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Who are we?

Since its inception over 42 years ago, the Jerusalem Legal Aid and Human Rights Center (JLAC) has formed a specific and specialized niche for itself; that of rendering legal aid to vulnerable communities in combating human rights violations. JLAC has since become a key and major player in certain interventions; undertaking pro-bono legal cases related to house demolition, forced displacement, land confiscation, and more recently settler violence.

Without JLAC's services, victims would face costly private sector fees compelling them to forfeit their claims. JLAC, more recently, has coupled its legal aid rendered to individuals with; public interest cases, legal reform, community awareness, advocacy, among other interventions.

Our Vision

A free Palestinian society in which human dignity is valued and secured.

Our Mission

To combat all forms of human rights violations regardless of perpetrating authority, through; facilitating access to justice, lobbying and advocacy, mobilizing social capital, and high professionalism.

The Palestinian Human Rights Organizations Council calls for immediate and firm opposition to the Israeli legalization of land confiscation

The Israeli Parliament has supported a land confiscation bill in preliminary and first readings. This bill, if passed, will legalize around 4000 outposts established on 55 settlement locations in various areas in Area C which represents 60% of the total size of West Bank and falls completely under Israeli control. The Israeli government mentions overtly that legalization of land confiscation is the second political coup in Israel after the first political coup that took place in 1977 in which a right-wing coalition supporting settlement activities came to power.

Naftali Bennett, leader of the Jewish Home party and Minister of Education in the Netanyahu-led government, considers the law to be "a primary step to shift from the two-state solution to annexing the West Bank and imposing sovereignty on land without the population". This means that apartheid can be legalized through imposing a set of laws on two different categories of population residing in the same area and through granting privileges for those whose residency in the area is considered a constant violation of the international humanitarian law, UN resolutions and the ruling made by the International Criminal Court regarding the annexation wall in 2004.

Since 1967, the Israeli occupation forces have been confiscating Palestinian lands through what is known as military orders. Although the Israelis have been literally controlling Palestinian private property through banning Palestinians from using it, they haven't been able to legalize land confiscation to make room for settlements. Hence, not only does the land confiscation law legalize seizing Palestinian property but it is also considered a step to legalize the annexation of the occupied land. It's worth-mentioning that this law is being organized by

the Israeli parliament, which means that land confiscation is not a military order anymore. Furthermore, Land confiscation and the mandate of the Israeli parliament on occupied territory are a grave breach of the customary international law.

The aforementioned law is an unprecedented piracy law in the human history since a UN member state sponsors land theft crimes committed by its citizens with support from governmental bodies in terms of political and financial aid, services and tax exemption.

Not only is this law considered a grave breach of the Hague Convention (article 26) and a violation of the Treaty of Rome as it is based on confiscating privately-owned land by the occupying power and granting it to its citizens, but it is also a grave breach of the Hague Convention of 1907. Article 47 states that "Pillage is formally forbidden" while article 55 states that "the occupying state shall be regarded only as administrator and usufructuary of public buildings, real estate, forests, and agricultural estates belonging to the hostile State, and situated in the occupied country. It must safeguard the capital of these properties, and administer them in accordance with the rules of usufruct". Furthermore, Geneva Conventions, especially the fourth, banned pillage, confiscation of property owned by citizens of the occupied territory, settlement activities and transfer of civil citizens of the occupying state to the territories it administers. Consequently, the above-mentioned law is seen as a war crime.

The Charter of the United Nations and the two international covenants on political, civil, economic and social rights guarantee the protection of private property. The Israeli law contradicts also with the Universal Declaration of Human Rights of 1948. In addition, it violates the UN and General Assembly

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resolutions regarding the illegality of settlements and the call for halting such activities and dismantling existing settlements in occupied territories.

This Israeli law comes in the shadow of unprecedented Israeli escalation represented in forced displacement of Palestinians residing in Jerusalem and Area C. According to the Office for the Coordination of Humanitarian Affairs (OCHA), the Israeli authorities have demolished 885 homes or structures owned by Palestinians in the first three quarters of 2016, displacing 1247 Palestinians. This represents the highest number of structures demolished in one year in the Palestinian territories since OCHA started monitoring demolition in 2009.

It is time for the international community in general and for the Arab countries in particular to take a brave stand. The Israeli settlement activity is not only an obstacle before peace and the two-state solution, but it's a crime that necessitates sanctions and prosecution.

