

**בצלם** - מרכז המידע הישראלי לזכויות האדם בשטחים (ע.ר.)  
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**B'tselem** – The Israeli Information Center for Human Rights in the Occupied Territories

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## **Expel and Exploit**

The Israeli Practice of Taking over Rural Palestinian Land

December 2016

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## Introduction

At night, I often dream that I'm grazing my flock on our village land – the way things used to be, before the settlement was built. I hope I manage to get back to those lands one day, and dream of smelling the earth and sitting under the trees once again.<sup>1</sup>

This report examines three Palestinian villages in the northern West Bank – 'Azmut, Deir al-Hatab and Salem – that lie in the Nablus District, where the Israeli settlement of Elon Moreh was established. The report reviews the devastating effect that the existence and expansion of the settlement have had on the local Palestinian economy and on the social fabric of these villages.

For hundreds of years, the three villages were sustained by an economy based on farming and shepherding in the expanses of al-Jabal al-Kbir (the Great Mountain; *Har Kabir*, in Hebrew), which lies east of the city of Nablus, and in the valleys around it. Israel occupied the West Bank in 1967 and, in 1980, established the settlement of Elon Moreh on land owned by the villages. Since then, the state has systemically barred the villagers from accessing their lands and has gradually transferred control of the area to settlers. This process has destroyed their economy and undermined their traditional way of life.

'Azmut, Deir al-Hatab and Salem are but three examples of broader processes taking place throughout the West Bank. They tell the story of hundreds of other Palestinian communities whose lands have been appropriated for Israeli settlements.

The report examines the various methods – official and otherwise – that Israel uses to gain control of Palestinian lands and transfer them to settlers, describing how the combination of these measures affects the daily lives of Palestinian residents. Using a methodology of cross-checking and verifying official data with systematic ground research, the report presents a case study of Israeli control in the West Bank as it translates into daily Palestinian reality. A devastating repercussion is the fragmentation of Palestinian space into isolated enclaves, cutting communities off from essential land resources that are vital to their development.<sup>2</sup>

The report consists of four parts. First, we describe daily life in the three villages; second, we examine how Israel took over the area and effectively annexed it; third, we analyze the privatized mechanism through which settlers help the state expand its control over village land; and fourth, we describe the extent of the resultant harm to the Palestinian residents.

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<sup>1</sup> Hamed Ahmad 'Othman Ahmad, 75, from Deir al-Hatab, gave his testimony to B'Tselem researcher Salma a-Deb'i on 9 December 2015.

<sup>2</sup> Research for the report included 45 in-depth interviews with Palestinian farmers and shepherds from 'Azmut, Deir al-Hatab and Salem, as well as with officials and experts, and visits to the area. The information gathered was then cross-checked with official GIS (Geographic Information System) map layers used by Israel's Civil Administration, which were provided to B'Tselem by land researcher Dror Etkes of the NGO Kerem Navot. Official Israeli data, aerial photographs, and information collected by B'Tselem and other organizations were also used.

### **Testimony of Mahyoub ‘Ahed ‘Abdallah Shtiyeh, 42, from Salem:<sup>3</sup>**

I’m married and have five children, boys and girls. We live in the village of Salem, east of the city of Nablus. I’ve been a shepherd my whole life. My father was one, too, and he raised me and my brother and sisters with his income from that.

As a boy, I began working with my father, helping him herd the flock. We had more than 450 head of sheep and three cows. Now he has only 200 head of sheep and he sold the cows at the beginning of the second intifada. When the settlement of Elon Moreh was established, things started going downhill for us. They got much worse after the bypass road to the settlement was paved in 1996, and especially after the second intifada began [September 2000], at which time the military and the settlers began prohibiting us from crossing the bypass road that leads to the settlement. Now we have nowhere to graze our flocks. Most of our village land lies on the other side of that road, so we can’t get to it and to other places where we used to graze the flocks. The military and settlers are constantly watching the road and don’t let us come near it, even if we stay on our side without trying to cross it. They order us to keep 300 meters away from the road. That means staying at home and not going outside.

We have nowhere to take the flocks. Every villager who has sheep keeps them in his yard or in a side room of the house. We don’t even have enough space to put up a big, clean shed to serve as a suitable pen. This creates problems among the villagers, because people don’t want to hear the sheep or smell their stench. They complain about the hordes of flies that the sheep bring. But there’s no choice. Where can I, or anyone else in my position, take the flock? There is no alternative to this line of work. We have got to earn a living.

I used to graze the flock on my land and give them water from cisterns in the area. That saved me a lot of money. I could leave the sheep to graze instead of giving them bought feed three times a day. If I could reach my land now, I would grow barley and wheat there, and then my family and I could eat our own wheat instead of having to buy flour, and I could feed the flock straw and barley. That way, I would have 300 sheep instead of 90. Everyone starts off small and expands, but in Salem things go the other way around – instead of moving forward, we’re going backwards. I used to have 120 head of sheep but now I only have 90 because I got into debt for buying feed and had to sell some of the sheep to pay it off.

I get sad and frustrated to see the settlers shepherding their flocks on our land, where we used to take our sheep. They even set them to graze in olive groves, with no consideration for the trees. When you graze sheep among trees, it ruins and eventually kills the trees. When the sheep are under the olive trees, they eat the trees themselves and leave nothing behind. They eat anything within reach. But the settlers don’t care. They also plant wheat, barley and clover on our land. The settlers roam with their sheep all the way up to the bypass road, right in front of us, within sight of our houses. They don’t care and they ignore everyone.”

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<sup>3</sup> Testimony given to Salma a-Deb’i on 2 December 2015.

## Chapter 1: The region

### The villages and their environs

The villages of 'Azmut, Deir al-Hatab and Salem are located on the western slopes of al-Jabal al-Kbir, in the Nablus District. 'Azmut is the northernmost village, followed by Deir al-Hatab and then Salem. This mountain range has two main peaks; from there it gently and steadily slopes down and westward to the three villages. West of them, there is a steep drop into the valleys of Wadi a-Shajour and a-Sahel 'Askar, where the refugee camps 'Askar and Balata lie, on the outskirts of Nablus city.

Tradition has it that on the northern peak of al-Jabal al-Kbir, at 767 meters above sea level, lies the tomb of Sheikh Bilal Ibn Rabah, who is considered one of the Prophet Muhammad's closest companions and the first *muezzin* of Islam. To the north and east of the peaks, the mountain sharply drops 800 meters into the valley of Wadi al-Far'ah (known in Hebrew as Nahal Tirza).<sup>4</sup>

Some of the rainwater that falls on the slopes courses into Wadi al-Far'ah and from there through the area of al-Jiftlik into the Jordan Valley, until it flows into the Jordan River. The rest of the rainwater seeps into the limestone and emerges as springs along the streams. Over the years, Palestinian shepherds and farmers have dug cisterns throughout the area to collect the surface runoff.<sup>5</sup>

The layout of the three villages developed over time, in part based on rationales connected to the area's geographical features. According to the NGO Bimkom – Planners for Planning Rights: "In contrast to the Israeli settlements, which were established by government decision or under official auspices, most of the Palestinian communities grew spontaneously, and the developments and changes they have undergone over the years have been based on local connections to land, water sources, and roads."<sup>6</sup>

For hundreds of years, the residents of these villages used the area for habitation, farming, and shepherding. The built-up parts of the villages lie close to the city of Nablus and to major roads, and from them the villages' farmland and pastures stretch south towards the valley of Beit Dajan (a-Sahel), east to the area of a-Nassariyah, and north to al-Baidan. (See Map 1).

Under the British Mandate, village land in the area was divided as follows: 'Azmut lands covering an area of 1,079.75 hectares, Deir al-Hatab – 1,150.90 hectares, and Salem – 1,025.35.<sup>7</sup> The plots that lie close to the built-up parts of the villages were devoted to intensive crops that entail daily care (such as vegetables), while land further away was used for extensive crops that require only periodic attention

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<sup>4</sup> *The New Israel Guide: Encyclopedia, Trekking Routes*. Ed. Sefi Ben Yosef. Keter Books and the Ministry of Defense, 2001, vol. 7, p. 44-45 [Hebrew].

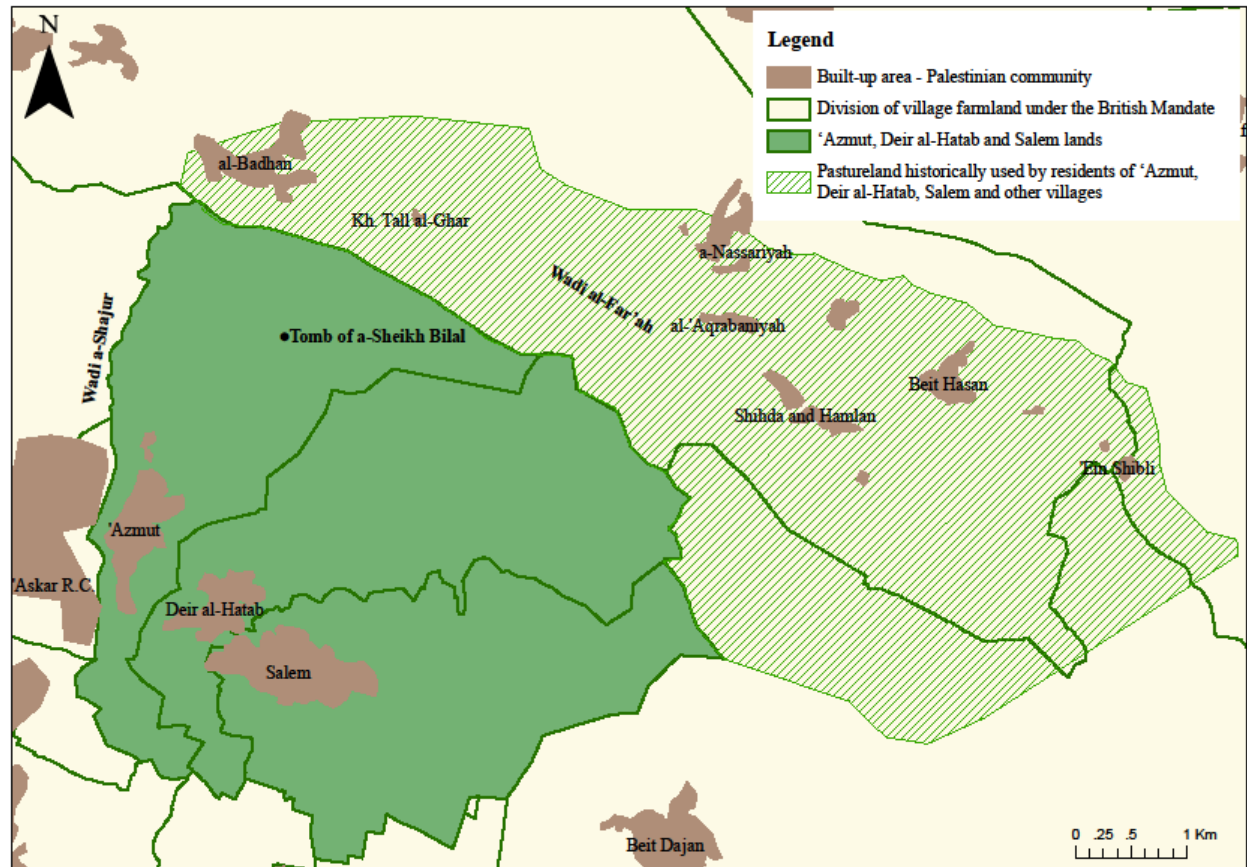
<sup>5</sup> The Civil Administration, *Monitoring of Samaria Rivers: Updated Estimate Based on 2006 Sampling Findings*, June 2007, p. 17 [Hebrew].

<sup>6</sup> Bimkom, *The Prohibited Zone: Israeli Planning Policy in the Palestinian Villages in Area C*, June 2008, p. 47.

<sup>7</sup> For further information on local land law, see B'Tselem, *Under the Guise of Legality: Declarations of state land in the West Bank*, February 2012, p. 19-30.

(such as olive groves and wheat fields). The land that lies furthest from the homes of the villagers served as pasture for flocks.<sup>8</sup>

**Map 1: The villages' farmland and pastureland prior to the takeover process**



### Traditional economy and cultural heritage

Farming and raising livestock have always been the main sources of income for the communities of 'Azmut, Deir al-Hatab and Salem. The resources, capacities and types of activity that were common in the area led to the development of a local economy that was largely self-sufficient. The farming practices and animal husbandry techniques used by the villagers have been passed down across the generations and are a longstanding traditional lifestyle.

