlers of a 4-story building located in the section of Silwan known as Batan al-Hawa ([map](#)). The decision of the Committee to now approve the building permit was made without giving an opportunity to Palestinian residents to voice their [opposition](#) to the plan. Accordingly, the residents plan to [appeal](#) the decision of the committee—meaning that this story is still not over.

The Batan al-Hawa plan first came into the public eye in [August 2015](#), generating significant controversy. The land on which the building is to be built was sold in 2005 by the Israeli General Custodian to Ateret Cohanim, without a tender. As reported last month by TJ ([here](#)), the Committee was set to approve the Batan al-Hawa permit on June 1, but the process was stopped after intervention by the Netanyahu government. That intervention most likely reflected the government's concern that approval of the permit at that time would have provoked a harsh international reaction. Two weeks later, it seems that the government's calculus changed.

The government's decision to stand aside and allow the Committee to move forward with the approval process reflects some key realities about the government and settler activities in the heart of East Jerusalem:

**1. The Government's complicity is undeniable:** The government's complicity in and responsibility for the settlers' activities, and its backing for their agenda in East Jerusalem, is clear and undeniable. As we wrote [previously](#), "denial of Government of Israel complicity in all this can only be described as false innocence. What is happening today is the forceful displacement of an indigenous population under the auspices of the government."

Prime Minister Netanyahu not long ago argued that settler initiatives in Silwan were merely private real estate transactions and that opposing them would be "un-American." That claim was disingenuous in the extreme, given that none of the purchases in question could have taken place without the massive support of [the] Government of Israel, whether materially or by means of the government-funded paramilitary presence by which these settlements houses are secured. The case of Batan al-Hawa is even more blatant, as this project could not have proceeded, at any level, without active collusion between the Custodian General and the settlers. This collusion starts with the land itself—provided to the settlers by the government without tender or oversight, and consistent with a policy of actively transferring control over land in targeted areas from the Palestinians to the settlers.

This collusion continues through the plan's approval process. As demonstrated earlier this month, when the government wants to prevent a settler plan in East Jerusalem from going forward, it has the power to stop the approval process. This underscores the fact that this plan—and other settler initiatives in East Jerusalem—cannot proceed without the tacit and/or active support of the government. And this collusion extends to the initiative itself, reflected in the fact that the approved building permit includes a sub-permit (No. 2015/447.00), which will allow for expanding the road between the illegal settlement complex of Beit Yehonatan and the new planned settler building. This sub-permit was filed by Moshe Merhavia, Director of the Jerusalem

District of the Ministry of Construction (himself a settler and one of the major patrons of the settlers in East Jerusalem), in coordination with the Jerusalem Municipality. As we wrote previously: “The fact that the Government of Israel and the settlers have filed a joint request for a building permit incontrovertibly demonstrates just how blurred the distinction between the government and the settlers has become: the settler DNA now informs governmental decision-making, and the governmental authorities have been outsourced to the settlers.”

**2. Israeli authorities continue to prioritize settlements over all else (including security):** The government’s decision to allow the Batan al-Hawa plan to move forward discloses the extent to which Israeli authorities serve the interests of an extremist ideological minority. The establishment of a new settlement enclave in Batan al-Hawa will generate serious international criticism, fuel European allies’ frustration with Israel, and feed efforts like the BDS movement.

At a time when Jerusalem has been facing an extended period of the worst violence since 1967, this decision will likewise stoke anger and fuel conflict in one of the most volatile areas of the city. It in effect shoves in the faces of Palestinian residents the following facts:

- If settlers decide they covet a specific piece of Palestinian property, Israeli authorities see their role as finding a way to transfer that property to those Israelis, and they will likely succeed.
- Israeli authorities view Palestinian needs in East Jerusalem in general, and areas targeted by the settlers in particular, as at best irrelevant—permits and planning are facilitated and expedited for settlers while remaining virtually non-existent for the Palestinian sector; any land in these areas that is held under the authority of the State is used exclusively for the benefit of settlers, never for the benefit of local Palestinian residents.
- Even as Israeli authorities actively look for pretexts to seize targeted Palestinian properties and to demolish Palestinian construction for lack of permits (which are virtually impossible to obtain), these same authorities refuse to impose the rule of law against the settlers, most notably with respect to Beit Yonathan, a large, illegally-constructed settler building located adjacent to the new planned settler construction in Batan al-Hawa. The fact that Ateret Cohanim was ordered by the court and by the Israel Attorney General Yehuda Weinstein to evacuate and seal Beit Yehonatan, located just in front of the plots in question, is just another sign that Israeli democracy in Silwan is only there to serve the settlement enterprise.