The Palestinian Human Rights Organizations Council condemns the Israeli law and calls for:

- The United Nations, especially the Security Council, to issue an immediate resolution to halt the Israeli law and its consequences.
- All the parties supporting the two-state solution and what's called "the peace process" to protect their stand, especially that the "Road Map", which Palestinians

have been committed to, states that all settlement outposts should be dismantled. Yet, the Israeli government has been refusing to comply with this commitment for 12 years.

- The European Union to freeze the economic partnership agreement with Israel and to impose sanctions on it.
- The Arab League and the Arab countries which have signed peace treaties with Israel to immediately intervene against the Israeli violation of international law and against such discourteous challenge to the international community.
- The Palestinian leadership to intensify its international diplomacy, to freeze communication with the Israeli government and to consider the law a reason to denounce all agreements with the occupying power.
- The Palestinian parties to end their division. Since we, Palestinians, will have nothing left to compete over but some financial aid after the loss of our homeland. Such a situation requires a national unity program and an action plan to go through international and popular battles to protect our homeland.
- The Palestinian people to activate their popular struggle to defend their property and their right to movement, ownership, work, and life in dignity. Such rights are worth to be defended until the last breath.



A Prison Named “Beit Eskaria”

Written by the Human Rights Defender: Samar Shahin

I had never realized the suffering I endured in growing-up in in Beit Eskaria, an area known by Israelis as Gush Etzion one of the biggest Israeli settlement blocs in the West Bank, as the daily indignities were so engrained in my reality. I shall not write about the Israeli-imposed restrictions placed upon us who live behind walls, or the oppressive laws applied in area C in general, for a simple search on the web would generate lots of information about this. Indeed, restrictions such as prohibiting the expansion of Palestinian villages and the erection of livelihood resources as greenhouses and wells, or the high cost of water are matters that are pretty much well known. What is not known, however, is how we towards these indignities.

Here, children do not have a local school, and therefore must go on foot in the heat and the cold to the school in the nearby village of Beit Fajjar. Our children face the elements, threats from settlers, and exhaustion on the way to and home from school, while other kids are safely taken to school by their parents even if the school is a hundred meters away from home. I often thought, “Why do we not have our own school?” Our children do not enjoy social and religious holidays like other kids. The month of Ramadan and Al Eid, for instance, are passed alone without extended family and without lights decorating the streets, (assuming what we have may be considered streets given their decrepit state). Why can we not enjoy the same atmosphere of joy, or even that of sorrow for that matter, as the rest of society?

Why do Israeli soldiers constantly question us about our destination when we return from school or work? Where is the humanity in my sister and I, as children, being attacked by settlers while on our way home from school? Who gave them the right to beat her, and to push her to the point of dropping out of school as avoid such incidents?

What I do know is that this is our land and we have no other place to live. In addition, it is our duty to stay and to protect it. Otherwise, settlers will uproot the apricot, grape and pineapple trees, and they have done in the past. For they have the “right” to reach their settlements even if it means confiscating our land and paving it to make a road for themselves to get there, or for making a park for them to enjoy with their dogs. I know we have to remain steadfast and struggle for our existence; but sometimes I cannot understand why we have to go through such psychological torture.

I have never cared about my daily confrontations with Israeli soldiers along the Gush Etzion road, which I must pass through to go to university. In fact, I have often been driven

into debates with soldiers, with some escalating into real brown out disputes. My only goal in life was to be able to go and come as to graduate from university with a degree in my favorite subject. However, one year after I graduated high school, the second Intifada (Arabic for uprising) started and I began to feel the impact of our limited mobility. The Israeli occupation forces put in place a checkpoint before the entrance of our village and made new rules as to who is allowed to pass. The only people who were allowed to enter our village were those who were residents of the village and could prove so by showing their ID at the checkpoint.

