

Facts and figures

- The Protocol Concerning the Redeployment in Hebron (Hebron Protocol), signed by the Palestine Liberation Organisation and the Government of Israel in 1997, divided the city of Hebron into two sections, known as H1 and H2. H1, which is under Palestinian civil and security control, comprises 80% of Hebron city and houses the majority of the city's Palestinian residents. H2, which is under Israeli military/security control and Palestinian civil control, comprises 20% of Hebron city, including the whole Old City of Hebron.
- The city of Hebron has a total estimated population of around 200,000.¹ Approximately 40,000 Palestinians live in H2.² Around 850 Israeli settlers reside in H2; a further 8,000 settlers reside in Kiryat Arba settlement, on the outskirts of Hebron.³
- Until April 2014, there were four settlements in H2: Beit Hadassah (established in 1979), Beit Romano (established in 1980), Avraham Avinu (established in the early 1980's) and Tel Rumeida/Admot Yishai (established in 1984). On 13 April 2014, a fifth settlement in H2 was formally established at the Al Rajabi House. Settlers have also sought to occupy or gain control of other properties in Hebron city. In addition, the large settlement of Kiryat Arba (established in 1970) is located just outside the city.
- The establishment and maintenance of Israeli settlements in Hebron city has resulted in the imposition of restrictions on Palestinian access and movement, including access to education, emergency health services and water supply; harassment and violence by settlers; and the closure of businesses. These access restrictions affect an estimated 6,000 Palestinians living in the vicinity of settlements in H2.⁴ As a consequence, in the Old City and areas near settlements, the majority of commercial activity has ceased and thousands of Palestinians have been displaced. According to a 2007 study, 77% of Palestinian businesses (1,829) had closed (either pursuant to Israeli military orders, or due to restricted access for customers and suppliers), and 42% of Palestinian housing units (1,014) had been vacated, with thousands of Palestinians displaced.⁵ Efforts by the Hebron Rehabilitation Committee have sought to increase the number of Palestinians taking up residence in the Old City: since 1996, more than 1,000 residential units have been rehabilitated and repopulated.



Photo: OCHA

Protective netting installed in the Old City of Hebron to protect Palestinians from objects thrown by Israeli settlers

Legal framework

The establishment and expansion of Israeli settlements in the West Bank, including East Jerusalem, violate Article 49 of the Fourth Geneva Convention, which prohibits the transfer of parts of the Occupying Power's own civilian population into territory it occupies. The illegality of settlements has been reaffirmed by the United Nations Security Council and General Assembly, and the International Court of Justice.

As the Occupying Power, Israel has the obligation to maintain public order, safeguard protected persons from all acts of violence or threats thereof, and ensure the basic needs and welfare of the Palestinian civilian population under its control.⁶ In addition, pursuant to international human rights treaties ratified by Israel that apply in occupied territory,⁷ Israel has the obligation to ensure the rights, inter alia, to an effective remedy and equal protection before the law, and to an adequate standard of living.

Settlement expansion: areas of concern

Settlement activity continues in H2, with various efforts to create new settlements and link up and consolidate existing settlements. Recent developments of concern include the establishment of a fifth settlement in H2, in a strategic location linking Kiryat Arba with settlements in the Old City; efforts by settlers to occupy properties in the immediate vicinity of the Ibrahimi Mosque; and creation of a new archaeological park in Tel Rumeida.

The establishment of this settlement is the most recent effort by settlers to create a strategic connection between Kiryat Arba settlement and the settlements located in the Old City

