

Reaping with sorrow: A summary of the 2019 Olive Harvest

The connection to the land is an inseparable part of both the personal and collective identity of Palestinian farmers in the West Bank. Among the various types of agricultural cultivation, olive growing is particularly meaningful, so much so that the olive tree, the fruit it bears, its foliage, and its branches have become a true national symbol. The olive harvest is also economically important. Olives are a major source of income for many farming families in the West Bank, and olive growing is an important element of the Palestinian economy.

Over the years of Israeli occupation and settlement in the Gaza Strip, this tradition has come under increasing attack, whether as a result of direct violence perpetrated by soldiers or settlers, or as an outcome of the Israeli imposed coordination mechanism in the West Bank. In many areas, Palestinians are now barred from working their land without first coordinating access with the military. The District Coordination Offices (DCOs) are responsible for this coordination, and the system is ostensibly meant to protect Palestinian farmers from Israeli civilians who seek to disrupt the harvest and prevent them from working their land. It also forms part of the security arrangements for settlements and illegal outposts. In practice, the coordination system has limited Palestinian farming to several days during plowing and harvesting seasons.

Testimonies collected by Yesh Din indicate the Israeli military and the State of Israel fail to meet their obligations under international humanitarian law, which imposes an active duty on the sovereign of an occupied territory to protect the property of local residents and take action to ensure they are able to benefit from their property.¹ The Supreme Court of Israel has also taken this approach, emphasizing the military commander's duty to protect the safety and property

¹ The occupying power must safeguard protected persons' private property: "Family honour and rights, the lives of persons, and private property [...] must be respected", Art. 46 of the Hague Convention Annex Regulations to the concerning the Laws and Customs of War on Land, 1907).

of local residents.² However, the current reality in Palestinian olive groves is one of theft and destruction. This report provides information about offenses committed against Palestinian farmers and their property during the 2019 olive harvest. We note that Yesh Din does not purport to document all incidents in the West Bank, and hence, this document refers only to incidents reported to us or those in relation to which we provided assistance.

Before the harvest: preparatory work

About a month before the harvest season began, Yesh Din undertook preparatory work, which included mapping locations where the olive harvest had been impeded or offenses had been committed in previous years, as well as charting issues that reoccur each year and prevent farmers from harvesting successfully. Based on this work, letters were sent to West Bank law enforcement agencies ahead of the harvest.

While previous letters sent by Yesh Din cited general demands to prepare for the harvest, for the 2019 season, Yesh Din took a different approach: **focusing on specific areas and the issues relevant to them**. About a month before the harvest, the office of Yesh Din's legal counsel sent a letter to the Military Commander of the West Bank, the Legal adviser - Judea and Samaria (LA-JS) and the Commander of the Israel Police Samaria and Judea District. This precursory letter was sent on behalf of six Palestinian farmers from different villages, and listed offenses committed against them and their property from 2016 to 2018, in plots located near settlements and illegal outposts. Drawing on past experience, law enforcement agencies in the West Bank were asked to ensure Palestinian farmers and their trees are protected during the harvest. The letter also listed various requests designed to help Palestinian farmers carry out their work.

² [...] [A]ction should be taken to ensure the security of the Palestinian farmers when they go to work on the land and, if necessary, to protect them when the agricultural work is being carried out. Protection for Palestinian farmers should be deployed with minimal interference with agricultural work", from HCJ **Rashed Murar et al. v. IDF Commander in the Judea and Samaria Area et al.**, judgment from 2006.

Yesh Din's legal team sent a second letter to the Military Commander of the West Bank, the LA-JS, and the Head of the Civil Administration, listing past military actions that have disrupted and limited the harvest for residents of the Palestinian village of Qadum. The letter also included a request for more harvest days without disruptions or delays.

During the harvest: monitoring, reporting and assistance

Criminal offenses by settlers

As the harvest began, in early October, Yesh Din field researchers began reporting various incidents throughout the West Bank. The first reported incident occurred on October 2, in a grove belonging to a resident of the village of Burin, near Nablus: *"At around 5:00 P.M., I saw, from my house which overlooks the relevant plot, settlers around the plot and military or police forces in the vicinity, and I saw the settlers running away. We understood there had been a theft, but we didn't do anything. It's important to clarify that because of the requirement for coordination, we do not go down to the plot without coordination."* (From the testimony of A.A. Yesh Din Case 4533/19).

In total, Yesh Din field researchers collected testimonies regarding 28 separate incidents, which were divided into five categories according to the main offense perpetrated. However, some of the incidents included more than one type of offense.

- 7 cases of settler violence.
- 20 cases of damage to property, including 16 cases of olive theft and 4 cases of tree vandalism.
- One case of agricultural invasion.

Complaints were filed with the police in 6 of these cases. Palestinian victims preferred not to file a complaint with respect to 21 other incidents.

Yesh Din field researchers collected testimonies about 20 incidents of damage to property: A total of seventy olive trees were irreversibly damaged in four different incidents. Additionally, Yesh Din is aware of olive theft from more than 650 trees in 16 different incidents. We know of further tree vandalism and thefts, though the exact scope is unknown. Most cases of olive theft or olive tree vandalism occurred in plots Palestinians cannot access freely but require coordination through the DCO. This was true for 15 of the 20 cases.

