

*Communication to*

Representative of the Secretary-General on the human rights of internally displaced persons, Mr. Walter Kälin.

Special Representative to the Secretary-General for children and armed conflict, Mrs. Radhika Coomaraswamy.

Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Mr. Miloon Kothari.

Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Mr. John Dugard.

Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous people, Mr. Rodolfo Stavenhagen.

## **Urgent appeal on the situation of the Jahalin Bedouin living in the occupied Palestinian territory and threatened by forced displacement**

### **1. Introduction**

This urgent appeal is brought by Agricultural Development Association (PARC), Al Haq, Applied Research Institute -Jerusalem (ARIJ), Badil Resource Center for Palestinian Residency and Refugee Rights, Defence for Children International/Palestine Section (DCI), Ensan Center for Democracy and Human Rights, The Israeli Committee Against House Demolitions (ICAHD), and the Jerusalem Legal Aid Center (JLAC) on behalf of the Jahalin Bedouin community and residents of the villages of Abu Dis, Al 'Zaryya, Eastern Sawahrah, Al Za'ym, and Sheikh Sa'ad in the occupied Palestinian territories.

The petitioners are the Jahalin Bedouin, who face arbitrary displacement as a result of home demolitions and restricted access to land and essential services, and the residents of the villages of Abu Dis, Al 'Zaryya, Eastern Sawahrah, Al Za'ym, and Sheikh Sa'ad. The Bedouin and the villagers are affected by the E1 plan (the planned construction of a new settlement east of Jerusalem, labelled by Israel as an expansion of the Jewish settlement of Ma'ale Adumim) and the construction of the Wall in the occupied West Bank.<sup>1</sup>

The E1 plan and the route of the Wall around the E1-Ma'aleh Adumim settlement block, if implemented, will encompass 52km<sup>2</sup> and over 50,000 Jewish settlers, de facto annexing this part of

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1 "The E1 Plan calls for the largest single settlement construction project in recent history. Bulldozers began to clear Palestinian land north of the large Israeli settlement of Ma'ale Adumim in December 2004 but it was only on February 28 that the Israeli government announced its intention of building at least 3,500 new housing units on the site. The E1 Plan intends to appropriate approximately 12,500 dunums (12.5 km<sup>2</sup>) of Palestinian lands belonging to the Palestinian villages of Al-Tur, 'Anata, Al Eizaryieh, Abu Dis, Al Essawyieh and Hizma." Dr. Jad Isaac & Fida Abdel Latif, Jerusalem: the strangulation of the Arab Palestinian city, (Bethlehem: Applied Research Institute Jerusalem (ARIJ), July 9, 2005). Available at: [http://www.arij.org/pub/Colonization in Jerusalem/index-1.htm](http://www.arij.org/pub/Colonization%20in%20Jerusalem/index-1.htm).

the occupied West Bank to Israel's 'Greater Jerusalem'.<sup>2</sup> This will require the removal of the Jahalin Bedouin, who live a traditional semi-nomadic life in the area, to permanent clusters planned by Israel outside of the route of the Wall. To this end, the Bedouin are facing arbitrary displacement and a threat to their traditional way of life.

The affected Jahalin Bedouin community includes up to 2,700 persons and is scattered among 31 localities on the hills and roads in the desert around the Jewish settlement of Ma'ale Adumim and near the villages of Anata, Abu Dis, and Al' Zaryya (see annex 1). The Bedouin are a vulnerable group because they are an indigenous people, refugees (many are both refugees and have been internally displaced as well), and they have no adequate housing nor secure land tenure. The community is largely made up of women and children. The marginal status of this community is reflected in the lack of concrete data on this population.<sup>3</sup>

Israel plans to displace the Bedouin onto lands belonging to the adjacent Palestinian villages of Abu Dis, Anata, Al 'Zaryya, Eastern Sawahrah, Al Za'ym, and Sheikh Sa'ad. These villages on the eastern periphery of Jerusalem are host communities to the Jahalin Bedouin who live semi-nomadically on their land. In some cases in the past, the Bedouin were forcibly displaced onto private properties belonging to the residents of these communities. These villages are effectively surrounded by the Wall and are affected in two ways: to the West, they are cut off from Jerusalem; and to the East, they will be disconnected from other parts of the West Bank, as the route of the Wall will in the future sever the central West Bank (greater Jerusalem) from the northern and southern parts, effectively dividing the West Bank into three separate segments.