- **Al Rajabi House:** This 3,500m² property in the Wadi Al Hussein area is strategically located on the road linking Kiryat Arba settlement and the Ibrahimi Mosque, and has the capacity to house up to 40 settler families. It is surrounded by Palestinian homes that house around 1,000 people. On 19 March 2007, settlers took possession of the building,

claiming to have purchased the property. The Hebron Rehabilitation Committee, representing the Palestinian owner, filed a complaint with Israeli police and a legal petition seeking the eviction of the settlers. In November 2007, the Israeli Military Commander issued an eviction order, which was confirmed by the Israeli High Court of Justice on 16 November 2008. The State of Israel was appointed the temporary custodian of the property pending a final ruling on the ownership dispute. On 4 December 2008, following their refusal to vacate, the settlers were evicted from the property by Israeli security forces. Following the eviction, settlers carried out a series of violent attacks on Palestinians and their property, including houses, vehicles, agricultural fields and a mosque. Eight Palestinians were injured, including two by live ammunition fired by a settler. On 2 September 2013, the Israeli High Court held the final hearing in legal proceedings regarding the validity of the alleged purchase of the property by settlers. On 11 March 2014, the Court issued its decision, rejecting the appeal filed by the Hebron Rehabilitation Committee,

and confirming the contractual validity of the purchase of the property by settlers. On 13 April 2014, the Israeli Minister of Defence granted his approval for the purchase of the property, which enables settlers to register ownership and move into the building. This approval established a fifth settlement in H2.

The creation of this new settlement in a highly populated area of Hebron is very likely to have a significant detrimental impact on the daily lives and security of a large number of Palestinian residents. As in other areas of Hebron where settlements were established, a system of restrictions on Palestinian access and movement is likely to be imposed by Israeli forces as a security measure for settlers. The foreseen impacts include disruption of access to education and heightened risk of settler harassment and violence for at least 200 school children walking to school, and restricted access to places of worship and

burial grounds, as the Al Ras Mosque and a large cemetery are located next to the property. Furthermore, based on experience from the period when settlers occupied the property from March 2007 to December 2008, it is likely that there will be increased settler harassment and violence against neighbouring Palestinians and their property. Residents of the adjacent Wadi Al Hussein neighbourhood expressed such concerns prior to the formal establishment of the settlement.

The establishment of this settlement is the most recent effort by settlers to create a strategic connection between Kiryat Arba settlement and the settlements located in the Old City. Previous efforts included the creation of an 800 metre "safe passageway" for settlers only between Kiryat Arba settlement and the Ibrahimi Mosque in August 2004, which involved the demolition of three historical houses dating back to the Ottoman era.



Photo: EAPPI/M. Knoblauch

Israeli soldier searches school bags at Checkpoint 56

- **Abu Rajab House:** This property is located 100 metres south of the Ibrahimi Mosque, between the Al Ibrahimiya Boys School and Al Fayha Girls School. On 29 March 2012, 15 settler families occupied and claimed to have purchased the vacant third floor of the building, naming it Beit Hamachpela/House of the Patriarchs. On 2 April 2012, the Israeli army issued an eviction order, and evicted the settlers on 4 April 2012. On 1 July 2013, a military appeals panel decided to return the question of the registration of the building to the Israeli Civil Administration. Following the killing of an Israeli soldier in Hebron on 22 September 2013, the Israeli Prime Minister vowed to strengthen settlements and called for the re-occupation of Abu Rajab House by settlers. On 24 September 2014, following a petition by Palestinian families to the Israeli High Court of Justice to prevent settlers re-occupying the property, the Israeli prosecutor clarified that settlers would not be permitted to occupy the building until the registration process was complete. The legal dispute over the alleged purchase of part of the property by settlers is still ongoing.

The close proximity of these properties to the Ibrahimi Mosque raise concerns about the risk of additional movement restrictions, restrictions on access to religious sites, tensions and settler violence

In addition to the risk of creating another settlement in H2, the occupation of Abu Rajab House by settlers would lead to further restrictions on Palestinian access and movement in the vicinity of the Ibrahimi Mosque. Further, increased settler harassment and violence would

likely have a detrimental impact on access to education and the security of students attending the adjacent Al Ibrahimiya Boys School and Al Fayha Girls School. Related interventions of Israeli security forces and confrontations would also be likely to increase.

