

Hebron Rehabilitation Committee's Contribution to the UPR Situation in Hebron Old City

1. Summary

The presence of the settlers in the Old City of Hebron/H2 area requires extensive deployment of Israeli troops disrupting the fabric of life of the Palestinian community as military orders imposed by the commander of the occupation army have mandated i. the closure of hundreds of shops in the heart of the old city, ii. the confiscation of houses for military use, iii. the prevention of maintenance and rehabilitation of houses within a certain range from the settlements, iv. the confiscation of land for the construction of settlers-only roads, and v. the closure of streets to Palestinian vehicular and/or pedestrian transport and placing checkpoints, road blocks and other obstacles to the movement of Palestinians.

Further, the presence of the occupation forces in support of the settlers leads to regular harassment of the residents through arbitrary detention and frequent house raids.

The settlers in Hebron commit great violations against the live and property of local Palestinians. Such violations include the seizing of property, physical and verbal abuse and vandalizing of property.

The failure of the Israeli occupation forces (police and military) to prevent settler violence against Palestinians in Hebron and the reluctance to investigate such acts of violence and prosecute their perpetrators creates an environment of impunity that only fuels further violence.

The human rights situation in the Old City of Hebron/H2 is a direct result of the policies of the government of Israel. The government continues to allow the continuation of settlement activities in the area despite the clear evidence of the many outrages upon the human rights of the Palestinian residents caused by the presence of the Israeli settlers and soldiers in the midst of a heavily populated Palestinian area.

The so-called Abu Rajab building in the city center presents a recent example of the benevolence of the Israeli government towards the expansion of the settlement in Hebron and the total disregard for the harm it causes to the Palestinian residents. The settlers violently occupied the building on March 29, 2012, and claimed the ownership of it. Following public protests, legal challenges to the settlers' purchase of the building, and the lack of a permit from the Israeli minister of defense to inhabit the building, the settlers were evicted from the building on April 4, 2012. Contrary to the previous decision to evict the settlers, the Israeli prime minister promised to authorize their return to the Abu Rajab building after an Israeli soldier was shot dead at a nearby checkpoint on September 22, 2013. The creation of new settlements and the expansion of existing ones inevitably involve an increase in settlers' and soldiers' violence towards the Palestinians as well as new movement restrictions for the Palestinians threatening

their rights in Hebron. The result is an increase in tension between the local community on one hand and the Israeli soldiers and settlers on the other that causes violence in Hebron.

At the same time, the settlers continue with the expansion of the Beit Romano settlement, that is located on the premises of the original Palestinian school (Ossama bin Munqayh school). The Planning and Building Committee of the Israeli Civil Administration in the West Bank issued the permit for the expansion without informing the owners of the surrounding Palestinian houses about the date of the hearing on the permit. The owners were thus deprived of their legally guaranteed right to object the proposed construction during the planning period. Further, the issuance of such a permit violates a previous decision of the Supreme Court that banned any construction in the area. The proposed expansion when realized will have severe consequence for the Palestinians living in the surrounding houses, whose windows will be sealed by the construction making the houses uninhabitable. This shows the blatant disregard of the Israeli authorities for the rights and wellbeing of the Palestinian residents of Hebron.

The responsible Israeli authorities, including the prime minister, should strive to uphold the international humanitarian law in Hebron and give up on ideologically motivated settlement activities in the area that are a source of great violations of the rights of the Palestinians.

2. Recommendations

Vis-à-vis the grave human rights situation in Hebron, HRC recommends to Israel, its authorities and representatives to:

- I. Prevent further expansion of the settlement outpost in Hebron Old City/H2 and the creation of new outposts and to call for an eventual removal of the existing ones vis-à-vis the great suffering the presence of Israeli settlers in the center of Hebron causes to the local population and also vis-à-vis their illegality within the international humanitarian law.
- II. Condemn the frequent acts of violence against Palestinian residents of Hebron, such as opening fire on people, beating and physical harassment, attacking houses, burning and damaging Palestinian property and violent takeover of Palestinian houses, shops and land committed by the settlers.
- III. Abstain from measures that aim at supporting settlement activities in H2, while they are disrupting the lives of the Palestinian residents. Such measures include the closing of areas, streets, entrances to houses, public utilities and religious places. Further, the occupation forces have to stop confiscating buildings and land, placing military posts on rooftops, or installing checkpoints and other movement obstructions.
- IV. Stop practices that cause suffering to the local population that lack security justification. Such practices include arbitrary detention of Palestinians, routine house searches and abduction of underage children.

