

# A Hell on the Hill;

## New colonial outpost in the Nablus hills sparks protests

On 28 May 2021, Israeli occupation forces shot dead Zakariya Hamayel, a 28-year-old Arabic teacher from the village of Beita, southeast of Nablus in the occupied West Bank. Zakariya, beloved by his neighbors and pupils, tried to march along with other villagers from Beita, Yutma and Qabalan, to protest the recent construction of a colonial outpost on the top of the Sabih hill, which overlooks their villages. The hill occupies a strategic and coveted position not only due to its elevation, but because it also connects southeast Nablus with the central Jordan Valley, another area heavily targeted by colonial expansion.

Two weeks' prior the killing of Zakariya Hamayel, another Palestinian villager from Beita, prosecutor Issa Barham, had been killed by Israeli occupation forces during a protest against the construction of the outpost.

Established on the Sabih hilltop at the beginning of last May, the Avitar outpost is made up of caravans and mobile structures and has so far drawn dozens of settler families and some 200 settlers. Though lacking any authorization or permits even by the Israeli Civil Administration, the outpost has also been connected to electricity and running water within days of its construction; a clear indication that the Israeli local authorities from the adjacent large settlements, Itamar, have assisted the settlers in the construction. Israeli settlers portray the outpost's construction as a spontaneous reaction to the killing of a settler by a Palestinian near the Hawara checkpoint. Yet, the speed with which the outpost came together, the high number of families brought to settle in it, the fact that settlers also paved an access road and have secured essential services, offer ample evidence that this was not merely a"



retaliation outpost,” but rather yet another fact on the ground that the settlers, supported by the Israeli military and civil authorities, are trying to impose. Further, the specific hilltop overlooking Beita, Yutma and Qabalan has been the site of three previous outposts during the past three years, which were then removed by the Israeli occupation army but which attest to the efforts to seize this area. None of the previous outposts, however, reached the size and mobilization of the current one, which confirms the villagers’ view that it has been pre-planned and that it enjoys significant official support.

It took mass weekly protest, in which two Palestinian demonstrators were killed and dozens more wounded by the Israeli army for pressure on the outpost to mount.

On 7 June 2021, the Israeli occupation army’s District Commander issued a military order to remove the outpost within two weeks and to declare, in the meantime, the Sabih hill a “closed military zone.” Since its designation as a closed military zone, the entrance to the village of Beita has been

blocked by the Israeli army. Clashes between the youth of the villages and the Israeli army continue. Despite the military order, Palestinians are concerned that settlers will be allowed to occupy the hill if the popular resistance slows down. Their concerns are based on the settlers’ vow to remain as they consider that building in that area is a national and religious priority. Naftali Bennett, the incoming Prime Minister, has repeatedly called for expanding the Israeli colonial enterprise in the west bank, and strongly supported the legalization of colonial outposts.

With the exception of six to eight dunams, the area on which the Avitar outpost was built is private Palestinian land. The area has been planted by olive trees and belongs to residents of the three villages. In addition, the access road that was also paved is located in an area classified as private Palestinian property, owned by the residents of Qabalan. The nearly eight dunams that are not regarded as private property have been classified as “survey” land. Survey lands are subject to potential



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confiscation by the Israeli occupation authorities if they are eventually designated as state lands. It should be noted, in this context, that one of the main tools used by the Israeli occupation authorities to facilitate colonial expansion was through the use of the state land designation. “Copying” in the West Bank a model it had adopted within the green line earlier, Israel declares large swaths of land as “state land”, confiscates it from them from Palestinians, and allocates them for the exclusive use of Israeli settlers and colonial infrastructure and master plans. And just as it had legitimized this mass confiscation and land takeover the green line in the 1950s, the Israeli High Court followed the same pattern in the West Bank after its military occupation. Indeed, the High Court determined that the construction of settlements on state land supposedly confiscated for military needs was permissible in the Elon Moreh precedent. About 40 per cent of the lands in the occupied West Bank is designated as state land. If there is one figure that epitomizes Israel’s apartheid regime, it is the allocation

of these lands for the exclusive benefit of one group. Having confiscated them from their rightful Palestinian owners under an amalgamation of laws and measures, Israeli occupation authorities went on to hand 99.8% of the state land it had allocated for construction for Israeli settlers. This percentage amounts to 674,459 dunams. This massive disparity was even acknowledged by the Chief Justice Esther Hayut in the Israeli High Court decision to strike down the regularization law last year.

It should be also added that regardless of the legal designation of the land, whether it is classified as private property or “state land,” and regardless of whether Israeli occupation authorities grant settlements permits or not, the settlements in the Occupied Territory are illegal under international law and may amount to a war crime under the Rome Statute.

The timing of the Avitar outpost’s construction, at the height of another Palestinian uprising against colonial expansion and Israel’s institutionalized regime of racial domination and oppression,



stresses the importance of connecting the dots in what, at first, appears to be a scattered map of expansion. State-sanctioned plans to forcibly displace hundreds of Palestinians from Silwan and Sheikh Jarrah, greenlit by the Israeli judicial system, cannot be separated from the state-sanctioned colonial expansion in the West Bank.

State-sanctioned settler violence to which Palestinians are subjected both in Jerusalem and in the green line cannot be separated from the state-sanctioned violence inflicted upon Palestinian farmers in the occupied West Bank. In fact, rampant settler violence, actively or tacitly supported by the Israeli army, has been among the key measures employed by settlers to construct outposts and settlements on hilltops. According to data collected by UN OCHA, 441 settler attacks have been documented against Palestinians and Palestinian property in the oPt in the first five months of this year. **While no Palestinian area in the West Bank has been spared settler violence, Palestinians in the Nablus area are among the most severely hit.** It is an area where the “**Hilltop Youth**,” a right-wing religious Zionist group associated with leading the price tag attacks on both sides of the green line, are particularly active. “**Price Tag**” campaigns no longer carry the form of attacks against Palestinian farmers and their trees only, but also include the construction of outposts, and prohibiting Palestinians from accessing their land. The objective is to perpetuate this reality, terrorize Palestinians and fully control Area C with sheer force and intimidation.

Much has been said about Israeli efforts to declare the de jure annexation of the West Bank last July. Although this plan has been temporarily shelved, the de facto annexation shows no sign of receding. Such

outposts, mass displacement or razing of Palestinian communities, most notably in Khirbet Humsa, settler violence, the collusion between settlers and the army, the Israeli army’s crackdown against Palestinians who defend their lands, and the ongoing attempts to retroactively expropriate private Palestinian lands even after the annulment of the regularization law, all of these policies and tactics prove that de facto annexation has become the “law of the land.”

**The Avitar outpost is one of the many symptoms of this law**, whose root cause is Israel’s settler-colonial regime, the apartheid it has entrenched on both sides of the green line, and its prolonged military occupation. The sweeping impunity this regime continues has decisively contributed to its consolidation and escalating abuses. That de jure annexation has been unofficially suspended for the time being means little in a reality of escalating, unrelenting actual annexation. In light of this escalation, and the ongoing threats of forcible displacement in Jerusalem, the massive wave of repression and intimidation within the green line, the ongoing blockade against the Gaza Strip, we call on the incoming persecutor of the International Criminal Court to insure accountability for Israeli war crimes, including the crime of apartheid, through an impartial, thorough and comprehensive investigation. We welcome the adoption of the United Nations Human Rights Council’s Resolution to establish a Commission of inquiry that will also investigate human rights abuses and violations committed since April 2021.

We also call on third states to activate universal jurisdiction mechanisms to hold Israel accountable and to put an end to its impunity.