



**COMUNITA' PAPA GIOVANNI XXIII**  
*ASSOCIATION*



**OPERATION DOVE**  
*PROJECT*

**INDIVIDUAL SUBMISSION ON THE SITUATION IN THE AREA OF**  
**AT-TUWANI, SOUTH HEBRON HILLS**  
**ISRAEL AND OCCUPIED PALESTINIAN TERRITORIES**  
**- UPR SESSION: DECEMBER 2008 -**

**INTRODUCTION**

Since 2002, the “Comunità Papa Giovanni XXIII” Association has had a project in Israel and the Occupied Palestinian Territories (OPT) through Operation Dove (OD), a project of the Community. Operation Dove volunteers live in the OPT, thereby share the daily life of the people with whom they live. Furthermore, OD volunteers partake in human rights monitoring in collaboration with UN OCHA offices and Israeli human rights organizations. OD volunteers also intervene in conflict situations using nonviolent strategies as a means of affirming basic human rights.

Since August 2004, Operation Dove (in collaboration with the U.S./Canada based group Christian Peacemaker Teams) has had a permanent presence in the southern West Bank village of At-Tuwani. At-Tuwani is a Palestinian village located in area C -according to the Oslo agreements (thus under complete Israeli control)- near the Israeli settlement of Maon and the Israeli outpost Havat Maon-Hill 833.

Through its daily presence, Operation Dove volunteers has witnessed numerous gross human rights violations inflicted by religious extremist Israeli settlers and Israeli authorities (police, border police, soldiers, District Coordinating Authority, etc.) on the local Palestinian population.

This Report summarizes the Human Rights situation in the village of At-Tuwani, and the surrounding villages of Tuba, Magaer Al Abeed, and Susiya, and others of the Masafer Yatta area.

## **1. VIOLENCE AGAINST CHILDREN**

### **1.1 CRC, Article 28 – CESCR, Article 13**

On several occasions in 2003, Israeli settlers physically attacked Palestinian children from the villages of Tuba and Magaer Al Abeed as the children walked from their homes to their school in at-Tuwani.

In response to this violence, in September 2004, Operation Dove and Christian Peacemaker Teams, in cooperation with Israeli activists, began to accompany the children to and from school. Settlers attacked the children and the internationals three times. In two of these cases, internationals were hospitalized for serious injuries (29 September and 9 October 2004). During the attack of 9 October, an Amnesty International observer was also hit by settlers, and Amnesty International later condemned the attacks.

On 2 November 2004, the Knesset Committee for Children Rights met to discuss the issue of these children, resulting in recommendations for an Israeli military escort for the children (for their safety specifically because of the presence and action of violent settlers). The Israeli military commenced a daily escort for the children on 3 November 2004. From November 2004 until present, the escort has continued with a mandate to ensure the safety of the children's passage on all school days. However, the safety of the children has not been assured. Even with the presence of the escort, settlers continue to harass and attack the children. For example on 7 May 2006, 30 settlers ambushed the children, throwing stones, kicking, and hitting the children injuring four children and two Israeli soldiers. After this attack, a group of prominent Israeli intellectuals issued a statement demanding ensured protection for the children or, otherwise, the dismantlement of the illegal outpost of Havot Ma'on. Neither of these conditions were met. Shortly thereafter, on two occasions, settlers attacked the children while soldiers looked on and did nothing to stop the violence (20 and 21 May 2006).

Since the beginning of the escort, settlers have chased and/or attacked the children at least 25 times. During the same time, settlers have also harassed the children or soldier escort (shouted, walked among them, blocked the road with vehicles, etc.) at least 52 times. Additionally, the Israeli military patrol has failed to execute the escort order as outlined by the Knesset Committee request in other ways. The violations include: soldiers not walking with the children, soldiers not accompanying the children for the entire length of the path, tardiness causing the children to miss classes, and complacency to settler violence and interference in the escort. As a further example, in March 2008, settlers erected a gate along the school path road, thereby creating a permanent obstacle for the escort. The military escort began stopping at the gate (which was sometimes locked by the settlers), forcing the children to walk on a small path next to the main road for approximately one-fourth of their journey. In this area, the children have been harassed, chased, and attacked by settlers. Regarding the tardiness of the military escort, the children are regularly forced to miss classes and wait for extended periods of time after school for the escort. In the 2007-8 school year, the soldier escort was late 38.8% of school days, thereby causing the children to miss a total of 889 minutes of lessons (19 complete missing lessons and 64 partial missing lessons).