**3. The effort to cement a one-capital, one-state future continues:** The Batan al-Hawa approval is just the latest step in the longstanding effort of the government and the settlers to create contiguity between isolated settlement enclaves established inside Palestinian neighborhoods southeast of the Old City (Wadi Hilwe, the City of David, the settlements located in Batan al-Hawa; Maale Zeitim and Maale David in Ras Al-Amud). In the past year and a half, this effort has accelerated and today threatens the fabric of these Palestinian neighborhoods. This Hebron-ization of the city is marked by increased security presence to secure the settlers and fuel the type of tensions and frustrations that led to violence seen in the city starting in fall 2015. By encircling the Old City, the settlement project is slowly transforming the Israeli-Palestinian conflict from a political conflict, which can be resolved through diplomacy and a two-state solution, into a religious conflict that has no solution.

## "JERUSALEM MUNICIPALITY 'TAKING ADVANTAGE' OF U.S. ELECTIONS TO EXPAND SETTLEMENTS"

*With U.S. officials preoccupied with the upcoming presidential election, the Jerusalem Municipal Council for Planning and Building attempted to push forward settlement plans that were on hold. On 25 July, Israeli news outlets reported that the head of the council told Israel's Channel 2 that the council was "taking advantage" of the U.S. election to expand the Ramot settlement, which lies within the Jerusalem Municipality border but north of the Green Line. Expanding Ramot would mean confiscating thousands of acres of land from Palestinian residents in Beit Iksha, a village already surrounded on all sides by the wall.*

*Such blatant admission on the part of the planning council reflects state and local planning authorities' lack of commitment to peace initiatives, especially when there are no foreign governments to interfere with Israel's colonial practices. Published by Mondoweiss on 27 July 2016, the article by Annie Robbins is available below and at [mondoweiss.net](http://mondoweiss.net).*

Never let a serious crisis go to waste. This is the first thought that crossed my mind when I read the *Israel National News* headline "[We're Taking Advantage of the U.S. Elections to Build](#)":

We're taking advantage of the upcoming government change in the U.S. to push projects forward that had been stalled, said the Head of the Municipal Council for Planning and Building, Vice-Mayor Meir Turgeman.

Another source added that "The Prime Minister's silence on this matter is a green light as far as we're concerned."

Israel will use every opportunity to expand the breadth of their illegal colonies on Palestinian land, and the U.S. election season is no exception. *Jerusalem Online* picked up the story too, reporting, "[Jerusalem Construction Accelerated Due to U.S. Elections.](#)" The articles claim officials from the Jerusalem Municipality told Channel 2 News that plans to build 57 new housing units over the Green Line in the occupied East Jerusalem colony of Ramot had been fast-tracked because of U.S. election season and "the accelerated process is not a coincidence."

Last year when the national planning committee (VATMAL) approved a huge expansion of Ramot ([1,638 housing units on 10 acres](#)), environmentalists slammed the plan, saying it would [threaten the environment](#). Even Jerusalem Mayor Nir Barak said it would "bring serious harm to the city." And this May the Municipality's chief engineer, Shlomo Eshkol, decried the program for not "following the guidelines of the city's [urban renewal plan](#)."

Ramot illegally buttresses the continually shrinking besieged Palestinian village of Beit Iksha. Readers may recall we've [written about Beit Iksha before](#), when Israel seized 100 more acres of their village land to extend the Wall, effectively annexing around 12,000 dunams of Beit Iksha's coveted agricultural land with olive orchards and grape vineyards.

Beit Iksha is now completely surrounded on all sides by the illegal wall and the majority of Beit Iksha's land has been cut off from the village, including 371 acres where illegal colonies have already been built.

In 2014 the Israeli military announced they would confiscate another 3,167 acres from Beit Ikka. Village leader Saada al-Khatib said it would turn the village into “a 2,500-dunum prison.” That’s because Israel has blocked the old road which used to connect Beit Ikka to Jerusalem and now military rules allow only the villagers to enter and exit through a checkpoint on the only remaining road accessing the village.

And when the military forces arrived at Beit Ikka to deliver the confiscation orders they gave them “until Dec. 31, 2017, to remain on their land.” The soldiers showed the villagers maps of the new areas to be confiscated and said it would be used for “military purposes.”

The orders were signed by the Israeli military commander in the West Bank. Israeli officials denied this happened the very next day, and then promptly announced plans to build 200 more units in Ramot (eventually increased to include 600 new units)—thus providing U.S. State Department spokesperson Jen Psaki the opportunity to slam Israel’s “unfortunate” illegal settlement expansion plans twice in 10 days. The U.S. had just previously lambasted Israel for announcing plans to add hundreds of new housing units in Ramat Shlomo—right next to Ramot.

