
مجموعة الرقابة الفلسطينية



PALESTINIAN MONITORING GROUP

SPECIAL REPORT

Confiscation of Land in the West Bank, including Occupied East Jerusalem, since 01 January 2005

Since 01 January 2005, the Israeli military has issued over 150 military orders for confiscation of land in the West Bank, including Occupied East Jerusalem. Of these, the PMG has obtained 87, along with other documents, representing some 60 per cent of the total number of orders issued in 2005 and forming the basis for this report. Through its review of these documents, the PMG has determined that **over 13,350 *dunums* (3,337.5 acres) of West Bank land has been confiscated.**¹

The Israeli military has confiscated this land for a variety of purposes, including Wall construction, Israeli settlement expansion, construction of settler-only bypass roads, and establishment of Israeli military installations. Most recently, in mid-August 2005, the Israeli military issued orders to confiscate 1,585 *dunums* (396.25 acres) of land to the east of Occupied East Jerusalem for construction of the Wall around the Adumim settlement bloc. Additionally, at least 570 *dunums* (142.5 acres) of the land confiscated since 01 January 2005 has been seized – ostensibly on a short-term basis – as part of Israel’s evacuation of 4 Israeli settlements in the northern West Bank.

Israel’s confiscation of Palestinian land is not a new phenomenon. For decades, Israel has confiscated land in the Occupied Palestinian Territory to further its own policy objectives, at the expense of Palestinian rights. Confiscation of West Bank land enables the ongoing creation and expansion of Israeli settlements and makes way for an increased Israeli settler population in the West Bank – particularly in and around Occupied East Jerusalem. It enables the construction of

¹ This figure does not include all land that has been confiscated since January 2005. For example, unless noted, it includes only military orders whose number reflects that it is a 2005 order and it does not include additional land confiscated through amendments to orders issued before 2005. Included in the total figure listed above is an estimated 2,000 *dunums* (500 acres) of land in the Nablus District, for which affected residents have received a hand-written document noting the confiscation of their land, but not the actual orders. See *Nablus District* below.

Israel's Wall and Israeli settler-only bypass roads, which deny Palestinian civilians access to their land, sources of livelihood, and basic services, such as health and education. It undermines the territorial integrity of the West Bank and threatens the possibility of a viable Palestinian state. The recent land confiscation, however, also reveals Israel's **clear intent to consolidate control over almost all of the West Bank while it withdraws from the Gaza Strip and evacuates 4 Israeli settlements in the northern West Bank.**

International humanitarian law requires Israel, in its role as occupying power, to protect the private property of Palestinians.² Confiscation of private property is strictly forbidden except for military needs. Wall construction, expansion of Jewish settlements and construction of the road infrastructure that serves the settlements do not fall within this exception, so any land confiscation related thereto violates international humanitarian law. Circumstances on the ground cast serious doubt over Israeli claims that land confiscations attributed to military reasons are indeed for military purposes.

Note on Israeli Military Orders for Land Confiscation

Obtaining comprehensive, accurate documentation of Israeli land confiscation, as well as determining the purpose of the confiscation, is an arduous task (*see annex for a copy of a military order*).³ Owners of affected land do not always receive a copy of the military order and are sometimes unaware that their land has been confiscated.

In some circumstances, the Israeli military delivers to affected locales hand-written documents indicating that land has been confiscated and citing the number of the relevant military order, but fail to deliver the order itself. Therefore, one must often rely on estimates of the amount of land confiscated.⁴ Moreover, military orders are sometimes later amended, renewed or cancelled.

While an Arabic translation of the original Hebrew order is issued for most orders, these often contain errors – in some instances the amount of land confiscated or the affected locale is incorrect, or absent, in the Arabic version. Though some orders provide a specific reason for the confiscation, such as Wall construction, others cite only the vague reason of “military” or “security” purposes.

Land Confiscation by West Bank District

Jerusalem District

Since 01 January 2005, the Israeli military has issued at least 23 military orders for land confiscation in the Jerusalem District. The total land confiscated by these orders is 3,186.3 *dunums* (796.58 acres). Some 50 per cent of this land was confiscated by 4 orders issued in

² See, *inter alia*, Article 46 of the Regulations Attached to the Hague Convention (IV) Respecting the Laws and Customs of War on Land, of 1907, and Article 53 of the Fourth Geneva Convention.

