

# LAND TAKEOVER PRACTICES EMPLOYED BY ISRAEL IN THE WEST BANK

Summary of legal proceedings  
with which Yesh Din assisted,  
2006-2016



Photo by Eddie Gerald/Getty Images

Position Paper, September 2016

## A. BACKGROUND

One of the key aspects of Israel's control over the West Bank is its effort towards the control of land. This effort takes place mostly in Area C, which is under full Israeli control, and it is partly manifested in the thriving settlement enterprise which Israel has established in this area.

According to international humanitarian law, the establishment of Israeli communities inside the OPT– settlements and outposts alike – is forbidden. Yet, despite this prohibition, Israel began building settlements in the West Bank almost immediately following its occupation of the area. Over the years of occupation, successive Israeli governments have initiated, approved, planned and funded settlements in the West Bank, and have instituted a system of benefits and financial incentives to encourage Israeli citizens to relocate to these settlements. Twenty-four local and regional Israeli councils are currently active in the West Bank. These councils govern 126 settlements, where approximately 385,900 Israeli citizens live.<sup>1</sup>

In the 1990s, as a result of international pressure and obligations, the official building of new settlements stopped. At the same time, in order to sustain the West Bank settlement enterprise, beginning in the mid-1990s, settlements began being established without official support from the State of Israel, but with help and involvement (both directly and indirectly) from public bodies and authorities representing the State. These settlements were referred to as “unauthorized outposts”.<sup>2</sup> There are currently 100 unauthorized outposts in the West Bank, all in Area C, with an estimated population of 10,000.<sup>3</sup> Eighty of the unauthorized outposts were either partially or completely built on privately owned Palestinian land.<sup>4</sup>

The jurisdiction areas of many settlements are much larger than the area they actually use. In 2013, the total area under the jurisdiction of settlements, including regional councils, stood at 1.2 million dunams (roughly 120,000 hectares), or 63% of Area C.<sup>5</sup> In practice, the area covered by the settlement enterprise is larger, as it also includes the unauthorized outposts, many of which are outside local council jurisdiction areas, as well as their farmland. Palestinians are barred from entering all of these areas, by virtue of a “closed military zone” order which prohibits entry without a permit.<sup>6</sup>

The settlements command an area that is larger than their residential, built-up portion. Each community has a system of access roads, and each is assigned vast areas intended to ensure the residents' safety. Many settlements include farmland, industry and commerce zones, green areas and parks, and in many of them the distance between the houses is so large, that the space they take up has no direct correlation to the number of people living in them.

Settlements and outposts are constantly expanding, which means constant efforts to take over more land. Israeli takeover of land in the West Bank is pursued in many different ways, including: building residential and public

1 The Central Bureau of Statistics, “Localities and Population by District, Sub-District and Type of Locality” (2.18), **Statistical Abstract of Israel 2016** (this figure does not include 12 neighborhoods in East Jerusalem which are also considered settlements (Hebrew)).

2 In the report regarding unauthorized outposts prepared by Adv. Talya Sasson at Prime Minister Ariel Sharon's request, Sasson defined what an unauthorized outpost was, and determined that “unauthorized outpost”, the term she chose to use in the report, means illegal [outpost]. See: Adv. Talya Sasson, **Opinion Concerning Unauthorized Outposts** (Jerusalem, February 2005), pp. 20-21 (Hebrew).

3 Peace Now Website: <http://peacenow.org.il/eng/content/settlements>

4 This figure is based on information provided to Peace Now by the Civil Administration.

5 B'Tselem website, [http://www.btselem.org/area\\_c/what\\_is\\_area\\_c](http://www.btselem.org/area_c/what_is_area_c). See also: Peace Now, **Construction and development of settlements beyond the official limits of jurisdiction**, (July 2007).

6 Order regarding Security Provisions (Judea and Samaria) (No. 378) 5730-1970 – Declaration regarding Closed Zone (Israeli Settlements), 5762-2002.

buildings on Palestinian land as a way of creating a “fait accompli”, agricultural invasions, putting up fences around certain areas, installing structures, building roads, declaring certain areas archeological sites or nature reserves, confiscating land, declaring land as public land, declaring land as a military firing zone, attempts to have land registered by the Primary Registration Committee and more.

These takeover methods fit into two broad, and somewhat complementing, categories. One category involves invading Palestinian land and using it for Israeli purposes, the other involves denying Palestinians access to land, in order to prevent them from using it for their own needs.

Some of the methods Israel uses to take over land involve breaking the law. These are cases in which there is no dispute that the land in question belongs to Palestinians (whether privately owned, or public land that belongs to the natural blocs of Palestinian villages), yet still, the land is used to build structures or roads, unlawfully, without permits and without any enforcement measures by the authorities.

Another type of land grab involves more systematic, institutionalized practices Israel uses in order to change the classification and use of West Bank land. This allows Israel to expropriate possession and use of this land from Palestinian residents, in order to serve Israeli interests. Using methods available within the law, such as issuing seizure orders for military purposes, issuing public land declarations, confiscating land for public use and using various planning tools, Israel uses its bureaucracy to transfer more and more land to Israeli control and possession.

These methods share a single purpose: reducing Palestinian access to, and use of, land around Palestinian villages and communities, for the ultimate goal of affecting the loss of Palestinian connection to the land and their ability to hold on to it. Through this gradual process, more and more land is handed over to Israeli control and use, mostly to the settlements and outposts that are scattered throughout the West Bank.

Aside from the clear land grab, Israeli takeover of land in the West Bank has additional grave repercussions, as it severely undermines Palestinians’ freedom of movement and their ability to live off their land. It also deprives them of their personal connection to the land, their history and their collective culture.

Over the past decades, Yesh Din has been working to protect Palestinian property rights, and help Palestinians handle various manifestations of land grab involving breaches of the law, or acts that exceed authority. This legal activity has been carried out in different instances in Israel and the West Bank, primarily the High Court of Justice.

Other organizations and private lawyers work alongside Yesh Din to fight for the rights of Palestinians, and to challenge Israel’s land grab policy. The results and repercussions results and repercussions presented in this document are the fruit of these joint efforts.

This report is an interim summary of Yesh Din’s legal activity in this field. It offers a glimpse into the range of practices used to keep Palestinians off land in the West Bank and help Israel take over more and more land, both overtly and covertly. This report does not purport, nor can it purport, to cover all the practices used to drive Palestinians out of land located in the West Bank. However, after ten years of legal activity, it is broad enough to attest to the wide variety of measures used, and the degree of State involvement in these actions. In addition, a summary and analysis of the State’s responses to petitions and other legal proceedings launched by Yesh Din, and a review of the decisions made in these cases, provides an indication as to the State’s willingness to give remedy to Palestinians who are faced with illegal attempts to dispossess them and drive them away from their land.

This document groups the scores of proceedings in which Yesh Din has helped Palestinian landowners, according to seven different practices used by Israel to take over land. An explanation is provided for the type of legal proceeding used to challenge each practice, together with information on how many such proceedings Yesh Din's legal team has filed and what issues these proceedings have covered.

We have also collated the results of proceedings that were concluded. Since legal results do not always translate into access to land, in this section, we separate the formal results of the proceedings from the results on the ground, as well as further developments that arise from the discrepancy between the legal results and the situation on the ground. Even in cases in which the court ruled in favor of landowners, the reality in the West Bank being what it is, in practice, many of these landowners do not manage to exercise their rights to the land – to access it or to cultivate it. In some cases, Israeli security forces deny or restrict Palestinians' access to land.<sup>7</sup> In other cases, although the military does permit access (either permanently or subject to prior arrangements), Palestinian landowners are fearful of entering land that is close to settlements or outposts, feeling that their mere presence on the land puts them in danger.

In the sections relating to the results of proceedings, we have included references to the significance and ramifications attached both to the rulings themselves and to their implementation. In these sections, we have attempted to provide a wider context for the implementation of the court decisions, and the practices that have developed following the legal proceedings.

An overview of all proceedings<sup>8</sup> reveals that the immediate, main outcome of the legal pressure put on the State as a result of the petitions was the near complete cessation of illegal construction on privately owned Palestinian land. This was previously the main method for developing and expanding settlements and outposts. Most construction currently takes place on public land or survey land.<sup>9</sup>

The pressure created by the proceedings that challenged illegal construction has also led to an official, dramatic change in Israel's policy regarding the outposts. Ever since the building of outposts began in the 1990s, Israel's official position has been that the outposts were unlawful and should be dismantled. In 2011, a vivid shift took place, and the State is now actively seeking legal ways to retroactively authorize the outposts and turn them into official settlements, which are considered legal under Israeli law.<sup>10</sup>

One clear feature of the legal work is that the legal remedy is not necessarily dependent on a ruling. Though some petitions have led to precedent-setting decisions ordering the removal of illegally - constructed structures, many petitions were stricken in the early stages of the proceedings, without a judicial decision being handed down, because State authorities had taken action to restore landowners' rights following the submission of the petition. In some cases, the State quickly provided the remedy sought in the petition, without a judicial decision, in order to avoid a judgment it would have to follow in similar cases in the future. In these cases, when remedy is given before

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7 Access by Palestinians to land located near settlements and outposts is usually prohibited through a Closed Military Zone Order. Sometimes, access to land that is subject to such an order is possible with prior coordination with the security forces, which issue the landowners permits to access their own land. For the most part, land trapped in the Seam Zone (the part of the West Bank between the Green Line and the Separation Barrier), or land located near settlements or outposts, is not freely accessible to Palestinians.

8 In addition to proceedings in which Yesh Din helped Palestinians, Peace Now has filed dozens of petitions for the removal of illegal structures from privately-owned Palestinian land.

9 Survey land is land whose proprietary status is undetermined, and there is doubt regarding its title. Israel is conducting surveys on such land with the object of determining its status and examining the feasibility of declaring it public land. The position of the Civil Administration is that survey land is one to which the Supervisor of Government Property is claiming title, but whose status has not yet been finalized by way of a public land declaration.

10 See: Yesh Din, [Under the Radar: Israel's silent policy of transforming unauthorized outposts into official settlements](#) (March 2015).

a judgment is delivered, the specific remedy is obtained, but the achievement is lacking on the point of principle and does not preclude future use of the same injurious practice.

In the cases in which the court did issue a judgment, the State's attempts to delay, circumvent and even avoid upholding it have been rather conspicuous. Given these attempts, in recent years, the High Court has given the State extended periods of time to implement the court's decisions, and stressed the obvious – the State must comply with the schedule set forth in these decisions.

This document ends with a table of proceedings with references to all the petitions and judgments mentioned in it.

## B. FIGURES 2006-2016

### 1. TYPES OF PROCEEDINGS

From 2006 to the present day, Yesh Din has represented Palestinians in 64 legal proceedings<sup>11</sup> before Israeli courts or administrative tribunals, primarily the High Court of Justice:

- 51 petitions to the High Court of Justice
- 6 proceedings before the Military Appeals Committee at Ofer Military Camp
- 3 proceedings before subcommittees of the Civil Administration Supreme Planning Committee
- 4 proceedings before the Magistrate Court in Israel

These proceedings, 18 of which are still pending, were launched after extensive communication with the relevant Israeli authorities in a litany of cases in which land belonging to Palestinians throughout the West Bank had been taken from. This communication had failed to advance the protection of their rights:

- 21 proceedings demanding enforcement against illegal construction by Israelis, including:
  - > 18 cases of illegal construction on privately owned Palestinian land
  - > 3 cases of illegal construction on public land
- 7 proceedings to cease the denial of access by Palestinians to their land
- 3 proceedings for enforcement against agricultural invasions of Palestinian land
- 6 proceedings to revoke land seizure and confiscation orders, including:
  - > 4 proceedings to revoke orders for the seizure of land for military purposes
  - > 2 proceedings to revoke orders for the confiscation of land for public purposes
- 10 objections to proceedings undertaken by the State to retroactively authorize illegal construction, including:
  - > 6 objections to planning procedures in the West Bank
  - > 4 objections to public land declarations

<sup>11</sup> Yesh Din is involved in scores of additional legal proceedings that have not been reviewed in this document. These include mainly legal actions undertaken by settlers, in which Yesh Din's legal team has been asked to respond, or defend Palestinians. This document addresses only legal actions undertaken by Palestinian landowners who are represented by Yesh Din, in an effort to protect their rights and fend off attempts to take over their land.