This is the area Israel plans to expand under cover of U.S. elections. Which U.S. politicians will dare to criticize Israel during an election campaign?

Last fall the *Jerusalem Post* reported Netanyahu hoped to pass illegal settlement expansion in East Jerusalem “under the radar” as the world focused on terror attacks in Paris. Never let a serious crisis go to waste.

#### “ISRAEL LAYS GROUNDWORK FOR POSSIBLE SETTLEMENT EXPANSION SOUTHEAST OF JERUSALEM”

*In this piece, Yotam Berger outlines the ongoing High Court battle surrounding Israel’s plans to seize land south of Bethlehem between the Efrat settlement and Givat Eitam, to its east. Both areas lie just north of the Gush Etzion settlement bloc, and the state land “declaration” would effectively connect Efrat and Givat Eitam to the bloc, and push the boundaries of Gush Etzion to the outskirts of Bethlehem. Published by Haaretz on 14 August 2016, the article is presented below and available at [www.haaretz.com](http://www.haaretz.com).*

Israel is conducting a land survey between the settlement of Efrat and the area to its east with an eye toward declaring state land there, according to a document submitted by the state to the High Court of Justice last week.

According to the document, the survey has been undertaken “in a manner that will create contiguity of state lands.” Efrat is in the Gush Etzion settlement bloc in the southern West Bank, and the area to its east is [known as Givat Eitam](#).

Construction in the area [could have diplomatic implications because it would expand Gush Etzion east](#) to the outskirts of Bethlehem.

In 2009, 1,700 dunams (425 acres) of land in the Efrat region were declared state land. *Haaretz* reported on a plan at the time to build some 2,500 housing units there. Peace Now then petitioned the High Court to force the state to make public any intention to move ahead with construction plans in the area by allocating land rights to Efrat.

Last year then Construction and Housing Minister Uri Ariel sought to make progress with the plan. In its response to the petition, the state told the court that early this year the Efrat Regional Council requested permission to undertake planning in the area with an eye to build there, and that no response was forthcoming. The council noted that some of the land at Givat Eitam is privately owned by Himanuta, a subsidiary of the Jewish National Fund.

The state pledged to make public, 30 days in advance, any intention to allocate land at Givat Eitam to Efrat for the purpose of advancing building plans. But this did not apply to the private land in the area belonging to Himanuta, the state said.

“The intention is to promote in the future development of Himanuta lands. To this end, infrastructure (roads, pipelines, etc.) must be installed between Himanuta lands westward toward Efrat, including lands that have been declared [state lands] at Givat Eitam,” the document reads.

“The installation of this infrastructure will be possible if and when the land survey now underway is completed in the area between Efrat and Givat Eitam in a manner that creates contiguity of state lands.”

The document is also signed by the supervisor of government and abandoned property in the West Bank, Yossi Segal, and the defense minister’s aide for settlements, Kobi Eliraz.

Following the state’s response to the Peace Now petition, the group said such an expansion “would damage Israel and be destructive to the two-state solution. The state’s announcement of the intention to expropriate land to build a road connecting the planned settlement illustrates the true path of the Netanyahu government.” But the Efrat Regional Council thinks otherwise.

“It is symbolic that precisely on the day marking the destruction of the Temple some are trying to sabotage the building of the Land of Israel,” it said, referring to the fast day of Tisha B’Av, which falls on Sunday.

“The legal clarification of the status of lands in the Eitam neighborhood has been underway for 12 years,” the regional council said, adding that “at the High Court of Justice at least five different panels of justices have come to realize that there is nothing of substance in the claims of the petitioners, who have dragged the state into a waste of money and costly resources in unnecessary proceedings.”

The council said it was “happy about High Court rulings in previous petitions, and we are happy that the state is seeking to redress an injustice of years.”

It added that at Givat Eitam there were “hundreds of dunams bought by Jews even before the establishment of the state and registered to the Jewish National Fund in trust for the Jewish state.”

The council said that construction at Givat Eitam fulfilled the will of these Jews, and that the “great bonus is mainly for young couples who cannot afford to purchase an apartment in Jerusalem and its environs.”

The Coordinator of Government Activities in the Territories confirmed that its “blue line team” in the Civil Administration—consisting of cartographers, surveyors and legal experts—was now “working to study the status of lands at Givat Eitam, and a decision on their status will be rendered at the end of the team’s work.”

