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**Joint written statement* submitted by Al-Haq, Law in the
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for the Promotion of Global Dialogue and Democracy
(MIFTAH), non-governmental organizations in special
consultative status**

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

[22 August 2021]

* Issued as received, in the language(s) of submission only.



The Price of Resisting Settlement Expansion: the Case of Jabal Sbeih

Sparkling from Jerusalem in April 2021, the Israeli plan to dispossess Palestinians in Sheikh Jarrah and provocations against Palestinians in the city during the holy month of Ramadan, inspired mass protests by Palestinians on both sides of the Green Line, of what came to be known as the Unity Uprising, challenging the systematic fragmentation of the Palestinian people, and resisting Israel's ongoing displacement, domination, and suppression resulting from imposing a settler-colonial and apartheid system.

Amidst violent Israeli suppression of the Unity Uprising, Israeli settlers established the Evyatar colonial settlement outpost on Sbeih Mountain, southeast of Nablus city. As part of the Unity Uprising and opposing the colonial outpost, Palestinian residents of villages surrounding Sbeih Mountain mobilised popular protests opposing the appropriation of their land. In response, the Israeli occupying forces (IOF) used collective punishment measures against the residents, as well as disproportionate and excessive force against protesters, killing six Palestinians, including two children, and injuring thousands.

Settlement Expansion on Sbeih Mountain

On 3 May 2021, Israeli settlers initiated the establishment of the Evyatar colonial outpost on Sbeih Mountain, which is located on the lands of three Palestinian villages: Beita, Yitma, and Qabalan. Within one month, the settlers managed to pave roads, set up water and electricity networks, and establish caravans and structures on 35 dunams of land on Sbeih Mountain, transferring around 50 Israeli settler families from other unlawful Israeli colonial settlements to the Evyatar colonial outpost.¹

While the Israeli occupying authorities distinguish between a colonial 'settlement' and a colonial 'outpost', with the latter being illegal under Israeli law, they did not fail to facilitate the establishment of the Evyatar colonial outpost, including by paving roads, setting up waterlines and electricity, and assisting in the construction of the outpost, according to Palestinian residents.

On 6 June 2021, the Israeli occupying authorities issued a military order, declaring the area as a demarcated area and ordering the eviction of the colonial outpost. On 30 June 2021, the Israeli occupying authorities reached an agreement with the Evyatar settlers, stipulating that the settlers would evacuate the colonial outpost, the structures would remain intact, the IOF would maintain presence in the outpost, while the Occupying Power surveys the land to determine its status. On 2 July 2021, Israeli settlers left the colonial outpost, after erecting a 13-meter-high iron Star of David facing Beita village with the phrase "we will return" inscribed next to it.²

On 12 August 2021, the Israeli Supreme Court rejected a petition filed by residents of the three Palestinian villages, which called for the termination of the Evyatar agreement, the implementation of the delimitation order, and the reclamation of their land. The Israeli Supreme Court rejected the appeal and postponed the examination of the legality of the outpost and the Evyatar agreement, until the land is surveyed, and a decision is made on the possibility of declaring it or part of it as 'State land'.³

¹ Amira Hass, "In Just a Month, Illegal Settler Outpost Sprouts Up on Palestinian Lands," Haaretz, 7 June 2021, at: <https://www.haaretz.com/israel-news/.premium-in-just-a-month-illegal-settler-outpost-sprouts-up-on-palestinian-lands-1.9882850>.

² Jacob Magid and Shalom Yerushalmi, "Settlers Vacate Illegal Evyatar Outpost Under Deal that Keeps It Intact," 2 July 2021, The Times of Israel, available at: <https://www.timesofisrael.com/settlers-vacate-illegal-outpost-as-deal-to-keep-it-intact-goes-into-effect/>.

³ The Israeli military order, the Evyatar agreement and the decision of the Supreme Court are on file with Al-Haq in Hebrew.

Israel's Suppression of Opposition, Maintaining its Apartheid

Since 5 May 2021, Palestinians from Beita and neighbouring villages have been protesting on an almost daily basis the colonial outpost which was established on their mountain, but more broadly their denial of their dignity and their right to self-determination within the broader Unity Uprising. While the Israeli settlers left the colonial outpost, the protests are ongoing until present. The 'Guards of the Mountain' who mobilise rotation units to provide constant protection for the Mountain said: 'we will not calm down until the last caravan is removed from Sbeih Mountain.'⁴

Resorting to excessive, disproportionate, and indiscriminate use of force against the protesters on Sbeih Mountain, the IOF killed six Palestinians, including two children, and injured with live bullets, rubber-coated bullets, and tear gas annihilation more than three thousand civilians, leading to more than 200 permanent disabilities.⁵ Issa Suliman Barham Barham, a 40-year-old father of four children, and resident of Beita village; Tariq Omar Ahmad Snobar, a 27-year-old father of a two-day-child (when he was shot and killed) and resident of Yitma village; Zakaria Maher Abd al-Hameed Falah 'Hamayel', a 25-year-old Palestinian, and resident of Beita; M. S. H., a 16-year-old Palestinian child, and resident of Beita village; A. Z. I. B. Sh., a 15-year-old Palestinian child, and resident of Beita village; and Imad Ali Mohammad Dweikat, a 38-year-old Palestinian, father of five children and resident of Beita were killed by the IOF, during protests against the further appropriation of Palestinian land. Most of the killed Palestinian protesters were, at the time being shot, standing about 50-150 meters away from the IOF, and all did not pose an imminent threat to the lives of the Israeli occupying soldiers.

