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Written statement submitted by BADIL Resource Center for Palestinian Residency and Refugee Rights, a non-governmental organization with special consultative status.

### **Firing Zones**

BADIL, on behalf of nine Palestinian human rights organisations, would like to address the pressing issue of firing zones and the subsequently deteriorated living conditions of the Palestinians residing in these areas.

Beginning in the 1970s, firing zones, a form of closed military zones, have been extensively designated throughout the West Bank, as one of many means of land appropriation. The majority of these closed zones are located in the Jordan Valley and the South Hebron hills. The Israeli military employs Military Order 1651 to designate large swathes of land as closed zones under such auspices as ‘military training’, for example, as justification for this ‘necessary’ requisition of land.

Under Article 318 of Military Order 1651:

“A military commander is empowered to declare that an area or place are closed”<sup>1</sup>

Since 1967, this Order has allowed for the extensive requisition of approximately 18 per cent of West Bank land as a ‘closed military zone’ for training, or ‘firing zones.’<sup>2</sup> The UN OCHA has reported that Israeli authorities prohibit construction in these zones and that Palestinian residents are routinely issued demolition and eviction orders.<sup>3</sup> Further, in 2010 alone, some 65 per cent of Area C demolitions took place in areas defined as ‘firing zones.’<sup>4</sup> Currently there are 10 illegal Israeli outposts located in ‘firing zones’ while, as of August 2012, 5,000 Palestinians, in 38 villages, reside within these zones – mostly Bedouins and herders.<sup>5</sup> 90 per cent of these communities are water scarce while food insecurity reaches 34 per cent among herders, many of whom live in firing zones.<sup>6</sup> As such, residents of firing zones face institutionalized discrimination on a multitude of levels including: home demolitions; demolition of dwellings; eviction orders; herding and grazing limitations; restriction of movement and to access to education, health services and water; settler violence; harassment by soldiers; and poverty and a drastically sub-standard quality of living in general.

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<sup>1</sup> Order concerning Security Provision (Judea and Samaria) (No. 1651), 2009. This order is based on (No. 378), 1970, Article 90.

<sup>2</sup> United Nations Office for the Coordination of Humanitarian Affairs (OCHA), *Khirbet Tana: Large Scale Demolitions for the Third Time in Just Over a Year*, Feb 2011.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

<sup>5</sup> OCHA, *The Humanitarian Impact of Israeli-Declared “Firing Zones” in the West Bank*, August 2012.

<sup>6</sup> *Ibid.*

These actions have been acknowledged to be in direct violation of a number of international provisions,<sup>7</sup> namely: Article 46 and 55 of the Hague Regulations concerning the protection of private property and treatment of public property, respectively; Article 53 of the IV Geneva Convention concerning property destruction; Art 49(1) of the same Convention concerning ‘forcible transfer;’ Article 27 of the same Convention that guarantees personal rights, including the protected persons’ right to ‘freedom of movement;’ and Article 11 ICESCR concerning rights attached to pursuit of livelihood.

### **Firing Zone 918**

Firing Zone 918 is located in the Masafer-Yatta area of the south Hebron hills where the Israeli military designated about 30,000 dunams (3000 hectares), including 12 Palestinian villages, as a firing zone in the 1980s. The residents of these villages maintain a unique way of life with many living in caves and relying on farming for their livelihood.<sup>8</sup> In November 1999 the Israeli military expelled over 700 villagers, confiscated their cisterns and destroyed their property.<sup>9</sup> As of January 2013, 1,300 Palestinians were living in these villages and have been living in the area for several decades.<sup>10</sup>

Following the expulsion, residents petitioned the Israel’s High Court (HC)<sup>11</sup> after which that Court issued an interim order allowing the residents to return to their homes pending a final ruling. The Association for Civil Rights in Israel (ACRI) notes that mediation between the State and the villagers failed in 2005 and that the case essentially lay dormant until last year.<sup>12</sup>

Parallel to the HC proceedings 1199/99 and 517/00, another petition was made on behalf of Palestinian residents of Sfai, Jinba and Majaz, Hebron governorate, in 2005 (HCJ 805/05) against the demolition of 15 cisterns and a series of 19 restrooms, which include cesspools. These structures serve 18 families (approximately 320 persons), the majority of whom reside in Sfai.<sup>13</sup>

Israel, in its response dated 19 July 2012, asserted that the establishment of these cisterns and cesspools were “all in violation of the status quo”<sup>14</sup> and a violation of the Court’s order of 29 March 2000 (HCJ 1199/99 and 517/00).