## LAND DISPOSSESSION IN THE WEST BANK

### “SECRET 1970 DOCUMENT CONFIRMS FIRST WEST BANK SETTLEMENTS BUILT ON A LIE”

*In July, a document from 1970 emerged detailing a meeting between then Israeli defense minister Moshe Dayan and other government and military leaders in which the participants schemed about building Kiryat Arba, the first civilian settlement. They decided to expropriate the land under military order and present the construction as necessary for the military. The establishment of Kiryat Arba under this pretense became the model for many of Israel’s early settlements.*

*Published by Yotam Berger in Haaretz on 28 July 2016, the article outlining the document is available below and at [www.haaretz.com](http://www.haaretz.com).*

It has long been an open secret that the settlement enterprise was launched under false pretenses, involving the expropriation of Palestinian land for ostensibly military purposes when the true intent was to build civilian [settlements](#), which is a violation of international law.

Now a secret document from 1970 has surfaced confirming this long-held assumption. The document, a copy of which has been obtained by *Haaretz*, details a meeting in the office of then defense minister [Moshe Dayan](#) at which government and military leaders spoke explicitly about how to carry out this deception in the building of [Kiryat Arba](#), next to Hebron.

The document is titled “The method for establishing Kiryat Arba.” It contains minutes of a meeting held in July 1970 in Dayan’s office, and describes how the land on which the settlement was to be built would be confiscated by military order, ostensibly for security purposes, and that the first buildings on it would be falsely presented as being strictly for military use.

Aside from Dayan, the participants included the director general of the Housing Ministry, the Israel Defense Forces’ commander in the West Bank and the coordinator of government activities in the territories.

### “Construction Will Be Presented as . . .”

According to the minutes, these officials decided to build “250 housing units in Kiryat Arba within the perimeter of the area specified for the military unit’s use. All the building will be done by the Defense Ministry and will be presented as construction for the IDF’s needs.”

A “few days” after Base 14 had “completed its activities,” the document continued, “the commander of the Hebron district will summon the mayor of Hebron, and in the course of raising other issues, will inform him that we’ve started to build houses on the military base in preparation for winter.” In other words, the participants agreed to mislead the mayor into thinking the construction was indeed for military purposes, when in fact, they planned to let settlers move in—the same settlers who on Passover 1968 moved into Hebron’s Park Hotel, which was the embryo of the settler enterprise.

The system of confiscating land by military order for the purpose of establishing settlements was an open secret in Israel throughout the 1970s, according to people involved in creating and implementing the system. Its goal was to present an appearance of complying with international

law, which forbids construction for civilian purposes on occupied land. In practice, everyone involved, from settlers to defense officials, knew the assertion that the land was meant for military rather than civilian use was false.

This system was used to set up several settlements, until the High Court of Justice outlawed it in a 1979 ruling on a petition against the establishment of the settlement of Elon Moreh.

### ***Participant: We All Knew the Score***

Maj. Gen. (res.) Shlomo Gazit, who was coordinator of government activities in the territories at the time of the 1970 meeting in Dayan's office about Kiryat Arba, told *Haaretz* it was clear to all the meeting's participants that settlers would move into those buildings. He said that to the best of his recollection, this constituted the first use of the system of annexing land to a military base for the purpose of civilian settlement in the West Bank. He also recalled Dayan as the one who proposed this system, because he didn't like any of the alternative locations proposed for Kiryat Arba.

Nevertheless, and despite what the document advocated, Gazit said, army officers told the mayor of Hebron explicitly that a civilian settlement would be established next to his city, rather than telling him the construction was for military purposes.

Hagit Ofran, head of Peace Now's Settlement Watch project, also said this appears to be the first use of the system of using military orders to seize land for civilian settlement. And while this system is no longer in use, she said, "Today, too, the state uses tricks to build and expand settlements. We don't need to wait decades for the revelation of another internal document to realize that the current system for taking over land—wholesale declarations of it as state land—also violates the essence of the law."

Gazit said that in retrospect, the system was wrong, but that he was just "a bureaucrat, in quotation marks; I carried out the government's orders, in quotation marks."

"I think this pretense has continued until today," he added. "Throughout my seven years as coordinator of government activities in the territories, we didn't establish settlements anywhere by any other system."

But government officials had no idea Kiryat Arba (pop. 8,000) would become so big, Gazit insisted. They only sought to provide a solution for the squatters in the Park Hotel, who "weren't more than 50 families."

Today, even Kiryat Arba residents admit that this system was a deception. Settler ideologue Elyakim Haetzni, one of Kiryat Arba's original residents, noted that during a Knesset debate at the time, cabinet minister Yigal Allon said clearly that this would be a civilian settlement.