As part of Israel's intent to maintain its apartheid, it has, since 1948, systematically suppressed opposition to its widespread violations through excessive use of force, mass arbitrary detention, torture and other ill-treatment, as well as widespread measures of collective punishment, with the ultimate goal of undermining any efforts seeking to challenge its apartheid.

The case of Beita exemplifies such suppression measures. Since 10 May 2021, the IOF had, on more than one occasion, partially and fully closed the entrances and routes leading to Beita with cement cubes, sand berms and IOF presence, restricting the movement of the residents and collectively punishing them for the popular protests against the colonial outpost.⁶ The IOF had further raided the village several times at dawn hours, in search and arrest operations, arresting dozens of the residents of the village, including those injured during the protests.⁷

Notably, the villages of Beita, Huwwara, Bourin and Odala are supplied with water from Mekorot, Israel's national water company, and suffer from water shortages in summer as per Israel's discriminatory and illegal water allocation policy to the surrounding illegal colonial settlements of Har Brakha and Yitzhar. Due to the continuous IOF presence, and their shoot-to-kill policy, Shadi Omar Lutfi Salim, a 41-year-old Palestinian, father of five children and resident of Beita, was shot and killed by the IOF, while he was trying to raise the water level at a water supply point, which is located at Nablus – Ramallah Road, in Huwwara town, south of Nablus. Shadi, a plumber and former Municipal water maintenance officer at Beita Municipality was shot while standing 15-20 meters away from the IOF, who were positioned between olive trees. At the time of Shadi's killing, the situation was calm in the area and there were no confrontations or protests.

⁴ Palestine News & Info Agency, 'Guards of the Mountain' in a Press Conference: We Will Not Calm Down Until the Last Caravan Is Removed from Sbeih Mountain' (15 August 2021) available in Arabic at: <http://www.wafa.ps/Pages/Details/29206>.

⁵ Ibid.

⁶ According to Al-Haq's monitoring.

⁷ Ibid.

Conclusion and Recommendations

The case of Beita exemplifies the collusion of all Israeli governmental institutions with settlers to expand the settlement enterprise in the occupied territory. The IOF have always suppressed Palestinian opposition against its systematic violations. The inaction of the international community to take effective measures to bring the illegal situation to end has contributed to unconditional impunity to the Israeli occupying authorities, undermining the right to self-determination of the Palestinian people.

Accordingly, we call on Member States of the Human Rights Council to:

- i. Recognise Israel's systematic shoot-to-kill policy contributes to the maintenance of an apartheid system of systematic racial oppression and domination over the Palestinian people as a whole, embedded in a system of impunity, which prevents Palestinians from effectively challenging Israel's apartheid policies and practices;
- ii. Call on the Israeli authorities to immediately bring their rules of engagement for the use of live fire in line with international law;
- iii. Uphold their responsibility as third States to refrain from recognising as legitimate the illegal situation established and maintained in the oPt by Israel, the Occupying Power, to refrain from rendering aid or assistance towards its maintenance, and to cooperate to bring the illegal situation to an end, including through lawful means such as sanctions and arms embargoes;
- iv. Ensure the completion and publication of the 2021 update to the UN database of companies involved in Israel's settlement enterprise, including Mekorot, as mandated by the Council's resolution 31/36, including by calling on to the OHCHR to implement all mandates entrusted to the office by the Human Rights Council in line with the principles of independence and impartiality; and calling on the budget committee to provide an urgent, clear and public explanation regarding the budgetary implications of aforementioned resolution; and
- v. Call for international justice and accountability for widespread and systematic human rights violations committed against the Palestinian people, including war crimes and crimes against humanity.

Palestinian NGOs Network Addameer Prisoner Support and Human Rights Association DCI - Defense for Children International – Palestine Jerusalem Legal Aid and Human Rights Center Aldameer Association for Human Rights Ramallah Center for Human Rights Studies – Hurriyat Center for Defense of Liberties and Civil Rights The Independent Commission for Human Rights (Ombudsman Office) Muwatin Institute for Democracy and Human Rights The Civic Coalition for Palestinian Rights in Jerusalem Community Action Center/Al-Quds University, NGO(s) without consultative status, also share the views expressed in this statement.