



LAND DISPUTES IN THE OCCUPIED TERRITORIES

An Information Leaflet for Palestinian Residents of the West Bank, October 2008

At the end of this document, you will find a list of telephone numbers for relevant bodies and human rights organizations which you can consult for assistance.

The aim of this document is to advise Palestinians on how to react when their property rights are infringed by invasion and by land disputes with Israelis, and to inform them of the obligations of the military authorities, the police, and the courts of law to protect their rights.

The Rights of Palestinian Residents

Every Palestinian has the right to property and the right to defense of his proprietary rights. The Israel Defense Forces (IDF) Military Commander is obliged to protect the property of Palestinians against incursions and damage.

These rights and obligations are anchored in Israeli law, in Israel Defense Forces (IDF) commands and directives, in International Humanitarian Law (the Hague Convention and the Fourth Geneva Convention) and in international human rights treaties.

Every Palestinian has the right to property, the right to earn a livelihood and the right to cultivate his or her land in safety. Every Palestinian has the right to demand that the Military Commander protect these rights which are stipulated in International Humanitarian Law (the Hague Convention and the Fourth Geneva Convention) and in Israeli law.

The Legal Obligations of the Military and the Police

- The Military Commander is obliged by law to protect the private property of the local inhabitants. They are obliged first to refrain from any action which causes damage to the property of local inhabitants, and second, **to act so as to ensure that the property of local inhabitants will not be damaged by others.**
- The police in the Occupied Territories, which works under the authority of the Military Commander, is obliged to maintain public order and to guard personal safety and property. The police is **responsible for preventing violent incursions into the lands of Palestinians, providing aid to inhabitants whose land has been invaded and interrogating and charging intruders and trespassers.**

- These obligations are specified in International Humanitarian Law (The Hague Convention and the Fourth Geneva Convention), in Israeli law, and in military regulations.

What to do if your Land has been Trespassed

During the incident:

- If you are present during the incursion or trespassing incident, summon the aid of the security forces, who are legally bound to restore order and to investigate the incident. You can contact the police through Emergency Hotline 100 from a mobile phone or at a district police station. The regional military forces can be contacted through the regional Coordination and Communication Administration (CCA) (see telephone numbers below).
- It is of the utmost importance to record the incident in full and precise detail. It is also important to preserve and hand over to the police all of the documentation relating to the following:
 - Identity of suspects, number of suspects, their names, physical descriptions, any other identifying details including the type of vehicle they drove and its license number; whether you could identify them in person if required;
 - Precise date and time of the incident;
 - Exact location of the incident;
 - Circumstances surrounding the incident, including a detailed description of the injuries and damage caused (it is advisable to photograph these)
 - Whether armed persons were involved, and identify them insofar as possible;
 - Response and behavior of military forces and the police at the scene (did they or did they not intervene to defend the person being attacked, and what action did they take against the assailant).
 - Additional witnesses, including soldiers and police officers;
 - Further evidence which can be provided by other people or in other locations;
 - And photographs of the event, of the suspects and/or of the damage caused.

Filing a Complaint with the Police:

- Whether you discovered the incursion after the event or were present while it was happening, you should file a complaint with the police as quickly as possible. Despite the directives of the Israeli Supreme Court and of International Law, many of the complaints submitted to the police do not lead to prosecution; however, by filing a complaint you can deter the intruders and collect documentation and evidence to support your case if a land dispute develops. When filling a complaint, it is recommended that you seek the assistance of human rights organizations such as Rabbis for Human Rights, Yesh Din or B'Tselem (see telephone numbers below)