"It's clear why this game ended; after all, how long could it go on? This performance had no connection whatsoever to Herut (the predecessor to Likud); it was all within Mapai," Haetzni added, referring to the ruling party at the time, a precursor of today's Labor Party.

### **“THE LEGAL OPINION SUBMITTED TO THE ATTORNEY GENERAL ON AMONA: A CROSSING OF A RED LINE” (EXCERPTS)**

*When Israeli prime minister Benjamin Netanyahu formed his new government in July 2015, he established a committee to determine ways to retroactively authorize illegal settlement outposts and construction. In August 2016, the committee submitted a legal opinion to the Israeli attorney*

*general regarding the case of the disputed Amona outpost, whose evacuation the High Court had ordered by the end of the year. In the opinion, the committee recommended that the state invoke the Absentee Property Law, thereby allowing it to lease to the settlers private Palestinian lands on which the outpost was built on a three-year, renewable basis. The Absentee Property Law enables the state to commandeer Palestinian property if the owners do not currently reside there.*

*In response to the committee's recommendation, the organization Peace Now released a briefing paper on the Amona outpost on 8 August 2016. The paper includes background on the case and an analysis of the committee's opinion. Presented below are excerpts from the paper, and the full PDF document is available at [peacenow.org.il](http://peacenow.org.il).*

#### [. . .] **Main Arguments:**

- **Absentees' property is privately owned property, period.** The fact that their owners are abroad does not allow anyone to take their properties, no matter for how long. The state would never take properties of Israeli citizens living abroad and it must not do so in the Occupied Territories either.
- **It is clear as day that what is called temporary will become permanent.** The renewal of the lease every three years is a mere effort of legal acrobatics.
- **Replacing settler theft with government theft is unjustified,** even if the settlers acted with the backing of the government and the turning of a blind eye by law enforcement officials.
- **If the legal opinion is accepted it will open the door to doubling the land taken up by the settlements and the establishment of many new settlements.**
- **Past uses of absentees' property are entirely different** than an intentional effort to steal private lands in order [to establish] a new settlement for the Amona settlers.

#### **Background: The Legal Opinion**

After its establishment, the Netanyahu government formed a "professional committee for the regularization of West Bank illegal construction" ("the regularization team") in order to offer solutions for the legalization of illegal outposts and construction in the West Bank. According to the Army Radio report, the committee, headed by Attorney Haya Zandberg from the State Attorney's Office, submitted a legal opinion to the AG which allows the Head of the Government Property in the Civil Administration to lease private Palestinian absentees' lands to settlers in order to establish a new settlement nearby to the location of the illegal outpost of Amona. The idea is to lease the land for three years only and then renew the lease every three years. By using temporary leasing the legal opinion avoids the problem that lies in the selling absentees' property. However, it is clear that the establishment of a new settlement is not at all temporary.

The legal opinion contradicts the Israeli legal interpretation since 1967 according to which Israeli governments have been determining their policies. Even Attorney Plia Albeck, a senior in the State's Attorney's Office who has been referred to as "the mother of settlements," stated that absentees' property "cannot be used for the establishment of Jewish towns."

According to the legal opinion of the Assistant to the Attorney General to the Civil Administration from September 1997: "the Head of the Government Properties is nothing but a



trustee who guards the property from damage while the owner is absent from the area . . . from the essence of an ‘abandoned asset’ as private property to which the Head of the Government Properties relation is temporary and for the purpose of protection only, a far more comprehensive ban is evident: **in fact, the Head of the Government Property must not engage in a business transaction with regards to the property that will stand in opposition to the mentioned obligation for protection, and mainly to the duty to return the property to its owner upon his return to the region.**”

### ***Absentees’ Property is Private. Period.***

Absentees’ Property is privately owned by Palestinians who, as of now, reside outside of the West Bank. The Head of the Government Properties serves as the trustee of these properties and is obliged to protect them from damage and to ensure they will not be taken by others. Clearly the establishment of a settlement on private land owned by absentees is a violation of the trustees’ obligation.

According to the Army Radio report, [the] Attorney Zandberg legal opinion includes cases in which internal legal opinions of the Civil Administration stated that Absentees’ Property could be leased in a temporary and renewing lease. However, these are entirely different cases, in which the absentees’ property had already been (illegally) used and there already exist third parties related to the issue. This is the exception that proves the rule, since the legal opinions mentioned above would not have been necessary had the leasing of absentees’ property [been] allowed.

