

# FORCED POPULATION TRANSFER: The Case of the Old City of Hebron



**Editor:** Nidal Alazza

**Research team:** Amaya al-Orzza, Ezees Silwady, Artemis Kubala, Ahmad Lahham,  
Halimeh al-Ubeidiya and Haya Abu Shkhaidem

**Copy-edit:** Shaina Rose Low and Rachel Hallowell

**Design and Layout:** Fidaa Ikhlayel and Atallah Salem

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BADIL Resource Center for Palestinian Residency and Refugee Rights  
Karkafa St.  
PO Box 728, Bethlehem, West Bank; Palestine  
Tel.: +970-2-277-7086; Fax: +970-2-274-7346  
Website: [www.badil.org](http://www.badil.org)



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## Executive Summary

Consideration of Israel's policies in Hebron's Old City reveals a system that infiltrates every aspect of daily life for Palestinian residents. Violating international humanitarian and human rights law, a comprehensive Israeli regime creates a coercive environment that triggers forcible transfer of Palestinians living in the Old City. Since the establishment of Israeli colonies in the Old City in the 1970s, Israel has not only added to its range of oppressive policies, but also has, in a number of cases, intensified these policies so severely that the existence of Palestinians in the Old City becomes impossible. Israel restricts many Palestinian rights, including free movement and access to property, while strengthening military protection of the colonizers, which in turn emboldens them to harass, abuse and attack the Palestinian population. Numerous Israeli military orders, under the guise of 'security,' have resulted in the closure of hundreds of businesses and the forcible transfer of a considerable number of Palestinians who were residents of the Old City, leaving the remaining Palestinian population at risk of forcible transfer.

The Israeli authorities, in conjunction with colonizers in the Old City, facilitate the establishment and expansion of colonies and outposts in the city mainly by using land that was originally seized for alleged military purposes, appropriating properties owned or rented by Jews before 1948 and purchasing properties through dubious transactions. The colonization process works together with Israeli restrictions on Palestinians' movement, property confiscation, denial of use and colonizer attacks, resulting in the creation of a coercive environment that triggers the forcible transfer of Palestinians living in the Old City.

BADIL has identified and categorized nine Israeli policies taking place in the Old City, which are detailed in this working paper. First, the denial of residency takes place when Israel denies Palestinians in the Old City the right to choose residency or to maintain residency in certain neighborhoods of the city. The permit regime exacerbated by conditions outlined in the 1997 Protocol Concerning the Redeployment of Hebron and the presence of colonies interferes with multiple facets of Palestinian life. Property confiscation and denial of use in the Old City is manifested in significant restrictions, 'seizure

for military purposes,' expropriation orders and the creation of colonial outposts. Discriminatory zoning and planning is utilized to create colonies and bring new colonizers to the Old City. Segregation occurs on both spatial and legal levels, separating Palestinians from the colonizers and from each other.

Israel denies Palestinians access to natural resources and services in Hebron's Old City by depriving them of their right to their heritage, history and culture. Denial of access to services leaves Palestinians in a very vulnerable and perilous situation. Those Palestinians who were forcibly displaced, either inside the West Bank or abroad, are denied their right to reparations. The mere presence of Israeli soldiers in the city acts as a strong deterrent for Palestinian resilience and resistance. Lastly, non-state actions with the complicity of the Israeli regime and the army in the Old City are mostly committed by the colonizers which often result in physical injuries, constant insecurity, psychosocial distress, loss of livelihoods and a state of fear.

In addition, most Palestinians cannot find legal recourse to protect their individual or collective rights, including property rights and their freedom of movement through the Israeli judicial system. Complaints filed by Palestinians to the occupying power are usually dismissed outright. The few cases which do make it to Israeli court are usually dismissed without indictment.

This situation significantly limits and may render impossible any possibility of ensuring Palestinian residents' rights in the Old City. The coercive environment created by these policies results in gross and repetitive human rights violations and, when forcible transfer occurs, war crimes. The combination of both crimes, forcible transfer and colonization in the Old City and elsewhere in the occupied Palestinian territory, should elicit the activation of third party states' obligations to hold Israel accountable.

# Introduction

BADIL's series on *Forced Population Transfer: The Case of Palestine* aims to provide an overview of the range of policies Israel employs to affect both the forcible transfer of Palestinians within the occupied Palestinian territory (oPt), and the unlawful forced displacement of Palestinians inside Israel.<sup>1</sup> Israel employs a multitude of illegal and discriminatory policies, practices and means through which it seeks to control all aspects of Palestinian life, and ultimately change the demographic composition of the country. BADIL has identified at least nine individual policies aimed at forcibly transferring the Palestinian population: denial of residency, installment of a permit regime, land confiscation and denial of use, discriminatory zoning and planning, segregation, denial of access to natural resources and services, denial of reparations, oppression of resistance and non-state actions. Each working paper from BADIL's Forced Population Transfer series addresses one of these policies, with the aim to improve local, regional and international actors' understanding of the root causes of the conflict, triggers and means of the forcible displacement of Palestinians, including forcible transfer, as well as the international humanitarian law (IHL) and human rights situation in Palestine in relation to the addressed policy.

This working paper, a case study of the most affected areas in and around Hebron's Old City, explores how forcible transfer policies work in this particular area. For the purposes of this paper, we consider the 'Old City' to be those parts of the city signifying the historic center of Hebron that are inside H2<sup>2</sup>, along with the closely surrounding areas, such as Tel Rumeida and the surroundings of the Ibrahimi Mosque. These locations, as a result of the establishment of the colonies nearby, are some of the most affected areas of Hebron and include residential neighborhoods, holy sites and commercial markets. Israeli policies of forcible transfer are also implemented throughout

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- 1 This Series of working papers constitutes a digestible overview of the forced displacement of Palestinians as a historic, yet ongoing process, which detrimentally affects the daily life of Palestinians and threatens their national existence. For more information check: BADIL Resource Center, *Forced Population Transfer: the Case of Palestine. Introduction*, Working Paper No. 15, 2014, Palestine. Available at: [http://www.badil.org/phocadownloadpap/Badil\\_docs/publications/wp15-introduction.pdf](http://www.badil.org/phocadownloadpap/Badil_docs/publications/wp15-introduction.pdf)
  - 2 The 1997 Hebron Protocol divided the city of Hebron into two parts. H1 comprising around 80 percent of the city and under full control of the Palestinian Authority, and H2, comprising around 20 percent and including the Old City and the most affected areas – under the control of Israel. The Palestinian Authority has control over civil affairs except in the colonies, and Israel controls the security affairs.

all of Hebron, including the H1 area and throughout the governorate. This specific paper focuses on the most affected areas by these policies inside H2, where the implantation of Israeli colonies and colonizers, among other practices, has resulted in the forcible transfer of significant numbers of Palestinians from their homes. The particular circumstances of Hebron's Old City make it a very strong case study to show the implementation and interaction of different Israeli policies of forcible transfer, not only in the area covered by the research, but throughout Mandate Palestine.<sup>3</sup>

As such, this paper is a unique addition to the Forced Population Transfer series. The decision to supplement the series with specific case studies stems from a variety of reasons. While the content, goals, means, mechanisms and consequences of each policy could be explored alone for academic and legal purposes, the Israeli policies causing displacement of Palestinians are interrelated and complementary. They constitute the means to an end, ultimately changing the demographic composition of Palestine. This is why conducting a case study exploring the interrelation of policies and their impact on Palestinians is necessary. In practice, most Palestinians are subjected to multiple combinations of different policies at the same time; as such, a case study could more effectively illustrate the systematic and comprehensive Israeli regime designed and implemented to control the maximum amount of land with the minimum number of Palestinians on that land. Case studies in areas like the Old City – where implementation of the policies is intensified – provide unique insight into understanding contemporary forcible transfer in the occupied Palestinian territory (oPt). Hebron's Old City was selected as the first case study because of its exceptionality. First, the Old City has historic, archeological, cultural, religious and economic significance. Second, it is one of only two cities in which colonies exist inside the city itself; the other being East Jerusalem. Finally there exists a special framework, in the form of the 1997 Protocol Concerning the Redeployment of Hebron (hereafter referred to as the Hebron Protocol) to facilitate Israeli colonial domination of the area. At the same time, the situation in the Old City is reflective and indicative of the situation facing the vast majority if not all of the Palestinian population in Mandate Palestine.

“In the mid-1970s and 1980s, in the period of escalation and expansion of the Israeli colonization of Hebron, a few thousand Palestinians were living in the center of Hebron's Old City. As a result of Israeli restrictions and oppressive measures, in particular those imposed during the First Intifada, as well as due to colonizers' attacks, the Palestinian population was gradually reduced. In 1997, when the Hebron Protocol was signed between Israel and the PLO [Palestinian Liberation Organization], it's the same period when the Hebron Rehabilitation

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3 Mandate or Mandatory Palestine refers to the territory that was under British administration between 1920 and 1948. This territory today encompasses the oPt and Israel.



Committee started to work (it was established in 1996); there were only 400 Palestinians in the affected areas of the Old City. Today, in 2016, although there are about 6,500 Palestinians residing in the area, the population who lives there under imminent threat of being killed, attacked, harassed or displaced, on a daily basis is still 60 percent less than what they would have been if there was no occupation and settlers.”

*Emad Hamdan, Director of Hebron Rehabilitation Committee.*

*Interview: 11 July 2016*

Although the sharp decline in the Palestinian population in the Old City is quite apparent on the ground, there is a lack of accurate quantitative data. This scarcity is due to, among other reasons, the different definitions of the ‘Old City’ by different organizations and institutions,<sup>4</sup> the lack of accurate monitoring and documentation mechanisms for forcible transfer, and the lack of comprehensive census initiatives specifically for the Old City and for the H2 area more generally. Moreover, there has been an inflow of new residents into the Old City following the restoration and renovation of many abandoned homes by the Hebron Rehabilitation Committee (HRC) and other organizations, coupled with economic incentives for those Palestinians who are willing to endure the coercive environment. The presence of these new residents and the resulting positive demographic growth rate have also hindered the documentation and monitoring of forcible transfer cases in the Old City. Despite the absence of accurate numbers, there are some estimates of the decrease in population of the Old City throughout the last decades.

Population in the Old City <sup>5</sup>	
Period/Year	Palestinian Population
1950s	10,000
1967	7,500
1970	6,000
1985	1,620
1990	1,501
1996	400
2015	6,500

The Palestinian Bureau of Statistics estimates that the annual growth rate

4 The numbers shown in the table do not necessarily refer to the population of the area as defined by BADIL as ‘Old City’; the area covered by this data might be bigger or smaller, but the numbers are still an accurate indicator of the demographic changes and the sharp decrease in population.

5 Data from interview with Hebron Rehabilitation Committee, Maan report, also supported by The Old City of Hebron, Can it be saved?; Ghassan Dweik, Al-Taqr li-Mashru' TarmimalBalad al-Qadima fi al-Khalil, report presented to AMIDEAST, Jerusalem 1992. Further unpublished documentation on the UGU project for the rehabilitation of the Old City of Hebron is in the author's possession.

of Palestinians between 1967 and 2005 is 3.5 percent, which means that by 2005 there should have been over 25,000 Palestinians in the Old City. Instead of a steady growth, the Palestinian population has decreased significantly, the biggest drops taking place following the establishment of the first colony and the arrival of the first colonizers in 1969, and following the Ibrahimi Mosque massacre and subsequent additional restrictions imposed by the Israeli forces in 1994. Even considering socio-economic factors in the area, the lack of space and the capacity of absorption of new residents of the Old City, a decrease in population of around 95 percent from 7,500 in 1967 to 400 in 1996 is abnormal. Such a dramatic decline, in the absence of any major external causes such as natural disaster or a war, can only be explained by the Israeli enterprise targeting Palestinian presence in this area. This paper analyzes how Israel commits the crimes of forcible transfer, colonization and apartheid through the aforementioned policies.

## Legal Framework

In Hebron's Old City Case Study and the Forced Population Transfer working paper series, BADIL utilizes both International Humanitarian Law (IHL) and International Human Rights Law (IHRL) to draw a rigorous legal analysis of forcible transfer.

Forcible transfer is a term that commonly evokes images of people being loaded onto trucks or trains and driven away, usually by violent force.<sup>6</sup> It should be noted that the 'forcible' dimension of this offence is interpreted broadly, and *"is not restricted to physical force, but may include threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power against such person or persons or another person, or by taking advantage of a coercive environment."*<sup>7</sup> This coercive environment is intended to cause – and frequently results in – forcible transfer. As such, 'force' is not limited to acts already committed but extends to threats or a reasonably perceived likelihood of future acts. In this regard, the various Israeli policies including those explained in this working paper create a coercive environment which triggers forcible displacement of Palestinians.

Forcible transfer is prohibited and/or criminalized under international law. The illegality of forcible transfer is rooted in international customary

<sup>6</sup> Deportation denotes displacements that involve the crossing of an international border while forcible transfer relate only to displacements within a State (Stakić, IT-97-24-A, Judgment of 22 March 2006) or territory, without crossing an international border.

<sup>7</sup> The Rome Statute Elements of Crimes, Article 6(e). Available at: <https://www.icc-cpi.int/NR/rdonlyres/336923D8-A6AD-40EC-AD7B-45BF9DE73D56/0/ElementsOfCrimesEng.pdf>.

law, embodied in a multitude of international treaties and supported by judicial and scholarly jurisprudences. Under Article 49 of the Fourth Geneva Convention<sup>8</sup> and Rule 129 of Customary International Law,<sup>9</sup> an occupying power is strictly prohibited from deporting and/or forcibly transferring the civilian population of an occupied territory. This provision is robust and unequivocal, with contravention constituting a grave breach under Article 147 of the Fourth Geneva Convention. Rule 130 of Customary International Law, moreover, says that “the transfer by the Occupying Power of parts of its own civilian population into the territory it occupies” is a grave breach as well.<sup>10</sup> Exceptions may only be made if a total or partial evacuation is necessary for the security of the population of the occupied territory or imperative military reasons.

Accordingly, forcible transfer is considered both a war crime when committed in the context of an international or non-international armed conflict, and a crime against humanity when committed as a part of a widespread or systematic attack against any civilian population.<sup>11</sup> Forcible transfer, as in the case of Palestine, is typically accompanied by a multitude of violations of human rights and fundamental freedoms. Each policy of forcible transfer identified by BADIL has different human rights implications, with the degree of coerciveness also influencing the rights and freedoms affected.<sup>12</sup> Special Rapporteur Awn Shawkat Al-Khasawneh’s report on The Human Rights Dimensions of Population Transfer to the Sub-Commission on Prevention of Discrimination and Protection of Minorities concluded that “[...] *the right to live and remain in one’s homeland, i.e. the right not to be subjected to forcible displacement, is a fundamental human right and a prerequisite to the enjoyment of other rights.*”<sup>13</sup>

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8 Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949. Article 49. Available at: <https://goo.gl/>

9 ICRC, Rule 129. The Act of Displacement, Customary IHL. Available at: [https://www.icrc.org/customary-ihl/eng/docs/v1\\_cha\\_chapter38\\_rule129](https://www.icrc.org/customary-ihl/eng/docs/v1_cha_chapter38_rule129)

10 ICRC, Practice Relating to Rule 130. Transfer of Own Civilian Population into Occupied Territory. Available at: [https://www.icrc.org/customary-ihl/eng/docs/v2\\_rul\\_rule130](https://www.icrc.org/customary-ihl/eng/docs/v2_rul_rule130)

11 International Criminal Court, Rome Statute of the International Criminal Court, 1998, Articles 8(2)(a)(vii), 8(2)(b)(viii) and 7(1)(d); In seeking to identify instances of forcible transfer, jurisprudence of the ICTY has identified the following requisite elements: i. The forced displacement of protected persons by expulsion or other forms of coercion; ii. From areas in which they were lawfully present (though remaining within a national border); iii. The removal taking place without grounds permitted by international law. See ICTY, Prosecutor v. Popović et al., Case Number. IT-05-88 -T, Trial Judgment, (hereafter ‘Popović et al’) para. 891.

12 See BADIL Resource Center, Installment of a Permit Regime, Force Population Transfer: The Case of Palestine, December 2015. Available at: <http://www.badil.org/en/publication/press-releases/60-2015/4518-pr-en-281215-38.html>; or other Working Papers of the Force Population Transfer Series, available here: <http://www.badil.org/en/publication/research/working-papers.html>

13 E/CN.4/Sub.2/1997/23, section 12, available at: <https://unispal.un.org/DPA/DPR/unispal.nsf/0/480844B6EC1F52A905256500004CCF31>.

In addition, the Special Rapporteur report emphasized that:

[...] population transfers[...] violate[...] rights contained in several important international human rights instruments, in particular the international covenant on civil and political rights, the international covenant on economic, social and cultural rights, the convention on the elimination of all forms of racial discrimination and the convention on the rights of the child.<sup>14</sup>

Thus this case study features the Israeli policies, the human rights violations associated with them and their devastating impact on the lives of Palestinians. Each policy is addressed separately in order to analyze the Israeli laws and other mechanisms that create the coercive environment that induces the forcible transfer of Palestinians in Hebron's Old City. This, in turn, serves to illustrate the ongoing displacement of Palestinians that is taking place across Mandate Palestine. BADIL hopes that this series will inform stakeholders, policy makers, and activists, and ultimately facilitate advocacy efforts which will contribute to the dismantling of a structure that encompasses crimes and systematically violates Palestinian rights.

## Methodology

Similar to the Forced Population Transfer working paper series, this paper combines both field and desk research. Field research consists of case studies drawn from individual and group interviews with Palestinians living in the Old City affected by forcible transfer policies, and experts such as lawyers or employees of organizations active in the area. Most of the data used is qualitative in nature, although where quantitative data was available – or could be collected – it was included in the research. Desk research contextualizes policies of forcible transfer by factoring in historical, social, political and legal conditions in order to expose the human rights violations of those Palestinians living in the Old City. The analysis is supplemented with secondary sources such as scholarly articles and reports.

Due to the unique and intensified situation of the Old City and the importance of raising the voice of affected Palestinians, BADIL's staff conducted interviews with some residents of these areas, despite the risks involved. BADIL's staff faced several difficulties during the field research due to Israeli restrictions and closed access to key areas such as ash-Shuhada Street and Tel Rumeida, which considerably hampered the field research. In some instances, residents met with staff at other locations as the latter were unable to reach their homes

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<sup>14</sup> Ibid, section 14.

as a result of the restrictions. The staff was also prevented from recording video or taking still photographs of the physical obstacles, ill treatment at checkpoints, closures and colonizers' hostility. On one occasion BADIL's researchers were attacked with rocks by Israeli colonizers while conducting an interview. Despite the obstacles and difficulties, BADIL's staff was able to collect and document more than 18 testimonies, which were used in this paper and will be made available in full for follow up and advocacy purposes. As these testimonies constitute a critical part of this paper, BADIL would like to thank the participants as well as all those who contributed to this paper.

## Main Findings

The forcible transfer of Palestinians residing in Hebron's Old City through the creation of a coercive environment is the result of a combination of all the aforementioned Israeli policies. However, the case study demonstrates that of all the policies mentioned, the main ones in play in the Old City are property confiscation and denial of use, discriminatory zoning and planning, segregation, the permit regime and the actions of non-state actors with the state's consent. This is not to say that the other policies are not utilized in the Old City, but that these are more prevalent than others. While they are presented categorically, the overlap or interaction of the policies cannot be ignored. For example, the presence of colonies and colonizers in the Old City is accompanied by the presence of Israeli military forces which, in turn, use oppressive and suppressive measures against the Palestinian population there. This creates a highly charged environment that has the potential to – as demonstrated by recent events – erupt into clashes and violence, leading to civilian casualties and injuries as well as the destruction of property, resulting in even more restrictions on the pretense of security and so on.

It should be noted that the colonization of the Old City is not an individual initiative of radical colonizers but rather a well-planned Israeli endeavor carried out by Zionist movements (non-state actors) which almost immediately receive the support, privilege and sustenance from Israeli authorities and Zionist 'charitable' organizations.

Prominent results of these policies in the Old City include, but are not limited to: closures and movement restrictions; physical attacks; daily humiliation, ill treatment and intimidation; Judaization of the area; and destruction of social, economic and physical coherence of Palestinian life, resulting in ubiquitous and intensifying fear among Palestinians. All these features create and establish an environment that makes the exercise and enjoyment of a normal life impossible, as even the most basic of activities such as going to

school, work, shopping or visiting relatives are detrimentally affected by the policies. As such, Palestinian presence in the Old City (just as elsewhere in the oPt) in and of itself constitutes resistance.

The Hebron Protocol, which initially was intended to be a managerial interim agreement for the implementation of the redeployment of Israeli forces based on the PLO's and Israel's commitment to maintain a fully normal life for the residents and the unity of Hebron, has become an instrument used by Israel not only to practice but also to legitimize the human rights violations and crimes on the ground. In other words, it is a means for justifying, entrenching and expanding the forcible transfer of Palestinians and the Israeli colonization enterprise in Hebron.

The severe Israeli administrative, legal and physical restrictions imposed in Hebron's Old City, alongside legal and socio-economic privileges provided to the colonies and colonizers by Israeli authorities, exacerbate the coercive environment leaving Palestinians with no choice but to leave.

The strategic and successful coupling of the transfer of the occupied population *out* of the territory and the transfer of the population of the occupier *into* the territory is starkly visible in the case of Hebron's Old City. As such, the occurrence of forcible transfer, which is a grave breach of international law, is on one hand clearly manifested in the sharp drops in Palestinian population residing in Hebron's Old City, and on the other in the ongoing increase of colonizers and the expansion of colonies.

Further, the residents of the Old City, Palestinian institutions, human rights organizations and activists lack the minimum standards of protection due to the failure of national and international duty bearers to enforce international law and to hold Israel accountable.

Unfortunately, neither governmental institutions nor non-governmental organizations - Palestinian or international - are monitoring and/or documenting this phenomenon in the Old City or elsewhere in Mandate Palestine. As such, BADIL faced many challenges in locating individuals or families that were forcibly transferred and in obtaining accurate quantitative data in terms of the number of colonizers in the Old City and the number of Palestinians displaced.

## Recommendations

Based on the findings above, BADIL makes the following recommendations:

### **To all Stakeholders:**

Activate and implement measures to bring Israel into compliance with international law, to end both the forcible transfer of Palestinians and colonial domination.

### **To the Palestine Liberation Organization and the Palestinian Authority:**

1. Review of the Hebron Protocol in order to annul all terms inconsistent with international law and those degrading the unity, character and identity of Hebron.
2. Secure sufficient human and financial resources to challenge Israeli policies, measures and practices in the Old City with the aim to ensure Palestinian presence, sustainability and sovereignty.

### **To the United Nations Member States (individually or collectively):**

1. Support the PLO/PA approach (above) aiming at ending the inconsistency of the Hebron Protocol with international law and ensuring Palestinian presence and sovereignty over the Old City.
2. Expand and enhance the mandate and support of the international presence in Hebron with the aim of ensuring Palestinians' enjoyment of the international protection they are entitled to.

### **To the United Nations Agencies and Special Procedures:**

1. Acknowledge and condemn in statements and reports that Israeli policies in the oPt, and in particular in Hebron's Old City, create a coercive environment that leads to the forcible transfer of Palestinians.
2. Fulfill obligations to the Palestinian people under international law by taking all measures available to end forcible transfer and colonization in the oPt.
3. Initiate, develop and sustain a viable and robust mechanism for the monitoring and documentation of forcible transfer with existing Palestinian organizations and international agencies operating in the oPt.

4. Initiate, develop and sustain a binding international instrument or body exclusively devoted to the protection of those internally displaced as a result of forcible transfer.

**International Civil Society and Human Rights organizations:**

1. Take measures to influence and lobby national and international duty bearers to address the aforementioned recommendations;
2. Organize campaigns to raise awareness of and end the restrictions imposed upon Hebron's Old City and its residents; in particular to rehabilitate the Old City, open closed areas and revive the economy.
3. Organize campaigns to raise awareness of and end the financial support to Zionist organizations acting under the guise of 'charitable' organizations which implement and support colonization projects, colonies and colonizers.



## Hebron: Historical Overview

Hebron (al-Khalil in Arabic) is one of the oldest cities in the world and home to the Ibrahimi Mosque, one of the most sacred religious sites for Jews and Muslims. It is believed that the tombs of several biblical prophets, such as Abraham, Jacob and Isaac, are located there.<sup>15</sup> Hebron's Old City grew around this religious site, developing into clusters of houses built around courtyards and separated by narrow medieval alleys. The Old City is the historic heart and soul of Hebron, and its architecture and the structure of the quarters can be traced back to the Mamluk period, also known as 'The Golden Age' of Hebron.<sup>16</sup>

Throughout the years, Hebron became an industrial and commercial hub not only for Palestinians but also for neighboring countries. The Old City in particular was characterized by vibrant streets full of merchants selling their goods.<sup>17</sup> Even after the establishment of borders with other Arab countries in the twentieth century, Hebron remained a central location for trade and commerce in Palestine.<sup>18</sup> This reality changed following the 1967 occupation of the West Bank, and completely disappeared after the closure of ash-Shuhada Street, the main commercial and social avenue of the city.

The ongoing colonization has dramatically transformed the Old City both physically and socially. Today Hebron is home to about 215,450 residents<sup>19</sup> and with an area of 74.102 km<sup>2</sup>, it is the second largest city in the West Bank after East Jerusalem.<sup>20</sup> Although the city itself still remains one of the most important commercial centers in Palestine, this activity has moved out of the Old City, which is now characterized by closed shops and businesses, empty homes and streets, and constant Israeli military presence. As of 2015, the Old

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15 Hebron Rehabilitation Committee, *Hebron's Old City; Preservation and Revitalization Master Plan*, 2014.p. 30-34. Available at: <http://www.hebronrc.ps/images/stories/MP%20English.pdf>

16 Ibid.

17 Ibid.

18 Ma'an Development Center, *Hebron Destroyed From Within; Fragmentation, Segregation and Forced Displacement*, 2008. p. 5. Available at: [http://masader.ps/sites/default/files/Masader\\_Files/Hebron%20Destroyed%20from%20Within.pdf](http://masader.ps/sites/default/files/Masader_Files/Hebron%20Destroyed%20from%20Within.pdf)

19 The Palestinian Central Bureau of Statistics, *Localities in Hebron Governorate by Type of Locality and Population Estimates, 2007-2016*. Available at: [http://www.pcbs.gov.ps/Portals/\\_Rainbow/Documents/hebrn.htm](http://www.pcbs.gov.ps/Portals/_Rainbow/Documents/hebrn.htm)

20 Applied Research Institute of Jerusalem (ARIJ), *Hebron City Guide*, 2009. p. 13, available at: <http://proxy.arij.org/vprofile/hebron/ar/pdfs/Hebron%20City%20profile%20AR.pdf>.

City has an area of about one square kilometer and a population of around 6,500 residents.<sup>21</sup>

Due to its religious and political significance, Hebron became a stronghold for the religious extremists within the colonizing movement<sup>22</sup> who enjoy the direct and indirect support of the Israeli government.<sup>23</sup> The case of Hebron's Old City is very similar to that of East Jerusalem, as they are the two biggest cities and the only two places in the West Bank where colonization takes place inside the city itself. The exact number of colonizers living in the colonies of the Old City varies according to sources,<sup>24</sup> with numbers ranging between 450 and 800.<sup>25</sup> In addition, a large contingent of Israeli forces is deployed in and around the Old City of Hebron to protect the Israeli colonies and colonizers in the area.<sup>26</sup>

## British Mandate - First Intifada

In 1917, Mandate Palestine came under British control after nearly 400 years of Ottoman rule. As with the rest of Palestine, Hebron's Old City suffered major social and economic setbacks due to restrictions imposed upon it by the British Mandate.<sup>27</sup> Historically, the Old City had a small Jewish community living alongside the primarily Muslim Palestinian population.<sup>28</sup> The rise of Jewish-Zionist interest in Palestine led to tension between the supporters of Zionism and the Palestinian population. This tension intensified after the

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21 Interview with the Hebron Rehabilitation Committee.

22 Müller, P., Alternative Information Center, *Occupation in Hebron*, 2004. p. 13. Available at: [https://www.ochaopt.org/documents/opt\\_prot\\_aic\\_hebron\\_dec\\_2004.pdf](https://www.ochaopt.org/documents/opt_prot_aic_hebron_dec_2004.pdf).

23 Idith Zertal and Akiva Eldar, *Lords of the Land: The War over Israel's Settlements in the Occupied Territories, 1967-2007*, New York: Nation Books, 2007. p. 16ff.

24 The exact number of colonizers has not been made public. Moreover, the numbers fluctuate, since some of the residents in the colonies are yeshiva students or foreign visitors who might spend some time in Hebron visiting family or for other purposes.