As the area consists mostly of drylands, crops subsisted on rainfall and did not require additional watering. On much of their land, villagers planted olive trees for their oil. In other sections they planted deciduous fruit trees, such as almond and fig trees. On the flatter parts they grew grains – mostly wheat

<sup>8</sup> Ibid., p. 22.

for human consumption and barley for the animals, but also legumes such as lentils, chickpeas, and fava beans (*ful*). The plots closest to the village homes were used for growing various seasonal vegetables.

Traditional agriculture is cyclical, with the type of work depending on the season. The villagers used to plow the fields and groves three times a year: in November, when winter began, to turn the soil and allow it to get the rain; in January, to weed; and in March, to aerate the earth. The wheat and barley fields would be planted in autumn, watered naturally by rainfall in winter, and harvested in spring. October marked the most festive season for these communities – the olive harvest.

The local shepherds would spend most of their time roaming the hilly terrain of al-Jabal al-Kbir and the surrounding valleys with their flocks. In the summer months, the villagers would leave at dawn to take their flocks as far as five kilometers from home. Sometimes, they would return at night; at other times, they would sleep out in the open with the sheep, so as not to exhaust them with the long walk home and allow them to continue grazing.

During the winter, when the village pastures were bare, the shepherds would take their flocks down to the area of a-Nassariyah in Wadi al-Far'ah, for its vast and abundant pasturage and its grasses which begin growing earlier than those near al-Jabal al-Kbir. The village families would spend the entire winter living in caves nearby. When the rain was too heavy for the flocks to forage – usually in December and January – the residents would feed them barley and wheat straw raised for that purpose. Those who did not grow barley had to buy animal feed for their sheep only during the winter months.

In spring, the villagers would turn the sheep loose in the harvested wheat and barley fields, to feed on the remaining straw and fertilize the soil with their droppings. After the stubble ran out, the sheep would be taken back to the village and fed on the fresh grass that had sprung up around it.

Grazing the flocks naturally in the hills and in the harvested fields minimized the need to purchase feed and made raising livestock a comfortable, stable livelihood for these communities. As a rule, flocks were managed as a family business: the women and children would tend to the flocks and prepare the produce, usually at home and using minimal equipment; and the men would take the flocks out to graze and sell the goods.<sup>9</sup> Income was received during cheese-making – usually from early February to June – and from selling kids and lambs when they were four to seven months old.

Most of the produce – whether from farming (grains, vegetables, fruit, and oil), livestock (milk, cheese, and selling kids and lambs), or from gathering wild plants – was consumed by the villagers themselves. Surplus was sold in Nablus markets. All these forms of agriculture – in combinations that varied from village to village and from one family to another – played a major role in the traditional economy and provided financial security in cases of economic shocks and changes. Like all Palestinian villages in the West Bank, residents relied almost exclusively on themselves and on their local economy.<sup>10</sup>

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<sup>9</sup> See Food and Agriculture Organization of the UN, [\*The European Union programme in support of agriculture and livestock based livelihoods in the West Bank and Gaza Strip\*](#).

<sup>10</sup> N. Seligman, and Y. Katsir, *Range and other dryland pasture in Judea – Special Publication No. 66*, (Beit Dagan: Division of Scientific Publications, Volcani Center, 1976), p. 6 [Hebrew].

In the villages of Salem, Deir al-Hatab and 'Azmut, agriculture has always played a role far beyond the financial. Farming and raising livestock are a fundamental part of communal, social and cultural life for the villagers.<sup>11</sup> The fields, groves and pastures also serve as a cultural landscape that engenders a unique sense of place, imbued with the ethos of a particular traditional lifestyle. The daily routine of working the land and tending to the livestock forges a strong bond between the villagers and their environment. This bond is specific to the society that created it and represents the lifestyle and historical heritage of these particular communities.

Free regular access to water, pasture and farmland, as well as proximity to Nablus (with its markets, resources, and services), to roads, and other culturally and economically similar communities, is hugely important for communal life in these villages. Barring access to land water resources means destroying the economic structure that sustains these communities, along with their cultural footholds.

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<sup>11</sup> UNCTAD, [\*The Besieged Palestinian Agricultural Sector\*](#), 2015, p. 1.



## Chapter 2: Israel's official takeover of village land

After Israel's occupation of the West Bank in 1967, a major milestone in the process of drastic change imposed on the residents of 'Azmut, Deir al-Hatab and Salem was the establishment of the settlement of Elon Moreh nearby in 1980. As occurred throughout the West Bank, the establishment of the settlement led to a systemic process of dispossessing Palestinians in the area and of appropriating their land for furthering the Israeli settlement project.

This chapter describes the official takeover of village land via various state means, all designed to remove Palestinian residents from their land and hand it over to Israeli settlers for their own uses. The measures that have been employed – and in some cases, still are:

- a. Establishing Elon Moreh on public land ("state land")
- b. Declaring the Har Kabir Nature Reserve and additional state land
- c. Preventing Palestinians from accessing their land since the beginning of the first intifada (1987)
- d. Using the division of the West Bank into Areas A, B, and C under the Oslo Accords to take over more land and declaring Special Security Areas (SSAs) around settlements
- e. Paving the bypass road to Elon Moreh (Route 557), now a de facto border separating the villagers from their land

### A. Establishing Elon Moreh on public land ("state land")

Elon Moreh is an isolated Israeli settlement in the heart of the Nablus District. It was established in 1980 on land belonging to the villages of 'Azmut and Deir al-Hatab. It is home to 1,773 Israelis, and its municipal jurisdiction covers 127.8 hectares.<sup>12</sup>

In June 1974, the Gush Emunim settler movement began its efforts to establish a settlement in the Nablus area. After its leaders failed to enlist the support of then-Prime Minister Golda Meir and then-Defense Minister Shimon Peres, several members began settling independently in various sites close to Nablus. These vigilante attempts created a political uproar that led to their repeated evacuation by the military. On their eighth attempt, in December 1975, several hundred Gush Emunim activists took over the old, historic train station at Sabastiya. After negotiations, Yitzhak Rabin's government permitted them to stay temporarily within the boundaries of the nearby military camp of Kadum, which lay near the Palestinian village of Qaddum. The group took up residence in the camp and grew over time, until the Israeli government decided in 1977 to establish a permanent settlement on the spot – Kedumim.<sup>13</sup>

Some of the settlers argued that Kedumim could only become a permanent community if the military camp was dismantled.<sup>14</sup> On 3 June 1979, the government authorized this group – some twenty families

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<sup>12</sup> Order Regarding Administration of Regional Councils (Judea and Samaria) (No. 783), 5739–1979, map of Elon Moreh, 21 January 1998 [Hebrew]. The population of Elon Moreh was last updated in 2014, according to Israel's Central Bureau of Statistics.

<sup>13</sup> See E. Perry-Paz, "[Elon Moreh: One year later](#)", *Davar*, 19 December 1976 [Hebrew].

<sup>14</sup> See Yosef Valter, "[Two Permanent Gush Emunim Communities to Be Established in Camps Evacuated by IDF in Samaria](#)", *Ma'ariv*, 6 November 1978 [Hebrew].

that had broken off from the Kedumim settlers – to establish a new settlement.<sup>15</sup> To that end, the military seized some 500 hectares of land owned by Palestinians from the village of Rujeib, allegedly for vital military purposes.<sup>16</sup> The Palestinian landowners petitioned Israel's High Court of Justice, which eventually ruled the land seizure order was invalid, on the grounds that it was not based on real military or security needs.<sup>17</sup>

The ruling led to the establishment of Elon Moreh in its present form. On 11 November 1979, Menachem Begin's government decided to establish the permanent settlement on some 120 hectares of land belonging to the villages of 'Azmut and Deir al-Hatab that had been registered in the land registry (*tabu*) as government property land even prior to 1967 and which Israel considered to be state land.<sup>18</sup> The settlement was populated on 29 January 1980.

## **B. Declaring the Har Kabir Nature Reserve and additional state land**

Only two years or so after Elon Moreh was established, the Military Commander of Judea and Samaria declared 2,422.6 hectares west of it a nature reserve called Har Kabir (as mentioned, the Hebrew rendition of the Arabic name al-Jabal al-Kbir).<sup>19</sup> The boundaries of the nature reserve precisely correspond to the northern and western boundaries of Elon Moreh. In this way, the state effectively created an area 19 times the size of the settlement's jurisdiction where any development, construction, new farming (on land not cultivated before the reserve was declared) or raising livestock are all officially forbidden.<sup>20</sup> Under the Oslo II Accord, parts of the nature reserve were designated Area B and transferred to the Palestinian Authority. The reserve currently spans 1,435.4 hectares – 60% of its original size.

Israel's Civil Administration manages nature reserves in the West Bank under a military order that forbids acts against nature within them and defines official responsibilities for their management and development, as well as enforcement of the applicable rules and regulations.<sup>21</sup> Yet official regulations have not kept the Elon Moreh settlers from encroaching upon the Har Kabir Reserve: digging pathways, setting up small settlement outposts, and taking over large swathes of land for farming and grazing

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<sup>15</sup> The families that stayed behind in Kedumim remained there, and the settlement now has a population of approximately 4,200.

<sup>16</sup> See [Hebrew website](#) of Kedumim Local Council.

<sup>17</sup> The Elon Moreh ruling [HCJ 390/79 – **Duweikat et al. v. Government of Israel et al.**, ruling 34(1) 1 (1979)] was a turning point in terms of the legal and bureaucratic measures that Israel used to take over land for settlements. After the court ruled out the option of appropriating land on security grounds, the Israeli government faced two options: to go against its policy and stop building settlements in the West Bank, or to create a new device for guaranteeing land reserves for settlements without violating the High Court's ruling. The government chose the second option and introduced a new mechanism: declaring Palestinian land as "state land". Based on an absurd, skewed interpretation of the law that applies in the West Bank, tens of thousands of hectares there were declared "state land" and Palestinians can no longer use them. See the section on Kedumim in the [Spiegel Report](#), 2007, [Hebrew].

<sup>18</sup> The settlement was accorded additional land, most of it seized (under Military Seizure Order No. 4/81) for creating pathways between the different parts of the settlement. Elon Moreh officially spans 128 hectares

<sup>19</sup> Kerem Navot, [A Locked Garden: Declaration of Closed Areas in the West Bank](#), March 2015, p. 70.

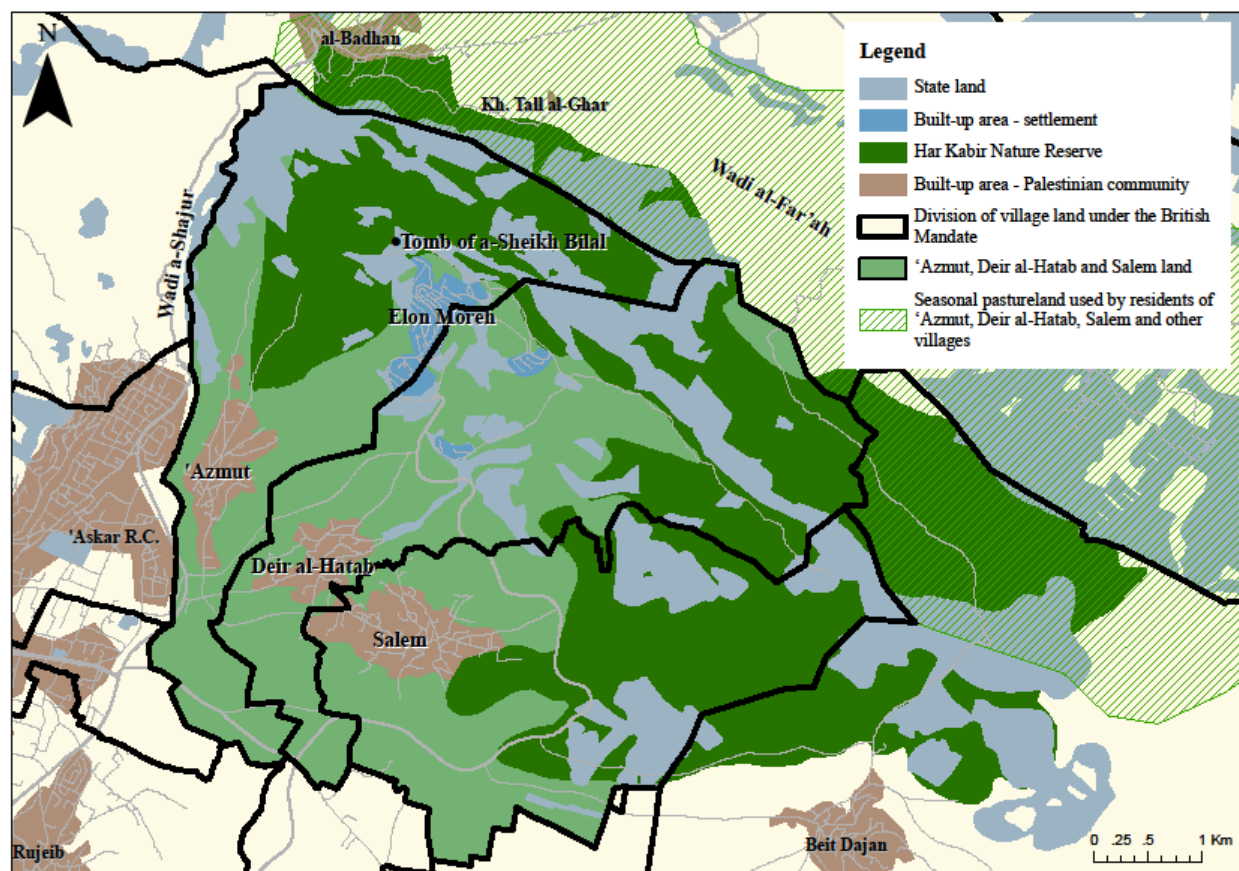
<sup>20</sup> The Protection of Wildlife Order (Judea & Samaria) (No. 363), 1969.