Under these new “security” restrictions, walking near the Gush Etzion roundabout (where we ordinarily walk) became prohibited, as it became considered a threat to Israeli soldiers. I was not sure if the Israeli government endorsed those restrictions, but that was the prevailing opinion in my community. A scary precedence of young people be attacked in the area by Israeli soldiers began, and soon we feared nearing anywhere near there. Once, my mother and I were coming back from Bethlehem to our village and four soldiers surrounded us pointing their machine guns straight at us. They asked us to drop everything we were carrying on the ground and to show them our ID’s, and so we did. After checking our ID’s a soldier walked behind us, pointing his weapon to our backs, for almost 500 meters until he was sure we were headed away from the checkpoint. He turned around and went back to the check point at that point, but our trip back home was the longest 4 km walk of my life (as even if we had cars, they are not allowed past the check point). This anxiety is not just felt by me alone. My entire community suffers from the same movement restrictions.

The Palestinian Ministry of Education secured a for those students whom attend school in the villages of Nabi Zakaria and Beit Fajjar, as to mitigate the occurrence of attacks or stone throwing by Israeli settlers at the young children while walking home from school. However, Israeli soldiers, causing the children to often arrive late to school, are stopping the bus itself on a daily basis. High school students have been particularly impacted, as they have missed important exams. I did not have the opportunity to study in Nabi Zakaria School, since it was built in 2005. The school initially contained six grades, from first to sixth, with two grades to a classroom. Currently, the school reaches to the ninth grades, but only three grades have independent rooms (seventh, eighth, and ninth).

I am not an author and I do not know if I can be one. All I know is that I wanted to write something to convey facts to those who do not know. There is a small village called Beit Eskaria whose people live in prison and are subject to psychological torture.



Ending Legislative and Judicial Division & Restructuring of the Constitutional Court

(On professional rather than factional bases)

Palestinians have been closely following local municipal elections; not only out of interest to renew local authorities or that they were being held in Gaza Strip for the first time, but out of the hope that the elections will bring forth a step towards reconciliation and eventually holding presidential and legislative elections. For attempts thus far to partially solve the division, without resolving its root causes, has only proven to exacerbate and widen the division. Regretfully, the Palestinian Supreme Court ruled to halt local elections.

Such began with the Court of First Instance in Gaza removing a number of candidates off the ballots after objections were raised in their regards by certain figures. Those who were taken off the ballot raised objections before the Palestinian Supreme Court (based in the West Bank) which ruled as follows; since the Court of First Instance in Gaza does not fall under the jurisdiction of the judicial authority (as it emerged as a separate entity by Hamas following the 2007 que) its ruling in regard to removing candidates from the local elections ballot is illegal and therefore local elections in Gaza should be cancelled. Moreover, local elections in the West Bank were dually canceled as to avoid furthering the gap between the two territories by holding elections in one region and not the other.

What we are left with are local councils and municipalities functioning legally (as members have exceeded their terms and many members having resigned as to partake in

elections). As a result, Palestinian society is compelled to move towards tribal like local repetition in which those with power and allegiances are serviced and the marginalized only move further beyond the margins. The cancelation of local elections are a manifestation of the current internal scene in Palestine, which is characterized by a profound division in the Palestinian judicial system, two judicial systems which do not recognize each other (in the West Bank and Gaza strip), and consequently two separate high judicial councils. The legislative division is also growing in breadth and depth, with excessive presidential decrees being issued in the West Bank and laws by Hamas in the Gaza Strip. Thus far, in his term the President has issued 153 decrees (as compared to the 90 laws passed by the Palestinian Legislative Council during the 10 years prior). Hamas' parliamentary group has also issued 53 laws. This distorted image for the legal and judicial authorities, coupled with the frozen municipal elections, are evidence of the need to reunify the Palestinian judicial system and to find a constitutional legal mechanism that is both applicable and capable of bridging the emerging legal entities and resulting unconstitutionality and illegitimate judicial decisions. Most pressing, is the need to reconstruct the constitutional court on a professional and representative foundation, rather than on a factional one. Such is essential for the court to gain the needed legitimacy to examine immense complexities emerging from the judicial and legislative division.

FADI AROURI
PHOTOGRAPHER



The human right to water and sanitation

On 28 July 2010, through Resolution 64/292, the United Nations General Assembly explicitly recognized the human right to water and sanitation and acknowledged that clean drinking water and sanitation are essential to the realization of all human rights. The Resolution calls upon States and international organizations to provide financial resources help capacity building and technology transfer to help countries, in particular developing countries, to provide safe, clean, accessible and affordable drinking water and sanitation for all.