25 Amnesty International, *International Public Statement: Israeli authorities must end collective punishment of Palestinians in Hebron, protect human rights defenders in the city*, 2016. p. 5. Available at: <https://www.amnesty.org/en/documents/mde15/3529/2016/en/>; Interview with TawfiqJahshan, Hebron Rehabilitation Committee lawyer, 23 March 2016.; Adamczyk, S., Norwegian Refugee Council, *Driven Out: The Continuing Forced Displacement of Palestinian Residents from Hebron's Old City*, 2013. p. 12. Available at: <https://www.nrc.no/globalassets/pdf/reports/driven-out-the-continuing-forced-displacement-of-palestinian-residents-from-hebrons-old-city.pdf>

26 Amnesty International, *International Public Statement: Israeli authorities must end collective punishment of Palestinians in Hebron, protect human rights defenders in the city*, 2016. p. 5. Available at: <https://www.amnesty.org/en/documents/mde15/3529/2016/en/>

27 Hebron Municipality, *The Visual History of Hebron*, 2012. p. 67.

28 The Christian presence in Hebron has always been a very small minority, see: Adamczyk, S., Norwegian Refugee Council, *Driven Out: The Continuing Forced Displacement of Palestinian Residents from Hebron's Old City*, 2013. p. 12. Available at: <https://www.nrc.no/globalassets/pdf/reports/driven-out-the-continuing-forced-displacement-of-palestinian-residents-from-hebrons-old-city.pdf>

Balfour Declaration (which officially announced British support for a Jewish homeland in Palestine), the significant increase of Jewish colonizers coming to Mandate Palestine, and the Zionist attempts to seize control of al-Haram al-Sharif (al-Aqsa Mosque compound) in Jerusalem.<sup>29</sup>

Several clashes between Zionists and Palestinians in the 1920s and 30s resulted in hundreds dead and injured<sup>30</sup> and the evacuation in 1929 of the Jewish residents of Hebron by the British Mandate forces.<sup>31</sup> Some later returned to take up residency in the Old City until 1936 when the entire Jewish community was relocated.

In 1948, Israel was established in part of Mandate Palestine. The West Bank, including East Jerusalem, came under Jordanian rule, while the Gaza Strip fell under the Egyptian administration. In the following years, the conditions in Hebron improved until Israel's occupation of the West Bank and Gaza Strip in 1967.<sup>32</sup>

The first two decades of Israeli occupation were characterized by the creation and establishment of colonies, which had a significant impact on Hebron. In April 1968, a group of 40 Jewish Israelis<sup>33</sup> rented a room in a hotel in Hebron's Old City for two days. They were led by Rabbi Moshe Levinger, one of the leaders of the Gush Emunim right-wing movement, who enjoyed protection from the Israeli army.<sup>34</sup> The group pretended to be Swiss tourists who wanted to stay in the hotel during the Jewish Passover holiday; however, after the two days the group announced that they would not leave the hotel or Hebron. Initially, the Israeli government did not approve their actions, but after a couple of days, Israeli cabinet ministers visited the group in a show of support.<sup>35</sup>

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29 Jonathan Cook, Israel's encirclement of al-Aqsa 'nearly complete,' Middle East Eye, 1 November 2015. Available at: <http://www.middleeasteye.net/news/israel-s-encirclement-al-aqsa-nearly-complete-699242536>

30 Newberg, Eric Nelson, *The Pentecostal Mission in Palestine, 1906--1948: A Postcolonial Assessment of Pentecostal Zionism*, 2008. Proquest LLC. p. 265; Hamouda, S., *Jerusalemite historical documents, Collection and comments*, Annals of Jerusalem, Tenth Issue, 2010. p. 78, available at: <http://www.palestine-studies.org/sites/default/files/hq-articles/10879.pdf>.

31 Adamczyk, S., Norwegian Refugee Council, *Driven Out: The Continuing Forced Displacement of Palestinian Residents from Hebron's Old City*, 2013. p. 12. Available at: <https://www.nrc.no/globalassets/pdf/reports/driven-out-the-continuing-forced-displacement-of-palestinian-residents-from-hebrons-old-city.pdf>

32 Hebron Municipality, *The Visual History of Hebron*, 2012. p. 12.

33 The Telegraph, *Rabbi Moshe Levinger – obituary*, 20 May 2015. Available at: <http://www.telegraph.co.uk/news/obituaries/11618453/Rabbi-Moshe-Levinger-obituary.html>

34 Alternative Tourism Group, *Palestinian Cities, Hebron (Al-Khalil)*, 2010. Available at: <http://www.atg.ps/print.php?page=hebron>.

35 B'Tselem and Association for Civil Rights in Israel, *Ghost Town: Israel's Separation Policy and Forced Eviction of Palestinians from the Center of Hebron*, 2007. p. 9. Available at: <http://www.acri.org.il/pdf/ghosttown.pdf>

In 1971, the group agreed to relocate to Kiryat Arba, the newly-established colony on the outskirts of Hebron's Old City approved by the Israeli Knesset. The first 50 families moved into the colony in the second half of 1971. Within a few years, Kiryat Arba contained hundreds of housing units built exclusively for Israelis.<sup>36</sup> In April 1979, several colonizers from Kiryat Arba started establishing colonies in Hebron's Old City using a specific pattern: a group of Israeli colonizers would illegally occupy a Palestinian-owned building or an area, and then remain there until authorization and support were provided by the Israeli regime; these non-state actions (implemented by colonial organizations and movements) eventually were sanctioned and sustained by Israel. During the early 1980s, four Israeli colonies were established through this pattern in the Old City: Beit Hadassah (al-Dabbayah), Avraham Avinu (Hay al-Yahud), Beit Romano (Osama Ben Munqez School), and Tel Rumeida.<sup>37</sup> Later, in 2014, a formal fifth colony,<sup>38</sup> also recognized and supported by Israel, was established in al-Rajabi house.

The colonization process and expansion, alongside Israeli subjection of Palestinians to an excessively oppressive regime, resulted in an escalation of clashes between the Palestinian population and the colonizers during the 1980s.<sup>39</sup> Palestinian resistance was severely suppressed by the Israeli forces with killings, arrests, attacks, harassment and curfews. The situation deteriorated even further during the First Intifada, a popular uprising that erupted in December 1987 and swept through the oPt against 20 years of Israeli military occupation. During the First Intifada more restrictions were imposed on the Palestinian residents of the Old City by the Israeli forces.<sup>40</sup> This Intifada began to wane following the 1991 Madrid Conference<sup>41</sup> and officially ended in 1993 with the signing of the Oslo Accords.<sup>42</sup>

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36 Ibid, p. 10.

37 Adamczyk, S., Norwegian Refugee Council, *Driven Out: The Continuing Forced Displacement of Palestinian Residents from Hebron's Old City*, 2013. p.13. Available at: <https://www.nrc.no/globalassets/pdf/reports/driven-out-the-continuing-forced-displacement-of-palestinian-residents-from-hebrons-old-city.pdf>

38 Establishing Israeli colonies comes within two forms. Formally when Israel uses a complex legal and bureaucratic mechanism to take control of Palestinian lands, provide services to the colonies and encourage Jewish-Israeli citizens to migrate to them. Informally when individual Jewish-Israeli citizens take control of Palestinian lands by force, and then seek the Israeli recognition and support (outposts).

39 Alternative Tourism Group, *Palestinian Cities, Hebron (Al-Khalil)*, 2010. Available at: <http://www.atg.ps/print.php?page=hebron>.

40 Ibid.

41 The Madrid Conference of 1991 was an attempt by the international community to revive the Israeli-Palestinian peace process through negotiations.

42 Nami Nasrallah, 'The First and Second Palestinian intifadas,' in David Newman, Joel Peters (eds.), *Routledge Handbook on the Israeli-Palestinian Conflict*, Routledge, 2013.p.56-67, p.56.

## The Oslo Accords and Their Aftermath

The Oslo Accords are a set of agreements between the PLO and Israel: the Oslo I Accord was signed in Washington D.C. in 1993, and the Oslo II Accord was signed in Taba in 1995.<sup>43</sup> These agreements marked the start of the Oslo process and granted Palestinians a limited measure of self-government in the Gaza Strip and the West Bank, excluding East Jerusalem, through the establishment of the Palestinian Authority (PA).<sup>44</sup> Subsequently, intermittent negotiations ensued between Israel and the PA, mediated by the United States of America, to address issues not included in the Oslo Accords. These negotiations, which have been ongoing for over two decades, have been dubiously dubbed the ‘peace process.’

In the midst of the ‘peace process’ on 25 February 1994 and during Ramadan, the holy month for Muslims, US-born Israeli colonizer Baruch Goldstein gunned down 29 Palestinians and injured more than 100 others who were praying at the Ibrahimi Mosque.<sup>45</sup> It is believed that Goldstein committed this massacre in objection to the ongoing peace process and the possibility of the creation of a Palestinian state.<sup>46</sup> He had been a member of the Jewish Defense League, an anti-Arab militant group founded by Rabbi Meir Kahane – who, like Goldstein, is from Brooklyn.<sup>47</sup> After moving to Israel in 1983 and finishing his military service Goldstein joined Kahane’s Kach political party,<sup>48</sup> known for its extreme anti-Palestinian views. Goldstein was a reserve captain in the Israeli forces, wore his uniform and used his army-issued gun while committing the massacre.<sup>49</sup> He was killed during the attack after being struck in the head with a fire extinguisher and consequently beaten to death by Palestinians in the Mosque.<sup>50</sup>

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43 Council on Foreign Relations, *Oslo I Accords (Declaration of Principles on Interim Self-Government Arrangements)*, Washington D.C., September 1993. Available at: <http://www.cfr.org/israel/oslo-accords-declaration-principles-interim-self-government-arrangements/p9674>; Council on Foreign Relations, *Oslo II Accords (Interim Agreement on the West Bank and the Gaza Strip)*, Taba (Egypt), September 1995. Available at: <http://www.cfr.org/israel/oslo-ii-accords-interim-agreement-west-bank-gaza-strip/p9676>.

44 Article I of the *Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip*. Available at: <http://www.cfr.org/israel/oslo-ii-accords-interim-agreement-west-bank-gaza-strip/p9676>.

45 Müller, P., Alternative Information Center, *Occupation in Hebron*, 2004. p. 17. Available at: [https://www.ochaopt.org/documents/opt\\_prot\\_aic\\_hebron\\_dec\\_2004.pdf](https://www.ochaopt.org/documents/opt_prot_aic_hebron_dec_2004.pdf)

46 Tuman, J. S., *Communicating Terror: The Rhetorical Dimensions of Terrorism*, Sage Publications, Inc., 2003. p. 93.

47 Institute for Middle East Understanding (IMEU), *The Ibrahimi Mosque Massacre: 20 Years Later*, 27 February 2014. Available at: <http://imeu.org/article/the-ibrahimi-mosque-massacre-20-years-later>

48 Ibid.

49 Ibid.

50 Edward F. Mickolus and Susan L. Simmons, *Terrorism, 1992-1995: A Chronology of Events and a Selectively Annotated*, Greenwood, First Edition, 18 June 1997.p. 565.

After the massacre, the Israeli army banned Palestinian access to more than half of the Mosque and transformed a significant portion of it into a synagogue.<sup>51</sup> Other restrictions imposed on the Old City's Palestinian community included banning Palestinian vehicles from most roads leading to the Israeli colonies as well as pedestrian access in several areas of the Old City, including the partial closure of ash-Shuhada Street.<sup>52</sup>

The District Civil Liaison Offices (DCLs) established by the Oslo Accords have a significant role in the Old City. Comprised of both Israeli and the Palestinian offices, and scattered in predetermined locations across the oPt,<sup>53</sup> they constitute another control mechanism. In Hebron, the Palestinian DCL is in the city, while the Israeli DCL, named the Judea Brigade Regional Base, is in Har Manoah/Jabal Manoah, close to the colony of Kiryat Arba.<sup>54</sup> While the Palestinian DCL ostensibly has an administrative role, its scope does not exceed logistical matters. In practice, the Israeli DCL has the full power to determine and enforce its decisions.<sup>55</sup>

“I believe that the Accords serve Israel, not us. Of course there is no coordination. The only coordination is with the municipality of Hebron. When they [the municipality] want to make some reparations within the Old City they go to the Israeli side to get their approval, but usually this approval takes three years, sometimes five years. For other issues, or other institutions there is no possibility to coordinate.”

*Nidal Jaabari, Economic Affairs Consultant of the Hebron Governorate.  
Interview: 4 August 2016.*

On 17 January 1997, PLO representatives and Israel signed the Hebron Protocol, a mechanism for managing the Israeli military presence in the city.<sup>56</sup> Several security and civil arrangements were addressed in the Protocol including administrative provisions affecting all aspects of life in the Old City: access to the holy sites in the city, and the transfer of civil powers and responsibilities,

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51 B'Tselem and Association for Civil Rights in Israel, *Ghost Town: Israel's Separation Policy and Forced Eviction of Palestinians from the Center of Hebron*, 2007. p. 10. Available at: <http://www.acri.org.il/pdf/ghosttown.pdf>

52 OCHAoPt, *Fragmented Lives Humanitarian Overview 2012, 2013*, p. 38. available at: [http://www.ochaopt.org/documents/ocha\\_opt\\_fragmented\\_lives\\_annual\\_report\\_2013\\_english\\_web.pdf](http://www.ochaopt.org/documents/ocha_opt_fragmented_lives_annual_report_2013_english_web.pdf).

53 Hadas, Z., Machsom Watch and Physicians for Human Rights - Israel, *The Bureaucracy of Occupation: the District Civil Liaison Offices*, 2004. p. 12. Available at: [http://www.ochaopt.org/documents/opt\\_prot\\_machsomwatch\\_bureaucracy\\_occupation\\_200.pdf](http://www.ochaopt.org/documents/opt_prot_machsomwatch_bureaucracy_occupation_200.pdf)

54 COGAT, *District, Coordination & Liaison Hebron*. Available at: <http://www.cogat.idf.il/1294-en/Cogat.aspx>

55 BADIL Resource Center, *Installment of a Permit Regime, Working Paper No.18: Forced Population Transfer*, December 2015. p. 13. Available at: <http://www.badil.org/phocadownloadpap/badil-new/publications/research/working-papers/wp18-FPT-Israeli-permit-system.pdf>

56 Protocol Concerning the Redeployment in Hebron, Israel and PLO, 17th January 1997, Available at: <http://www.mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/protocol%20concerning%20the%20redeployment%20in%20hebron.aspx>.

including planning, zoning, building, infrastructure, and transportation.<sup>57</sup> While the opening of ash-Shuhada Street was a stipulation of the Hebron Protocol,<sup>58</sup> more than 20 years later it remains inaccessible to Palestinians.

The Hebron Protocol divided Hebron into two administrative areas: Hebron 1 (H1), comprising 80 percent of the city, was allocated to the Palestinian Authority; Hebron 2 (H2), comprising the remaining 20 percent of Hebron including the Old City and all the colonies, came under full Israeli control.<sup>59</sup> The Protocol also established the specific details of the redeployment of the Israeli army in Hebron in accordance to the Oslo Agreements. The H1 area of the city is similar to the rest of Area A in the West Bank, whereas area H2 closely resembles the situation in Area C, although with some differences.<sup>60</sup> According to the Hebron Protocol, the Israeli authorities retain full power over the internal security and public order of H2 and responsibility for the security of the colonizers. The PA was to have control over civil affairs for the Palestinian communities of H2, but their civil services have been considerably hampered by the Israeli restrictions imposed for 'security' reasons.

The security in H2 area is controlled by the Israeli Civil Administration (ICA), which is part of a larger entity known as COGAT, the Coordinator of Government Activities in the Territories. COGAT is a unit of the Ministry of Defense of Israel, and its role is to provide coordination between the Israeli authorities, the Israeli army, colonies in the oPt, international organizations and the Palestinian Authority.<sup>61</sup> There are also different Israeli institutions that serve the colonizers such as the Committee of the Jewish Community of Hebron, which is the municipal body of the Israeli colonies in the Old City of Hebron. The Israeli army and the Israeli Border Police are some of the Israeli forces that provide protection to the colonizers and the colonies of the Old City.<sup>62</sup>

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57 Applied Research Institute of Jerusalem (ARIJ), *Palestinian-Israeli Peace Process*, 2007. Available at: <http://www.arj.org/atlas40/chapter3.2.html>.

58 According to article 7. a. 2. "The movement of vehicles on the Shuhada Road will be gradually returned, within 4 months, to the same situation which existed prior to February 1994." Available at: <http://www.mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/protocol%20concerning%20the%20redeployment%20in%20hebron.aspx>

59 Article 2/a/1 of the Protocol Concerning the Redeployment in Hebron, Israel and PLO, 17 January 1997. Available at: <http://www.mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/protocol%20concerning%20the%20redeployment%20in%20hebron.aspx>

60 The 1995 Oslo Accords divided the West Bank, excluding East Jerusalem, into Areas A, B and C. Area A comprises around 17% of the West Bank and is under full control of the Palestinian Authority (PA); in Area B, 23%, the PA controls civil matters and Israel has the security control; Area C is 60% of the West Bank, and is under full Israeli military and administrative control. For more information see BADIL Resource Center, *Israeli Land Grab and Forced Population Transfer of Palestinians: A Handbook for Vulnerable Individuals and Communities*, June 2013, page 6. Available at: [http://www.badil.org/phocadownload/Badil\\_docs/publications/handbook2013eng.pdf](http://www.badil.org/phocadownload/Badil_docs/publications/handbook2013eng.pdf)

61 Ibid.

62 COGAT, *District, Coordination & Liaison Hebron*. Available at: <http://www.cogat.idf.il/1294-en/Cogat.aspx>; for more information see the Non-State Actors policy.

Article 9 of the Hebron Protocol specifies that: “Both sides reiterate their commitment to the unity of the City of Hebron, and their understanding that the division of security responsibility will not divide the city. [...] both sides share the mutual goal that movement of people, goods and vehicles within and in and out of the city will be smooth and normal, without obstacles or barriers.” In violation of the Protocol, Palestinian residents of H2 have been subject to several military orders, movement and access restrictions, closing of businesses, violent military actions and countless attacks by colonizers since 1997. While not all the Israeli military orders are issued publicly, all of them have a direct and severe effect on Palestinian daily life. On 28 March 1997, for instance, all colonies in the West Bank including those in Hebron's Old City were classified as closed military zones by the Israeli Military Commander of the West Bank, denying Palestinians access to them without permits.<sup>63</sup> This resulted in restricted access for Palestinians to their workplaces, health facilities, schools, and places of worship, as well as restricting their ability to exercise familial and social obligations. The Palestinian Authority also experiences difficulties in attempting to fulfill their obligations and in the provision of services.

“We are facing all kinds of obstacles from the Israeli side. We believe that the Israeli occupation is trying their best to create an unstable environment, a coercive environment in the Old City. Our duty is to try our best as the public sector together with the private sector to create an acceptable environment. This is the best we can do. We dream of having a good environment, but with our current capacity we cannot do that. Especially since they [Israel] always put obstacles because of ‘security reasons,’ and they use this to tell us that “We close this area... now we make this area a forbidden area... we arrest a lot of people...” even the Israeli government officials. Also, when the Palestinian security forces need to enter the Old City to arrest a Palestinian who has committed a crime, or harmed someone in the Old City, the Israeli army refuses coordination; they do not let them in.”

*Nidal Jaabari, Economic Affairs Consultant of the Hebron Governorate.  
Interview: 4 August 2016*

The Temporary International Presence in the City of Hebron (TIPH), which was initially established by United Nations Security Council in 1994,<sup>64</sup> was incorporated into the 1997 Hebron Protocol.<sup>65</sup> TIPH is a civilian observer

63 Declaration Concerning the Closure of an Area (Israeli Localities) (Judea and Samaria), 1997.

64 United Nations Security Council, Resolution 904, S/RES/904 (1994), 18 March 1994. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N94/139/85/PDF/N9413985.pdf?OpenElement>

65 Under the Miscellaneous section, the Hebron Protocol included Article 17, which reads “There will be a Temporary International Presence in Hebron (TIPH). Both sides will agree on the modalities of the TIPH, including the number of its members and its area of operation.” On 21 January 1997, the PLO and Israel signed the “Agreement on the Temporary International Presence in the City of Hebron”, which detailed the role of the TIPH and its regulations. See *Agreement on Temporary International Presence in the City of Hebron*, 21 January 1997. Available at: <https://unispal.un.org/DPA/DPR/unispal.nsf/0/F9D2FE079BC0F10185256CD3005931A5>



mission comprised of representatives from six countries,<sup>66</sup> and monitors the effects of the occupation on the ability of the Palestinians of Hebron to lead normal lives.<sup>67</sup> The TIPH “observes and reports on breaches of the agreements between the Palestinian Authority and Israel in Hebron, as well as on violations of international humanitarian law and international human rights law.”<sup>68</sup> While the TIPH has no mandate to intervene in any way, it does regularly report to the Palestinian and Israeli authorities as well as to the six contributing countries, although these reports are not available to the public.

The Second Intifada which began in September 2000 resulted in further deterioration of the circumstances of Palestinians through ongoing incursions, killings and arrests by the Israeli forces, as well as colonizer attacks and harassment. This included countless movement restrictions on Palestinians via military checkpoints, continuous curfews and closure of the main streets to Palestinian residents.<sup>69</sup> In several parts of the Old City Palestinian vehicles were prohibited from entering, resulting in the need to carry all goods, whether for commercial or domestic use, by hand or on a handcart. None of these restrictions were applied to the Israeli colonizers in the area or those visiting them.<sup>70</sup>

For the first three years of the Intifada, over 120,000 Palestinians in Hebron were affected by more than 377 days of 24-hour curfew imposed via the Israeli army; only 182 of these days included short reprieves for people to buy essential goods.<sup>71</sup> The Israeli army also redeployed its forces in H1 by inserting additional checkpoints to enforce more movement restrictions<sup>72</sup> in clear violation of Article 2/a/1 of the Hebron Protocol.<sup>73</sup>

The situation in the Old City was even worse, with the imposition of more than 600 days of curfew in that period.<sup>74</sup> Additionally, about 480 shops and

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66 Denmark, Italy, Norway, Sweden, Switzerland and Turkey.

67 TIPH, *About TIPH*. Available at: <http://www.tiph.org/about/>

68 TIPH, *What we do*. Available at: <http://www.tiph.org/what-we-do/>

69 B'Tselem and Association for Civil Rights in Israel, *Ghost Town: Israel's Separation Policy and Forced Eviction of Palestinians from the Center of Hebron*, 2007. p. 11. Available at: <http://www.acri.org.il/pdf/ghosttown.pdf>

70 Amnesty International, *International Public Statement: Israeli authorities must end collective punishment of Palestinians in Hebron, protect human rights defenders in the city*, 2016. p. 6. Available at: <https://www.amnesty.org/en/documents/mde15/3529/2016/en/>

71 B'Tselem, *Hebron City Center*, 2011. Available at: <http://www.btselem.org/hebron>.

72 OCHA oPt, *Humanitarian Bulletin occupied Palestinian territory*, 2015. p. 4. Available at: [http://www.ochaopt.org/documents/ocha\\_opt\\_the\\_humanitarian\\_monitor\\_2014\\_12\\_11\\_english.pdf](http://www.ochaopt.org/documents/ocha_opt_the_humanitarian_monitor_2014_12_11_english.pdf).

73 Protocol Concerning the Redeployment in Hebron, Israel and PLO, 17 January 1997. Available at: Available at: <http://www.mfa.gov.il/mfa/foreignpolicy/peace/guide/pages/protocol%20concerning%20the%20redeployment%20in%20hebron.aspx>

74 Müller, P., Alternative Information Center, *Occupation in Hebron*, 2004.p. 32. (citing Christian Peacemaker Teams, which has monitored the situation in Hebron for more than five years). Available at: [https://www.ochaopt.org/documents/opt\\_prot\\_aic\\_hebron\\_dec\\_2004.pdf](https://www.ochaopt.org/documents/opt_prot_aic_hebron_dec_2004.pdf)

businesses along ash-Shuhada Street including two gas stations were shut down by military orders, which were periodically renewed.<sup>75</sup> In 2002, the Israeli army completely fenced off ash-Shuhada Street, strengthening the partial closure of the surrounding area.<sup>76</sup>

## The Situation Following 1 October 2015

Twenty-three years after the Oslo Accords, rather than seeing a decrease in human rights violations and improvement of their daily lives, Palestinians are faced with exacerbated implementation of the forcible transfer policies and continued gross violations of their rights. As such, a wave of protests began in October 2015, characterized by alleged stabbings of Israeli soldiers and colonizers by Palestinians which resulted in the excessive use of lethal force and increased oppressive measures by the Israeli regime. Between 1 October 2015 and 31 May 2016, 213 Palestinians were killed in the oPt, including 49 children and 14 women.<sup>77</sup>

The situation in Hebron's Old City heated up significantly due to its unique circumstances: the Israeli military presence and the existence of colonies and colonizers in the heart of the city. Twenty-two Palestinians were killed by the Israeli forces in the Old City or in close proximity to its colonies between October 2015 and March 2016, the majority of them in ash-Shuhada Street and Tel Rumeida areas.<sup>78</sup> Upon investigation by Palestinian and international human rights organizations, several of these killings were found to be extra-judicial executions.<sup>79</sup> During the same period, one Israeli civilian was killed in the Old City.<sup>80</sup>

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75 OCHA oPt, *Humanitarian Monitor Monthly Report*, 2013. p. 10, available at: [https://www.ochaopt.org/documents/ocha\\_opt\\_the\\_humanitarian\\_monitor\\_2013\\_03\\_25\\_english.pdf](https://www.ochaopt.org/documents/ocha_opt_the_humanitarian_monitor_2013_03_25_english.pdf).

76 B'Tselem and Association for Civil Rights in Israel, *Ghost Town: Israel's Separation Policy and Forced Eviction of Palestinians from the Center of Hebron*, 2007. p. 22. Available at: <http://www.acri.org.il/pdf/ghosttown.pdf>; Müller, P., Alternative Information Center, *Occupation in Hebron*, 2004. p. 52. Available at: [https://www.ochaopt.org/documents/opt\\_prot\\_aic\\_hebron\\_dec\\_2004.pdf](https://www.ochaopt.org/documents/opt_prot_aic_hebron_dec_2004.pdf)

77 Palestine Red Crescent Society, *PRCS' Operational Update (1/5/2016 - 31/5/2016)*, 31 May 2016. Available at: <http://reliefweb.int/report/occupied-palestinian-territory/prcs-operational-update-152016-3152016>.

78 Hebron Rehabilitation Committee, *Two Palestinians Killed in Tel Rumeida on March 24, 2016*, 24 March 2016. Available at: <http://www.hebronrc.ps/index.php/en/news/2038-2038>

79 "An extra-judicial execution is the illegal killing of an individual by either the state government, the state authorities like the armed forces and the police or criminal outfits. A punishment imposed without the permission of a court or a legal authority." Thessismun 2013, "The question of extra-judicial, arbitrary and summary executions," 2013. Amnesty International, *Israeli forces in Occupied Palestinian Territories must end pattern of unlawful killings*, 2015. Available at: <https://www.amnesty.org/en/latest/news/2015/10/israeli-forces-must-end-pattern-of-unlawful-killings-in-west-bank/>.

80 Amnesty International, *International Public Statement: Israeli authorities must end collective punishment of Palestinians in Hebron, protect human rights defenders in the city*, 2016. p. 4. Available at: <https://www.amnesty.org/en/documents/mde15/3529/2016/en/>

Furthermore, between 29 October 2015 and May 2016, Tel Rumeida area was declared a 'closed military zone' by the Israeli army effectively denying non-resident Palestinians access to it; this included medical personnel, family, friends, journalists and human rights observers. This situation led to the deterioration of the social, physical, and economic well-being of Palestinians living in Tel Rumeida. Initially the closure was for one month, but the order was subsequently extended several times<sup>81</sup> until May, when the Israeli army put an end to the closed zone.

Another military order (16/15/T) was issued in early December 2015 titled "Order regarding the seizure of the land," regarding the seizure of the land at the entrance of ash-Shuhada Street beginning on the date of signature effective to 31 December 2018.<sup>82</sup> Furthermore, the Israeli army issued two military orders (12/15/T) and (18/15/T) seizing the lands in the vicinity of the Ibrahim Mosque in Hebron in order to establish checkpoints and inspection rooms in the area.<sup>83</sup> Checkpoints are narrow pathways manned by Israeli soldiers and flanked by barbed wire, electronic gates and cameras. Palestinians travelling through the checkpoints are exposed to searches of their persons and property and the inspection of their identification documents. The Israeli policies and restrictions, together with the frequent attacks by colonizers make it impossible for many Palestinians to continue living and working in the Old City, leaving them no option but to leave.<sup>84</sup> Hundreds of businesses have been closed and many Palestinian homes vacated.<sup>85</sup> In H2, which includes the Old City, there has been a 40 percent decrease of Palestinian residents since the outbreak of the Second Intifada in 2000.<sup>86</sup> The forcible transfer of Palestinians in Hebron is a reality. As of today, only the most determined families and those who do not have the financial means to leave and build a new life somewhere else still live inside the Old City's perimeters.<sup>87</sup> They are

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81 Al-Khalil Team, International Solidarity Movement, *Closed military zone in Shuhada Street and Tel Rumeida extended yet*, 2016. Available at: <http://palsolidarity.org/2016/02/closed-military-zone-in-shuhada-street-and-tel-rumeida-extended-yet-another-month/>.