- **Properties at risk adjacent to the Ibrahimi Mosque:**⁸ Since late 2013, settlers have accessed and taken initial steps to occupy four uninhabited properties in the immediate vicinity of the Ibrahimi Mosque (also known as the Cave of the Patriarchs, which was placed on a list of Israeli national heritage sites in 2010). In at least two cases, settlers claim to have purchased the properties or acquired usage rights. Palestinians have denied these claims and, in all four cases, initiated legal proceedings aimed at preventing the takeover of the buildings. The close proximity of these properties to the Ibrahimi Mosque raise concerns about the risk of additional movement restrictions, restrictions on access to religious sites, tensions and settler violence in the area.

The properties of concern are: (1) Waqf Al Budairi, next to the checkpoint leading to the Ibrahimi Mosque: in October 2013, settlers moved furniture into the property and established a library and prayer space; (2) Zawiyet Al Ashraf, a few metres from Waqf Al Budairi, which is considered by settlers to be the burial place of a Jewish religious figure: settlers accessed the property in late 2013 and reportedly changed the lock on a door within the property; (3) A 300m² property owned by several Palestinian families, 30 metres south of Zawiyet Al Ashraf: settlers rebuilt one room, and also accessed three other rooms in the property; (4) Al Ashhab shops, located opposite the Jewish entrance to the Ibrahimi Mosque, which settlers have accessed on a number of occasions.

- **Archaeological excavations in Tel Rumeida:** In January 2014, archaeological excavations were initiated in the Tel Rumeida neighbourhood by the Israeli Antiquities Authority and Ariel University (located in Ariel settlement), with support from the Israeli Civil Administration and the Israeli Ministry of Culture and Sports. The excavations are being undertaken above the Tel Rumeida settlement area, in the spaces between Palestinian homes. Based on previous experience with other settlements across the West Bank, Palestinian residents have expressed fears

that archaeological activities will lead to an expansion of the existing residential settlement in the neighbourhood. It is reported that the intention is to create an archaeological park that would be part of the “Biblical Hebron Trail”, and connected to Abraham’s Spring, the tomb of Yishai and Ruth, and the settlements located on Al Shuhada Street. This would likely lead to restrictions on Palestinian access and movement in the immediate area, as well as on passage through the area to pass between H2 and H1.

Protection concerns and humanitarian impacts of settlement activity

In addition to the illegality of settlements, increased settlement expansion and additional presence of settlers and Israeli forces in H2 raise serious concerns about heightened violence and harassment, and further movement restrictions, including restrictions on access to education and religious sites.

- **Restrictions on movement and access:** The Israeli military has deployed over 120 physical obstacles in H2, including 18 permanently staffed checkpoints, partial checkpoints and roadblocks. In addition, several streets that lead to or pass by Israeli settlements (e.g. Al Shuhada Street) are prohibited for Palestinian traffic, or also for pedestrian movement.⁹ Existing movement and access restrictions have resulted in displacement, closure of businesses, economic deterioration and hardship. The expansion and creation of further settlements are likely to result in the imposition of further restrictions, with detrimental consequences for Palestinians living in H2.

- **Access to education:** The constant presence of the Israeli military in H2, in addition to settler harassment and violence, have a detrimental impact on children’s safe access to schools and education, and on the protection of children. In 2013, 13 incidents of attacks on schools were recorded in H2, affecting 3,407 children. Incidents included Israeli forces firing tear gas or sound bombs near schools, and entry of Israeli soldiers in schools. 30 incidents of denial of access of education were recorded in H2 in 2013, affecting 3,924 children. Incidents included the arrest of children on their way to and from school, and closure of schools as a preventive measure due to Jewish holidays.¹⁰ Protective presence organisations 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 and verbal intimidation. Locations of concern include checkpoints 55 and 56;¹¹ Al Mutanabi School;¹² and checkpoint

29 close to the Al Fayha Girls School¹³ and checkpoint 209¹⁴ due to a recent increase in the number and severity of confrontations between Israeli soldiers and students, detention of children, and other violent incidents.¹⁵ In 2013, at least 41 children and 5 teachers were arrested by Israeli forces on their way to or from school in H2.¹⁶

