

October 28, 2010

To:
Maj. Gen. Avi Mizrahi
OC Central Command
By fax: 02-530-5741

Brig. Gen. Nitzan Alon
Commander of IDF Forces in Judea and Samaria
By fax: 02-997-0436

Dear Sirs,

Urgent

Re: Preventing vandalization of Palestinian olive groves and urgent request for meeting

1. We hereby **request you take urgent action employing all possible measures to guarantee Palestinian residents of the West Bank are given full protection against violation of their property and in particular protection against olive theft and vandalization of olive trees during the harvest season. Among other things we request you act immediately to deploy permanent forces at known trouble spots as shall be detailed below.**
2. This request follows a large number of grave incidents that occurred in the last month, which indicate a rise in the violence of Israeli citizens against Palestinian property, and which culminated in the arson of hundreds of olive trees in the Gilad Farm area on Friday, October 15, 2010. We are aware of the many missions facing the army and the police during the olive harvest, but the obligation to deploy in advance to protect Palestinians against violation of their property is basic and inseparable from the other obligations of the security forces, especially considering the severity of the incidents that will be described henceforth and their grave consequences for many aspects of the lives of the Palestinian residents. The lack of response to these incidents is especially grave considering the fact that we warned you repeatedly of similar violations that occurred in trouble spots such as Gilad Farm. Yet, the results on the ground indicate that the response given by IDF forces was inadequate, to put it mildly.
3. In the last month there was a large number of incidents in which olives were harvested and stolen and many trees were vandalized and harmed.
4. The peak of these violent events was on Friday, October 15, 2010 when Israeli citizens set fire to a large number of olive trees belonging to the residents of the villages of Fur'ata and Tell. The Palestinian fire department and the grove owners estimate the number of vandalized trees in the hundreds. Your failure to prevent such vandalization of Palestinian property is extremely grave in its own right. Moreover, reports of the incident indicate that the trees were set on fire **right in**

front of IDF forces who were present on the site, without the latter lifting a finger to stop the arson, while preventing the Palestinian fire services from accessing the olive grove to extinguish the fire and delaying several Palestinians who rushed to the site to try to rescue their groves.¹

5. The incident described above, as grave as it may have been, was not an isolated event but is part of a continuum of grave and constant acts of violence against Palestinian property, as detailed in the following incomplete list of events:²

Date	Place of incident	Nearby settlement	Description of incident
September 21-22, 2010	Burin	Bracha/Yitzhar	Israeli civilians seen descending from Bracha harvested olives. Military forces who came to the scene found sacks of olives on the ground.
October 9, 2010	Burin	Bracha/Yitzhar	Israeli civilians attacked Palestinians trying to pave a road and cut down 12 olive trees.
October 10, 2010	Burin	Bracha/Yitzhar	Israeli civilians attacked farmers on their way to the east side of the Bracha area.
October 12, 2010	Burin	Bracha/Yitzhar	Israeli civilians attacked harvesters from Burin. Military forces arrived after some time.
October 16, 2010	Burin	Bracha/Yitzhar	Clash with Israeli civilians who uprooted 10 olive trees.
October 6, 2010	Hawara	Yitzhar	53 trees cut down in the Yitzhar area.
October 7, 2010	Hawara	Yitzhar	37 trees burned near Yitzhar intersection.
October 1, 2010	Deir Ammar	Talmon	Israeli civilians set fire to an olive grove while the harvesters were present.
October 2, 2010	Luban	Maaleh Levona	24 trees damaged.
October 6, 2010	Ras Karkar	Talmon	Israeli civilians stole tools from farmers from Ras Karkar and Deir Ammar.
October 12, 2010	Al-Janiya	Talmon	Olive theft.
October 19, 2010	Al-Janiya	Talmon	The branches of 25 ancient trees were broken.
October 1, 2010	Beitillu	Nachliel	Israeli civilians stole olive saplings.
October 4, 2010	Deir Ammar	Nachliel	35 olive trees burned on the way to Nachliel.
October 4, 2010	Hawara	Yitzhar	53 ancient olive trees uprooted.
Damage noted in early September; repeat check on October 1, 2010	Jamma'in	Tapuach	Farmers who entered the land to check on the trees saw Israeli civilians with their flocks inside the olive grove; on the repeat check light damage to six olive trees was observed.
October 3, 2010	Al-Mughayer	Adei Ad	A number of incidents of olive theft and poisoning trees since May 2010.

¹ A detailed account of the arson incident on land adjacent to Gilad Farm appears in a letter from Rabbis for Human Rights from October 19, 2010.

² We would like to note that the incidents described here are based on initial information collected by human rights organizations and members of the olive harvest coalition and is under examination.