82 A copy of the order can be seen at this link: <http://www.poica.org/details.php?Article=9000>

83 A copy picture of the orders can be seen this link: <http://www.poica.org/details.php?Article=9062>

84 B'Tselem and Association for Civil Rights in Israel. *Ghost Town: Israel's Separation Policy and Forced Eviction of Palestinians from the Center of Hebron*, 2007. p. 75. Available at: <http://www.acri.org.il/pdf/ghosttown.pdf>; Adamczyk, S., Norwegian Refugee Council, *Driven Out: The Continuing Forced Displacement of Palestinian Residents from Hebron's Old City*, 2013. p. 18. Available at: <https://www.nrc.no/resources/reports/driven-out-the-continuing-forced-displacement-of-palestinian-residents-from-hebrons-old-city/>

85 OCHA oPt, *Humanitarian Monitor Monthly Report*, 2013. p. 10. Available at: [https://www.ochaopt.org/documents/ocha\\_opt\\_the\\_humanitarian\\_monitor\\_2013\\_03\\_25\\_english.pdf](https://www.ochaopt.org/documents/ocha_opt_the_humanitarian_monitor_2013_03_25_english.pdf).

86 Alternative Information Center, *Occupation in Hebron*, 2004 .p. 6. Available at: [https://www.ochaopt.org/documents/opt\\_prot\\_aic\\_hebron\\_dec\\_2004.pdf](https://www.ochaopt.org/documents/opt_prot_aic_hebron_dec_2004.pdf)

87 Adamczyk, S., Norwegian Refugee Council, *Driven Out: The Continuing Forced Displacement of Palestinian Residents from Hebron's Old City*, 2013. p. 18. Available at: <https://www.nrc.no/globalassets/pdf/reports/driven-out-the-continuing-forced-displacement-of-palestinian-residents-from-hebrons-old-city.pdf>

the ones resisting the forcible transfer policies that affect all residents of the Old City, some of them consciously based on their principles, others because they have nowhere else to go. However, it is also necessary to mention that despite the ongoing flow of Palestinians outside the Old City, efforts have also been made to bring Palestinians in. One of the main promoters of such initiatives is the HRC, a Palestinian organization based in Hebron's Old City.<sup>88</sup> The organization works to rebuild and renovate buildings and homes in H2 located in areas where colonies were implanted, with the aim of preventing their expansion and surrounding these colonies with Palestinian presence.<sup>89</sup> They have managed to renovate around 1,000 homes in the Old City, which has allowed for around 6,000 Palestinians to move back or to relocate there.<sup>90</sup>

The political, social and economic consequences of Israeli colonial expansion, the closures and movement restrictions, and the excessive use of force continue to affect the lives of all those Palestinians that remain in the Old City. These Israeli practices, mechanisms and measures are materializations of wider policies aimed at creating a coercive environment that triggers the forcible transfer of Palestinians from the Old City. The policies implemented in the Old City and their impacts on the Palestinian residents are analyzed in the following section.

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88 Their website: <http://www.hebronrc.ps/index.php/en/>

89 Harriet Sherwood, *A ghost city revived: the remarkable transformation of Hebron*, The Guardian, 29 June 2015. Available at: <https://www.theguardian.com/cities/2015/jun/29/hebron-old-city-west-bank-palestinian-ghost-city-revived-transformation>

90 Ibid.

# Manifestation of the Policies in Hebron's Old City

## INSTALLMENT OF A PERMIT REGIME

Israeli permits regulate and interfere with various facets of life such as travel, work, development and transporting goods and assets.<sup>91</sup> The permit regime exceeds a mere restriction on - or regulation of - the freedom of movement. Instead, the regime commonly results in the complete denial of access to land, work, services and basic humanitarian needs. In this case 'permit' is understood in a broad sense, not so much as a physical document but as 'permission' to do something, since several rules and procedures can be considered as 'hidden' permits that severely interfere with Palestinians' lives. The Israeli imposed permit regime is characterized by the categorization and fragmentation of the population it pursues and its destructiveness, informality and unpredictability. The deliberate lack of transparency from the Israeli authorities, its changeable scope and its interrelation with other policies and practices such as zoning and planning, denial of access to land and closure, complicates fully understanding the permit regime policy and its different associated procedures and requirements.

## Policy in Hebron's Old City

### Denial of Freedom of Movement

In Hebron a specific permit regime was imposed through the Hebron Protocol. Life in the Old City, located within H2, is determined by military orders and soldiers' practices on the ground. Although checkpoints and closed areas are not unique to Hebron, the number of blockades and impact of the closure have rendered the Old City a 'ghost town.' As of December 2015, there are 95 physical obstacles, including 19 permanently staffed checkpoints in the H2 area, impeding the freedom of movement of thousands of Palestinians on a daily basis.<sup>92</sup> In July 2016, the Israeli forces started installing a new permanent

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91 BADIL Resource Center, *Forced Population Transfer: the Case of Palestine. Installment of a Permit Regime*, Working Paper No. 18, 2015. p. 9. Available at: <http://badil.org/en/publication/research/working-papers.html?download=1194:working-paper-18>

92 OCHAoPt, *Hebron: Access restrictions amidst increased violence further undermine living conditions*, 2015. Available at: <https://www.ochaopt.org/content/hebron-access-restrictions-amidst-increased-violence-further-undermine-living-conditions>.

checkpoint at the entrance of the Ibrahimi Mosque.<sup>93</sup> This checkpoint will not only restrict Palestinian access but will affect the social fabric of the community and the Mosque as well.

Changes in the number of checkpoints and closures often occur in response to the political situation and are used as a tool to collectively punish all residents of the area. Having to undergo searches and questioning multiple times on a daily basis while trying to go from one place to another for work, school, visiting people or shopping significantly affects the normality of life for Old City residents, and has a particularly strong impact on children<sup>94</sup> and women.<sup>95</sup>

On 29 October 2015, the Israeli military closed off the Tel Rumeida neighborhood and declared it a closed military zone.<sup>96</sup> Other areas of the Old City were also closed temporarily, and the searches at the checkpoints became much longer and more thorough. In addition, there was a sweeping ban on the crossing of Palestinian males aged 15 to 25 through some of the checkpoints.<sup>97</sup> Allegedly, these closures were in response to the increase of attacks against Israeli soldiers and colonizers in Hebron's Old City. However, this does not change the illegality of this policy as the closures serve as a collective punishment against the residents of those areas by virtue of living there.

The declaration of Tel Rumeida as a closed military zone forced its residents to register their names and identification card numbers with the Israeli army from November 2015 until mid-May 2016. The residents were put on a list, and each one of them was given a number, which they had to tell the Israeli soldiers manning the checkpoint at the entrance to Tel Rumeida.<sup>98</sup> Access to their homes was dependent on the soldiers at the checkpoint verifying their

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93 Hebron Rehabilitation Committee, *Israeli Occupation Authorities Are Establishing a Stone Checkpoint at the Entrance of Ibrahimi Mosque*, 21 July 2016. Available at: <http://www.hebronrc.ps/index.php/en/israeli-violations-in-the-old-city/2060-2060>

94 Weibel, C., *Protective accompaniment helps children reach school safely in Hebron's troubled Old City*, 2016. Available at: [http://www.unicef.org/oPt/Story\\_-\\_protective\\_presence\\_in\\_Hebron\\_-\\_March\\_2016.pdf](http://www.unicef.org/oPt/Story_-_protective_presence_in_Hebron_-_March_2016.pdf).

95 Couzinet, J., *Fear and exhaustion in the Old City of Hebron*. Middle East Eye, 21 March 2016. Available at: <http://www.middleeasteye.net/news/fear-and-exhaustion-old-city-hebron-495610099>.

96 International Solidarity Movement, *Open The Zone: Palestinians are people – not numbers*, 2016. Available at: <https://palsolidarity.org/2016/05/open-the-zone-palestinians-are-people-not-numbers/>; Amnesty International, *International Public Statement: Israeli authorities must end collective punishment of Palestinians in Hebron, protect human rights defenders in the city*, 2016. p. 5. Available at: <https://www.amnesty.org/en/documents/mde15/3529/2016/en/>

97 OCHA oPt, *Fragmented Lives: Humanitarian Overview 2015*, June 2016. Footnote 25. Available at: [https://www.ochaopt.org/sites/default/files/annual-humanitarian-overview\\_10\\_06\\_2016\\_english.pdf](https://www.ochaopt.org/sites/default/files/annual-humanitarian-overview_10_06_2016_english.pdf)

98 Interviews with residents of Tel Rumeida; Hannah, M., *It Has Become A Prison: The Ghettoization of Hebron*, Mondoweiss, 19 November 2015. Available at: <http://mondoweiss.net/2015/11/prison-ghettoization-hebron>.

name on the list of allowed residents, severely restricting their freedom of movement. Soldiers denied access to all non-residents. As a result of this situation, Tel Rumeida residents only left their homes for work, school or other urgent matters, and their relatives or friends were not allowed to visit them. These harsh conditions triggered the forcible transfer of at least three families out of the area.<sup>99</sup>

On 19 May 2016, the Israeli army officially announced that the military closure order of Tel Rumeida was not being extended. This means that now some non-residents can enter the neighborhood. Despite the fact that the military zone order has officially been 'lifted,' many movement restrictions and discrimination remain.<sup>100</sup>

Even when no official 'closed zones' are declared, in practice it is the Israeli soldiers themselves who have the last word on who can pass through the checkpoints in the Old City, and they often exceed their mandate by arbitrarily deciding to close a specific checkpoint, denying access to all Palestinians.<sup>101</sup> This lax discipline amongst the soldiers helps sculpt the implementation of the permit regime.

“In the last few months [beginning of 2016], they [the Israeli army] increased their procedures, which are not written, by the way; they are directly applied on the ground. If they were written, we could approach international courts because the procedures are illegal. [...] For example, they don't write that ash-Shuhada Street residents are not allowed to enter the street; they just do it on the ground. Thus, when you go to the legal advisor and tell him what happens, and he opens an investigation, the soldiers will deny this policy and will justify their practices. They will say that maybe it was the commander who blocked the street temporarily for security reasons, or they will claim that there were clashes or something and that they had to close the street. This is a systematic policy, and it's one of the most dangerous things that the residents of the Old City face in their daily life; it's even more dangerous than getting murdered.”

*Tawfiq J., lawyer of the Hebron Rehabilitation Committee (HRC).  
Interview: 23 March 2016*

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99 B'tselem, *New restrictions on movement in Hebron and environs disrupt lives and constitute prohibited collective punishment*, 2015. Available at: [http://www.btselem.org/freedom\\_of\\_movement/20151105\\_hebron\\_area](http://www.btselem.org/freedom_of_movement/20151105_hebron_area).

100 International Solidarity Movement, *An End to Discrimination? Closed Military Zone Officially Stopped*, 2016. Available at: <http://palsolidarity.org/2016/05/an-end-to-discrimination-closed-military-zone-in-hebron-neighbourhood-officially-stopped/>; Ma'an News Agency, *Israeli Army Ends Closed Military Zone in Hebron's Tel Rumeida*, 2016. Available at: <http://www.maannews.com/Content.aspx?id=771562>.

101 Interviews with Abdul Majeed K. and Tawfiq J.; Adamczyk, S., Norwegian Refugee Council, *Driven Out: The Continuing Forced Displacement of Palestinian Residents from Hebron's Old City*, 2013. p. 32 & 40. Available at: <https://www.nrc.no/globalassets/pdf/reports/driven-out-the-continuing-forced-displacement-of-palestinian-residents-from-hebrons-old-city.pdf>.

Access restrictions affect homes, rooftops and the areas located in the vicinity of colonies, including the streets that connect colonies with each other. This is clear in the closure of ash-Shuhada Street and its shops, as well as other main roads in H2.<sup>102</sup> Israel has alternately opened and closed ash-Shuhada Street for Palestinian vehicular traffic since the massacre at the Ibrahimi Mosque in 1994, with only a small part of the street currently open for Palestinian pedestrians, and none for Palestinian vehicles<sup>103</sup> – in contradiction with the Hebron Protocol.<sup>104</sup> This causes residents to take considerably more time moving around the Old City. The welding shut of front doors of buildings by the Israeli army, moreover, forces families to use alternative routes over rooftops in order to enter or leave their homes.<sup>105</sup>

“There was a gate in my home that led to the market. I used to go through it, and it used to take me only five minutes to get my stuff from the market to my home. The soldiers closed the gate, and now I have to walk more than a kilometer to carry things like gas tanks [since there is no underground infrastructure for gas, residents need to carry gas tanks to their homes for heating and cooking purposes] from the market to my home.”

*Fawwaz Q., resident of the Old City.  
Interview: 26 February 2016*

“Whenever I see Palestinian boys and girls get arrested or beaten by the Israeli soldiers, I would defend them, as I can’t remain silent. One day, a new female Israeli soldier, who I hadn’t seen before, told me that she was targeting me, and that she wouldn’t allow me to bring my goods to my minimarket. I told her:

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102 B’Tselem and Association for Civil Rights in Israel, *Ghost Town: Israel’s Separation Policy and Forced Eviction of Palestinians from the Center of Hebron*, May 2007, p. 13. Available at: <http://www.acri.org.il/pdf/ghosttown.pdf>; Baruch Spiegel’s database, p. 152. Brigadier General (res.) Baruch Spiegel was appointed by the Ministry of Defense to create a database regarding the settlements. This database is updated through 2006 and was published on Haaretz. See: Blau, U., *Secret Israeli Database Reveals Full Extent of Illegal Settlement*, Haaretz, 31 January 2009. Available at: <http://www.haaretz.com/secret-israeli-database-reveals-full-extent-of-illegal-settlement-1.266936>

103 As of 5 May 2016 the only roadway accessible for Palestinians is located between Shuhada and Daboya checkpoints – source: International Solidarity Movement, *Open The Zone: information on CMZ and Hebron*, 3 May 2016. Available at: <http://palsolidarity.org/2016/05/open-the-zone-information-on-cmz-and-hebron-2/>.

104 Protocol Concerning the Redeployment in Hebron, Israel and PLO, 17th January 1997. Available at: [http://www.tiph.org/en/About\\_TIPH/Mandate\\_and\\_Agreements/Hebron\\_Protocol/](http://www.tiph.org/en/About_TIPH/Mandate_and_Agreements/Hebron_Protocol/).

*Article 7 regards the "Normalization of Life in the Old City", stipulating that a)Both sides reiterate their commitment to maintain normal life throughout the City of Hebron and to prevent any provocation or friction that may affect the normal life in the city. b) In this context, both sides are committed to take all steps and measures necessary for the normalization of life in Hebron, including: 1. The wholesale market - Hasbahe - will be opened as a retail market in which goods will be sold directly to consumers from within the existing shops. 2. The movement of vehicles on the Shuhada Road will be gradually returned, within 4 months, to the same situation which existed prior to February 1994.*

105 Eye on Palestine, *Israeli Forces Weld Shut the Doors of an Elderly Palestinian Woman’s House on Shuhada Street*, 19 January 2015. Available at: <http://www.poica.org/details.php?Article=7464.;> Hebron Rehabilitation Committee, *On the Old City of Hebron*, 2016. Available at: <http://www.hebronrc.ps/index.php/en/old-city/political-situation>.



“Do it if you can. I’ll enter the goods whether you like it or not.” The next day she didn’t allow me to enter with my goods. Therefore, I had to coordinate with NGOs, the Red Cross and the Palestinian Civil Liaison. After that I was able to enter with goods every day and she couldn’t do anything about it. She said that I won the case that time, but the next time I would not. After a while, I was surprised to find my name listed at the checkpoint; Kifah M. is not allowed to enter with goods. I started to face huge difficulties entering the goods. How can I carry 10 rice bags? On my shoulders? I started to reduce the amount of goods. Later on, I stopped buying new goods when I ran out of something. I was very depressed as I couldn’t bring in enough goods and couldn’t pay the sellers who sold me the remaining goods. There was no money to buy my children anything.”

*Kifah M., shopkeeper and resident of the Old City.  
Interview: 3 March 2016*

### Restrictions on Cultural and Social Rights

The permit regime in Hebron’s Old City infringes on other rights as well, such as the right to education, to worship, and the right to adequate housing.<sup>106</sup> This situation extends to affect children’s rights in the Old City. The 4,200 children who study in the 15 schools across the city pass through checkpoints every day on their way to and from school.<sup>107</sup> They are often subjected to bag or body searches, long waiting times, harassment or detention at these checkpoints.<sup>108</sup> Children need to take long bypass roads in order to reach their schools, and in some cases, like the "Prayers' Road," a fence divides the asphalted road (for colonizers' use) from a dirt road next to it (for Palestinian use).<sup>109</sup> This situation severely hinders the access to education for these children.<sup>110</sup>

Moreover, Israeli restrictions and colonizer attacks on students on their way to school have also affected the performance of students in class and the quality of the education. Some schools had to change their teaching hours, starting and finishing earlier in order to avoid attacks on the children and

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106 For the shop owners in Shuhada Street, for example, a work permit or permission to open the shop is not even considered, since two other hurdles prohibit their business there – the Military Order closing the street and the Military Order closing the shops.

107 Reliefweb, *Hebron Violence Takes a Toll on Children*, 2016. Available at: <http://reliefweb.int/report/occupied-palestinian-territory/hebron-violence-takes-toll-children>.

108 SOS Children Villages International, *Hebron Violence Takes a Toll on Children*, 2016. Available at: <http://www.sos-childrensvillages.org/publications/news/http-daisy8-zz-en-test-sos-kd-org-publications-n>.

109 Levy, E., *Hebron: Separate Roads for Jews, Palestinians*, 2013. YNet News. Available at: <http://www.ynetnews.com/articles/0.7340.L-4353235.00.html>.

110 Lorber, B., *The Daily Ordeal of Getting to School in Hebron*, Electronic Intifada, 16 December 2011. Available at: <https://electronicintifada.net/content/daily-ordeal-getting-school-hebron/10698>.

harsher restrictions.<sup>111</sup> Many students have difficulties focusing due to the emotional trauma and distress caused by the daily humiliation suffered at the checkpoint, and the colonizer harassment they are subjected to as a consequence of not being able to go to their school by car or through Palestinian areas.<sup>112</sup> Besides the psychological well-being of the students, their academic achievements have also been affected.<sup>113</sup> Reduced attendance is a significant problem in the schools located in the areas most affected by the Israeli policies, and performance in the general secondary examination that determines access to university in the Old City falls well below the average of the city of Hebron as a whole.<sup>114</sup>

One of the most affected schools is Cordoba School, where 130 children have to cross two of the most restrictive checkpoints of Hebron every day in order to attend school. The functioning of the schools was affected by the delays of students and also by clashes and tear gas shot by the Israeli forces. Some of the schools were raided in order to arrest students.<sup>115</sup>

Religious institutions and holy sites are also affected by the restrictions. Since the 1994 massacre, Palestinians have to go through a series of metal detectors and endure lengthy queuing to enter the Ibrahim Mosque.

“First they took our mosque, and after that they installed several checkpoints at the entrance of the remaining small Palestinian part of the mosque, checkpoint after checkpoint. They also issue military orders sometimes refusing entrance to young males to the mosque, and just now, they are building a small wall for one of the checkpoints. They even have a checkpoint above the mosque itself. I don’t understand why all these restrictions, we just want to pray, and there is no contact between us and the settlers inside the mosque, so why do they put all these obstacles when there is no contact?”

*Nidal Jaabari, Economic Affairs Consultant of the Hebron Governorate.  
Interview: 4 August 2016*

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111 Defence for Children International – Palestine, *Palestinian schoolchildren terrorized by settler vigilantes, soldiers*, 27 June 2014. Available at: <http://www.dci-palestine.org/palestinian-schoolchildren-terrorized-by-settler-vigilantes-soldiers>.

112 Ibid.

113 OCHA oPt, *West Bank Movement and Access Update, Special Focus*, September 2012. Available at: [https://www.ochaopt.org/documents/ocha\\_opt\\_movement\\_and\\_access\\_report\\_september\\_2012\\_english.pdf](https://www.ochaopt.org/documents/ocha_opt_movement_and_access_report_september_2012_english.pdf).

114 Ma’an Development Center, *Hebron Destroyed from Within*, September 2008. Available at: <http://www.badil.org/en/resources/documents/individual-studies.html?download=75:hebron-destroyed-from-within-fragmentation-segregation-and-forced-displacement>.

115 OCHA oPt, *Hebron: Access restrictions amidst increased violence further undermine living conditions*, 8 December 2015. Available at: <https://www.ochaopt.org/content/hebron-access-restrictions-amidst-increased-violence-further-undermine-living-conditions>.

Additionally, there are often no calls to prayer because the room used for this purpose (the Muezzin's room) is within the Jewish section of the compound.<sup>116</sup>

“It is not allowed to call for prayers except from the Muezzin's room in the occupied part [of the Mosque]. As a result, the call for prayer is being prohibited monthly from 40 to 70 times, because the Israeli soldiers prevent the Muezzin from entering the room. Entrance to this room is only allowed with an individual permit for this purpose.”

*Monther A. R., former manager of the Ibrahimi Mosque.  
Interview: 18 April 2016*

The permit regime also affects the right to adequate housing of Palestinian Old City residents. For construction and renovation of buildings, Israel intervenes in the permit application process, citing ‘security reasons.’ This was the case with the Sharabati family, whose roof was seized by the Israeli army to install a military observation post. They have since been prevented from renovating their home.<sup>117</sup> Renovating and building homes becomes a burdensome undertaking, from the legal aspect to the logistics.

“When we want to renovate and repair our homes if we smuggle the tools and equipment, then we are able to renovate. But if we wait for the ICA's permission, then we will never get it and will never renovate our home.”

*Hazem A. R., resident of the Old City.  
Interview: 17 March*

“I needed to renovate my home, so I asked the Hebron Rehabilitation Committee to help me renovate it in 2000. We had to wait 10 years until the Israelis confirmed our request. We submitted many complaints and we had to insist on our need to renovate the house. As a result, the Red Cross and the Israeli Civilian Liaison came to my home [in 2005] to see the situation, and only then they began to intervene and convinced the occupation [Israeli authorities] to let us bring in the tools. After five years, in 2010, they allowed us to bring in the tools and the materials we needed on wagons.”

*Tayseer A. A., resident of Tel Rumeida, Old City.  
Interview: 22 February 2016*

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116 Since the Ibrahimi Mosque massacre, the Mosque was divided into two separate sections with different entrances for Muslims and Jews. The room from which the Muezzin performs the call to prayer, is within the Jewish section. - Adamczyk, S., Norwegian Refugee Council, *Driven Out: The Continuing Forced Displacement of Palestinian Residents from Hebron's Old City*, 2013. p. 14. Available at: <https://www.nrc.no/globalassets/pdf/reports/driven-out-the-continuing-forced-displacement-of-palestinian-residents-from-hebrons-old-city.pdf>.

117 Adamczyk, S., Norwegian Refugee Council, *Driven Out: The Continuing Forced Displacement of Palestinian Residents from Hebron's Old City*, 2013. p. 41. Available at: <https://www.nrc.no/globalassets/pdf/reports/driven-out-the-continuing-forced-displacement-of-palestinian-residents-from-hebrons-old-city.pdf>.

“Life here is abnormal. We cross the checkpoint every single day, and we find difficulties whenever we want to bring in anything to the house including the groceries and basic things like a gas tank. As for the big stuff, such as a refrigerator, a washing machine, or even a couch, we have to coordinate with the commander, and then the commander must give his orders to the soldiers and the process takes so much time. Sometimes we have to wait four hours before they allow us to bring a gas tank to the house.”

*Imad A. S., resident of Tel Rumeida, in the Old City.  
Interview: 16 March 2016*

## Conclusion

While Palestinian residents of Hebron’s Old City are subject to the same general permit regime as the rest of Palestinians in the oPt and Israel, such as having to get a permit in order to enter Jerusalem, to build or renovate their homes, to travel, and so on, they face particular restrictions simply for living in the Old City. These restrictions are forced upon them either by military orders, oral warrants or implemented in practice with no previous warning. The division into H1 and H2 and Israeli military rule over H2, combined with the topographical features of the Old City’s center, provide for conditions in which day to day life of Palestinian residents becomes a struggle.

## DISCRIMINATORY ZONING AND PLANNING

Planning and zoning laws regulate and control rural and urban land development and use. There is no specific international instrument covering zoning and planning, and even the international legal framework covering the right to property is quite limited. However, zoning and planning policies are directly related to human rights - especially to indigenous communities and forcible transfer. In this sense, it is essential to recognize that planning is not just a professional and technical procedure, but also a sociopolitical action that determines the allocation of resources.<sup>118</sup> Therefore, the design and organization of space often serves as a political strategy to control and contain populations.<sup>119</sup> These policies have a considerable impact on vulnerable individuals and communities, which is why participation in zoning and planning is a key concept in safeguarding their rights.

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118 Khamaisi, R., *Barriers in Achieving Urban Planning Rights in Jerusalem’s Socio-Cultural Conflict*, 2011. p 14. Available at: <https://cmst4.qub.ac.uk/sites/UrbanConflictsConference/ConferencePapers/FileStore/Filetoupload,236036.en.pdf>

119 Chiodelli, F., *The Jerusalem Master Plan: Planning into the Conflict*, 2012. p. 5. Available at: [http://www.palestine-studies.org/sites/default/files/jq-articles/51\\_The\\_Jerusalem\\_Master\\_plan\\_1.pdf](http://www.palestine-studies.org/sites/default/files/jq-articles/51_The_Jerusalem_Master_plan_1.pdf)

## Policy in Hebron's Old City

Palestinian residents of the Old City - and H2 more generally - are subject to an oppressive zoning and planning framework consisting of selectively-deployed Ottoman, British Mandate and Jordanian-era land laws, the regulations of the Hebron Protocol, and an extensive web of Israeli military orders. It is a framework designed to displace non-Jewish inhabitants and to replace them with Jewish-Israeli colonizers. As such, full control of the planning and construction process – from conception of its overarching strategy to its realization and enforcement on the ground – is retained by the occupying power.

### Division into H1/H2

Planning and zoning policies became a tool to facilitate the creation of colonies and the arrival of new colonizers in the 1970s. Restrictions imposed by the omnipresent occupation army burden only Palestinian urban life in the Old City. Palestinian movement is restricted, certain parts of the city are inaccessible for them; improvement and maintenance of infrastructure, services and networks are hampered.<sup>120</sup> In accordance with the Hebron Protocol, Hebron was divided into two administrative areas: H1 and H2. This accord in itself could be seen as a zoning decision, and it certainly had a considerable impact on the future planning and zoning policies and practices that were to affect the Old City residents. The division gave the Israeli authorities complete control over the urban planning of the H2 area, in which around 40,000<sup>121</sup> Palestinians reside, leaving Palestinians without any opportunity to influence or participate in planning and zoning decisions over their neighborhoods and homes. The denial of the Old City's Palestinian residents' participation in urban planning due to coordination stipulated in the Hebron Protocol resulted in Israel determining present and future use of space.

“Dividing Hebron to H1 and H2 has had many consequences for our life. The Oslo Accords and the Hebron Protocol were so unfair [for the Palestinians]. It's like we were punished after the Ibrahimi Mosque massacre with the Hebron Protocol. Life ends as soon as you enter the H2 area, when you enter ash-Shuhada Street, Tel Rumeida, Wad al-Haseni, Kiryat Arba [the areas surrounding the colony, not the colony itself], etc.... I was one of those who were arrested 15 days before what they call the 'redeployment of Israeli military forces in Hebron' because we were against the Oslo Accords and the Hebron Protocol.

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120 Based on: Hebron Rehabilitation Committee, *Hebron's Old City; Preservation and Revitalization Master Plan*, 2014.p. 17. Available at: <http://www.hebronrc.ps/images/stories/MP%20English.pdf>

121 OCHA oPt, *The Humanitarian Impact of Israeli Settlements in Hebron City*, November 2013. Available at: [https://www.ochaopt.org/documents/ocha\\_opt\\_hebron\\_h2\\_factsheet\\_november\\_2013\\_english.pdf](https://www.ochaopt.org/documents/ocha_opt_hebron_h2_factsheet_november_2013_english.pdf)

The economic life ends as well, as soon as you enter H2. People don't enter the areas where soldiers are anymore. The main market of Hebron was in the Old City, in ash-Shuhada Street, which is closed by military orders nowadays. The customers and the traders have moved the market to Bab az-Zawiya [outside the Old City, in H1]. You can notice the difference between the extent of people's mobility as you walk only ten meters from Bab az-Zawiya down to the Old City [into H2]. I see the checkpoints as borders between two countries. This is how I describe it. I feel like I'm crossing into a new country."

