

Khan al-Ahmar

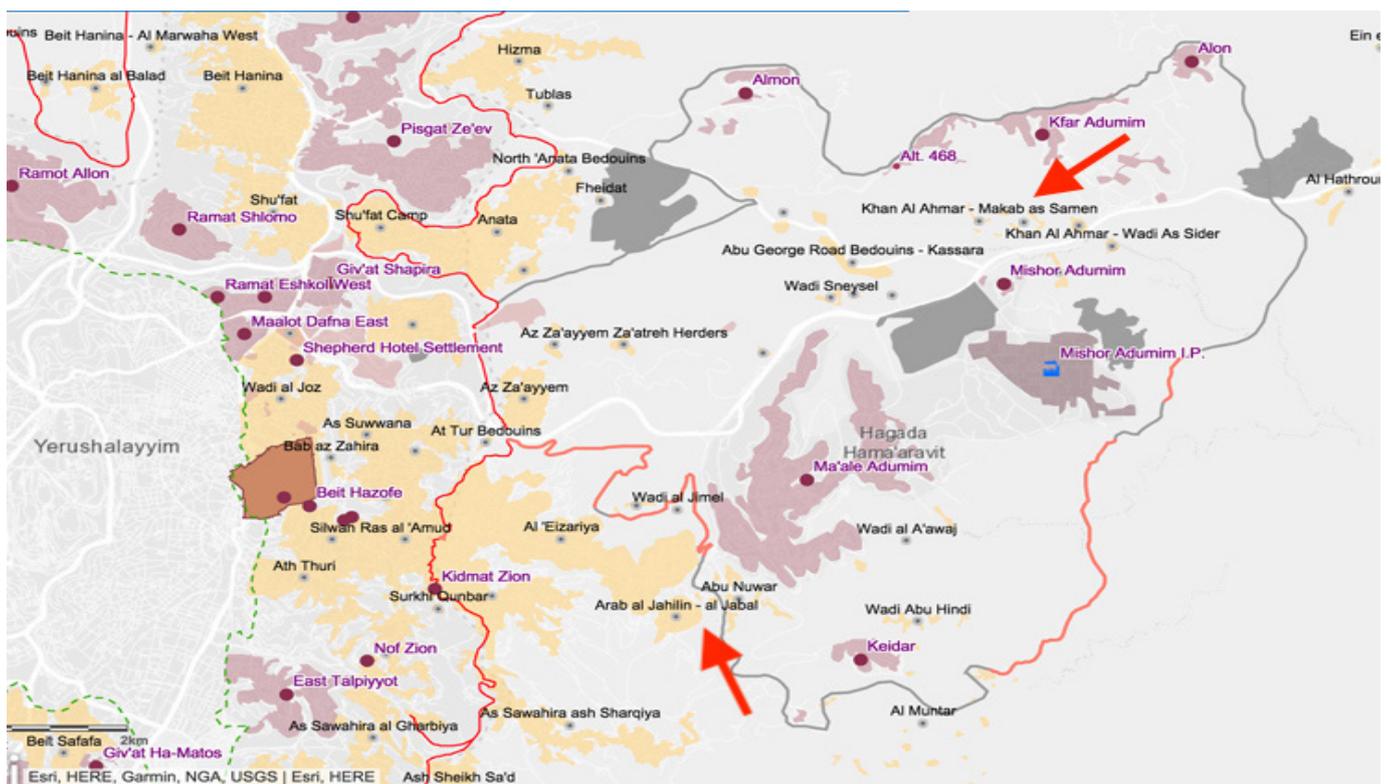
October 2018



On the 23 September, residents of the West Bank Bedouin Village of Khan Al-Ahmar were given evacuation orders by the Israeli civil administration to leave their homes by 1 October. The Israeli Supreme Court ruled it was built illegally and its proximity to a highway made it unsafe.

The Bedouin village of Khan al-Ahmar is located in Area C of the West Bank, adjacent to the Route 1 Highway which connects Jerusalem to the Dead Sea. It is home to the Jahalin tribe who moved there in the 1970s and now number 180 people from 32 families. A school, constructed by an Italian NGO out of tyres and supported by the Italian government, was built in 2009 and serves other communities in the area. It lies 20 metres from the highway.

The demolition follows decisions by the Israeli Supreme Court which ruled the village was built illegally without permits, health and safety reasons preclude its legalisation, and the solution offered by the government to relocate the residents was reasonable. The case of Khan al-Ahmar lasted ten years and involved four separate lawsuits. The Supreme Court first ruled on a petition brought in 2009 by attorney Amir Fischer, on behalf of the Kfar Adumim settlement and the NGO Regavim. In subsequent discussions, the Court declared that the solution offered to the residents was suitable and the arrangement allowed the community to continue herding their flocks and maintaining their traditional lifestyle. In a ruling on 24 May 2018, Justices Sohlberg, Willner and Baron concluded



Citing reasons of health and safety, Israel plans to move the families five miles away to an area referred to as “Jahalin West,” near the West Bank town of Abu Dis, with a new school built at the state’s expense and plots of land connected to basic infrastructure. The villagers argue that the new location is near a waste disposal site and unsuitable for their needs.

that the decision “does not make light of the complex human aspects that are unavoidable in a large-scale evacuation of illegal construction, despite its illegality”. During a hearing in August, the panel of judges stood by their previous rulings, emphasising that the proximity of the school to the highway was an obstacle to proper legalisation.

