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Human rights situations that require the Council's attention

Written statement* submitted by Al-Haq, Law in the Service of Man, a non-governmental organization 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 2022]

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



1,200 Palestinians Are at Imminent Risk of Forcible Transfer in Masafer Yatta

Eight communities, comprising 1,200 Palestinians, including 500 children, in the Masafar Yatta region in the south Hebron Hills, are under the imminent threat of forcible transfer. In May 2022, the Israeli High Court of Justice rejected appeals against eviction orders issued to the residents, effectively ending the legal proceedings that had lasted for more than two decades.¹ Since 1980, Israel has declared the lands of 12 communities in the Masafer Yatta region as a closed military area, known as ‘Firing Zone 918’.² Since the ruling in May 2022, an intensification of forcible transfer measures have taken place against the Masafer Yatta communities, including issuance of demolition orders, demolitions, recurrent military trainings, restrictions on movement and access to land and natural resources, while Israeli settlers are allowed to expand the illegal settlement enterprise. If Israel continues with the commission of international crimes with no accountability or countermeasures, the Masafer Yatta displacement would be the largest Israeli forcible transfer operation since the 1970s.³

Closed Military Areas as a Tool of Dispossession

Masafer Yatta in the southern hills of Hebron is comprised of 16 pastoralist communities, home to around 1,700 Palestinians. The Palestinian residents have been living in the region since before the Nakba of 1948, in small, remote communities, and have traditionally, relied on pastoral and agricultural practices, as their main sources of livelihood and traditions of life. All of the residents have been at risk of direct and indirect forcible transfer due at least seven illegal settlements surrounding the region; the declaration of most of the area as closed military areas; restrictions on access to land and natural resources, exploitation of natural resources including by businesses in the settlements; ongoing threats of demolitions due to the discriminatory planning policies; resultant movement restrictions; and settler violence.⁴

In particular, 12 communities in the Masafer Yatta region, have been under the risk of displacement and dispossession since 1980, when the Israeli occupying authorities declared the communities as a closed military area, known as ‘Firing Zone 918’.⁵ Approximately 20 percent of the West Bank has been designated as closed military areas or firing zones.⁶ Palestinians living within such area are exposed to temporary displacements as a result of recurrent military training exercises; repeated demolitions, restricted access to land and natural resources, as well as vulnerability to personal injury and damage to their cultivated lands as a result of military trainings, and unexploded ordinances.⁷

The designation of land as closed military areas is one of Israel’s discriminatory zoning and planning policies that aims at forcibly displacing Palestinians and expanding illegal settlement. In fact, while Palestinian residents of the so-called ‘Firing Zone 918’ have been at risk of forced eviction, demolition, and forcible transfer,⁸ Israeli settlers have been allowed to illegally and discriminatorily operate parts of Israeli settlements inside the so-called ‘Firing Zone 918’.⁹ Israeli ministerial meeting minutes from 1981, further expose that the declaration of Masafer Yatta as a closed military zone was intended to ultimately force Palestinians from their homes.¹⁰

In particular, Palestinians in the so-called ‘Firing Zone 918’ have endured waves of forced evictions, most notably the 1999 forced expulsion of 700 residents, and the destruction of their homes and property.¹¹ Residents were temporarily allowed to return to their homes pending a ruling in the case by the High Court of Justice. Yet, they have been living under the constant threat of destruction of their properties and the risk of forcible transfer. Between 2019 and April 2022, the IOF demolished 68 homes in Masafer Yatta region, including the so-called ‘Firing Zone 918’, resulting in the displacement of 356 Palestinians, including 144 children.¹² In addition, most of the residents’ homes have received stop work orders or demolition orders. Israeli military operations and trainings in the area, coupled with expanding settlements and acts of settler violence have worsened the living conditions of the residents.¹³

Israel's High Court of Justice May 2022 Ruling Greenlights Forcible Transfer

The legal battle of the Masafer Yatta residents continued for two decades, effectively ending on 4 May 2022 when the High Court of Justice, rejected their appeals against the eviction orders of eight communities, giving a green light to the IOF to arbitrarily and forcibly displace the residents.¹⁴ In a statement by UN experts in May 2022, they outlined how “a Court that does not provide justice based on international norms and that perpetuates the violations of fundamental human rights of people who have been under military occupation for 55 years, becomes itself part of the structural system of oppression”.¹⁵

Over the course of the two-decade legal collective battle, there has been separate legal proceedings in relation to demolition orders. Some residents managed to secure interim injunctions on demolition orders whose fate was connected to the collective case. This means that the May 2022 ruling lifted the demolition protection from these structures.¹⁶ Since May 2022, dozens of Palestinians had their homes and structures demolished, and several demolition orders have been issued.¹⁷ On 21 August 2022, the High Court of Justice rejected a petition to appeal the demolition of two schools and 32 residential facilities in the Masafer Yatta area.¹⁸

In addition, residents of Masafer Yatta and human rights defenders, who have been peacefully protesting their imminent risk of forcible transfer, have been suppressed by the Israeli occupying forces, including by restricting the movement in the area, as well as harassment, and detention of human rights defenders.¹⁹ Such practices constitute an example of the institutionalised Israeli system of suppression to any resistance and opposition to its apartheid regime.