*Imad A. S., resident of Tel Rumeida, in the Old City.  
Interview: 16 March 2016*

Article 11 of the Hebron Protocol stipulates that the Israeli and Palestinian sides are committed to the preservation and protection of the Old City—aiming not to harm or change any part of it. The Palestinian DCL was established to coordinate planned construction with the Israeli DCL office. In practice, this gives the Israeli authorities full control over these matters. Moreover, the control over zoning and planning on the Israeli side is further increased by the mandate of the Military Commander who decides on military closures and "Special Security Areas" (SSA).<sup>122</sup>

### Archaeology as a Tool for Colonization

Israeli dominance in planning and zoning also becomes clear in specific domains such as archaeological discoveries. This one-sided authority to decide the purpose of large areas of land results in the displacement of Palestinian communities who have been living in the West Bank for centuries. An illustration of this and the lack of Palestinian participation is the "archeological" excavations in Tel Rumeida.<sup>123</sup>

The beginning of these excavations coincided with Prime Minister Benjamin Netanyahu's statement in 2014 saying that Hebron will always be under Israeli

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122 Order concerning Security Provisions (Judea and Samaria) (No. 378), 1970, Article 90.

123 EAPPI, *Archaeological excavations in Tel Rumeida in Hebron expand and destroy more Palestinian land*, 19 June 2014. Available at: <https://www.eappi.org/en/blog/archaeological-excavations-in-tel-rumeida-in-hebron-expand-and-destroy-more-palestinian-land>; Hanna, M., *The Dark Role of Archaeology in the Battle for Hebron's Tel Rumeida*, Ma'an News Agency, 29 November 2015. Available at: <https://www.maannews.com/Content.aspx?id=769069>; Emek Shaveh, *Update: The Archaeological Excavations in Tel Rumeida, Hebron*, 2014. Available at: <http://alt-arch.org/en/update-the-archaeological-excavations-in-tel-rumeida-hebron>; Eye on Palestine, *The Israeli authorities conduct excavations and uproot trees in Hebron*, 2014. Available at: <http://www.poica.org/details.php?Article=6256>; Strickland, P.O., *Settler-Driven Archaeology Plan Threatens to Push Hebron Family off Farmland*, Electronic Intifada, 23 January 2014. Available at: <https://electronicintifada.net/content/settler-driven-archaeology-plan-threatens-push-hebron-family-farmland/13104>.

control, regardless of any future peace agreements.<sup>124</sup> However, the decision to start the excavations had been made prior to that in 2010, when the Israeli Minister of Culture and the director of the Israeli Antiquities Authority (IAA) visited Hebron's Old City.<sup>125</sup> They decided that the IAA would supervise the excavations, and not the ICA's special officer for archaeology who manages most diggings in the West Bank. The IAA claims as one of its main goals the "study of the archaeology of Eretz-Israel," using a Biblical term that refers to 'Greater Israel'- a term with clear colonial undertones.

Since January 2014, the IAA has been conducting archeological excavations near the colony in Tel Rumeida and has taken complete control of the land.<sup>126</sup> These excavations are part of a larger vision: the creation of a "biblical pathway" and a correlative "archaeological park."<sup>127</sup> The pathway will cut the Palestinian neighborhood in half to provide a panoramic view of both the ancient city of Hebron and the Ibrahimi Mosque.<sup>128</sup> Moreover, it will attract more colonizers to the Tel Rumeida area, making it as significant to colonizers as the Ibrahimi Mosque compound. Palestinian Authority officials are prohibited from even visiting the excavations, as well as evaluating and assisting the archaeological work. Furthermore, the planned archaeological park serves as a de facto expansion of the existing colony in Tel Rumeida.<sup>129</sup> If the excavations continue and the site is expanded, expulsion of Palestinian residents and an increase in the colony's population are real possibilities.<sup>130</sup>

Moreover, the excavations do not make sense from an archaeological point of view. Most professionals in this field, including Israelis, admit that these excavations could cause the destruction or damage of antiquities, or could remove antiquities in the attempt to uncover other antiquities that are deeper. Thus, it is accepted by archeologists that these excavations are not the best method to preserve antiquities or to advance the interests of archaeology.<sup>131</sup> Therefore, considering the lack of regard for accepted archaeological practice, coupled with the location of the excavations - next to an already existing Israeli colony - it seems logical to conclude that these

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124 Ravid, B., *Netanyahu: Israel will not evacuate Hebron, Beit El as part of peace deal*, Haaretz, 6 January 2014. Available at: <http://www.haaretz.com/israel-news/.premium-1.567343>

125 EmekShaveh, *Tel Rumeida; Hebron's Archaeological Park*, 2014. Available at: <http://alt-arch.org/en/wp-content/uploads/2014/11/12-Tel-Rumeida-Eng-Web.pdf>

126 Hasson, N. *Israeli government funding dig in Palestinian Hebron, near Jewish enclave*, Haaretz, 9 January 2014. Available at: <http://www.haaretz.com/news/diplomacy-defense/.premium-1.567694>

127 EAPPI, *Archaeological excavations in Tel Rumeida in Hebron expand and destroy more Palestinian land*, 19 June 2014. Available at: <https://www.eappi.org/en/blog/archaeological-excavations-in-tel-rumeida-in-hebron-expand-and-destroy-more-palestinian-land>.

128 Ibid.

129 Ibid.

130 Emek Shaveh, *Update: The Archaeological Excavations in Tel Rumeida, Hebron*, 2014. Available at: <http://alt-arch.org/en/update-the-archaeological-excavations-in-tel-rumeida-hebron>.

131 Ibid.

practices are based on political motivations that use archaeology, and more generally planning and zoning power, to take control of Palestinian land and transfer it to the Israeli authorities to be used for colonial expansion.

### *Building Permits*

When it comes to building permits and house renovations in the Old City, Article 11 of the Hebron Protocol together with Annex 3 impose restrictions on construction and renovation of buildings in the vicinity of certain areas. Coordination with the DCL is required for any Palestinian construction above two floors (six meters) within 50 meters of the Ibrahimi Mosque, the four colonies of the Old City (Abraham Avinu, Beit Romano, Beit Hadassah and Tel Rumeida), Jewish cemeteries, the Tomb of Ruth and Yishai, Tel al-Jaabra, and the road connecting the Ibrahimi Mosque and Kiryat Arba. As previously explained, this excludes Palestinian representation in the decision making process. Furthermore, coordination is also necessary for construction above three floors (nine meters) between 50 and 100 meters from the listed areas, construction of non-residential/non-commercial buildings within 100 meters of these areas, and construction of buildings and institutions in which more than 50 persons are expected to gather together. Construction of buildings above two floors (six meters) on both sides of the road connecting Kiryat Arba and the Ibrahimi Mosque compound also require coordination. These restrictions do not allow Palestinian expansion for natural population growth or development purposes.

“I built a three story apartment building in front of the old house. We carried all the equipment and the materials we needed over our shoulders and on wagons. The Israeli Civil Administration (in fact a pseudonym for the Israeli Military Administration in the 1967 occupied Palestinian territory) came and said that the building was not allowed because it was in a closed military zone. I said that I had a license from the Hebron Municipality and that I paid all my bills to the municipality. They said that I couldn’t build a building higher than nine meters, so I wasn’t allowed to build a roof over the third floor.”

*Abdul Majeed. A. K., resident of Tel Rumeida, in the Old City.  
Interview: 25 February 2016*

## **Conclusion**

Planning and zoning powers are used by the Israeli authorities to advance their forcible transfer and colonization policies. On the one hand, Palestinians have been completely excluded from any participation in planning and zoning decisions despite these decisions having a direct and immense impact on their lives and spatial surroundings. The lack of any Palestinian planning



committees or any other form of participation of Palestinian residents in Hebron's Old City (aside from the defunct Palestinian DCL) results in the absolute derogation of equality in the use of public and private space. Israel has used this exclusive power to discriminate against Palestinians and to give preferential treatment to colonizers. The illegal archaeological diggings in Tel Rumeida are a case in point on how exclusionary zoning and planning policies result in driving away Palestinian residents from their land while encouraging Israeli colonizers. This phenomenon is in lieu of Israeli obligations according to international law as an occupying power, and also according to the Hebron Protocol to protect the Palestinians residents and preserve the Old City.

## **DENIAL OF ACCESS TO NATURAL RESOURCES AND SERVICES**

Israel unlawfully controls the natural resources of the oPt through military, administrative and political mechanisms. This is a territory rich in natural resources such as water, natural gas, fish stocks and mineral deposits, most of which are now beyond the reach of Palestinian people. In addition to denying Palestinians access to resources, Israel also systematically denies them access to basic services such as water, electricity, health services, fire services, sanitation or basic maintenance services, among others. Often, these denials deprive Palestinians of their fundamental human rights, such as the right to education and the right to a standard of living adequate for the health and well-being of themselves and of their families, including the rights to food, clothing, housing, medical care and necessary social services.<sup>132</sup> It also infringes on the right to freedom from discrimination, as colonizers receive more and better quality of services. Between October 2015 and February 2016 alone, Israeli forces and colonizers have been responsible for 123 incidents of denied medical access in the West Bank.<sup>133</sup>

## **Policy in Hebron's Old City**

### *The City of Hebron as a Resource*

In the case of Hebron's Old City, the main resource Israel has denied Palestinians is the Old City itself - its rich history, culture and collective

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132 1948 General Assembly resolution 217(III), The Universal Declaration of Human Rights, 10 December, Articles 25 and 26. Available at: <http://www.un.org/en/universal-declaration-human-rights/>

133 Medical Aid for Palestinians, Healthcare Denied: The impact of checkpoints on ambulance access, 2015. Available at: <http://www.map-uk.org/news/archive/post/369-healthcare-denied-the-impact-of-checkpoints-on-ambulance-access>.

memory. Just as Israel illegally appropriates Palestinian water, it has established colonies to usurp this heritage from the Palestinian residents, slowly transforming and Judaizing parts of it, and making other areas derelict. This deterioration has had a considerable impact on the Palestinians, who are prevented from utilizing, benefiting from and enjoying the Old City, which forms an important part of Palestinian and Islamic heritage and identity. Not only is it one of the holiest cities according to Islam and Judaism, it is also a very well-preserved medieval city with beautiful and traditional architecture.<sup>134</sup> Preserving this architecture and the ancient buildings is part of the safeguarding of the heritage and identity of the city that the residents should be allowed to enjoy.

This denial of Hebron's Old City as a resource does not only affect the residents or other Palestinians intellectually, or deny them their right to cultural heritage. It also has an economic impact, as it denies them the right to benefit from this heritage economically. The military occupation and presence of colonies inside the Old City prevents any form of tourism (both domestic and international) in the area, and the preservation of the buildings and the architecture is extremely challenging due to all the military impediments and the colonizer attacks. Hebron contains 170 mosques and several archeological and historical sites,<sup>135</sup> many of which are inside the Old City. Israeli presence prevents their preservation, research and commercial use by Palestinians. The Islamic architecture and heritage have been completely neglected, and anything without a Jewish connection has deteriorated. Palestinian residents have left en masse, and those who remain have to resist the efforts by the Israeli army and colonizers to take over and destroy entire quarters of the Old City.<sup>136</sup> The Judaization of the area has taken place through the creation of Israeli colonies in parts of the Old City, the linking of these colonies with the larger Kiryat Arba colony in the outskirts of Hebron in order to create a geographically contiguous 'Jewish-only' area, the destruction of historic Mamluk and Ottoman era buildings to build roads for the colonizers, and the establishment of a synagogue in part of the Ibrahim Mosque.<sup>137</sup>

This Judaization of the Old City renders the Palestinian residents aliens in their own homeland, unable to develop their identity upon the Arab culture

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134 Sellick, P., *The Old City of Hebron: Can It be Saved?* Journal of Palestine Studies, Vol. 23, No. 4, Summer 1994. p. 69-82. Available at: <http://www.palestine-studies.org/sites/default/files/jps-articles/2538213.pdf>.

135 Applied Research Institute of Jerusalem (ARIJ), *Hebron City Guide*, 2009. p. 13, available at: <http://proxy.arij.org/vprofile/hebron/ar/pdfs/Hebron%20City%20profile%20AR.pdf>.

136 Sellick, P., *The Old City of Hebron: Can It be Saved?* Journal of Palestine Studies, Vol. 23, No. 4, Summer 1994. p. 69-82. Available at: <http://www.palestine-studies.org/sites/default/files/jps-articles/2538213.pdf>.

137 Hebron Rehabilitation Committee, *Old City*. Available at: <http://www.hebronrc.ps/index.php/en/old-city/political-situation>.

and history of the city they were born in. Further, there are no possibilities of using the Old City as a hub for cultural events or tourism, since the ongoing military presence has transformed it into a ‘ghost town.’

### Denial of Access to Services

Municipal services usually entail basic service provision, such as sanitation, education, routine and emergency medical assistance, fire department and public transportation. These services are the minimum provisions to be provided by the authorities in order to ensure the well-being and safety of the residents of an area. In the case of the oPt, IHL establishes that the occupying power “must take measures to restore and ensure, as far as possible, public order and safety,” and also “must ensure sufficient hygiene and public health standards, as well as the provision of food and medical care to the population under occupation.” Article 56 of the Fourth Geneva Convention specifies that “Medical personnel of all categories shall be allowed to carry out their duties.”<sup>138</sup>

The reality in Hebron is quite different, however. Israeli service providers – ambulances, fire trucks, etc. – do not provide services to Palestinians in H2, even in emergency situations. Israeli forces also often hinder the provision of services by Palestinian counterparts. In this context, it could be said that the reality created by the Hebron Protocol has made the infringement of Palestinian rights possible, which supports the argument that the Hebron Protocol is not fully aligned with international law or human rights, but is rather the result of the power imbalance of the two signatories. The ongoing violations of IHL and IHRL by Israel, which justifies its actions on the provisions of the Hebron Protocol, could serve as a basis to seek the annulment, or at least the amendment of the Protocol to the extent where its text and provisions become fully consistent with international law and its principles.

Regarding the provision of services, the Hebron Protocol determined in its Article 10 (b) that:

In Area H2, the civil powers and responsibilities will be transferred to the Palestinian side, except for those relating to Israelis and their property, which shall continue to be exercised by the Israeli Military Government.

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138 ICRC, *Occupation and international humanitarian law: questions and answers*, 4 August 2004. Available at: <https://www.icrc.org/eng/resources/documents/misc/634kfc.htm>; Fourth Geneva Convention, Article 56.

It also establishes in its Article 16 regarding municipal services that:

In accordance with paragraph 5 of Article VII of Annex I of the Interim Agreement, municipal services shall be provided regularly and continuously to all parts of the city of Hebron, at the same quality and cost. The cost shall be determined by the Palestinian side with respect to work done and materials consumed, without discrimination.<sup>139</sup>

Despite what the Protocol established, Israeli military orders have made it significantly difficult for services to be provided normally, as the delivery of these services is often restricted or denied through Israeli control of H2. The situation of Palestinians contrasts with that of the colonizers living in the Old City, who have continuous access to all services. Regarding transportation, for example, colonizers from Kiryat Arba and the Israeli colonies in the Old City enjoy access to buses that go from Hebron to Jerusalem. These routes are *de facto* segregated: while Palestinians are not officially forbidden from using them, only Israelis are able to ride them.<sup>140</sup> As for water, each colonizer receives around 300 liters of water daily, whereas Palestinians from the West Bank receive between 73 and 136 liters per day. Moreover, all Israeli colonies, including those in Hebron's Old City, are connected to a water grid.<sup>141</sup>

“We don't have any kind of services here in the Old City. In summer for example, we suffer from lack of water. We only receive water every 15 days. The amount of water the colonizers use in the colonies in one day equals the amount of water we use in two months. Sometimes we don't have any choice but to get water from the Ibrahimi Mosque by carrying it in small bottles. They [the colonizers] have a lot more services than we do.

We also have a huge problem with the infrastructure. Whenever it rains, the streets of the Old City flood, we literally need boats to carry us. The water leaks into the shops and spoils the goods. The municipality of Hebron started to build infrastructure but the occupation prevented it from continuing. Dividing Hebron into H1 and H2 has had many effects in our life, since the Palestinian Authority cannot provide us with the services they can provide to the Palestinians who live in the H1 part of the city.”

*Nasser G., resident of the Old City.  
Interview: 22 February 2016*

## **Denial of Emergency Medical Services**

The prohibition of Palestinian vehicles traveling in the Old City severely obstructs emergency and rescue services in the city. Palestinian residents of

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139 Ibid.

140 Maan News Agency, *Israeli report details services to settlers in West Bank*, 8 June 2015. Available at: <https://www.maannews.com/Content.aspx?id=765849>

141 Ibid.

the Old City are *de facto* denied emergency services such as ambulances or fire trucks. The restricted access to area H2 delays or even denies ambulance access to Palestinian patients and medical evacuations, violating international agreements.<sup>142</sup> The Palestine Red Crescent Society (PRCS) estimates that the time to reach their patients increased from seven to 17 minutes on average due to the closures in the Old City, and when they need to coordinate their services with the Israeli army – usually when they need to pass through a checkpoint – the average time to reach a patient is 47 minutes.<sup>143</sup> This is often too late, and several Palestinians have died as a result of the delay in the medical assistance.<sup>144</sup>

When Palestinian residents from the Old City need emergency medical treatment and there is not enough time to coordinate the entry of an ambulance to take them to the hospital, ailing people must go by foot to an area where vehicles are permitted, and from there they are transported to one of the hospitals in the city. Naturally, persons requiring emergency treatment would find it difficult to make their way by foot to an area outside the Old City. As a consequence of these circumstances, many pregnant women move outside the Old City before they are due to give birth so they can ensure access to medical services.<sup>145</sup>

The lack of services in the Old City is mentioned by most interviewees as one of the forcible transfer policies with the most impact on the Palestinian residents. The lack of emergency medical assistance is one of the main issues raised in the interviews.

“If any of us has a heart attack, we will die before the ambulance arrives. For instance, one of Tel Rumeida residents, Hashem al-Azzeh died after he inhaled tear gas. He would have been saved if he could have made it to the hospital earlier. But the ambulances don’t have any access to Tel Rumeida unless we coordinate with Red Cross. Then the Red Cross has to coordinate with the Israelis, and the Israelis coordinate with the soldiers at the checkpoints. The ambulance comes from Kiryat Arba’s direction, and has to cross three checkpoints. It takes at least 15 minutes to reach Tel Rumeida. Last year alone, four people died because the ambulance couldn’t reach them on time.”

*Abdul Majeed A. K.  
Interview: 25 February 2016*

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142 ICRC, *Explanatory note to the Memorandum of Understanding and the Agreement on Operational Arrangements*, 18 November 2011. Available at: <https://www.icrc.org/eng/resources/documents/red-cross-crescent-movement/31st-international-conference/31-international-conference-mou.htm>

143 OCHA oPt, *Humanitarian Update. Special Focus: The Closure of Hebron's Old City, 2005*. Available at: [https://www.ochaopt.org/documents/ochahu0705\\_en.pdf](https://www.ochaopt.org/documents/ochahu0705_en.pdf)

144 Interview with Abdul Majeed K. Interviewed on 25 February 2016.

145 OCHA oPt, *Humanitarian Update. Special Focus: The Closure of Hebron's Old City, 2005*. Available at: [https://www.ochaopt.org/documents/ochahu0705\\_en.pdf](https://www.ochaopt.org/documents/ochahu0705_en.pdf)

“Neither Palestinian cars nor ambulances have been allowed to enter our neighborhood since 2002. The last three times my mother called the ambulance, it couldn’t reach her house, not even after coordination, so my mother had to walk on foot to reach the closest area the ambulance could reach.”

*Arwa A. H., resident of Tel Rumeida, Old City of Hebron.  
Interview: 22 February 2016*

“We’re suffering every single day. Before 2010, the ambulance didn’t have access to my house, which caused many troubles for my family. We lost two babies while my wife was giving birth. The first time was in 2006. It was midnight when my wife started to have contractions. If I had called the Red Cross and asked them to coordinate with the ICA, then it would have taken too much time and the child would have died in the meantime. Therefore, I decided to take her to the hospital on foot. As soon as we arrived at the hospital, the baby was dead. Next year, my wife was pregnant with twins. We coordinated with the Palestinian Civil Liaison a month before the babies were due. When my wife was about to give birth, we called the Red Cross to send us an ambulance. The ambulance arrived to the border [of H2] but the soldiers detained it for an hour. When we arrived to the hospital in the ambulance, one of the babies was dead but luckily, the other survived. If the Red Cross wasn’t in front of us while we were in the ambulance, the soldiers wouldn’t have let us cross and we wouldn’t have made it to the hospital. My child is now in the third grade and his name is Issa. In addition, I had an uncle living near my house. One day, he had a heart attack, and the soldiers didn’t allow the ambulance to reach his house. One of the soldiers was standing at the door and refused to help him, so he passed away.”

*Tayseer A. A., resident of Tel Rumeida, Old City of Hebron.  
Interview: 22 February 2016*

Not only are Palestinians in the Old City denied access to Palestinian medical services, they are also often not treated by Israeli ambulances, especially when the Palestinian has been injured by the Israeli army following an alleged attack or clashes. Ambulance crews located in Israeli colonies show little regard for the principles of neutrality that medical staff are required to follow and systematically deny treatment to injured Palestinians.<sup>146</sup> An example of this disregard for Palestinian life occurred in the Old City in March 2016, when Abed al-Fattah al-Sharif, 21, was shot by an Israeli soldier and was left bleeding for over ten minutes while the Israeli medical staff provided care to a slightly injured Israeli soldier instead.<sup>147</sup> Both army medics and the

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146 Cook, J, *Israeli paramedics accused of medical violations*, Al Jazeera, 19 April 2016. Available at: <http://www.jonathan-cook.net/2016-04-19/israel-paramedics-accused-of-medical-violations/>

147 Ibid.

crews of two civilian ambulances refused to treat him.<sup>148</sup> Al-Sharif was then executed at the scene: an Israeli soldier shot him in the head.

### Denial of Emergency Firefighting and Rescue Services

Hebron's Fire Department is located in H1, and it is often delayed in the provision of services when responding to calls from the Old City. Between September 2000 and January 2004, the department responded to 120 calls from H2 with an average waiting time of 15 minutes to obtain authorization to access the area. In 38 cases, the department waited for more than one hour.<sup>149</sup>

“Last year, our neighbor’s house burned down because the fire truck had to wait until they were done with the coordination. Our house burned down last year too, when a settler threw a torch on it. They refused to let the Palestinian fire truck in.”

*Abdul Majeed A. K., resident of Tel Rumeida, in the Old City. Interview: 25 February 2016*

The Hebron Fire Department is not only unable to provide emergency services, but also prevented from providing protection and safety services in public spaces, such as the Ibrahimi Mosque.

“One of the main obstacles that we face in our work is providing safety and rescue services in the areas in which the fire trucks cannot enter. The coordination in those areas [the Old City] takes a lot of time. We have to coordinate in advance, but usually, when we get a call, I send the fire trucks and then I call the Palestinian Liaison to coordinate. The fire service should be connected with the coordination, because it’s an emergency service, and the coordination takes a lot of time. If the firefighters arrive late, their service becomes useless for the affected people and buildings. We have problems with the coordination in some H2 areas, mostly in the Old City, where the settlers live.

[..] A few days ago, the director of the Ibrahimi Mosque asked us to examine the extinguishers of the Mosque and see whether or not they were expired, and to switch them with new ones. We make annual inspections [in different public buildings], so I sent one of the employees. Of course, the Israelis do not allow the employees of the Palestinian Civil Defense to wear their official uniforms [military-style uniforms]. If any of the extinguishers are expired, they are supposed to be replaced with new extinguishers on the same day, but in the Mosque we were not allowed to change anything. They [the Israeli army] only

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148 Video: <https://www.youtube.com/watch?v=S8WK2TgruMo>

149 OCHA oPt, *Humanitarian Update. Special Focus: The Closure of Hebron's Old City, 2005*. Available at: [https://www.ochaopt.org/documents/ochahu0705\\_en.pdf](https://www.ochaopt.org/documents/ochahu0705_en.pdf)

allow the heavy extinguishers, which weigh 37 kilograms or more, because Baruch Goldstein [who perpetrated the Ibrahimi Mosque massacre in 1994] was killed with a small extinguisher in the massacre. Thus, we're not allowed to provide the Mosque with new small extinguishers. We're also not allowed to provide it with fire alarms and emergency water sprinkler system. There is absolutely no kind of protection and safety services in the Ibrahimi Mosque."

*Anwar al-Mahareeq, from the Hebron Fire Department.  
Interview: 17 March 2016*

## Conclusion

Israeli control and manipulation of the Old City has significant direct and extensive socio-economic impact on the Palestinian population. The denial of services leaves the Palestinian residents of the Old City in a very vulnerable situation, often unable to have access to basic medical assistance or emergency services. These circumstances have led to the temporary displacement of some Palestinians, such as pregnant women, when they know that they will need treatment. In other cases this displacement takes on a more permanent form, transforming into the persistent forcible transfer of Palestinians.

## OPPRESSION OF RESISTANCE

Different UN Resolutions have reaffirmed throughout the years the legitimacy of Palestinian resistance against Israel's belligerent occupation. United Nations General Assembly (UNGA) Resolution 33/24 of 29 November 1978, for instance, "Reaffirms the legitimacy of the struggle of peoples for independence, territorial integrity, national unity and liberation from colonial and foreign domination and foreign occupation by all available means, particularly armed struggle." More specifically, in Resolution 3236 of 1974 the UNGA reaffirmed the Palestinian people's inalienable rights, including self-determination, national independence, sovereignty, and refugees' right to return to their homes and property from where they were displaced. It also recognizes "the right of the Palestinian people to regain its rights by all means in accordance with the purposes and principles of the Charter of the United Nations."

However, Israel's illegal suppression of resistance continues while it further colonizes Palestinian land and forcibly transfers its people. The policy includes systematic and mass military attacks/wars, invasions, unlawful killing, collective punishment, closure, blockade, incarceration, torture and the suppression of



freedom of expression and assembly, as well as the criminalization of civil opposition or disobedience. This policy of suppression and criminalization of resistance affects individuals, families and communities, creating an unstable environment of intimidation, fear and collective suffering.

Article 43 of the Hague Regulations, which is reflective of customary law, provides that Israel as the occupying power has a duty to restore public order and safety in the oPt. In a situation of occupation that does not rise to the level of armed hostilities, to fulfill its duty Israel must resort to law enforcement that is governed by international human rights law. As such, the human rights based norms of law enforcement operate within the framework of international human rights and humanitarian law during belligerent occupation.<sup>150</sup>

In the Palestinian context there is also a particular kind of resistance, known as ‘sumud,’ which translates as ‘steadfastness’ and refers to the resilience of the Palestinians in the face of the Israeli policies of forcible transfer and their determination to remain in their homes. ‘Sumud’ can be summed up in the expression “to exist is to resist,” which is a prominent concept in Palestinian society.

## Policy in Hebron’s Old City

The large number and constant presence of Israeli forces in Hebron’s Old City induces tension, violence, excessive use of force and abuse of power by the soldiers. Many Palestinian families have left the area in search of safer places, or simply to have a normal life away from the daily reality of home incursions, seizure of property, harassment, arbitrary detentions or humiliating and abusive treatment.<sup>151</sup>

### Oppression of Palestinian ‘Sumud’

Those families who remain in the Old City live within the coercive environment created by Israel, staying in their homes and continuing with their life despite the pressure and constraints the policies cause. Confronting the ‘sumud’ of these Palestinians is one of the main goals of the Israeli forces in the Old City, as Palestinian presence there hampers Israeli attempts to completely

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150 Al-Haq, *Unlawful Killing of Palestinians by Israeli Occupying Forces*, 2015. Available at: <http://www.alhaq.org/advocacy/topics/right-to-life-and-body-integrity/982-unlawful-killing-of-palestinians-by-israeli-occupying-forces?format=pdf>

151 B’Tselem and Association for Civil Rights in Israel, *Ghost Town: Israel’s Separation Policy and Forced Eviction of Palestinians from the Center of Hebron*, 2007. Available at: <http://www.acri.org.il/pdf/ghosttown.pdf>

colonize the historic center of Hebron. Most residents of the Old City are aware of the importance of this resilience as a tool to confront the policies of forcible transfer.

“Our existence in Palestine isn’t just ‘sumud.’ Staying in our homes is the only weapon we can use to prevent Israel from extending and spreading like cancer on our land. I can leave my house at any time and build the best house and live like a lord in Ein Sarah [H1], but my allegiance to my home prevents me from doing so.”

*Hazem A. R., resident of the Old City.  
Interview: 17 March 2016*

“Staying in this land is resistance, and our existence is like a thorn in their throats.”

*Abdul Shakoor A., resident of Hebron’s Old City.  
Interview: 25 February 2016*

“Staying in my house is ‘sumud.’”

*Abdul Majeed A. K., resident of Tel Rumeida, in the Old City.  
Interview: 25 February 2016*

### *Punitive Retaliation in Response to Palestinian Resistance*

The mere presence of soldiers in the Old City acts as a deterrent for Palestinian resistance. Heavily armed soldiers prevent and suppress all attempts to resist the Israeli army’s presence in Hebron. This suppression is often characterized by the use of excessive force, illegal use of crowd dispersal methods, use of lethal weapons to repress protests, indiscriminate attacks against protesters and lack of proportionality when implementing collective punishments to all the residents of the Old City.