All the Bedouin and surrounding villages live under Israeli military occupation and are protected persons under international humanitarian law.

## **2. Situation of the Jahalin Bedouin and adjacent villages**

### *a) Legal Status*

The Jahalin Bedouin are 1948 Palestinian refugees originating from the area of Bir el Sabe'e (Beersheva) in the Naqab (Negev), now located in Israel. While all Jahalin Bedouin are 1948 refugees, only 80 to 85 percent are registered with UNRWA. Most have subsequently been internally displaced within the occupied West Bank. The majority hold West Bank identification cards.

Residents of the villages of Abu Dis, Al 'Zaryya, Eastern Sawahrah, Al Za'ym, and Sheikh Sa'ad hold either West Bank or Jerusalem ID cards.

### *b) Living conditions*

The living conditions of the Bedouin have always been difficult, but they are becoming harsher as

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2 Israel illegally annexed occupied East Jerusalem (70 km<sup>2</sup>) to West Jerusalem in a series of administrative orders and laws passed between 1967 and 1980. Since then, Israel has continued to de facto annex occupied West Bank land to what it has termed 'Greater Jerusalem'. The UN General Assembly and Security Council have declared that "administrative measures and actions taken by Israel, the occupying Power, which have altered or purport to alter the character and status of the Holy City of Jerusalem, and in particular the recent 'basic law' on Jerusalem, are null and void and must be rescinded forthwith." UNSC Resolution 478, 20 August 1980. See also Security Council Resolutions 267 (1969); 298 (1971); 446 (1979); 465 (1980); 605 (1987).

3 Information collected for this report is based on discussions with Jahalin Bedouin communities.

they are prevented from pursuing their traditional way of life and maintaining their livestock, their main source of livelihood. The Bedouin live a semi-nomadic life based on custom and traditional use of land for inhabiting and grazing. Without electricity and often without running water and with little access to essential services, the Jahalin Bedouin live in “Third World-like” conditions. Many lack essential food and potable water, basic and habitable housing, appropriate clothing, essential medical services, sanitation, access to educational services and secure land tenure.

Since the implantation of Jewish settlements in the West Bank in the 1970s, the Bedouin have been forced to alter their way of life, as available land decreased and many were displaced as a result of threats and/or home demolitions. Many now work or look for work in the Jewish settlements and have become semi-urbanized. The majority struggle to preserve their livestock. The lack of access to grazing land combined with the presence of the Wall and the permit system has further affected the Bedouin's capacity to maintain their livestock and earn a living. Bedouin women used to sell their products (e.g. cheese, yogurt, animal fat) in Jerusalem neighborhoods, but since the establishment of the permit regime in the mid-1990s and the construction of the Wall in 2002, access to markets has been substantially reduced. This lack of access led to a reduction of women's freedom of movement and a change in their socio-economic role.

There are only two Palestinian Authority (PA) primary schools for the Jahalin Bedouin; one at Wadi Abu Hindi which is attended by around 100 children from grade one to eight; and the other on the hill (hereinafter Jabal) near Abu Dis and Al 'Zaryya which has over 130 students. The school at Wadi Abu Hindi is built of steel and does not have electricity (see annex 2). Other children go to more distant schools, such as the Anata PA school or the UNRWA 'Qbit Jabir school in Jericho. Access to educational services has become more difficult while the cost of transportation has increased; children go by donkey or by bus (which is very expensive) or walk long distances. Children usually do not continue their studies after primary school because boys seek work in the settlements or are requested to help with the livestock and it is not well-perceived for girls to continue their education in far-away or co-ed schools. Moreover, most families cannot afford to pay for education and/or transportation fees. As a result, the illiteracy rate is high, particularly among women who often stop school at the 6<sup>th</sup> grade.