In November 2002, the Committee on Economic, Social and Cultural Rights adopted General Comment No. 15 on the right to water. Article I.1 states that "The human right to water is indispensable for leading a life in human dignity. It is a prerequisite for the realization of other human rights". Comment No. 15 also defined the right to water as the right of everyone to sufficient, safe, acceptable and physically accessible and affordable water for personal and domestic uses.

What is the human right to water?

- **Sufficient.** The water supply for each person must be sufficient and continuous for personal and domestic uses. These uses ordinarily include drinking, personal sanitation, washing of clothes, food preparation, personal and household hygiene. According to the World Health Organization (WHO), between 50 and 100 litres of water per person per day are needed to ensure that most basic needs are met and few health concerns arise.

- **Safe.** The water required for each personal or domestic use must be safe, therefore free from microorganisms, chemical substances and radiological hazards that constitute a threat to a person's health. Measures of drinking-water safety are usually defined by national and/or local standards for drinking-water quality. The World Health Organization (WHO) Guidelines for drinking-water quality provide a basis for the development of national standards that, if properly implemented, will ensure the safety of drinking-water.

- **Acceptable.** Water should be of an acceptable colour, odour and taste for each personal or domestic use. All water facilities and services must be culturally appropriate and sensitive to gender, lifecycle and privacy requirements.

- **Physically accessible.** Everyone has the right to a water and sanitation service that is physically accessible within, or in the immediate vicinity of the household, educational institution, workplace or health institution. According to WHO, the water source has to be within 1,000 metres of the home and collection time should not exceed 30 minutes.

- **Affordable.** Water, and water facilities and services, must be affordable for all. The United Nations Development Programme (UNDP) suggests that water costs should not exceed 3 per cent of household income.



Protection of Water Cisterns (Success Story)

In an area of the world where agriculture is the only source of income, water for irrigation is essential. Understanding this reality, Israel has utilized water (or the deprivation of it) as a tactic in displacing Palestinians from their communities. Israel dominates the majority of the West Bank's water resources, including springs and underground water, with the per capita aggregate water consumption in Israel standing at three to four times more than it is for Palestinians.

In August of 2015, JLAC adopted one such case on behalf of a group of farmers from Ein Al-Beida area in the Jordan Valley. The farmers had received two notices from Israeli authorities to halt the construction of and to demolish their shared water cistern (500 cubic meter capacity) under the pretext that the farmers had not obtained a building permit. During preliminary hearings held with the Israeli Civil Administration committees, all legal counterclaims were dismissed and a decision was issued to demolish the water cistern. JLAC then appealed the ruling before the Israeli Supreme Court, arguing Palestinians' right to benefit from water resources for both drinking and irrigation purposes. JLAC's attorney also explained the failure of the Israeli military administration to bear its responsibilities (as per international law and human rights related treaties) and



how the abuses of authority being made in the treatment of Palestinian civilians. In particular, the Israeli military administration was in breach of the Geneva Convention, which holds that the occupying power is responsible for providing protection to local civilians.

After more than 18 months of legal action, JLAC succeeded in obtaining a final ruling from the Israeli Supreme Court annulling the demolition order.



JLAC Demands Clarifications... “Deputy Mayor’s Statements are discriminatory and classified as punitive punishments for Jerusalemite’s”

Jerusalem Legal Aid and Human Rights Center (JLAC) addressed a letter to the deputy mayor of Jerusalem and the head of Planning and Building committee, Mai’r Turjman, requesting a clarification regarding his statement to impose collective punishments against Jerusalemites, after the latest attack that took place in the city. In his statement, Mr. Turjman indicated that all planning and licensing requests submitted by Jerusalemites to the municipality will be put aside, and that “the carrot-and-stick policy pursued by the municipality has failed as the carrot now is gone while the stick prevailed.”

JLAC considers Turjman’s statement as discriminatory and reflects Israeli official policies in dealing with Palestinians. Also, it reveals the hidden agenda of the municipality in not providing permits for building in East Jerusalem, in order to implement Jerusalem Master Plan 2020.