- V. Refrain from actions that aim at the obliteration of the original Muslim and Arab character of Hebron Old City/H2 and call for their cessation. Such actions include the demolishing of Palestinian buildings with historical value, building walls and placing concrete blocks, iron barrels, etc. in close proximity to heritage sites, and preventing the rehabilitation of historical buildings, especially of those that are in urgent need of intervention.
- VI. Cease actions that disrupt the local economic base of Hebron, to allow the reopen shops that were closed by military orders and to lift movement restrictions that force the closure of other shops that cannot be accessed by delivery trucks and customers as a result of the restrictions.
- VII. Prevent settler violence against Palestinians in Hebron and to investigate such acts of violence and prosecute their perpetrators in accordance with the provisions of the international humanitarian law that require the occupation power to protect the lives and properties of the protected people, i.e. Palestinian residents of H2.
- VIII. Properly investigate and prosecute crimes committed against the Palestinians by Israeli soldiers and police.
- IX. Refrain from such measures that deprive the Palestinian population of Hebron from access to shelter, healthcare, education and employment.

Appendix

1. The Failure of Israel to Implement Recommendations Proposed in the Previous Cycle

Despite the conclusions and recommendations made to Israel by the member states, Israel continues to:

- I. *Discriminate against the Palestinians in implementing human rights and fundamental freedoms.*

In Hebron, the Palestinians continue to suffer from severe limitations on the freedom of movement, right to education and right to housing as they may not move or live freely in the area of the city controlled by the Israeli military. Israel continues to enforce zones in the city, where the Palestinians are not allowed to walk or drive. Such measures do not apply to Israeli or foreign nationals. Further, in most legal matters, the Palestinians are subject to military legislation with harsher punishments and limited rights of representation and appeal, when compared with the more lenient legislation that applies to the Israeli civilians/settlers. Thus, Israel deprives the Palestinians of equal access to justice.

- II. *Fail to remove restrictions of movement currently placed in the Occupied Palestinian Territories.*

In Hebron, the existing movement restrictions and checkpoints have been reinforced and new ones have been placed in the city. The movement restrictions placed in and around the Old City include 18 checkpoints, where pedestrians have to cross metal detectors and undergo an inspection by the soldiers, road blocks preventing vehicular transport, concrete slab walls, metal gates, metal fences with razor wire and iron barrels filled with concrete that block streets, archways and passages. The result of these movement restrictions that total 101 is segregation of the Old City, limiting and channeling access by Palestinians to certain limited points where they can be under the surveillance of the occupation forces. The latest decision concerning the movement restrictions comes from June 6, 2011, when the Highest Court of Israel decided after 7 years of court proceedings to uphold the relevant military orders with a particular reference to the closure of Shuhada Street, the main thoroughfare of the city, to Palestinian vehicular and pedestrian traffic.

- III. *Discriminate Palestinians in their property rights.*

In Hebron, the Israeli government and its institution allow the settlers to live in houses that belong to Palestinian owners. In property disputes, the Israeli judiciary regularly favors Israeli disputants over Palestinians. We point out a military regulation that declares any purchases of property made by Israeli nationals in the West Bank in good faith to be legal. Thus, the Jerusalem District Court could grant the so-called Al-Rajabi building in Hebron to the settlers on September 13, 2012, although the Israeli Supreme Court had ruled previously that the purchase documents had been forged

and the Palestinian owner had not agreed to the purchase. By such means, the system of military orders arbitrarily imposed by the Israeli civil administration in the West Bank facilitates the expansion of settlements regardless of the property rights of the Palestinians.

The Israeli military expropriates Palestinian property in Hebron for infrastructure works that benefit only Israelis. The most recent case concerns the road that will be built in Wadi al-Nassara neighborhood of Hebron. On February 1, 2012 the Israeli Highest Court enforced a military order that requests the confiscation of the land belonging to Hisham Sayafan, Mundiir Jaber, Kaed Dana and Abed Jaber for the construction of a new road connecting the Kiryat Arba settlement with the Ibrahimi mosque. The court decision followed four years of court proceedings at the Highest Court. As the road will serve solely the settlers in facilitating their transport in Hebron and will have no benefit to the Palestinian population the judicial system of Israel has become accomplice in the settlement of occupied land and violation of Palestinian rights.

Further, Israel prevents Palestinian owners from exercising their property rights by denying them access to their houses, commercial properties or lands located in the areas of the city controlled by the Israeli military. Most notably, 512 shops in areas surrounding settlements and military installations have been closed by direct military orders without any compensation to their owners. Further 1,141 shops have closed due to the movement restrictions and general lack of security that prevent shoppers from visiting the Old City. As a result, approximately 3/4 of stores in the Old City are shut down permanently leading to a dire social situation of the remaining Palestinian population as job opportunities for the residents have become very scant.