Access to health care varies according to the Bedouin's proximity to urban centers (Anata, Al 'Zaryya, Jerusalem, Jericho, and Ramallah). Access to medical centers has, however, become more difficult and costly as a result of movement restriction and the Wall. Staff from UNRWA medical clinics rarely visit Bedouin communities, especially those in remote locations. In the past, the Bedouin used to go to hospital in Jerusalem or to UNRWA medical clinics, but that requires a permit, which is increasingly difficult to obtain.<sup>4</sup> Restricted access to Jerusalem has led to many complications, particularly in the provision of emergency medical services. An 11-month old baby died in January 2007 as a result of breathing complications. The baby needed urgent medical attention and the family did not have time to apply for a permit to access East Jerusalem's hospitals. Giving birth has also become a problem, as women require a permit to access hospitals in East Jerusalem while the nearest medical center may be hours away if no car is available. On some occasions, women deliver at home or at checkpoints (five reported cases of women giving birth at checkpoint in Abu Dis and nearby villages). Post-natal care is practically nonexistent. In a number of instances, ambulances have been delayed or unable to reach the hospital in Jerusalem, leading to the death of heart patients and to complications for children injured in accidents. Bedouin who can afford it are now going to private clinics or to Ramallah for medical treatment. In other cases, lack of money and access prevents them from reaching medical care at all.

Some areas inhabited and used by the Bedouin are polluted by sewage from the Jewish settlements,

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<sup>4</sup> In order to receive a permit, it is required to obtain a report from the hospital (usually sent by fax) stating that they, or their relative, need medical treatment. Without this report, it is practically impossible to obtain a permit.

improper sanitation and the Jerusalem garbage dump (see annex 3). In Anata, there is open sewage; and the Bedouin from Wadi Abu Hindi and the Jabal live a few hundred meters from the garbage dump, which has contaminated water and land and from which emanates a very strong odor.

The adjacent villages of Anata, Abu Dis, Al 'Zaryya, Eastern Sawahrah, Al Za'ym, and Sheikh Sa'ad are cut off from Jerusalem by the Wall (see annex 1), which means that many inhabitants are unable to visit their families or access their workplace in Jerusalem and risk losing their Jerusalem ID. Most residents can only reach Jerusalem through checkpoints; moreover, holders of West Bank ID need a permit, which is increasingly difficult to obtain. A number of holders of Jerusalem ID have already moved west of the Wall in order to preserve their right to residency in the city.

### *c) Ongoing displacement since 1948*

The displacement of the Jahalin Bedouin, which began in 1948, has continued throughout the 1970s, and now threatens the existence of the community. Part of this refugee community was displaced for a second time in the mid-1970s to make room for the Jewish settlement of Ma'ale Adumim.<sup>5</sup> When Ma'ale Adumim was established in 1976, hundreds were arbitrarily displaced and forcibly relocated in an unnaturally tight cluster to the south-west of Ma'ale Adumim. Today, this group is facing displacement for the third time.

Since the mid-1990s, Jahalin Bedouin communities have received hundreds of military orders, most of which are stop-work orders and demolition orders. The exact number of military orders issued and pending is unclear, but it is estimated to range from 100 to 150. For instance, nearly all Jahalin Bedouin families near Anata have had their homes destroyed two, and in some cases, three times since 1998, and still have pending demolition orders (see annex 4).

Between 1997 and 1999, another 120 families were arbitrarily displaced on so-called security grounds from the vicinity of Ma'ale Adumim to the land of Abu Dis to make room, once again, for the expansion of the Ma'ale Adumim settlement. The first group of Bedouin challenged the displacement in court, but were eventually physically removed by the army in the middle of the winter in 1997 to shipping containers onto the Jabal, next to the garbage dump in Abu Dis. In 1998, the Committee on Economic, Social and Cultural Rights expressed deep concern at “the situation of the Jahalin Bedouin families who were forcibly evicted from their ancestral lands to make way for the expansion of the Ma'aleh Adumim and Kedar settlements” and deplored “the manner in which the Government of Israel has housed these families - in steel container vans in a garbage dump in Abu Dis in subhuman living conditions.”<sup>6</sup> A second group who used a different lawyer in 1998 were able to move to the Jabal at a slower pace. In 2004, the last families were displaced onto the Jabal. While these Bedouin eventually received some form of financial compensation through an agreement with the Israeli authorities, they remain victims of arbitrary displacement as no appropriate remedy has been offered by the Occupying Power.