- 3 appeals against evacuation orders issued to Palestinians
- 3 proceedings against the exclusion of Palestinians from archaeological sites
- 2 proceedings for the evacuation of an entire outpost, which serves as a hub for severe, systemic harm to local Palestinian residents

Yesh Din has also provided legal assistance to Palestinians in other proceedings in land grab related cases, or in cases that pertain to cross-cutting issues concerning law enforcement in the West Bank:

- 4 civil suits against the State for compensation due to non-enforcement in cases of invasion of land
- 2 proceedings on principled matters: quarrying policy in the West Bank and the procedure for issuing olive harvest permits in the Seam Zone<sup>12</sup>
- 3 petitions for the prosecution of officials and key figures responsible for unlawful construction on Palestinian land

## 2. ENFORCEMENT AGAINST UNLAWFUL CONSTRUCTION

The lion's share of the legal proceedings launched with the help of Yesh Din has been devoted to helping Palestinians obtain remedies and protection of their rights in cases of illegal construction on their land, undertaken in order to expand the areas under the control of Israeli settlements and outposts in the West Bank. Such construction work is carried out without a permit, in violation of the law, and is therefore a criminal offense against those laws of planning and building which are in effect in the West Bank.<sup>13</sup> Law enforcement authorities in the West Bank systematically avoid the enforcement of planning and building laws on Israeli citizens in cases of illegal conduct. Both the Israel Police and the Civil Administration Enforcement Unit deny responsibility for the matter, and the result is a lack of law enforcement. The State Comptroller addressed this issue in a 2013 report. Having reviewed the matter, the Comptroller reached the conclusion that "There is nobody in the Judea and Samaria Area who is responsible for investigating allegations of illegal conduct regarding planning and building laws. This contributes to perpetuating lawlessness in this field in the Judea and Samaria Area".<sup>14</sup>

### 2.1 PROCEEDINGS AGAINST ILLEGAL CONSTRUCTION ON PRIVATELY OWNED PALESTINIAN LAND

***Proceeding objective: Administrative enforcement against illegal construction by way of demanding execution of demolition orders issued against structures built on privately-owned Palestinian land***

Yesh Din has helped Palestinian residents tackle illegal construction on their land by filing 21 High Court petitions. Beyond the legal and planning aspect, and the basic demand made in the petitions, for Israel to enforce the law

<sup>12</sup> This proceeding was filed in a particular case that included an objection to the plan in Eli, and a demand for a change in the permit policy in Wadi a-Rasha, but the argument was that the overall policy on these issues must be changed.

<sup>13</sup> Planning and building in the West Bank is under the authority of the Civil Administration, based on the Jordanian laws of planning and building that had been in force in June 1967, before the West Bank was occupied by Israel. These laws have undergone amendments and adjustments via a series of military orders issued by the Military Commander (GOC Central Command). For further reading on building laws in the West Bank, see Bimkom – Planners for Planning Rights, [The Prohibited Zone: Israeli planning policy in the Palestinian villages in Area C](#) (June 2008), Chapter Three: The laws of Planning and Building in Area C, pp. 35-44.

<sup>14</sup> State Comptroller, **Annual Report 63B**, 17 July 2013, p. 132 (Hebrew).

in the West Bank, in 18 of the 21 proceedings, the structures were built on **privately owned Palestinian land**,<sup>15</sup> thereby severely violating the owners' property rights.

The right to property is a fundamental right in the Israeli legal system, and it is explicitly enshrined in international law, which governs the relationship between Palestinians and the ruling authorities in the West Bank. Throughout the years of occupation, even when the Israeli court permitted and upheld different Israeli practices that violated the rights and freedoms of Palestinian residents, the right to property remained the last bastion, with repeated rulings forbidding violations of this right. Construction on privately owned Palestinian land is both a violation of a fundamental right and a show of utter disregard for the rule of law – or at least the semblance of the rule of law – and is therefore a particularly brazen method of land grab.

Petitions filed with Yesh Din's help, with respect to privately owned Palestinian land in various parts of the West Bank: From **Immatin** in the northern West Bank, on whose land the unauthorized outpost of Havat Gilad was built, to **al-Khader** in the south, on whose land the unauthorized outpost of Derech Ha'avot is located. Further proceedings were filed with Yesh Din's help after electrical wiring was installed on land privately owned by a resident of **Thulth**, in order to transmit electricity to the illegal outpost of Elmatan; illegal construction on land privately owned by residents of **Bil'in** and **Ni'lin**, where a public emergency services complex was built and roads were cleared to serve the settlement of Modi'in Illit; land privately owned by residents of **al-Jib**, where the Ayelet Hashachar synagogue was built in the settlement of Giv'at Ze'ev; land privately owned by residents of **Dura al-Qar'**, where five houses belonging to the Ulpana neighborhood near Beit El were built (Jabl Artis), as well as two other residential buildings in the settlement; land privately owned by residents of **Deir Nidham** and a **Nabi Saleh**, where recreational facilities were built near the al-Qeis fresh water spring; land privately owned by residents of **Kafr 'Aqab**, where twelve structures were built outside the boundaries of the master plan for the settlement of Kochav Ya'akov; land privately owned by residents of **'Ein Yabrud** where nine residential buildings and a sewage treatment facility meant to serve the settlement of Ofra were built; privately owned land belonging to **Burqah**, where three homes, ultimately evacuated in September 2012, were built in the unauthorized outpost of Migron; land privately owned by residents of **Azzun**, where horse stables were built for residents of Alfei Menashe; land privately owned by residents of **Silwad**, **'Ein Yabrud** and **Taybeh**, where the outpost of Amona was built; and land privately owned by residents of **Qaryut**, on which a road connecting the settlement of Eli to the outpost of Hayovel was constructed.

In these proceedings, Yesh Din demanded that State authorities **enforce cease-and-desist orders, and demolition orders, all issued by the Civil Administration against the illegal construction of residential buildings, public buildings and roads** in the West Bank.

<sup>15</sup> Shortly after the occupation of the West Bank in 1967, Israel issued a moratorium on the land ownership registration process (also known as 'Tabu') that had been started by British Mandate and Jordanian authorities. Only about 30% of the land in the West Bank had been registered prior to the moratorium, such that not all land that is currently held and cultivated by Palestinians is registered under their names in the land registry of the OPT. Land that did undergo the registration process and is registered under the name of the owner is referred to as "registered private land", and land that is held and cultivated by a Palestinian resident without having undergone the process is called "unregistered private land".

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## RESULTS OF PROCEEDINGS AGAINST ILLEGAL CONSTRUCTION ON PRIVATELY OWNED PALESTINIAN LAND

**Number of proceedings:** 18 High Court petitions

**Completed:** 16

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### LEGAL RESULTS OF COMPLETED PROCEDURES

**The remedy sought was obtained in nine petitions. In three other petitions, partial remedy was obtained. One petition was dismissed. In three other petitions, proceedings were halted or no decision was made with regards to the remedy sought.**

Of the twelve petitions in which the remedy sought was fully or partially obtained:

- In four petitions, the remedy was obtained shortly after the petition was filed, and the petition was rendered moot. The petitions were stricken once the State executed the demolition orders and the structures were removed from the land belonging to the petitioners in Thulth, Immatin, Bil'in and Ni'lin.<sup>16</sup>
- In a petition regarding illegal construction on privately-owned land in an archeological site situated near a spring located in land belonging to Deir Nidham, the sought remedy was obtained in part, and most of the structures were removed. The petition was therefore stricken.<sup>17</sup>

Each of the petitions was preceded by an “exhaustion of remedies” process, in which the landowners had contacted the relevant authorities with Yesh Din’s help, and asked for the illegal structures to be removed from their land. It was only after these communications received no response and the structures were not removed that a petition was filed. This leads to the conclusion that the State has completely abdicated its responsibility to maintain an enforcement system in the West Bank, and that it is moved into action only under the pressure of legal proceedings.

**The fact that the State took action toward granting the remedy only after a petition was filed can also be construed as a deliberate move meant to avoid a binding judicial decision on the issue of principle raised in the petition.**

**The significance of having the petition stricken without a judgment is that even when the petitioner obtains the remedy sought, no rule or precedent is set with respect to the issue of principle addressed in the petition.**

- **In five petitions, the remedy was obtained after the court fully accepted the petition, and ruled in these cases that illegal construction on land belonging to residents of Dura al-Qar', al-Jib, Silwad, 'Ein Yabrud and Taybeh must be removed.**<sup>18</sup> The judgments issued in these proceedings stipulated that the State must protect the private property of Palestinian residents of the OPT and execute demolition orders issued for structures built as part of an invasion of their land. The decisions also stipulated timeframes for the execution of the demolition orders and the removal of the structures from the petitioners' lands.
- **In two additional petitions, judgments were issued granting only partial remedies.** A decision issued in a petition for the demolition of a road built on Qaryut land stated that small parts of the road must be removed,

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<sup>16</sup> See Table of Proceedings: HCJ 10016/06, HCJ 1486/12, HCJ 4341/13, HCJ 9410/10.

<sup>17</sup> See Table of Proceedings: HCJ 9270/10.

<sup>18</sup> See Table of Proceedings: HCJ 9669/10, HCJ 9060/08, HCJ 9496/11, HCJ 9949/08, HCJ 5023/08.



while the land on which other parts of the same road had been built was declared public land.<sup>19</sup> In a judgment in a petition that concerned a sewage treatment facility built for the settlement of Ofra on land belonging to residents of 'Ein Yabrud, the justices prohibited use of the structure and its connection to infrastructure until its planning status was resolved, inasmuch as that was legally feasible.<sup>20</sup>

## IMPLEMENTATION OF RULING

- Illegal construction on privately owned Palestinian land (structures, roads, pipes, electrical wire and fencing) was removed following nine petitions. In some of the cases, prior to implementing the judgment, the State had sought ways to delay, and even avoid, doing so:
  - > Several days before the deadline for implementing a judgment instructing the removal of five large residential structures in the Ulpana neighborhood near the settlement of Beit El (the neighborhood of Jabl Artis, on land belonging to Dura al-Qar'), the State asked for another hearing in the petition, because the government sought to reconsider the official enforcement policy. The court rejected the motion, but granted four motions to delay execution. It was only in late 2012 that the ruling was finally implemented and the structures were removed - eight months after the date stipulated for implementation of the ruling, and almost four years after the petition was filed.
  - > After the court ordered the removal of two large residential structures in Beit El, built on land belonging to Dura al-Qar' (the Dreinoff complex) by March 2015, the development company that built the houses filed two petitions asking to annul the judgment and delay its implementation, as planning procedures for these structures were being advanced. The State supported the two petitions, maintaining that the judgment should be set aside and that planning procedures should be pursued toward retroactively authorizing the civilian structures built on land that was seized for military purposes. Both petitions were rejected, and the ruling was implemented in July 2015, five months after the deadline set in the judgment and four and a half years after the petition was filed.
  - > Following a judgment that ordered the evacuation of a synagogue serving Giv'at Ze'ev on land privately owned by a resident of al-Jib, the State filed several motions to delay the implementation of the judgment on various grounds, including the Jewish high holidays, the security situation which precluded allocation of the personnel required for the removal and concerns over violence on the part of right-wing extremists. Finally, after several delays, the judgment was implemented and the evacuation was completed in November 2015, three and a half months after the deadline stipulated in the judgment, and almost seven and a half years after the first petition was filed, and four years after the second petition was filed.
- The judgments issued with respect to the outpost of Amona and nine houses in Ofra stipulated a lengthy period of time - two years - for implementation. At the time of writing, the final deadline given by the court for execution of the judgment has not yet elapsed.
- Following a petition that was partially admitted, a sewage treatment facility for the settlement of Ofra, built on privately owned land, may not be used. Efforts are underway to resolve its planning status. The Environment Subcommittee of the Civil Administration Supreme Planning Committee has approved a plan that retroactively authorizes the construction of the facility on 'Ein Yabrud land, having rejected objections filed against the plan. Following this decision, Palestinian landowners filed another High Court petition, which was stricken after the State made an undertaking to have planning institutions consider all arguments made in the petition.

<sup>19</sup> See Table of Proceedings: HCJ 2759/09. The hearing of this petition was joined with a hearing of a petition filed by Peace Now for the removal the outposts of Hayovel and Haresha: HCJ 9051/05 **S.H.A'.A.L. - Peace Now for Israel Educational Enterprises v. Minister of Defense**.

<sup>20</sup> See Table of Proceedings: HCJ 4457/09.

- Following a judgment regarding a road connecting the settlement of Eli to the outpost of Hayovel on Qaryut land, and the status of the outpost,<sup>21</sup> parts of the road, built on privately owned land, and parts of two structures inside the outpost were removed, following a pledge by the State to the court that the entire outpost of Hayovel was on track for retroactive authorization and resolution of planning status.
- Following a judgment regarding houses built in the settlement of Kochav Ya'akov on land belonging to Kafr 'Aqab, an interim order is in place, prohibiting continued construction and occupancy of the structures, pending the conclusion of the review process in the appeal filed by landowners against the public land declaration. Occupancy of the houses began in defiance of the order several days after it was issued. The appeals committee recently accepted some of the arguments made in the appeal, and declared the declaration null and void.

## ADDITIONAL RESULTS AND REPERCUSSIONS

The striking result of the petitions filed by Yesh Din and others has been the near complete cessation of Israeli construction on privately owned Palestinian land. This result has been achieved both by the simple fact that petitions were filed and thanks to the uncompromising position taken by the court, which has repeatedly ordered the removal of structures placed on private land (that is, land which the State and the petitioners are in agreement is private land).