### **Extra-judicial Killings**

The Israeli army often uses excessive force against demonstrations and protests all over Palestine. This is especially common around the Old City due to the presence of the colonizers. Between 1 October 2015 and 24 March 2016, 22 Palestinians were killed by the Israeli forces in the Old City,<sup>152</sup> and several of those were extra-judicial killings.<sup>153</sup>

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152 Hebron Rehabilitation Committee, *Two Palestinians Killed in Tel Rumeida on March 24, 2016*, 24 March 2016. Available at: <http://www.hebronrc.ps/index.php/en/news/2038-2038>

153 Al-Haq, *Unlawful Killing of Palestinians by Israeli Occupying Forces*, 2015. Available at: <http://www.alhaq.org/advocacy/topics/right-to-life-and-body-integrity/982-unlawful-killing-of-palestinians-by-israeli-occupying-forces?format=pdf>; for a list of Palestinians from the OPT killed in the OPT and Israel since 1 October 2015 see: <http://www.alhaq.org/publications/list.of.palestinians.killed.pdf>

On 24 March 2016, two 20-year old Palestinians, Abed al-Fattah al-Sharif and Ramzi al-Qasrawi, were killed by the Israeli army in the Old City following an alleged stabbing attack against an Israeli soldier.<sup>154</sup> Witness statements and reports have shown that both of them were killed unlawfully, an act that amounts to a war crime according to international law.<sup>155</sup>

“I was sitting with my wife drinking coffee when we heard shooting; I went with my camera to the street. I saw a young man lying on the ground wearing a black jacket and pants [Abed al-Fattah Al-Sharif]. I heard a voice, turned my eyes and camera to the direction of the soldiers, and I saw another young man ground of the floor wearing a gray jacket, blood was flowing from his face. I turned my camera to the direction of the soldiers who were walking to the first young man. This young man was moving and it was obvious that he was still alive at that point. After a few seconds, a big group of soldiers came together and they kicked me out of the street.

I turned off my camera and I went to another area to document what was happening. Two ambulances came and they went to a third young man lying on the floor, it was clear to me that it was the wounded soldier. I directed the camera to him; it was clear from the video that his injury was minor. After he was taken to the ambulance, I heard another soldier preparing to shoot; I focused my camera on him because I was afraid he would shoot me. He [the soldier] took about two steps forward and shot Abed al-Fattah Al-Sharif in the head, he was killed immediately.”

*Imad A. S., resident of Tel Rumeida, in the Old City.  
Interview: 16 March 2016*

However, extra-judicial killings were a common occurrence even before the so-called “wave of violence” that began in October 2015. On 22 September 2015, a 19-year old Palestinian girl was unlawfully killed at a checkpoint in the Old City. She was shot by a soldier when she presented no real threat, and was left bleeding on the ground until her death.<sup>156</sup> These incidents serve as an illustration of a wider Israeli shoot-to-kill policy against Palestinian civilians. These acts are not duly investigated by the Israeli authorities and, in fact, are often applauded by members of the Israeli government and the army.<sup>157</sup> Moreover, following

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154 Video of the killing: [http://www.btselem.org/firearms/20160324\\_soldier\\_executes\\_palestinians\\_attaker\\_in\\_hebron](http://www.btselem.org/firearms/20160324_soldier_executes_palestinians_attaker_in_hebron)

155 Al-Haq, *The Killing of Al-Sharif and Al-Qasrawi in Hebron*, 2015. Available at: <http://www.alhaq.org/documentation/weekly-focuses/1037-the-killing-of-al-sharif-and-al-qasrawi-in-hebron>

156 Al-Haq, *Special Focus: Unlawful Killings of Palestinians by Israeli Occupying Forces since September 2015*, 2015. Available at: <http://www.alhaq.org/documentation/field-updates-2015/970-al-haq-special-focus-unlawful-killings-of-palestinians-by-israeli-occupying-forces-since-september-2015>

157 Deger, A., *Israeli soldier filmed killing wounded Palestinian finds support among Israeli politicians*, Mondoweiss, 27 March 2016. Available at: <http://mondoweiss.net/2016/03/israeli-soldier-filmed-killing-wounded-palestinian-finds-support-among-israeli-politicians/>; Bergman, R., *Israel's Army Goes to War With Its Politicians*, New York Times, 21 May 2016. Available at: [http://www.nytimes.com/2016/05/22/opinion/sunday/israels-army-goes-to-war-with-its-politicians.html?\\_r=0](http://www.nytimes.com/2016/05/22/opinion/sunday/israels-army-goes-to-war-with-its-politicians.html?_r=0)

the killing of several Palestinians since October 2015, audiovisual recordings appeared in the media showing evidence of tampering of the crime scene by the Israeli army, often by throwing knives next to the alleged Palestinian attackers in order to justify the killings as self-defense from stabbing attacks.<sup>158</sup>

“Since the current uprising [that started in October 2015], the soldiers have been placing knives near the young people (14-20 year olds) and shooting them as they accuse them of the intention to stab. My husband’s brother told me to leave the area as soon as possible because of this, until the situation got better. I left for three days, but then we returned because I was truly against leaving. I faced difficulties when I returned because the settlers were very eager to kill. The soldiers make our life even more difficult, for example, if I want to get a tissue out from my bag, they stop me and point their weapons at me.

The ISM [International Solidarity Movement] published videos in which they show how they [Israeli soldiers] throw a knife near the Palestinians they murder in order to terrify the residents into leaving and take the neighborhood and Judaize it. They don’t want any Palestinians to live in the area, they want to Judaize it. We were terrified and every day we were wondering: who’s next? [Who will be the next to be killed?]”

*Nisreen A., resident of Tel Rumeida, in Hebron’s Old City.  
Interview: 12 March 2016*

## **Injuries**

Another consequence of the excessive use of force by the Israeli army on protesters and civilians is the injuries. Between 1 October and 15 November 2015 at least 1,520 Palestinians were injured in Hebron alone. At least 182 of these were injured by live ammunition, while the other injuries resulted from rubber bullets, tear gas and colonizer/soldier attacks.<sup>159</sup>

Israeli forces often target Palestinians photographers and journalists who are active in raising awareness about the situation or documenting Israeli abuses.

“One time, I was shot because I was taking photographs. At that time, they assaulted the journalists. The soldiers shot me twice – in my arm and my leg.”

*Fayzeh A. S., Tel Rumeida resident, in Hebron’s Old City.  
Interview: 16 March 2016*

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158 Mamoon Alabbasi and Linah Alsaafin, *Questions raised over possible Israeli planting of knives on Palestinians*, Middle East Eye, 16 November 2015. Available at: <http://www.middleeasteye.net/news/questions-raised-over-possible-israeli-planting-knives-palestinians-1955592660>

159 Al-Haq, *Special Focus on Hebron: A Microcosm of the Israeli Occupation*, 19 November 2015. Available at: <http://www.alhaq.org/images/stories/PDF/2012/Special.Focus.on.Hebron.Nov.2015.pdf>

## Arbitrary Arrests

Arbitrary arrests and administrative detentions<sup>160</sup> are other methods used by the Israeli army to suppress resistance and protests. In October 2015 alone, 245 Palestinians were arrested by the Israeli army in Hebron.<sup>161</sup>

Often the victims are children who are arrested from their homes in the middle of the night or, on occasion, directly from the street. Under international law, both the children and their parents/legal guardians must be informed of the reasons for the arrest, and the arrest must take place with a parent or a lawyer present.<sup>162</sup> Once under arrest the child should have a lawyer as soon as possible, and should never suffer from physical or psychological ill-treatment. The United Nations Children's Emergency Fund (UNICEF) announced in 2013 that the "ill-treatment of Palestinian children in the Israeli military detention system appears to be widespread, systematic and institutionalized."<sup>163</sup> This is confirmed by the actions of the Israeli army in Hebron. Shortly after UNICEF's statement, the Israeli army arrested over 20 children in only one week near their school, in Hebron's Old City, without their parents or a lawyer present.<sup>164</sup> Many of these children were threatened by the soldiers with torture or long imprisonment if they did not provided the desired information. Interrogations were also done without the presence of a lawyer.<sup>165</sup> Women are also targeted by Israeli arrests, and in November and December of 2015 four Palestinian women from Hebron were arrested.<sup>166</sup>

Arrests and administrative detention are also used as a punishment and a means to apply pressure on residents to leave the Old City. Many residents mentioned being arbitrarily arrested multiple times by the Israeli forces in the interviews. Those active in documenting abuses by the Israeli army or the colonizers are the most targeted by this practice.

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160 "Administrative detention is a procedure that allows the Israeli military to hold prisoners indefinitely on secret information without charging them or allowing them to stand trial." On Administrative Detention, Addameer, December 2015.

161 Addameer, *Israeli Occupation Arrests 1,195 Palestinians and Issues 128 Administrative Detention Orders*, 2015. Available at: <http://www.addameer.org/news/addameer-israeli-occupation-arrests-1195-palestinians-and-issues-128-administrative-detention>

162 Al-Haq, *Israeli Military Arrests More than 20 Palestinian Children in Hebron*, 2013. Available at: <http://www.alhaq.org/documentation/weekly-focuses/691-israeli-military-arrests-more-than-20-palestinian-children-in-hebron>

163 UNICEF, *Children in Israeli Military detention; Observations and Recommendations*, 2013. Available at: [http://www.unicef.org/oPt/UNICEF\\_oPt\\_Children\\_in\\_Israeli\\_Military\\_Detention\\_Observations\\_and\\_Recommendations\\_-\\_6\\_March\\_2013.pdf](http://www.unicef.org/oPt/UNICEF_oPt_Children_in_Israeli_Military_Detention_Observations_and_Recommendations_-_6_March_2013.pdf)

164 Al-Haq, *Israeli Military Arrests More than 20 Palestinian Children in Hebron*, 2013. Available at: <http://www.alhaq.org/documentation/weekly-focuses/691-israeli-military-arrests-more-than-20-palestinian-children-in-hebron>

165 Ibid.

166 Addameer, *No Mothers' Day for Palestinian Mothers inside Israeli Prisons*, 2016. Available at: <http://www.addameer.org/news/no-mothers%E2%80%99-day-palestinian-mothers-inside-israeli-prisons>

“I was jailed for four years and a half. The last time I was arrested was in 2013. I was administratively detained for 14 months, as I was accused of being dangerous to the settlers. I stood in front of the judge in the court and I asked him to provide any evidence that I was dangerous, but they didn’t provide any. I have no idea on what basis they arrested and released me.”

*Hazem A. R., resident of the Old City.  
Interview: 17 March 2016*

“Since I have been here [in Tel Rumeida], I have been arrested more than 15 times because a group of youth and I have formed a team to document the settlers’ harassments. We videotape the settlers’ attacks, and the settlers usually accuse me of attacking them. So, they arrest me for 24 hours or 48 hours and release me, but they never sentenced me. In Tel Rumeida, once I was sentenced to pay a bail of 1000 shekels [260 USD] because I was accused of assaulting a settler during the holy month of Ramadan. Another time, my sisters were at my house (before the closures [in November 2015]). We were just sitting when the settlers suddenly started hurling stones at us. I went out and asked the soldier to take them away from there and so they left. After the call to prayer, the Israeli police came to my house and arrested me. I went with them assuming that they were taking me to file a complaint about the settlers. However, I was surprised as I arrived that a settler had accused me of assaulting him, so I had to pay a fine of 1000 shekels.”

*Imad A. S., resident of Tel Rumeida, in the Old City.  
Interview: 16 March 2016*

“I was arrested when a fire occurred in the container post [Israeli military post] of ash-Shuhada Street. At the beginning, I heard the sound of shooting. It was a quarter to six in the morning. I went up to my friend’s roof – although I’m not allowed to – in order to have a better view of what was going on. I saw a big fire and smoke, so I thought that my neighbors were in the fire. I grabbed the camera and went down to the checkpoint where I found a soldier trying to extinguish the fire in the container post. Then, I was arrested because a settler reported that I was taking pictures. During the investigation, I was detained, threatened, humiliated, and sworn at. They asked me which organization I was working for, and I said that no organization sent me to take pictures and that I went there because I thought that my neighbor’s house was burning. For four hours I repeated the same thing. They told me that I should confess which organization sent me in order to release me, and I kept saying the same exact thing. Then, they said that they would send me to jail if I didn’t confess. I said: “I don’t mind going to jail so do whatever you want. Now, do you have coffee to offer me? I’m bored.” They asked me again to confess and I said that I hadn’t done anything to confess about. Then, a soldier came and spoke to me in fluent Arabic. He asked me: “What happened?” I told him exactly what happened and asked him to check the surveillance cameras

and see where I went and what really happened. He said: “Okay, the time was quarter to six and how many seconds exactly?” They kept me for two hours more, handcuffed in the room because they wanted to know how many seconds. He said he wouldn’t release me before I figured out how many the seconds were. At the end, I said that I didn’t know, and only then did he release me.”

*Fayzeh A.S., Tel Rumeida resident, in the Old City.  
Interview: 16 March 2016*

“My husband taped a video of a soldier while he was beating up my brother. Then he uploaded the video to the internet. The soldier held a grudge against me and my husband, so whenever we walked in the street, he would search our bags. One day, during Ramadan, my husband and I were walking in the street, going back from my parent’s home to our home (which was near the market of the Old City). That soldier stopped us. He told my husband to go on. My husband refused; he said he wanted to wait for me. The soldiers yelled at him and told him to walk away, but my husband again refused to go. The soldier said he wanted to see my identification document [ID]. I replied: “this is the fourth time you check my ID and I’m sure you know what it contains better than I do.” The soldier said “Go near the wall” and he handcuffed me. My husband wanted to come and sit next to me but the soldier yelled at him to go to other side of the street. After that, an Israeli police jeep passed by, so my husband ran after it to tell the police to release me. Meanwhile, the soldier wanted to take me towards the settlement. No one was in the street and I forgot my phone at my mother’s house. So, the only choice left to me was to scream. I screamed so much that my throat was filled with blood. The TIPH, Red Cross, and other organizations started to come one after another. The soldiers blindfolded and handcuffed my husband. The Israeli police arrived and ordered the soldiers to release my husband, but the soldiers ignored their orders. As they were pushing us towards the settlement, they tore my husband’s shirt, broke my bracelet, and one of the soldiers kicked me with his foot on my knee so hard that even now I can’t move it. When we arrived to the settlement, the soldier wanted me to enter a room near an olive tree. I refused to enter, and I made it clear to him that I don’t enter hidden places, and that I should stay where people can see me. He said: “I’m not asking you; I’m giving you an order. Go and sit at the chair over there.” I said: “I will never enter. If you want me to sit on the chair, go bring it here to the street.” He brought me the chair and started to shove me. I kept telling him not to touch me. My non-cooperation and resistance enraged him. Anyways, the people of that area gathered and wanted to come where the soldiers arrested us, but the soldiers didn’t allow it. After a few hours, the soldier released us. I was so angry because a 20-year-old soldier can control all of us.”

*Arwa A. H., resident of Tel Rumeida, in the Old City.  
Interview: 22 February 2016*

## Harassment and Intimidation

Many of the residents of the Old City have also denounced the ongoing harassment and humiliating treatment they suffer from the Israeli forces.

“Whenever we go to the police station to complain [about harassments, attacks or similar incidents with soldiers or colonizers], they make us wait for 4 or 5 hours. And when they allow us to enter, we have to wait for the lawyers for two hours more. One day, I waited for the lawyer for three hours, and when he arrived, they [the soldiers] arrested me. After two hours, they released me and said they were sorry. I was there to complain not to be arrested. By doing this, they’re telling us not to come and complain again.”

*Abdul Majeed A. K., resident of Tel Rumeida, in the Old City.  
Interview: 25 February 2016*

“Throughout the four months they [the Israeli soldiers] occupied my home. From time to time, the unit in our home would leave and another unit would come to take their place and so on. The lawyer promised to get them out of my home, and he did “succeed.” they left for four days and then came back with military orders, which stated that they could stay for another 40 days. They left three weeks ago and haven’t come back. My family lives in fear because the soldiers were in my home every day and every night. The soldiers didn’t let any of us enter unless they checked us. I remember once I wanted to take my wife to the doctor because she was very sick, and the soldiers refused to let us leave. I told them that it was my home and that I had the right to leave and enter whenever I wanted. They detained me for half an hour before they allowed me to leave.”

*Abdul Shakoora A., resident of the Old City.  
Interview: 25 February 2016*

The harassment of Palestinians by Israeli soldiers in the Old City happens every day in different forms. Children are often harassed on their way to school, which has prompted international accompaniment programs.<sup>167</sup> Protective presence organizations monitoring checkpoints and areas of military presence near schools in H2 report regular harassment of school children and teachers by Israeli soldiers, including searching of school bags

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167 Weibel, C., *Protective accompaniment helps children reach school safely in Hebron’s troubled Old City*, 2016. Available at: [http://www.unicef.org/oPt/Story\\_-\\_protective\\_presence\\_in\\_Hebron\\_-\\_March\\_2016.pdf](http://www.unicef.org/oPt/Story_-_protective_presence_in_Hebron_-_March_2016.pdf); EAPPI, *Southern West Bank: Bethlehem & Hebron Governorates*. Available at: <http://eappi.org/en/where-we-work/locally/southern-west-bank>



and verbal intimidation.<sup>168</sup> Women are also victims of harassment, which, on occasion, takes the form of verbal or sexual harassment.<sup>169</sup>

## Conclusion

Israeli suppression, in its many forms, has an extreme impact on the residents of the Old City, who live constantly surrounded by Israeli soldiers and colonizers and are obliged to interact with them on a daily basis. The consequences of an act of protest can be fatal, and exposure to the use of excessive force by the soldiers is unavoidable. Those who are not killed face a constant risk of injury at the hands of the Israeli army or colonizers, along with arbitrary arrests or administrative detention. Outside the context of protests, the daily harassment or restrictions affect all of the residents, who are victims of the collective punishment imposed on them. All these policies make it impossible for the Palestinian residents of the Old City to maintain any kind of normal life or routine, and they are forced to face these illegal acts both inside and outside their homes. Some families have already left, and the ever-worsening conditions are making it increasingly difficult for the remaining residents to stay.

## NON-STATE ACTIONS

This policy encompasses the actions of non-state actors against Palestinians that are carried out with the complicity, and often assistance, of the Israeli authorities. Ongoing Jewish-Israeli civilian violence against Palestinians and their property, and the perpetrators' impunity, is particularly prevalent in Hebron.

There are other non-state actors that in an indirect manner also contribute to the forcible displacement of Palestinians. The Hebron Fund is a US-based organization responsible for financing a wide range of services for the colonies and colonizers of Hebron. The Fund itself is financially supported by many other organizations and companies and its revenue amounts to

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168 Protection Cluster occupied Palestinian territory, *Protection concerns and humanitarian impacts of settlement activity in Hebron city (H2)*, 2014. Available at: [http://www.globalprotectioncluster.org/assets/files/field\\_protection\\_clusters/Occupied\\_Palestinian/files/oPt\\_PC\\_factsheet\\_Hebron\\_City\\_H2\\_2014\\_EN.pdf](http://www.globalprotectioncluster.org/assets/files/field_protection_clusters/Occupied_Palestinian/files/oPt_PC_factsheet_Hebron_City_H2_2014_EN.pdf)

169 Couzinet, J., *Fear and exhaustion in the Old City of Hebron*, 2016. Available at: <http://www.middleeasteye.net/news/fear-and-exhaustion-old-city-hebron-495610099>; B'Tselem, *Collective punishment continues in central Hebron: Closed neighborhoods and shops closed and repeated checkpoint inspections*, 2016. Available at: [http://www.btselem.org/hebron/20160121\\_hebron\\_restrictions](http://www.btselem.org/hebron/20160121_hebron_restrictions)

more than 2.25 million USD per year. The Jewish National Fund (JNF) has also supported the further Judaization of Hebron. These are only some of the non-state groups involved in the forcible transfer of Palestinians in Hebron; other organizations and companies are also active in advancing colonization, mirroring the reality all over the oPt and Israel. Non-state actors can at times play a more significant role in forcing Palestinian people out of their homes than the occupying power does. However, in the vast majority of interventions by non-state actors, Israel approves and supports these actions.

## Policy in Hebron's Old City

### Actions by Colonizers

As the occupying power, it is the duty of Israel to investigate violence by colonizers against the occupied population, which constitutes a violation of IHL and IHRL. Israel not only fails to stop or diligently investigate attacks, harassment, or property seizure by colonizers, but to the contrary, these actions often happen under the protection of the Israeli army. Under Article 4 of the Fourth Geneva Convention, Israeli forces as the occupying power in the West Bank have an obligation to protect Palestinian civilians living under occupation. According to the Hague Regulations, Israel also has the obligation to maintain public order in the occupied territory, which entails not only the minimum measures but enforcing law and order and addressing any criminal activity.

Israel systematically disregards its obligations in oPt, which is especially evident in the Old City. Amnesty International's Public Statement of February 2016 reported: "The actions of Israeli forces in Hebron are consistently discriminatory, and have served to allow the settlers to continue to harass and attack Palestinians with virtual impunity, while collectively punishing tens of thousands of Palestinians."<sup>170</sup> Israeli colonizers frequently attack Palestinian civilians and their property in the Old City, often in the presence of Israeli forces who fail to intervene.<sup>171</sup>

The establishment of colonies in Hebron has led to many violent acts perpetrated by the colonizers against Palestinians. It has also resulted in routine property damage.<sup>172</sup> Colonizers have long attacked and harassed the

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170 Amnesty International, *International Public Statement: Israeli authorities must end collective punishment of Palestinians in Hebron, protect human rights defenders in the city*, 2016. p. 5. Available at: <https://www.amnesty.org/en/documents/mde15/3529/2016/en/>

171 Amnesty International, *Report 2015/16; The State of the World's Human Rights*, 2016. p. 203. Available at: <https://www.amnesty.org/download/Documents/POL1025522016ENGLISH.PDF>

172 B'Tselem, *Status Report: Hebron, Area H-2. Settlements Cause Mass Departure of Palestinians*, 2003. p. 10. Available at: [http://www.btselem.org/download/200308\\_hebron\\_area\\_h2\\_eng.pdf](http://www.btselem.org/download/200308_hebron_area_h2_eng.pdf)

residents of the Old City through different means, including physical assault, verbal harassment, entering their homes and, on occasion, killing them.

### **History and Politics of the Colonizer Movement in Hebron**

Most colonizers in Hebron's Old City are religious-nationalists who believe that the land between the Jordan River and the Mediterranean Sea is exclusively for the Jewish people,<sup>173</sup> and that it is their duty to reclaim this land by settling there and expelling the non-Jewish population. Many colonizers are willing to employ violence and other questionable means to further the Judaization of Hebron, especially its Old City. This collective ideology of the colonizers is not a coincidence nor solely connected to their religious views, but stems from the influence of historic colonizer movements, such as Gush Emunim, and right-wing Israeli parties like Kach.

In 1967, Moshe Levinger, a Jewish-Israeli rabbi, led and organized the arrival of the first colonizers to Hebron. In 1968 he posted an advertisement in a newspaper that read "Wanted: Families or singles to resettle the ancient city of Hebron. For details contact Rabbi M. Levinger."<sup>174</sup> This advertisement caught the attention of many Israelis and they eventually formed a group that occupied a hotel in the Old City and later founded the Kiryat Arba colony. While the Israeli authorities initially opposed this colonizing effort, they gave official approval shortly afterwards and have provided financial and military support to the colony ever since.<sup>175</sup> Levinger led the colonizers' movement in Hebron for years, promoted the creation of new colonies and the expulsion of Palestinians. He was arrested and charged several times for attacking and assaulting Palestinians, and his wife and children were involved in the creation of the Beit Hadassah colony in 1979. After Levinger passed away, Israeli Prime Minister Netanyahu praised him for his achievement in the revitalization of the Jewish presence in Hebron and claimed he was an outstanding example of his generation.<sup>176</sup>

Another movement that had, and still has, a significant influence on the Hebron colonizers' ideology is Kahanism, an ideology named after Meir Kahane. Kahane founded the Kach political party in Israel, which advocated for the removal of Palestinians from Israel and the oPt.<sup>177</sup> Baruch Goldstein was a known supporter

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173 Institute for Palestine Studies, *Settler Violence in Palestine*, 2006. Available at: <http://www.palestine-studies.org/resources/special-focus/settler-violence-palestine>

174 Lara Friedman and Dror Etkes, Peace Now, *Hebron - Settlements in Focus*, October 2005. Available at: <http://peacenow.org.il/eng/content/hebron-settlements-focus>

175 Ibid.

176 Deger, A., *Netanyahu eulogizes settler movement founder convicted of manslaughter*, Mondoweiss, 19 May 2015. Available at: <http://mondoweiss.net/2015/05/netanyahu-eulogizes-manslaughter/>

177 BBC, *The Kahanes: Like father, like son*, 31 December 2000. <http://news.bbc.co.uk/2/hi/middle-east/1095078.stm>

of this political party.<sup>178</sup> Despite being killed in 1990, Kahane's ideas were, and still are, very influential. The Kiryat Arba colony has a Meir Kahane Memorial Park, which contains the graves of Kahane and Goldstein. Both graves remain a popular pilgrimage destination for colonizers and other admirers. After the Ibrahimi Mosque massacre, the Chief Rabbi of the colonies in Hebron's Old City and Kiryat Arba, Rabbi Dov Lior, extolled Goldstein and his actions. Lior, one of the most influential leaders of the religious Zionist movement, said that Goldstein was "holier than all the martyrs of the Holocaust,"<sup>179</sup> and in 2007 that "We must cleanse the country of Arabs and resettle them in the countries where they came from."<sup>180</sup> As all other municipal Israeli rabbis, Lior receives a salary from the government of Israel.<sup>181</sup>

Other leaders of the colonizer movement in Hebron include Baruch Marzel, a colonizer of Tel Rumeida who has been arrested several times for attacking Palestinians.<sup>182</sup> Marzel supports and promotes the idea of "transfer," which translates into removing all the 'enemies' from the land.<sup>183</sup> Previously a member of the Kach party, he is now a member of the Jewish National Front, a far-right political party that advocates for the expulsion of all Palestinians from what is known by the colonizers as 'Greater Israel,' former Mandate Palestine.

Israel's complicity in regards to these radical Zionist organizations, leaders and their actions is clear both by their financial support to them and the lack of equal enforcement of law and order. Not only do they fail to stop attacks against Palestinians, but they also protect the colonizers and the colonies with security, military and financial support. Public and administrative services are provided to the colonies via the Hebron Municipal Committee, which was established by the Israeli Ministries of Defense and Interior. Moreover, the Israeli Ministry of Housing and Construction established the Association for the Renewal of the Jewish Community in Hebron, which is in charge of carrying out development projects in the colonies. This Association receives funding from the Israeli state budget.<sup>184</sup>

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178 Institute for Middle East Understanding, *State-Sanctioned Incitement: Israel's Extremist Rabbis*, 23 July 2013. Available at: <http://imeu.org/article/state-sanctioned-incitement-israels-extremist-rabbis>

179 Institute for Middle East Understanding, *The Ibrahimi Mosque Massacre: 20 Years Later*, 27 February 2014. Available at: <http://imeu.org/article/the-ibrahimi-mosque-massacre-20-years-later>

180 Institute for Middle East Understanding, *State-Sanctioned Incitement: Israel's Extremist Rabbis*, 23 July 2013. Available at: <http://imeu.org/article/state-sanctioned-incitement-israels-extremist-rabbis>

181 Institute for Middle East Understanding, *The Ibrahimi Mosque Massacre: 20 Years Later*, 27 February 2014. Available at: <http://imeu.org/article/the-ibrahimi-mosque-massacre-20-years-later>

182 Ahren, R., *The extremist who could bring Kahanism back to the Knesset*, *The Times of Israel*, 18 February 2015. Available at: <http://www.timesofisrael.com/the-extremist-who-could-bring-kahanism-back-to-the-knesset/>

183 Ibid.

184 Lara Friedman and Dror Etkes, *Peace Now, Hebron – Settlements in Focus*, October 2005. Available at: <http://peacenow.org.il/eng/content/hebron-settlements-focus>

In the light of this evidence it cannot be argued that colonizer attacks against Palestinians and their property derive solely from the religious beliefs of the colonizers. They are the result of active political movements that have promoted and incited these kinds of actions with the complicity of the Israeli authorities. Figures like Levinger or Mahane are symbolic of the colonization movements and they set the foundations for the current reality of Hebron's Old City. Levinger expressed the following vision for Hebron: "This town will become yet again a Jewish city. Tens of thousands of Jews will be living here within the next 10-20 years."<sup>185</sup>

### **Colonizer Violence<sup>186</sup>**

Between 2007 and 2011 there was an increase of 315 percent in colonizer violence against Palestinians, while during the same period of time there was a 95 percent decrease in Palestinian violence in the West Bank.<sup>187</sup> Although the methods and quantity of colonizer violence in Hebron's Old City and elsewhere in the West Bank may vary, it is structural and symptomatic of the ongoing colonization processes.<sup>188</sup>

Some of the attacks or harassment against Palestinians involve physical assaults, including beatings, stone throwing, throwing sewage water at Palestinians or on their homes, destroying shops or other property, theft, attempts to run people over, poisoning of water wells or making holes in Palestinian water tanks, among others.