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5 “Ma'ale Adumim was originally founded by a tiny group of settlers in 1976, but did not begin to expand significantly until 1982. It was at this time that the Israeli government declared the area to be ‘State Land’, in spite of the legal ownership of the Palestinian residents of Abu-Dis. Despite being 4.5 kilometres from Jerusalem, Ma'ale Adumim has been promoted as the new eastern limit of the city. Ma'ale Adumim is also slated to be the limit of the newly-conceived ‘Greater Jerusalem’, which is an Israeli plan to annex an enormous area of the West Bank and to [consolidate] its 1967 annexation of Arab East Jerusalem.” Applied Research Institute Jerusalem (ARIJ), *The Expansion of Ma'ale Adumim Colony and the Expulsion of Jahalin* (Bethlehem, 24 February 1997). Available at: <http://www.arij.org/paleye/maale/index.htm>.

6 UN Concluding observations of the Committee on Economic, Social and Cultural Rights : Israel, E/C.12/1/Add.27, 4 December 1998, para. 12.

Israel claims that the shacks in which the Bedouin currently live have been illegally built on 'state land'. This land, however, belongs to Palestinian residents of the surrounding villages. Israel also claims that the Bedouin lack permits, which the Israeli authorities grant to settlers but not to Palestinians in Areas B and C.<sup>7</sup>

The Bedouin affirm that Israeli officials, either from the army or the Civil Administration,<sup>8</sup> as well as their lawyer, have informed them that they are required to leave the area that will be encompassed by the Wall (see annex 1). In response to an article published in *Ha'aretz* in September 2005, the Israeli Civil Administration stated that "the administration will continue to take action to evacuate the illegal squatters."<sup>9</sup> Statements made by Israeli officials also appear to confirm the intentions of the government to make the 'E1-Ma'ale Adumim bubble' a 'Palestinian-free area' and to assign the route of the Wall as the future border of the state of Israel.<sup>10</sup>

#### d) *Resettlement opportunities*

One feature of Israel's policy is to reduce land available to Palestinians by restricting their access to land, essential services and goods, prohibiting construction and demolishing homes built in Areas B and C. As land becomes increasingly scarce, so are viable resettlement opportunities. This has led many Bedouin to conclude: "We have nowhere to go".

Israeli authorities have envisaged resettling the Bedouin onto land on the Jabal in Abu Dis, but the land is on the site of the Jerusalem garbage dump, which is polluted and uninhabitable. Moreover, the land is owned by private residents of Abu Dis, who are reluctant to see the Bedouin resettled on their land again. The land slated for resettlement is also unsustainable for the size and needs of the community. Other resettlement opportunities have been verbally advanced by the Civil Administration, but no decision has yet been made. However, considering the way the Bedouin were displaced in the past, it is unlikely that Israeli authorities will propose a sustainable and viable resettlement opportunity that will meet the right to remedy and reparation of the Bedouin.

#### e) *Position of the Jahalin Bedouin and adjacent communities*

Most Bedouin communities are aware of their impending displacement and those that have received military orders have hired a lawyer to try to prevent their eviction and the destruction of their homes. Others have only been verbally informed by Israeli authorities that they have to evacuate the area and have not yet engaged in legal proceedings. In general, however, Bedouin want to remain in their homes and improve their living conditions, particularly access to water, health care and education. Throughout the years, the Bedouin have proved steadfast in resisting displacement (see annex 5). While many are aware that displacement may be unavoidable, they refuse to move onto land belonging to other Palestinians and have expressed a strong desire to preserve their traditional nomadic way of life while improving their living conditions (see annex 6).

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7 The Oslo Accords divided the West Bank in three zones: Areas A, B and C. Areas A are under Palestinian civil and internal security control; Areas B are under Palestinian civil control and Israeli security control; and, Area C is under exclusive Israeli control.

8 The Civil Administration is the arm of the Israel Defense Ministry responsible for non-security matters in the occupied Palestinian territories.

9 "Both the Bedouin and military sources say that the main purpose of the measure is to clear out all of the Bedouin tents from the planned enclave of Ma'aleh Adumim." Arnon Regular, "Nowhere to go - Bedouin expelled by Ma'ale Adumim Wall," *Ha'aretz*, 23 September 2005.