<sup>21</sup> Ibid.

flocks. As a rule, Israeli authorities have taken very little action against these breaches of regulation. Declaring the area of al-Jabal al-Kbir a nature reserve has effectively enabled settlers to take over more land while keeping Palestinians out, under the guise of environmental concerns.

In 1987, some 170 hectares of the nature reserve, most of which belong to the village of Salem, were declared state land. The land was not made a part of the jurisdiction of Elon Moreh, but it is safe to assume that it has been earmarked for expanding the settlement eastwards. Meanwhile, an unauthorized settlement outpost has been erected on the land (see details below).

**Map 2: Establishment of Elon Moreh; portions of village land declared nature reserve and state land**



### C. Preventing Palestinians from accessing their land since the beginning of the first intifada (1987)

At first there were no problems, quite the reverse: the settlers were very nice and would come over while we grazed our flocks. They would drink our water and have tea with us and eat breakfast with us. Around the time of the beginning of the first intifada, things started getting complicated and the settlers didn't like us being around anymore. They started asking us to keep

away from their houses and from the roads. At that time, the military would keep us away from the area and we were gradually allowed into fewer and fewer places.<sup>22</sup>

The late 1980s and the early 1990s marked a new phase in the dispossession of the villagers. For the first seven years after Elon Moreh was established, Palestinians could still freely enter the settlement or cross it. After a series of developments that came to a head when the first intifada broke out in 1987, the settlement was closed off and, ever since, only Israelis have been allowed to enter it.

One incident that heightened tensions in the months leading up to the intifada was the killing of Israeli eight-year-old Rami Haba. In May 1987, the boy disappeared from his home in Elon Moreh and was later found dead in a cave near the settlement.<sup>23</sup> His head had been bashed in with stones. The settlers of Elon Moreh accused the residents of 'Azmut, Deir al-Hatab and Salem of harboring the murderer among them and demanded that the military not allow them to get near the boundaries of the settlement. According to the villagers, despite no evidence of any involvement on their part in the boy's death, the military complied with the settlers' request and began barring them from entering the jurisdiction of Elon Moreh or driving on the leading to the settlement.

Although no one was convicted and the case remains unsolved to this day, Rami Haba was officially recognized by the state as "a victim of a terrorist act". When the first intifada began, some six months after his death, the restrictions on the movement of Palestinians in the area became a status quo.

#### **D. Using the division of the West Bank into Areas A, B, and C under the Oslo Accords to take over more land and declaring Special Security Areas (SSA) around settlements**

The physical separation was heightened after the division of the West Bank into Areas A, B, and C under the Oslo II Accord, signed in September 1995. Areas densely populated by Palestinians were designated Areas A and B, and their boundaries drawn along the perimeters of the communities' built-up areas. Areas A and B are artificially divided into 165 non-contiguous "territorial islands". Taken as a whole, these enclaves make up some 40% of the West Bank. In theory, the Palestinian Authority has varying degrees of security control over these areas, as well as broad civilian authorities. In Area C, which covers the remaining 60% or so of the West Bank, Israel retained full security and civilian control. Unlike Areas A and B, Area C is contiguous and encompasses almost all Palestinian land reserves in the West Bank, as well as including all settlements and the areas slated for their expansion.

The lands of 'Azmut, Deir al-Hatab and Salem were divided under the agreement into Areas B and C. Most of their built-up land at the time was labelled Area B, while most of the farmland and pastures – 46.3% of 'Azmut land, 58.5% of Deir al-Hatab land, and 73% of Salem land – were designated Area C. (See Map 3). This laid the administrative foundations for severing the villages' built-up areas from their farmland and pastures. As in all of Area C, these lands are officially treated as though they exist

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<sup>22</sup> Isma'il Samih Muhammad 'Abd al-Fatah Hawamdeh, a 61-year-old shepherd from 'Azmut, gave his testimony to Salma a-Deb'i on 3 November 2015.

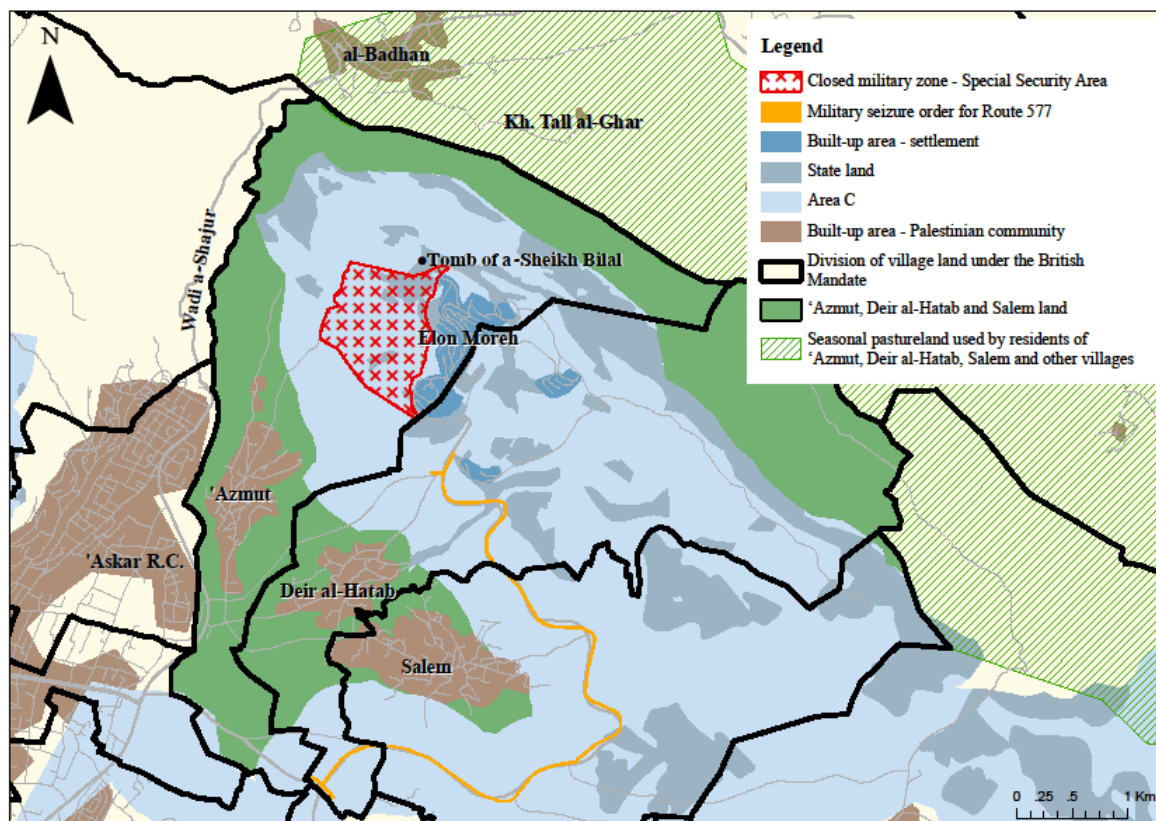
<sup>23</sup> ["36 Years and Still Counting"](#), *Ha'aretz*, 25 September 2003.

exclusively for Israeli benefit, and Israel does all in its power to consolidate its authority over them and reduce Palestinian presence there.

Whenever Palestinians wish to use parts of their land defined as Area C – usually for construction and development – they must apply for Israeli permission, which is very rarely granted. As a result, although the residential centers of these three villages are labelled Area B, in which the Palestinian Authority officially controls planning and building, lack of access to the land reserves in Area C makes it almost for the villages to make any headway in terms of urban, agricultural, and economic development. Consequently, the villagers remain hemmed in while settlers encroach more and more upon their land.

Moreover, in 1996, the Military Commander of Judea and Samaria declared a 90-hectare swathe of land west of Elon Moreh a Special Security Area (SSA).<sup>24</sup> Under the pretext of protecting the settlers, this stretch of land was formally closed off to Palestinians (other than in exceptional cases that meet stringent conditions) and was effectively annexed to the settlement.<sup>25</sup> The Elon Moreh SSA is some 900 meters wide and covers 8.3% of 'Azmut's land.

**Map 3: Division of village land into Areas B and C, declaration of Special Security Area, paving bypass road to settlement**



<sup>24</sup> Kerem Navot, *A Locked Garden*, p. 55, 70.

<sup>25</sup> For more information on SSA's, see B'Tselem, *Access Denied: Israeli measures to deny Palestinians access to land around settlements*, September 2008, [http://www.btselem.org/download/200809\\_access\\_denied\\_eng.pdf](http://www.btselem.org/download/200809_access_denied_eng.pdf).

### **E. Paving the bypass road to Elon Moreh (Route 557), now a de facto border between the villagers and their land**

After the Oslo II Accord was signed, Israel significantly stepped up the development of roads in the West Bank that would bypass Palestinian communities and serve settlers only. The official policy is that Palestinians and settlers must be kept apart, as much as possible. The network of roads built connects West Bank settlements with each other and with Israel, while restricting the development of Palestinian communities along the way and cutting them off from one another.

In 1996, Israel built Route 557 to connect Elon Moreh with the settlement of Itamar, enabling settlers and their guests to avoid driving through the built-up area of Salem as they had done until then. In effect, the road created a physical boundary between the built-up area of the three villages and their farmland and pastures, which lie on the other side.

To pave the Elon Moreh access road (Route 557), Military Seizure Order no. 15/95 was issued on 27 September 1995 for 23 hectares of land belonging to the three villages, including much privately-owned land.<sup>26</sup> The road, which is twenty meters wide, stretches from Huwara Checkpoint through the settlement of Itamar and the Beit Furik Checkpoint to Elon Moreh. It is 15 kilometers long, five of which are Salem land, some three Deir al-Hatab land, and one 'Azmut land (the road ends at Elon Moreh and does not run through all of 'Azmut). (See Map 4).

About four years after the road was completed, the second intifada broke out. Since then, residents of the three villages have not been allowed to drive on the road or even cross it on foot. It now serves as a physical and mental border separating the built-up core of each village (most of which is classed Area B) from its farmland and pastures (mostly classed Area C). The road passes a mere 400-500 meters from the homes of Salem and Deir al-Hatab, cutting the residents off from some seventy percent of their land (about 700 hectares of the former and about 800 of the latter). Palestinians who wish to work their farmland or graze their flock on their pastures – whether the land is classified Area B or C – are forbidden to cross the road or even approach it. Residents report that if they attempt to do so, soldiers and settlers quickly drive them away, or else soldiers take them to the military camp located within Elon Moreh and they are only released several hours later at Beit Furik Checkpoint or at Huwara Checkpoint.

Israeli security forces and settlers maintain this prohibition although it has no legal basis and is not officially binding. B'Tselem's inquiry found that in several instances, village residents were told that they were forbidden to approach the road for fear of clashes with the settlers and that if they wish to access their land, they must present a permit from the Civil Administration. Yet when they asked the DCO (District Coordination Office) how they could obtain one, they were told no such permit exists.

