



Lives and Livelihoods at Stake: Palestinians Again Confronted by Violence and Repression During the Annual Olive Harvest

Al-Haq is deeply concerned about the incidents of violence and repression faced by Palestinian farmers during the annual olive harvest. Every year in October, the olive harvest commences in the OPT. For centuries, it has been an integral part of economic and cultural Palestinian life, and remains an important source of livelihood for many Palestinian farmers. However, since the beginning of the Israeli occupation of the OPT, and particularly since the outbreak of the second intifada, West Bank farmers have been struggling to harvest their olives in the face of increasingly repressive measures taken by the Israeli Occupying Forces (IOF), and as a result of harassment and violence by Israeli settlers.

Palestinian farmers have, over the years, faced a series of impediments to their ability to properly harvest their olives during the olive season. Farmers are physically prevented from reaching their olive groves because of military checkpoints and the presence of the Annexation Wall, which separates many villages from their agricultural land. The IOF also imposes a permit system on Palestinians who wish to access olive groves located in closed military areas or behind the Wall. In these areas, the process of having to apply for permits, which are often denied, is a significant obstacle to the olive harvest. The IOF, furthermore, continues to confiscate hundreds of dunums of land and raze thousands of olive trees in order to build or expand Israeli settlements, and to continue the construction of the Annexation Wall.

Settler attacks on Palestinian farmers during the harvest have also intensified in recent years. These attacks often result in physical injury to farmers and damage to property, particularly the destruction of olive trees. A 2006 Israeli High Court of Justice¹ (HCJ) decision, which affirmed that the IOF is duty-bound to protect Palestinian farmers from settler attack and harassment during the olive harvest, and that it must refrain from actions that disrupt the harvest, has not been implemented. Thus, the harvest continues to be obstructed by the actions of the IOF and farmers face harassment and attack by settlers, which the IOF fails to effectively prevent or prosecute.

This year, the olive harvest season has been shorter than anticipated due to an extremely poor yield, which is the result of a dry winter coupled with the pervasive effect of discriminatory IOF water allocation policies that deny Palestinian farmers sufficient access to water resources. However, in spite of the fact that Palestinian farmers are therefore spending significantly less time

¹ Rashed Murad V Commander of IDF forces in Judea and Samaria HCJ 9593/04

harvesting their fields this season, Al Haq fieldworkers have nonetheless documented a troubling pattern of settler violence and IOF restrictions that have affected the harvest.

Settler Violence and Impunity

Incidents of settler harassment and attacks on Palestinian olive harvesters, which have taken place in previous years, have continued in 2009. The IOF have consistently failed, in breach of the 2006 HCJ judgement on the olive harvest, to prevent settler violence or to take adequate law enforcement measures to hold settlers to account for their crimes.

The following incidents of settler violence were documented this year:

- On July 21, in an olive grove in Bourin village, Nablus governate, two settlers were seen cutting down trees belonging to Muhammed Raja. Despite being alerted to the incident, and to the fact that the settlers had run away to the neighbouring Yitzhar settlement, personnel in two Israeli DCO vehicles and one IOF hummer failed to arrest the suspects or investigate the incident.
- On 28 September, in Bourin village, located near Yitzhar settlement, in Nablus governate, a farmer discovered that 97 of his 133 olive trees had been cut down. The farmer believes settlers to be responsible for the damage, as he had witnessed two previous settler attempts to destroy his olive grove.
- On 12 October 2009, near Wadi-al-Hasin, close to the settlement of Kiryat Arba' near Hebron, a group of 15 settlers stole olives gathered by farmers and international activists. After the settlers had thrown the sacks of olives on the ground and stepped on them, one of the farmers called the IOF police to ask for assistance. An Israeli Jeep arrived an hour later, but the officers did not do anything.
- Between 13 October and 20 October, settlers cut down more than 20 olive trees on land south-east of Yatta, Hebron governate, near Susiya settlement. The trees belonged to Palestinians from the villages of Yatta and al-Sammou'.
- On 14 and 16 October 2009, IOF soldiers threatened to fine Palestinian farmers from the village of Bourin for permitting international activists to assist and protect them while they harvested olives on land near the settlement of Brakha. IOF soldiers threatened to confiscate the

international activists' passports and to deport them if they did not leave the land. The farmers were threatened with fines of up to 5000 NIS if the foreign activists continued to assist with the harvest

- On 27 October, in Qaryout village, Nablus governate, near the settlement of Rah'el, around 50 settlers harassed and attacked two Palestinian families as they harvested their olives. The families had coordinated with the Coordination Office, the dates on which they would harvest the olives. Despite this coordination, the families arrived at their olive grove to find settlers on the land, accompanied by IOF soldiers. Settlers, in the presence of the IOF, attacked two Palestinian harvesters, who sustained injuries as a result of the incident.

As the Occupying Power, Israel has a duty under customary international law, specifically Article 43 of the Hague Regulations and Article 47 of the Fourth Geneva Convention, to ensure public order and safety in the territory it occupies and to protect the fundamental rights of the civilian population. Furthermore, under international human rights law, Israel is obliged, according to Article 26 of the International Covenant on Civil and Political Rights, to ensure that all persons are entitled, without discrimination on any ground, to equal protection before the law.