The Israeli HC in essence ordered to freeze the status quo, which maintains a situation depriving the population of their basic needs and rights. This is largely connected to Israeli policies aiming at forcible displacement and which is not limited to physical force or subject to whether or not persons are relocated elsewhere. The creation of such conditions jointly with such judicial decisions does not leave any choice for people than to leave the area. This amounts to a violation of Article 49(1) of the IV Geneva Convention.

Lacking from the State’s reply, however, was an explanation as to under which military law the firing zone had been declared as such, or any justification to this extent. As an occupying power, Israel is obliged to comply with international humanitarian law and to adhere to the restrictions

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<sup>7</sup> See, for example, M. Bothe, ‘Expert Opinion: The limits of the right of expropriation (requisition) and of movement restrictions in occupied territory (Firing Zones), August 2012.

- <http://www.diakonia.se/sa/node.asp?node=4394>-, accessed 01 February 2013.

<sup>8</sup> ACRI, The 12 Villages of Firing Zone 918 in the South Hebron Hills, November 2012.

-<http://www.acri.org.il/en/2012/11/07/firing-zone-918-infosheet/>- accessed 01 February 2013.

<sup>9</sup> B’Tselem, State’s response re firing zone 918 ignores the laws of occupation, August 2012.

-[http://www.btselem.org/south\\_hebron\\_hills/20120827\\_firing\\_zone\\_918\\_state\\_response](http://www.btselem.org/south_hebron_hills/20120827_firing_zone_918_state_response)- accessed 01

February 2013.

<sup>10</sup> ACRI, ACRI files new petition against expulsion of 1,000 Palestinians from Area C, January 2013.

-<http://www.acri.org.il/en/2013/01/16/new-petition-firing-zone-918/>- accessed 01 February 2013.

<sup>11</sup> HCJ proceeding 1199/99.

<sup>12</sup> Supra note 10.

<sup>13</sup> Supra note 8

<sup>14</sup> HCJ 517/00, HCJ 1199/00: *Petitioners in HCJ 517/00 & Petitioners in HCJ 1199/00 v Minister of Defense et. al.*, Updated Notice of behalf of the Respondents , 19 July 2012, para 6.

provided for by this body of law. The designation of the firing zone 918 is in blatant disregard for those restrictions and represents a serious violation of Israel's obligations under international law.

The occupying State is prohibited from using the land for its military needs in a 'broad sense'<sup>15</sup> such as general military training, and it is certainly not authorized to expel residents from their homes, destroy their property and/or harm their livelihood for such purposes.<sup>16</sup>

On 16 January 2013, the petitioners filed their renewed petition.<sup>17</sup> The recent petitions and responses are currently awaiting the adjudication of the Israeli HC. However, in the meantime, the Israeli military are predictably carrying out continued violations by commencing drills using live ammunition in several villages, thereby creating an atmosphere of fear and violence.<sup>18</sup>

Next to this, severe restrictions on Palestinian movement in and out of firing zones serves to control all aspects of life for those affected and stringent controls applied to constructions have a direct impact on the Palestinian people's ability to attain an adequate standard of living and to maintain the family unit.

Firing zone land has been requisitioned by the Israeli authorities on unjustified grounds of 'security' or for general military purposes. In addition to this express requisition, Israel utilizes other methods to illegally appropriate Palestinian land with the aim of forcing Palestinians from their land and ultimately annexing it.

In conclusion, Israel's policy regarding firing zones is just one part of a wider system; that is, to exert control over the maximum area of Palestinian land, whilst keeping the number of Palestinian residents to an absolute minimum. It severely hinders Palestinians' access and use of their land, creating extremely severe living conditions for the Palestinians living therein.

We, the undersigned organizations urge the Human Rights Council to:

- Condemn Israel's practices and policies concerning firing zones;
- Assert that the appropriation of Palestinian land by Israel, for the ostensible reason or purpose of firing zones, be declared illegal; and that the international community refuses to recognize or assist such illegal activity;
- Investigate Israel's policy of forced population transfer of the Palestinian people by direct and indirect means and practices, which possibly amounts to international crimes (Art. 49 (1), Art. 147 of GCIV, Art. 85 of its additional protocol and Art. 7 of the Rome Statute).

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<sup>15</sup> HCJ 390/79 *Dweikat v. State of Israel*, PD LED (1979) p. 17

<sup>16</sup> Supra note 9.

<sup>17</sup> Supra note 10.

<sup>18</sup> International Middle East Media Centre, Army holds training in Palestinian Villages in Hebron, January 2013. -

[http://www.imemc.org/article/64968?utm\\_source=feedburner&utm\\_medium=feed&utm\\_campaign=Feed%3A+PalestineNews+%28Palestine+News%29](http://www.imemc.org/article/64968?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+PalestineNews+%28Palestine+News%29) – accessed 01 February 2013



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