Date	Place of incident	Nearby settlement	Description of incident
October 11, 2010	Turmusayya	Adei Ad	Residents found 100 poisoned olive trees
October 5, 2010	Yanun	Itamar	Theft of olives from 17 trees and vandalization of trees.
October 6, 2010	Beit Lakif	Karney Shomron	Olives were harvested in the landowner's grove, and the proprietor and his employee were assaulted in the presence of soldiers
October 7, 2010	Qadum	Shvut Ami	50 olive trees were broken and sawed, about 200 were harvested
October 8, 2010	Awarta	Itamar	Branches of seven olive trees broken.
October 8, 2010	Turmusayya	Adei Ad	40 trees were uprooted
October 10, 2010	Deir al-Hatab	Elon More	Olive theft.
October 13, 2010	Deir al-Hatab	Elon More	Nablus DCO officers caught two Israeli civilians stealing olives from a grove.
October 10, 2010	Fur'ata and Amatin	Gilad Farm	Olive theft.
October 12, 2010	Fur'ata	Gilad Farm	The olives from a whole grove were harvested and stolen.
October 15, 2010	Fur'ata and Tell	Gilad Farm	Hundreds of trees in a 500,000 m ² area burned.
October 11, 2010	Yanun	Gideonim (Itamar)	Hundreds of trees harvested. Civil Administration estimates 300 trees harvested.
October 12, 2010	Al-Khadr	Neve Daniel	Israeli civilians entered Islam Jaber's land and threatened him. A military force arrived and evicted the Palestinians .
October 12, 2010	Jubbet al-Dhib	Nokdim/Zeibar	Israeli civilians prevented a Palestinian land owner from accessing his land near the outpost, the army came and let him through about two hours later.
October 13, 2010	Jubbet al-Dhib	Nokdim/Zeibar	In revenge for the events of the previous day, a settler led his flock onto the land next to Mubarak's home.
October 13, 2010	Mikhmas	Ma'ale Michmash	Israeli civilians burned trees, threw stones and beat the land owner.
October 18, 2010	Al-Sawiya	Rechelim	Olives were harvested and stolen from 18 trees.

6. As noted, the phenomenon of vandalizing Palestinian olive groves is not new and is well-known to you. This phenomenon escalates every year in the months leading up to the olive harvest and during it. We have been repeatedly warning of such vandalization of Palestinian property for a long time and repeatedly demanding that the security forces deploy accordingly, at least in the known trouble spots, to fulfill your duty of protecting the law and security in the area, as

- well as protecting the rights of the protected residents of the occupied area. ACRI and Rabbis for Human Rights have sent many requests to you on this matter: see ACRI letter of June 7, 2009, and letters from Rabbis for Human Rights on the following dates: May 11, 2010, October 15, 2009, October 19, 2010, August 31, 2010 and September 20, 2010, and a letter from Yesh Din's public council from October 10, 2010. Yet, despite the aforementioned extensive correspondence and our repeated warnings, the grim results prove time after time that the measures taken by the security forces did not provide an adequate response to the criminal acts described above, and the result is repeated vandalization of Palestinian property and the main source of livelihood of a large number of the residents.
7. The economy of the residents of the occupied territories depends to a considerable extent on olive crops as an exceptionally central and vital source of livelihood.³ The violations described above constitute a severe attack on the main source of livelihood of hundreds of families. The negligence of the military commander in fulfilling his duty to protect the sources of livelihood of the protected citizens is a direct and severe violation of their rights to live in dignity, to property and to maintain their lifestyles, their culture and their honor. The violation of those rights indirectly impacts on their ability to exercise other basic rights.
 8. It is the duty of the military commander to maintain public order and security in the area under his control (regulation 43 of the Hague regulations). International law emphasizes the duty of the military commander to guarantee the security of the local residents and in particular to defend them against violence and threats: "*Protected persons are entitled, in all circumstances, to respect for their persons, their honour... and shall be protected especially against all acts of violence or threats thereof...*" (article 27 of the fourth Geneva Convention). As the Supreme Court stressed: "*The defense of the safety and property of the local residents is one of the most basic duties incumbent upon the military commander on the ground*" (HCJ 9593/04 Rashed Murad v Commander of IDF Forces in Judea and Samaria, given on June 26, 2006). (Henceforth, the **Murad** case).
 9. The attorney general also repeatedly emphasized the concrete duties incumbent on the military commander as set forth in the **Murad** case.⁴ In his instructions to the defense minister he notes that: "This decision (the Murad ruling, M.B.) requires the security establishment and the Israel Police to make meaningful decisions to change the prevailing situation in accordance with the principles outlined by the Supreme Court." Among other things it instructs to "undertake staff work shortly with the goal of realizing the directives of the Supreme Court, and I especially ask you to **pay attention to the way that the recommendation to reinforce the forces responsible for law enforcement in these areas is implemented**" (emphasis added, M.B.).
 10. Yet, despite the clear ruling and the subsequent directives, the reality on the ground shows that Israelis civilians continue to engage in grave violent attacks against the property of the Palestinian residents who live near them, while the

³ For current report see: The Road to Olive Farming, Challenges to Developing the Economy Of Olive Oil in the West Bank, Oxfam, 2010.