Also of note is the fact that the school which the children attend, the at-Tuwani primary school, has a pending demolition order issued by the Israeli authorities. The Israeli Civil Administration denied the permission request for the construction of the school in 1998. After the school was built, the Israeli authorities issued a demolition order which was then suspended for 10 years. The suspension period expires in 2008.

### **1.2 CRC, Article 16**

On multiple occasions, settlers have attacked the people and property of Tuba and Magaer Al Abeed. Settlers have attacked the children while they graze sheep during holiday times. And, because of both settler intimidation and violence and Israeli military interference, the residents of Tuba and Magaer Al Abeed (including the parents of the children going to school) are prohibited from using the main road to at-Tuwani. This road, a public road (located on privately

owned Palestinian land), is thereby forbidden to all Palestinians, except for the children when they have a military escort.

Children from the village of Susiya also attend the school in at-Tuwani. They travel to at-Tuwani by car along Israeli by-pass road 317. During the 2005-6 school year, soldiers stopped the vehicle of the children, and subjected them to inspection and interrogation. On one occasion, soldiers forced the driver and the children to report to a nearby military checkpoint (10 November 2005) and held them for more than three hours.

### **1.3 CRC, Article 24**

The closest medical facility for the children of Tuba and Magaer Al Abeed (those who are escorted to school by the Israeli military) is the clinic in at-Tuwani, which can be reached by the main road (which passes through Maon and Havot Maon) in 15 minutes. The closest hospital is in the city of Yatta, which is also most accessible via the main road. However, because of settler and military violence, the children and their parents cannot use this road which is by far the most direct route to these facilities. Therefore they must take the long path through the hills to at-Tuwani, and can reach the clinic in no less than 40 minutes and the Yatta hospital in no less than one hour. The long path also carries risk, as both children and adults continue to be attacked by settlers on this path.

Also, the domestic hygienic conditions of the families of Tuba and Magaer Al Abeed remain less than adequate because of continued settler violence, military violence, military unresponsiveness to settler violence, and restricted access to healthcare and markets.

### **1.4 CRC, Article 24.f**

On 31 May 2006, the Israeli military demolished five toilets in villages South and East of At-Tuwani. Two of the demolished bathrooms belonged to families of Magaer Al Abeed. The toilets were constructed three years earlier by a British NGO. When the soldiers arrived, the father of the children spoke with the soldiers to try and dissuade them from demolishing the toilets, saying that it was shameful to go to the bathroom in the open or to wash in the open where everyone can see. The soldiers said it wasn't shameful, and that the family "should move to Yatta with the other Muslims".

### **1.5 CRC, Article 19**

The children of Tuba and Magaer al Abeed face violence from adult Israeli settlers, as well as children of these settlers. Juvenile settlers often engage in violence against Palestinian children by yelling, threatening, and throwing stones at Palestinian children. In fact, many of the violent attacks against Palestinian shepherds are perpetuated by several adults and many settler children from the settlements of Ma'on, Susiya and Havat Maon. Settler adults actively encourage the children to use violence against Palestinians. Only on one occasion did Operation Dove volunteers witness an adult settlers stop the settler children from throwing stones at Palestinians.

## **2. VIOLENCE AGAINST LOCAL PALESTINIAN POPULATION**

### **2.1 CDESCR, Article 11 – CERD, Article 4.b**

All the settlements in the Masafer Yatta area are inhabited by extremist national-religious settlers. These settlers make religious claims to the land and assert themselves sole owners of the land. They assert that all non Jews must be expelled from the land. They claim that all means are acceptable to achieve this goal. Many of the settlers of this area are linked to the Kach organization (an organization that the Israeli government declared a terrorist organization) and other legal organizations known for hate language and operations. The Israeli press refers to the youth of Havat Ma'on as the center of the "Hill Top Youth", a violent movement of national-

religious settler youth.