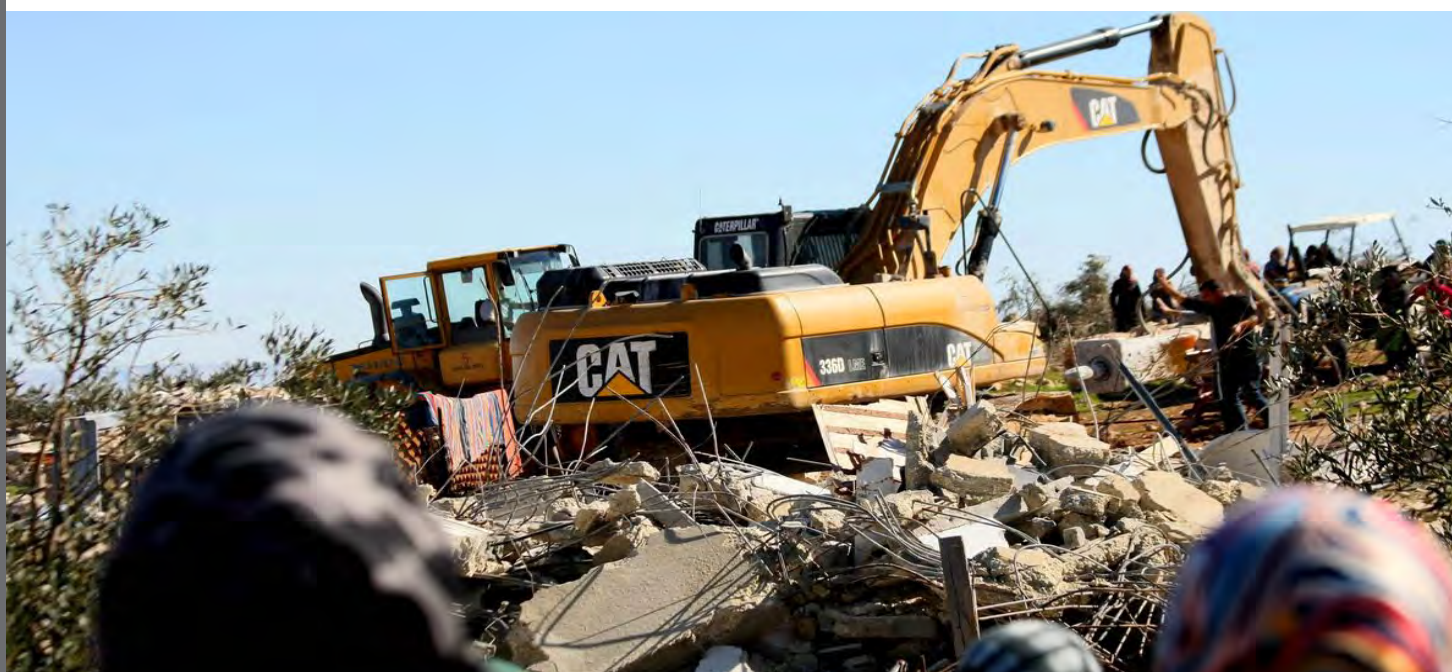
In the letter, JLAC included several points demanding expedite clarifications from the deputy mayor regarding his partially discriminative and partially humiliating statements against Palestinians. The letter questioned the nature of this statement, whether it reflects his personal thoughts or as a representative of the municipality, referring that in this case, a person in his position should be aware of his sayings. The letter also inquired whether these statements were oral and ended

by declaration, or were legally drafted and circulated to the interior departments within his framework.

Moreover, JLAC has requested to clarify if the intended procedures – as mentioned by the deputy mayor, comes within the power of the administration of the municipality, and whether it was discussed for the purpose of implementation or not. As for this, JLAC confirmed that the deputy mayor’s authority and the authorities of any person in a high position in any governmental department, shall not exceed those prescribed by law, and any act that exceeds these given authorities is unlawful and violates the regulations. The letter referred to the importance of clarifying the legal impact of these statements.

On the other hand; JLAC shed the light on Article “265” which states that all the powers entrusted to the procedures and executions are currently vested in the Minister of Finance in the government, meaning that the municipality is obliged to those implemented procedures and not instructions made by specific individuals.

At the end of the letter, JLAC pointed to article “109 (a)” that binds the municipality to decide on any planning and construction application submitted within 12 months.



JLAC held an advanced training in Salfit

On Monday October 10, 2016, JLAC finished a training course held in the Salfit governorate on the documentation of Israeli settler violations; as part of JLAC's EU funded project "Protection of marginalized Palestinian communities in East Jerusalem and Area C in the West Bank". The training also included methods in organizing lobbying and advocacy campaigns and use of social media in campaigning. The two-day training was held in Marda Charitable Association in Salfit, and collectively provided beneficiaries with 12 hours of training. The 26 participants were comprised of university students and social activists from the Salfit area.