- Complaints can be filed with the Palestinian CCA, which is required to pass them on to its Israeli counterpart, or with the Israeli authorities. If possible, it is recommended that you go to a police station to do so.
- **It is recommended that the complaint be filed by the landowner along with copies of documents attesting to your rights to the land (registration of property tax, succession order, land registration) as well as a surveyors' map, if one exists.** Although the police often claim that provision of documentation is the precondition for acceptance of a complaint, the law does not stipulate such a condition. **The police are legally bound to accept the complaint and to deal with it, with or without documentation.** However, in order to expedite processing of the complaint and to ensure its effectiveness, it is advisable to provide copies of all relevant documents.
- The success of the investigation depends on the existence of unequivocal evidence and testimonies about the perpetration of the offense. Therefore, it is vital to preserve and submit all of the documentation you have to the police – photographs and other records of the damage caused during the incursion and means of identifying the offenders whenever possible.
- It is your right for your testimony to be taken and recorded in Arabic.
- Before signing the testimony at the police station, ask to read the complaint as recorded or to have it read to you.
- Ask for written confirmation of submission of the complaint.
- Keep a copy of every document submitted to the police and of the main points of your testimony.

Self-Assistance (up to 30 days from the date of the incursion)

- Under military law (Order No. 1472 regarding landed property, "Expulsion of Intruders"), if an individual invades your land, you have the right, **within 30 days of the incursion**, to evict him from the area and to remove any object which interferes with your use of the land, while employing reasonable force. **However, this right can be enforced solely on condition that you have received prior approval from the police chief in your district of residence** (see telephone numbers below), who may also give orders to provide a police escort for this action, and **from the CCA in your district.**
- If you contacted the police within less than 30 days of the date of the incursion for help in evicting the invaders, **the police are obliged to assist you in restoring the previous situation. The police are not authorized to clarify the question of ownership of the land;** in accordance with a High Court ruling, you need to

prove to them only that you were the holder of the land before the incursion, and that the incursion onto your land took place.

- If you have filed an intervention to a court of law within 30 days of the incursion, the time-count is suspended, and the invaders can be forcibly evicted with the authorization of the security forces even after 30 days.

Filing a Complaint against Disruptive Use of Land (up to three years from the date of incursion)

- If someone invades your land once or regularly, or carries out such activities as installing fences, tree-planting, digging, grazing sheep, etc., you can appeal to the Civil Administration through the CCA and request that it take steps to remove the disturbance by force of Order No. 1586 regarding landed property (Intrusive Use of Private Land). According to this order, the Civil Administration is authorized to remove the invaders and any related obstruction on your land after cautioning intruders and hearing their version of events.
- Requests of this type should be submitted to the CCA up to three years from the date of the incursion.
- It is advisable to append to your request documentation and photographs of the illegal activities carried out on your land.
- It is advisable to consult with a human rights organization: Yesh Din, Rabbis for Human Rights, B'Tselem for assistance in submitting the request (see telephone numbers below).

Requesting Resolution of Land Disputes

- If you are denied access to your land on a regular basis, or your land is invaded and your cultivation activities are disrupted on a regular basis, you can contact the Civil Administration to request that it resolve the question of land ownership. If the Civil Administration decides that your rights prevail, a closure order will be issued which will prohibit Israelis from accessing the land.
- For the dispute to be resolved, you must submit copies of all documents relating to the land rights to the relevant CCA representative (the landowner should keep the original documents). It is advisable to hand over copies of all documents in your possession, including registration of land tax, succession orders, and land registration. If the landowner possesses a surveyors' map, it is advisable to submit a copy.

- Ask for written confirmation of submission of the documents and the name of the individual who received them. If this is not provided, document the details of that individual and the date of submission.
- It is advisable to contact a human rights organization – Yesh Din, Rabbis for Human Rights, B'Tselem – or a private lawyer to accompany you, and perform follow-up and documentation of the “land dispute” (see telephone numbers below). The organizations will require:
 1. Testimony of the landowner including:
 - a. Name of the landowner;
 - b. Details of the incident wherein access was denied;
 - c. Identity of the settler/settlers who claimed rights to the land and the nature of the claim;
 - d. And the date and time the documents were submitted to the CCA and to whom.
 2. Copies of all land title documentation. If the land is registered in the name of a deceased individual, it is advisable to append records of inheritance/purchase, if these exist
 3. A photocopy of the landowner’s identity card.
 4. Copies of complaints filed with the police, letters sent to other bodies regarding this land in the past, and the responses received.
- The Legal Adviser of the Judea and Samaria Region's Land Department has the authority to resolve the dispute. As noted, if it is decided that your rights take preference, a closure order will be issued which will ban Israelis from entering the area.