However, over the years, the State's position on existing structures on privately owned land has changed. In the past, the State presented a clear position that illegal construction on privately owned Palestinian land would be removed according to priorities set by the authorities. Although Israel has often failed to execute demolition orders issued by the Civil Administration for structures built on private land, the ministerial-level position was that there should be no interference with private property (whereas, illegal construction on public land should be authorized). **In recent years, there has been a shift away from this position – led by government level officials – toward seeking avenues for retroactive authorization of construction on privately-owned Palestinian land as well, sometimes even after a judgment was issued.**

This shift was clearly visible in the hearings held in the petitions on the outpost of Amona and nine houses in the settlement of Ofra. In the former case, the State initially conceded it had to evacuate the outpost that was built on land registered in the West Bank land registry as privately-owned Palestinian land. The State later retracted this position, and issued notice that it would remove only structures built on specific plots whose owners petitioned the High Court, but would leave structures built on privately-owned land whose owners were not party to the petition. This position fits the State's practice of refraining from enforcing the law on illegal construction on privately-owned land if no High Court petition is filed in the matter. The High Court of Justice rejected this position, and ruled that the entire outpost must be evacuated. At the time of writing, as the deadline for the implementation of the judgment approaches, the State is still looking for a way to avoid implementing it. The argument the State used in the petition on the nine houses in Ofra, a settlement that is built entirely on privately owned Palestinian land, was even more implausible. The State argued that while all of the petitioners had a clear connection to the land, the decision on the fate of the houses should be delayed until the fate of the entire community is determined, together with all the outposts and settlements in the West Bank, as part of the permanent agreement between Israel and the Palestinians. The High Court of Justice rejected this argument as well.

Another brazen manifestation of the declining status of private property can be seen in several bills promoting a "regulation law". This law would enshrine the State's power to force Palestinians to waive their rights to land in return for compensation. So far, none of these bills have passed, but these attempts, together with other measures, do indicate that officials in the Knesset and in the government are trying to promote legislation that would subvert the property rights of West Bank Palestinians.

<sup>21</sup> As stated in note 17 above, the hearing of this petition was joined with the hearing of a petition filed by Peace Now for the removal of the outposts of Hayovel and Haresha. The judgment addressed both the status of the road and the status of the outpost and the structures in it.

## 2.2 PROCEEDINGS AGAINST ILLEGAL CONSTRUCTION ON PUBLIC LAND (STATE LAND)

***Proceeding objective: Administrative enforcement against illegal construction through demands to issue and execute demolition orders for structures illegally erected on public land.***

Yesh Din has provided assistance in three proceedings demanding enforcement actions against **illegal construction by Israelis on public land** that belongs to the natural blocs of Palestinian villages, and where unauthorized outposts have been established. This construction was undertaken illegally, without building permits, and do not conform with valid master plans, and as such, constitutes a criminal offense for all intents and purposes. This construction also impedes the freedom of movement of local Palestinian residents, as they are barred access to the area, which is sometimes the only, or the most convenient, route to privately-owned land. The construction of outposts on public land brings with it a litany of access and travel restrictions imposed on residents of villages in the area, impeding their access to land they own around the outposts.



**Construction in the outpost of Mitzpeh Danny, October 2010. Established on public land in Deir Dobwan Photo by Yesh Din**

The legal proceedings in questions have addressed illegal construction on public land in the villages of **Deir Istiya** and **Thulth**, where a synagogue serving the illegal outpost of Elmatan was built; land in **Deir Dobwan**, where an illegal structure in the outpost of Mitzpeh Danny was built; and land in the villages of **Yatma** and **a-Sawiyah**, where nine structures in the center of the outpost of Rechelim were built. The outpost itself has since been legalized and turned into an official settlement.

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## RESULTS OF PROCEEDINGS AGAINST ILLEGAL CONSTRUCTION ON PUBLIC LAND

**Number of proceedings:** 3 High Court petitions

**Completed:** 3

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### LEGAL RESULTS OF COMPLETED PROCEEDINGS

**In one of the petitions, partial remedy was obtained by way of sealing a structure use of which blocked Palestinian access to land. In the other two petitions, the remedy was not obtained. All three petitions were stricken without a judgment having been issued.**

- A petition filed concerning the erection of a structure used as a synagogue in the unauthorized outpost of Elmatan was stricken after the structure was sealed.<sup>22</sup>
- A petition filed regarding construction in the unauthorized outpost of Mitzpeh Danny was stricken after the State announced it was planning to retroactively authorize the outpost as part of a broad regional plan. The plan has not yet been deposited for objections.<sup>23</sup>
- In a petition for the execution of demolition orders against nine houses in the outpost of Rechelim, the State announced that it was planning to retroactively authorize the construction and the petition was stricken.<sup>24</sup> An interim order issued during the proceedings, forbidding continued construction and occupancy, remained in place pending resolution of the structures' planning status. However, the order was violated and occupancy began.<sup>25</sup> The outpost was later retroactively authorized, and turned into an official settlement (together with the outpost of Nofei Nehemia). However, while the court ruling that dismissed the petition based on the fact that planning procedures were being promoted was given in July 2013, the plan for Rechelim was deposited for objections only in the summer of 2016.

### ADDITIONAL RESULTS AND REPERCUSSIONS

One by-product of the petitions demanding the removal of illegal construction has been the unveiling of Israel's true intentions with respect to the unauthorized outposts. Israel has, for many years, pursued an ambivalent policy as to the outposts. On the one hand, it funded and aided their establishment and development, and on the other, claimed it did not build them, that they were unauthorized, illegal communities and that in due time, it would enforce the law and evacuate them. Filing the petitions has forced Israel to present a clear position on the future of the outposts – either it considers them illegal communities and must therefore see to their evacuation, or it intends to continue to support them, and therefore, must regularize their status and authorize them as settlements.

As a result of the pressure which the petitions exerted the State, a new policy was developed, whereby the State would demolish structures built on privately-owned Palestinian land, but seek avenues for retroactively authorizing structures built on public land.<sup>26</sup> This marked a shift in the State's position on the legality and future of the outposts – from declarations regarding intent to remove the illegal outposts in the West Bank to open admissions about the intent to resolve their status. The change of policy illustrates how the law can be used by the Israeli authorities as a flexible tool in the struggle over land.

<sup>22</sup> See Table of Proceedings: HCJ 4475/09.

<sup>23</sup> See Table of Proceedings: HCJ 5383/09.

<sup>24</sup> See Table of Proceedings: HCJ 2295/09.

<sup>25</sup> None of the individuals responsible for breaching the interim order were prosecuted, and Yesh Din filed a petition demanding the prosecution of the heads of Amana, an association that acts as the settling body for the Judea and Samaria Area Council, and the leaders of Rehelim at the time, for the violation of the order (HCJ 5145/16).

<sup>26</sup> This notification was given in a petition filed by Peace Now for the evacuation of six outposts against which delimitation injunctions, allowing for their evacuation, had been issued. Supplementary Affidavit of Response on behalf of the State in HCJ 7891/07 **S.H.A'.A.L. - Peace Now for Israel Educational Enterprises v. Minister of Defense et al.** March 7, 2011.

### 3. PROCEEDINGS REGARDING DENIAL OF ACCESS TO LAND

***Proceeding objective: removal of fencing and other obstacles that blocked Palestinian landowners from accessing their land.***

Yesh Din's legal team has filed seven petitions to help Palestinians in cases in which various types of obstacles, fences, dirt mounds, and other types of blockages, were illegally erected on their land or on the way to their land. These obstacles and blockages were illegally installed by Israeli civilians with the object of denying Palestinian residents free access to land they own or farm. Like Israeli construction on Palestinian land, the placement of blockages and obstacles is also intended to deny Palestinians access to their land, thus preventing them from cultivating it for extended periods of time. The ultimate objective is to transfer more and more land to Israeli control. According to land laws in effect in the West Bank, stoppage or lack of continuity in cultivation may result in the loss of possession. Therefore, denying Palestinian farmers access to land they are cultivating can be critical.

Additionally, these obstacles severely impede the freedom of movement of Palestinian residents, as they prevent them from accessing lands and areas that are meant to be freely accessible, without any restrictions or a need to make prior arrangements with the military. In most cases, denial of access also manifests in financial harm to Palestinians and loss of ability to make a living from their land.

In these proceedings, Yesh Din demanded, on behalf of the Palestinian landowners, **that State authorities remove or demolish obstacles that were installed unlawfully and prevented Palestinian residents from accessing their land. Yesh Din also demanded the State take action to secure future access by the residents, by way of providing a security escort to protect them against physical assaults by Israeli citizens.**

The proceedings in questions related to land in the village of **Qadum**, where a house was invaded by settlers who attempted to establish the outpost of Shvut Ami; land in the village of **Beit Furik**, near which the settlement of Itamar and its satellite outposts had been established; land in **Jaba'**, part of which was used as the site for the settlement of Geva-Binyamin (Adam), with an illegally built fence blocking access to more land; land in **Yasuf**, near which the settlement of Kfar Tapuah and the unauthorized outpost of Tapuah Ma'arav were built; and land in the villages of **Silwad** and **'Ein Yabrud**, between which the settlement of Ofra was built, with the fences erected around it preventing landowner access. In another petition, Yesh Din demanded the State secure access for residents of **Deir Nidham** to their farmland and to a freshwater spring near the village, after their access to the area was denied on the grounds of future plans to consider declaring the spring a historical site, though no such declaration had been made at the time.



**The spring in Deir Nidham, 2010. Palestinian residents' access to the area was denied on the grounds of future plans to consider declaring the spring a historical site**  
**Photo by Yesh Din**

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## RESULTS OF PROCEEDINGS AGAINST DENIAL OF ACCESS TO LAND

**Number of proceedings:** 7 High Court petitions

**Completed:** 7

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### LEGAL RESULTS OF COMPLETED PROCEEDINGS:

**In six of the seven petitions, the remedy was obtained.**

A judgment was issued in one petition only. The petition was dismissed in view of the State's undertaking to advance work to remove fencing in the settlement of Geva-Binyamin (Adam).<sup>27</sup> The justices recommended the State step up the work, and the remedy was later obtained. Six petitions were stricken without a judgment. In five, the remedy was obtained and the obstacles and blockages were removed. Another petition was stricken when several months after filing, the land around the spring in Deir Nidham was declared a historical site. This led to the removal of access restrictions and the stipulation of farming arrangements, which is standard practice in archeological sites.<sup>28</sup>

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<sup>27</sup> See Table of Proceedings: HCJ 9061/09.

<sup>28</sup> See Table of Proceedings: HCJ 4488/08, HCJ 10078/09, HCJ 7034/10, HCJ 9512/10, HCJ 6061/11, HCJ 9270/10.

## IMPLEMENTATION OF RULINGS:

- Following the filing of a petition demanding that the intruders of an agricultural structure on land belonging to Qadum be removed and that a military detail be stationed in order to prevent future invasions and attempts to establish the unauthorized outpost of Shvut Ami, the intruders were evicted and a military detail was allocated to make a show of presence on the land to prevent the recurrence of the invasion.
- Following three petitions, fencing that prevented landowners from the villages of Silwad, 'Ein Yabrud and Jaba' from cultivating the land was removed or relocated.
- Following a petition regarding denial of access to farmers from Yasuf, an illegal barrier put up by Israeli civilians was removed. However, the army has installed a permanent gate and instituted a coordination procedure for farmers who wish to cultivate their land.
- A petition seeking to ensure access for farmers from Beit Furik to their land was stricken, following its submission, after the State was moved to perform staff work that reduced the area accessible only by prior coordination, and expanded the area freely accessible to owners.

## ADDITIONAL RESULTS AND REPERCUSSIONS

The issue of access to agricultural land has been deliberated and ruled on by the High Court, in a petition filed by the Association for Civil Rights in Israel. In the judgment, handed down in 2006, the court ruled that the State must balance its duty to ensure security in the Area and the duty to guarantee Palestinian farmers' the right to freedom of movement on their land and their ability to exercise their property rights. The Court stipulated principles for action designed to ensure the protection of these rights. The duty to protect the safety and property of Palestinians was defined in the judgment as, "one of the most fundamental duties imposed on the military commander in the Area".<sup>29</sup>

Petitions for removing blockages and securing access to land were preceded by repeated appeals to the relevant authorities, demanding to remedy the situation. Since these communications failed to produce a change on the ground, landowners were forced to petition the High Court. The petitions resulted in improved access by the petitioners to their land, at least according to the State's undertaking in court. However, none of the petitions concluded with a ruling requiring the State to remove obstructions or ensure farmers' access to their land. The petitions were stricken because the State granted the relief shortly after they were filed, rendering them moot. The fact that the State took action only after a petition was filed, finally granting the relief sought long before legal action was taken, shows that when the State is willing - or when it has no choice - law enforcement authorities can take action to ensure access to land.

## 4. PROCEEDINGS FOR THE REMOVAL OF AGRICULTURAL INVASION OF PALESTINIAN LAND

***Proceeding objective: Execution of "Interfering Use of Private Land" orders issued by the head of the Civil Administration in order to evacuate agricultural invasion of privately owned Palestinian land.***

In three legal proceedings, Yesh Din has helped Palestinians whose farmland was invaded by Israeli citizens. Many Palestinians in the West Bank are prevented from regularly accessing plots they cultivate. This is a result of a series of restrictions and prohibitions imposed on owners of plots located near settlements and outposts, various forms of road and access blockages, and in many cases landowners simply fear acts of harassment and violence against

<sup>29</sup> HCJ 9593/04 *Morar v. IDF Commander in Judea and Samaria*, [2006] (2) IsrLR 56, para. 33, p. 83.

them.<sup>30</sup> Landowners' absence from an area allows parties who wish to do so to invade agricultural lands, cultivate them, sometimes fence them in and treat them as if they were their own.

Land laws in effect in the West Bank, combined with the fact that most of the land there is not registered in the Land Registry, allow possession of land to be obtained by means of continuous, prolonged cultivation thereof. Therefore, agricultural invasion that is not promptly detected or treated could, in some cases, lead to loss of land rights in favor of the intruder.