⁴ See attorney general letter to the defense minister, entitled: Enforcement of the Law in the Territories upon Israelis -- HCJ ruling in the Murad case, from July 16, 2006.

- parties responsible for preventing such acts and enforcing the law are helpless. This situation requires the immediate deployment of the security forces to defend the Palestinians at friction points that are already known now. The current situation by which military forces arrive at the scene of an incident and respond only ex post facto is inadequate.
11. Past experience proves that when a permanent military force is deployed around settlements and outposts designed for trouble -- as was done last year around Gilad Farm from one month before the harvest and throughout it -- the level of attacks on Palestinians and their property drops sharply. Therefore the obvious solution is the one that has already been tried successfully and proven effective and practical, namely the permanent and reinforced presence of police and security forces at such points. Additional measures must also be undertaken, as can be learned from the experience gained in similar cases regarding similar violations committed in Israeli territory.⁵
 12. Considering the fact that no adequate response has been offered yet to the violence of Israeli civilians against Palestinian property, and considering the concern (that has already materialized) that the level of violent attacks will escalate in the near future, we are asking you to take a number of necessary measures immediately, including:
 - a. **Deploying permanent police and security forces at known trouble spots and reinforcing existing patrols** in areas that suffer from recurring violent assaults by Israeli civilians, including (but not limited to): the villages near the settlements of Itamar, Yitzhar, Har Bracha, Elon More, and the outposts near Nablus, especially Gilad Farm; the villages around the settlements of Tapuach and Eli in the Salfit area and especially the outpost of Rechelim; the villages surrounding the settlements of Talmon, Nachliel and the outposts in the Ramallah district and especially Adei Ad; the villages around Maon, Susiya and the outposts of Maon Farm, Mitzpe Yair, Avigayil, Asa'el and other outposts in the South Hebron Mountain.
 - b. **Closing off areas where there is a risk Palestinians might be harassed** -- According to the principles set forth by the OC Central Command, upon which he reported as part of HCJ 9593/04, action should be taken to declare friction areas, including the land surrounding the villages and the areas listed in section a. above, as closed areas, to everyone but the land owners or people approved by them (like the extent of the criminal prohibition of trespassing). Action should also be taken for the

⁵ The importance of preventing such events can be deduced from the measures taken to protect Israeli property inside Israel. In an article in the newspaper Kav Lamoshav on January 14, 2010, Commander Yisrael Yitzhak describes the measures taken to prevent agricultural theft in Moshav Zechariah: "In the last two years the Border Police has even deployed the SWAT team, the elite unit of the Israel Police, and involves it in catching cattle thieves, even beyond the Green Line border, especially in the South Hebron Mountain. Among the forces the Border Police use is an undercover unit in Arab disguise, recruited to fight against cattle and sheep theft... we also use sophisticated measures including ambushes and helicopters... trackers managed to locate the theft and even detained the thief." The importance Commander Yitzhak attaches to these measures can be learned from the following comment: "We consider it of supreme importance to protect the livelihood and property of the farmers... those involved in the fight against cattle thieves do it with a great sense of mission."

enforcement of these prohibitions, including by preventing the travel of Israelis on the roads that lead to the friction areas.

- c. **Conveying clear orders to the commanders and soldiers acting in those areas as to their powers and duties of law enforcement upon lawbreaking Israeli civilians**, including their authority to detain and arrest Israelis suspected of committing criminal offenses, **and their duty to complain to the police of actions they witnessed or of which they learned**. Simultaneously, action must be taken to provide relevant evidence of such events to the investigative bodies: photographs from the settlement security cameras and the army cameras distributed in the area, and any other material that can serve the investigation.
 - d. **Initiating criminal proceedings against Israelis suspected of committing violent acts against Palestinians and their property**, including issuing judicial orders against suspects.
13. In light of all of the aforementioned, we request to be informed immediately how the relevant parties are preparing to guarantee the protection of the security and property of Palestinians in the West Bank in general and especially in the places listed above. We request to be informed what measures are taken, when and to what extent.
 14. We also ask you to launch investigations into the incidents described above, and especially we ask you to investigate the incident of burning the groves of the villages of Tell and Fur'ata on October 15, 2010 and the actions of the IDF forces who, according to testimonies, were present but did nothing to prevent what occurred right before their eyes, and to prosecute those responsible.
 15. We also ask you for an urgent meeting with us to discuss possible solutions and timetables for their implementation, in light of the urgent need to find specific solutions these very days, while the olive harvest is at its peak, as are the violent incidents that accompany it.

Sincerely yours,

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