B'Tselem requested clarification from the IDF Spokesperson's Unit,<sup>27</sup> which replied that "some farmland owned by the villagers reaches the fence of the community [Elon Moreh]. This creates a complicated

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<sup>26</sup> As part of Military Seizure Order no. 15/95, land was also seized from Palestinian owners in Khirbet Kufr Beita, Rujeib, and 'Awarta.

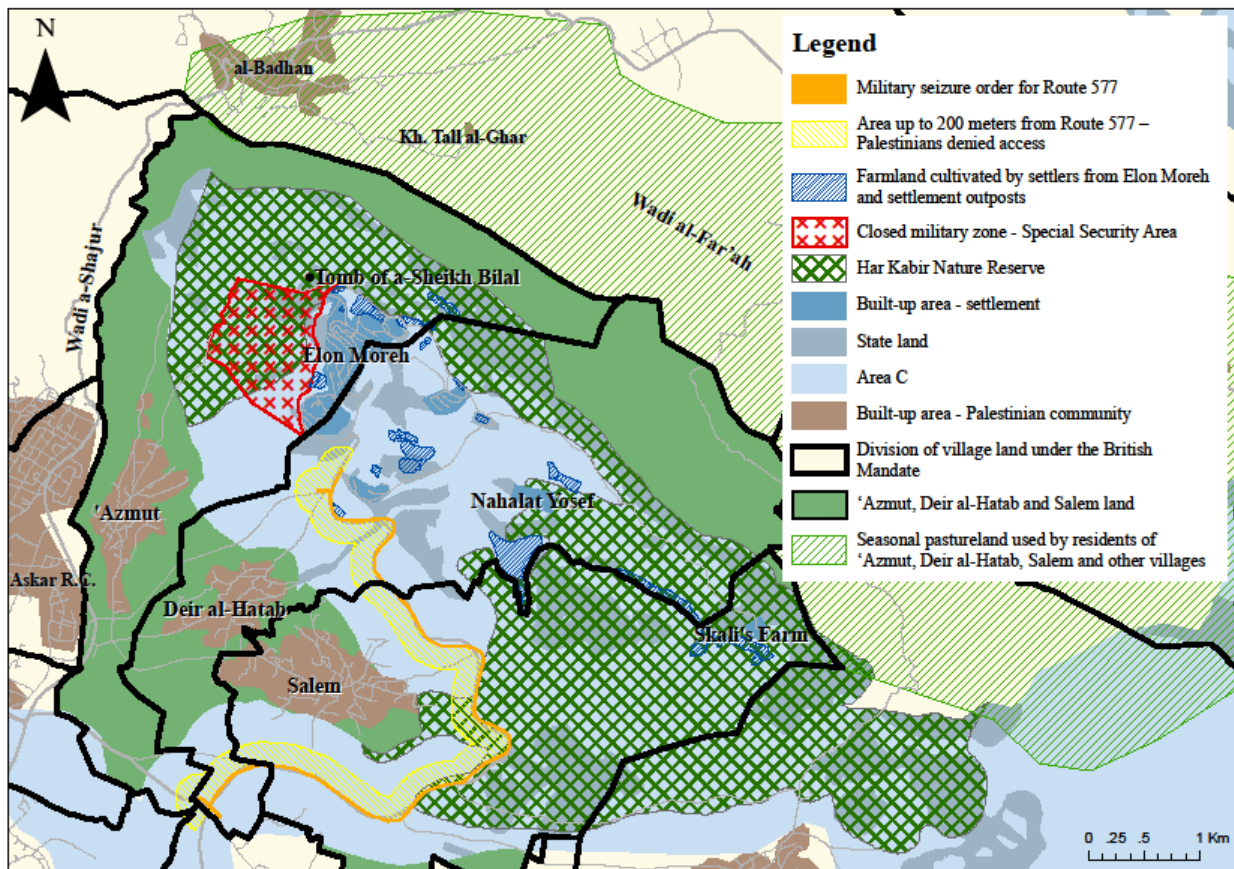
<sup>27</sup> Letter to IDF Spokesperson from B'Tselem, dated 7 October 2015.



security and civilian situation there.” However, “in the said areas there are currently no closure orders in effect. Therefore, there is no legal prohibition on the landowners coming there for any lawful use of their land.”<sup>28</sup>

By law, the residents of the three villages are allowed to go to their farmland and pastures, yet the road to Elon Moreh remains the greatest restriction on their ability to do so.

**Map 4: Official Israeli land takeover measures in ‘Azmut, Deir al-Hatab and Salem**



**Mahyoub ‘Ahed ‘Abdallah Shtiyeh, 42, from Salem, related:**<sup>29</sup>

Since the road was built, it’s been very difficult for us to reach our farmland, almost impossible. If the soldiers see us, they immediately drive us away. Every time they give a different reason: it’s a military area, they don’t want trouble with the settlers, or sometimes, the security situation is delicate. They never show us any official document proving that it’s been declared a closed military zone, they only say it. When we complain to the Palestinian and Israeli DCOs,

<sup>28</sup> Letter to B’Tselem from IDF Spokesperson, dated 21 January 2016.

<sup>29</sup> Testimony given to Salma a-Deb’i on 2 December 2015.

they tell us there's no reason for us not to cross the road and that we're allowed to cross it as long as we stay away from the houses of the settlement. But things are different on the ground.

A soldier who was stationed in the area in 2012 related in a testimony to the NGO Breaking the Silence:<sup>30</sup>

As far as I remember, from Beit Furik junction to Elon Moreh, every car that enters is checked. In general, driving there is forbidden [for Palestinians]. People from Salem don't go through here, I think. [Palestinians are] forbidden to drive, forbidden to even go near. If there's a shepherd and flocks, that's something that gets [military] quick-reaction teams sent out all the time. In general, the orders are that they aren't allowed to come within 200 or 100 meters from the road. If one of them gets up to 100 or 200 meters away, we have to respond immediately and drive him away.

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<sup>30</sup> See full testimony in Hebrew: <http://www.shovrimshatika.org/testimonies/database/824993> (Translated by B'Tselem, with permission).



## Chapter 3: Development of the privatized land-grab system

The geopolitical reality that Israel created in the area of al-Jabal al-Kbir left no vacuum: every restriction that the state imposed on the Palestinian villagers effectively enabled settlers to encroach upon their land and expand Israeli control. Thanks to the state's separation of the Palestinian residents from their farmland and pastures, settlers in the area build houses, establish settlement outposts, construct pathways, plant fields and groves, graze sheep and take over natural water sources on this land. These activities are accompanied by routine violence against the Palestinian villagers.

These actions play a major role in executing Israel's policy in the West Bank, complementing official state measures. The privileged status of settlers, as Israeli citizens living in occupied Palestinian territory, enables them to function as a privatized mechanism of dispossession and appropriation, ostensibly independent from the state, at the expense of local residents. In fact, their systemic actions are what enables the state to maintain contiguous Israeli civilian presence in the area, while officially condemning this activity.

The collaboration between the state of Israel and its citizens who settle in the West Bank – whether in “unauthorized outposts” that are illegal under Israel law or in “settlements” such as Elon Moreh that have been sanctioned by the Israeli courts – will be presented here in three parts. **First**, we examine three spheres in which the privatized takeover system operates in the area of al-Jabal al-Kbir; **second**, we review the takeover of natural water sources within these spheres; and **third**, we describe settlers' use of physical violence against Palestinians to drive them away from the area, and the mechanism of “agricultural coordination” that effectively allows this violence to take place.

### Spheres of unofficial takeover

The practices by which settlers have taken over land from these Palestinian villages can be divided into three spheres, in terms of location and function: the built-up core of the villages, farming, and shepherding. Naturally, the spheres are not schematically divided in reality and tend to overlap.

**The built-up core of the village:** The collaboration between the state and the settlers led to the establishment of three settlements on land that Israel took from the villages of 'Azmut, Deir al-Hatab and Salem. Elon Moreh is officially recognized by the Israeli government, while the nearby Skali's Farm and Nahalat Yosef are both defined “unauthorized settlement outposts”.

Skali's Farm was founded in 1998 on Salem land that was declared state land and made a part of Har Kabir Nature Reserve in 1987. The outpost lies on the southeastern end of the al-Jabal al-Kbir ridge, some four kilometers from Elon Moreh. Fathi 'Abd al-Fatah Muhammad Hawamdeh, an 82-year-old resident of 'Azmut, told B'Tselem: “At first, they ordered us to stay away from the settlers' houses. Later they also made us stay from the roads. Things went on that way and meanwhile, the settlers built houses on our land.”<sup>31</sup>

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<sup>31</sup> Testimony given to Salma a-Deb'i on 6 December 2015.

The built-up nucleus of Skali's Farm consists of 22 structures, some permanent, others portable, and some used for farming. They all lie within the nature reserve, where construction is officially illegal. To establish the outpost, the settlers dug a pathway along the entire mountain ridge without an official permit. According to a settler website, "the farm was built within the nature reserve in order to stop the hunting of wild animals by Arabs. It is illegal to live in nature reserves, but it worked out because they defined Skali as an ornithologist and ornithologists are allowed to live in nature reserves subject to a few limitations, such as building low and in keeping with the area's topography."<sup>32</sup> These claims are utterly unfounded.<sup>33</sup>

In 2009, settlers established another outpost, Nahalat Yosef, between Elon Moreh and Skali's Farm. In June that year, the military demolished three temporary structures at the outpost.<sup>34</sup> On the same spot, settlers later built permanent structures without a permit on two adjacent plots listed as state land in the Israel Land Registry. In November 2013, the Civil Administration demolished another residential structure in the outpost, but did not continue to other structures after reaching an understanding with the settlers.<sup>35</sup> The built-up nucleus of Nahalat Yosef currently consists of five structures used for living, working, and livestock, and appears to be run as a family farm.

Building Skali's Farm at the southeastern end of the mountain ridge, Elon Moreh at the northwestern end, and Nahalat Yosef in between, served the strategic goal of establishing control over the entire mountain ridge. This control could – combined with other policy measures – ensure contiguous Israeli presence stretching from Elon Moreh, which lies on the mountain ridge, down to the Jordan Valley.

**Farming:** While settlements in the West Bank are for the most part built on land declared state land, the settlers of Elon Moreh, Skali's Farm, and Nahalat Yosef also cultivate large plots on private Palestinian land – whose owners cannot enter as the military bars their access. According to Israeli NGO Kerem Navot, which monitors settler agriculture in the West Bank, the settlers in this area cultivate some 44 hectares of land belonging to residents of 'Azmut, Deir al-Hatab and Salem, including almost sixteen which are within the nature reserve.<sup>36</sup> The settlers exploit the restrictions that the state imposes upon the Palestinian farmers to encroach upon their land, enclosing the plots with fences, and sowing them with new seeds, uprooting the previous crops. They mostly grow olives, almond trees and grapevines, and raise wheat and barley to feed their flocks.

The way the settlers market themselves is a telling reflection of this appropriation. Leveraging the attraction of the unique landscape, the settlers present their farms and small production facilities as a boutique experience of rural serenity, with a view to encouraging tourism and to paint a positive picture of Israeli presence in the area. One example is the Samaria Regional Council's tourism website, which

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<sup>32</sup> *Katom Lavan Katom* [Hebrew], <http://www.lcl.org.il/viewwinter.php?cid=20>

<sup>33</sup> The Protection of Wildlife Order (Judea & Samaria) (No. 363), 1969, which lay out the rules applying to nature reserves in the West Bank, makes no mention of an ornithologist or ranger being allowed to live on a reserve.

<sup>34</sup> Abe Selig and Tovah Lazaroff, "[Settlers, Security Forces Clash in Northern Samaria](#)", *The Jerusalem Post*, 2 June 2009.

<sup>35</sup> For details, see Gil Ronen, "[Community Leaders Condemn 'Bumblin' Eviction at Elon Moreh](#)", *Arutz Sheva*, 11 November 2013.

<sup>36</sup> See Kerem Navot, *Israeli settler agriculture as a means of land takeover in the West Bank*, October 2013.

describes the Nahalat Yosef outpost as follows: “A single family lives there. They work in farming and arts. The farm has a flock of sheep, groves, crops, and a winery under way. The farm offers drum-playing workshops, if scheduled in advance, and sells olive oil and boutique wine produced there. Various trekking and cycling routes can be found nearby.”<sup>37</sup>

**Shepherding:** In all three settlements in the area, settlers raise large flocks which they graze throughout the land that lies east of the road to Elon Moreh. In 2015, Israel’s Chief Rabbinate granted *kashrut* [Jewish dietary law] certification to four livestock enterprises of settlers in the area – three of sheep and goats and one of sheep, goats and cows. Subsequently, the owners of the farms constructed several large pens on land owned by the Palestinian villagers, from where they take the livestock to graze west of the road. The Palestinian shepherds see flocks being grazed on their land, while they cannot take their own sheep there.