- **Settler violence:** In 2013, 8 incidents of settler violence resulting in Palestinian injuries, and 8 incidents of settler violence resulting in damage to Palestinian property were recorded in H2.¹⁷ From March 2007 to December 2008, during the period when settlers occupied Al Rajabi House, 57 incidents of settler violence resulting in Palestinian injuries, and 37 incidents of settler violence resulting in damage to Palestinian property were recorded in H2. The impacts of settler harassment and violence on communities, families and individuals include physical injuries and insecurity, psychosocial distress, impeded access to education and services, loss of livelihoods, and risk of displacement.

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- **Lack of law enforcement:** Israeli forces have failed to ensure effective law enforcement in H2, both by failing to protect the Palestinian population from violence and by not investigating and prosecuting suspected offences committed by Israeli settlers against

Palestinians and their property. In 2013, 63 incidents of violence by Israeli forces resulting in 259 Palestinian injuries were recorded: in comparison, 12 incidents resulting in 98 Palestinian injuries were recorded in 2012, and 7 incidents resulting in 12 Palestinian injuries in 2011.¹⁸ In relation to accountability for settler violence, of 7 complaints filed by Palestinian victims with Israeli police in Hebron regarding incidents of settler violence in 2013, 6 investigations were closed (86%) and 1 remains underway. In 2012, of 8 complaints filed, 7 investigations were closed (87.5%) and 1 resulted in an indictment. In 2011, of 5 complaints filed, all investigations were closed (100%).¹⁹ It should be noted that many Palestinian victims of settler violence do not file complaints with Israeli police due to various obstacles or disincentives, including mistrust or lack of confidence in Israeli law enforcement authorities, long waiting times to file a complaint, and fear of reprisals. In addition, Israeli authorities have repeatedly denied access to H2 for Palestinian security forces seeking to conduct law enforcement in relation to criminal activities.

- **Access to religious sites and restrictions on religious practices:** Following the inclusion of the Ibrahimi Mosque/Cave of the Patriarchs on a list of Israeli national heritage sites in 2010, concerns reported by Palestinian authorities include prevention of the call to prayer by Israeli forces on an average of 60 times per month, prevention of renovations to the mosque and neighbouring buildings (including the Waqf Al Budairi mentioned above) in 2013 and 2014, and placing of Israeli flags on the mosque in April 2013.²⁰

Recommendations

Illegality of settlements

- The Government of Israel must immediately cease the transfer of its population into the occupied Palestinian territory by halting the construction of and dismantling settlements, outposts and settlement infrastructure, in accordance with its obligations under international law, in particular Article 49 of the Fourth Geneva Convention.
- The Government of Israel must stop supporting and encouraging the establishment and expansion of settlements. In particular, it should stop using the requisition and expropriation of land the allocation of State land for the establishment and expansion of settlements, and should halt the granting of benefits and incentives to settlements and settlers.

Law enforcement and accountability

- As the Occupying Power, Israel must take all necessary measures to effectively protect Palestinians and their property in the West Bank, including East Jerusalem, from acts of violence by Israeli settlers, and to ensure public order and accountability in a non-discriminatory manner.
- Israeli security forces – both the Israel Defense Forces and Israel Police – have the obligation to protect Palestinians and their property in the West Bank, and must take effective action to prevent and stop violent attacks by Israeli settlers.

- Israeli authorities must ensure that all security forces receive and convey clear instructions regarding their responsibilities to protect Palestinians and their property from settler violence, and that members of security forces are held accountable for any failures in this regard.
- The Israeli law enforcement system must effectively and impartially investigate acts of violence by Israeli settlers against Palestinians and their property, and hold those responsible accountable for these crimes. Settlers responsible for violent acts, including against children and school infrastructure, must be held accountable to the full extent of Israeli law. Accountability must also be ensured for violence by Israeli security forces.

