**The 12 Villages of Firing Zone 918 in the South Hebron Hills**

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This info-sheet was prepared together with Rabbis for Human Rights and with Breaking the Silence.

***Summary***

For over a decade, the residents of twelve uniquely traditional Palestinian villages in the area of Masafer-Yatta in the south Hebron hills have lived under the constant threat of demolition, evacuation, and dispossession. Israel had declared their area of livelihood a “Firing Zone” and in 1999 issued evacuation orders to remove the inhabitants of the villages, claiming that they are not permanent residents and ignoring their ancient culture of husbandry cultivation. The evacuation was halted by a interim injunction issued by the Israeli High Court of Justice (HCJ) in the year 2000 and in response to two petitions filed by the residents. Since then, repeated requests for extensions by the State Attorney’s Office prolonged the proceedings for many years, leaving the petitions pending with the interim injunction still in force. Recently, after years of stagnation, the case has reawakened leading the Minister of Defense to formulate an official position on the matter, which will be submitted to the Court by May 17, 2012. The State’s insistence on evacuation of Firing Zone 918 in part or in whole, if acceptance by the HCJ, might result in an immediate humanitarian disaster for almost two thousand souls, the destruction of villages, and the eradication of a remarkable way of life that has endured for centuries.

***Background – Firing Zone 918***

The area designated by the IDF as “Firing Zone 918” is located in the south Hebron hills near the town of Yatta.  Spread over 30,000 dunams, it includes twelve Palestinian villages, or hamlets: Tuba, Mufaqara, Sfai, Majaz, Tabban, Fakheit, Megheir Al-Abeid, Halaweh, Mirkez, Jinba, Kharuba and Sarura. According to OCHA figures, 1,622 people lived in the area in 2010, and according to local residents the number of inhabitants currently stands at about 1,800.

The residents of the twelve villages maintain a unique way of life, with many living in or beside caves, and relying on farming and husbandry of sheep and goats for their livelihood.  Most of them were born and raised in these villages to families that have been living in the area for several decades – long before 1967.  The historical existence of the hamlets is well documented, including in research endorsed by the Israeli Ministry of Defense [see Ya'akov Havakuk, Life in the Caves of South Hebron (1985, Israel Ministry of Defense)].

In August and November 1999 the majority of inhabitants of these twelve hamlets were served with immediate evacuation orders due to their “illegal dwelling in a fire zone”. On November 16, 1999 security forces arrived and evacuated over 700 residents by force. The IDF destroyed homes and cisterns and confiscated property.  The villagers, dispossessed of their lands and their livelihoods, were left homeless.

***Legal Proceedings – General***

In January 2000, the Association for Civil Rights in Israel (ACRI) petitioned the evacuation orders before the High Court of Justice on behalf of four families (HCJ proceeding 1199/99).  The families requested a interim injunction that would allow them to remain in their homes and retrieve their confiscated property or be reimbursed for property destroyed. In February 2000, an additional 82 residents, represented by Adv. Shlomo Lecker, petitioned the HCJ (HCJ proceeding 517/00), and in July 2001, 112 residents joined ACRI’s petition, raising the number of households challenging the evacuation orders to over 200. The Court joined these two petitions together and granted the requested interim injunction, allowing the villagers to temporarily return to their homes. Many residents had nothing to return to after the destruction, and security forces interpreted the interim injunction as narrowly as possible, allowing reentry only to the named petitioners and denying access to their relatives.

The villagers maintain that they are permanent residents of the villages. Security forces, on the other hand, argue that they are non-permanent, as some of them are seasonally nomadic. For security reasons, the IDF is authorized to remove persons from a firing zone or limit their mobility within the area, *except* in the case of permanent residents.  It follows that the IDF is attempting to remove these Palestinian residents from their land by characterizing them as non-permanent. While it is true that a small minority of the villagers spend six months working their land and six months outside of the area, security forces conveniently deny the significance of the six months of cultivation within the fire zone. If successful, this approach will lead to the forced removal of all residents from Firing Zone 918, possibly resulting in the de-facto annexation of this area by Israeli security forces.

In December 2002, the parties entered into mediation in order to determine the status of residents in the firing zone and arrive at an agreement. Within the framework of negotiations, the State offered to transfer the Petitioners to an alternate area. The Petitioners refused. In early 2005, after more than two years of negotiations, the mediation process ended unsuccessfully.

It should be noted that the legal proceedings have extended over twelve years, during all of which time the Palestinian residents of the twelve villages have lived under the threat of evacuation. At the same time, the communities have continued to live and work on the land, and have developed and expanded.

Furthermore, according to a 2005 report by B’Tselem ([“Means of Expulsion: Violence, Harassment and Lawlessness against Palestinians”](http://www.btselem.org/download/200507_south_mount_hebron_eng.pdf)) in the Southern Hebron Hills, the army no longer holds live-fire training in the firing zone. Moreover, the two main military bases located in and around the firing zone, Adasha Infantry and Um Daraj, have been closed down.  It follows that the “need” for Israeli security forces to take over this area and expel Palestinians from their homes becomes even harder to understand and justify.