Mahyoub ‘Ahed ‘Abdallah Shtiyeh, 42, from Salem, told B’Tselem:<sup>38</sup>

About five settlers live on Skali’s Farm, and they have more sheep than everyone in our village put together. They have huge flocks – 500 to 1,000 sheep each – while we, the residents of Salem who own the land, are not allowed to cross the road and go far from our homes, and our sheep stay in their pens. They never go out to pasture and we have nowhere to take them.

Residents of the three Palestinian villages report that the settlers exploit the fact that they cannot reach their olive groves and fields of wheat and barley. According to their accounts, the settlers take their flocks to these plots and allow the sheep to eat the young olive buds and the crops.

Taysir Muhammad Hamed ‘Odeh, 81, from Deir al-Hatab, related:<sup>39</sup>

I own a little more than a hectare of land in an area called al-Jaradat, which lies between the settlement’s cemetery and its industrial area. There are a lot of olive trees on that land, which I planted more than thirty years ago. During the period of coordination for the olive harvest [See pp. 26-28 below, for an explanation of the coordination regime], I passed by there several times with people from the village. I saw that the trees had been completely destroyed because one of the settlers takes his sheep to graze there. He was with his sheep in the adjacent plot.

The tightest control is exercised in settlers’ built-up residential areas. However, the resources, permits, and planning procedures needed to expand the settlement and establish new settlement outposts limit the potential development of this built-up nucleus, or at least slow it down. The farming sphere, while less advantageous in terms of full control and appropriation, has more potential for expansion because it requires much less time and fewer resources. Therefore, the settlers encroach upon Palestinian plots and cultivate them. The shepherding sphere is by nature even more fluid than farming, enabling settlers to make a daily show of Israeli presence on vast swathes of land. Together, the three spheres combine to facilitate the expansion of the settlers’ control and removal of Palestinian presence from the area.

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<sup>37</sup> Samaria Regional Council tourism website [Hebrew]: <http://www.tourshomron.org.il/place/יוסף-נחלת>

<sup>38</sup> Testimony given to Salma a-Deb’i on 2 December 2015.

<sup>39</sup> Testimony given to Salma a-Deb’i on 9 December 2015.

## Taking over natural water sources

In addition to farmland and pastures, the land appropriated from the three villages contains natural water sources. Palestinian villages and towns in the West Bank developed throughout history next to springs, and natural water sources were crucial to the survival of communities there.<sup>40</sup>

For hundreds of years, the residents of 'Azmut, Deir al-Hatab and Salem relied on springs and on cisterns dug by their ancestors to provide their families and livestock with drinking water, irrigate crops, do laundry and maintain personal hygiene, and also for leisure and recreation. The three villages were hooked up to the water supply network in 1983, but continued to depend on these natural sources for irrigating young plants and providing water for their livestock.<sup>41</sup> Barred access to their land, they are now cut off from these springs and cisterns; instead, the settlers use these natural sources to water their own livestock, fields and groves, for recreation, to attract tourists, and as yet another means of expanding their control in the area.

Raddad 'Ahed 'Abdallah Shtiyeh, 48, from Salem, told B'Tselem:<sup>42</sup>

Our village owns a lot of land, which is full of springs and cisterns. We used to draw water from them for our livestock and fields. I remember going with my father, as a child, to help him draw water for our sheep and crops. Now there's a settlement east of our village called Skali's Farm. The minute Skali catches sight of one of us, he starts chasing us and shooting. He also calls soldiers, who immediately come and drive us out of there. This settler has taken over the Abu a-Salameh cistern and the a-Sha'rah cistern. We can't use them for our sheep any more.

Isma'il Anis 'Abed Isma'il, 54, from Deir al-Hatab, related:<sup>43</sup>

Our land is very good for grazing sheep – it's vast, with an abundance of grass, and water is easily available. We had more than six cisterns for collecting rainwater. When it rained, I would open up channels so the water could flow into the cisterns. We own a 22.4-hectare plot of land near the settlement of Elon Moreh, east of the village. There are two cisterns on that land, one of which can hold more than 200 cubic meters of water. In summer, when there wasn't enough water in the village, our family would go out there with a change of clothes, heat water from the cistern, bathe and do our laundry. Our plot had olive, almond, and fig trees. Over time, the settlement expanded and now we can't get to our land any more.

Cutting off the villagers' access to their traditional water sources has increased their reliance on the water supply network, which Israel controls. This forced dependence is particularly problematic in summer: the demand for water goes up, both in the Palestinian villages and in the Israeli settlements, so

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<sup>40</sup> For further information, see: OCHA, [The Humanitarian Impact of the Takeover of Palestinian Water Springs by Israeli Settlers](#), March 2012.

<sup>41</sup> Farmers water the seedlings of olive trees and other fruit trees until the roots of the young trees have developed sufficiently to reach groundwater, at which point they can survive and sustain themselves without the need for watering.

<sup>42</sup> Testimony given to Salma a-Deb'i on 1 December 2015.

<sup>43</sup> Testimony given to Salma a-Deb'i on 11 November 2015.

the Israeli authorities reduce the water pressure and quantity supplied to the Palestinians. As a result, the local Palestinian water authorities have to rotate the water supply among the area's communities and neighborhoods, and residents suffer prolonged water outages.<sup>44</sup> In June 2016, Israel drastically reduced the supply of water to thousands of Palestinians in the West Bank, including the residents of 'Azmut, Deir al-Hatab and Salem (while still selling the water to the Palestinian Authority at full price).<sup>45</sup> Residents did not have enough water to drink, maintain personal hygiene, do laundry, or sustain livestock, crops, and other industries. Such shortages have a deleterious impact on residents' health and overall welfare.

On 30 June 2016 Sahar Tawfiq Ahmad Jabur, 44, from Salem, spoke with B'Tselem and told what it's like living with water shortages in the heat of summer:<sup>46</sup>

Since the beginning of the month, I've been suffering from the reduced water supply to my home. We have two water-storage containers, each of which can hold three cubic meters. At present, we get water about once every two weeks. That's not enough at all, so we have to water by the barrel, which cost about NIS 70 [approx. USD 19] for three cubic meters. It's a huge expense and physically taxing. When it's our neighborhood's turn to receive water, I spend the night filling up the storage containers so we can get as much water as possible. I fill a container that we have right outside the house and then we pump the water up to the other container on the roof. The water pressure is low so you need a private pump to get it up to the roof. After the water in the container on the roof runs out, I have to carry in water for the shower and toilet in bottles. My back and arms have really started hurting me from carrying water this way so frequently.

I don't know how long this situation will last. We're a large family and we need enough water for our basic needs: drinking, laundry, dishwashing, cooking, and cleaning the house and yard. Water is the source of life and we need it. It's so bad now that we don't have enough water to shower. We each shower at most once a week. How can a person shower only once a week in this scorching heat? I can't stand myself and the smell of my sweat. When my daughters have their period, they go to their aunts and uncles to shower. What can we do? We're really suffering. Our lives are very hard. It's all about water.

My husband is a laborer. This month he worked only four days and earned a total of 400 shekels [approx. USD 106]. What can you do with such a small amount of money? Do you buy water, pay your electricity bill, or buy food? They're making our lives complicated and difficult.

Every time we ask the council why the water was cut off, they say it's because the Israeli side, [National Water Company Mekorot], which is in charge of the water, cut back the water supply to the village. They tell us we have to conserve every drop. How can we save and conserve every

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<sup>44</sup> For further information, see: <http://www.btselem.org/water>

<sup>45</sup> Amira Hass, "Israel Admits Cutting West Bank Water Supply, but Blames Palestinian Authority", *Ha'aretz*, 21 June 2016, <http://www.haaretz.com/israel-news/1.726132>

<sup>46</sup> Testimony given to Salma a-Deb'i on 30 June 2016.

drop of water if we don't get any? Since the beginning of June, we haven't received enough water. We can't even use the village's springs any more. My neighbors get drinking water from 'Ein 'Askar [spring] in Nablus. We don't have a car so we can't drive there to get water. It's a long way away and you need a car to get there. How much longer will we live like this? I don't know.

The largest spring on the Western slopes of al-Jabal al-Kbir is called 'Ein al-Kbireh (The Great Spring). For hundreds of years, it was Deir al-Hatab's main source of water. Until 1983, when the village was connected to the water supply grid, the residents relied on the spring for domestic and agricultural uses. Early on in the second intifada, Elon Moreh settlers forcibly took control of the spring – assaulting Palestinians, and taking advantage of Israel's land policy in the area – and converted it into a recreational spot for them and their guests.

In 2008, settlers built a concrete swimming pool by the spring. They then set beside it a memorial monument to a soldier from the settlement, Avner Kfir, who was killed in action in Lebanon. Since then, the settlers have called the spot Kfir Spring. In November 2010, the Civil Administration demolished the pool and the monument on the grounds that they were constructed without a permit.<sup>47</sup> The settlers soon rebuilt both. Then, with the support of the Samaria Regional Council, even paved a parking lot and installed picnic tables nearby. The Civil Administration did not intervene and the spring now exclusively serves the settlers for leisure and tourism.<sup>48</sup>

Taking over the spring, making it a recreational site for Israelis only and giving it a Hebrew name all combined to make it appealing to settlers and tourists. The fact that visitors now flock to the site of the spring is used as further justification for keeping Palestinians away. Similarly, settlers have been using the Palestinian water cisterns for their own crops and livestock for so many years that this state of affairs has become a fait accompli, notwithstanding that it robs the villages of a resource vital to their farming and shepherding economy.

### **Attacks by settlers**

Going out to the pastures has become dangerous and frightening. If you go out there, you're risking your life.<sup>49</sup>

As part of the collaboration between the state and the settlers, Israel has transferred various military powers to settlers, and particularly to heads of security within settlements. These civilians use their authority to broaden the scope of their settlements' control in the area.<sup>50</sup>

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<sup>47</sup> Yair Altman, [“Illegal Monument to Fallen Soldier in Samaria Demolished”](#), *Ynet*, 11 November 2010 [Hebrew]:

<sup>48</sup> OCHA, *The Humanitarian Impact of the Takeover of Palestinian Water Springs by Israeli Settlers*, March 2012, p. 10.

<sup>49</sup> Ghaleb Mahmoud 'Omar 'Omar, 91, from Deir al-Hatab. He gave his testimony to Salma a-Deb'i on 9 December 2015.

<sup>50</sup> For further information, see: Yesh Din, [The Lawless Zone: The Transfer of Policing and Security to the Civilian Security Coordinators in The Settlements and Outposts](#), September 2014.

All 42 Palestinians who gave testimonies to B'Tselem as part of the research for this report talked of settler violence as part of their lives, and specifically as a major deterrent to accessing their land.<sup>51</sup> The villagers described violent attacks by settlers that took various forms, such as live gunfire, stone-throwing, beatings, including with clubs. They also related that settlers have repeatedly harmed village livestock, including killing sheep sent out to graze, shepherding dogs accompanying flocks, or pack animals used to ride out to the fields – either by shooting them or by running them over with a vehicle. In addition to these extreme forms of outright violence, villagers also said that settlers often steal sheep from shepherds and steal olives from their trees. In some cases, settlers even ruined or chopped down olive trees.

The villagers related several instances of particularly violent assaults that took place over the last few decades, which became etched in their communal memory and made it clear that they must not attempt to reach their lands. Although they occurred long ago, these events are still fresh in the residents' minds and continue to raise fear and apprehension:

1. Hamdallah Radi Khalil 'Alawneh, a 27-year-old 'Azmut resident, was killed on 13 January 1991. That night, his flock returned to the pen without their shepherd. The next day, villagers found his body near the grave of Sheikh Bilal which is by Elon Moreh. 'Alawneh was found with his hands bound behind his back. He had suffered gunshot wounds to the body and his head had been beaten to a pulp with stones. Six months later, on 20 June 1991, an Elon Moreh settler by the name of Pinhas Asayag was apprehended as the suspected perpetrator. He admitted to the homicide and re-enacted it. On 12 September 1991, the Tel Aviv Magistrates Court found the suspect not competent to stand trial, and ordered that the criminal file be closed and the legal proceedings against him terminated.<sup>52</sup> Asayag was committed to a psychiatric hospital.<sup>53</sup>

Yihya Saba' Darwish 'Alawneh, 68, from 'Azmut, told B'Tselem:<sup>54</sup>

They killed a guy from our village. His name was Hamdallah 'Alawneh. He had just gotten married and his wife was pregnant. They killed him near a-Sheikh Bilal, north of the village, four kilometers away from the village homes. He was grazing his flock there. They beat him with stones. We searched a long time until we found him. His condition was horrifying. They had shot him, and crushed his skull so badly that his brains spilled out. It was sickening. Everyone was afraid to go near the place.