10 The Minister of Justice and Foreign Minister, Tzipi Livni affirmed that "the wall is the future border of the state of Israel" and that "the High Court of Justice, in its ruling over the fence, is drawing the country's border." Yuval Yoaz, "Justice Minister: West Bank fence is Israel's future border," *Ha'aretz*, 1 December 2005.

Palestinian residents of the nearby villages of Abu Dis, Al 'Zaryya, Eastern Sawahrah, Al Za'ym, and Sheikh Sa'ad, on whose land the Bedouin live, want the Bedouin to stay where they are and have asked the international community to take action against the construction of the Wall and prevent the displacement of the Bedouin (see annex 7).

*f) Current legal efforts*

Over the years, lawyers representing the Bedouin have brought over 20 cases to the Israeli High Court. None, however, have prevented their displacement. At best, the High Court froze the eviction and demolition orders until the Israeli government clarifies the status of the Bedouin, a process which is still pending. It is unclear at this stage whether the homes of the Bedouin will be demolished and they will be displaced or whether they will be allowed to stay in the area.

There is also a case brought by the residents of Abu Dis before the Israeli High Court concerning the route of the Wall. The aim is to alter the route of the Wall so that the residents of Abu Dis can keep some of their land, which would also allow some of the Bedouin to remain in the small area south-west of Ma'ale Adumim. The Court should rule on the case on the 13<sup>th</sup> of May 2007.

### **3. Legal and political implications of the displacement of the Jahalin Bedouin**

*a) The displacement is not consistent with international law*

Although collectively or privately belonging to Palestinians, Israeli authorities have classified the land as 'state land' and has imposed a strict building permit regime on the area. The demolition of homes as a result of lack of building permit is discriminatory because Israel does not grant building permits to Palestinians in Areas B and C while it does to Jewish settlers living in the same area. The building permit regime violates the principle of non-discrimination enshrined in article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination, to which Israel is a party since 1979, article 2 and 7 of the Universal Declaration of Human Rights, article 2 of the Convention on the Rights of the Child, to which Israel is a party since 1991, and articles 13 and 53 of the Geneva Convention relative to the Protection of Civilian Persons in Time of War (hereinafter Fourth Geneva Convention) to which Israel is a party since 1951.

Moreover, the Wall and its associated regime as well as Jewish settlements, do not constitute legitimate grounds under international law to permit the displacement of the Jahalin Bedouin. The Jewish settlements and resulting population transfer violate article 49 of the Fourth Geneva Convention and constitute a grave breach according to article 147 of the same Convention while the Wall and its associated regime have been ruled illegal by the International Court of Justice in its advisory opinion on 9th July 2004 on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*.

*b) The displacement is tantamount to the annexation of territory by force and violates the right to self-determination of the Palestinian people*

Through land confiscation and home demolition for the purpose of the construction of the Wall and the expansion of Ma'ale Adumim, Israel is redefining the boundaries of 'Greater Jerusalem' and de facto annexing more Palestinian territory. The annexation of territory by force violates article 2 of the Charter of the United Nations and article 47 of the Fourth Geneva Convention, which clearly stipulates that "protected persons who are in occupied territory shall not be deprived, in any case or

in any manner whatsoever, of the benefits of the present Convention by [...] any annexation by the [Occupying Power] of the whole or part of the occupied territory.” Also, both the Wall and the settlements contravene the right to self-determination of the Palestinian people to “freely determine their political status and freely pursue their economic, social and cultural development” and “freely dispose of their natural wealth and resources” as enshrined in article 1 of the International Covenant on Economic, Social and Cultural Rights and article 1 the International Covenant on Civil and Political Rights to which Israel is both a party since 1991.<sup>11</sup> They also constitute additional Israeli unilateral measure creating 'facts on the ground' which detrimentally affect final status issues, notably the feasibility of a contiguous and viable Palestinian state.