The IOF's failure to provide sufficient protection to Palestinian farmers from settler attacks and as such, to safeguard farmers' safety and their right to harvest the land, is a breach of Israel's international legal duties. Despite the HCJ's affirmation of Israel's obligations under international law, the protection provided to Palestinian olive harvesters continues to be limited and insufficient to stop extensive destruction of olive trees, or to effectively protect Palestinian farmers from harassment and attacks.

The extent of inaction by the IOF, particularly when security forces and police are present but stand by and fail to intervene in settler harassment of Palestinians, or when Palestinian farmers are denied access to land where settlers are present on the basis of "security grounds", amounts to a clear facilitation of settler violence and makes the IOF complicit in settler crimes.

Moreover, the IOF's failure to document, investigate, and prosecute instances of settler violence against Palestinians amounts to a failure by Israel to ensure that Palestinians benefit from equal protection under the law. As settler communities enjoy effective law enforcement by IOF police and military forces, Palestinian farmers are denied the same levels of protection against incidents of violence, theft, and vandalism. The IOFs refusal to allow international observers to accompany Palestinian farmers during the harvest effectively denies Palestinians other means of protection, including the opportunity to document incidents and provide evidence for effective prosecutions. Israel's failure to ensure non-discriminatory rule of law in the OPT ultimately results in a situation of impunity

for settlers, where they fail to be discouraged from committing similar criminal acts.

Land Confiscation and Access Restrictions

Following patterns similar to those of previous harvests, incidents where the IOF have restricted Palestinian farmers' access to their olive groves have continued in 2009. Wall gate closures and the imposition of permit systems have significantly curtailed the ability of Palestinian farmers to access their land, tend to their trees, and harvest their crops. In addition, the IOF continues to issue land confiscation orders, thus increasing the appropriation of privately-owned agricultural land, including olive groves. The following are examples of incidents documented in 2009:

- In May and August 2009, the Commander of the IOF in the West Bank issued confiscation orders for 265 dunums of agricultural and forested land, including many olive groves, belonging to residents of the village of Ya'bad, Jenin governate. There are no Israeli settlements or military posts near the area and the IOF objectives for the confiscation orders are not yet known. The confiscation orders are being challenged in an Israeli court.
- On four occasions between 18 October and 22 October, the IOF prevented farmers and international activists from harvesting olives in Wadi al-Reesh, near the settlement of Bat Eyn in northern Hebron. On the mornings of 18 and 19 October, farmers and activists harvested olives for one hour before the IOF forced them to leave the land at 7:00 am. On 20 October, upon arriving at their lands at 6:00 am, the IOF prevented access to the land. The farmers and international activists returned to olive grove on 22 October and worked for one hour before the IOF forced them to leave. On this occasion one Israeli activist and one Spanish activist were beaten by the IOF.
- On 10 October 2009 in Wadi Ahmad, Bethlehem governate, the IOF removed a Palestinian farmer from his land while he was harvesting olives. The farmer was told he could not harvest because he did not have a permit. On 11 October, the farmer and another Palestinian family returned to land with international activists. The IOF refused to open the wall gate and told the harvesters they were not allowed to enter. Between October 13 and October 26, the farmer and his family attempted to go to their land on ten occasions, but were allowed permission to enter only five times.
- On 11 October 2009, 400 residents of Beit Sourik, north of Jerusalem, were prevented from tending to their land and harvesting their olives when IOF soldiers refused to allow them through Annexation wall gate #6062,

denying them access to their property. The lands, located near Aradar settlement, were isolated from the village by the construction of the Annexation wall in 2004. Three villagers attest that since December 2008, in spite of numerous requests, the IOF have refused to grant them permission to cross through the wall gate and access their lands. As a result, they were unable to harvest their olives this year.

Under customary international law, specifically Article 46 of The Hague Regulations and Article 53 of the Fourth Geneva Convention, Israel is prohibited from confiscating and destroying private property. Attempts by Palestinian landowners to legally challenge land confiscation orders in Israeli courts are largely unsuccessful, as past precedent routinely demonstrates. Israel justifies its actions in these cases by relying on a pretext of military necessity, whereby the IOF's confiscation of agricultural land in the OPT and the resulting appropriation and destruction of Palestinian olive groves is not sanctioned, but is effectively endorsed by law.

As the Occupying Power, Israel has also failed to observe its international legal obligations under Article 52 of the Fourth Geneva Convention, which prohibits any actions aimed at creating unemployment or at restricting the opportunities offered to workers. In addition, Israel's actions violate a number of fundamental human rights, including Article 12 of the International Covenant on Civil and Political Rights guaranteeing freedom of movement, and Articles 6 and 15(1)(a) of the International Covenant on Economic, Social and Cultural Rights, which safeguard the right to work and the right to take part in cultural life.

Under the pretext of security, the IOF has implemented closures in many parts of the OPT, effectively barring Palestinians from accessing their lands and restricting their right to work. To circumvent the harsh effect of such closures, the IOF operates a permit system, which in theory, should allow farmers sufficient access to their lands to complete the harvest. Current practices demonstrate the significant difficulties Palestinians have in obtaining such permits. In the few cases where permits are obtained, they are issued for very limited periods during the harvest season. As a result, Palestinian farmers are not able to tend to their lands throughout the year and, if they eventually succeed in acquiring a permit, they are allotted only a few days during the harvest season to collect olives. These limited collection periods severely impede farmers from realizing the full potential of their land and their crops. As a consequence of the forcible neglect of their groves, large areas of Palestinian land remain unharvested or under-harvested, which further contributes to the overall economic paralysis of Palestinian life.