The Israeli authorities, primarily the Israel Police, exhibit failure in addressing this practice. In terms of criminal measures, Yesh Din data shows that most police investigations of offenses relating to agricultural invasions are closed due to investigative failure, and that only a minority of cases yield indictments against Israelis accused of trespassing and invading Palestinian land, even though in this field it is relatively easy to identify suspects and gather evidence against them.<sup>31</sup>

To deal with agricultural invasion on the administrative level, in 2007 the order regarding Interfering Use of Private Land<sup>32</sup> was issued by the Military Commander. The Order grants the Civil Administration the authority to take rapid action toward the removal of individuals who invaded private land. However, the Civil Administration rarely makes use of this order, and even when orders are issued, they often remain unenforced. In such cases, Palestinian residents must ask the High Court to order the execution of the orders.

In 2007, Yesh Din helped landowners from the village of **Qadum**, who noticed that a resident of the settlement of Kedumim had invaded their land, built a fence around it, planted hundreds of seedlings, and set up drip irrigation and other irrigation facilities. After the Civil Administration was contacted, an interfering use order was issued in August 2007, but the intruder turned to the Military Appeals Committee, which made a recommendation to the head of the Civil Administration to cancel the order against the invasion.<sup>33</sup> In June 2009, the Palestinian landowners petitioned the High Court of Justice, with the assistance of Yesh Din, requesting it to **instruct the cancellation of the Military Appeals Committee recommendation, which was adopted by the head of the Civil Administration, and the removal of the intruder.**

30 Ideologically motivated crime in the West Bank is as old as the occupation itself. It is designed to terrorize Palestinians, and produce a real threat that would deter and prevent them from cultivating their land. Yesh Din data point to a high failure rate in police investigations of offenses against Palestinians. For the full figures see, Yesh Din, [Law Enforcement on Israeli Civilians in the West Bank](#), Datasheet, October 2015.

31 See, Yesh Din, [Law Enforcement on Israeli Civilians in the West Bank](#), Datasheet, November 2014; Part B: Outcome of Police Investigations.

32 Order regarding Land (Interfering Use of Private Land) (Judea and Samaria) (No. 1586) 2007.

33 Appeal (Judea and Samaria Area) 27/07 **Lesens v. Head of the Civil Administration et al.**, decision of March 10, 2009.





**Agricultural takeover of Turmusaya's lands, 2013. The Civil Administration issued an interfering use order but failed to enforce it**  
**Photo by Oren Ziv**

In 2010, Yesh Din helped a resident of **Sinjil** to appeal to the High Court, after he noticed that unknown individuals had invaded his land, fenced off parts of it using steel fencing, planted trees and installed an irrigation system. Following an appeal to the Civil Administration, an interfering use order was issued against the intruders, but the Civil Administration did not bother to enforce its own order. A similar petition was filed, with the assistance of Yesh Din, by landowners from the village **Turmusaya**, who discovered in July 2010 that extensive infrastructure work had been done in their plots, including fencing, leveling, installation of an irrigation system and planting of dozens of vine seedlings. Following repeated requests to the Civil Administration, an interfering use order was issued. **In this case too, Civil Administration officials did not bother to enforce the order. In these petitions, the petitioners asked the court to instruct the Civil Administration to enforce the interfering use orders that had been issued.**

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**RESULTS OF PROCEEDINGS FOR THE REMOVAL OF AGRICULTURAL INVASION**

**Number of proceedings:** 3 High Court petitions

**Completed:** 2

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**LEGAL RESULTS OF COMPLETED PROCEEDINGS**

**In the two petitions that have been concluded, the proceedings were successful and the remedies sought have been obtained.**

In a petition that sought the evacuation of agricultural invasion into land belonging to a resident of Qadum, a precedent-setting ruling accepted the petition, and ordered the intruders to vacate the plot. A petition for the court

to instruct the execution of an interfering use order to evacuate an invasion into land owned by a resident of Sinjil was stricken after the evacuation was carried out prior to the court's decision.<sup>34</sup>

## IMPLEMENTATION OF RULINGS

The two agricultural invasions were removed, meaning the remedy sought in the petitions was fully obtained. In this sense, both petitions proved to be an effective tool for forcing the authorities to fulfill their obligations to enforce the law and protect the property of Palestinian residents.

### ADDITIONAL RESULTS AND REPERCUSSIONS

The judgment on the agricultural invasion of land owned by a resident of Qadum has enshrined the importance of using and executing orders regarding interfering use of private land.

The judgment stated:

*The provisions of the Interfering Use Order fulfil the military commander's duty to maintain public order in the Area and his duty to safeguard and protect the property of the protected persons [...] The military commander has a duty [...] to prevent invasions and interfering use of, their private land. As has been ruled, this protection is one of the most fundamental duties of the military commander.*<sup>35</sup>

The ruling in the Qadum case has set another important precedent in the context of the struggle against agricultural invasions and the use of violence to dispossess Palestinians of their land. The judgment stated that in a modern society that is based on the rule of law, invasion by force cannot grant rights to, and possession of, land:

*The argument put forward by Respondent 3 [the intruder; Yesh din] that cultivation and possession alone can establish the right set forth in the first clause of Section 78 of the Land Law, even in circumstances where possession is dishonest, must be rejected [...] In modern reality, in which state land is a vital and precious resource, this manner of acquisition raises difficulty, particularly for a society that ascribes importance to maintaining law and order and enforcing the law, and does not wish to encourage a system of might makes right. This is all the more the case in the West Bank, where the military commander must respect the property of the landowners who are protected persons.*<sup>36</sup>

Despite the decisive ruling regarding the military commander's obligation to protect against agricultural invasions, and despite the fact that the Order regarding Interfering Use is an effective tool for fulfilling this duty, in recent years, this order has hardly been used.<sup>37</sup> According to media reports, former Defense Minister Moshe Ya'alon has taken the authority to issue such orders away from the hands of the head of the Civil Administration, and stopped the use thereof almost completely.<sup>38</sup> Even in the few cases in which orders are issued, landowners are often forced to turn to the High Court to instruct the State to implement the orders and evacuate the intruders.

34 See Table of Proceedings: HCJ 5439/09 and HCJ 9711/10.

35 HCJ 5439/09, 5391/11 **Ahmad Abd al-Qader v. Military Appeals Committee under the Order regarding Appeals Committees at Ofer Camp**, judgment of March 20, 2012, p. 9, para. 11 (Hebrew).

36 Ibid, paras. 21-22 (Hebrew).

37 Yesh Din, **Road to Dispossession: A Case Study – the Outpost of Adei Ad**, February 2013, pp. 81-83; **From Occupation to Annexation: The silent adoption of the Levy Report on retroactive authorization of illegal construction in the West Bank**, Yesh Din, February 2016, p. 18.

38 Chaim Levinson, "[State to Hinder Removal of Settlers From Private Land](#)", Haaretz English website, May 27, 2014.

## 5. PROCEEDINGS TO REVOKE ORDERS FOR THE SEIZURE OF LAND FOR MILITARY PURPOSES AND TO REVOKE CONFISCATION ORDERS

### 5.1 PROCEEDINGS TO REVOKE SEIZURE ORDERS FOR MILITARY PURPOSES

***Proceeding objective: Revocation of military orders for the seizure of privately owned Palestinian land for urgent military needs, which remained in force though the land seized was never used for military purposes.***

Four High Court petitions were filed with the assistance of Yesh Din by Palestinians whose land was seized pursuant to orders issued by the commander of GOC Central Command, stating that the army required the area for security purposes. In all four cases no use was made of these lands - military, security or other - but in practice, the landowners were prevented from accessing the land or cultivating it.

International law allows the seizure of land owned by residents of an occupied territory, inasmuch as the occupying forces require it for imperative, urgent, security needs. An outcome of this condition is that the seizure orders are temporary, and should remain in force only for as long as the urgent security need exists. In the 1970s, Israel made extensive use of orders for the seizure of land for military purposes, and used the seized land to build Israeli settlements. The practice of establishing settlements on security grounds continued until the High Court of Justice ruled, in its seminal October 1979 decision, known as the **Elon Moreh judgment**,<sup>39</sup> that if the motive for establishing settlements is not security-based, the seizure is illegal. Still, even after the ruling, Palestinian plots have remained seized for military purposes, even if they were never actually used for military purposes.

The proceedings in which Yesh Din assisted Palestinian landowners related to hundreds of dunams of land privately owned by residents of **Burqah**, which was seized by a military order from 1978 and housed the settlement of Homesh until its evacuation in 2005 as part of the Disengagement Plan; land belonging to a resident of **Dura al-Qar'**, seized by military order in 1979, which has never served any military purpose and is the site where two large residential buildings designated for civilians living in the settlement of Beit El were built; hundreds of dunams of land belonging to residents of **Jalud, Duma** and **Qusra**, seized by military order in 1978, a small part of which was used to build an army camp (Camp Jalud), that has since been abandoned and remains unused; scores of dunams of private land belonging to residents of **Mikhmas** and **Deir Dobwan**, seized by military orders between 1978 and 1984, of which a very small portion was used to establish a military outpost, which has since been abandoned, leaving the entire seized area unused.

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<sup>39</sup> HCJ 390/79 [Dweikat v. Government of Israel](#), judgment dated October 22, 1979



**Dura al-Qar', January 2011. While the land was seized for military needs, two residential buildings were established on it in the settlement of Beit El** **Photo by Yesh Din**

In these cases, Israel continued to hold land originally seized for military purposes, and refrained from revoking or changing the seizure orders even when the circumstances, or use of the land, changed. Therefore, with Yesh Din's assistance, landowners petitioned the High Court of Justice demanding that the seizure orders be cancelled and that the land be restored to its owners.

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## RESULTS OF PROCEEDINGS TO REVOKE MILITARY SEIZURE ORDERS

**Number of proceedings:** 4 High Court petitions

**Completed:** 2

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## LEGAL RESULTS OF COMPLETED PROCEEDINGS

**The remedy was obtained in three petitions, and the military orders were revoked, including in two pending petitions. Another petition was dismissed without a ruling on this issue of principle.**

The petition demanding the revocation of the seizure orders for lands belonging to the village of Burqah was stricken after the State revoked the orders and the proceeding was thus terminated.<sup>40</sup> Proceedings in the petition for the revocation of the seizure orders in Deir Dobwan and Mikhmas have not yet concluded, but the seizure orders have been revoked and the court ordered the petition stricken.<sup>41</sup> Proceedings have not been concluded in the petition for the revocation of seizure orders in Jalud, Duma and Qusra either, but after the petition was filed

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<sup>40</sup> See Table of Proceedings: HCJ 9389/11.

<sup>41</sup> See Table of Proceedings: HCJ 9015/15.

and before the case was heard, seizure orders for an area the size of 1,670 dunams (roughly 167 hectares) were revoked (30 additional dunams, roughly 3 hectares, remain under seizure orders).<sup>42</sup>

A petition for the revocation of seizure orders for land privately owned by a Palestinian resident of the village of Dura al-Qar', where residential buildings serving the settlement of Beit El were built, was joined with the case as to illegal construction on the land, but the matter has not been decided, since the court ruled that the demolition orders for the structures must be implemented, and that this rendered the issue of the validity of the seizure order a moot issue.

## IMPLEMENTATION OF RULINGS

- The military seizure order for lands belonging to the village of Burqah was revoked, but since the area had previously housed a settlement (Homesh, which was evacuated as part of the Disengagement Plan in 2005) an order prohibiting the entry of Palestinians into the settlement remained in force. In September 2013, following another struggle with the assistance of Yesh Din, the closure order was also revoked.
- Following the High Court's decision not to address the seizure orders in Dura al-Qar', the orders have remained in place and the State is now promoting planning procedures in the seized area. The Subcommittee for Objections in the Supreme Planning Committee approved a plan (the term used by the military is "planning guidelines") for the construction of civilian residential structures on the seized land. Objections filed by landowners with the assistance of Yesh Din were rejected. As a result, in July 2015, the landowners filed another High Court petition with Yesh Din's assistance, demanding the invalidation of the planning guidelines, since civilian planning cannot be pursued on land seized for military purposes. The petition also demanded the revocation of the part of the military seizure order pertaining to the part of the land where the structures were to be erected, according to plans. This petition is still pending. The decision, if handed out, would be the first ever ruling on this issue of principle, which has broad implications.<sup>43</sup>

## ADDITIONAL RESULTS AND REPERCUSSIONS

Although military seizure orders should be temporary, and serve only for urgent, immediate military needs, the State does not tend to actively revoke orders or return land to owners in cases in which no such use of the land is made.

The results of the four petitions for the revocation of military seizure orders signify that these proceedings are highly likely to succeed when the land has not been used. However, when the land has been used to serve settlement interests (or where there are future plans for such use), the State opposes the revocation, thereby revealing that some seizure orders issued by the military commander were effectively meant to keep Palestinians off their land and ultimately use it for the building and expansion of settlements.

<sup>42</sup> See Table of Proceedings: HCJ 7637/15.

<sup>43</sup> See Table of Proceedings: HCJ 5165/15.