Probably the most well-known case of Israeli civilian violence against Palestinians occurred in the Old City in February 1994, when US-born Baruch Goldstein walked into the Ibrahimi Mosque during prayer and opened fire with a rifle killing 29 Palestinians and injuring over 100.<sup>189</sup> Despite being well-known for his anti-Palestinian fanaticism, Goldstein was serving as a reserve captain in Hebron at the time of the massacre. This position allowed him to have full access to security information about the Ibrahimi Mosque,

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185 Yehuda Litani, "Hebron and its legacy of hate," Jerusalem Post International Edition, week ending 13 June 1987, p. 11.

186 B'Tselem, *Footage from Hebron: Israeli military enables 5-day settler attack*, 2015. Available at: [http://www.btselem.org/settler\\_violence/20151020\\_5\\_days\\_of\\_settler\\_attacks\\_in\\_hebron](http://www.btselem.org/settler_violence/20151020_5_days_of_settler_attacks_in_hebron)

187 Munayyer, Y., *The Palestine Center, When Settlers Attack*, 2012. Available at: <http://www.thejerusalemfund.org/wp-content/uploads/2016/06/WhenSettlersAttack-1329158069-document-32677.pdf>

188 Ibid.

189 Al-Jazeera, *Remembering the Ibrahimi Mosque massacre*, 2014. Available at: <http://www.aljazeera.com/indepth/inpictures/2014/02/remembering-ibrahimi-mosque-ma-2014223105915230233.html>

which facilitated his attack.<sup>190</sup> The Israeli authorities, although aware<sup>191</sup> of the potential danger of Goldstein, did not act to stop him.

In the following years there have been other Palestinians killed by colonizers in Hebron, and hundreds more have been attacked. In April 1997, two colonizers killed a 23-year-old Palestinian man near the Ibrahimi Mosque.<sup>192</sup> In 2002 a 14-year-old Palestinian girl was also killed near the Ibrahimi Mosque at the doorway of her home.<sup>193</sup> Colonizer attacks have also left many Palestinians of the Old City injured. Daily attacks are a reality in the Old City, which is evidenced by the widespread use of nets and metal mesh to protect Palestinians from the garbage and rocks thrown at them by the colonizers.<sup>194</sup> These examples demonstrate that colonizer attacks have been a central feature of the Palestinian life in the Old City for decades now. Attacks by Israeli colonizers against Palestinian civilians are at an unacceptably high level, and the situation further deteriorated in the months following 1 October 2015.<sup>195</sup>

On 17 October 2015, an Israeli colonizer killed 18-year-old Fadel al-Qawashmeh on ash-Shuhada Street after Fadel allegedly tried to stab him. However, different eyewitness accounts and investigations have shown that Fadel was not threatening the life of his killer as he had just crossed a checkpoint where he was thoroughly searched, and many eyewitnesses stated that he was not carrying anything in his hands when he was shot.<sup>196</sup> This killing has not been investigated by the Israeli army or police, exemplifying the continuous danger under which Palestinians live in Hebron's Old City.

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190 Helm, S. *Jewish killer attacked mosque last year: Evidence is mounting that Baruch Goldstein was known to be dangerous well before the massacre*, writes Sarah Helm, *The Independent*, 1 March 1994. Available at: <http://www.independent.co.uk/news/world/jewish-killer-attacked-mosque-last-year-evidence-is-mounting-that-baruch-goldstein-was-known-to-be-1426229.html>

191 "Following Kahane's assassination in New York City in 1990, Goldstein repeatedly vowed revenge. (An Egyptian-born American was tried and acquitted in Kahane's killing.) That same year, a Shin Bet agent who had infiltrated the Kach movement warned his superiors that Goldstein was a danger, quoting him promising that "there will be a day when one Jew will take revenge on the Arabs." See, Institute for Middle East Understanding, *The Ibrahimi Mosque Massacre: 20 Years Later*, 27 February 2014. Available at: <http://imeu.org/article/the-ibrahimi-mosque-massacre-20-years-later>

192 Greenberg, J., *3 Palestinians Killed and 100 Wounded in Clashes With Settlers and Troops in Hebron*, *The New York Times*, 9 April 1997. Available at: <http://www.nytimes.com/1997/04/09/world/3-palestinians-killed-100-wounded-clashes-with-settlers-troops-hebron.html>

193 Gilmore, I., *Jewish settlers kill girl, 14, in funeral rampage*, *The Telegraph*, 29 July 2002. Available at: <http://www.telegraph.co.uk/news/worldnews/middleeast/israel/1402968/Jewish-settlers-kill-girl-14-in-funeral-rampage.html>

194 OCHA oPt, *The Closure of Hebron's Old City*, July 2005. Available at: [https://www.ochaopt.org/documents/ochahu0705\\_en.pdf](https://www.ochaopt.org/documents/ochahu0705_en.pdf)

195 Amnesty International, *Israel/OPT: Israeli authorities must protect Palestinian civilians in wake of settler attacks in Hebron*, 2015. Available at: <https://www.amnesty.org/en/latest/news/2015/10/israel-opt-israeli-authorities-must-protect-palestinian-civilians-in-wake-of-settler-attacks-in-hebron/>

196 Amnesty International (2015). *Israel/OPT: Israeli authorities must protect Palestinian civilians in wake of settler attacks in Hebron*. Available at: <https://www.amnesty.org/en/latest/news/2015/10/israel-opt-israeli-authorities-must-protect-palestinian-civilians-in-wake-of-settler-attacks-in-hebron/>

On the night of 17 October 2015, colonizers threw a Molotov cocktail and injured a 13-year-old Palestinian. Eyewitnesses stated that the Israeli forces were present when the attack happened, but failed to intervene.<sup>197</sup> Moreover, on 21 January a group of colonizers accompanied by Israeli soldiers attacked several homes near ash-Shuhada Street, throwing stones and insulting the residents.<sup>198</sup> During the attack, some of the colonizers occupied two homes with the protection of the Israeli army.<sup>199</sup> They were evicted from the building the day after but its residents were denied access to their own homes during the occupation.

Israeli colonizers in the Old City present an ongoing threat to the local Palestinian population, as they enjoy complete freedom of movement throughout the H2 area, more services than its Palestinian residents, preferential treatment and protection by the Israeli army, and often government-issued firearms.<sup>200</sup>

“The first incident that occurred after I moved to Tel Rumeida was the burning of my car. I had a car with an Israeli yellow plate. I once parked it 50 meters away from my home. The settlers came that day and burned my car and the cars of two other Palestinian families. After a while, I bought a new one, but the settlers broke the back window. The soldiers also broke the windows of our home during one of their holidays. We asked the Hebron Rehabilitation Committee to help us and so they fixed it and installed metal wire mesh on the windows. One day, my two sons were carrying water from my neighbor’s home on a wagon. On their way home, there were four settlers holding gas spray and sprayed my elder son in his face. As a result, he fell down and fainted. My younger son hit the settlers. So the soldiers arrested and interrogated him. We had to pay 1000 shekels in order to get him released.

After the beginning of the current uprising, anyone can be exposed to the soldiers’ shooting. The soldiers and the settlers may throw a knife near anyone and accuse him of trying to stab someone. All of my sons and daughters are young and I had to move to Farsh al-Hawa for fear that I might lose them one day. The home here [in Farsh al-Hawa] was not ready when we moved to it. My sons told me that they wanted to get married and that they couldn’t handle this dangerous life anymore. So, I talked to a contractor who accepted building the home on the condition that I pay him in monthly installments for 5 years. We moved before the closure of Tel Rumeida. If we hadn’t moved, we would have been unable to come and go.

Before I moved to the new home, my children used to be detained at

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197 Ibid.

198 Ma’an News Agency, *Israeli settlers attack Palestinian homes in Hebron’s Old City*, 21 January 2016. Available at: <https://www.maannews.com/Content.aspx?id=769912>

199 Video: <https://www.youtube.com/watch?v=RaDsP6KmJXc>

200 Al-Jazeera, *Israeli settler attacks deepen fears among Palestinians*, 2016. Available at: <http://www.aljazeera.com/news/2016/01/israeli-settler-attacks-deepen-fears-palestinians-160122140349464.html>

the checkpoint and they had to call me each time they wanted to enter the neighborhood. The settlers attacked all of the pedestrians whenever they saw one on the road. For instance, the other day (in March 2016), the settlers kept running behind our neighbor as she was walking in the street. My sons are young, and if one of them comes back late at night one day, he could easily be killed. No one is here to protect us.

*Rajab O., former resident of Hebron's Old City, forcibly transferred to H1.  
Interview: 23 March 2016*

## **Verbal Harassment and Threats**

Palestinians face verbal harassment, insults and threats by colonizers on a daily basis. Cordoba School, for example, is located directly across Beit Hadassah colony on ash-Shuhada Street and around 150 children aged seven to 16 attend the school. Its windows are completely covered by metal wire meshes to protect the children from attacks by colonizers, who often throw rocks, Molotov cocktails or glass bottles inside. Colonizers also wrote graffiti near the school that says "Gas the Arabs!" Students face attacks on their way to and from school such as stone throwing and even death threats. The only direct route children can take to school is through the only portion of ash-Shuhada Street that is open to Palestinians, which exposes them to being attacked or harassed. The alternative is to take a several kilometer detour.<sup>201</sup>

## **Seizure of Property**

Colonizers in Hebron's Old City are constantly attempting to seize new properties in order to expand the existing colonies and create new ones. In April 2014, the fifth formal colony was established in the al-Rajabi house in Hebron. In the meantime, there have been ongoing efforts to expand existing colonies and to link them together through Israeli-only roads and closures.

The al-Rajabi house is strategically located between the Ibrahim Mosque and the Kiryat Arba colony, just outside the Old City.<sup>202</sup> It is a four story building owned by the Rajabi family with the capacity to house around 40 families.<sup>203</sup> Fayez al-Rajabi, who owns the building, began its construction in 1995; however, due to pressure from the colonizers and the Israeli forces,

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201 Defense for Children International – Palestine, *Palestinian schoolchildren terrorized by settler vigilantes, soldiers*, 2014. Available at: [http://www.dci-palestine.org/palestinian\\_schoolchildren\\_terrorized\\_by\\_settler\\_vigilantes\\_soldiers](http://www.dci-palestine.org/palestinian_schoolchildren_terrorized_by_settler_vigilantes_soldiers)

202 UN Special Rapporteur, OHCHR, *Hebron: Israeli settlers must be stopped from taking over Al-Rajabi House*, 15 April 2014. Available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14512>

203 Ibid.



construction was stopped in 2000. He was finally able to resume work on the building in 2007.<sup>204</sup> However, in March 2007, a group of colonizers illegally occupied the building, claiming they had purchased it. They remained there until November 2008, when they were evicted by an Israeli Court order pending a thorough judicial review of the ownership of the building. The court's decision was based on evidence that proved the colonizers' purchase documents were forged. This evidence was presented by the Criminal Investigation Laboratory of the Israeli Police and by the Israeli prosecution.<sup>205</sup> Colonizer attacks and harassment against Palestinians in the area of al-Rajabi house increased during that time, in order to pressure the Palestinian residents to leave and abandon their claims to the building.<sup>206</sup> In September 2012 the Jerusalem District Court also stated that the purchase documents were forged after the Rajabi family refused to sell their property to colonizers. However, this court referred the case to the Israeli Supreme Court.<sup>207</sup> In 2013, the Israeli Supreme Court accepted the purchase of the property by the colonizers as valid.<sup>208</sup> With this decision the Israeli Supreme Court became complicit in these non-state actions, completely ignoring the evidence of the forged documents and the potential consequences of allowing Israeli colonizers to seize the al-Rajabi building and settle there. In addition to the forcible transfer of the Rajabi family, the creation of this new colony will have other negative consequences. Its establishment will be accompanied by the imposition of new restrictions on the residents living nearby, and increase the potential for attacks and harassment by the colonizers who will move into this new colony and the Israeli soldiers who will be stationed there.

Other areas of concern regarding colony expansion are the Abu Rajab house (where the legal dispute regarding the alleged purchase of the property is still ongoing), some properties near the Ibrahim Mosque, and the archaeological excavations in Tel Rumeida, where Palestinian residents fear that the excavations

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204 POICA, *The Colony of Al Rajabi Building in Hebron, Frequent Attacks against Palestinians*, 7 September 2008. Available at: <http://www.poica.org/details.php?Article=1293>

205 Hebron Rehabilitation Committee, *The Hebron Rehabilitation Committee Calls for an Urgent Action Following the Decision of the Israeli Supreme Court to Hand Over Al-Rajabi Building in Hebron Old City to the Settlers*, 11 March 2013, Hebron. Available at: <https://cptpalestine.wordpress.com/al-rajabi-building-project/>

206 UN Special Rapporteur, OHCHR, *Hebron: Israeli settlers must be stopped from taking over Al-Rajabi House*, 15 April 2014. Available at: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14512>

207 Hebron Rehabilitation Committee, *The Hebron Rehabilitation Committee Calls for an Urgent Action Following the Decision of the Israeli Supreme Court to Hand Over Al-Rajabi Building in Hebron Old City to the Settlers*, 11 March 2013, Hebron. Available at: <https://cptpalestine.wordpress.com/al-rajabi-building-project/>

208 Protection Cluster occupied Palestinian territory, *Protection concerns and humanitarian impacts of settlement activity in Hebron city (H2)*, 2014. Available at: [http://www.globalprotectioncluster.org/assets/files/field\\_protection\\_clusters/Occupied\\_Palestinian/files/oPt\\_PC\\_factsheet\\_Hebron\\_City\\_H2\\_2014\\_EN.pdf](http://www.globalprotectioncluster.org/assets/files/field_protection_clusters/Occupied_Palestinian/files/oPt_PC_factsheet_Hebron_City_H2_2014_EN.pdf)

might lead to the expansion of the existing colony into their neighborhood.

“One night (in December 2015) – and it was one of the most difficult nights of my life – three months ago, around 51 settlers tried to invade my home. My father was in the hospital and no one was at home except me and my wife, who was pregnant at that time. My wife and I live on the ground floor, which has a door that leads to the backyard. The settlers, guarded by the soldiers, tried to break into the home. My wife tried to stop them, and she started to bleed so I took her to the hospital. Some people called me and I immediately went back to the home and found the Israeli Civil Administration there. The Civil Administration officer said that they didn’t have anything against the settlers to evict them from the home.”

*Hazem A. R., owner of the Abu Rajab house and resident of the Old City.  
Interview: 17 March 2016*

The development of the colonies in the Old City was also facilitated by the Israeli control over the municipality of Hebron.<sup>209</sup> Municipal powers were transferred from the Palestinians to the Israelis in the early 1980s. In May 1980 the mayor of Hebron was deported after the official authorization by the Israeli government of colonies inside the Old City. His deputy was also dismissed by the Israeli forces in July 1983, and replaced by the Jewish-Israeli mayor Zamir Shemesh. This appointment was significant not only because a Jewish-Israeli became the mayor of a Palestinian city in the West Bank but also because he was the Custodian of Absentee Property.<sup>210</sup> This meant that he had control over the properties of those present in Hebron, including the Old City, and also the absentee property of those Palestinians who were expelled from their homes and either became refugees abroad or were internally displaced.

### Actions by Organizations

#### **The Hebron Fund**

The Hebron Fund is a Brooklyn-based organization founded 1979 that fundraises in the US and then uses this money to support the colonies in Hebron. Although the Fund is an independent entity, it was created as an

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209 The Old City of Hebron, Can it be saved?;

210 “The Absentees’ Property Law was the main legal instrument used by Israel to take possession of the land belonging to the internal and external Palestinian refugees, and Muslim Waqf properties across the state. Property belonging to absentees was placed under the control of the State of Israel with the Custodian for Absentees’ Property.” Absentees’ Property Law, Adalah, <http://www.adalah.org/en/law/view/538>

affiliate organization to support colonizers in Hebron and works together with them to respond to their needs.<sup>211</sup> In 2007, for example, they held a fundraiser in New York to support the recent occupation of the al-Rajabi house by colonizers.<sup>212</sup> Allegedly, the Fund has revenues of 2.25 million USD,<sup>213</sup> and it provides a vast range of services and benefits exclusively to the colonies and colonizers. These include parks, recreation centers, libraries, youth activities and public, cultural and educational events.<sup>214</sup> On the Fund's website it states that some of their goals are to encourage American pilgrimage to Hebron and ensure the well-being of Israeli soldiers stationed there.<sup>215</sup> Although it describes itself as a "not-for-profit charitable organization," the Fund's support of a foreign military engaged in an illegal occupation can hardly be considered charity.

Goldman Sachs is a leading global investment banking, securities and investment management firm that provides a wide range of financial services to corporations, financial institutions, governments and individuals.<sup>216</sup> The Goldman Sachs Charitable Gift Fund is a foundation connected to this investment firm and run by its top executives. In 2012 it donated 18,000 USD to the Hebron Fund, claiming the purpose of this gift was humanitarian assistance to Jewish-Israeli families of Hebron in need.<sup>217</sup> Moreover, the Goldman Sachs Charitable Gift Fund has a history of donating funds to right-wing groups in Israel or their fronts in the US, such as AIPAC, which received 708,000 USD in 2012-2013 from Goldman Sachs.<sup>218</sup> Such funding is seen as backing for the wider processes of colonization taking place all across the West Bank.

Both the Hebron Fund and the other organizations or funds that donate money to it are actively contributing to the current situation of forcible transfer of Palestinians from the Old City and the colonization in their place with Israeli Jews. Their financial support facilitates the expansion of colonies, the arrival of new colonizers to the city and the attacks on Palestinians and their property.

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211 The Hebron Fund, *The Hebron Fund Mission Statement*. Available at: <https://hebronfund.org/about-us/about>

212 Malsin, J., *New York charity abets Israeli settler violence*, *Salon*, 15 December 2011. Available at: [http://www.salon.com/2011/12/15/new\\_york\\_charity\\_abets\\_israeli\\_settler\\_violence/](http://www.salon.com/2011/12/15/new_york_charity_abets_israeli_settler_violence/)

213 Haber, M., *Why Is Goldman Sachs Funding the Violent, Racist Jewish Settlers of Hebron?*, *Haaretz*, 11 April 2016. Available at: <http://www.haaretz.com/opinion/.premium-1.713790>

214 The Hebron Fund, *The Hebron Fund Mission Statement*. Available at: <https://hebronfund.org/about-us/about>

215 Ibid.

216 Goldman Sachs, *At a Glance*. <http://www.goldmansachs.com/who-we-are/at-a-glance/index.html>

217 Haber, M., *Why Is Goldman Sachs Funding the Violent, Racist Jewish Settlers of Hebron?*, *Haaretz*, 11 April 2016. Available at: <http://www.haaretz.com/opinion/.premium-1.713790>

218 Ibid.

## The Jewish National Fund

The Jewish National Fund (JNF) was established in 1901, designed as an instrument to hold and obtain land for Jewish-only use and settlement.<sup>219</sup> In 1953, Israel's "Keren Keyemeth Le Israel Law" (Jewish National Fund Law) recognized the JNF for its "public utility" and formally linked it to the new State of Israel. Israeli law guarantees the JNF exemptions and waivers on a range of fees and taxes.<sup>220</sup>

The JNF is known worldwide for its reforestation activities in Israel, which erase the presence of depopulated Palestinian villages by covering them with pines and other fast-growing trees.<sup>221</sup> Additionally, the JNF has also been an active supporter of the colonization of Palestinian land. The JNF is involved with a small collective called Artists 4 Israel, who were responsible for inflammatory graffiti in different areas in Israel and the oPt, including Hebron in 2013.<sup>222</sup> This US-based right-wing organization did wall paintings near posts of the Israeli forces and on some Palestinian homes in the Old City while soldiers protected them. One of these paintings supported the building of a new Jewish temple where the al-Aqsa Mosque now stands in the Old City of Jerusalem. The organization's leader affirmed that their work is aimed at strengthening the West Bank's colonization.<sup>223</sup> Artists 4 Israel received their donations via the JNF, as those were tax deductible, and they have collaborated together in the US to strengthen support for Israel.<sup>224</sup>

## Conclusion

The presence of colonizers has a considerable impact on the Palestinian residents who live nearby. Not only due to physical assault, intimidation and verbal harassment, but also due to the restrictions on movement and access that accompany their presence and the role of non-state actors (such as the

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219 In its Memorandum of Association, the JNF objectives are: Article 3(a): "To purchase, acquire on lease, or in exchange, or receive on lease or otherwise, lands, forests, rights of possession, easements and any similar rights, as well as immovable properties of any class...for the purpose of settling Jews on such lands and properties." Article 3(c): to "benefit, whether directly or indirectly, to those of Jewish race or descendency" Article 3(g): "...promote the interests of Jews in the prescribed region." Article 6: "upon dissolution...any properties whatsoever...shall be transferred to the Government of Israel." Article 7 and Article of the Association of KerenKayemeth Le Israel 2, 3, & 4: "The members of the General Council of the World Zionist Organization [or its replacement] shall be deemed members of the Association."

220 Walter Lehn with Uri Davis, *Jewish National Fund*, 1988. p. (London: Kegan Paul, 1988), 96–99.

221 Benjamin, J., *Why I protested the Jewish National Fund*, Mondoweiss, 12 October 2010. Available at: <http://mondoweiss.net/2010/10/why-i-proteted-the-jewish-national-fund/>

222 Sadeh, S., *What's Between the JNF and pro-Israel Graffiti in Hebron?*, Haaretz, 13 June 2013. Available at: <http://www.haaretz.com/israel-news/premium-1.529565>

223 Ibid.

224 Ibid.

Hebron Fund and the JNF) that serve to fortify and expand the colonies. This situation often results in physical injuries, constant insecurity, psychosocial distress and trauma, lack of access to education and other services, loss of livelihoods and a state of fear.<sup>225</sup> All these elements create an extremely difficult situation, a coercive environment that triggers forced population transfer. By allowing and supporting (with assistance and impunity) these non-state actions, Israel contributes to and is complicit to the worsening living conditions of the Palestinians in the Old City.

## SEGREGATION

Segregation has physical, legal and administrative manifestations. In South Africa, these manifestations were used against black Africans to force them to leave or be unable to enter urban areas while the white colonies were made attractive through subsidies of all kinds.<sup>226</sup> Segregation in the oPt can also be viewed through this lens. Segregation is applied as a means of apartheid - aiming not only to separate colonizers from Palestinians, but to separate Palestinians from each other. Throughout the amalgam of Israeli policies of Palestinian confinement and containment in Israel and the occupied territory, various aspects of segregation can be distinguished.<sup>227</sup> Residential segregation is pursued by the delineation of areas where access is controlled and restricted based on one's identity. Cases in point are the Jewish-only colonies. The transfer of Palestinians out of residential areas takes the form of land and property confiscation, denial of use and discriminatory zoning and planning. Legal separation is pursued by the application of different legal frameworks according to whether the person is a Palestinian or a Jewish-Israeli<sup>228</sup> and by transferring the Palestinian population to delineated areas or preventing them from living and traveling freely throughout the oPt.

Israeli policies of segregation do not only focus on separating Palestinians from Jewish-Israelis, but also target Palestinian society itself. Fragmenting and

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225 Protection Cluster occupied Palestinian territory, *Protection concerns and humanitarian impacts of settlement activity in Hebron city (H2)*, 2014. Available at: [http://www.globalprotectioncluster.org/assets/files/field\\_protection\\_clusters/Occupied\\_Palestinian/files/oPt\\_PC\\_factsheet\\_Hebron\\_City\\_H2\\_2014\\_EN.pdf](http://www.globalprotectioncluster.org/assets/files/field_protection_clusters/Occupied_Palestinian/files/oPt_PC_factsheet_Hebron_City_H2_2014_EN.pdf)

226 Based on: [https://www.impulscentrum.be/south\\_africa/mod3\\_city/theo3.asp](https://www.impulscentrum.be/south_africa/mod3_city/theo3.asp)

227 BADIL Resource Center, *Survey of Palestinian Refugees and Internally Displaced Persons, 2013-2015*, 2015.p. 4. Available at: <http://www.badil.org/en/publication/survey-of-refugees.html>

228 Israeli civil and criminal law is being applied to Israeli civilians and to colonizers in the occupied Palestinian territory – while military orders rule Palestinians living in the same territory. See Jonathan Lis and Chaim Levinson, *Justice Minister Ayelet Shaked Pushes Plan to Apply Israeli Law in West Bank Settlements*, Haaretz, 2 May 2016. Available at: <http://www.haaretz.com/israel-news/.premium-1.717398>

disrupting the social fabric of Palestinians has been a tactic utilized by Israel to facilitate the implementation of policies and the creation of a coercive environment, which ultimately results in the forcible transfer of those affected. This 'divide and conquer' strategy isolates Palestinian communities from each other, a segregation that is caused or reinforced by administrative regulations, force, or physical obstacles such as the Annexation and Separation Wall and its associated regime, seam zones, buffer zones, checkpoints or closures.<sup>229</sup>

## Policy in Hebron's Old City

"While movement restrictions imposed on Palestinians in Hebron change from time to time, they are always governed by the 'principle of separation,' a regime of physical and legal segregation between the around 800 Israeli settlers living in a string of settlement points around Hebron's Old City, who receive the state's protection, and the Palestinian majority, who pays the price of this protection."<sup>230</sup>

Segregation as a mechanism of apartheid in Hebron is bluntly present not only in the material segregation of space, but also in the different legal regimes that apply to people living in the Old City.

Institutionalized discrimination in the Old City can be found in the fact that Israeli domestic legislation applies extraterritorially to colonizers, while Palestinian residents in H2 are governed by Israeli military orders issued by the Military Commander.<sup>231</sup> Colonizers in the Old City are thus governed by Israeli Civil Law even though they are living in a territory that is subject to Israeli military rule and the colonies have not been formally annexed to Israel.<sup>232</sup> Enforcement of Israeli Civil Laws in the colonies ensures that colonizers are in fact treated in the same way as Israeli local and regional municipalities inside Israel.<sup>233</sup> This constitutes an illegal expansion of Israeli jurisdiction into

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229 See, as an example, BADIL Resource Center, *Seam Zones*, Occasional Bulletin No. 25, August 2012.

Available at: [http://www.badil.org/phocadownloadpap/Badil\\_docs/bulletins-and-briefs/Bulletin-25.pdf](http://www.badil.org/phocadownloadpap/Badil_docs/bulletins-and-briefs/Bulletin-25.pdf)

230 Michaeli, S., *One Hebron Neighborhood has Become a Prison for Palestinian Residents*, Newsweek, 17 January 2016. Available at: <http://www.newsweek.com/one-hebron-neighborhood-has-become-prison-palestinian-residents-416256>

231 Adamczyk, S., Norwegian Refugee Council, *Driven Out: The Continuing Forced Displacement of Palestinian Residents from Hebron's Old City*, 2013. p. 42. Available at: <https://www.nrc.no/globalassets/pdf/reports/driven-out-the-continuing-forced-displacement-of-palestinian-residents-from-hebrons-old-city.pdf>

232 The Law Amending and Extending the Validity of the Defense Emergency Regulations (Judea and Samaria) – Jurisdiction of Offences and Legal Aid, 2007.

233 Association for Civil Rights in Israel, *One Rule, Two Legal Systems: Israel's Regime of Laws in the West Bank*, 2014. Available at: <http://www.acri.org.il/en/wp-content/uploads/2015/02/Two-Systems-of-Law-English-FINAL.pdf>

the occupied territory. This legal segregation might even be transformed into formal law, as Israeli justice minister Ayelet Shaked announced on 1 May 2016 the ambition to pass a so-called "Norms Bill" that would allow for every law being passed in the Knesset to have immediate effect in the colonies in the West Bank.<sup>234</sup>

Differences in legal protection are obvious with respect to the authority to arrest a suspect, the maximum period of detention prior to trial, the right to an attorney, minimum due process protections at trial, the maximum applicable punishment<sup>235</sup> and release prior to completion of a sentence.<sup>236</sup> This results in impunity and preferential treatment of colonizers.

“There were a few examples. There was a situation where a Palestinian father, on the Palestinian side of the road, was walking with his son at his side, and then four settler children showed up. They picked up a rock, threw it at the Palestinian boy. I yelled at them, and the father came over and said, “Here, see, we aren’t doing anything,” and he’s frustrated, “Look what they’re doing to us.” And me, other than lower my head in shame, there’s nothing I can do because I can’t lift a hand against settler children. I can’t threaten them with my weapon. If the situation was the reverse, I don’t know what would have happened. What would happen? If an Arab boy picked up a rock against a Jewish boy, then we’d probably have to handcuff him, blindfold him, send him wherever, follow the orders. [...] It’s in the rules of engagement, situations and responses. [...] If a Palestinian boy started not doing what I told him to do, like the Jewish guy who said, “Who do you think you are?” and whatever, I’d have to start shooting in the air, then at his feet, all kinds of things like that. There were incidents like that in Hebron, all kinds, all the time.”<sup>237</sup>

*Testimony of a Nahal Brigade Staff Sergeant during his duty in Hebron in 2004*

“The settlers get all of their rights; the ambulance has access to their place, they have services, they are always provided with water, the vegetable truck passes near their houses, and whenever they have children, the government gives them money and supports them.”