***Legal Proceedings – The Palestinian villages of Sfai, Jinba, and Majaz and the DFID Humanitarian Project***

In parallel to HCJ proceedings 1199/99 and 517/00, Rabbis for Human Rights (RHR) submitted a petition on behalf of Palestinian residents of Sfai, Jinba and Majaz in 2005 (HCJ 805/05) against the demolition of 15 cisterns and a series of 19 restrooms which include cesspools that were built within the framework of the DFID humanitarian project launched by the British government. These structures serve 18 families (approximately 320 persons), the majority of whom reside in Sfai. The Petitioners requested an injunction nullifying the decision of the Subcommittee of the High Planning Council to demolish the said humanitarian structures and to initiate a planning procedure for the area which would allow, *inter alia*, the establishment of humanitarian structures there.  At the very least, the Petitioners requested an interim injunction calling on the Military Commander-in-Chief to consider their requests in the framework of negotiations between the sides.  The Petitioners noted that international humanitarian law places responsibility on the respondent authorities to ensure public order and safety in the area.

Security forces, the respondents in the above cases, argue that the establishment of the cisterns and cesspools is a violation of the Court’s decision of  March 29, 2000 (HCJ 1199/99 and 517/00), which calls upon Palestinian residents to preserve the status quo in Firing Zone 918 that existed at the time the evacuation orders were served.  The respondents interpret this decision to prohibit the establishment of new structures in the firing zone, including those used for humanitarian purposes. The petitioners assert that such an interpretation is both unfounded and fails to comply with international humanitarian law, for it does not stand to reason that when the Court issued an order allowing the villagers to return to their lands it also meant to deny them their most basic needs (access to clean water and sanitary conditions).  The cisterns and cesspools built in the framework of the DFID project ensure a basic standard of living for Palestinian residents; without these structures, a humanitarian crisis would surely arise.  The respondent’s assertion seems even more preposterous when one considers that twelve years have passed since the Court’s decision. Naturally, over such a lengthy period of time, the Palestinian communities have grown and their needs have changed accordingly.

***Recent Developments***

On 17 April 2012, the Court held a preliminary hearing on both the general-principal petitions (HCJ proceedings 1199/99 and 517/00 mentioned above) and on the specific humanitarian petition filed by HRH (HCJ proceeding 805/05). The State informed the Court and the petitioners that the Defense Minister had formulated his position regarding Firing Zone 918 and that the State’s complete response, based on that position, will be submitted to the Court within 30 days of the hearing (May 17).  The Defense Minister’s position will also determine the State’s response to the HRH petition (HCJ 805/05), which will therefore be submitted subsequently, by 3 June 2012.

On 22 July 2012, after several delays, [the State Attorney submitted a response to the Court](http://www.acri.org.il/en/wp-content/uploads/2012/05/Firing-Zone-918-Govt-Response-19July2012-ENG.pdf), based on a position formulated by the Minister of Defense, according to which “permanent residence will be prohibited” in most of the area declared as a firing zone. The meaning of this position is that the evacuation of 8 out of the 12 village – that is, the expulsion of some 1500 people from their homes. The Defense Ministry is offering to allow the residents of these 8 villages to cultivate their land and to herd their sheep on Fridays, Saturdays, and Jewish holidays, and also during two periods throughout the year, each a month long. The 4 villages that are not supposed to be evacuated according to the Defense Ministry’s position are small *khirbes* in the northwestern area of the firing zone – Tuba, Sarura, Megheir al-Abeid, and Mufaqara.

According to the response of the State Attorney’s Office, using this area as a firing zone is essential to maintain the “required capability of IDF forces.” However, using an occupied territory for a general need of this sort exceeds the authority of the military rule in this territory. According to international law, the occupying force may not use the occupied territory as it sees fit and is not allowed to use it for general military needs, such as “maintaining the capability of the forces.” The military commander must refrain from harming the rights and resources of the local residents unless it is essential for specific security needs that relate to military activity in the area. The State’s response did not describe any such specific need.

The evacuation orders issued to the Palestinian residents are based on the State’s claim that they are not permanent residents of the area and therefore are not supposed to be without a permit in the firing zone, which is in fact a close military zone. However, this claim completely ignores clear historic documentation, including Defense Ministry publications, that shows generations-long Palestinian settlement in these villages, previously only in caves and later on also outside of them. The State’s position ignores the fact that evacuating the residents from the area means the destruction of these historical villages and would leave entire families, including children and the elderly, without a roof above their heads. All of this contravenes Israel’s obligations towards the Palestinian population under its control in this area – both according to international law and Israeli law.

The Court instructed the petitioners to submit their response to the State’s position by 2 August 2012.

***Related Documents***

[The petition, HCJ 517/00 (in Hebrew)](http://www.acri.org.il/he/wp-content/uploads/2012/05/hit517.pdf)
 [The State Attorney’s response (translated to English), July 2012](http://www.acri.org.il/en/wp-content/uploads/2012/05/Firing-Zone-918-Govt-Response-19July2012-ENG.pdf)

***Related Articles***

The Telegraph | [Cave-dwelling Palestinian farmers facing eviction from homes](http://www.telegraph.co.uk/news/worldnews/middleeast/palestinianauthority/9263141/Cave-dwelling-Palestinian-farmers-facing-eviction-from-homes.html)
Haaretz | [A Toxic Attachment](http://www.haaretz.com/opinion/a-toxic-attachment-1.430833)
New York Times | [Israel Seeks Army Use of West Bank Area](http://www.nytimes.com/2012/07/24/world/middleeast/israel-seeks-army-use-of-west-bank-area.html?_r=2) (23 July 2012)
Haaretz |  [Israel orders demolition of 8 Palestinian villages, claims need for IDF training land](http://www.haaretz.com/news/diplomacy-defense/israel-orders-demolition-of-8-palestinian-villages-claims-need-for-idf-training-land.premium-1.453015) (23 July 2012)