## 5.2 PROCEEDINGS TO REVOKE CONFISCATION ORDERS FOR PUBLIC PURPOSES

***Purpose of the proceeding: Revocation the confiscation of privately owned Palestinian land for public purposes, in cases where the land was never used.***

Two High Court petitions were filed with the assistance of Yesh Din by Palestinian owners of private land confiscated by Israel for public purposes. Confiscation of private property by the State is a far-reaching step, as it permanently changes ownership of the property. Once a piece of land is confiscated, its registration under the owner's name should be removed from the land registry.

Confiscation in the context of occupation is even more far-reaching, as one of the main functions assigned to the occupying power is protecting the property of residents of the occupied territory. Although the laws of occupation prohibit confiscation of private property, Israel's interpretation of this prohibition recognizes the existence of an exclusion, which allows it to confiscate property for public purposes in order to fulfil its duties as the administrator of the territory in place of the sovereign. Thus, confiscation may be possible when a certain area is needed for public use (rather than for Israel's own purposes), for example, in order to build a hospital, a road or any other public building or infrastructure designed to serve the general population. This type of confiscation is carried out using the Jordanian law that was in place in the West Bank before it was taken over by Israel.

Yesh Din has provided assistance to Palestinians whose private, registered land was confiscated, but never actually used. Using this method, vast tracts of Palestinian land have been taken away from their owners. In one case, Yesh Din helped residents of the villages of **Ein 'Arik, Bitunya and Deir Abu Ibzi**, where hundreds of dunams of land were confiscated between 1998 and 2001. The land was ostensibly confiscated for the purpose of building a road linking the settlements of Talmon, Dolev, Nahaliel and Nerya to Road 443, thereby shortening travel from the settlements to Jerusalem. After the State acknowledged that it had no intention whatsoever of constructing the road, a petition demanding the revocation of these confiscation orders was filed.

Another petition was filed with assistance from Yesh Din by residents of the village of **Anata**, where vast tracts of registered privately owned land were confiscated by Israel in 1975, as part of a very large confiscation for the purpose of building the settlement of Ma'ale Adumim. While some of the land that was confiscated was in fact used to establish the settlement and its surrounding infrastructure, other parts of the land were never used, and there are no known plans to use them. Still, the confiscation orders were never revoked and the land was never returned to its rightful owners.

In both petitions, **the petitioners demanded the revocation of the orders, or the parts thereof pertaining to land that was not used, and the restoration of such land to its rightful owners.** In addition, the petition filed by residents of Anata demanded that unused confiscated land be removed from the jurisdiction areas of the settlement of Ma'ale Adumim and the Binyamin Regional Council.

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## RESULTS OF PROCEEDINGS TO REVOKE CONFISCATION ORDERS FOR PUBLIC PURPOSES

**Number of proceedings:** 2 High Court petitions

**Completed:** 1

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### LEGAL RESULTS OF COMPLETED PROCEEDINGS

**The petition for the revocation of the confiscation order in Ein 'Arik was stricken after the remedy was obtained, with the State's decision to revoke the confiscation order before the court's ruling.<sup>44</sup>**

The State's decision to revoke the confiscation order, following the petition, is the first case we are aware of where a confiscation order in the West Bank was revoked after a petition was filed.

## 6. OBJECTION TO PROCEDURES PURSUED BY THE STATE FOR RETROACTIVE AUTHORIZATION OF ILLEGAL CONSTRUCTION

### 6.1 OBJECTION TO PLANNING PROCEDURES

***Proceeding objective: Objection to planning procedures promoted in the various planning committees in the Civil Administration's Supreme Planning Committee which violate the rights of Palestinians and the rule of law.***

Six proceedings were submitted by Palestinians with Yes Din's assistance in objection to decisions made by the planning bodies operating in the West Bank. Unlike illegal construction on Palestinian land, or the erection of obstacles by Israeli civilians, planning procedures are an institutionalized and organized tool used by State authorities to dispossess Palestinians of land in the West Bank based on Israel's interpretation of the laws applicable in the West Bank, and their selective implementation.

The authority in charge of planning and building in the West Bank is the Civil Administration, a military body established in the early 1980s. West Bank planning and building laws are the Jordanian laws that were in effect in the area prior to the Israeli occupation, subject to adjustments and amendments Israel has made to suit its needs, by means of a series of military orders issued by the commander of the area (GOC Central command).

In keeping with Jordanian law, the highest planning, licensing and regulation authority in the West Bank is the Supreme Planning Committee of the Civil Administration, which has the power to approve regional and master plans, cancel or amend building permits issued by lower planning authorities, and issue recommendations regarding zoning. In addition to these powers, Israel has granted the Supreme Planning Committee all powers previously held by the district and local committees which had operated pursuant to Jordanian Law, essentially rendering their existence superfluous. The district planning committees were replaced by eight sub-committees, operating under the Supreme Planning Committee, to which it may delegate its powers.<sup>45</sup> In addition to the Supreme Planning Committee, Israeli local councils established in the West Bank were authorized to approve plans and issue building permits within their jurisdictions, through local committees operating within them (named special committees).

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<sup>44</sup> See Table of Proceedings: HCJ 3013/10.

<sup>45</sup> These amendments were made by issuing the Order Regarding Town, Village and Building Planning (Judea and Samaria) (No. 418), 5731-1971 (Order 418) which altered the structure of the planning bodies in the West Bank. Today the subcommittees for Enforcement; Settlement; Objections; Roads; the Environment; Mining and Quarrying; Railroads and Airfields and Planning and Permits operate under the Supreme Planning Committee.

The main result of the changes Israel made to planning and building laws in the West Bank is that Palestinian residents have no representation in planning institutions. Local committees operate within the Israeli local councils, and planning and building in the rest of the West Bank is entirely the purview of the Civil Administration Supreme Planning Committee, which has no Palestinian representatives. The meaning of this is quite clear – all planning, development and construction procedures in the West Bank are run by Israelis, from an Israeli perspective, and are subject to Israeli needs.

In this reality, planning procedures in the West Bank serve as a powerful tool allowing Israel to manage construction in the West Bank as it sees fit. In recent years, Yesh Din has assisted Palestinians in five legal proceedings aimed at objecting to planning procedures – three in the High Court and two in the subcommittees of the Supreme Planning Committee.



**The Ofra sewage treatment facility, built on land belonging to 'Ein Yabrud, March 2013. Israel seeks a formula that would resolve its planning status** **Photo by Yesh Din**

In 2009, Yesh Din, in collaboration with Bimkom (Planners for Planning Rights), helped Palestinian residents of the village of al-Janiyah submit a High Court petition against the approval of two building plans on village lands, retroactively legalizing the outpost of Givat Habreicha Neighborhood, built illegally in the settlement of Talmon in the Binyamin Regional Council.

The approval process was riddled with substantive flaws, partly because one of the plans wasn't published in Arabic newspapers as required by law, and therefore village residents could not object to it. Also, the approved plans blocked the only access road al-Janiyah residents have to their agricultural land. **The petition filed by**



**Yesh Din demanded the cancellation of the plan to establish the neighborhood and the removal of an electric gate blocking the land owners' only access route to their farmland.**

Two proceedings were submitted with Yesh Din's assistance by residents of 'Ein Yabrud on whose private land the Ofra sewage treatment facility was built. Construction of the facility began in 2005 and was later retroactively authorized. Yesh Din initially helped landowners submit objections to the plan in the Environment Subcommittee of the Supreme Planning Committee. Later, Yesh Din assisted them in submitting a High Court petition against the Subcommittee's rejection of the objection. **The petition filed by Yesh Din demanded the reversal of the approval given to the plan for the construction of the sewage treatment facility, and the execution of the demolition orders issued against it.** Currently, following the High Court decision in another proceeding submitted with the assistance of Yesh Din, the sewage treatment facility may not operate and may not be connected to electricity, unless a magic solution allowing the regulation of its planning status is discovered.

In two additional proceedings, Yesh Din assisted residents of the village of **Dura al-Qar'**, whose private land was seized by Israel for military purposes in 1979. Although international law explicitly prohibits the use of land seized for military needs for other purposes, construction of two large building complexes began on this land in 2010 (the "Dreinoff complex"). After a High Court petition against this illegal construction was filed in 2015, the Beit El local council, in whose jurisdiction area the structures were built, began promoting the approval of building plans seeking retroactive authorization for the structures. As these building plans (referred to as "planning guidelines" when they apply to land seized for military purposes) were rushed through the planning bodies of the Civil Administration, Yesh Din helped landowners submit objections to the Supreme Planning Committee's Subcommittee for Objections. After the objections were rejected and the plans were approved, Yesh Din assisted the landowners in the submission of a High Court petition in July 2015, **demanding the revocation of the planning guidelines that had been approved despite the fact that the land was not used for military purposes**, and the cancellation of the part of the military seizure orders that applied to the petitioners' land. In addition, in March 2016, Yesh Din helped landowners from **Dura al-Qar'** and **al-Birah** submit objections to planning guidelines for the construction of public buildings and the retroactive authorization of illegal construction on an additional 55 dunams (roughly 5.5 hectares) of the land seized.

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## RESULTS OF THE OBJECTIONS TO PLANNING PROCEDURES

**Number of proceedings:** 6 (3 High Court petitions, 2 objections submitted to the Sub-committee for Objections of the Supreme Planning Committee in the Civil Administration and one submitted to the Environment Subcommittee of the Supreme Planning Committee of Civil Administration)

**Completed:** 3

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## LEGAL RESULTS OF COMPLETED PROCEEDINGS:

- The High Court petition against the plan to retroactively approve the outpost of Givat Habreicha as part of the settlement of Talmon was dismissed.<sup>46</sup>
- The High Court petition against the decision of the Environment Subcommittee of the Supreme Planning Committee regarding the sewage treatment facility built in the settlement of Ofra on land belonging to the village of 'Ein Yabrud was stricken, and the issue was remanded to the environment sub-committee.<sup>47</sup>

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<sup>46</sup> See Table of Proceedings: HCJ 8271/09, HCJ 10462/09.

<sup>47</sup> See Table of Proceedings: HCJ 3922/13.

- The objection to the plan (planning guidelines) for a residential neighborhood in Beit El on land owned by Dura al-Qar' residents and seized for military purposes was rejected by the Subcommittee for Objections at the Supreme Planning Committee.<sup>48</sup>

## IMPLEMENTATION OF RULINGS

- The rejection of the objection to the plan for retroactive authorization of the outpost of Givat Habreicha paved the way for the approval of the plan and the authorization of the outpost as a neighborhood of the settlement of Talmon.
- Following the rejection of the objection to the planning guidelines in Beit El, the Subcommittee for Objections at the Supreme Planning Committee approved the plan for the establishment of a civilian neighborhood on land originally seized for military purposes. Following this decision, Yesh Din filed a High Court petition which is still pending. An interim order preventing the coming into effect of the planning guidelines has been issued.

## ADDITIONAL RESULTS AND REPERCUSSIONS

**The approval of the planning guidelines for land where the High Court had ordered the demolition of existing structures is indicative of Israel's manipulative use of planning mechanisms in the West Bank in a bid to build at all costs.** On land that was undisputedly seized for urgent and immediate military purposes only, Israel is now officially, openly, and pseudo-legally promoting the establishment of a civilian neighborhood in the settlement of Beit El.

## 6.2 OBJECTION TO PUBLIC (STATE) LAND DECLARATIONS

***Proceeding objective: appealing the decision to declare plots as public land (state land).***

One of the main tools Israel uses to take over Palestinian owned land is to declare it as public land, that is, land that belongs to the state. This practice is made possible thanks to the adoption of a strict interpretation of the Ottoman Land Law, which states that the rights to unregistered land that is not cultivated for three consecutive years return to the sovereign. Ottoman law also states that a person who cultivates unregistered land for less than ten years cannot acquire rights to said land. The practical meaning of this for Palestinian farmers is that they face the threat of losing their rights if their land is not continuously cultivated. Over the years, the State of Israel has made considerable efforts to locate such land and declare it public land, primarily for the purpose of building Israeli settlements. In recent years, land where structures or roads have been built inside Israeli settlements and outposts is sometimes retroactively declared public land. This is pursued as a way to bypass High Court decisions, avoiding the enforcement of the law and the retroactive approval of illegal construction.

<sup>48</sup> See Table of Proceedings: Objection to Planning guidelines (Judea and Samaria) 219/12/1.



**Houses in the settlement of Kochav Ya'akov built on Kafr 'Aqab's land, August 2009. Hundreds of dunams were declared public land in order to avoid removing settlement construction** Photo by Yesh Din

Land is declared as public land by way of issuing an “Order Regarding Government Property”.<sup>49</sup> Declarations may be appealed before the Military Appeals Committee at Ofer Military Camp. If an appeal is filed, the Military Appeals Committee examines several issues, including when and for how long the appellant has cultivated the land, in order to decide whether they had acquired possession, and it also examines whether there are grounds for declaring the land public. Yesh Din has helped Palestinian landowners appeal the Civil Administration's decision to declare their land as public land in three cases. The declarations were designed to retroactively authorize illegal construction on Palestinian land.

In 2011, Yesh Din helped landowners from the village of **Qaryut**, on whose land a road connecting the settlement of Eli with the unauthorized outpost Hayovel was built. Following a High Court petition filed by the landowners, also with the assistance of Yesh Din, the State announced its intention to take action toward legalizing the construction, and subsequently declared part of the land on which the road was built as public land. With the assistance of Yesh Din, the landowners appealed the declaration before the Appeals Committee at Ofer Military Camp.