³ Israeli military orders for land confiscation are organized in numeric sequence for each year. They enter into force on the date of signature and, usually, specify an expiration date. There is no discernible pattern of a correlation between the number of the order, its date of issue, or the affected locale.

⁴ Military order numbers, affected locales and amounts of confiscated land that are featured in this report are based on information obtained from the original Hebrew language military orders issued by the Israeli military. The PMG has noted any instances in which it has not relied upon the original Hebrew military orders.

August for construction of a portion of the Wall around the Adumim settlement bloc.⁵ In addition to these 4 orders, 1 other order, T/10/05, states that the land is being confiscated for construction of the Wall. The majority of the remaining orders state only that the land is being confiscated for “military purposes”. However, given the location of the land confiscated through many of these orders, it is clear that much of it is Wall-related confiscation.

Land Confiscation for Construction of the Wall around the Adumim Settlement Bloc

In mid-August 2005, 4 separate confiscation orders were issued for a total of 1,585 *dunums* (396.25 acres) of privately-owned Palestinian land to the east of Occupied East Jerusalem. The orders, which confiscate land from the Palestinian communities of Al Eizariya, Abu Dis, At Tur and Arab as Sawahira, are for construction of a portion of the approved Wall around the Adumim settlement bloc. The Wall in this area penetrates as much as 14 km deep into Palestinian territory in an area where the total width of the West Bank is just over 30 km. If completed, much more Palestinian land will be isolated on the other side of the Wall.

The approved route of the Wall in the area creates a pocket of territory around the Israeli settlement of Ma’ale Adumim, which completely surrounds and isolates Occupied East Jerusalem, and separates 250,000 Palestinian Jerusalemites from the rest of the West Bank. This pocket contains the land slated for the E-1 settlement plan, a proposed new Israeli settlement designed to connect Ma’ale Adumim with West Jerusalem. This same area is the last available space in Occupied East Jerusalem for much needed Palestinian natural growth behind the Wall. By constructing the Wall around this area, Israel is facilitating the eventual construction of this new 3,500-unit settlement, which can house some 15,000 new Israeli settlers.

Approximately 35 per cent of the Palestinian economy is dependent on Metropolitan East Jerusalem, which extends from Bethlehem to Ramallah. This metropolitan area is now broken into enclaves by the route of the Wall. The Jerusalem suburb of Al Eizariya lies at the centre of the national transportation axis connecting the entire West Bank with Jerusalem. Because of its position, Al Eizariya used to be an important centre of trade, but has now been rendered largely defunct by the Wall. These new confiscations in Al Eizariya and neighbouring villages and the impending Wall will only further the area’s economic isolation and decline.

The Wall around Jerusalem, particularly the Adumim Wall now underway, destroys the possibility of an integrated national economy, and thus the possibility of a viable and contiguous Palestinian state, by splitting the West Bank into two cantons and completely isolating Occupied East Jerusalem from the rest of the West Bank.

Ramallah District

Since 01 January 2005, at least 15 military orders have been issued for land confiscation in the Ramallah District. These orders confiscate some 1,770 *dunums* (442.5 acres) of land. One of these, T/70/05, specifies that the order, which confiscates 29.6 *dunums* (7.4 acres) of land, is to establish a “security area” around the Israeli settlement of Nahaliel, thus effectively expanding the settlement’s area by more than 20 per cent. The remaining orders state only that the land is being confiscated for “military purposes”.

⁵ Order nos. T/150-153/05.

Jenin District

Of the 87 orders and other documentation obtained by the PMG, 4 orders deal with land seized ostensibly for short-term use during Israel's evacuation of 4 Israeli settlements in the northern West Bank. These 4 orders confiscate 70 *dunums* (17.5 acres) of land in the Jenin District from 26 June – 24 August 2005.⁶ As of 11:00 on 24 August 2005, the Jenin DCO and village councils of affected locales report that they have not received any documentation renewing the military orders confiscating this land. An additional 500 *dunums* (125 acres) of land located near the Israeli settlement of Homesh have been confiscated for use during the evacuation (*see Nablus District below*).