*Nisreen A., resident of Tel Rumeida, in the Old City.  
Interview: 12 March 2016*

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234 Khalel, S., *Critics slam Israeli proposal for dual legal system*, Al Jazeera, 6 May 2016. Available at: <http://www.aljazeera.com/news/2016/05/critics-slam-israeli-proposal-dual-legal-system-160506113800584.html>

235 See for example the petition in HCJ 4057/10 *Association for Civil Rights in Israel v. Military Commander in Judea and Samaria*, submitted on 25 May 2010.

236 Adamczyk, S., Norwegian Refugee Council, *Driven Out: The Continuing Forced Displacement of Palestinian Residents from Hebron's Old City*, 2013. p. 43. Available at: <https://www.nrc.no/globalassets/pdf/reports/driven-out-the-continuing-forced-displacement-of-palestinian-residents-from-hebrons-old-city.pdf>

237 *Breaking the Silence, Hebron, a stinging slap*, Testimony Catalog number: 14614. Available at: <http://www.breakingthesilence.org.il/testimonies/database/14614>

## Segregation of Palestinians

With the military zoning policy segregation takes place within the Palestinian population as well, as the social fabric of families and friends is severely damaged by movement restrictions. Visits are hampered, family ties are harder to maintain, and marriage considerations are dependent on whether the family lives in a closed area or not.<sup>238</sup>

“Since the beginning of the Third Intifada – I call it Intifada, but some people might call it uprising - the residents of Tel Rumeida have been treated as numbers. Each resident has a number, through which they can cross the checkpoints. No relatives are allowed to visit us. My mother, siblings, and my wife’s family tried to visit me many times, but the soldiers didn’t allow them access to Tel Rumeida at all. Even my father, who is 65 years old, was forced away.”

*Imad A. S., resident of Tel Rumeida, in the Old City.  
Interview: 16 March 2016*

“None of my relatives can visit my home nowadays. Whenever my daughters go out of the home, they get searched and humiliated. If I want to go back home, the smallest thing the soldier can do is to yell at me and to provoke me, or closing the gate and prohibit me from approaching my home. My home is like a prison, I don’t know how else I can describe it. We suffer so much and I’m sure that no one can handle this life. We feel alienated and isolated, because everyone knows that ash-Shuhada Street is closed. Yesterday, someone threw a stone at the soldiers. So, they didn’t allow us to go out into the street for four hours. Sometimes we may be forced to sleep out of the house.”

*Um Abed S., resident of ash-Shuhada Street, in the Old City.  
Interview: 16 March 2016*

Parents from the H1 part of Hebron or other parts of the West Bank do not want their children to marry someone from the Old City. In Palestinian culture, the bride usually moves to the husband’s home, and in the case of her potentially moving to Old City, families would consider the fact that their daughter’s future safety and that of her children would be compromised.<sup>239</sup> This situation greatly affects the residents of the Old City and is a strong incentive to move out to safer areas. At least one record of divorce due to the closure of ash-Shuhada Street has been noted.<sup>240</sup>

“No one comes to ask for our daughters’ hands in marriage because the situation here is very difficult and it’s very difficult for people to reach Tel Rumeida. Girls also do not consider my sons for marriage, unless they move

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238 See also the section on "Denial of residency".

239 Interviews with: Kifah M., Tayseer A. A., Um Abed S., Fayzeh A. S.

240 Interview with Um Abed S., who spoke about her daughter’s divorce due to ash-Shuhada Street’s situation and the feeling of danger that prevailed amongst her son-in-law’s family.



outside Tel Rumeida because they are afraid to move here. Their families are also afraid that they won't be able to visit each other in the future."

*Abdul Majeed. A. K., resident of Tel Rumeida, in the Old City.  
Interview: 25 February 2016*

"My name is Tayseer and I live in Hebron, in Tel Rumeida. I was born in 1967 in this house, which my father built. One of my brothers had a carpentry shop near the house and he used to live with my father at the same apartment. However, my brother left the house when the Tel Rumeida colony was established in 1984, as the colonizers kept harassing us to force us to leave the house. The colony started with caravans and there were three soldiers to protect them at the beginning. After a while, they brought more caravans and more soldiers. Then, in 1996 they prevented us from reaching the house with the car. Actually, the neighborhood was open for everyone to enter with their cars except for us.

In 2000, the situation got worse: Israeli soldiers did not allow anyone to visit our home unless they got a permit, whether they were relatives or not. At the beginning, people used to coordinate with Red Cross in order to get a permit, and after a while, they had to coordinate with the Palestinian Authority. This situation lasted for 5 or 6 years, until a human rights organization intervened and convinced the soldiers to allow the relatives to visit us without a permit. Therefore, the soldiers made a list of our relatives, which included my daughters, their husbands, and their kids. Whenever they visit us, the soldiers check whether their names are on the list or not. They often claim they do not have their names on the list and force them to leave. Sometimes, the soldiers allow them to enter but the colonizers force them to leave.

None of my daughters were given away from our home on their wedding days [this is the tradition in Palestine]. Even when my mother died, we had to receive condolences outside our home. My daughters were allowed to visit our home in the past, but now they are not. Imagine if one of them had a fight with her husband, where would she go? She's not allowed to enter her parents' house! The areas where I live, Palestinians, except for the members of my household, are prohibited from accessing it."

*Tayseer A. A., resident of Tel Rumeida, in the Old City.  
Interview: 22 February 2016*

## Conclusion

Segregation in Hebron's Old City is materialized in spatial and legal segregation. Administrative differentiation comes with the division into H1 and H2, and legal distinction comes with the extraterritorial application of Israeli civil law to colonizers while Palestinian residents are subjected to Israeli military rules. Moreover, segregation within the Palestinian community is manifested through the severe restrictions on Palestinian residency and freedom of movement in Hebron's Old City, which affects family and social life significantly.<sup>241</sup>

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241 Michaeli, S., *One Hebron Neighborhood has Become a Prison for Palestinian Residents*, Newsweek, 17 January 2016. Available at: <http://www.newsweek.com/one-hebron-neighborhood-has-become-prison-palestinian-residents-416256>

## DENIAL OF RESIDENCY

IHRL recognizes, among others, the right to family life, a home, freedom of movement, equality before the law, and the protection of minorities for all human beings. It also recognizes for everyone who is lawfully in the territory of a state and/or subjected to its jurisdiction the right to freedom of movement and to choose his or her residence within that territory.<sup>242</sup> As a principle, the applicability of IHRL is not affected by conflict. However, while IHL is not subject to derogations, as it was created to deal with conflict, under certain conditions states may limit the protection of certain human rights or even derogate certain human rights obligations and impose limitations on the exercise of non-derogable rights.<sup>243</sup> IHL establishes that these conditions should always be exceptional and the limitation or derogation of rights should be for security or military necessity only, as well as proportional and temporary.<sup>244</sup>

Based on this, both IHL and IHRL provide the lenses through which to analyze the rights of all Palestinians subject to Israeli rules and regulations that determine their residency status in the oPt and Israel.<sup>245</sup> Violating the basic human rights of Palestinians and their families, these rules and regulations encompass almost every aspect of Palestinian life, from right to residency to freedom of movement, from family unification to child registration.<sup>246</sup> Israel has imposed a residency system in the oPt that has two versions: one that applies Israeli civil law in Jerusalem and one that applies Israeli military law in the rest of the West Bank and the Gaza Strip. Both include mechanisms for severely restricting – as well as revoking – residency statuses. Almost all Palestinians suffer from constraints imposed on residency rights as they interrelate with and are infringed by other Israeli policies and practices, such as the installment of a permit regime, zoning and planning, restriction of freedom of movement and denial of family unification.<sup>247</sup> Between 1967

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242 International Covenant on Civil and Political Rights: Article 12(1) “Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence”.

243 UN, Office of the High Commissioner for Human Rights, *International Legal Protection Of Human Rights In Armed Conflict*, New York and Geneva, 2011. p. 46. Available at: [http://www.ohchr.org/Documents/Publications/HR\\_in\\_armed\\_conflict.pdf](http://www.ohchr.org/Documents/Publications/HR_in_armed_conflict.pdf)

244 Ibid.

245 Under international law, a state does not exercise jurisdiction outside of its national borders. Israel however, does exercise jurisdiction over the occupied Palestinian territory (oPt).

246 BADIL Resource Center, *Forced Population Transfer: the Case of Palestine. Denial of Residency*, Working Paper No. 16, 2014.p. 9. Available at: <http://badil.org/en/publication/research/working-papers.html?download=1097:wp-16>

247 BADIL Resource Center, *Denial of Residency*, BADIL's Working Paper No.16, Forced Population Transfer Series, April 2014. Available at: [http://www.badil.org/phocadownload/Badil\\_docs/publications/wp16-Residency.pdf](http://www.badil.org/phocadownload/Badil_docs/publications/wp16-Residency.pdf)

and 1994 Israel stripped the residency rights of some 140,000 Palestinians living in the West Bank – representing over ten percent of the population – and another 108,878 living in the Gaza Strip, all because Israel considers Palestinians in the oPt to be ‘resident aliens.’ If a resident failed to return before their permit’s expiration they risk being deleted from the Population Registry, thereby losing their residency status.<sup>248</sup> This policy dramatically shifted the demographic composition of the territory.<sup>249</sup>

## Policy in Hebron’s Old City

Between 1967 and 1990 the population of Hebron’s Old City declined by 80 percent<sup>250</sup> and since the outbreak of the Second Intifada, Hebron’s Old City lost a further 40 percent of its Palestinian population.<sup>251</sup> Israeli policies of forcible transfer aim at changing demographics in favor of the colonizers, as is clear by the overall increase of the Israeli-Jewish population in Mandate Palestine from 11 percent during the British Mandate to 45 percent by 2014.<sup>252</sup>

Denial of residency in Hebron takes the form of denying Palestinians the right to choose and maintain their residency in certain neighborhoods. Efforts by the Israeli forces to limit Palestinian presence in the Old City are based on different practices and means, such as confiscation of residential property and eviction of the Palestinian residents, denial of residency in and restriction of access to certain areas of the Old City, denial of family unification and/or withdrawal of residency rights – temporarily or permanently – as a punishment. Additionally, the establishment of colonies<sup>253</sup> in the Old City has contributed to the denial of residency of Palestinians. Not only are the colonies exclusively for Jewish-Israelis, but Palestinian residency in and around the areas surrounding the

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248 Munir Nuseibah, Al-Shabaka, *Decades of Displacing Palestinians: How Israel Does It*, 18 June 2013., Available at: <http://al-shabaka.org/node/624>

249 Eldar, A., *Israel Admits It Revoked Residency Rights of a Quarter Million Palestinians*, Haaretz, 2 June 2012. Available at: <http://www.haaretz.com/news/diplomacy-defense/israel-admits-it-revoked-residencyrights-of-a-quarter-million-palestinians-1.435778>.; BADIL, *Forced Population Transfer: the Case of Palestine. Denial of Residency*, Working Paper No. 16, 2014. p.9. Available at: <http://badil.org/en/publication/research/working-papers.html?download=1097:wp-16>

250 Sellick, P., *The Old City of Hebron: Can It be Saved?* Journal of Palestine Studies, Vol. 23, No. 4, Summer 1994. p. 73. Available at: <http://www.palestine-studies.org/sites/default/files/jps-articles/2538213.pdf>

251 Müller, P., Alternative Information Center, *Occupation in Hebron*, 2004. p. 6. Available at: [https://www.ochaopt.org/documents/opt\\_prot\\_aic\\_hebron\\_dec\\_2004.pdf](https://www.ochaopt.org/documents/opt_prot_aic_hebron_dec_2004.pdf)

252 Chamie, J., *By 2035, Jewish population in Israel/Palestine is projected at 46 percent*, Mondoweiss, 21 February 2014. Available at: <http://mondoweiss.net/2014/02/population-israelpalestine-projected/>

253 Avraham Avinu, Beit Romano, Beit Hadassah, Tel Rumeida and al-Rajabi House - source: Al-Haq, *Special Focus on Hebron: A Microcosm of the Israeli Occupation*, 19 November 2015. p. 3. Available at: <http://www.alhaq.org/images/stories/PDF/2012/Special.Focus.on.Hebron.Nov.2015.pdf>

colonies is also restricted.<sup>254</sup> Palestinians living in Tel Rumeida and ash-Shuhada Street are particularly affected by this policy.

Multiple areas of the Old City have been designated as closed military zones by Israel, and even though the military order designating Tel Rumeida as such expired in May 2016, some restrictions remain. Retaining residency in closed military zones is dependent on continuous residence within its premises, as the right to residency is lost as soon as one relocates outside of the designated zone.<sup>255</sup> As a result, families face many difficulties when they relocate for safety, security or movement issues but still want to look after the home they were forced to vacate.<sup>256</sup> Moreover, several testimonies underline the burdensome nature of the procedures to register as an Old City resident.<sup>257</sup> Procedures for residency registration are not based on any written source but exist solely in practice on the ground. As such, the procedures can change without notice or warning.

One interviewee described the administrative obstacles he encountered while trying to keep residency in his home once Tel Rumeida was declared to be a closed military zone:

"Throughout the past few months, in the current uprising, all of the residents of Tel Rumeida have been obliged to add their names to the list in order to be able to cross the border [checkpoint]. At the beginning, we did not add our names because they were already on the list since 2000, but when we tried to cross the checkpoint [to enter Tel Rumeida] they [the soldiers] refused to let us cross, claiming that they didn't have our names on the list. They said they wanted us to add our names at the Israeli Civil Administration (ICA),<sup>258</sup> but the ICA refused to take the names and said we should add our names at the Palestinian Civil Liaison Office. The liaison told us that they don't add the names [it is unclear whether this institution lacks the authority or does not add the names in rejection of the policy] and that we had to go to the [Palestinian] governor, and so on. For two weeks, until the soldiers took our IDs and put our name on the list, we had to suffer and were not able to enter our home."

*Tayseer A. A., father of eight, resident of Tel Rumeida, Old City of Hebron.  
Interview: 22 February 2016.*

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254 Israel uses "security of the colony population" as a pretext to impose residency restrictions upon Palestinian residents of Hebron's Old City. See Al-Haq, *Special Focus on Hebron: A Microcosm of the Israeli Occupation*, 19 November 2015. p. 13. Available at: <http://www.alhaq.org/images/stories/PDF/2012/Special.Focus.on.Hebron.Nov.2015.pdf>

255 Interview with Kifah M. and Rajab O.

256 Ibid.

257 Interview with Tawfiq J., Arwa A. H. and Tayseer A. A.

258 The Israeli governing body that operates in the West Bank, excluding East Jerusalem.

## Family Unification

As recognized in Article 23(1) of the International Covenant on Civil and Political Rights, “the family is the natural and fundamental group unit of society and is entitled to protection by society and the State.” The second paragraph adds that “the right of men and women of marriageable age to marry and to found a family shall be recognized.” Rule 105 of Customary IHL also establishes the obligation to respect family life as far as possible.<sup>259</sup> While IHRL and IHL allow Israeli authorities to restrict certain rights for security reasons, these restrictions must be directed to a specific threat. Israel’s restrictions on all Palestinians’ rights to freedom of movement, a home, and family life greatly exceed this limitation. Since the outbreak of the Second Intifada in 2000, Israel, which is in control of the Palestinian population registry, put a freeze on all family unification requests in the oPt (excluding East Jerusalem) which remains in place until today. In 2007, as a political gesture, Israel agreed to process 50,000 requests, but as of April 2014 it had only processed 33,000, leaving thousands of Palestinians without the possibility to legally and permanently live with their families. Israel has never explained why it refuses to process family reunification applications, and how this is justified by security reasons. Individual screening of cases could avoid this situation, but instead Israel collectively punishes all affected Palestinians, which applicable international humanitarian and human rights law prohibits.<sup>260</sup> Thus, the demographic decrease of Palestinian residents in Hebron’s Old City is exacerbated by denying residency based on family unification.

“When I got married, I had a Jordanian passport. I came to the West Bank with a three-month permit. After the permit expired, I didn’t get family unification, citizenship, or any other rights for 17 years. I applied for family unification, but they never gave it to me, especially after the Second Intifada, when the situation got worse. For 17 years, I suffered so much being far from my family [in Jordan].”

*Nisreen A., resident of Tel Rumeida, in Hebron’s Old City.  
Interview: 12 March 2016*

The particular characteristics of Hebron’s Old City increase the impact of the denial of family unification, as the risk of getting caught and deported for those who decide to stay while awaiting a response on submitted applications for unification is much higher than in other areas of the oPt, considering the Israeli military presence and large number of checkpoints.

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259 ICRC, Rule 105 of Customary IHL. Available at: [https://www.icrc.org/customary-ihl/eng/docs/v1\\_rule105](https://www.icrc.org/customary-ihl/eng/docs/v1_rule105)

260 BADIL Resource Center, *Forced Population Transfer: the Case of Palestine. Denial of Residency*, Working Paper No. 16, 2014. p. 32. Available at: <http://badil.org/en/publication/research/working-papers.html?download=1097:wp-16>

## Conclusion

Denial of residency in Hebron is manifested through extensive restrictions of Palestinian social coherence that stem from the restrictions on residency and family reunification. Using security as a justification for its policies and practices,<sup>261</sup> Israel restricts Palestinian residency in Hebron's Old City resulting in a severe deterioration in the cohesiveness of the family unit and in the demographics being altered in favor of the colonizer population.

## PROPERTY CONFISCATION AND DENIAL OF USE

Israel, as the occupying power, is prohibited from implementing new legislation in the oPt,<sup>262</sup> with only two exceptions. The first exception is when military need (a notion that is strictly interpreted) of the occupying power in the occupied territory requires it, and the second, when the humanitarian needs of the population under occupation require it.<sup>263</sup> Israeli amendments to the existing legal framework applicable in the oPt should meet either or both of these criteria.<sup>264</sup>

Not only is there a lack of accordance with above mentioned legal requirements, Israeli policies in the West Bank provide for land confiscation that results in transfer of Palestinian ownership of land to Israeli bodies and authorities. Methods of confiscation aim at irreversible land expropriation. This policy is often connected to the prevention and denial of use. Denial of use includes military seizures in which certain floors or the roofs of Palestinian houses are occupied by the Israeli army and often turn into permanent confiscation.<sup>265</sup> It

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261 Al-Haq, *Special Focus on Hebron: A Microcosm of the Israeli Occupation*, 19 November 2015. p. 13. Available at: <http://www.alhaq.org/images/stories/PDF/2012/Special.Focus.on.Hebron.Nov.2015.pdf>

262 This principle is encoded in international law in article 43 of the Fourth Geneva Convention - Convention (IV) respecting the Laws and Customs of War on Land, 1907 and its Annex: Regulations concerning the Laws and Customs of War on Land, 18 October 1907. "*The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.*"

263 Dinstein, Y., *Legislation Under Article 43 of the Hague Regulations: Belligerent Occupation and Peacebuilding*, Program on Humanitarian Policy and Conflict Research, Harvard University, Occasional Paper Series, 2004. p. 4-8.

264 For a more detailed account on this subject, see: Sfar, M., Schaeffer, E. & Anderson, J. H., Norwegian Refugee Council, *A Guide to Housing, Land and Property Law in Area C of the West Bank*, 2012. Available at: <https://www.nrc.no/globalassets/pdf/reports/a-guide-to-housing-land-and-property-law-in-area-c-of-the-west-bank.pdf>

265 In 1979, the High Court of Justice deemed this practice of converting land seized for military use into civilian settlements as illegal (HCJ 390/79 *Dweikat v. Government of Israel* 34 (1) PD 1 (also known as the "ElonMoreh case"). However, land that was seized before the verdict was rendered was not returned to the Palestinian owners.

further includes the closing of shops, the denial of access to Palestinian lands and houses, the denial of rehabilitation or building of houses and denial of use of public space and infrastructure.

## Policy in Hebron's Old City

Throughout history, Israel has utilized a significant amount of legal creativity in partly adjusting the pre-1948 patchwork of laws applicable in Hebron's Old City. It maintains certain provisions from the Ottoman Land Code (1858), British legal inheritance, and Jordanian laws, combined with the implementation of military orders. This legal concoction results in Palestinian property owners in Hebron's Old City having to prove ownership with a 'legal source of possession' that was not required at the time of the establishment of the ownership. It is questionable how this interpretation of the occupier's duty under Article 43 of the Hague Conventions – especially "to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country" - restores public order and safety. In fact, this vague mélange of legal provisions is a crucial component of the coercive environment, leaving numerous Palestinians uncertain of their properties' legal status. Additional tools used by colonizers to confiscate Palestinian property are claiming pre-1948 Jewish property as their own or purchasing of Palestinian property through questionable transactions, for example on the basis of forged property documents.<sup>266</sup>

### Waqf

In the Old City some property is organized within the 'Waqf' system. Waqf is an instrument in Islamic law that refers to an inalienable religious endowment. The endowment is usually a piece of land or a building that is donated for the benefit of specific individuals or for a general charitable purpose.<sup>267</sup> Property is reserved and only the usufruct - the right to enjoy the advantages derivable from the use of something that belongs to another - of the object is appropriated by the individuals or for charitable purposes.

266 Levinson, C. *Israel Supreme Court Rules Hebron Jews Can't Reclaim Lands Lost After 1948*, Haaretz, 2011. Available at: <http://www.haaretz.com/israel-supreme-court-rules-hebron-jews-can-t-reclaim-lands-lost-after-1948-1.344090>; Adamczyk, S., Norwegian Refugee Council, *Driven Out. The Continuing Forced Displacement of Palestinian Residents from Hebron's Old City*, 2013. p. 26. Available at: <https://www.nrc.no/globalassets/pdf/reports/driven-out-the-continuing-forced-displacement-of-palestinian-residents-from-hebrons-old-city.pdf>

267 BADIL Resource Center, *Israeli Land Grab and Forced Population Transfer of Palestinians: A Handbook for Vulnerable Individuals and Communities*, June 2013, p. 26-27. Available at: [http://www.badil.org/phocadownload/Badil\\_docs/publications/handbook2013eng.pdf](http://www.badil.org/phocadownload/Badil_docs/publications/handbook2013eng.pdf); National Awaqf Foundation of South Africa, *What is Waqf*. Available at: <http://www.awqafsa.org.za/what-is-waqf/>

Property held in waqf becomes inalienable, and successive beneficiaries can be created for the estates. Such inalienable religious endowments continue to form the basis for property claims today in many Muslim communities around the world.<sup>268</sup>

“Waqf Tamim ad-Dari is an Islamic waqf, which means that its lands are impossible to be bought or sold. The Jewish Waqf [in Hebron] rented these lands from the Waqf Tamim ad-Dari for 99 years in 1917, and since then, a law was created that allows the renter to rent the property to other people [people without Waqf endowment]. We [Arwa's family] have rented these lands from the Jewish Waqf. We have a rental document [a document that holds the rental contract between Arwa's family and the Jewish Waqf] from 1937.

Our home and the backyards have Tabou [an Ottoman time land registration paper] and they are completely and undoubtedly legal [meaning the property belongs to Arwa's family]. Land plots 52 and 53 [two plots of land adjacent to the home] are the ones we rented from the Jewish Waqf, which the Jewish Waqf had rented it from Waqf Tamim ad-Dari. So these lands are originally for the Waqf Tamim ad-Dari. The settlers have tried many times to settle in these lands, considering them to be Jewish property, because the Jewish-Israelis erased all of the history before the Jewish Waqf rented the lands and claimed that the property of these lands belongs to the Jewish people. They [the settlers] occupied both plots of land and established caravans on them. It wasn't easy to get rid of these caravans. We won the battle with the law, so they couldn't find any excuse to take the land. After this, they [the settlers] claimed that they needed the land because they wanted to establish a biblical park on it. One day, all of a sudden, we found caravans, bulldozers, police, and soldiers entering the lands and cutting off the trees. I wasn't in Hebron, I was in Great Britain at the time, so when I saw the pictures of the trees, it wasn't an easy thing for me to handle. They cut more than 40 olive trees in each plot of land.”

*Arwa A. H., resident of Tel Rumeida, in the Old City.  
Interview: 22 February 2016*

The aforementioned lands are now under the full control of the Israeli forces, and Arwa and her family are not allowed to access them. The Israeli authorities are carrying out excavations in the two plots; the area has been fully closed off and access to it is restricted.

Israel officially states that private Palestinian land is not to be seized for the purpose of colonization,<sup>269</sup> yet 21 percent of West Bank lands that were used

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268 Oxford Islamic Studies Online, *Waqf*. Available at: <http://www.oxfordislamicstudies.com/article/opr/t236/e0844>

269 As was stated on the Israel Ministry of Foreign Affairs website in May 2001. - B'Tselem, *By Hook and by Crook – Israeli Settlement Policy in the West Bank*, 2010. p. 21. Available at: [http://www.btselem.org/download/201007\\_by\\_hook\\_and\\_by\\_crook\\_eng.pdf](http://www.btselem.org/download/201007_by_hook_and_by_crook_eng.pdf)



for the creation of colonies are privately owned.<sup>270</sup> Seizure/requisition orders and expropriation orders impede Palestinian land ownership in Hebron's Old City. Apart from the above mentioned modes of confiscation, *de facto* confiscation happens on a regular basis.<sup>271</sup> Confiscation is *de facto* when expropriation of Palestinian property takes place without any legislative basis or on a basis not supportive of the subsequent action. The *de facto* and *de jure* confiscation of Palestinian land by Israel as an occupying power are both illegal under international law. The *de jure* confiscation is an actual confiscation of land, where the previous owner loses his ownership. The *de facto* confiscation restricts or completely denies the use and access of land – effectively taking it over, since the owners are able to use the land only sporadically, if at all.<sup>272</sup> Denial of access to shops in ash-Shuhada Street or military seizure of rooftops or floors of houses without military warrant also constitute *de facto* confiscation.

“The Israeli army closed around 500 shops from as-Sahleh to ash-Shuhada Street. The closure of our [clothing] shop in ash-Shuhada Street had an economic and psychological effect on our family. It was supporting 120 members of our family as my father and my uncle owned it, and my cousins worked in it. It cost my father and my uncle about 10,000 JD (14,000 USD) to renovate it. My uncle had three heart attacks when they closed it. Whenever he sees the shop from Tel Rumeida, he cries. We cannot reach the shop since ash-Shuhada Street is closed and no Palestinian is allowed to enter. We tried many times to get permission to let us take our machines out of the shop, but they never allowed us. It has been 15 years since they closed the shop; I'm sure the machines are ruined now and will never be useful again.”

*Nasser G., resident of the Old City.  
Interview: 22 February 2016*

“[In October/November 2009] my home was closed by the Israelis and no one was allowed to enter it as it was declared a military zone. This house belongs to us, the A. S. family. I came and started to remove the barbed wire fence that surrounded it. The settlers and the soldiers stopped me, so I asked them to provide a military order, to prove that this house was closed. It turned out that in the order, the rooftop was the only confiscated part of the house, and the only part the soldiers were allowed to use. Thus, I used this provision for my benefit and I was able to open the house again. It took us months to bring the furniture

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270 B'Tselem, *By Hook and by Crook – Israeli Settlement Policy in the West Bank*, 2010.p. 20, 30-31.

Available at: [http://www.btselem.org/download/201007\\_by\\_hook\\_and\\_by\\_crook\\_eng.pdf](http://www.btselem.org/download/201007_by_hook_and_by_crook_eng.pdf)

271 Eye on Palestine, *Demolition Orders on Three Houses in Hebron*, 2014. Available at: <http://www.poica.org/details.php?Article=6701>; Eye on Palestine, *Unraveled Wave of Occupation Razes the Homes of the Families of al-Qawasmi and Abu-Eisha*, 2014. Available at: <http://www.poica.org/details.php?Article=6685>

272 BADIL Resource Center, *Israeli Land Grab and Forced Population Transfer of Palestinians: A Handbook for Vulnerable Individuals and Communities*, June 2013. p. 20. Available at: [http://www.badil.org/phocadownload/Badil\\_docs/publications/handbook2013eng.pdf](http://www.badil.org/phocadownload/Badil_docs/publications/handbook2013eng.pdf)

in the house because Palestinian cars don't have access to Tel Rumeida. We had to carry our furniture on wagons for one kilometer to reach our home. The rooftop is still confiscated and used by the soldiers, and they renew the orders every two years for security reasons."

*Imad A. S., resident of Tel Rumeida, in the Old City.  
Interview: 16 March 2016*

Another example of *de facto* confiscation is outposts. Outposts are colonies created through the occupation of Palestinian-owned houses or land by colonizers which have no official Israeli approval or permission at the time of their creation. These outposts are often established near existing colonies as a strategy for expansion of the colony in the future.<sup>273</sup> *De facto* confiscation turns into *de jure* confiscation as soon as Israeli government approval of the outpost is granted. The building where the Beit Hadassah colony is located, for example, was occupied by Israeli colonizers in 1979 without initial approval of the Israeli authorities. A year later the Israeli government recognized the building as an official colony.