Access to education

- The Government of Israel must prevent all forms of attacks against schools or incidents affecting safe access to education facilities, and must take action to facilitate every child's safe and protected access to school through checkpoints and other barriers.

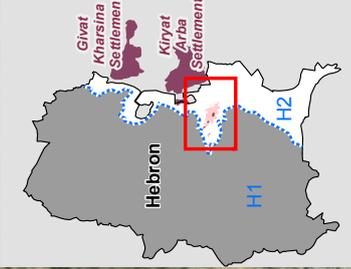
Movement and access

- The Government of Israel must fulfil its obligations to ensure free movement of people and goods by removing physical obstacles and administrative restrictions on free movement that are not necessary for legitimate security purposes.

Al Rajabi house, which is strategically located between the Ibrahim Mosque and Kiryat Arba settlement, was taken over by settlers in March 2007. The settlers were evacuated by the IDF in December 2008 following a High Court of Justice ruling. On 11 March 2014, the High Court confirmed the contractual validity of the purchase of the property by settlers, and the Israeli Minister of Defence gave his approval on 13 April 2014, establishing a fifth settlement in Hebron city.

Waqf Al Budairi was designated by the Israeli authorities as "absentee property". In late 2013, settlers moved in furniture and reportedly established a library and prayer space.

Zawiyet al Ashraf is considered by settlers as the burial site of a Jewish figure. Settlers have accessed the property on a number of occasions since late 2013.

