



Yesh Din

Volunteers for Human Rights

Recent developments on the Homesh case

State response to Yesh Din's High Court petition against Homesh outpost

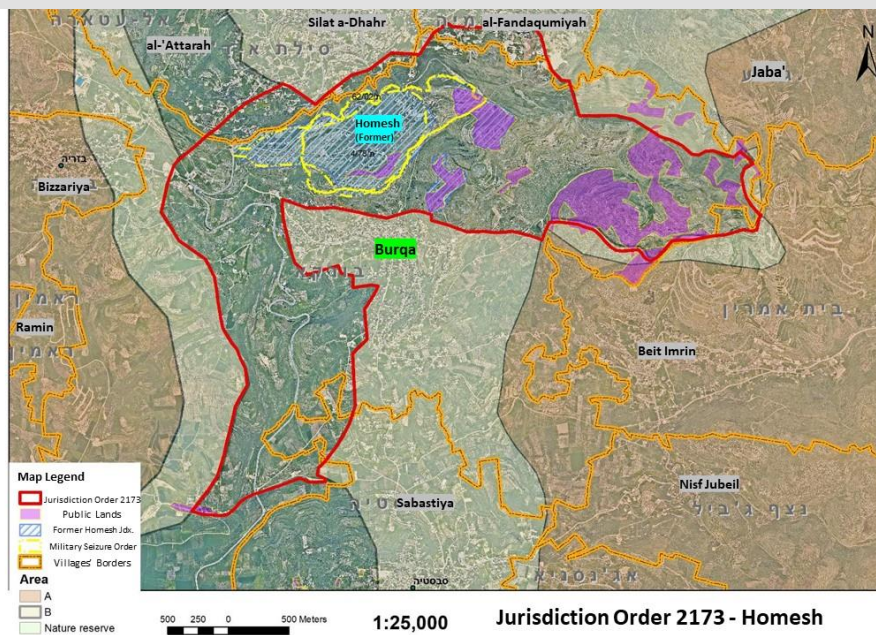
After a long wait, the state finally handed in its response to our High Court petition, filed together with the land owners, demanding to evacuate the illegal outpost of Homesh and allow the rightful land-owners free and safe access to their agricultural lands. In its response, the state of Israel has announced its plan for the re-establishment of the settlement that was previously evacuated during the disengagement in 2005. This contradicts their previous statements and sets a worrying precedent for future actions. The state's decision to allow the re-establishment of an evacuated settlement signifies an unprecedented action, indicating that such occurrences are likely to become more frequent in the future.

The state's response includes misleading claims that there is nothing preventing the landowners from accessing their lands. This assertion is absolutely false. Tragically, approaching these plots often leads to severe settler violence. Furthermore, the Israeli military security law

prohibits Palestinians from entry into settlement territories, making it an offense. Consequently, Palestinians whose lands are located within settlements face significant restrictions on their access, if it is permitted at all.

This raises serious concerns that the Attorney General has submitted to the demands of Smotrich - minister in the MOD - at the expense of both the rule of law and the rights of Palestinians. The state's response accurately reflects policies of apartheid, as it actively promotes the establishment of more settlements while disregarding the property rights and security of Palestinians. Moreover, the state is essentially rewarding violent criminals for their persistence in maintaining an illegal outpost and making the lives of Palestinians living in their surroundings miserable. This sends a clear message that encourages others to follow suit. We strongly urge the international community to express its objection to the establishment of new settlements in the West Bank, which contradict international law as well as the political commitments made by Israel.

The next hearing in the petition is scheduled for August 3rd at 13:00 at the Supreme Court in Jerusalem.



A map demonstrating the military order cancelling the disengagement law in regards to the area surrounding Burqa

New information revealed concerning state plans to establish a new settlement in Burqa/Homesh

As previously reported, on May 18, the military commander of the West Bank, Yehuda Fuchs, signed several orders canceling the ban on Israelis from maintaining a presence in the area of the outpost as well as canceling the ban on Israelis residing in the area. In addition, the military commander signed another order stating that the jurisdiction of Homesh would be included in the municipal jurisdiction area of the Samaria Regional Council in the West Bank.

Upon receiving and analyzing the relevant military order, we now understand that the area allocated to the jurisdiction of the Samaria Regional Council is much larger and includes many more plots of State land than originally understood.

Although the military order did not include a map detailing these

changes, in violation of the required procedure, based on the details of the military order it is clear that the new jurisdiction indicates the state's intentions to expand the settlement much further east from the current Homesh outpost. This highly probable scenario will in effect deepen the violation of rights for the residents of the neighboring villages.

The impact of the jurisdiction order extends to all surrounding villages, particularly the ten closest ones, as they will experience severe disruption by being disconnected from one another. This is due to the inclusion of various routes connecting these villages within the jurisdiction area, which Palestinians will be prohibited from accessing.