The village of Tuba is regularly invaded by settlers from Ma'on and Havat Maon. Settlers enter the nearby village of Tuba to harass and use violence against the people. Settlers have also damaged and poisoned wells in Tuba and other villages of Masafer Yatta. Settlers engage in similar activity all around Masafer Yatta, including the village of at-Tuwani.

On 2 May 2008 dozens of armed settlers from Ma'on entered At-Tuwani village claiming children stole cherries from their orchards. Settlers pushed, hit, and threatened unarmed Palestinians and internationals (Operation Dove and CPT). Several Palestinians and three internationals were injured from the settler aggressions.

Later, the Israeli police refused to record the complaints of the Palestinians and internationals who were hit by settlers. Likewise, the police and military conferred with the settlers and allowed settlers to point out Palestinians. The police and military then chased several Palestinians, knocked them to the ground, hit them, and arrested them. None of the aggressive settlers were arrested.

To give an idea of the reoccurring violence perpetuated by settlers against Palestinians of the Masafer Yatta area, the most recent violence (from June 2008) is listed below:

Sunday, 1 June: An Israeli settler driving on Israeli bypass road 317 near the Palestinian village of Main (south of the settlement of Maon) killed three goats and injured two goats of a Palestinian shepherd.

Sunday, 8 June: Six masked settlers approached Palestinians grazing their flocks near the village of Susiya. Four settlers proceeded to attack Palestinians, beating an old woman, her husband, their nephew, and nephew's wife with wooden clubs. The old woman was beaten unconscious and taken to a hospital in Beer Sheva. The old man and his nephew were taken to a hospital in Hebron.

Thursday, 18 June: In Mashakha valley, three settlers with slingshots chased a Palestinian shepherd and his sheep.

Tuesday, 24 June: Israeli settlers from the settlement outpost of Mitzpe Yair beat two Palestinians near the village of Shi'b Al Butom. Both Palestinians were hospitalized in Yatta, one with a rib injury and the other with an eye injury. After the incident, the Israeli police spoke with the two settlers identified by the Palestinians as the attackers but took neither settler into custody.

Also of particular note is an incident of March 2005 when settlers scattered poison in approximately 15 hectares land which Palestinians from the villages of Tuba, Magaer al Abeed, At-Tuwani, and Umm Faggarah use to graze their flocks. As a result, approximately 100 sheep died. Moreover, families of the region suffered great economic loss when they could not sell any sheep by-products in local markets that year because of consumer concern of the health of their products.

The Israeli police opened an investigation and publicly stated that the settlers were likely responsible for poisoning the land. However no one was ever indicted (notwithstanding international, Palestinian and Israeli media attention, including such international figures as Amnesty International).

## **2.2 CERD, Article 5**

From 2004 to 2008 settlers attacked Palestinians dozens of times each year. In the same time, Israeli authorities indicted settlers only twice (two individuals). One of these was later convicted and one signed a plea bargain to avoid jail time. Both of these individuals were indicted for violence perpetuated against Operation Dove volunteers, not against Palestinians.

On 26 June 2006 The Israeli High Court ordered the Israeli Defense Forces to protect Palestinian farmers and their property from attacks by violent settlers and to act immediately and decisively to permanently uproot this phenomenon.

Furthermore, after settler violence, Israeli authorities consistently respond in the following ways: 1) police arrive very late after a violent incident; 2) police refuse to take complaints from

Palestinians who called them; 3) upon arrival, police speak with settlers and often immediately take testimony from them; 4) police tell Palestinians they must go to the Kiryat Arba police station in Hebron to file a complaint (this police station takes at least a hour to reach and Palestinians are forced to wait hours before investigators take their complaint). Many Palestinians of the area decline to go to the police station without accompaniment from Israeli activists because of the time involved, the cost, and the aggressive behavior of the police forces. And, as mentioned above, even when Palestinians are able to file complaints and the police actually open an investigation, indictments and convictions are very, very rare.