Isma'il Samih Muhammad 'Abd al-Fatah Hawamdeh, a 61-year-old from 'Azmut, added:<sup>55</sup>

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<sup>51</sup> Another deterrent is that soldiers detain Palestinians who approach the road and hold them at the military base that lies within Elon Moreh, releasing them only several hours later at Beit Furik Checkpoint or at Huwara Checkpoint.

<sup>52</sup> B'Tselem, *Bi-Annual Report 1990/1991*, p. 145.

<sup>53</sup> Ibid.

<sup>54</sup> Testimony given to Salma a-Deb'i on 8 December 2015.

<sup>55</sup> Testimony given to Salma a-Deb'i on 3 November 2015.

'Alawneh's wife was pregnant when the settlers killed him. They bashed his head in and shot him. It was a terrible shock to everyone in our village and the neighboring villages. We all became afraid of going near areas where there were settlers, and stopped going out to graze flocks alone – only in groups.

2. In August 2004, Yishai Bar Nur, a resident of Elon Moreh and its deputy chief of security, assaulted three Palestinian shepherds – Ashraf, Ahmad, and Hasanein Shtiyeh – while they and three other shepherds were grazing their flocks on Salem pastureland east of Route 557.<sup>56</sup> A military jeep arrived on the scene at this time.<sup>57</sup> When Bar Nur caught up with the shepherds, he beat Ashraf Shtiyeh with his rifle. He also fired in the air and at the sheep. He then beat another of the shepherds, and assaulted and threatened the third. Next, he shot and killed two dogs that were with the shepherds. The soldiers witnessed the entire incident, yet did nothing to stop the attack.

In a partial plea bargain, Bar Nur was convicted of assault causing actual bodily harm, and charges of rash and negligent use of a firearm. Following a reconciliation agreement (*sulha*) between Bar Nur and one of the victims, the Tel Aviv-Yafo Magistrate Court sentenced him to five months in prison, to be served as court-ordered community service.<sup>58</sup>

Ahmad Muhammad Dib Shtiyeh, a 48-year-old Salem resident, recalled:<sup>59</sup>

In 2004 I was assaulted by settlers and the settlement's security coordinator. It was done in view of soldiers, who saw and did nothing. I was together with a few other shepherds. They attacked us and fired at our sheep. Two dogs were killed on the spot and several sheep were hit. There were many other such incidents.

According to media reports, on the morning of 1 April 2006, 73-year-old Saber a-Shtiyeh from Salem set out on his donkey to village farmland to plow his olive grove. He would always reassure his wife that he was in no danger, saying that the settlers would not harm an old man. A few hours after he had gone out, laborers working nearby heard him crying out for help. They found him bruised and battered, and saw a group of settlers, some of them armed, fleeing towards Elon Moreh.<sup>60</sup> The unconscious a-Shtiyeh was taken to Beilinson Hospital in Israel, where his condition was declared critical. He had sustained fractures to three neck vertebrae, an arm and a leg, as well as four broken ribs and a punctured lung. It would be three weeks before a-Shtiyeh regained consciousness.<sup>61</sup> After

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<sup>56</sup> Arnon Regular, "[Settler Indicted for Attacking Palestinians, Shooting Their Dogs](#)", *Ha'aretz*, 20 June 2005 [Hebrew].

<sup>57</sup> Ruling no. 2247/06 [Hebrew]: <http://www.law4all.co.il/PsakDinShow.asp?RowID=423>

<sup>58</sup> See Criminal Court of Appeals, CrimApp 070430/06, **Yishai Bar Nur v. State of Israel** (2007).

<sup>59</sup> Testimony given to Salma a-Deb'i on 19 November 2015.

<sup>60</sup> Eli Ashkenazi and Michal Greenberg, "Sheep Stolen from Palestinian Shepherd Found in Elon Moreh", *Ha'aretz*, 20 April 2006 [Hebrew]: <http://www.haaretz.co.il/misc/1.1547306>

<sup>61</sup> Yigal Mosko, "They're Beating the Elderly, Too", *Mako*, 25 May 2006 [Hebrew]: [http://www.mako.co.il/tv-ilana\\_dayan/f66b3f491f97c110-395bd9f664a7c110/Article-3be86ce47951911004.htm](http://www.mako.co.il/tv-ilana_dayan/f66b3f491f97c110-395bd9f664a7c110/Article-3be86ce47951911004.htm)



more than a month at Beilinson Hospital, he was transferred to a hospital in Ramallah for rehabilitation. The incident was investigated by the central unit of the Samaria and Judea District of the Israel Police, yet the investigation was entirely unsuccessful and no suspects were ever arrested in connection with the assault.<sup>62</sup>

Despite the pervasive sense of terror these attacks engendered at the time, and that has persisted to this day, some Palestinians still occasionally risk trying to reach their land. They are motivated both by the need for natural pasture and agricultural produce as well as by a sense of the injustice of the situation. Often, they are attacked by settlers, sometimes suffering life-threatening assaults. Since so few Palestinians now go out to their farmland and pastures, the number of attacks has dropped recently. However, whatever assaults do take place serve to substantiate the villagers' fears and deter them even further from challenging the prohibition on crossing the road and accessing their land.

Raddad 'Ahed 'Abdallah Shtiyeh, 38, from Salem, explained:<sup>63</sup>

The settler Skali put up shacks at a place which is at a higher elevation than this spot, and overlooks the entire area, including the Jordan Valley. This makes it impossible for us to reach large parts of our land. Even if we manage to cross the road without running into soldiers, he and the people that work with him chase us. If we're too far away, they call the military and the soldiers finish the job; they come and drive us off the land.

We have to take a rough, strenuous route to avoid him. We can't go anywhere that's in his sight, so we have to go all the way to the areas that overlook Beit Dajan. It's exhausting for us as well as the sheep. It's very frightening to make the trip – at any moment we expect to be caught by soldiers or settlers and be shot at. There are only a very few other people who, like me, are prepared to take these risks. There are maybe three or four shepherds willing to undertake this in order to reach the pastures. Most prefer to stay within the village and keep their sheep locked up in the pens. They don't want to take such a dangerous risk.

Usayed 'Eid al-Muhsein Sadeq Shtiyeh, 21, from Salem, described how things are:<sup>64</sup>

I used to take the sheep out grazing only with other shepherds from our village, because I was young and my father worried that I would run into soldiers or be attacked by settlers. I remember one day last April: I crossed the bypass road and reached the area of a-Raqraq, about two kilometers from the village. Sharif Shtiyeh and I were grazing our flocks when several settlers appeared. One of them was driving a jeep and he ran over two of Sharif's sheep, killing them on the spot. He also assaulted Sharif with a rifle and chased us until some soldiers arrived and made us leave. They didn't do anything to the settlers. They just watched while the settlers beat us with a stick. I have not gone back there ever since.

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<sup>62</sup> Eli Ashkenazi, "Five Months After Palestinian Farmer Attacked: No Suspects Arrested", *Ha'aretz*, 11 September 2006 [Hebrew]: <http://www.haaretz.co.il/misc/1.1135994>

<sup>63</sup> Testimony given to Salma a-Deb'i on 1 December 2015.

<sup>64</sup> Testimony given to Salma a-Deb'i on 19 November 2015.

We've tried to find other areas further away, but they're harder to reach on foot and are more dangerous, in terms of settler presence. That's why I don't cross the bypass road and stick to areas close to the village houses. The problem is that all the land around here is covered with olive trees, and that creates friction with the villagers who don't want the sheep to get near their trees.

Settlers and the State of Israel both strive to take over West Bank land and its natural resources. The routine violence by settlers plays a role in achieving this objective. As years of monitoring by B'Tselem and other organizations has shown, Israeli security forces regularly allow settlers to assault Palestinians and damage their property. In fact, soldiers sometimes safeguard the settlers in such situations, providing them support and at times even taking part in the assault.<sup>65</sup> All this is compounded by an ineffectual law enforcement system that takes no action against the offenders and does not achieve justice for the victims. According to figures collected by Israeli human rights organization Yesh Din, some 85 percent of all investigations into incidents of harm caused to Palestinians (physical assault, arson, damage to property, vandalizing trees, and taking over land) are closed due to flaws in police procedure. There is only a 1.9% chance of a police complaint filed by a Palestinian leading to the conviction of an Israeli citizen.<sup>66</sup>

In 2006, as part of its policy to take over Palestinian land in the West Bank and expand the areas under the control of settlements by any official or privatized means available, Israel established a "coordination system", to enable Palestinians throughout the West Bank to access their land twice a year, for just a handful of days, to harvest olives and plow the land. The system is meant to handle the prior coordination with the military, including arrangements for military escort, necessary to allow Palestinian access to their land.<sup>67</sup>

In the al-Jabal al-Kbir area, Israel allows villagers who own olive trees to carry out the olive harvest over a period of two to five days a year, and allows them two days to plow their land at another time of the year. This arrangement does not apply to landowners whose plots lie within the built-up area of the settlement or settlement outposts, or in other areas for which the military issues temporary closed zone orders, so Palestinians' access is barred even during at these times.

In practice, however, the procedure is carried out in such a way that it is difficult for residents to make use even of this limited access. The coordination system becomes largely a mechanism for keeping up appearances, ostensibly ensuring that Palestinians can access and benefit from their land, when in fact they cannot. Residents may not coordinate with the military themselves, but must wait for their village councils to inform them the result of coordination between the councils and the Israeli and Palestinian DCOs. Villagers are usually notified mere days in advance, by announcements posted on mosque gates

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<sup>65</sup> For more information, see: [http://www.btselem.org/topic/settler\\_violence](http://www.btselem.org/topic/settler_violence)

<sup>66</sup> For more information, see Yesh Din, "Yesh Din presents UN Security Council with figures on how Israel handles ideologically motivated crime against Palestinians", May 2016: <http://www.yesh-din.org/en/yesh-din-presents-un-security-council-figures-israel-handles-ideologically-motivated-crime-palestinians/>

<sup>67</sup> The "coordination system" is the result of the ruling in HCJ 9593/04 **Rashed Morar et al. v. IDF Commander in Judea and Samaria et al.** (26 June 2006). See: <http://www.hamoked.org/Document.aspx?dID=Documents1273>

or made over the mosque loudspeakers. Residents must then quickly prepare the necessary harvesting or plowing equipment. As the military forbids them from driving to the land, they can take very little – only as much as their donkeys can carry. Although the military escort is officially scheduled to last from 8:00 in the morning to 4:00 in the afternoon, in practice the military often cuts work day short for various reasons.

Jamileh Ahmad 'Othman Zamel, a 78-year-old woman from Deir al-Hatab, recalled:<sup>68</sup>

The coordination only allows us to get to the land for a short, inadequate amount of time. Last year, during the olive harvest, we came at eight o'clock in the morning, as we were told to do by the village council's notice. But the soldiers didn't let us get to our land until 9:00. We usually wait by the big village spring, next to the bypass road. At one o'clock, the soldiers ordered us to leave. Is that enough time to pick the olives? It's ridiculous! We need to work every day for a month to finish the harvest. Last year, we produced one tin of olive oil. It used to be thirty-five. The land has been ruined, the land we grew up on. We can't reach it except for the space of a very few hours, after coordination. It's very sad.

In addition to several days during the olive harvest, the state also gives Palestinians two days a year to plow the land in their olives groves. Plowing aerates the soil, allows it to get the rain, and inhibits the growth of harmful weeds. If carried out at the right times during the year, the trees bear much more fruit and the olive oil produced from them is of better quality. The villagers say that while Israel does allow them to plow their olive groves, it gives permission to do so only once a year instead of the traditional three times, and at a time of year when plowing actually does more harm than good. As a result, the trees grow sick, they yield much less fruit, and harvesting becomes a difficult and cumbersome task because of the thorns that now grow and flourish among the trees.