Tulkarem District

At least 4 military orders have been issued in the Tulkarem District, confiscating 281.35 *dunums* (70.34 acres) of land.⁷ Nearly all of this land (279.3 *dunums*, or 69.83 acres) was confiscated in order to establish a “special security area” around two separate Israeli settlements: Avnei Hefetz and Einav.⁸ In addition to the order for confiscation of land around the settlement of Avnei Hefetz are military orders declaring the area a “closed zone” – similar to that established as part of the Wall regime – and prohibiting all construction. In so doing, Palestinian civilians are separated from significant swathes of land beyond that which has been confiscated.

Nablus District

On 21 June 2005, the Israeli military issued a handwritten statement announcing that a tour would be held on 25 June 2005 of land to be confiscated in the village of Burqa in the northern Nablus District. The statement indicates that 5 military orders for confiscation of this land have been issued and identifies their numbers, but residents have not received copies of the orders.⁹ One resident received a separate handwritten statement noting the confiscation order number of T/97/05 and outlining the procedure to receive compensation, should the owner choose to do so. It does not, however, list the amount of land confiscated.

According to Burqa Municipality representatives who attended the 25 June tour of the affected land, the Israeli military authorities guiding the tour indicated that the land was being confiscated for military purposes, most likely the establishment of 2 Israeli military installations. The first, located near the Israeli settlement of Homesh, would be established as part of Israel's evacuation from 4 Israeli settlements in the northern West Bank and, according to the Israeli military, would be temporary. Eyewitness reports indicate that the Israeli army has established a camp on this land and it was operational as of 21 August 2005. The second installation would be located near the Israeli settlement of Shavei Shomron and is slated to be permanent.

The Burqa village engineer who attended the tour places the land confiscated by the 5 military orders at approximately 2,000 *dunums* (500 acres), comprised of approximately 500 *dunums* (125 acres) of land near the Israeli settlement of Homesh and some 1,500 *dunums* (375 acres) of land near the Israeli settlement of Shavei Shomron. Some land affected by these orders and shown on the tour is owned by other area locales, including Bizzariya and Sebastia.

⁶ Order nos. T/103/05, T/109/05, T/110/05 and T/111/05.

⁷ Order nos. T/22/05, T/68/05, T/77/05 and T/91/05.

⁸ Order nos. T/68/05 and T/77/05.

⁹ Statement on file at PMG. The statement lists military order numbers T/97-99/05 and T/200-201/05. Given the sequencing of orders for 2005, however, it is likely that T/200/05 and T/201/05 should be T/100/05 and T/101/05.

Salfit District

At least 7 military orders have been issued for confiscation of some 702.27 *dunums* (175.57 acres) of land in the Salfit District.¹⁰ One of these orders, T/107/05, states that the confiscation is for construction of a road between the Israeli settlement of Etz Ephraim and the Wall. Military order number T/105/05 indicates that the confiscation is for construction of a road and checkpoint near the Israeli settlement of Ariel. Two orders, nos. T/33/05 and T/95/05, cite the reason for confiscation as construction of a “land barrier”, or the Wall. The 3 remaining orders state that the confiscation is for “military purposes”. However, given the location of the affected land along the Wall’s path, it is clear that the confiscation is Wall-related.

Bethlehem District

At least 9 military orders for confiscation of Bethlehem District land have been issued since 01 January 2005. One of these orders, T/75/05, was subsequently cancelled. The remaining 8 orders confiscate 1,606.2 *dunums* (401.55 acres) of land. Some 1,600 *dunums* (400 acres) of this land were confiscated for Wall construction.¹¹

Hebron District

At least 16 orders have been issued for confiscation of some 3,731.95 *dunums* (932.99 acres) of land in the Hebron District. Of these, 3 explicitly state that the purpose of confiscation is for the establishment of “special security areas” around 3 Israeli settlements (Pnei Hever, Adorah and Telem).¹² These 3 orders confiscate 226 *dunums* (56.5 acres) of land.