Seeking Recourse through an Israeli Court of Law

- You can petition the Israeli courts and file a civil claim against trespassers and invaders. To do this, it is advisable to consult with human rights organizations (see telephone numbers below) or a private lawyer for assistance with the claim.

In Conclusion:

- You have the right to land ownership.
- The army must respect your right and ensure that you can realize it.
- Various measures which can be invoked against incursions, including the filing of complaints, **must be carried out immediately once you discover the incursion. A delay in filing a complaint/request/claim can result in the invaders acquiring legal title to the land.**

- In the event of incursion or harassment on your land, you have the right to contact the police and the military (through the CCA).
- Security forces are obliged to take action against the invaders, to protect your right to cultivate your land, and investigate the incident.
- You can consult human rights organizations to realize your rights.

CONTACT INFORMATION

Coordination and Communication Administrations

The Civil Administration Humanitarian Center, Telephone: 02-9977733, 02-9977081, 02-9977395

CCA Hebron, Telephone: 02-9967215, 02-9964360 Fax: 02-9962254

CCA Etzion/Bethlehem, Telephone: 02-9934010, 02-5485369, Fax: 02-5485370

CCA Abu Dis, Telephone: 02-2799520, Fax: 02-2797920

CCA Jericho, Telephone: 02-9943305, 02-9943894, Fax: 02-9943305

CCA Ramallah/Salfit, Telephone: 02-9970284, 02-9970285, Fax: 02-9974693

CCA Beit El, Telephone: 02-9977747, 02-9706444, Fax: 02-9977337

CCA Kalkilya, Telephone: 09-7759217, 09-7922359, Fax: 09-7922331

CCA. Nablus, Telephone: 02-5486214, 02-5486217, Fax: 02-5486218

CCA Tulkarm, Telephone/Fax: 09-8948803

CCA Jenin, Telephone: 04-6407312, Fax: 04-6407315

Police

Police – emergency center 100 from a cellular phone

Hebron District, Telephone: 02-9969444, 02-9963894, Fax: 02-9964605, 02-9964413

Shomron District/Ariel, Telephone: 03-9065444, 03-9065410, Fax: 03-9065454, 03-9065436

Benjamin District, Telephone: 02-9706444, Fax: 02-9706440

Ma'aleh Adumim Station, Telephone: 02-5358444, 02-5358409, Fax: 02-5358440

Military Departments

The Legal Adviser for Judea and Samaria, Telephone: 02-9977071, Fax: 02-9977326

Police Investigation Branches – Complaints against Soldiers

PIB Judea and Samaria (North West Bank), Telephone: 03-9575054

PIB Jerusalem (South West Bank), Telephone: 02-5842603

Help Lines – Human Rights Organizations

The Association for Civil Rights in Israel (ACRI), Telephone: 02-652-1218, Fax: 02-652-1219

Hamoked- The Center for the Defense of the Individual

Emergency hotline: 02-6283555, 02-6264438, 02-6271698 Fax: 02-6276317

Rabbis for Human Rights, Telephone, 02-648-2757, 050-5607034 (Rabbi Arik Asherman), 050-2103982 (Zachariah Sadeh), 050-2110639 (Rabbi Yehiel Greinman), Fax: 02-5662815

B'Tselem – The Israeli Information Center for Human Rights in the Occupied Territories, Telephone: 050-5465277 (Najib), Fax: 02-6749111

Yesh Din – Volunteers for Human Rights (24 hours)

Assistance with filing complaints and follow up: Azmi Badir (North West Bank) 054-4608524 and Muhanad Anati (South West Bank) 054-6720966

This leaflet is a publication of the Association for Civil Rights in Israel (ACRI).

The Association for Civil Rights (ACRI) in Israel is Israel's leading human and civil rights organization and the only one that deals with the entire spectrum of rights and liberties in Israel and the Occupied Territories. ACRI works to defend the rights of all through three parallel channels: litigation and legal intervention, education, and public outreach.