

PRINCIPAL FINDINGS

Some 100 outposts illegal Jewish settlement points have been built to date in the West Bank. In this report, the outpost of Adei Ad serves as a case study explaining how the foundation and establishment of an outpost leads the farmers in the nearby villages to lose their ability to work their land. The observation of a single outpost helps understand the general phenomenon and the use of the outposts as a means to take over Palestinian land.

In the fall of 1998, a handful of Israeli civilians invaded Hilltop 799 next to the villages of Turmusaya, al-Mughayer, Jalud and Qaryut, and founded an outpost that would later be called Adei Ad. Even though it was founded illegally and without government permission, government bodies and ministries helped establish Adei Ad in different ways, and some of them continue to support it today. Especially noteworthy is the involvement of the Settlement Division of the World Zionist Organization – a body responsible on behalf of the government for the founding and establishment of Israeli settlements. The division's activity is under the responsibility of the Prime Minister's Office and is fully funded by the state budget.

This report reveals that the land allocation the Settlement Division received from the Supervisor of Governmental and Abandoned Property is not legally valid, and that the Settlement Division has no status at all in the land it allocated and continues to allocate to Adei Ad.

In the 14 years of Adei Ad's existence Israeli civilians have committed and continue to commit dozens of offenses – criminal and administrative – on the grounds of the outpost and on the land surrounding it. The agencies responsible for law enforcement in the West Bank fail to perform this function adequately.

The enforcement failure is shared by the IDF, which is responsible through the Civil Administration for enforcement against the administrative offenses that include illegal construction and invasions of agricultural land; and the Samaria & Judea (SJ) District Police, which is responsible for enforcement against criminal offenses including violence, property offenses and the takeover of land. The SJ District Police is obligated to act to prevent crimes, locate offenders and complete investigations so that they lead to serving indictments against suspects.

The foundation of the outpost with its houses, public structures, paths and gardens involved essentially criminal acts: establishing a settlement in the West Bank without the permission of the political echelon, without delineating the jurisdiction of the settlement by an order



issued by the Commanding Officer of the Command, and without a detailed plan by virtue of which building permits can be issued, and consequently, without building permits having been issued for any of the structures in the outpost.

There are 57 structures in Adei Ad - Thirteen of them are on unregistered private Palestinian land and the rest on public (state) land; all were built without building permits. The outpost is currently home to 26 families; since it was founded, the area within the circumference road around the outpost has grown by a factor of almost 30. Other areas around the outpost which were previously cultivated by Palestinian farmers have been taken over by Israelis who planted vineyards and other crops in them. To facilitate access to and from the outpost, roads were built around it. From the time it was founded in 1998 until 2011, **the Civil Administration issued 81 demolition orders against structures and work on its grounds. The vast majority of the orders were not enforced**, and the outpost is intact. The Head of the Civil Administration also signed an order to evacuate an agricultural invasion of a privately owned Palestinian plot, but the order was never implemented. The owners of the plot petitioned the High Court of Justice with Yesh Din's help against the non-enforcement of the order. No evacuation orders were issued against other agricultural invasions.

Besides the administrative offenses on the grounds of the outpost, criminal offenses have been committed against Palestinians and their property around the outpost since it was founded. These offenses are met with the defective law enforcement that is typical of law enforcement on Israelis in the West Bank at large. In the preparation of this report, Yesh Din documented **96 specific incidents of criminal offenses** that occurred near Adei Ad on the land of the villages of Jalud, Qaryut, Turmusaya and al-Mughayer, from 1998 to July 2012: 21 offenses of violence (gunfire, battery, stone throwing and threats), 47 property offenses (theft, arson, property vandalism, vandalism of agricultural crops and fruit trees, theft of agricultural crops, etc.) and 28 offenses of taking over land (fencing, cultivating, erecting a structure, a caravan or a greenhouse, paving a road on the grounds of a plot, evicting Palestinians or preventing their access to their plots and trespassing). Of those, Yesh Din monitored the investigation of 58 incidents that occurred since 2005 and for which complaints were made to the police, usually to the Binyamin Police Station in the SJ District. In 49 files the investigation and prosecution bodies finished processing, **92 percent of the files were closed because the investigators failed in their investigations:**¹ 41 files were closed on grounds that indicate a failure of the investigation: "offender unknown" and "insufficient evidence;" three files were closed on the apparently unjustified grounds, in the

1 Of the investigation files whose processing ended and whose results are known to Yesh Din.

opinion of Yesh Din's legal team, of "absence of criminal culpability," and Yesh Din appealed against their closure.

The figures indicate that the existence of the outpost creates illegal administrative and criminal activity which is not met with an adequate enforcement response by the agencies responsible for law enforcement in the West Bank. Instead of taking the necessary actions to stop the criminal activity while using all of the options provided by the law, the state authorities refrain from using all the tools at their disposal and fail to provide Palestinian residents with adequate protection of their body and property.

Even though the outpost is an illegal point of settlement, and the construction and presence within which are violations of the law, the State of Israel nonetheless ensures their safety through the army. The protection provided by the IDF includes guarding the boundaries of the outpost's built area and creating a buffer zone meant to prevent friction between its residents and their neighbors. The establishment of Adei Ad led the IDF to define extensive areas as no entry zones for Palestinians, and to allow Palestinians into other agricultural areas only with IDF permission and advance coordination. Other areas have become inaccessible to Palestinians following events of violence, harassment and threats by Israeli civilians, who have intimidated the Palestinian farmers. Consequently many farmers are unable to cultivate their land, or can do so only partially and discontinuously.

The failures of the law enforcement agencies failed investigations, negligence, impotence and deliberate disregard enable the outpost to steadily take over land and increase the area of its control through criminal activity.

The restriction of access to agricultural lands and the frequent harassment has far-reaching economic consequences for the four villages, whose economies were based almost exclusively on agriculture. The loss of their ability to support themselves from agriculture has forced many of the residents of the villages to seek alternative sources of livelihood. The few who still rely on agriculture for their livelihood report tremendous financial losses because of the full or partial restriction of access to their land, their fear of accessing and cultivating it or the vandalizing of their crops by Israelis. Money invested in tilling the land and cultivating the crops has gone down the drain as have future profits from selling the produce.

The land in question is unregistered private land; if it is not cultivated for several continuous years it can be declared public land. Therefore, stopping cultivation can lead to the loss of property rights to the land, and so the land might pass into the hands of the state or the



invaders. An examination of the sequence of events in the area since Adei Ad was founded raises the suspicion that, as far as some of the Israeli civilians in the area are concerned, that is the intended outcome.

This report presents the connection between the failure of the agencies responsible for law enforcement and the protection of Palestinians and their property, and the dispossession of Palestinians from their land, by drawing a continuum that begins with the absence of effective law enforcement upon Israeli civilians, both on the criminal and the administrative levels, and ends with the inability of the Palestinian land owners to work their land and live off its fruit.