Nasser 'Adel 'Abd a-Rahman 'Imran, 57, from Deir al-Hatab, explained:<sup>69</sup>

When olive trees are cared for on a daily and seasonal basis, they yield many times more olives than trees tended to only a few days a year. The soil has to be plowed three times a year: first in November, when the winter begins, to turn it and let it get the rainwater; then in January, to get rid of bad weeds; and then in March to turn the earth, so the land retains the moisture. Israel always coordinates our plowing too late, after these dates, and anyway only once a year – in April or sometimes in May. Plowing the land at this time is bad for the trees because it lets the sun's rays penetrate the soil, which dries up the trees. So it does no good and is actually harmful. The trees yield a lot less fruit than they used to because we can't prune them or plow the land properly. Olive trees have to be pruned at harvest time. We're obviously not given enough time to do that. We barely have time to pick all the olives with the limited time the coordination allows us.

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<sup>68</sup> Testimony given to Salma a-Deb'i on 22 December 2015.

<sup>69</sup> Testimony given to Salma a-Deb'i on 18 December 2015.

Moreover, Palestinians lucky enough to gain access to their land during harvest or plowing coordination have often found their trees damaged, sometimes to such an extent that there is nothing left to pick, or that settlers have taken over their plots, fencing them in and using them to raise new crops.<sup>70</sup> Not having free access to their farmland, with regular, unbroken cultivation, transformed the harvest from a time that used to be “all about spending time in nature with your family and a festive season that brought with it blessings and joy for all”, as ‘Azmut resident Sanaa Muhammad ‘Ali Abu Jalil, 49, remembers it, into a yearly ordeal in which residents discover the magnitude of their loss.<sup>71</sup>

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<sup>70</sup> See B’Tselem, “Olive Harvest 2013: 27 Cases of abuse of harvesters and property-damage indicate military’s preparation inadequate”: [http://www.btselem.org/settler\\_violence/20131225\\_olive\\_harvest](http://www.btselem.org/settler_violence/20131225_olive_harvest)

<sup>71</sup> Testimony given to Salma a-Deb’i on 21 December 2015.

## Chapter 4: Resultant hardships suffered by the Palestinian villagers

Restricted and absences of access to their own farmlands and pastures, a situation that has grown progressively worse ever since Elon Moreh was established, has devastated the local economy and the cultural identity of the three Palestinian villages in the area of al-Jabal al-Kbir. This chapter reviews what harmful ramifications the isolation has had on the villagers' lives. Also reviewed is their ongoing, cumulative violation of their human rights, including the rights to freedom of movement, to property, to life, security and physical wellbeing, to an adequate quality of life, to equality, and to self-determination.

### Economic losses

The residents of Salem, Deir al-Hatab and 'Azmut have faced a deepening crisis for years. Israel's restrictions on their access to land and water resources, coupled with the expansion of the settlements' built-up areas and agricultural activities, have destroyed farming and raising livestock as sources of livelihood in the local Palestinian economy. A 2013 occupational survey carried out by the Applied Research Institute – Jerusalem (ARIJ) found that the three villages have a twenty percent unemployment rate, and that most residents have shifted from self-employment to salaried work. The worst hit sector has been agriculture, including raising livestock.

Since Israel's occupation of the West Bank began in 1967, many Palestinian villages have undergone similar processes: diminished farming along with increased reliance on the Israeli job market, especially in the areas of agriculture, construction, cleaning services, and industry.<sup>72</sup> Nonetheless, given the political reality and the economic hardship, many communities – including the three reviewed here – kept up (or went back to) local farming and raising livestock. Although no longer a primary source of income, this at least enables the villagers to maintain their traditional lifestyle and offers some financial security in a changing reality.

Until Israel took over their lands, the residents of these three villages enjoyed financial stability and food security. They raised almost all their food themselves, including manufacturing foodstuff to supply their own household needs, and sold the surplus in Nablus markets. Over time, residents were dispossessed of the resources vital to sustaining this economy. Consequently, they now have to purchase products they used to have from cultivating their land.

Hamed Ahmad 'Othman Ahmad, 75, from 'Azmut, told B'Tselem:<sup>73</sup>

I've raised livestock my whole life. It's all I've ever done. I used to have 300 sheep and was well-off. I'd take the sheep out to graze on village land and nothing stood in our way. We didn't buy animal feed because the sheep could graze in the pastures in the eastern and northern parts of the village. We brought them food and water only in December and January. The rest of the year they lived off the land. We had water cisterns everywhere (Bir al-Mukhtar, Hidamus, Khdeir, Isma'il, Ras Hazem, a-Zein, Daher, and al-Qatin) and a lot of other ones, too. Wherever we went on our village's land, we would find a cistern to give the sheep water. We spent all our

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<sup>72</sup> B'Tselem, [The Invisible Walls of Occupation: Burqah, Ramallah District, A Case Study](#), October 2014, pp. 7-8.

<sup>73</sup> Testimony given to Salma a-Deb'i on 9 December 2015.

time out on the pastures, eating, drinking, brewing coffee and tea, hunting fowl, gathering their eggs, and picking za'atar (hyssop), maramia (sage), khubeiza (mallow) and al-ja'adah (*teucrium*). We would bring home all the bounty of the land. Our sheep had full stomachs and never wanted for drink. We grew wheat, barley, lentils and other crops on our land. In the harvest season we would gather the wheat and in winter we gave the sheep wheat straw. We also raised barley for the sheep. We had a good, quiet life.

After the settlement of Elon Moreh was established, our lives turned upside down. They drove us from our land. The bypass road cut us off from our land and we can't get to it any more, except for the days that Israel coordinates for the olive harvest. We have nowhere left to go. It's forbidden to go here or there, because of the security situation, and the next day it's forbidden because they say we're in the settlers' way. In effect, we're basically not allowed to go beyond the area of our houses.

Until, ultimately, we have nowhere left to go. Inside the village there are no places to put the sheep to graze. The houses are too close together. To graze, sheep need to roam across large expanses. The other shepherds and I have to buy feed and straw to feed them now. Financially, it's not worth our while. Since the [second] intifada began, I've sold some of my sheep to pay off debts. At night, I often dream that I'm grazing my flock on our village land – the way things used to be, before the settlement was built. I hope I manage to get back to those lands one day, and dream of smelling the earth and sitting under the trees once again.

Selling the sheep broke my heart. It made me ill and I broke down completely. But because I sold the sheep I don't even have money to buy medicine. My wife and I get money from my sons. If things had continued as they were, I probably would have been in a better position, living off my sheep and not depending on others. Once you've tasted something sweet, you'll never forget the taste. Once you've tasted the joys of raising sheep, that goodness will remain stamped in your mind. I go to sleep and wake up thinking of the sheep and all the blessings that came with them.

The shepherds used to buy feed in December and January only, as the sheep subsisted on pasture the rest of the year. Now, they have to purchase feed all year round, to feed the sheep three times a day. In the Nablus area, one head of sheep consumes an average of 1,193 kg a year. Residents buy various kinds of feed, including straw, bran, and compressed wheat and barley. In 2014 and 2015, the average price of feed was NIS 1.0 [USD 0.27] per kilo of straw or bran, and NIS 1.3 [USD 0.35] per kilo of compressed grains. Being cut off from their land costs Palestinian shepherds some NIS 1,500 [USD 400] a year per sheep, just for feed. This considerable expense makes raising sheep financially unviable.

Residents who keep sheep close to home now also have to find ways to supply them with drinking water. Some villagers have no choice but to purchase water, whereas others have a cistern in their yard where they collect rainwater for the sheep in winter. In summer, however, the cisterns run dry and these residents must also purchase water. For most, buying water is the only alternative to the natural

water sources that lie on the land taken from them. A head of sheep needs an average of seven liters of water a day – which amounts to 2.5 cubic meters a year per sheep.<sup>74</sup> Villagers report paying NIS 55-60 [USD 15-16] a year per sheep.

Because they have to buy animal feed and water instead of relying on natural resources as they used to, many residents have found themselves deep in a cycle of debt that is hard to break. As income from selling cheese and lambs comes in only several months a year, residents have to borrow from relatives or buy on credit to buy enough animal feed for the whole year. As the amount owed grows, the feed vendor refuses to continue selling on credit. The shepherds have little choice but to sell off sheep to cover their debts. As a result, these three villages have spiraled downwards, with flocks gradually sold off, assets lost, and their ability to earn an income diminished. No longer a source of primary income in this reality, the small flocks that remain are used only to produce milk, yoghurt, and cheese for personal consumption.

Taysir Muhammad Hamed 'Odeh, 81, from Deir al-Hatab, said:<sup>75</sup>

Before the settlement of Elon Moreh was established, we lived in prosperity. We all had sheep and our lives were good. There wasn't a family in the village that didn't own a flock. It was our livelihood. Apart from working the land, my father also owned 260 sheep and 15 cows. We were very well-off.

Like my father, I was a shepherd. I raised my own flock of about 280 sheep and five heads of cattle. I would take them out to graze on village land, in the northern and eastern parts. I gave them water from the cisterns that are all over the land. It didn't matter who owned the cistern, because it was for the whole community. People loved each other and cooperated. The land was for everyone and the water was for everyone. We took the sheep out to pasture together, so we could spend time together. We ate and drank together. Everything was beautiful and good.

Things changed completely after the settlers established Elon Moreh. They started keeping us away from their houses and roads. At first they would come over to visit us, have tea and coffee and eat with us, but later they started shooting at us and at our flocks. I personally experienced more than fifteen incidents of settler gunfire. I started feeling threatened every time I took my sheep out to graze. I felt that my son Maher, who tends to the flock with me, and I were in danger. Maher is now married with two young children. I tried to stay away from the settler areas, but no matter how far away we went from them, they kept pursuing us, going after us everywhere.

Things got even harder after the second intifada began in 2000. Soldiers were deployed all along the bypass road and detained anyone who went more than 100 meters from the village houses.

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<sup>74</sup> The Civil Administration, *Report on Agricultural Water Consumption in Judea and Samaria by District*, 14 October 2009 [Hebrew].

<sup>75</sup> Testimony given to Salma a-Deb'i on 9 December 2015.

We have nowhere left to go, even inside the village. There's no room in the village because it's full of homes and has no open land for pasture. Our sheep stay locked in their pens and I have to buy feed for them instead of setting them to graze on grass in the pastureland.

Every month I spend thousands of shekels on feed and straw. Add that to the cost of water in summer, because we don't have enough. I have to buy containers of water once the water in our cistern at home runs out. We used to give the sheep water from the cisterns that are scattered all over the village land in the northern and eastern parts, such as Bir Hazem, Abu Isma'il, Bir Jaber, Bir Daher and Khdeir. We lived well, but the settlement has ruined our life.

Because of all these restrictions, I've gone into debt. The best solution was to sell the sheep. I gave it a lot of thought: If I sell the flock, what will we live on – myself, my wife and my son, Maher, whose only skill is raising sheep? I took him out of school to help me tend to the flock. He didn't finish school and there's no work in the village. Even people who used to work in Israel lost their jobs when the intifada began and are now unemployed. I sold some of my sheep to pay off my debt to the feed vendor. Now I own only 100 sheep and they are never taken out to graze on our pastures.

We can't find temporary jobs, either. I used to be well-off, but now things are really bad. My wife and I barely make ends meet. I used to lend people money, but now I have to borrow. All this has come about because the settlers stole our land.

The pressures of growing debt and the collapse of the traditional economy have forced the villagers to adapt to the new reality and make the painful transition from self-employment to salaried work. The denial of access to lands and consequently being unable to make a living off farming and herding has driven some residents into abject poverty. Instead of being able to invest in a sustainable family business, they now have to scramble for meager pay from temporary jobs.

The villagers, whose lifestyle revolved around a self-sustaining economy, now have to rely on external sources of income; these too, are increasingly few and far between and offer little, if any, financial security. Residents who have had to give up on farming and raising livestock have few suitable employment opportunities. Israel's prohibition on Palestinian development in Area C – which includes most of the West Bank's land reserves for urban, agricultural, and economic development – takes its toll on hundreds of Palestinian communities that lie (fully or partially) within Areas A and B. The built-up areas of 'Azmut, Deir al-Hatab and Salem are a case in point.<sup>76</sup> The dearth of secure job opportunities in the area, combined with the fact that most residents cannot obtain work within Israel, leave these villages with no realistic alternative to the traditional local economy.