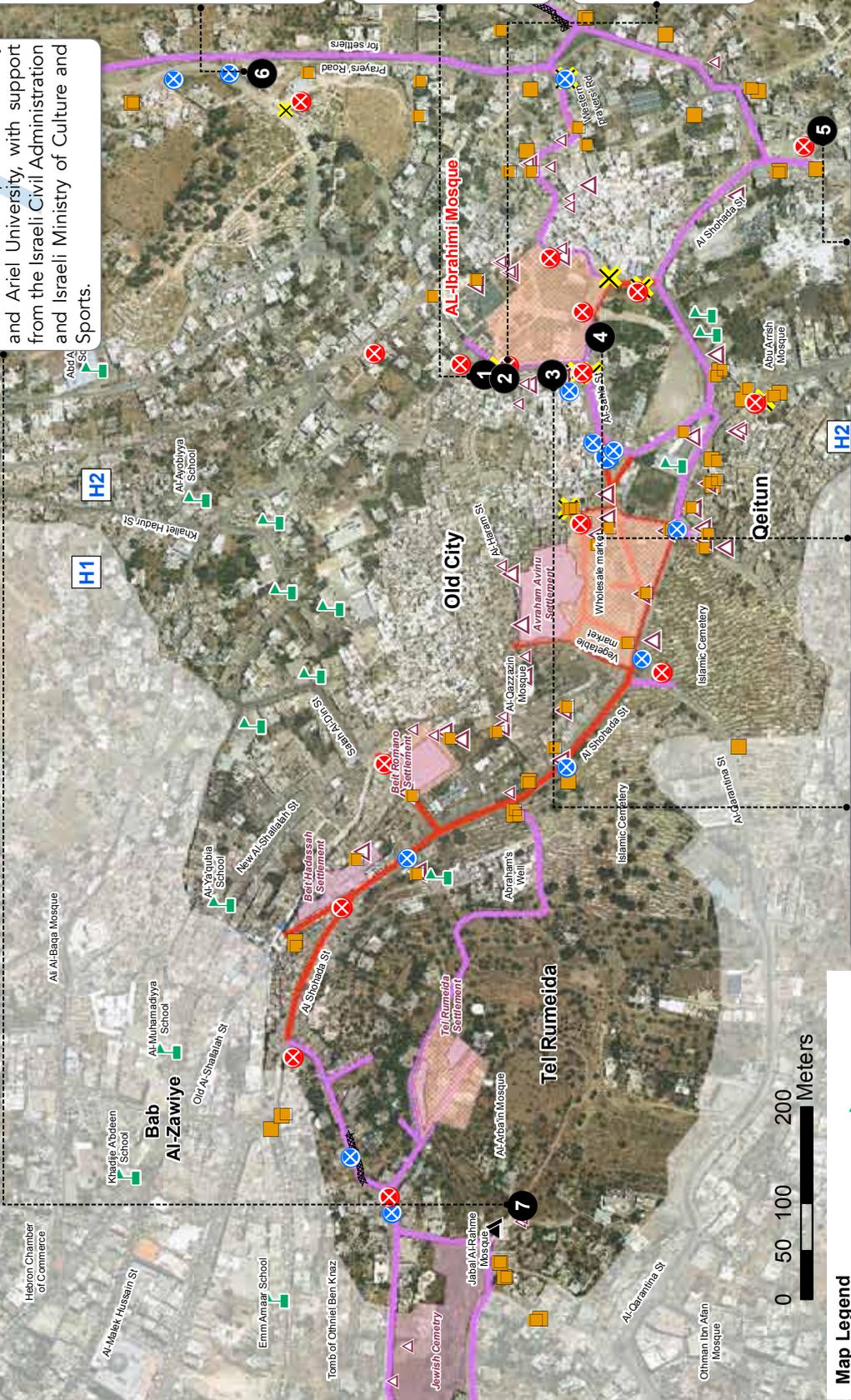


In January 2014, archaeological excavations were initiated in the Tel Rumeida neighbourhood by the Israeli Antiquities Authority and Ariel University, with support from the Israeli Civil Administration and Israeli Ministry of Culture and Sports.

The third floor of the **Abu Rajab house** was occupied by settlers in late March 2012. They were moved out by the IDF in early April 2012 and the third floor currently stands empty.

Al Ashhab property consists of two shops rented by a Palestinian family and accessed by settlers on a number of occasions in the last quarter of 2013.

Rooms around a yard (filled with rubble) owned by a number of Palestinian families. Settlers claim to have purchased one of the rooms and rebuilt it. Israeli authorities have prevented the renovation of the location by Palestinians.



Map Legend

	Sites at risk		Palestinian School
	Jewish settlement		Closure Types
	Restricted area		Checkpoint
	Palestinian vehicular and pedestrian access prohibited		Partial Checkpoint
	Palestinian vehicular access prohibited		Roadblock
			Earthmound
			Road Gate
			Other

Endnotes

1. The Palestinian Central Bureau of Statistics population estimate for Hebron city in 2014 is 202,172.
2. OCHA, Fact Sheet: The Humanitarian Impact of Israeli Settlements in Hebron City, November 2013.
3. Source: Breaking the Silence.
4. Source: OCHA.
5. B'Tselem and ACRI, Ghost Town: Israel's Separation Policy and Forced Eviction of Palestinians from the Center of Hebron, May 2007.
6. Article 43, Hague Regulations; Articles 4, 27 and 55, Fourth Geneva Convention.
7. As confirmed by the International Court of Justice in its Advisory Opinion on Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, 9 July 2004.
8. Source: Hebron Rehabilitation Committee.
9. OCHA, Fact Sheet: The Humanitarian Impact of Israeli Settlements in Hebron City, November 2013.
10. Source: MRM database.
11. A daily average of 283 students and 8 teachers pass to access various schools.
12. 245 students and 20 teachers from the school must pass a continuous Israeli military presence.
13. At least 133 students pass to access schools in the area.
14. 200 students and 20-25 teachers pass through this checkpoint to access schools and a kindergarten.
15. Source: EAPPI, CPT.
16. Source: MRM (1612) Working Group.
17. Source: OCHA. In 2012, 13 incidents resulting in casualties and 4 incidents resulting in property damage were recorded, and in 2011, 7 incidents resulting in casualties and 7 incidents resulting in property damage were recorded.
18. Source: OCHA.
19. These figures are based on the monitoring of Israeli police investigations into complaints filed by Palestinian victims with the assistance of Yesh Din.
20. Source: Palestinian Ministry of Endowments and Religious Affairs.