*c) The displacement amounts to forced population transfer*

The displacement of the Jahalin Bedouin constitutes the crime of population transfer defined in article 7(2)(d) of the Rome Statute as the “forced displacement of the persons concerned by expulsion or other coercive acts from the area in which they are lawfully present, without grounds permitted under international law” which coupled with article 49 of the Fourth Geneva Convention and article 8(2b)(viii) of the Rome Statute, amounts to a war crime, namely “the transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory.” The displacement of the Bedouin thus violates the prohibition against forced population transfer as stipulated in article 11 of the Convention on the Rights of the Child and articles 7 and 8 of the Rome Statute of the International Criminal Court and constitutes a crime against humanity and a war crime.

*d) The displacement constitutes elements of the crime of apartheid*

The arbitrary displacement of the Bedouin is prohibited under Principle 6 of the Guiding Principles on Internal Displacement as it is “based on policies of apartheid, ‘ethnic cleansing’ or similar practices aimed at/or resulting in altering the ethnic, religious or racial composition of the affected population.”

The displacement constitutes elements of the crime of apartheid as defined in article 2 of the International Convention on the Suppression and Punishment of the Crime of Apartheid. That is, the displacement is based on some of the inhuman acts delineated in article 2 which are part of an Israeli policy and practice “of racial segregation and discrimination...committed for the purpose of establishing and maintaining one racial group of persons over any other racial group of persons and systematically oppressing them.” Notably, the measures taken by Israel to arbitrarily displace the Palestinian Bedouin, when combined with the Wall and settlements and its associated regime, violate their basic rights to housing, freedom of movement and residence, thereby constituting the inhuman acts under article 2(c) and 2(d) of preventing the Bedouin “from participation in the political, social, economic and cultural life of the country and the deliberate creation of conditions preventing the full development of such a group” and of “divid[ing] the population along racial lines by the creation of separate reserves and ghettos for the members of a racial group.” In this context, it is worth noting that the definition of racial discrimination in article 1 of the International Covenant on the Elimination of All Forms of Racial Discrimination includes discrimination based on national origin.

Moreover, Article 7(2)(h) of the Rome Statute states that inhuman acts such as forcible transfer “committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of

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<sup>11</sup> International Court of Justice (ICJ), *The Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, 9 July 2004, para. 133.

maintaining that regime” constitute crimes against humanity on the grounds of apartheid.

*e) The displacement violates the right to an adequate standard of living*

Home demolitions and arbitrary displacement violate the right to a standard of living adequate for the health and well-being of the person and of his family, including sufficient and adequate food, clothing, housing and medical care and necessary social services, and the right to security. In 2002, the Committee on the Right of the Child expressed deep concern at the “large-scale demolition of houses and infrastructure in the occupied Palestinian territories, which constitutes a serious violation of the right to an adequate standard of living for children in those territories.”<sup>12</sup> Home demolitions impede upon the right of the child to physical, mental, spiritual, moral and social development. The arbitrary displacement of the Jahalin Bedouin thus violates article 11 of the International Covenant on Economic, Social and Cultural Rights, article 27 of the Convention on the Rights of the Child, and article 25 of the Universal Declaration of Human Rights.

*f) The displacement constitutes unlawful interference with one's privacy, family, home and violates the right to be protected against such interference*

Home demolitions and arbitrary displacement violate the right to be protected against any unlawful attack against one's privacy, family and home as enshrined in article 17 of the International Covenant on Civil and Political Rights and article 16 of the Convention on the Rights of the Child. The displacement also contravenes to the right to choose one's residence as enshrined in article 12 of the International Covenant on Civil and Political Rights.

*g) The displacement affects the social, cultural, economic and political system of an indigenous, semi-nomadic community*

Unlike their counterparts in the Middle East, the Bedouin in the occupied Palestinian territories have had to change their way of life as a result of the difficult conditions imposed by the occupation and colonization of their land. The ongoing demolition of homes and arbitrary displacement fail to recognize, respect and promote the full realization of the social, economic and cultural rights of the Bedouin with respect for their social and cultural identity, customs and traditions. It also fails to consider the best interest of the child as enshrined in article 3 of the Convention on the Rights of the Child. The lack of respect by the occupying power for the Bedouin, their honor, their family rights, and their manners and customs also contravene article 27 of the IV Geneva Convention (see annex 8).