Settlers are also found inside the Israeli police forces (Kiryat Arba is itself a settlement), and for various reasons police are often sympathetic to settlers and hostile toward Palestinians.

### **2.3 CERD, Article 2, Article 5 - CDESCR, Article 13**

The Israeli military itself uses violence against the Palestinian people. Often soldiers order Palestinians to leave their land, and physically shove Palestinians to achieve these goals (sometimes very violently). Soldiers detain Palestinians using aggressive physical force (including beatings). Soldiers have also injured sheep by kicking and kneeling them. Soldiers invade villages at night and force people out of their homes for interrogation.

The head Israeli authority in the area, the Civil Administration, refuses to construct and also prevents Palestinians from constructing electric power lines, water lines, paved roads, and houses in the Masafer Yatta area.

Contradictorily, Civil Administration polices allow settlers to expand the settlements, thereby expropriating more land from Palestinian farmers and shepherds, and allow settlers to develop the land (including construction of phone, electricity, water, and telephone services). Even when Israeli authorities classify land as private Palestinian land (and register as such with the Land Administration Office) Palestinians are still vulnerable to settler, soldier, and police violence. Furthermore, the Israeli authorities often use the pretext of a military closed area order to prevent Palestinians from accessing their land (an act declared illegal by the Israeli High Court).

Another infringement of basic rights is the Israeli authority practice of house demolitions and of denying building permits for houses. Between 2004 and 2008 the Israeli military demolished 15 dwellings in the Masafer Yatta area. Additionally, Israeli authorities have issued dozens of demolition orders on other dwellings in the area.

In 2007 the military issued a demolition order for the mosque in At-Tuwani and in June 2008 on the mosque in Umm Faggarah.

Also in June of 2008, the Israeli military delivered demolition orders for a newly built cistern in At-Tuwani. This partially constructed water cistern (funded by a Spanish NGO) should provide a vital additional water source in the arid region of the Masafer Yatta (an area recently declared by UN OCHA to be in a water supply crisis). Also in June 2008, the military issued demolition orders for a house on the Yatta side of 317, the building holding the generator of Umm Faggarah, and two dwellings in Umm Faggarah.

In June and July 2008, the Israeli military constructed six new roadblocks on the road from At-Tuwani to Yatta. The roadblocks span the length of the road and prevent any vehicular access. The roadblocks also make movement by foot and donkey extremely difficult. Several roadblocks closed passageways used by tractors and trucks to access close by dwellings. The city of Yatta is the main economic hub for the region, and the principal provider of critical services such as hospitals, secondary schools, and public administration offices. These roadblocks cut off several communities in the Masafer Yatta area from basic supplies such as water and animal feed, because road is the main artery for the supply of water and food to Masafer Yatta. The region is currently experiencing a severe drought and according to Palestinian residents of the area, roadblocks have doubled the commercial price of water. A UN worker reported that roadblocks on this road will increase the cost of transporting essential water aid to the area by thirty percent.

It must also be noted that the High Court of Israel has the power to determine the future of the entire Masafer Yatta area. In November 1999, the Israeli Ministry of Defence ordered the

forceful deportation of 1,000 residents of Masafer Yatta to the city of Yatta (all the villages of the area except at-Tuwani). In 2000, the expelled residents petitioned the High Court. The High Court issued an order permitting the residents to return to their homes and requiring the Minister of Defence to preserve the status quo that existed prior to the expulsion. However this was a temporary decision, and the High Court must still make a final decision regarding the right of the people to live in the villages versus the right of the Ministry of Defense to take control of the area.

Still today the families of Masafer Yatta live in uncertainty, as a decision from the High Court to give control of Masafer Yatta to the Ministry of Defense would mean their permanent expulsion from their homes and land.