### ***Future Implications of Using Absentees’ Property***

If AG Mendelblit will accept the legal opinion, this will create an opening for the takeover of tens of thousands of dunams in the West Bank. The scope of absentees’ property in the West Bank is estimated at around 100,000 dunams (double than the size of Tel Aviv and similar to the land taken up by all of the settlements today). Thus, by leasing absentees’ property the government could establish many new settlements.

Accepting the legal opinion will also expose the Israeli government to lawsuits by the land owners, shall they return to the West Bank.

The most severe implication is that the state of Israel will crush the basic rights of Palestinians under its rule in the occupied territories, while violating international law—all out of the will to comply to the demands of a group of settlers that established an illegal outpost on stolen Palestinian land with the backing of the government.

### **“RAZED TO THE GROUND: ISRAEL STEPS UP DEMOLITION OF PALESTINIAN HOMES IN AREA C” (EXCERPTS)**

*In the first six months of 2016, Israel demolished 168 Palestinian homes—more than in almost any year in the previous decade. These demolitions, which do not include punitive demolitions, all occurred in Area C of the West Bank. Many of the families affected by the home demolitions had already experienced displacement. In this piece, the organization B’Tselem shares the stories of four*

*individuals who lost their homes. Excerpts from the 27 July 2016 piece are presented below and it is available in full at [www.btselem.org](http://www.btselem.org).*

From January to June 2016, Israeli authorities demolished 168 dwellings in Palestinian communities in the West Bank. As a result, 740 people—including 384 minors—were made homeless. According to B'Tselem's figures, this six-month period alone saw more demolitions than any individual year over the past decade (with the exception of 2013, when authorities demolished 175 homes). [ . . . ]

Home demolition plays a key role in Israeli policy implemented in the West Bank. Demolitions are carried out only in what has been designated as Area C, which comprises about 60 percent of the West Bank, and which Israel views as primarily meant to serve its own needs, and in East Jerusalem. Accordingly, Israel acts to establish facts on the ground so as to create a reality that would be difficult to change. The state takes action to displace and expel Palestinians citing flimsy legal pretexts. For example, one reason given for home demolition is “illegal construction”—an untenable argument given the absence of any real possibility for Palestinians to build legally.

The separation of Area C from the remainder of West Bank land helps Israel shirk its obligations to the entire Palestinian population of the West Bank. Israel instead lays the responsibility at the door of the Palestinian Authority that was supposedly given certain powers in Areas A and B. Yet this division is entirely artificial. It does not reflect a geographic reality or Palestinian life as a whole. The policy Israel implements in Area C impacts all West Bank residents as their future depends exclusively on Israel.

The majority of the West Bank's land reserves and natural resources lie in Area C so that making use of them—for expanding Palestinian communities or building factories, for agriculture, for laying water pipes or paving roads—is subject to Israeli approval, and such authorization is rarely granted. Israel also retains exclusive control of the movement of people and goods in the West Bank as well as of the border crossings with Israel and Jordan. It also carries on arresting and trying thousands of Palestinians a year in its military courts, the majority of whom do not live in Area C.

Carrying out demolitions and devastating communities do not constitute implementation of “the rule of law.” Rather, these actions are a longstanding, systematic dispossession to which all Israeli authorities are party.

**Rizqiyeh ‘Abd a-Rahman Bani Fadel, 62, lives in Khirbet a-Twayel in the Jordan Valley.** She gave B'Tselem field researcher Salma a-Deb'i testimony on 8 May 2016, and told her of the conditions in which she lives with her husband, their son, and his family:

We have 13 children who are all grown up and married. Only one of them, Safi, who is 24, lives with us. When he got married three years ago, we converted part of a shack we were using as a pen into a room for him, and he lives there with his wife and his three-year-old son. We did this because we aren't allowed to build. If we build, the authorities immediately issue a demolition order on the pretext of building without a permit, even though this is our land. My husband inherited it from his father, who inherited it from his father before him. Israel doesn't give anyone permits. In 2011 we built a room of light concrete blocks and a corrugated metal roof, and applied for a permit. I was really happy with that room, which had two windows and was much better than the light shelters we live in. But a few months later they demolished the room.

After the demolition we moved back into a small tent. I felt suffocated. The tent was low—you couldn't even stand up in it for prayers. In winter, water seeped in and you couldn't sleep there or be in the tent at all, day or night. We had to put up a lightweight shed that I made myself, sewing together empty rice and sugar sacks with plastic sheeting that we bought. The shed improved matters, but we are still afraid that they will demolish it too. [. . .] In 2014 they demolished our power grid, and we haven't restored it since, because we're afraid that soldiers will just come and tear it down again. We make do with having lighting inside the tents and sheds. We used to go visiting one another in the evening after we'd finished all our chores and finished the milking in the afternoon. But since they demolished the electric poles we're confined to our homes, because we're afraid to go out in the dark.