Testimonies were also collected regarding seven cases of settler violence against Palestinian farmers. In most of these cases, the settlers arrived in small groups of no more than ten people and attacked the farmers as they were working in their plots. Most of the attacks were carried out using stones, steel poles and sticks. In some of these attacks, Palestinians suffered injuries that required medical attention.

Denied access by the military

As it did in previous harvest seasons, the office of the LA-JS circulated a document entitled The Olive Harvest - Commanders' Information Sheet (2019) among soldiers serving in the West Bank. Under the heading Access to Farmland and Zone Closures, the document enunciates the premise: "Palestinians should be given free access to farmland they own". The document then expands on the protocols for closing different types of areas, highlighting "soldiers' obligation to intervene in order to prevent the commission of an offense", "the duty to collaborate with police forces during an incident and the "obligation to report after the fact and provide statements and records". The testimonies collected by Yesh Din indicate soldiers do not follow these instructions.

On October 16, Yesh Din's legal counsel's office received the response of the GOC Central Command to its first precursory letter, reiterating military directives for the harvest and describing, in general terms, actions taken by the military to comply with these guidelines. The letter concludes with a suggestion

that Yesh Din “contact the relevant official at the DCO or the Israel Police”, when “irregular incidents” occur.

Every day from October 18 to 22, soldiers disrupted the work of **residents of the villages of Qaryut and a-Lubban** or denied them access to their plots. The soldiers, sometimes joined by the Civilian Security Coordinator of the settlement of Eli, demanded the farmers leave the plots, saying the area was a closed military zone, even though the plots are in Area B, and do not require coordination to access. When the farmers refused to leave, the soldiers launched stun grenades and tear gas canisters at them

In view of these incidents, on October 22, Yesh Din’s legal counsel sent an urgent letter to the military on behalf of the farmers, but it resulted in no change. Given this outcome, on October 24, Yesh Din’s legal counsel filed an [urgent petition](#) to the High Court of Justice, seeking an order nisi that would allow Qaryut residents to carry on with the harvest without interruptions from soldiers or Israeli citizens. It was only after the petition was filed that state authorities looked into the matter. These inquiries revealed the Civil Administration representative and the soldiers had erred. The maps they had showed the relevant plots as requiring coordination, and the soldiers thought the farmers should be denied access to them. Several days after the error was uncovered, the farmers returned to their plots and harvested their olives without coordination.

Around the same time Qaryut residents came across soldiers in their plots, **residents of the village of Qadum** faced a different obstacle. The three harvest dates coordinated for them through the Palestinian DCO were reduced to only one day. The village council received notice of this on October 21, the night before the first coordinated harvest day. No explanation was given for the cancellation and an inquiry the village council made with the Palestinian DCO went unanswered. After two urgent appeals to the Military Commander of the West Bank and the LA-JS received no response, Yesh Din’s legal team informed the State Attorney’s Office it would take legal action if the harvest were

not permitted to proceed. It was only after this measure was taken, and three weeks after the first urgent appeal, that the LA-JS responded, claiming coordination had been made for all village plots for late November and that they were not aware of coordination for late October. The Head of the Qadum Village Council sent this response to the Palestinian DCO, and as a result, the village was given five coordination days, from November 24 to 28 (which is relatively late in the season). Yesh Din field researchers collected testimonies regarding two cases of olive theft in plots belonging to Qadum residents. In one case, olives were stolen from about 65 trees and in the other, from 90. Both thefts occurred on days landowners did not have access to their lands to harvest olives. In other words, offenders take advantage of the farmers' lack of access to their land in order to steal the fruits of their labor.

It is highly likely that without the legal aid provided by Yesh Din, farmers from Qadum and Qaryut would not have been able to exercise their right to harvest the olives in their own plots. It is equally likely that in many other places in the West Bank, farmers faced similar issues and obstacles and remained helpless in their dealings with the Israeli apparatus without such legal aid.

Yesh Din was also informed of several crop theft incidents, on a larger scale than previous years, in three other villages it had mentioned in its precursory letter - Awarta, Far'ata and Deir Sharaf. No testimonies were collected in these locales, and no violence was reported to Yesh Din in them. In addition, in a break from previous years, harvest coordination was given for the second half of November, rather than earlier in the season. In a-Sawiyah, many farmers skipped the harvest altogether due to fear of "hill youth" gangs that had taken over areas around the settlement of Rehelim nearby.

Conclusions

- In this olive harvest season, like in previous years, the weak presence of military and police officers helped settlers make a show of their intimidating presence in Palestinian farmland and paved the way for offenses ranging from light to serious. **Law enforcement agencies must ensure farmers'**

safety and their ability to work their land, as they are obligated to do under international law and as stipulated in military protocols as well.

- Given the gulf between the military's declarations and the reality experienced in West Bank olive groves, **the military must ensure its directives are, in fact, being followed and closely monitor what happens on the ground.**
- Coordinating harvest days late in the season has made it possible for settlers to steal the fruit or harm the trees before the farmers are able to access the plots and harvest the olives. **The military must push up the harvest and ensure plots to which it limits access by Palestinian farmers are adequately guarded.**