Conclusion and Recommendations

In the context of Israel's prolonged occupation and the absence of active hostilities in the occupied West Bank, the requisition of lands for the designation of areas as closed military zones, violates Articles 52 and 53 of the Hague Regulations of 1907. Likewise, the subjection of the people therein to ongoing demolitions and seizure of property and placing them under the risk of forcible transfer is a grave violation of Article 49 of the Fourth Geneva Convention, amounting to a war crime. This is in addition to an array of human right violations implicated by this policy, mainly violations on the rights to adequate housing, water, sanitation, health, education, and privacy.

Accordingly, Al-Haq calls on Member States of the Human Rights Council to

1. Call on Israel to immediately revoke eviction and demolition orders issued against Palestinians facing the threat of forcible transfer in Masafer Yatta, and ensure the return of those evicted and/or the compensation of those whose properties were demolished where restitution is not possible;
2. Call on Israel to cease its discriminatory planning and zoning policy, including the designation of areas as closed military zones, including the so-called ‘Firing Zone 918’;
3. Call on Israel to end its suppression and harassment of human rights defenders;
4. Recognise and address Israeli laws, policies, and practices as enshrining an institutionalised regime of systematic racial domination and oppression over the Palestinian people as a whole, which amounts to the crime of apartheid, including by calling for the reconstitution of the UN Special Committee against Apartheid and the UN Centre against Apartheid, and
5. Cooperate and support the investigation by the International Criminal Court into the Situation in the State of Palestine.

- 1.OHCHR, 'UN experts alarmed by Israel High Court ruling on Masafer Yatta and risk of imminent forcible transfer of Palestinians' (16 May 2022) available at: <https://www.ohchr.org/en/press-releases/2022/05/un-experts-alarmed-israel-high-court-ruling-masafer-yatta-and-risk-imminent>.
- 2.Al-Haq's Field Report, dated 11 May 2022.
- 3.Stop the Wall, 'Defend Masafar Yatta' available at: <https://www.stopthewall.org/right2exist/masafar-yatta/>.
- 4.Al-Haq, 'Adaptation Under Occupation' (2019) 14-15.
- 5.Al-Haq's Field Report, dated 11 May 2022.
- 6.OCHA, 'Fact sheet: Masafer Yatta communities at risk of forcible transfer - June 2022' (06 July 2022) available at: <https://www.ochaopt.org/content/masafer-yatta-communities-risk-forcible-transfer-june-2022>.
- 7.Al-Haq, 'Settling Area C: The Jordan Valley Exposed' (2013) 24-27.
- 8.OCHA, 'Fact sheet: Masafer Yatta communities at risk of forcible transfer - June 2022' (06 July 2022) available at: <https://www.ochaopt.org/content/masafer-yatta-communities-risk-forcible-transfer-june-2022>.
- 9.Stop the Wall, 'Defend Masafar Yatta' available at: <https://www.stopthewall.org/right2exist/masafar-yatta/>.
- 10.Ofer Aderet, '40-year-old Document Reveals Ariel Sharon's Plan to Evict 1,000 Palestinians From Their Homes' (9 August 2020, Haaretz) available at: <https://www.haaretz.com/israel-news/2020-08-09/ty-article/.premium/40-year-old-document-reveals-ariel-sharons-plan-to-expel-1-000-palestinians/0000017f-e4f9-d804-ad7f-f5fba0ee0000>.
- 11.Al-Haq, 'Adaptation Under Occupation' (2019) 14-15.
- 12.According to Al-Haq's documentation.
- 13.Al-Haq, 'Virtual Field Visit: Firing Zone 918' available at: <https://www.alhaq.org/media/15717.html>.
- 14.OHCHR, 'UN experts alarmed by Israel High Court ruling on Masafer Yatta and risk of imminent forcible transfer of Palestinians' (16 May 2022) available at: <https://www.ohchr.org/en/press-releases/2022/05/un-experts-alarmed-israel-high-court-ruling-masafer-yatta-and-risk-imminent>.
- 15.OHCHR, 'Israel: Criminalisation and harassment of human rights defenders in Masafer Yatta must end, say UN experts' (02 August 2022) available at: <https://www.ohchr.org/en/press-releases/2022/08/israel-criminalisation-and-harassment-human-rights-defenders-masafer-yatta>.
- 16.Al-Haq's Field Report, dated 11 May 2022.
- 17.According to Al-Haq's documentation.
- 18.Wafa News Agency, 'Israel's top court rejects a petition against demolition of two schools, 32 homes in Masafer Yatta' (21 August/2022) available at: <https://english.wafa.ps/Pages/Details/130526>
- 19.OHCHR, 'Israel: Criminalisation and harassment of human rights defenders in Masafer Yatta must end, say UN experts' (02 August 2022), available at: <https://www.ohchr.org/en/press-releases/2022/08/israel-criminalisation-and-harassment-human-rights-defenders-masafer-yatta>; Front Line Defenders, 'Charges Brought Against Human Rights Defender Sami Huraini' available at: <https://www.frontlinedefenders.org/en/case/charges-brought-against-human-rights-defender-sami-huraini>.