From the time the sun rises, and through to the afternoon, we wait anxiously to see if they're going to come. Every day that goes by without them coming, I breathe a sigh of relief. Even though every passing day brings me closer to the end of my life, I'm very pleased that the day went by without them demolishing my home—this little shed that means we have a roof over our heads.

**Jasser a-Najadah, 45, lives in Khirbet a-Duqaiqah in the South Hebron Hills.** He spoke with B'Tselem field researcher Manal al-Ja'abari on 15 May 2016, and told her about his family's living conditions and their fears for the future:

I live with my wife and our 15 children in a house made from concrete with a corrugated metal roof. My youngest is a four-month-old baby boy and my eldest is 19, a daughter. We don't have any other home and the children don't know any other place. I built this shack in 2014 after our canvas tent was ruined by that winter's snow and rain. I wanted to build a concrete house to shield our little children from the winter cold and the summer heat. About a year ago, two Israeli military jeeps and a jeep from the Planning Department of the Civil Administration came by. They handed me a document and told me that they're planning to demolish the house. I don't know why they prevent us from building on the land we inherited from our parents. I'm very scared that they'll demolish the house, and I'm worried about our young children.

**Nadyah al-Hanani, 42, a married mother of five, lives in Khirbet Tana in the Jordan Valley.** She spoke with B'Tselem field researcher Salma a-Deb'i on 10 April 2016 and described the impact the demolition of the local school has had on her family's life:

We have a married daughter and four sons—the youngest is eight and the oldest is 16. We live in the cave where I was born and which had been home to my parents. Early on the morning on 7 April 2016, while I was milking the sheep, I heard soldiers reach our community. I was terrified, because this means demolition and devastation. The Israeli military has been demolishing buildings in Khirbet Tana for years. One of the bulldozers started demolition work and moved closer to our area. It demolished our livestock pens and the entrance to our cave. I felt that my heart would burst. It's the fourth time this year that they've demolished our pens and the entrance to the cave.

I feel sorry for my children who work day and night to clear the debris and rebuild. We have to build pens quickly so that we don't lose our sheep. [. . .] So instead of playing and doing their homework, my children now spend their time building and sorting things out. But the hardest

thing for me is that my youngest son Yusef, who is eight and in second grade, has to move to Beit Furik to go to school. The military demolished the only school we had. [ . . . ] Now Yusef lives with his married sister in Beit Furik. He spends the week there, and comes home to us on Thursday afternoons. On Saturdays, at the end of the day, he returns to Beit Furik with his older brothers, who also had to move in with relatives in Beit Furik [ . . . ]. I cry when my sons go off to school, especially the little one, who filled my life and brought me joy. He was taken from me. Now he's far away because of the military.

**Samaher Bani Fadel, 39, a married mother of four, lives in Khirbet a-Twayel in the Jordan Valley.** On 8 May 2016 she spoke with B'Tselem field researcher Salma a-Deb'i and told of her family's difficult struggle to make a living and their fear of the demolitions:

We've been living in a cave since the military demolished our home in 2014. The house was made from light concrete blocks and had a corrugated metal roof. We used to use the cave as a sheep pen, but we had to move in ourselves because of the rain. My husband and I sleep in the cave. Our three sons are grown men so they cannot sleep together with their parents. Instead, they sleep in the tractor's tarp-covered wagon. Our daughter is married and doesn't live with us. We're in a really bad state—we don't have anything apart from a shack that we use as a sheep pen, and we've been served a demolition order for that, too. We have 120 sheep, and that's our only source of income. We're very worried that they'll demolish the pen. We used to have over 200 animals, but we had to cut down our flock because the military restricts our grazing areas and we can't afford to buy feed year round.

Where can we go? We don't have anywhere else. The nearest village, 'Aqraba, is overcrowded and there is no pasture land for the flocks and nowhere to build pens for them. Our difficult living conditions combined with concerns about the future are killing us a little bit each day. Whenever I hear on the news that demolitions are underway in some area I am seized by anxiety and feel that our turn is getting nearer. Every day I look around me nervously to check that there aren't any soldiers. Once I dreamt that soldiers were demolishing the cave and the shack. I wept and cried out in my sleep.

Why do they deny us the right to live in dignity? Why shouldn't we have a home with a roof, doors, and windows like other people? Why shouldn't we have proper toilets? [ . . . ] We bathe in laundry tubs inside the cave. Is there anyone else in this century that still has to bathe this way?