#### **4. Implications for other Bedouin communities throughout the occupied West Bank**

Other Palestinian Bedouin communities are also affected by the reduction of available land to Palestinians; a systematic Israeli policy in the occupied West Bank, particularly in Area C (59 percent of the West Bank). For instance, approximately 15,000 Bedouin residing in the Jordan Valley are harassed by the army, have received demolition orders and have seen their freedom of movement and access to land and essential services restricted. Bedouin communities south of Hebron and Qalqilya are also threatened by similar measures and are facing displacement because of the Wall, land confiscation and the Jewish settlements.

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<sup>12</sup> UN, Concluding observations of the Committee on the Rights of the Child : Israel. CRC/C/15/Add.195, 9 October 2002, para. 50.



5. **Given the imminent forcible transfer of the Jahalin Bedouin sanctioned and carried out by the Israeli government, urgent measures are requested. We, Agricultural Development Association (PARC), Al Haq, Applied Research Institute-Jerusalem (ARIJ), Badil Resource Center for Palestinian Residency and Refugee Rights, Defence for Children International/Palestine Section (DCI), Ensan Center for Democracy and Human Rights, The Israeli Committee Against House Demolitions (ICAHD), and the Jerusalem Legal Aid Center (JLAC) call upon the Representative of the Secretary-General on the human rights of internally displaced persons, the Special Representative to the Secretary-General for children and armed conflict and the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, and the Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous people to request of the government of Israel the following:**

- Stop the construction of and dismantle the Wall and annul all related legal acts pertaining to the administrative regime established, particularly the permit and closure system, as stipulated in the International Court of Justice advisory opinion and UN Resolutions ES-10/13 of 21 October 2003 and A/RES/ES-10/15 of 2 August 2004;
- Explain how the eviction/displacement of the Jahalin Bedouin is consistent with Israel's obligations as an occupying power under humanitarian law and under international human rights law and prove that eviction/displacement is unavoidable and in accordance with international human rights law, undertaken solely for the purpose of promoting the general welfare of the protected population, reasonable and proportional, and regulated so as to ensure full and fair rehabilitation of the displaced;
- Allow the Jahalin Bedouin to remain where they presently reside, and cease issuing eviction, home demolition and stop-work orders;
- Cancel all pending eviction, home demolition and stop-work orders;
- Refrain from taking any measures that lead to the arbitrary displacement, i.e. population transfer, of the Jahalin Bedouin, including practices of home demolition and land confiscation;
- Cancel the E1 plan and planned expansion of the Jewish settlement of Ma'ale Adumim.
- Improve the conditions of life and work and levels of health and education through the participation and cooperation of the Bedouin and ensure the availability and accessibility of employment;
- Recognize the rights of the Jahalin Bedouin to the land they traditionally inhabit and use for their subsistence and traditional activities;
- Give building permits to Palestinians, including the Jahalin Bedouin, residing in Areas B and C of the occupied West Bank; and,
- Allow internally displaced persons in the occupied Palestinian territories, including the Jahalin Bedouin, to return to their homes and places of habitual residence in accordance

with international law, the UN Guiding Principles on Internal Displacement and the UN Principles on Housing and Property Restitution for Refugees and Displaced Persons.

- Allow Palestinian refugees, including the Jahalin Bedouin, to return to their homes of origin in Israel, and respect their right to a remedy and reparation, including restitution, compensation, rehabilitation, satisfaction and guarantee of non-repetition in accordance with UN Resolution 194, the UN Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, and the UN Principles on Housing and Property Restitution for Refugees and Displaced Persons.

**To this end, we respectfully invite the Special Representatives on internally displaced persons and children in armed conflict and the Special Rapporteurs on housing, the occupied Palestinian territories and indigenous people to undertake the following:**

- Send urgent communications to the highest levels of the Israeli government addressing the above;
- Include recommendations for appropriate intervention by UN bodies on the case of the Jahalin Bedouin in the occupied Palestinian territories based on the reporting requirements of each individual mandate;
- Visit the occupied Palestinian territories to assess the situation of internal displacement, including the situation of Jahalin Bedouin and other Palestinian communities facing arbitrary displacement; and,
- Monitor and report on the Jahalin Bedouin and other Palestinian communities displaced or vulnerable to displacement in the occupied Palestinian territories under the reporting mechanism established by UN Security Council Resolution 1612.