IV. *Subject prisoners and detainees to cruel, inhuman or degrading treatment or punishment.*

We point out the case of Mohammad Maharma, who was detained in Hebron Old City March 11, 2012. The soldiers beat the man in the street and threw stun grenades at the passer-bys. While in custody, Israeli soldiers attempted to rape him.

We also point out, that Israel continues the practice of arbitrary detention of civilians. The arbitrary behavior of the soldiers towards the Palestinian residents is not limited only to harassment at the checkpoint but includes also arbitrary detention of persons. The case of Ismail Khatib and Samih Dana who were detained on January 23, 2012, and February 15, 2012 respectively are illustrative of the situation. Although both men were imprisoned for several days and were released only upon paying a bail there have been no charges brought against them by the Israeli police or prosecutors.

V. *Interfere in the affairs of religious institutions, especially with respect to the rights of ownership and property.*

In Hebron, the Israeli military prevents Muslim clergy and believers from accessing all of the Ibrahim mosque, one of the holy sites of Islam. Further, Israel prevents and hinders the restoration of the aforementioned mosque by denying the workers of the Waqf access to the site.

- VI. *Fail to implement the Convention of the Rights of the Child in the West Bank and Gaza.* Israel does not apply the definition of child as a person under 18 to Palestinian children (contrary to the situation of Israeli minors). In Hebron, Palestinian children continue to be detained and interrogated by the Israeli army and police, and tried by military courts. While in custody, they are frequently held with adults, and denied visits by their parents. So far, Israel failed to establish a separate juvenile justice system to try accused Palestinian children.

To illustrate the situation resulting from the non-implementation of the Convention we point out the case of Karam Da'ana. Karam, a 12-year old was arrested by the occupation forces during a night in October 2010 and was brought in handcuffs from his home to the Ofer prison where under a threat of violence a confession of guilt was coerced from him. The initial decision by the military court ordered a fine of 2,000 shekels to be paid by Karam's parents. However, the Israeli attorney appealed the court decision and Karam was left in the prison until further court hearing. After the second hearing during which Karam was handcuffed both on hands and legs he was put under a house arrest for five months in his uncle's house in addition to the previously mentioned fine.

A similar example, yet on much greater scale comes from March 20, 2013. On that day, Israeli soldiers detained 27 children aged 7-17 from their schools in the Old City of Hebron (Al-Ibrahimiyyah, Al-Hajriyya, Al-Khalil Elementary School, and Khadija Elementary School, and UNRWA school) and held them for several hours. Four children (Mohammad Salem Faleh Al-Razem, 15 years. Mohammad Sami Mohammad Burqan, 13 years. Mohammad Ayman AL-Fakhuri, 13 years. Malek Al-Salaymeh, 16 years) were then transferred to the Ofer prison, where they were held for various amount of time (ranging from one day to a week). Mohammad Al-Razem was later tried by a military court.

Such treatment of children constitutes a grave violation of the Convention on the Rights of the Child. Children are routinely deprived of the right not to be compelled to confess guilt (art. 40), the right not to be subjected to inhuman or degrading treatment (art. 37), the right to education (art. 28), and the right not to be separated from his parents (art. 9). It is further noticeable that Israel has failed to establish minimum age for prosecution of Palestinian children as required by art. 40 of the Convention.

In short, Israel does not abide by its international obligations mentioned in the **Report of the Working Group on the Universal Periodic Review** prepared by the Human Rights Council from January 2009. In Hebron as in other areas of the Occupied Palestinian Territories, Israel continues to violate the international human rights and humanitarian law, in particular the Fourth Geneva Convention of 1949 relating to the treatment of noncombatants in the hands of the occupying power.

2. The Enumeration of Human Rights violations in the Old City of Hebron

During 2012, 286 violations of the rights of the Palestinians by Israeli soldiers and settlers were reported on a mere area of 1 sq km that covers the Old City. This adds to the 250 violations in 2011 and further 161 violations during the first six months of 2013. The violations committed by the occupation forces included severe movement restrictions, seizing of property, arbitrary detentions, maltreatment of civilians, destruction of property and limitations on economic life that made the Old City to resemble more a military zone than center of a city. During the year the settlers committed many further attacks on the rights of the indigenous Palestinians that included physical and verbal abuse, throwing of stones and garbage, destruction of property, vandalizing houses and shops, burning of cars and trees, or writing racist and insulting graffiti on walls and storefronts.

In addition to the violations recorded by the Legal Unit of Hebron Rehabilitation Committee (HRC) many more were not even reported as the victims have little hope for positive change in their situation or may fear reprisals from the settlers and Israeli authorities. Other violations especially towards property were not recorded as they occurred in areas that are inaccessible to the Palestinian owners.