Another appeal was filed with the assistance of Yesh Din by landowners from the village of **Kafr 'Aqab**, on whose land construction of twelve illegal structures in the settlement of Kochav Ya'akov had commenced. In this case a petition against the continued construction resulted in the Civil Administration declaring the land on which the structures were being built - along with hundreds more dunams within the settlement's jurisdiction - as public land, in an attempt to prevent the removal of the structures. This time, the declaration was made without informing the petitioning landowners. Following the declaration, Yesh Din helped the landowners file an appeal to Military Appeals Committee, demanding its revocation.

<sup>49</sup> Order Regarding Government Property (Judea & Samaria) (No. 59) 5727-1967.

Another appeal was filed with the assistance of Yesh Din by landowners from the village of **al-Khader**, on whose land the construction of the unauthorized outpost of Derech Ha'avot commenced in 2001. Following a petition filed by residents of Al-Khader and Peace Now against the illegal construction on the site, and as part of ongoing attempts by the State to legalize the outpost - built mostly on private land - large parts of the area were declared public land in April 2014. The landowners consequently filed an appeal to the Military Appeals Committee.

In addition to these objections and in cooperation with another NGO, Bimkom, Yesh Din has helped residents of the villages **a-Sawiyah**, **a-Lubban a-Sharqiyah** and **Qaryut** to object to an even more brazen maneuver Israel used to retroactively authorize construction in the settlement of Eli, on land belonging to the three villages.

In February 2013, almost thirty years after the establishment of Eli, a master plan for the settlement was deposited for objections, encompassing 1,000 dunams (roughly 100 hectares) and allowing for the construction of 620 housing units. The main objective of the plan was to retroactively authorize hundreds of illegal structures already built in the settlement without building permits and contrary to the area's original zoning, which permitted agricultural use only. Although Israel's position is that only construction on public land can be retroactively authorized, the plan included approximately 221 dunams (roughly 22.1 hectares) (22% of the area included in the plan) that were never declared public land. This area was included in the plan after the Civil Administration's "blue line" team<sup>50</sup> examined the limits of the old declaration made in 1983, and subsequently greatly expanded the boundaries of the public land. Following the expansion, the landowners filed a High Court petition demanding the court instruct the Civil Administration to refrain from approving the plan and halt all new construction in the area it covers. On a more principled level, the petition challenged the practice of changing the status of land following work carried out by the blue line team without giving the landowners the opportunity to appeal.

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## RESULTS OF THE OBJECTIONS TO THE DECLARATION OF PUBLIC LANDS

**Number of proceedings:** 3 objections filed to the Military Appeals Committee at Ofer Military Camp, 1 High Court petition

**Completed:** 2

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## LEGAL RESULTS OF COMPLETED PROCEEDINGS

- An appeal against the declaration of public land aimed to retroactively authorize a road built on land belonging to the village of Qaryut and the outpost of Hayovel, constructed on village land was largely rejected (except for parts of two plots).<sup>51</sup>
- An appeal regarding the declaration of public land aimed to retroactively authorize illegal construction in the settlement of Kochav Ya'akov, on land belonging to Kafr 'Aqab, was upheld. The Appeals Committee ruled that since a land settlement process had begun regarding the land in question under Jordanian rule, in order to make the declaration, the time at which the State's examination of the situation on the ground must begin is the commencement of the land settlement process rather than years later, as had been done. Therefore, the declarations were ruled null and void and the Civil Administration was directed to consult aerial photographs from the period preceding the commencement of the land settlement process, should it wish to issue a declaration in that location.<sup>52</sup>

<sup>50</sup> In 1999, the Civil Administration established the "blue line team", which was tasked with reviewing previous declarations of public land carried out during the 1970s and 1980s, when hundreds of thousands of dunams were declared as such. The object of this review is to ensure that allocation and planning processes are advanced only on public land, where, according to Israel's position, Israeli settlements are permitted.

<sup>51</sup> See Table of Proceedings: Appeal (Judea & Samaria) 55/11.

<sup>52</sup> See Table of Proceedings: Appeal (Judea & Samaria) 68/13.

## ADDITIONAL RESULTS AND REPERCUSSIONS

The practice of declaring public land has been used in recent years to retroactively authorize illegal construction and unauthorized outposts. The retroactive authorization of outposts requires land that is not private, in other words, land registered as public land, even if this means retroactively declaring it as such. Israel's new policy of pursuing retroactive authorization of outposts has produced renewed momentum for public land declarations, and has exposed the premise underlying the work of Israeli authorities, which is that public land is designated solely for Israeli settlement activity.

The retroactive authorization of structures and outposts, which no one disputes were built in violation of the law, is a particularly cynical way of approaching the duty to enforce the law and protect Palestinians' property, a duty which the authorities were called upon to uphold in the petitions that demanded the removal of illegal construction.

The proceedings conducted by Yesh Din against retroactive authorization attempts demonstrate how all Israeli authorities mobilize to side with the lawbreakers rather than to enforce the law. The proceedings regarding the declaration in the village of Kafr 'Aqab exposed the Civil Administration's improper practice of ignoring facts that do not fall in line with Israel's desire to expand the settlement enterprise. The Appeals Committee's revocation of the declaration in this case is significant not only for land in Kafr 'Aqab, but also for other villages where the land settlement process was halted by the occupation of the West Bank, as it significantly curtails the State's ability to declare such land as public land.

The petition against the approval of the master plan for the settlement of Eli revealed the distorted use Israel makes of the work of the Civil Administration's "blue line" team. Although the team was established in order to correct technical errors and corroborate old public land declarations, it became clear that Israel had used it as an expedited procedure for circumventing proper procedure for public land declarations, eliminating the legal requirement to issue notice and publicize the declaration, and give the landowners the right to a hearing. The petition is still pending, but over the course of the court's deliberations, the State announced that it would change the way the "blue line" team operates, and that it had drafted a new procedure whereby the results of the team's work would be made public, and anyone claiming to be harmed by them would be able to appeal to the Head of the Civil Administration.<sup>53</sup>

## 7. APPEALS AGAINST REMOVAL ORDERS FROM LAND

***Proceeding objective: cancellation of removal orders issued by the Civil Administration to Palestinians cultivating land which Israel seeks to declare public land.***

Yesh Din has provided assistance in filing objections in three cases in which removal orders were issued by the Civil Administration to Palestinians cultivating land in the West Bank, without previously declaring this land as public land, or stating that it is owned by the State. In all three cases, the land in question was neither registered nor declared as public land, and even though no examination had been undertaken, Israel hastened to issue removal orders for the Palestinians cultivating it. Such orders were issued to residents of **al-Khader**, on whose land the outpost of Derech Ha'avot is located. Israel has been vigorously pursuing the retroactive authorization of this outpost in recent years. Orders were also issued to residents of **Irtas**, on whose land settlers have been trying for some years to establish "Givat Eitam", a new neighborhood that would expand the settlement of Efrat to the east.

Another objection was filed with Yesh Din's assistance by residents of **Qarawat Bani Hassan**. In this case, there was no dispute that the Civil Administration had undertaken a land survey process to determine the status of the

<sup>53</sup> Response to Petitioners' Response to the Updating Notice on behalf of the Respondents, HCJ 7986/11 **Planners for Planning Rights v. Head of Civil Administration**, October 21, 2015 (Hebrew).

land in question. Yet, despite the fact that the process had not been completed, removal orders were issued to the Palestinians cultivating the plots.

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## RESULTS OF APPEALS AGAINST REMOVAL ORDERS FROM LAND

**Number of proceedings:** 4 appeals filed with the Military Appeals Committee at Ofer Military Camp

**Completed:** 4

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## LEGAL RESULTS OF COMPLETED PROCEEDINGS

- An appeal filed against removal orders issued to residents of Qarawat Bani Hassan was mostly rejected (part of one of the plots was detracted from the removal order following the appeal).<sup>54</sup>
- An appeal filed against removal orders issued to residents of the village of Irtas was upheld in regards to two plots and rejected in regards to one. The decision of the Appeals Committee stated that the removal orders were issued without an evidentiary foundation, and that the appellant had acquired rights to the plot. The committee criticized the way in which the Civil Administration determines the classification of land (be it public or private land).<sup>55</sup>
- An additional appeal was filed against a removal order issued to a resident of the village of al-Khader pertaining to land regarding which the Jordanian authorities began a land settlement (registration) process that was never completed. The Military Appeals Committee joined the hearing of this appeal with another appeal filed by residents of al-Khader, with Yesh Din's assistance, regarding the declaration of land belonging to the village where the outpost of Derech Ha'avot was built as public land. As stated, Israel is pursuing the retroactive authorization of this outpost.<sup>56</sup>

## ADDITIONAL RESULTS AND REPERCUSSIONS

The removal orders issued in Irtas and al-Khader are additional examples of the biased manner in which the Civil Administration interprets and enforces local law in cases where land is located near settlements and outposts. The proceedings have exposed flaws in the process of issuing removal orders, which were undertaken without a factual basis, and provided further proof of a practice of dispossession the sole purpose of which is to prevent cultivation by Palestinians.

## 8. PROCEEDINGS AGAINST THE EXCLUSION OF PALESTINIANS FROM ARCHAEOLOGICAL SITES

Three High Court petitions regarding Israel's use of archaeological sites as a means to further control the land and establish its presence in the West Bank were filed with the assistance of Yesh Din's legal team in cooperation with the NGO Emek Shaveh - Archeology in the Shadow of the Conflict.

Alongside the lack of a clear and transparent policy in relation to the many archaeological sites scattered across the West Bank, Israel often uses the declaration of archaeological sites and national parks to limit development prospects in Palestinian communities, and limit access to Palestinian-owned land. Archaeological sites - some of them vast - are often included in the jurisdiction area of Israeli settlements, thus preventing Palestinian access as part of the blanket prohibition on the entry of Palestinians to Israeli settlements.

54 See Table of Proceedings: Appeal (Judea & Samaria) 15/12, 16/12, 17/12, 18/12, 19/12.

55 See Table of Proceedings: Appeal (Judea & Samaria) 84/12, 85/12.

56 See Table of Proceedings: Appeal (Judea & Samaria) 37/09.



**The archaeological site Tel Shiloh, June 2015. Established on lands owned by Qaryut, Anata and al-Khader  
Photo by Ahmad Al-Bazz/ ActiveStills**

In addition, management of archaeological sites - including the charging of entrance fees - is handed over to the Israeli regional councils in the West Bank, and even to private Israeli hands, without taking into consideration or examining the connection which the local Palestinian residents have to these archaeological sites.

In this manner, Israel attains not only the physical exclusion of Palestinian residents from areas which have been declared archaeological sites, but also cuts them off from Palestinian history, religion and culture, and from the Palestinian narrative regarding sites of historical and cultural heritage.

For these reasons, Yesh Din's legal team has assisted residents of the villages of **Qaryut, Anata and al-Khader**, on whose land the archaeological sites of Tel Shiloh, Tel Alomit and the Biyar Aqueduct are situated (respectively). In these petitions, **the petitioners demanded that management of the archaeological sites be taken away from Israeli bodies and councils - whether they were authorized to manage the sites or were doing so without authority.** In addition, where the archaeological sites were included in the jurisdiction area of a settlement or settlement regional council, the petitions demanded to remove them from said jurisdiction area.

All three petition are still pending.

## 9. PROCEEDINGS TO REMOVE AN ENTIRE OUTPOST, WHICH SERVES AS A HUB FOR SEVERE, SYSTEMIC HARM TO LOCAL PALESTINIAN RESIDENTS

Two proceedings were filed by Yesh Din's legal team to assist residents of Palestinian villages on whose land - or next to it - unauthorized outposts were established.

The establishment of outposts involves illegal construction on Palestinian land and is, therefore, a major source of land grab. However, their existence is also an ongoing source of violations of the right to freedom of movement, harm to income, and sometimes even a real threat to the safety and the security of Palestinian residents of nearby villages. Since their establishment, many of the unauthorized outposts have become a hotbed of criminal activity including acts of violence and vandalism against Palestinian property, perpetrated as part of a systematic effort to intimidate Palestinians, keep them away from their lands and show them who is in control of the land, using force.<sup>57</sup>

Yesh Din has represented residents of the villages of **Turmusaya, Jalud, Qaryut** and **al-Mughayir** on whose lands the unauthorized outpost of Adei Ad was established in 1998, and residents of **Yasuf** on whose land the unauthorized outpost of Tapuah Ma'arav was established in 1999. **In both cases, the petitioners demanded that State authorities take action to evacuate the entire outpost, since it is illegal.**

Both petitions are still pending, but the State's position, as presented in court, is that it intends to retroactively authorize the two outposts.

## C. CONCLUSION

Israel's continued control of the West Bank, now entering its 50th year, attended by the constant expansion of the settlement enterprise, demands constant efforts to increase the reservoirs of land which the State can use in order to build and expand settlements, build roads, install infrastructure and supply services to the hundreds of thousands of Israeli citizens who live in the West Bank.

Since international law explicitly forbids the occupying power from using the occupied territory for its own needs, increasing the land reservoirs meant to serve Israeli interests always involves a measure of creativity and legal acrobatics – or, brazen violations of the law while law enforcement agencies turn a blind eye.