### **Harm to the villages' fabric of life**

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<sup>76</sup> The World Bank, *Area C and the Future of the Palestinian Economy*, October 2013: <https://openknowledge.worldbank.org/bitstream/handle/10986/16686/AUS29220REPLAC0EVISION0January02014.pdf?sequence=1>



For the villages, losing regular access to their farmland, pastures, and natural water sources has had broad implications beyond economic hardship. This new reality has undermined their communal way of life, rupturing the web of social and cultural traditions that revolved around their ties to the land. Social interactions have changed as residents are now hemmed in. Some customs can no longer be maintained and traditions are vanishing. The sense of space has changed, and local society has altered accordingly.

As a result of Israel's policy, implemented in part by the military and in part by settlers, the daily routine of the 10,000 or so residents of Salem, Deir al-Hatab and 'Azmut, who were born into farming and shepherding families, is now confined to the vicinity of the village homes. Activities that used to be held out in the open fields now have to be contained within residential areas. Dividing village land into sections for different uses – such as raising livestock far from the village homes – is an integral part of how these villages have always been organized. Raising sheep in crowded conditions in backyards leads to environmental and health issues such as unpleasant odors, noise, contagious diseases and flies. The sheep are affected, too: their immobility and lack of exposure to sunlight lead to various diseases, and crowding them in small spaces help fleas and other parasites flourish.

To prevent some of these problems, residents take out their flocks to walk through the village every now and then. However, the homes in these villages are built very close together and the few remaining open spaces are used to grow vegetables and olives. Sheep occasionally run off from their flocks and wander onto these plots, damaging the crops and causing strife and tension between neighbors. This is one example of how cutting the villages off from their farmland and pastures has directly harmed life as a community.

Raddad 'Ahed 'Abdallah Shtiyeh, 38, from Salem, told B'Tselem.<sup>77</sup>

Our village has a lot of land. We used to take our sheep to graze on our land in the area of al-Jabal al-Kbir. We would sit there with the sheep. Back then, things were peaceful and the settlers didn't attack us.

As time went by, the settlers began demanding that we stay far from their homes, and later they added that we weren't allowed to come close to the roads, either. Now, we can't reach our farmland to cultivate it or even set our sheep to graze there. The sheep are our main source of income, so we suffer a lot from having nowhere to graze them.

Inside the village itself, there are no open spaces to have the sheep graze: everything is taken up by houses or trees. If the owner of a plot with trees sees you in there with your flock, he immediately calls the Palestinian police and that can lead to fighting among the residents. Someone in our village sued a neighbor for supposedly grazing sheep in his olive grove. The sheep harmed the trees and he lost a lot of money. He's demanding NIS 35,000 [USD 9,315] in compensation. The suit has been pending in court for several years. We all take our flocks outside, but it's not for the purpose of letting them graze, because there's no pasture. The sheep have nothing to eat inside the village. We have to let them out of their pens so they can

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<sup>77</sup> Testimony given to Salma a-Deb'i on 1 December 2015.

move around a little, otherwise they get sick. If they don't move and don't get enough sunlight, they fall ill.

The tension within the communities due to their forced constriction is augmented by the social and personal pressures entailed in losing flocks and farmland. In the past, owning a large flock indicated a family's secure status. Residents who used to own such flocks and have been forced to reduce them, or give them up altogether, because of Israel's takeover of the land, suffer a loss of prestige and even identity crises.

According to Majd Husni Hasan 'Omar, 54, from Deir al-Hatab:<sup>78</sup>

We've been herding sheep for generations – my grandfather was a shepherd, and his grandfather before him. My grandfather owned more than 200 sheep, 15 heads of cattle, a horse, and two donkeys. My father had 150 sheep. Everyone worked in farming and raising sheep. I became a shepherd just like my father and so did my brother, Ibrahim. Now, we have nowhere to take the sheep to graze. They don't let us come near our land. We have nowhere to let the sheep move around and be in the sun, either. Grazing them inside the village causes problems between neighbors.

Therefore, I had to look for other work but couldn't find any. In the end, I had no choice but to work in Israel illegally, because the Israeli authorities won't give me a work permit [to enter Israel proper]. I have children at college and it's draining me financially. I worked in Israel for more than four years without a permit, in rough conditions. I have no choice, because raising sheep doesn't make any money any more, and shepherding has become a losing business.

Six years ago, I got a permit to work in Israel, but I couldn't get rid of the sheep because I just can't give them up. I love my flock very much and having it helps a little with supplying the family needs, which helps when I have to deal with paying tuition fees and household expenses. I wish the settlement didn't exist. If there were no settlements, I would never have ended up working in Israel and would probably still be tending my flock and growing grains, living like a rich man. Instead, we've become beggars hunting for work wherever we can find it and grazing our sheep in rubbish dumps.

Moreover, residents who try to cross the road with their flocks are doubly criminalized. First, the military and settlers prevent them from reaching their land and punish any attempt to do so as though it were a criminal offense. Second, several villagers told B'Tselem that crossing the road on Saturdays (the Jewish Sabbath), when the settlers are at home, or trying to pick as many olives as possible during the harvest season before the settlers notice and attack them, makes them feel like thieves on their own land. Residents who can no longer make a living off farming, their traditional mode of income, often have no choice but to work in Israel without a permit – in breach of Israeli law. The Israeli occupation engendered a situation whereby Palestinians who were once able to support their families and live comfortably off farming and shepherding. The injustice and frustration of this reality is compounded by

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<sup>78</sup> Testimony given to Salma a-Deb'i on 12 December 2015.

the attendant humiliation and loss of social status. The result is a state of ever-increasing misery, oppression, frustration and humiliation.

The military and the settlers work together to quash any attempt by the villagers to find a way out of this vicious cycle. Israel's land grab policy in this area is implemented through use of force and even violence, instilling in the residents of Salem, Deir al-Hatab and 'Azmut a sense of chronic instability and fear for the future.

Na'amat Fayez Mubarak Shtiyeh, 57, from Salem, told B'Tselem:<sup>79</sup>

Ever since I got married, I've worked at tending sheep with my husband. He and his father had 200 sheep. Things were much better than they are now. Since the bypass road was built in 1996, all the crossings have been closed and we can't reach our pastures any more. Our village is walled in from every direction by the bypass road. It got worse after the second intifada began in 2000. The settlers and soldiers chase the shepherds and don't let them get near the road. As soon as they see anyone, they immediately go there and drive that person away.

Because of frequent aggression by the settlers and soldiers towards my sons, I don't allow the boys to take the sheep out to the pastures any more. I don't want to lose my boys. The soldiers have detained them several times. They held my son Fadi, 20, for two days. I'm always worried and scared and watch over him when he takes the sheep out. He takes them to graze in the a-Sahel area in the eastern part of the village, so I can see it from our house, which is higher up and looks out over the area. I get so nervous that I can't do the housework. I feel trapped. I keep thinking about my boys, who might encounter soldiers or settlers at any moment.

Our lives have become so hard. We're surrounded by settlements and the bypass road. We can barely eke out a living. Since my husband died four years ago, I've felt like I bear a double burden of responsibility. The future of my sons and daughters depends on me. I have to care for their needs and think about their futures. That's why I asked my sons to stop shepherding and look for other work, but once you're used to the sheep it's hard to live without them. My son Shadi found construction work with a contractor in Nablus and makes NIS 3,000 [USD 800] a month. Fadi found work in the village and makes NIS 1,500 [USD 400] a month. They told me they won't give up on the sheep because it's what their father did, and his father before him. Sheep are tied in with our earliest memories. How can we even consider selling them and buying cheese and yoghurts from shops, when we used to be the ones supplying them?!

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<sup>79</sup> Testimony given to Salma a-Deb'i on 7 June 2015.

## Conclusions

Like many other Palestinian communities 'Azmut, Deir al-Hatab and Salem – Palestinian farming and shepherding villages in the region of al-Jabal al-Kbir near the city of Nablus – evolved in keeping with the area's geographic features. Based on farmland, pastures, and natural water sources, these villages developed a local economy and a cultural heritage that tie the villagers to their environs. In 1980, Israel established the settlement of Elon Moreh on the northern summit of al-Jabal al-Kbir, beginning a process of dispossessing these villagers from their livelihoods and communal way of life.

This report analyzes how Israel used a combination of measures – both official and otherwise – to cut the villagers off from their land and hand over the lands to settlers. The first step was the establishment of the settlement of Elon Moreh on a portion of village land which, prior to 1967, had been registered as government property by the Jordanian regime. Later, other village lands were declared a “nature reserve” and yet others “state land”; stringent restrictions were imposed on Palestinian use of land designated Area C under the Oslo II Accords (meant to be a temporary arrangement); declaring Special Security Areas (SSA) off-limits to Palestinians; and paving the bypass road to Elon Moreh which became a de facto border separating the villagers from their remaining plots of land.

In some instances Israel chose to privatize the takeover of additional land, and unofficially hand it over to settlers, who then built houses, established illegal settlement outposts, built roads, planted fields and groves, shepherded flocks and took over nature water resources, all the while employing routine, daily violence against the Palestinians villagers.

Israel attempted to convey a semblance of legality to all its actions, arguing that they were lawful (under international law or the laws that apply in the West Bank) or that the actions were independent initiatives adopted by the settlers. Nonetheless, these actions constituted a breach of international law and are based on a warped, manipulative interpretation of the law that Israel itself applies in the West Bank.

The forced separation of the Palestinian villagers from their farmland, pastureland and natural water resources resulted in severe violations of their rights, devastated the local economy, and propelled them into poverty and dependence on external bodies. Villagers were left with in a state of insecurity on multiple levels: financial, food and social. The State of Israel together with some 1,800 Israeli settlers acting with its support and encouragement took village lands, doing there what they will, while the 10,000 or so Palestinian residents cannot go near those lands.

The present report focuses on the harm suffered by the three villages of 'Azmut, Deir al-Hatab and Salem and how Israel acted, via the occupation regime and the settlers acting as its envoys, to dispossess thousands of Palestinians of their land. It tells the plight of one place, but it is a tale oft-repeated in the West Bank. These villages serve as a case study illustrating a sweeping, long-standing policy Israel has been implementing throughout the West Bank for nearly fifty years. The facts indicate that under cover of “temporary military occupation” Israel has been using the land as its own: robbing land, exploiting the area's natural resources for its own benefit and establishing permanent settlements.

Over the years Israel has dispossessed Palestinians of roughly two hundred thousand hectares of land, including farmland and pastureland, which it then generously allocated to settlements. Some areas were declared “closed military zones” and Palestinians were barred from entering them without a permit; other tracts were taken by creating facts on the ground and use of force. Approximately 580,000 Israelis currently live throughout the West Bank (including East Jerusalem) in over 200 settlements, enjoying nearly all the rights and privileges accorded to Israeli citizens living in Israel proper, inside the Green Line.

The impact that West Bank settlements have on the lives of Palestinian residents far exceeds the land seized for the actual building of the settlements: Additional lands were expropriated for paving hundreds of kilometers of bypass roads; checkpoints and other measures that restrict only Palestinian movement have been situated based on the location of the settlements; access by Palestinian owners to many of their agricultural lands – within the areas of settlements and outside them – has been effectively blocked; and the winding route of the Separation Barrier – which severely violates the rights of Palestinians living nearby – has been situated deep inside the West Bank, mainly in order to keep as many settlements as possible on its western side, along with extensive tracts that Israel has designated for future expansion of those communities.

Meanwhile, Israel utterly ignores the presence and needs of the millions of Palestinians living under the strict military regime in the West Bank that denies these residents the option of taking part in determining their future, robs them of their rights and their assets, and bars them from any possibility of maintaining any sort of ordinary routine.

Israeli authorities take action to minimize the Palestinian presence in the West Bank. They impose a virtually complete ban on construction and development in land designated Area C under the Oslo II Accord, which covers nearly 60 percent of the West Bank and encompasses almost all Palestinian land reserves. A particularly brutal manifestation of this policy is the way Israel acts towards the dozens of semi-nomadic communities living throughout Area C, as Israeli authorities expel, or try to expel residents from their homes and the areas in which they live.

Israel’s policy clearly demonstrates that the state does not view the occupation, fast approaching the half-century mark, as temporary. Over the years, the settlements have effectively become part of Israel’s sovereign territory. Although Israel has thus far avoided formal annexation (except in East Jerusalem), it has worked in many ways to virtually erase the Green Line for its citizens, while concentrating the Palestinian population in 165 “islands” (Areas A and B) – non-contiguous enclaves that cannot thrive. This parallel movement, of Israeli settlers moving in and taking over more and more West Bank land Palestinians being pushed aside, has been a stable mainstay of Israeli policy in the West Bank since June 1967, with all Israeli legislative, legal, planning, funding and defense bodies working towards that end.