Implications

1. Since the area of the jurisdiction order includes the different routes connecting them, all of the surrounding villages, and especially the ten that are closest to this area will be severely affected by being cut off from one another as Palestinians will not be allowed to use or access these roads. Designating public lands for municipal areas of settlements or regional councils significantly impacts the lives of Palestinian residents and inevitably leads to movement restrictions for them in the region, due to the ban on their entry into Israeli settlement territories as outlined in the military law. Such a decision goes against the primary duty of the military commander, as outlined in international humanitarian law.
2. With a growing presence of settlements, comes a growing presence of violence and harassment. The neighboring villages have already endured [brutal attacks](#) on an almost daily basis, leaving us with reason to believe with a high level of certainty that this will worsen the situation. Israeli military and police forces have proven time and again that they will not fulfill their duty to protect the Palestinians as the occupied population according to international law.

3. Most of the land within the new jurisdiction is privately owned by Palestinians from Burqa and other surrounding villages, including the private plots in the jurisdiction of the regional council. Creating a new settlement on the ground will affect the rightful landowners' ability to access their land freely and cultivate it. Official access restrictions, combined with settler violence might even lead to permanent dispossession of the lands, as seen in many other places throughout the West Bank.

Explanation

The map shown above marks the area on which the jurisdiction order applies as dark green, and it includes the portion south of al-Fandaqumiyah and north of Burqa, and east of Burqa as well. This is the same exact area in which it was forbidden for Israeli citizens to both reside and enter under the disengagement law. Once the 2173 military order cancelled this law in regards to this area specifically, simultaneously transferring the jurisdiction of it to the Samaria RC – the state lands within this area (purple spots on the map) will be allocated to Israeli use exclusively. The rest of the area within the jurisdiction order and surrounding the purple parts is privately owned land belonging to Palestinians. Notice, as well, that the highway east of Burqa is included in the order, turning it to be under complete control of the Samaria RC. This will suffocate the lives of the surrounding villages *even more*, and Burqa in particular.

Considering the aforementioned reasons, Yesh Din issued a letter to the military commander of the West Bank Yehuda Fuchs, and to the Legal Advisor to the Region of Judea and Samaria Eli Levertov to cancel the jurisdiction order due to its violation of human rights and its disregard for international law in the West Bank.

For information about the legal struggle led by Yesh Din and the residents of Burqa against Homesh, visit: [Not Homesh – Burqa!](#)

Summary: five days of intensive ideologically motivated settler violence

Three weeks ago, we witnessed yet another hateful and destructive [surge of violence](#) instigated by Israeli settlers in the West Bank. This particular wave, initially fueled by a desire for revenge following the attack near the Eli settlement resulting in the killing of four Israelis, unfolded within a span of five days. Reports of 15 notable attacks reached Yesh Din, a majority of which were documented. During this series of events one Palestinian was killed, dozens were injured and public buildings, businesses, and residential and agricultural property were vandalized. The proximity and intensity of these incidents, coupled with the absence of law enforcement amidst the settler onslaught, underscores the unwavering support extended to them by both the Israeli military and political representatives.

Yesh Din and Breaking the Silence prepared [the following summary](#) which details and contextualizes those five days of violence, including a breakdown of the incidents and description of the overt support extended to the violent settlers by members of the Israeli ruling coalition. Few arrests were made; five settlers in administrative detention, and only two people are expected to be indicted – one soldier and one 32-year-old resident of Yitzhar. This reflects the minimal deterrence that Israeli law enforcement applies to these surges of ideological violence, creating

almost complete impunity and therefore encouragement to further continue with them in the future.

The Legal Status of the Israeli Occupation – new legal opinion



Cover of new legal opinion published by Yesh Din

Yesh Din published a new legal opinion examining the question of how the practices and policies applied by Israel in the Palestinian Territories since their occupation in 1967 have, as a whole, impacted the legal status of the Israeli occupation. It is intended to enrich readers' knowledge of the nature of the Israeli occupation regime

amid proceedings taking place at the International Court of Justice (ICJ) relating to the UN General Assembly's request for an advisory opinion on this matter. The Opinion was written by Yesh Din's legal advisor Atty. Michael Sfard and Atty. Keren Michaeli.

This legal analysis leads to the conclusion that throughout 56 years of occupation, Israel has pursued a policy aimed at demographically altering the West Bank and East Jerusalem and physically and legally separating the protected Palestinian civilians and Jewish-Israeli settlers, all of this while belligerently and unilaterally asserting Israeli sovereignty over the territory. The cumulative effect of these policies is **the perpetuation of Israeli control and the subversion of its temporary nature**. At the same time and in addition to the occupation, Israeli control over the OPT meets additional legal definitions.

The fact that successive Israeli governments and authorities have abused the powers granted to them by the law of occupation to violate the rights of the protected persons and exploit the occupied territory while attaching it to sovereign Israel with the tentacles of annexation, renders the Israeli occupation of the West Bank an illegal occupation. As a result, the occupier must immediately end its control over the area, and the international community must take steps to ensure its immediate termination.

The nature of the regime in the West Bank is described as an "institutionalized regime of systematic oppression and domination by one racial group over any other racial group". Furthermore, many actions taken by the Israeli authorities, which constitute as inhumane acts according to the meaning of the term in international criminal law, are taken with the aim of maintaining the aforementioned regime. This leads to the conclusion that **the crime of apartheid is being**

committed in the West Bank.

Finally, the collective evidence of Israeli actions and official statements over the years indicates that it is not just East Jerusalem that has been annexed, but the West Bank is also in the process of **accelerated annexation.**

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