In this document, we have reviewed some of the ways Israel has and continues to use in order to take over land in the West Bank, and the legal outcomes of proceedings undertaken by Palestinian residents, with Yesh Din's help, to fight back.

Most of the experience Yesh Din has gained in this field relates to illegal construction on Palestinian land. Since 2008, Yesh Din has provided Palestinian residents with assistance in filing 18 High Court petitions demanding the enforcement of the law against Israeli construction on privately-owned Palestinian land. Construction on privately-owned Palestinian land is seemingly the most brazen practice used to take over land, as there is no way to justify one person's use of another's private property. Still, although complaints regarding trespassing and illegal

<sup>57</sup> Yesh Din has published a report that examines the impact of one outpost on the four Palestinian villages in its vicinity, and the connection between ideologically-motivated violence and land takeover, see: [Road to Dispossession: A Case Study – the Outpost of Adei Ad](#), Yesh Din, February 2013.



construction on such land have been filed with the police, and although State authorities are aware of this practice, and have even issued orders for its removal, Palestinian landowners have had to turn to the High Court of Justice to compel Israel to take action toward removing the illegal structures and returning the stolen land to its rightful owners.

Once petitions were filed, Israel never denied or disputed the argument that Israeli construction on privately-owned Palestinian land must be removed, and in evidence, most of the petitions (twelve out of sixteen completed) have yielded the requested remedy either in whole or in part, and the illegal structures were removed by court order or at the State's own initiative. These petitions, in conjunction with similar petitions filed by other organizations and private lawyers, have resulted in a near complete cessation of construction on privately-owned land for the purpose of developing and expanding settlements and outposts in the West Bank.

Despite this, legal success that resulted in the removal of structures from privately-owned land have not always ensured the ability of the owners to use the land in keeping with their status as to it, or in other words, to have access to the land and use it as they see fit. In the reality of the West Bank, and owing to the policies of the Israeli authorities, in many cases this right is restricted and limited so severely that it is practically denied. In many cases, landowners who had managed to have illegal construction removed from their land, ostensibly regaining the ability to exercise their ownership, for instance by cultivating the land, have faced regime-imposed restrictions that have rendered their rights theoretical.

Three other petitions were filed with Yesh Din's assistance, with a demand to enforce the law on illegal construction by Israelis on public land (referred to by the authorities as "state land"), which is meant to serve as a reservoir for the future development of Palestinian villages, and sometimes serves as the only access route to privately-owned land cultivated by Palestinians. As indicated by proceedings in these petitions, Israel's position on illegal construction on public land is vaguer, and the courts were also more hesitant to rule in favor of Palestinian residents in locales where Israelis have taken over public land. In one petition, partial remedy was given by way of sealing an illegal structure, but two other petitions were stricken after the State indicated it was pursuing the retroactive authorization of the illegal construction.

These notices issued by the State form part of a dramatic policy shift which was exposed by the legal actions brought by Yesh Din and others. After years of maintaining that illegal construction must be removed regardless of the status of the land, in recent years, Israel has openly and officially espoused the position that illegal construction on public land would be retroactively authorized through a series of planning and administrative procedures undertaken post factum.<sup>58</sup>

In January 2016, the Attorney General's office published a report on illegal construction in Israel. The authors of this report harshly criticize the practice of retroactive authorization of illegal construction: "In cases such as these the serious harm to the rule of law is particularly grave, as the message sent to the public is that a persistent fight against enforcement will ultimately reward offenders. Aside from the fact that sinners prevail, substantive law becomes entirely meaningless".<sup>59</sup> While inside Israel, the Attorney General's office considers retroactive authorization an evil and takes action to uproot it, in the West Bank, Israel pursues an official policy of retroactively authorizing outposts.

The retroactive authorization of illegal construction is undertaken as a way of freeing Israel from the legal bind, but it fails to resolve or prevent the land grab caused by the illegal construction in the first place. In recent years, Yesh

<sup>58</sup> This position was presented formally in the Supplementary Affidavit of Response on behalf of the State in HCJ 7891/07 **S.H.A'.A.L. - Peace Now for Israel Educational Enterprises v. Minister of Defense et al**, March 7, 2011.

<sup>59</sup> Taskforce against Illegal Construction, **Report**, Attorney General's Office, January 2016, p. 25 (Hebrew).

Din has helped landowners file objections to several proceedings pursued by the State in a bid to retroactively authorize illegal construction on their land. Such proceedings include the deposition and retroactive approval of building plans through the Civil Administration's planning bodies, the declaration of land cultivated by Palestinians as public land and the issuing of orders for the removal of Palestinians from land which the State intends to declare public land.

These proceedings point to a mobilization by the entire Civil Administration system, and other state authorities, and show that these institutions clearly prefer siding with the offenders and finding administrative and procedural solutions that would allow the retroactive authorization of structures and communities, over the duty to enforce the law. Alongside specific, and entirely partial achievements that have led to delays or changes in retroactive authorization proceedings, **in most cases, the State ultimately finds creative solutions that allow for the authorization of construction in places it considers strategically important.**<sup>60</sup>

The changes affected by the legal proceedings filed with the help of Yesh Din and others have shifted the future legal battleground to construction on public land. Most construction is currently undertaken on public land, or survey land (land that is undergoing a review process intended to determine its status and decide the feasibility of declaring it public land). The State is constantly working to increase the reservoir of this type of land. In recent years, the practice of declaring public land has resumed, including through the work conducted by a team set up within the Civil Administration (the "blue line team"), which is tasked with reviewing old public land declarations and amending them. In most cases, public land declarations are made retroactively with respect to areas where illegal construction already exists, and the State wishes to retroactively authorize it. Increasing the public land reservoir is predicated on the premise that public land is designated for Jewish settlements. While public land is meant for public use by the local population of the OPT, in practice, the Civil Administration allocates such land almost exclusively to Jews and to the settlement enterprise. Figures provided by the Civil Administration to the Association of Civil Rights in Israel and Bimkom in 2013 indicate that since 1967, only 0.7% of public land in Area C has been allocated to Palestinians.<sup>61</sup>

The legal campaign against Israeli attempts to take over land is up against a dynamic, evasive policy on the part of Israel, which uses the law as a flexible tool amenable to selective interpretation and implementation. It seems that every time one door closes, another is opened thanks to a new legal maneuver that enables the State to take over land. A decade of litigation to protect Palestinians' property rights has shown that specific achievements can be made, but it has also revealed the lengths to which Israel is willing to go, in order to tighten its grip on the territories it occupies.

60 One of the goals pursued by the establishment of outposts, and the specific locations chosen for them, is creating contiguous Israeli settlement blocs, by connecting isolated communities to larger settlement blocs which fragment the West Bank. See: Yesh Din, [Under the Radar: Israel's silent policy of transforming unauthorized outposts into official settlements](#), March 2015, p. 35).

61 See: <https://www.acri.org.il/en/2013/04/23/info-sheet-state-land-opt/>

## TABLE OF PROCEEDINGS

No.	category	Location	Proceeding	Proceeding Number	Instance	Status of File	Date Submitted	Date of Ruling
1	Illegal construction on privately owned Palestinian land	<b>Kafr Thulth</b>	Ibrahim Rashid Ahmad v Commander of IDF Forces in the West Bank	10016/06	HCJ	Completed	04/12/2006	<a href="#">11/01/2007</a>
2	Illegal construction on privately owned Palestinian land	<b>Ammatin - Havat Gilad</b>	Izzat As'ad Rasheed Sawan v the Minister of Defense	1486/12	HCJ	Completed	<a href="#">19/02/2012</a>	<a href="#">22/04/2014</a>
3	Illegal construction on privately owned Palestinian land	<b>Bil'in - Modi'in Illit</b>	Muhammad Ibrahim Ahmed Abu Rahme v the Minister of Defense	4341/13	HCJ	Completed	<a href="#">18/06/2013</a>	<a href="#">30/03/2016</a>
4	Illegal construction on privately owned Palestinian land	<b>Al Jib - Givat Ze'ev</b>	Rabah Abdallatif v the Minister of Defense	6642/08	HCJ	Completed	27/07/2008	<a href="#">02/11/2008</a>
5	Illegal construction on privately owned Palestinian land	<b>Al Jib - Givat Ze'ev</b>	Rabah Mohammed v the Minister of Defense	9496/11	HCJ	Completed	<a href="#">21/12/2011</a>	<a href="#">30/07/2014</a>
6	Illegal construction on privately owned Palestinian land	<b>Dura al-Qar' (Jabl Artis) - the Ulpana Hill, Beit El</b>	Abdul Ghani Yasin Khaled Abdallah v. The Minister of Defense	9060/08	HCJ	Completed	29/10/2008	<a href="#">21/09/2011</a>
7	Illegal construction on privately owned Palestinian land	<b>Dura al-Qar' - Beit El (Dreinoft complex)</b>	Abed al Rahman Qassem v the Minister of Defense	9669/10	HCJ	Completed	<a href="#">29/12/2010</a>	<a href="#">08/09/2014</a>
8	Illegal construction on privately owned Palestinian land	<b>Deir Nidham - al-Qeis spring</b>	Fadel Abed Hassan Tamimi v Commander of IDF Forces in the West Bank	5583/11	HCJ	Completed	<a href="#">27/07/2011</a>	<a href="#">21/08/2013</a>
9	Illegal construction on privately owned Palestinian land	<b>al-Khader -Derech Ha'avot</b>	Miriam Isma'il Ali Musa v the Minister of Defense	5480/15	HCJ	Pending	11/08/2015	—
10	Illegal construction on privately owned Palestinian land	<b>Kafr Aqab - Kochav Yaakov</b>	Ali Da'ud Ismail Barkat v the Minister of Defense	6505/09	HCJ	Completed	<a href="#">13/08/2009</a>	<a href="#">05/03/2014</a>
11	Illegal construction on privately owned Palestinian land	<b>Nilin - Modi'in Illit (security services complex)</b>	Ahmad Sha'aban Ahmad Nafa v the Minister of Defense	9410/10	HCJ	Completed	<a href="#">21/12/2010</a>	<a href="#">07/06/2015</a>
12	Illegal construction on privately owned Palestinian land	<b>Nilin - Modi'in Illit (Park)</b>	Muhammad Shaker al-Khawajah v the Minister of Defense	3402/09	HCJ	Completed	22/04/2009	<a href="#">19/01/2012</a>
13	Illegal construction on privately owned Palestinian land	<b>'Ein Yabrud - Ofra (sewage treatment facility)</b>	Mohammed Ahmed Yassin Manaa v The Minister of Defense	4457/09	HCJ	Completed	25/05/2009	<a href="#">27/07/2011</a>
14	Illegal construction on privately owned Palestinian land	<b>Burqah - Migron</b>	Mustafa Mohammed Mustafa Alian v The Minister of Defense	3566/11	HCJ	Completed	09/05/2011	<a href="#">14/06/2011</a>
15	Illegal construction on privately owned Palestinian land	<b>Azzun - Alfei Menashe</b>	Fadel Abd al-Jalil Hamed Hawari v Head of the Civil Administration in the West Bank	891/16	HCJ	Pending	04/02/2016	—
16	Illegal construction on privately owned Palestinian land	<b>Silwad, 'Ein Yabrud and Taybeh - Amona</b>	Maryam Hassan Abd al-Kareem Hamad v the Minister of Defense	9949/08	HCJ	Completed	<a href="#">25/11/2008</a>	<a href="#">25/12/2014</a>
17	Illegal construction on privately owned Palestinian land	<b>'Ein Yabrud - Ofra</b>	Said Zahdi Muhammad Shehadeh v the Minister of Defense	5023/08	HCJ	Completed	<a href="#">04/06/2008</a>	<a href="#">08/02/2015</a>
18	Illegal construction on privately owned Palestinian land	<b>Qaryut – Hayovel (Road)</b>	Qaryut village council head v the Minister of Defense	2759/09	HCJ	Completed	<a href="#">29/03/2009</a>	<a href="#">20/08/2014</a>
19	Illegal construction on public land	<b>Deir Isstiya and Thulth - Elmatan</b>	Nadmi Hassan Mohammad Salman v the Minister of Defense	4475/09	HCJ	Completed	<a href="#">26/05/2009</a>	<a href="#">08/08/2010</a>