#### "SETTLER VIOLENCE AIMS TO DISPOSSESS, AND IT WORKS"

*This piece by Yesh Din's Yossi Gurvitz discusses "quiet terrorism" in the form of Israeli settlers harassing and threatening Palestinian farmers and landowners. Gurvitz tells the story of A., a Palestinian farmer in Faratha village whose wheat farm has been set ablaze by settlers repeatedly. Gurvitz contextualizes A.'s experience within the larger picture of settler terror unchecked by the Israeli military.*

*The culture of impunity that exists for settlers and Israeli soldiers means that most cases of settler violence go unreported as Palestinians have learned that their cases will most likely be thrown out or ignored. The article, which appeared in +972 Magazine on 31 May 2016, is presented below and is available at [972mag.com](http://972mag.com).*

A. is a resident of the village Faratha in the West Bank. He declined to have his name published, as he has become a regular target for attacks by Israeli civilians. He owns two plots of land; the illegal settlement outpost of Havat Gilad is built next to one of them. The establishment of the outpost led to the familiar pattern of [dispossession](#) in the West Bank: in order to protect the safety of the Israeli civilians who illegally took over land and settled, the army only allows A. to work his land during the olive harvest season, and only after coordination in advance with Israeli security forces.

But the military commander refuses to allow him to work his land, arguing that the plot contains no olive trees and that coordination is reserved for olive growers alone. And so, seven dunams of land were taken from A.'s possession and practically turned over to Israeli squatters as a reward. Once settlers seize land, it is almost impossible to liberate it.

A., who is 80 years old, was left with another plot of land, closer to Faratha itself. But the proximity to the village was not enough to protect it: for years he grew wheat there, and year after year his crops were set ablaze. Out of desperation, A. decided that this year he would grow sesame. After all, it's less flammable.

Several weeks ago, A. went to his plot of land with a donkey and began plowing and preparing it for planting. Suddenly, he noticed three young men coming from the direction of Havat Gilad. A. feared for his safety, and fled along with the donkey. He left behind some clothes, his shovel and the donkey's blanket. His sense of terror was not baseless: A. remembered that a year ago his neighbor was working his land when suddenly Israeli civilians appeared and beat him severely. "It was only with difficulty that he was evacuated to the hospital," he recalls.

After some 90 minutes, A. returned to the land. He found the clothes and the blanket, but not the shovel. Perhaps someone took a shine to it; perhaps he simply lost it while fleeing. The following day A. went back working his plot, planting sesame. Perhaps they will burn it, maybe not. Either way the land must be planted.

All of which, dear reader, takes place under the nose [of] and with the tacit agreement of the strongest army in the Middle East—the ultimate sovereign in the West Bank. When the army demands that Palestinians coordinate their arrival to their own land, it does so by claiming that without such coordination it is unable to protect them from Israeli civilians. The High Court of Justice had some sharp words to say about this practice in the Murar decision ([Hebrew](#)): "A policy preventing Palestinian residents from reaching land belonging to them, for the purpose of protecting them from attacks directed at them, is as a policy ordering a man not to enter his house in order to protect him from a robber ambushing him there."

And yet an army unfamiliar with its legal duty to defend protected persons, which is unaware that it has not only the obligation [but also the authority to protect them from Israeli civilians](#), does precisely that.

Yesh Din has documented 21 cases over the last decade in which Israeli civilians were suspected of damaging agricultural property belonging to the residents of Faratha. In a series of cases, the witnesses describe the marauders as arriving from the direction of Havat Gilad; the incidents include burning fields and wheat, killing animals, and cutting down trees. These do not include the cases in which Israeli civilians attacked residents of Faratha—incidents which sometimes took place in the presence of IDF soldiers. If the army is aware of these incidents and does nothing, it is a passive partner in crime; if it is unaware of them, it is failing at its duty to protect the populace.

The incidents keep piling up. Palestinian residents do not believe the IDF is trying to protect them from the marauders. It appears that as far as the army is concerned, this is a tolerable situation—and, one suspects, even desirable. Terrorizing farmers paves the way for their dispossession. The Israeli civilians do their part, the army does its part, and A.'s land is set ablaze time after time.

After a while the fear works on its own. There is no need for physical attacks or direct threats. The mere appearance of some young men—the knowledge that the attackers have no inhibitions, that there is no reason for them to have any since no one will arrest them. No one will demand compensation for your pain and indignation—dammit, the attack against you won't even be a newsflash. Self defense, of course, is out of the question.

A. does not intend to report the incident to the Israeli police, as he sees no point in doing so.