

Urgent Action Appeal:
Land Confiscation and Forced Evictions
for Israel's Separation Wall in Bethlehem

ARIJ & HLRN Coordination Office

Cairo, 2 March 2003

- Case LC1FE1020303 -

According to a 18 February 2003 report entitled "New Ghetto in Bethlehem," by the Applied Research Institute of Jerusalem (ARIJ), the Military Government of Israel (MGol) has issued a new military order to confiscate land north of Bethlehem (West Bank, Palestine). The map that the Israel Occupation Forces (IOF) presented to affected residents' reveals that Israel will confiscate 18 dunums (1,000m²), but Israel actually will isolate some 3,000 dunums of land behind the Wall. That area contains 35 buildings with a population of 500 people, who will be stranded between the future Wall and the Green Line (Israel's border). The IOF already have uprooted many olive trees, bulldozed and shaved agricultural lands in this area to create trenches equipped with razor wire, so as to prevent West Bank Palestinians from reaching Jerusalem.

Detail of the case: the official position.

Israel Defense Forces Chief Commander in Judea & Samaria Mosheh Kaplenski issued military order number (03/14/T Judea & Samaria 2003) on 9 February 2003. The order designated the parcels of Palestinian land to be seized for unspecified "military reasons." Kaplenski also declared that the Israeli Defence Forces (IDF) claim "absolute control over it". The mentioned parcels are actually located where the State of Israel has planned to construct the Separation Wall that will surround Jerusalem, preventing Palestinian from entering.

The wall will be totally 22 Km in length and will physically separate the city of Jerusalem with its two parts, East and west, from the West Bank. On 16^t February 2003, the IOF handed the residents military orders that are definitely showing the plan to strangulate the city of Bethlehem by confiscating its northern entrance and annexing it to Israel. The plan was discussed in the media on 11 September 2002, where the Israeli security cabinet approved to keep Rachel's Tomb under Israeli control by including the tomb within the Separation zone. 500 people, among them women and children, will be isolated in this zone (any person will need a permit to visit them) and therefore forced to leave. This will not happen because of an official action of forced eviction though, allowing the Israeli authorities to talk about "voluntary" migration.

Furthermore, the Separation Wall will be an indirect implementation of the Israeli unilateral "Metropolitan Jerusalem Plan." The wall also will preempt the vision of two states side by side, with East Jerusalem as the capital of the future Palestinian state. The Israeli Metropolitan Jerusalem Plan will annex more lands from the West Bank, including the sacred site of Rachel's Tomb by erecting the so-called "Envelope of Jerusalem."

Human rights violations and State legal duty:

These unilateral MGol actions are part of its *de facto* policy, directly contravening the Oslo II Agreement signed in 1995, namely the following paragraph:

a (1) While the [Rachjel's] Tomb, as well as the main road leading from Jerusalem to the Tomb, as indicated, will be under the security responsibility of Israel, the free movement of Palestinians on the main road will continue.

Moreover, on 3 October 1991, the State of Israel ratified the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). The UN Committee against Torture, which monitors CAT, already has found in November 2001 that Israel's house demolitions, forced evictions and closure imposed against Palestinians to be forms of cruel, inhuman or degrading treatment or punishment.

Israel's practices also violate Palestinians' rights to legal security of tenure, freedom from dispossession, participation and security, enjoyment of natural resources (including land and water), as well as the binding principle of the rule of law. All of these internationally recognized elements of the right to adequate housing. Therefore, Israel violates, *inter alia*, under articles 12, 13, 17, 18, 19, 21, 23 & 25 of the Universal Declaration of Human Rights; and its treaty obligations under articles 2 & 11 of the ICESCR as well as General Comments 4 & 7 related to the latter, articles 1, 17.1 & 19 of the ICCPR, article 16 of CAT, and articles 1, 5(e) & 6 of the International Convention on the Elimination of all Forms of Racial Discrimination (CERD).

The first article of these international treaties, as with the three other main UN human rights conventions that Israel has ratified, reaffirms the importance of the principles that override all human rights, namely self-determination, nondiscrimination and nonregressivity.

What you can do!

Please send immediately your protest letter to:

--- A sample letter follows ---

- * Ariel Sharon, Prime Minister: pm_eng@pmo.gov.il
- * Shaol Mofaz, Minister of Defense: sar@mod.gov.il
- * The Israel Defense Forces: info@mail.idf.il
- * The Jewish Agency for Israel: elibir@jazo.org.il
- * Hagshama Department, World Zionist Organisation: hagshama@jazo.org.il
- * The Israeli Embassy or representation in your country; find a list on the following web page: <http://www.israel-mfa.gov.il/mfa/go.asp?MFAH0czk0>

Please *discretely* send us an e-mail copy (separate or as Blank copy) with your contact information at: mmignot@hic-mena.org, iyad@arij.org . You will receive the follow-up of this case and future urgent action appeals.

E-mail list for this appeal: pm_eng@pmo.gov.il, sar@mod.gov.il, info@mail.idf.il, elibir@jazo.org.il, hagshama@jazo.org.il
Separate or Bcc: mmignot@hic-mena.org, iyad@arij.org

Sample Letter

Please copy the following letter and paste it as e-mail message to the authorities above listed. You can also write your own protest letter.

For the efficiency of this appeal, you are asked to send your letters before the 31 of March. To allow a wider support to this urgent appeal, you may spread it further until the end of April.

Subject: Appeal to Mosheh Kaplenski, Chief Commander of the Israel Defense Forces in Judea and Samaria (West Bank)

Excellency:

According to reliable information from local and international reports, your office issued a military order on 9 February 2003 to seize 18 dunums of land in a residential area of 40 buildings. We are deeply concerned about the situation, as it will directly threaten 500 civilians, including women and children, with forced eviction.

International human right standards firmly recognize that every person has the right to adequate housing. Enabling the realization of that right is the obligation of all parties to the International Covenant on Economic, Social and Cultural Rights, including the State of Israel, which ratified it on 3 October 1991. All State parties are obliged to take immediate actions to support those who are seriously deprived of the housing rights, most notably those who are living under occupation and closure. In this context, forced evictions, dispossession and closure are internationally recognized as serious violations of human rights.

We have learned that your government intends to build a wall, and would issue special permits for the people living in that zone. This actually will mean for them isolated from family, friends and community, or urgent medical treatment from the other part of the city. It is clearly intended to effect "voluntary migration" from the indigenous population's land and homes.

Sir, we earnestly hope that you exert all efforts to restore and uphold human rights standards in Bethlehem and the occupied Palestinian territory, consistent with the letter and spirit of treaty law, and demonstrate that Israeli authorities is taking covenanted steps toward terminating its illegal occupation, dispossession and destruction of Palestine..

Respectfully yours,

Name Organization