### *The Old City, still a 'Ghost Town'*

Hebron's Old City was once a busy commercial area, serving not only local residents and merchants but also the rest of Mandate Palestine and beyond. Hebron was also a tourist destination for many people, primarily religious pilgrims.<sup>274</sup> However, following the First Intifada in 1987 and the Ibrahim Mosque massacre in 1994 the situation worsened and increasing restrictions led to a decline in tourism and business, especially those placed on the area around the Mosque which was the main tourist attraction and surrounded by many shops.<sup>275</sup>

The outbreak of the Second Intifada was an even harder blow on the Old City's economy. The imposition of curfews and additional restrictions on Palestinian movement prevented potential customers from accessing shops and the market on a regular basis.

B'Tselem and the Association for Civil Rights in Israel (ACRI) published a report in 2007 describing the Old City as a 'ghost town'.<sup>276</sup> Although the results

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273 Applied Research Institute of Jerusalem (ARIJ), *Locality Profiles and Needs Assessment in the Hebron Governorate*, 2009. p. 34. Available at: <http://www.arij.org/files/admin/2009-integratedprofiles.pdf>

274 Hebron Rehabilitation Committee, *Hebron's Old City: Preservation and Revitalization Master Plan*, 2014. Available at: <http://www.hebronrc.ps/images/stories/MP%20English.pdf>

275 Ibid.

276 B'Tselem and Association for Civil Rights in Israel, *Ghost Town: Israel's Separation Policy and Forced Eviction of Palestinians from the Center of Hebron*, 2007. p. 33. Available at: <http://www.acri.org.il/pdf/ghosttown.pdf>

of their report are based on the most affected areas by the colonization, including a small area in H1, it provides a clear picture of the impact of Israeli policies on the economic life around Hebron's city center. The report stated that 1,829 Palestinian businesses had been closed in the most affected areas, which represented 76.6 percent of the businesses in the area covered by the report. Of those shops, 1,141 (62.4 percent) were shut down during the Second Intifada, and at least 440 closed because of Israeli military orders. In ash-Shuhada Street, for example, there were 304 closed businesses, 218 by military orders. Not one Palestinian shop in the area is open for business, and none have reopened. Moreover, the Israeli authorities issued 21 military orders that resulted in the forcible transfer of dozens of families from the Old City, around 6,000 individuals in total.<sup>277</sup>

A study conducted by the Hebron Rehabilitation Committee of the economic situation in 2009 focused on the entire Old City. The report documents the closure of around 2,320 shops. Israeli military orders had shut down 512 (22 percent) of commercial businesses during the Second Intifada and another 1,120 (48 percent) shops were closed as a result of the restrictions, closures and the deterioration of the situation in the Old City.<sup>278</sup> The remaining 30 percent of the shops had limited commercial activity, which was mainly focused on groceries, baked and cosmetic goods. Due to the political situation in the Old City and its impact on the economic activity, the number of businesses that have been closed by the owners as a result of their forcible transfer out of the Old City has increased since 2009.<sup>279</sup> This economic decay has had a significant humanitarian impact, including increased pressure to leave the Old City. The living standards in H2 are much lower than in the H1 part of the city, and there has been a decline in the average monthly income of families. Approximately 43 percent of the residents of the Old City are unemployed.<sup>280</sup>

In January 2016 another B'Tselem report<sup>281</sup> highlighted further restrictions and closure of businesses in the Old City by the Israeli forces, in response to the attacks against Israeli soldiers and colonizers during the last three months of 2015. At least 20 shops were shut down by military orders near the Ibrahimi Mosque. The increase in movement restrictions in the Old City reduced patronage and other shops were forced to close due to the lack of customers and reduced revenue.

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277 Hebron Rehabilitation Committee, *Hebron's Old City; Preservation and Revitalization Master Plan*, 2014. Available at: <http://www.hebronrc.ps/images/stories/MP%20English.pdf>

278 Ibid.

279 Ibid.

280 Ibid.

281 B'Tselem, *Collective punishment continues in central Hebron: Closed neighborhoods and shops closed and repeated checkpoint inspections*, 21 January 2016. Available at: [http://www.btselem.org/hebron/20160121\\_hebron\\_restrictions](http://www.btselem.org/hebron/20160121_hebron_restrictions)

Even official Palestinian initiatives and attempts at improving the economic situation of the Old City are hampered.

“The list of obstacles is a long long list. For example, if the Governorate tries to open some shops here and there, and to create an institution to provide goods at a very good price to attract people to come and shop in the Old City, then the Israelis threaten the people who own these shops. If one of these people rent their shop to the governorate, then he will be threatened by the Israelis, not the settlers, by the Israeli intelligence. They will threaten him with not giving him a permit; they will refuse to let him out of Palestine, etc. We face many cases like this, where the owner comes to us after he rented his shop to us, and begs us to give it back to him, “Please give it back to me, I can’t do it, I’m under a lot of pressure, I can’t continue like this...” And this is just one example of the obstacles we face.”

*Nidal Jaabari, Economic Affairs Consultant of the Hebron Governorate.  
Interview: 4 August 2016*

The economic consequences of the policy of property confiscation and the denial of use, coupled with other policies such as restrictions in movement and closures, have left parts of the Old City completely deserted and lifeless. In 2016, almost ten years after the aforementioned report, the Old City remains a ‘ghost town.’ Most streets are empty and the shops are welded shut, a far cry from the busy and lively streets just on the other side of the checkpoint in H1, where the Palestinian commercial activity has moved.<sup>282</sup>

## Conclusion

Colonies in the Old City considerably restrict Palestinian use of property in that Palestinian lands are confiscated and only Israeli-Jewish residency is allowed in the colonies and their surroundings.<sup>283</sup> Palestinian enjoyment and use of property in the Old City is restricted extensively, predominantly through seizure for ‘military purposes.’ Adding to the creation of a coercive environment is the trend of “re-claiming” pre-1948 Jewish property as a means of property confiscation and denial of use, alongside expropriation orders and the creation of outposts. Moreover, the closure and denial of

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282 B’Tselem and Association for Civil Rights in Israel. *Ghost Town: Israel’s Separation Policy and Forced Eviction of Palestinians from the Center of Hebron*, 2007. p. 33. Available at: <http://www.acri.org.il/pdf/ghosttown.pdf>

283 This refers to a 400-1000 meter wide strip around some settlements, said to “increase colonizers’ security.” - Adamczyk, S., Norwegian Refugee Council, *Driven Out: The Continuing Forced Displacement of Palestinian Residents from Hebron’s Old City*, 2013. p. 40. Available at: <https://www.nrc.no/globalassets/pdf/reports/driven-out-the-continuing-forced-displacement-of-palestinian-residents-from-hebrons-old-city.pdf>

use of businesses in the Old City have significantly affected the economic conditions of the Palestinian residents and the economic activity of the area. The few open businesses in the Old City are struggling to survive in an atmosphere of deserted streets and reduced customers.

## DENIAL OF REPARATIONS

Although Hebron suffered from the tumultuous political history together with the rest of Palestine, the intensified forcible transfer of Palestinians living there started after 1967, with the Israeli occupation and the arrival of the first colonizers.

The population of the Old City declined by 80 percent between 1967 and 1990.<sup>284</sup> This ongoing forcible transfer has continued in recent decades to the point where living in the H2 area has become an act of commitment for the Palestinian residents, rather than something natural. Their presence in the Old City is not only due to reduced financial capacities, but also an expression of Palestinian steadfastness: the will to preserve their identity and dignity against the ongoing threat of losing their homes and lifestyle and, ultimately, their homeland. Many of those who were forced to leave had their properties seized by either the Israeli army or Israeli colonizers, and are unable to return to them or unwilling to return due to well-founded fear.

Palestinian residents of the Old City who were forcibly transferred and remained in the West Bank became Internally Displaced Persons (IDPs) and are entitled to reparations according to international law. Reparations include the right to repatriation (return) to their properties in the Old City, the right to restitution of their properties, and the right to compensation for material and non-material damages and losses. Despite the gravity of the policies and practices implemented by Israel that have resulted in the internal displacement and forcible transfer of Palestinians from the Old City, no UN agency or other authoritative body has been designated as primarily responsible for the protection of these displaced persons.

The Old City experienced the lowest numbers of Palestinian residents following the massacre in the Ibrahimi Mosque in 1994 and the extreme restrictions imposed by the Israeli forces following the attack. By 1996, the Palestinian population had decreased by almost 75 percent, from 1,501 to

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<sup>284</sup> Sellick, P., *The Old City of Hebron: Can It be Saved?* Journal of Palestine Studies, Vol. 23, No. 4, Summer 1994. p. 73. Available at: <http://www.palestine-studies.org/sites/default/files/jps-articles/2538213.pdf>

400. It was this year that organizations such as HRC were established and started to revitalize the Old City and strengthen the Palestinian presence there. Some of those new residents that moved to the Old City following 1996 were returnees who had been internally displaced. The majority however, were Palestinian families from the Hebron Governorate, drawn into the Old City by the newly restored homes and financial incentives offered to them. Although in the last two decades Palestinian efforts have transformed the area and achieved a positive demographic growth rate, ongoing displacement of Palestinians out of the Old City still occurs. Many families left their homes during the Second Intifada, some of which are covered in this section. The increase in oppressive policies against Palestinians following the series of attacks against Israeli soldiers and civilians that took place between October 2015 and the first half of 2016, and the intensification of colonizer attacks that took place in that period, also pushed several families out of the Old City.<sup>285</sup>

The ongoing displacement of Palestinians pressured out of the Old City by various Israeli policies makes reparations for those displaced impossible for the time being, since the circumstances that caused the forcible transfer or deportation, namely the targeting of Palestinian residents, is ongoing. There is no place within the Israeli regime of occupation, forcible transfer, colonization, and apartheid for reparations, as all the potential pathways to obtain them are closed to Palestinians. The Prevention of Infiltration Law (1954) used extensively against Palestinian refugees, and the bias<sup>286</sup> of the Israeli judicial system illustrate the impossibility to seek reparations through legal avenues, as both are designed to perpetuate the displacement rather than to end it. This is what makes Denial of Reparations a policy of forced population transfer and an essential part of the Israel's Zionist goals.

In light of the ongoing Israeli policies and colonial enterprise and the lack of national or international protection, there is well-founded fear that the guarantees of non-repetition cannot be fulfilled and therefore those Palestinians who have been displaced cannot safely return to their homes.

“I used to live in Qatoun Street. In the Second Intifada, the soldiers in the southern areas of Hebron, where I lived back then, always harassed the Palestinians. Whenever they saw a Palestinian going back to their home at night, they would stop them and ask them whether they should break their arm or their leg, and they would have to choose. I remember that I was once on my way home when six soldiers stopped me and asked me: “Which one do you want us to break

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285 Information gathered from interviews with residents of Hebron's Old City.

286 Smith A., *Israel's latest law confirms bias in judicial system*, Middle East Monitor, 24 January 2014. Available at: <https://www.middleeastmonitor.com/20140124-israels-latest-law-confirms-bias-in-judicial-system/>

for you; your arm or your leg?” I replied: “Do whatever you want!” One of the soldiers asked me where I lived. I said that I lived a few meters away and he told me to go to my home, because they wanted to check if I was lying about where I lived or not. My wife usually locked the door of the home, but luckily, that night, the door was opened. I hurried home, open the door and they left me alone. If the door hadn't been open, the soldiers would have broken either my arm or my leg. My children were scared of the soldiers' harassment, so they wanted to leave the area.

When I realized how bad the situation was, I decided to leave the neighborhood. Some people told us about al-Sharabati Home in Tel Rumeida. They told me that I must be a brave man if I wanted to live in that home because the last person who lived in it fled after 15 days, as the soldiers kept invading his home.

Once, I returned home at night [when we were living in Tel Rumeida] and found my family packing and getting ready to leave the home. I asked my son-in-law what they were doing. He said that they were packing. I said that we were still not ready to move out. He said that they couldn't handle staying at the home anymore. Then, one of my relatives called me and told me that if anything happened to my children, it would be my fault and I would be the one to blame. I told him that my new home was still not ready. He said that sleeping on the street was better than losing one of my children. I told my wife and children to sleep in the new home and I slept alone in the old home that night. A person can be patient, but at some point when things get really hard, they just can't take it anymore. I had to leave the second home because it was too dangerous to stay there.

I had been building a home [in Farsh al-Hawa] for eight or nine years and still now I haven't finished building it because I don't have much money. However, I had to move there because we had no other choice. I decided that living on the street was better than staying in Tel Rumeida. I can handle being in debt, but I can't handle losing one of my children.

If the situation gets better, maybe we will come back to the old home one day. If I didn't have this home, I wouldn't have been able to leave Tel Rumeida. Some other families left as well after the uprising [since October 2015].”

*Rajab O., former resident of the Old City,  
forcibly transferred to H1. Interview: 23 March 2016*

“One of the Israeli police officers once told me: “if you don't feel afraid for yourself, you should be afraid for your children.” It was threatening and intimidating, as I knew my sons wouldn't remain silent if they saw their father get humiliated, so, my fear grew, which made me decide to find a home for my family outside the Old City. Before we had a good life and the situation was fine. However, as life became tougher, I bought a house in Farsh el-Hawa [in H1, roughly 5km from Hebron's Old City] for my wife and children. They have been living in it for three months now, since 1 December 2015. I only stay with

them on Thursdays and Fridays when my brother takes my place and stays in our home in the Old City to protect it and take care of my sister, who lives with her kids in the house, from the settlers' attacks. We never leave the house empty.

Now, as soon as I leave the house [in H1], they [my family] call to check on me. They are very worried about me. I'm 10 minutes away from my family, yet I get to see them in the weekends only. Life shouldn't be like this. I can't move and live with my family because I can't leave our home and my sister. Her children are still too young. If I left the house, the settlers would occupy it and take it.

Also, maybe in the future one of my brothers will want to come back to our home and live in it, because all of my brothers live in rented apartments and they are not comfortable there. All of my brothers, my mother and sisters, left our home because of the curfews [imposed by the Israeli army]. When they wanted to visit, I used to tell them not to come because it's dangerous. My wife and daughters don't visit this area at all. I remain worried about my wife and children because I don't live with them.

(When we were living in the Old City) I used to take my daughters to visit our relatives, especially their grandmother, because no one visited us in our home. I didn't want them to be sad and feel like they were alienated from this world. All of these circumstances forced me to move my family outside the Old City."

*Kifah M., resident of the Old City.*

*Interview: 3 March 2016*

"I am an engineer and I work as an instructor at Palestine Polytechnic University. I was a resident of ash-Shuhada Street until 2006. Because of the difficult circumstances in the Old City we had to buy a piece of land outside and move to it. I was 26 years old when we left our home in the Old City, now I'm 32 years old.

Before 1994, the situation was stable in the Old City; ash-Shuhada Street was open, al-Ibrahimi Mosque was completely open, and Palestinians could walk freely in the main streets leading to Bab az-Zawiya [outside the Old City, in H1]. We would walk freely at midnight in the area and no one would assault us at all.

Everything changed after al-Ibrahimi Mosque massacre in 1994. That night, my father was among those who were praying in the Mosque, but luckily, he was not hurt. After the massacre, instead of punishing the criminals, the victims were the ones who paid the price. A curfew was imposed for 40 days for the Palestinians in Hebron (especially in the Old City), and the Mosque was divided into two parts, one part for Muslims and the other for Jews. The Old City itself was divided as well, and the entrances to it were closed with gates. Ash-Shuhada Street was separated into two parts with a wall, so that those who go towards ash-Shuhada Street from the northern areas were separated from the settlers who lived in the old vegetable market settlement [Avraham Avinu].



In 1996, two years after the massacre, the situation was better, as they took away the wall that divided the street, and people were able to go through ash-Shuhada Street to Bab az-Zawiya by cars and taxis. However, in the Second Intifada in 2000, everything changed again. Gradually, they started to restrict our freedom. At the beginning, they started to block the roads with simple barriers. Then, they replaced these barriers with huge concrete blocks. The blocks became caravans after a while, and then these caravans were replaced with closed rooms, in which the soldiers inspect Palestinians and humiliate them. The residents of the Old City have to go through the checkpoints whenever they bring groceries, gas tanks, furniture, etc... life became unbearable.

We have the ownership of the house, but we don't live in it anymore - no one does. We can go back and live in it anytime, as we left the furniture inside it, but life is so difficult and unbearable there. Not only due to the presence of the occupation, but we also had no social life over there because no one came to visit us even during our Islamic holidays (Eid). I remember that at the beginning of the Second Intifada, the soldiers imposed consecutive curfews that lasted for two or three months. The curfews were very devastating. Can you imagine yourself under curfew for 40 or 50 consecutive days? It means that you will not have freedom of movement, and you will not be able to get food unless you break the curfew and expose yourself to danger. Or you will have to hope they lift the curfew for one or two hours. No one came to visit us, so we felt like we were isolated from the world. Even in Eid the curfew was not lifted and so we were prevented from practicing our Eid traditions, like visiting our relatives, and praying in al-Ibrahimi Mosque. Our movement was completely restricted. Thus, whenever any of us wanted to go to school or university during the curfews, my mom had to play the role of an observer; she would observe the soldiers and wait for them to get busy with something, so she would immediately tell us to cross the street before the soldiers noticed us. If any of the soldiers had noticed us, they would have immediately shot, arrested, or detained us for breaking the curfew. That was one of the difficulties that we faced in that area.

My family consists of six members; me, my parents and my three brothers. Our old home was located exactly near the checkpoint [Bab az-Zawiya checkpoint, which marks the border between H1 and H2], a little bit far from where the settlers lived, so most of the harassment came from the soldiers. Therefore, whenever some Palestinian throws stones at the checkpoint, those who live next to the checkpoint that suffer, whether with tear gas bombs, shootings, or home invasions. They always invaded our homes at midnight, kicked us out (women, kids, men) for hours even when it was rainy and cold outside, search the homes, and leave them messy. They also used to detain us at the checkpoint, inspect and humiliate us even though they knew very well that we, the residents of that area, had nothing to do with stone throwing. Whenever the soldiers see any young man in his 20s, they detain him because they fear young people and because they want to practice their hobby, which is humiliating the Palestinians.

We never felt safe at home because we were always at risk of being shot, arrested, or humiliated. They kept provoking us by swearing at us whenever they stopped

us. We had to go back home before sunset, because if I had stayed outside late, I would have exposed myself to danger. Clashes could happen at any time, so whenever we were outside during clashes, we would get stuck outside and then we had to stay at our relatives' homes. During the Second Intifada, I couldn't go to my university and come back freely to my home. Thus, I lived with my uncle in a room in his home. My parents were at our home and I was living far away. I wasn't able to contact my family, which was such a big problem. So, closures were among the reasons why I left my home.

We don't want to rent out our home because it keeps all of our memories. Moreover, it's very difficult for anyone to live in this coercive environment. Most importantly, we don't want anyone to live in our home for the fear that we might face an agreement between the renters and the settlers through which the settlers would take control. Therefore, we don't want to sell or rent our home now as the situation is still unstable in the area.

I live in Jabal Abu Rumman, two or three kilometers away from my old home. There's no particular reason why I chose to live in this area, we just found a piece of land and built on it. We needed to find a new area to live in because our life was tough in the Old City. Although we had a piece of land next to our old home [in the Old City], on which we could have built another new home but we couldn't live there anymore.

I am married and I have two daughters. I always take them to the old home in order to be socially and culturally connected to it, and to always remember that they have a place to go back to it in the future. I hope I may go back to the old home and live in it.

A lot of people left the Old City for the same reasons and because of the Israeli policies. The old home was 200m<sup>2</sup>, in which there's electricity, water, telephone line, and all of the other essential services. It also has a courtyard planted with trees. The new home is like a closed box that is not surrounded by anything [trees or courtyard]. No one leaves his "royal" home to live in a box unless he has to, unless there are huge actions in the area occurring that you can't do anything about."

*Nidal A. R., former resident of the Old City.*

*Interview: 18 August 2016*

## Conclusion

As long as the Israeli policies of colonization, apartheid and forced population transfer continue in Hebron's Old City, those Palestinians who were forcibly transferred will continue to be unable to exercise their right to reparations. Moreover, the ongoing forcible transfer of Palestinians from Hebron's Old City and the worsening of the living conditions as a result of Israeli policies result in ongoing displacement.

## The Old City in Photos



Colonizers have tried to occupy the Abu Rajab house on more than one occasion. It belongs to Hazem Abu Rajab, one of the interviewees. (25 July 2016, BADIL)



The Bab az-Zawiya checkpoint marks the border between H1 and H2 and completely blocks the street. Most Palestinian residents of ash-Shuhada Street or Tel Rumeida need to cross it daily. (19 March 2015, BADIL)



Beit Hadassah colony, located in ash-Shuhada Street. Some colonizers and a soldier can be seen at the entrance to the colony. Palestinians are not allowed through ash-Shuhada Street, and are given access to only a few meters of it. Beit Hadassah is forbidden to all Palestinians. (4 June 2015, BADIL)



Bet Romano colony with the Old City in the background. The colonizers established this colony by occupying an old school. (5 April 2015, BADIL)





Blocked access to ash-Shuhada Street from the Old City: the blockades prevent many goods and supplies from reaching the Old City markets. (27 March 2015, BADIL)



Checkpoint between the Old City center and the Ibrahimi Mosque. During Jewish holidays this checkpoint is closed, and Palestinians are not allowed to access the Ibrahimi Mosque or its surroundings. (27 March 2015, BADIL)



The restrictions do not only affect Palestinians' freedom of movement and their access to education, but they have also resulted in the abandonment of streets and areas of the Old City, leaving them derelict. The photograph shows two Palestinian children crossing an Israeli checkpoint, near ash-Shuhada Street. (5 August 2016, BADIL)



It is quite common for Palestinian residents of the Old City to get arrested by the Israeli forces from their homes, or sometimes from the street directly, as seen in the photograph. Israeli soldiers arrest a tour guide near the Ibrahimi Mosque, as he was showing a group around the Old City (22 June 2013, BADIL)

The streets near the areas where the colonies were established are protected by wire nets, since the colonizers, who live in nearby buildings, continuously throw garbage, bricks, stones and other dangerous materials at the Palestinians in the street. On occasion, they have also thrown hot oil, urine or other liquid waste. (Unknown date, BADIL)



Israeli policies have transformed the Old City and its surroundings to a 'ghost town,' characterized by empty, forlorn streets. In the photo is ash-Shuhada Street, once a lively commercial hub, is now characterized by welded shut doors, empty businesses and silence. (25 July 2016, BADIL)





Graffiti written on a wall in the Old City that reads “Gas the Arabs” and signed “JDL,” which stands for ‘Jewish Defense League,’ a right-wing political movement. This kind of graffiti is common in the Old City. (June 2015, BADIL)



The majority of Israeli colonizers in and around the Old City of Hebron are armed. The photo shows two colonizers, one of them holding a machine gun, chatting with an Israeli soldier outside Hebron’s Old City. (5 August 2016, BADIL)





Al-Rajabi house, owned by the al-Rajabi family and occupied by Israeli colonizers and the Israeli forces in April 2014. (5 August 2016, BADIL)



Checkpoint at the entrance to the Ibrahim Mosque. (5 August 2016, BADIL)



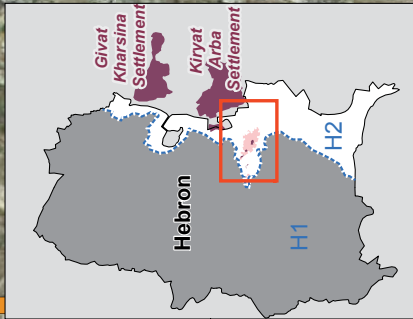
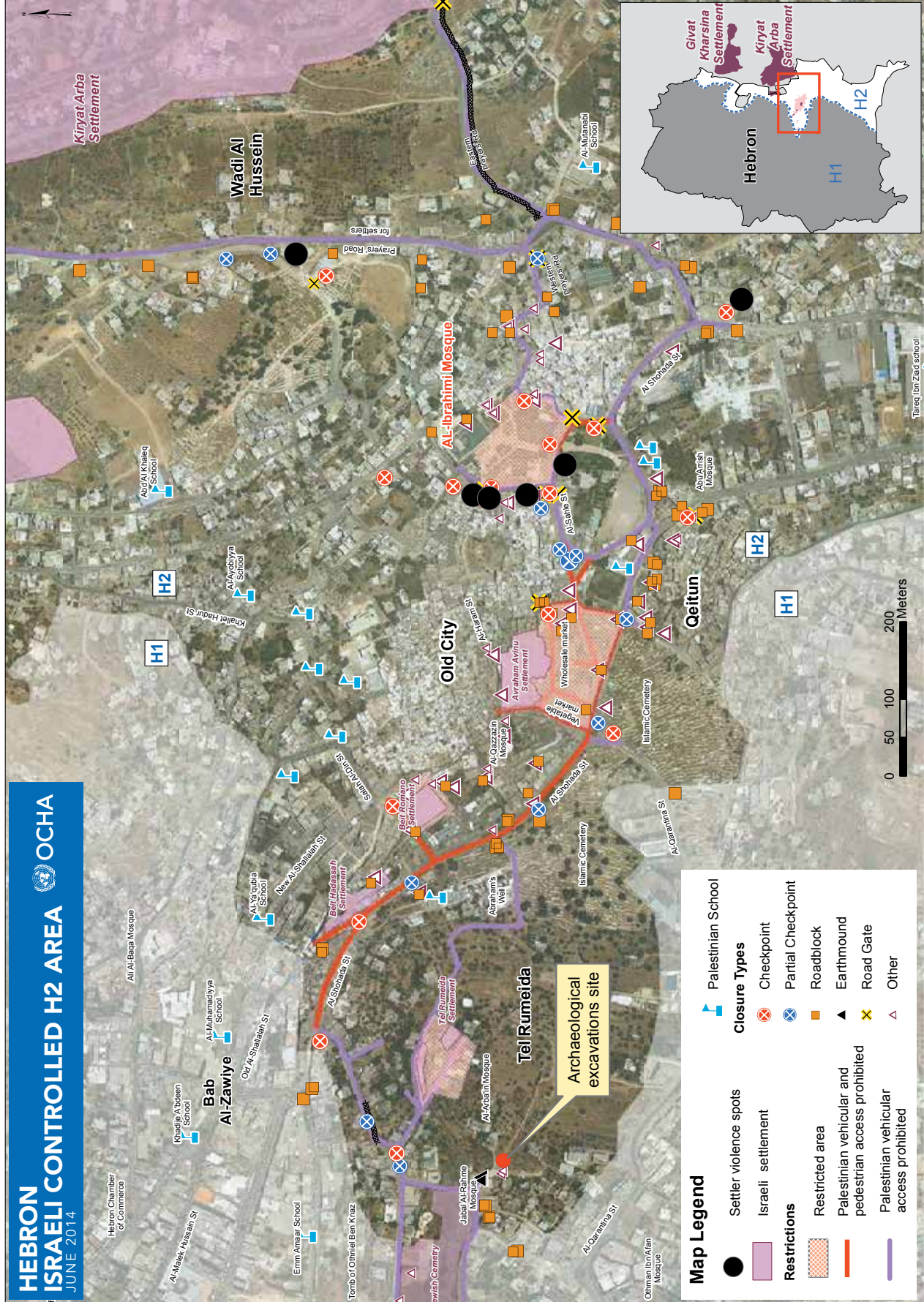
The Israeli forces blocked all accesses to ash-Shuhada Street for Palestinians. This wall cuts the access between the Old City center and ash-Shuhada Street, restricts access to the Islamic cemetery of the Old City for Palestinians, and also hinders the provision of goods to the market. (5 August 2016, BADIL)



Israel began construction of two large permanent new checkpoints at the entrance of the Ibrahimi Mosque in July 2016. From what is known of the Israeli plans, the two large buildings they intend to install are oversized and obtrusive structures that will further restrict Palestinian access to the Mosque, as seen in the photo. (HRC, August 2016)



**HEBRON ISRAELI CONTROLLED H2 AREA**  
 OCHA  
 JUNE 2014



**Map Legend**

	Settler violence spots		Palestinian School
	Israeli settlement		Checkpoint
	Restricted area		Partial Checkpoint
	Palestinian vehicular and pedestrian access prohibited		Roadblock
	Palestinian vehicular access prohibited		Earthmound
			Road Gate
			Other

**Closure Types**

- Checkpoint
- Partial Checkpoint
- Roadblock
- Earthmound
- Road Gate
- Other

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This Series of Working Papers on Forced Population Transfer constitutes a digestible overview of the forced displacement of Palestinians as a historic, yet ongoing process, which detrimentally affects the daily life of Palestinians and threatens their national existence. This case study provides a unique addition to the Series as it will explore the interrelation and interaction of each of the policies in one specific location, Hebron's Old City. BADIL hopes to produce additional case studies with the aim of supplementing the Forced Population Transfer Series by illustrating the implementation of the nine policies throughout Mandate Palestine.