No.	category	Location	Proceeding	Proceeding Number	Instance	Status of File	Date Submitted	Date of Ruling
20	Illegal construction on public land	<b>Deir Dobwan - Mitzpe Danny</b>	Ahmed Shama and Wajiya Abed AlKarim v the Defense Minister	5383/09	HCJ	Completed	<a href="#">29/06/2009</a>	<a href="#">11/11/2015</a>
21	Illegal construction on public land	<b>A-Sawiya - Rehelim</b>	A-Sawiya village council head v the Minister of Defense	2295/09	HCJ	Completed	<a href="#">12/03/2009</a>	<a href="#">31/07/2013</a>
22	Petition against denial of access to land	<b>Kafr Qadum</b>	Badriyeh Abd al-Ghani Ammar v Commander of IDF Forces in the West Bank	4488/08	HCJ	Completed	20/05/2008	<a href="#">10/05/2009</a>
23	Petition against denial of access to land	<b>Beit Furik</b>	head of the Beit Furik village council v Commander of IDF Forces in the West Bank	6061/11	HCJ	Completed	<a href="#">22/08/2011</a>	<a href="#">11/07/201</a>
24	Petition against denial of access to land	<b>Jaba'</b>	'Jaba village council head v The General Officer Commanding Central Command	9061/09	HCJ	Completed	<a href="#">11/11/2009</a>	<a href="#">27/10/2011</a>
25	Petition against denial of access to land	<b>Deir Nidham</b>	Munjad al Tamimi v Head of the Civil Administration in the west Bank	9270/10	HCJ	Completed	16/12/2010	<a href="#">06/04/2011</a>
26	Petition against denial of access to land	<b>Yasuf</b>	Head of Yasuf Village Council et al v the Commander of IDF Forces in the West Bank	9512/10	HCJ	Completed	23/12/2010	<a href="#">24/03/2014</a>
27	Petition against denial of access to land	<b>Silwad</b>	Head of Silwad Village Council v the Commander of IDF Forces in the West Bank	10078/09	HCJ	Completed	16/12/2009	<a href="#">24/01/2011</a>
28	Petition against denial of access to land	<b>'Ein Yabrud</b>	Ouni Hassan Mohammed She'yb v the Commander of IDF Forces in the West Bank	7034/10	HCJ	Completed	03/10/2010	<a href="#">24/01/2011</a>
29	Proceedings against agricultural invasions into Palestinian land	<b>Sinjil</b>	Mohamed Shabaneh v Commander of IDF Forces in the West Bank	9711/10	HCJ	Completed	<a href="#">30/12/2010</a>	<a href="#">23/10/2013</a>
30	Proceedings against agricultural invasions into Palestinian land	<b>Kafr Qadum</b>	Ahmad Abd Al Kader v the Military Appeals Committee	5391/11, 5439/09	HCJ	Completed	30/06/2009	<a href="#">20/03/2012</a>
31	Proceedings against agricultural invasions into Palestinian land	<b>Turmusaya</b>	Mahmoud Mohamed al-Araj v Commander of IDF Forces in the West Bank	2186/11	HCJ	Pending	17/03/2011	—
32	Proceedings to revoke orders for the seizure of land for military purposes and to revoke confiscation orders	<b>Ein 'Arik</b>	Head of Ein 'Arik Village Council v the Commander of IDF Forces in the West Bank	3013/10	HCJ	Completed	21/04/2010	<a href="#">03/07/2012</a>
33	Proceedings to revoke orders for the seizure of land for military purposes and to revoke confiscation orders	<b>Anata - Ma'ale Adumim</b>	Head of Anata Village Council, Taha Mohammad Nu'man Hamdan v the Commander of IDF Forces in the West Bank	3240/15	HCJ	Pending	<a href="#">11/05/2015</a>	—
34	Proceedings to revoke orders for the seizure of land for military purposes and to revoke confiscation orders	<b>Jalud, Duma, Qusra</b>	Head of Jalud Village Council v the Commander of IDF Forces in the West Bank	7637/15	HCJ	Pending	<a href="#">08/11/2015</a>	<a href="#">26/05/2016</a>
35	Proceedings to revoke orders for the seizure of land for military purposes and to revoke confiscation orders	<b>Dura al-Qar' - Beit El (Dreinoff complex)</b>	Abd al-Rahman Ahmad Abd al-Rahman Qassem v the Minister of Defense	6528/13	HCJ	Completed	01/10/2013	<a href="#">08/09/2014</a>

No.	category	Location	Proceeding	Proceeding Number	Instance	Status of File	Date Submitted	Date of Ruling
36	Proceedings to revoke orders for the seizure of land for military purposes and to revoke confiscation orders	<b>Burqah - Homesh</b>	Head of Burqah Village council Mr. Abed al-Fatah Salah v Commander of IDF forces in the West Bank	9389/11	HCJ	Completed	<a href="#">19/12/2011</a>	<a href="#">25/05/2013</a>
37	Proceedings to revoke orders for the seizure of land for military purposes and to revoke confiscation orders	<b>Mikhmas and Deir Dobwan</b>	Mohammad Mustafa Ismail Mahana v Commander of IDF forces in the West Bank	9015/15	HCJ	Completed	<a href="#">29/12/2015</a>	<a href="#">17/03/2016</a>
38	Objection to proceedings undertaken by the state to retroactively authorize illegal construction	<b>al-Khader</b>	Ali Mohammad Issa Mussa et al v the Custodian of Government and Abandoned Property in the civil administration	50/14	Military Appeals Committee	Pending	31/07/2014	-
39	Objection to proceedings undertaken by the state to retroactively authorize illegal construction	<b>Kafr 'Aqab - Kochav Ya'akov</b>	Head of Kafr 'Aqab Village council v the Custodian of Government and Abandoned Property in the civil administration	68/13	Military Appeals Committee	Completed	12/10/2013	28/07/2016
40	Objection to proceedings undertaken by the state to retroactively authorize illegal construction	<b>Qaryut - road</b>	Head of Qaryut Village council v the Custodian of Government and Abandoned Property in the civil administration	55/11	Military Appeals Committee	Completed	10/11/2010	<a href="#">31/12/2014</a>
41	Objection to proceedings undertaken by the state to retroactively authorize illegal construction	<b>al-Janiyah - Givat Habreicha – Talmon</b>  <b>(in collaboration with Bimkom)</b>	Abbas Hassan Yusef Yusef Head of al-Janiyah Village Council v Civil Administration Supreme Planning Council; Abbas Hassan Yusef Yusef Head of al-Janiyah Village Council v the Minister of Defense	8171/09, 10462/09	HCJ	Completed	14/10/2009, 29/12/2009	<a href="#">20/11/2011</a>
42	Objection to proceedings undertaken by the state to retroactively authorize illegal construction	<b>Dura al-Qar' - Beit El - planning guidelines (Dreinoff complex)</b>	Planning guidelines (military order 997) Judea and Samaria 219/12/1: residential area B 24 housing units	219/12/1	the sub-committee for objections in the Civil Administration's supreme planning committee	Completed	03/06/2015	16/07/2015
43	Objection to proceedings undertaken by the state to retroactively authorize illegal construction	<b>Dura al-Qar' - Beit El - planning guidelines and seizure of land for military purposes (Dreinoff complex)</b>	Abd al-Rahman Ahmad Abd al-Rahman Qassem v the Officer in charge of issuing permits in land seized for military purposes	5165/15	HCJ	Pending	26/07/2015	—
44	Objection to proceedings undertaken by the state to retroactively authorize illegal construction	<b>Dura al-Qar' - Beit El - Planning guidelines (public buildings)</b>	Planning guidelines (military order 997) Judea and Samaria 219/14: public buildings	219/14	the sub-committee for objections in the Civil Administration's supreme planning committee	Pending	13/03/2016	—
45	Objection to proceedings undertaken by the state to retroactively authorize illegal construction	<b>'Ein Yabrud - sewage treatment facility in Ofra - Planning objection</b>	Detailed master plan Judea and Samaria 57/1579: sewage disposal for the area of 'Ein Yabrud	57/1579	The Environment Subcommittee of the Civil Administration Supreme Planning Committee	Pending	2010	—

No.	category	Location	Proceeding	Proceeding Number	Instance	Status of File	Date Submitted	Date of Ruling
46	Objection to proceedings undertaken by the state to retroactively authorize illegal construction	<b>'Ein Yabrud - sewage treatment facility in Ofra - objection to the decision of the Environment Subcommittee</b>	Mohammed Ahmed Yassin Manaa v the Environment Subcommittee of the Civil Administration Supreme Planning Committee	3922/13	HCJ	Completed	02/06/2013	<a href="#">09/07/2013</a>
47	Objection to proceedings undertaken by the state to retroactively authorize illegal construction	<b>Eli – Blue Line team (in collaboration with Bimkom)</b>	Planners for Planning Rights v Head of Civil Administration	7986/14	HCJ	Pending	<a href="#">25/11/2014</a>	—
48	Objection to removal order	<b>al-Khader -Derech Ha'avot</b>	Abed Hussein Hassan Mussa v the Custodian of Government and Abandoned Property in the civil administration	37/09	Military Appeals Committee	Completed	2009	16/08/2011
49	Objection to removal order	<b>Irtas – Giv'at Eitam</b>	Abd al-Rahman Ibrahim Suliman al-Haj v the Custodian of Government and Abandoned Property in the civil administration	84/12, 85/12	Military Appeals Committee	Completed	26/08/2012	18/07/2016
50	Objection to removal order	<b>Qarawat Bani Hassan</b>	Saber Mustafa Abdallah Mar'i v the Custodian of Government and Abandoned Property in the civil administration	16/12, 15/12, 17/12 18/12, 19/12	Military Appeals Committee	Completed	January 2012	<a href="#">23/03/2014</a>
51	Objection to the exclusion of Palestinians from archeological sites	<b>Tel Shiloh / Khirbet Saylun archaeological site (in collaboration with Emek Shaveh)</b>	Head of Qaryut Village council v Commander of IDF forces in the West Bank	6679/15	HCJ	Pending	08/10/2015	—
52	Objection to the exclusion of Palestinians from archeological sites	<b>Tel Alamit Anata archaeological site (in collaboration with Emek Shaveh)</b>	Taha Mohammad Nu'man Hamdan, Head of Anata Village Council v the Commander of IDF Forces in the West Bank	2587/16	HCJ	Pending	30/03/2016	—
53	Objection to the exclusion of Palestinians from archeological sites	<b>Biyar aqueduct archaeological site (in collaboration with Emek Shaveh)</b>	Ahmad Yusef Abd al-Nabi Abu Shammah v Head of the Civil Administration in the West Bank	5549/16	HCJ	Pending	<a href="#">12/07/2016</a>	—
54	Proceedings for the evacuation of an entire outpost	<b>Yasuf - Tapuah Ma'arav</b>	Head of Yasuf Village Council et al v the Minister of Defense	2297/15	HCJ	Pending	<a href="#">31/03/2015</a>	—
55	Proceedings for the evacuation of an entire outpost	<b>Adei Ad</b>	Head of Turmusaya village council Mr. Rabbhi Abed Al Rahman Muhammed Abu Awad et al v the Minister of Defense	8395/14	HCJ	Pending	<a href="#">10/12/2014</a>	—
56	Other proceedings in land grab related cases	<b>Wadi a-Rasha</b>	Head of Wadi a-Rasha Village council v Commander of IDF forces in the West Bank	7416/10	HCJ	Completed	12/10/2010	<a href="#">02/11/2010</a>
57	Other proceedings in land grab related cases	<b>Quarrying policy in the West Bank</b>	Yesh Din – Volunteers for Human Rights v the Commander of the IDF Forces in the West Bank	2164/09	HCJ	Completed	<a href="#">09/03/2009</a>	<a href="#">26/12/2011</a>
58	Other proceedings in land grab related cases	<b>Dura al-Qar' (Jabl Artis) - the Ulpana Hill, Beit El - criminal prosecution</b>	Harbi Ibrahim Mustafa Mustafa v the State Attorney	868/14	HCJ	Completed	<a href="#">03/02/2014</a>	<a href="#">02/03/2015</a>
59	Other proceedings in land grab related cases	<b>'Ein Yabrud - sewage treatment facility in Ofra - criminal prosecution</b>	Najah Mubarak Musa Farhat v the Attorney General	8088/14	HCJ	Pending	27/11/2014	—



No.	category	Location	Proceeding	Proceeding Number	Instance	Status of File	Date Submitted	Date of Ruling
60	Other proceedings in land grab related cases	<b>A-Sawiya – Rehelim - criminal prosecution</b>	A-Sawiya village council head v the State Attorney	5145/16	HCJ	Pending	27/06/2016	—
61	Other proceedings in land grab related cases	<b>Migron – civil claim</b>	Abd al-Mun'im Abd al-Jawad Abd alatif v the state of Israel	19157/08	Jerusalem Magistrate's Court	Completed	05/10/2008	<a href="#">17/01/2012</a>
62	Other proceedings in land grab related cases	<b>Amona – civil claim</b>	Maryam Hassan Abd al-Kareem Hamad et al v the state of Israel	22252/08	Jerusalem Magistrate's Court	Completed	<a href="#">31/12/2008</a>	<a href="#">06/05/2015</a>
63	Other proceedings in land grab related cases	<b>Ofra – civil claim (nine houses)</b>	Said Zahdi Muhammad Shehadeh v the state of Israel	27093-03/10	Tel Aviv Magistrate's Court	Completed	16/03/2010	21/04/2015
64	Other proceedings in land grab related cases	<b>Ofra – civil claim (sewage treatment facility)</b>	Musa Farhat et al v the state of Israel	30615-11/09	Tel Aviv Magistrate's Court	Pending	25/11/2009	—



This document was produced with the financial assistance of the European Union. The contents of this document are the sole responsibility of Yesh Din and can under no circumstances be regarded as reflecting the position of the European Union.

**Yesh Din's activity is supported by:**

Catholic International Development Charity (CAFOD), Belgian Directorate-General Development Cooperation and Humanitarian Aid (DGD), European Union, Federal Republic of Germany, Human Rights and International Humanitarian Law Secretariat, International Institute for Nonviolent Action (NOVACT), Irish Aid, Moriah Fund, New Israel Fund, Norwegian Ministry of Foreign Affairs, Norwegian Refugee Council, Open Society Foundation, Oxfam Novib, Swiss Church Aid (HEKS), United Kingdom Foreign and Commonwealth Office, United Nations Development Program.