Two of the 16 orders, T/131/05 and T/133/05, specifically state that the purpose of the confiscation is for construction of a “security wall”. These 2 orders confiscate 578 *dunums* (144.5 acres). Given the location along the Wall’s path of other land confiscated, it is clear that a significant portion of the remaining land confiscated in the Hebron District is also Wall-related.

¹⁰ Order nos. T/05/05, T/31/05, T/32/05, T/33/05, T/95/05, T/105/05 and T/107/05. Two of the orders confiscate land from Deir Istiya in the Salfit District and Immatin in the Qalqiliya District, but list one total sum. Therefore, this figure includes some land from the Qalqiliya District.

¹¹ Order nos. T/85/05, T/86/05, T/132/05, T/135/05, T/136/05 and T/137/05.

¹² Order nos. T/67/05, T/93/05, T/129/05.

ANNEX:

The Israeli Defense Forces **Order Concerning the Confiscation of Land Number T/152/05**

In the framework of my authority as the commander of the IDF forces in the area of Judea and Samaria, and as I am of the opinion that this is necessary for military requirements, and in light of the special security circumstances prevailing in the region and the need to take necessary measures to prevent terror attacks, I hereby order the following:

Definitions

1. In this order

"The map": A map on the scale of 1:20000, signed by me and attached to this order, and which represents an integral part thereof.

"The land": The area marked in the colour red on the map, the total area of which is 809 dunums and is located in the lands of the village:

Abu Dis:

Bloc 4: Dhaher Alqarurit

Dhaher Aljabna

Manzal Ali

Batan Bashara wa Um Ash Shahilib

Bloc 6: Safah wad Abu Hindi

Um Rajn

Bloc 3: Al Halil

Assara

Almagri

Alqallah

Satah Alajazal

Arqab Almarah

Bloc 7: Sida, Alsawiya

Bloc 8: Arqub Aljamal

Land Confiscation

2. I hereby announce that the land will be confiscated for military requirements in order to erect the security fence in the area of Ma'ale Adumim on the lands of the Abu Dis village.

Possession

3. The land will be confiscated by IDF forces and sole possession over it will be transferred to the land officer of the command headquarters via the Staff Officer for Ministry of Defence Affairs at the Civil Administration.

Usage Fees and Compensation

4. Owners of the land and/or those holding it are eligible to submit a request to receive usage fees and/or compensation to the Jerusalem Envelope District Coordinating Office.

Notification

5. Copies of this order and the attached map will be handed over, as far as possible, by the Jerusalem Envelope District

Coordinating Office (DCO) to the owners of the land or those holding the land.

Publication

6. a. 1) Notification of issuance of this order will be brought, as far as possible, to the attention of the land owners or those holding the land, via posting at the Jerusalem Envelope DCO, at the site of the land and any other way found suitable.

2) The announcement will further include the date for the tour to be held by the Jerusalem Envelope DCO in order to identify the land.

b. Copies of this order and the attached order map will be deposited for the perusal of interested parties at the following locations:

- 1) The Jerusalem Envelope DCO.
- 2) Office of the Legal Advisor for the Region of Judea and Samaria.
- 3) Office of the Staff Officer for Ministry of Defence Affairs at the Civil Administration.
- 4) The officer responsible for Abandoned and Government Property at the Civil Administration.

c. A copy of this order and the order map will be posted on the announcement board of the Jerusalem Envelope DCO for a period of ten days from the time of publicizing the announcement, as noted in sub-article a.

Right to Plea

7. Owners of the land or those holding the land will be eligible to submit objections to this order, via the Jerusalem Envelope DCO or the Office of the Legal Advisor for the Region, within seven days of the tour.

Date of Validity

8. The validity of this order will be from the date of its signing and until 31 December 2008.

Name

9. This order will be called: "Order Concerning Confiscation of Land Number T/152/05 (Judea and Samaria), 2005.

_____ 2005

_____ 5765

Yair Naveh, Major General
Commander of the IDF Forces
In the Region of Judea and Samaria

[Unofficial translation]