[There has been strong international opposition to the plan.](#) The UK government has argued the proposed demolition is counter-productive for peace and urged it not to proceed. Germany, France, Spain and Italy have joined the UK in warning Israel that demolition of the village “would trigger a reaction from EU member states”. The EU’s chief diplomat, Federica Mogherini, said the demolition would “be a blow against the viability of the State of Palestine and against the very possibility of a two-state solution,” and UN Mideast envoy Nickolay Mladenov warned that demolition of the village would impact peace efforts. In early September, the European Parliament passed a resolution calling Israel’s decision to demolish the village a breach of international humanitarian law, cited the 315,000 Euros of EU funds invested in the village and demanded “compensation from Israel for the destruction of EU-funded infrastructure”.

[The Palestinian Authority has threatened to petition the International Criminal Court in The Hague,](#) with Palestine Liberation Organisation (PLO) Secretary General Saeb Erekat announcing in September the Palestinian’s intention to start legal procedures against Israel over its policy.

[Some Israeli Human Rights NGOs have been very critical of the impending demolition,](#) describing it as a war crime. They say that the IDF has focused on Khan al-Ahmar because it is located next to a newly expanded area of the Kfar Adumim settlement. Btselem argues that “the plan to transfer the residents to West Jahalin was made over the heads of the residents, without consulting them at all,” and that “the proposed plan not only forces the residents to leave their homes but compels a drastic change in their way of life”.

In October, [Defence Minister Avigdor Lieberman sent a letter to eight European ambassadors in which he called their claims absurd.](#) Lieberman argued that “the idea that moving a group of 100 people within a five-

kilometre radius will prevent a resolution to such a complex historical conflict is hysterical nonsense,” and called the EU’s involvement in the village a “flagrant interference in Israel’s sovereign affairs”.

[The Israeli government believes that its actions are in line with international law,](#) with special emphasis on Regulation 43 of the 1907 Hague Convention. In this context, it is the Military Commander’s responsibility to uphold the law and safeguard public order and safety, and he is subsequently tasked with the enforcement of the planning and zoning laws in place in Area C of the West Bank, which the Oslo Accords designate as falling under Israeli responsibility.

[The government further believes that the authorities have found an appropriate alternative for the residents.](#) Each family relocated to the new site has been offered a package worth over £100,000 which includes a half dunam plot of land connected to basic infrastructure such as water, electricity, roads, and animal pens. These plots have already been divided up based on family size. The new school building – which has already been built in Jahalin West – consists of seven temporary buildings with classrooms, an administrative services building, and bathrooms, and is designed to serve around 150 students. Shani Sasson, a spokeswoman for COGAT (Coordinator of Government Activities in the Territories) said the Israeli government has invested over \$2m in the alternative site.

Moreover, the government emphasises that since September 2017, [the villages have had the option to apply for building permission on their plots,](#) and the Defence Minister specifically stated that preference would be given to granting these permits. However, residents have refused to make any requests. In light of this, tents will be set up on these plots on the day the residents are evacuated from Khan Al-Ahmar.

[The Defence Ministry also argues that dialogue has been ongoing with the residents for](#)

[several years](#). For example, between March 2015 to November 2016 the IDF appointed Brigadier General Dov Tzedaka, former head of the Civil Administration in the West Bank, to engage in dialogue with the villages but the dialogue came to nothing.

Others claim that [external international pressure has scuppered proposed solutions](#). Attorney Yitzhak Bart of the State Prosecutor's Office has written that "experts in the Civil Administration feel that the main reason for the opposition of the residents to the new plan is the pressure put on them by the Palestinian Authority and other bodies, whose interests are not the same as the interests of the residents living in the area".

[Right-wing Israeli NGOs argue that the residents are privately keen to relocate but have been threatened by the Palestinian Authority](#) to not relinquish their hold on the area. Boaz Arazi, Regavim's legal counsel, claims that "a significant proportion of the residents would prefer the arrangement that was proposed by the state" but "the Palestinian Authority doesn't want you to hear that voice and has blatantly and violently threatened the Bedouins in order to keep that voice silent".

While these claims have not been proven, [the PLO has explicitly warned organisations against facilitating the removal of residents from Khan Al-Ahmar](#). In a letter 'Directive on Legal Aid for Palestinian communities facing forcible transfer' from 4 October 2016, Saeb Erekat wrote that "any organisation, individual or actor found to facilitate and / or fund the forcible transfer of any Palestinian community without the informed consent of the community and the consent of the State of Palestine will be found in violation of Palestinian and international law". He added: "The State of Palestine and the Palestine Liberation Organisation do not recognise the authority, designation, or delegation of any legal actor purporting to represent these communities without explicit, written informed consent by the relevant body within the State of Palestine."

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