The training started with a welcoming speech by Mrs. Jihan Mansour, who works as a coordinator for JLAC in the Salfit governorate. She introduced JLAC to the participants and shed light on its programs and activities. She also explained the objective of the training course, which is part of a series of training courses to be held in different governorates, which is to train participants in correct methods of documenting Israeli human rights violations. Attorney Lina Sarwan went on to discuss Israeli settler violence from the perspective of the

international humanitarian law. She focused on the mechanisms required to document settler violence, file complaints, and their follow-up.

On the second day of the training, Mrs. Salwa Hammad, campaigning coordinator at JLAC, trained the participants in preparing lobbying and advocacy campaigns and designing needed tools in this regard. She gave examples of successful campaigns such as Karama (a campaign currently focusing on ensure Palestinians' dignity while traveling to Jordan). Mrs. Hammad addressed methods of coordination and community mobilization through the use of media. Additional, Mr. Hussein Shujaieh (a JLAC coordinator) discussed social media and its importance in conducting lobbying and advocacy campaigns and in mobilizing local communities. He also screened a film about the impact of social media on governments in different countries. Mrs. Shu'la Abdelhadi concluded the training on the second day by thanking the participants for their involvement and commitment to the training. She also gave time for the participants to assess the training and to voice their opinions on how to improve such training in the future.



Project's updates "Protection of Marginalized Palestinian Communities in East Jerusalem and Area C of the West Bank through Legal Aid, Outreach and Advocacy"

- 136 individual consultations provided (90 in the West Bank and 46 in East Jerusalem) through our offices in Ramallah, Jerusalem, Qalqilya, Nablus and Salfeet governorates.
- 771 legal services for the Jerusalemites' in EJ office provided (14 children registration, One Detention, 135 municipal tax, 70 residency rights One Prisoner's Visitation Rights, 482 social insurance, 68 family reunification).
- 6 legal consultations provided to NGOs and local councils (in Al Zawye Village Council, Arab Ramadeen Bedouin communities, Al-Rashaideh Bedouin community, Aqraba Village Council, Dair Ballout Village Council, Jayous Village Council)
- Weekly legal mobile clinic visits organized to Tubas, Qalqilya and Nablus, with lawyers providing needed legal consultation to over 360 beneficiaries.
- Weekly legal mobile clinic organized strating in the month of October through the end of December in Al Esawieyeh.
- 11 individual cases undertaken in the WB (6 house demolitions, 1 Halt working notification for agricultural road, 1 Land confiscation and house demolitions, 2 Agricultural facility Demolition, 1 blocking agricultural road).
- 7 individual cases adopted in EJ (3 family reunification, 2 national insurance, 2 children registration).
- Advanced training course conducted for 27 university students majoring in law and social services in the Salfeet

Governorate. The two-day workshop provided the students with 12 hours of intensive training in documenting settler violence and methods in community mobilization, advocacy campaigning, and use of social media.

- Community awareness sessions held on 24/9/2016 in the village council of Kufr Al Lobad in the Nablus governorate. The workshop addressed methods of documenting violations of settlers and the right procedures that should be followed to ensure the community's rights. 15 beneficiaries were in attendance.
- Community awareness session held on 15/8/2016 at the headquarter of the African Community Society in the old city of East Jerusalem. 10 beneficiaries were in attendance (9 are women and 1 is man). Topics addressed included social and economic rights for Jerusalemites', with a focus on national insurance, disability and allowances for senior citizens, unemployment, birth and child allowances, family reunification procedures, residency, and child registration.

Upcoming events:

The implementing partner, CAFOD has been preparing for JLAC's upcoming advocacy visit to the UK and Brussels scheduled for January 2017. JLAC's Director and EU Project Coordinator are anticipated to partake in the visit, in addition form coordinators from CAFOD's end. The visit is being planned within the wider context of CAFOD's advocacy relating to the 50th anniversary of the Israeli military occupation in 2017. During this time, CAFOD will seek to raise the profile of poverty and injustice in the occupied Palestinian territory with its Catholic supporters in England and Wales and encourage them to ask their elected representatives to take action to prevent and respond to violations of international law.

