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BEITA

A Model of Steadfast Popular Resistance
Defying Israeli Colonisation



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Dedication

To the Guards of the Mountain, to the residents of Beita:

Your ongoing popular resistance, steadfastness, sacrifice, pain, hope, and defiance in the face of the Israeli settler-colonial regime's ruthless suppression and violence, especially during the international community's continued lack of political will to prevent and halt Israel's grave breaches of international law, is a commendable model to be taught and transferred across Palestine, until we reach the freedom that is our right.

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Executive Summary



Executive Summary

This report examines the model of the Palestinian village of Beita, located southeast of occupied Nablus. The need to highlight the story of Beita was inspired by the successful model of popular resistance pursued by the residents since May 2021 against the Evyatar colonial outpost. The subsequent Israeli attempts to ruthlessly quash the popular resistance in Beita has manifested in violence and collective punishment, including the killing of ten Palestinians and the injury of over 6,454 Palestinian protesters, in the year between 10 May 2021 and 20 May 2022.¹ At the same time, the report illustrates how the case of Beita exemplifies the Palestinian peoples' broader resistance in pursuit of their right to self-determination and liberation against Israel's ongoing and expanding settler-colonial project.

Since the British Mandate rule, the village of Beita has mobilised a steadfast, resistant and defiant model against the Zionist settler-colonial project. This report outlines two milestones of the village's history and struggle showcasing the residents' robust resistance and the ensuing Israeli suppression. During the first *Intifada*, the residents of Beita stood at the forefront of the Palestinian struggle for liberation. They were systematically targeted for their defiance of Israel's brutal settler-colonial regime, and subjected to a widespread and systematic collective punishment campaign. In particular, following the killing of two Beita residents by an armed Israeli settler on 6 April 1988, the Israeli occupying authorities sealed and placed Beita under a curfew for one month. Then, the IOF killed a third resident, detained all male residents of Beita for five days, arrested some 60 residents, punitively demolished 14 houses, and deported six residents.² By interviewing survivors of the 1988 collective punishment campaign on Beita, who were deported and had their homes punitively demolished in April 1988, the report examines the layered socio-economic and psychological impacts which continue to affect the survivors and their families. Such includes the impacts of the hardships endured by

1 The injuries figures are taken between 10 May 2021 and 20 May 2022, according to the Palestine Red Crescent Society (PRCS).

2 Al-Haq, 'Punishing a Nation: Human Rights Violations During the Palestinian Uprising' (1988), 105, 113, <<https://www.alhaq.org/publications/8171.html>>.

losing their homes and life in their homeland, and the enduring denial of their human rights in exile.

Drawing on this intergenerational resistance, since May 2021 Beita residents have been protesting the establishment of the Evyatar colonial outpost, which has been established over 35 dunams of Jabal Sbeih,³ after four previous failed attempts since 2013.⁴ In doing so, Israeli colonial settlers have seized private Palestinian land and further prevented the access of some 30,000 residents of the towns and villages of Beita, Yitma and Qabalan to their land.⁵

Calling themselves the ‘Guards of the Mountain’, Palestinians leading the popular resistance at Jabal Sbeih organised themselves into rotation units, and employed traditional and novel popular resistance tactics, to provide the mountain with constant protection from colonisation. These include sit-ins at the mountain, confrontations with heavily armoured Israeli occupying soldiers by engaging in stone throwing and tyre burning. Further popular resistance in the first months included night confusion activities, whereby the ‘Guards of the Mountain’ would point laser lights and flashlights towards the colonial outpost and the Israeli Occupying Forces (IOF) stationed at Jabal Sbeih, blow horns, and sing folk songs through loudspeakers.

After two months of relentless daily and constant protests at Jabal Sbeih, settlers left the colonial outpost on 2 July 2021, leaving the structures intact, as per an agreement signed between them and the Israeli occupying authorities.⁶ Understanding that Israel tactically and temporarily postpones its violations, in order to numb Palestinian resistance, the Guards of the Mountain have vowed that, “[they] will not calm down until the last caravan is

3 JLAC, ‘Petition for the Cancellation of Evyatar Deal’ <<https://www.jlac.ps/details.php?id=i8bt4da2256ygj5x0p0gu>>.

4 B’Tselem, ‘Nine months of protesting a new outpost: seven killed and dozens injured in the town of Beita’ (28 February 2022) <https://www.btselem.org/firearms/20220228_nine_months_of_protesting_seven_killed_and_dozens_injured_in_the_town_of_beita>.

5 JLAC, ‘Petition for the Cancellation of Evyatar Deal’ <<https://www.jlac.ps/details.php?id=i8bt4da2256ygj5x0p0gu>>.

6 *Ibid.*

removed from Jabal Sbeih”.⁷ While the level of participation, and consistency at the mountain had gained strong momentum during the first months, as of the time of publishing, residents of Beita still gather and protest at Jabal Sbeih especially on Fridays, and occasionally engage in confrontations with the IOF, marking more than two years of popular resistance against the Evyatar colonial outpost.

The report analyses the unique model of popular resistance in Beita, and examines the underlying reasons for its endurance and continuity. This includes preserving the model’s independence as a people-organised and led, intergenerational resistance and defiance culture in Beita, and the impressive fabric of cohesion and unity between all members of the society to prevent any colonisation. At its core, the residents’ robust belief that resistance is an ongoing endeavour has driven them to put their lives at risk when resisting the expanding colonisation, to ensure that they and the generations ahead, are unshackled from the adverse, infinite impacts of Israel’s colonial settlement enterprise.

As per its systematic policy of suppression of any voice resisting its regime and violations, Israel has deployed unnecessary, excessive and disproportionate use of force against protesters in Beita, killing ten Palestinians, injuring over 6,000 protesters, and attacking and injuring journalists and paramedics in the year between May 2021 and May 2022.⁸ This report relies on Al-Haq’s historical field research documentation since the 1980s, as well as extensive field research between the period May 2021 and April 2022 comprising affidavits and interviews, as well as the ongoing monitoring of the human rights situation to detail the ruthless level of suppression and violence by the Israeli occupying authorities.

Legally analysing the suppression of protests, the report details the circumstances of the killing of ten Palestinians in and around Beita between May 2021 and May 2022. The report also examines how Israel’s excessive use of force has resulted in the injury of 6,454 Palestinian protesters, including

7 Palestine News and Info Agency, ‘Guards of the Mountain’ in a Press Conference: We Will Not Calm Down Until the Last Caravan is Removed from Sbeih Mountain’ (15 August 2021) <<http://www.wafa.ps/Pages/Details/29206>>.

8 The injuries figures are taken between 10 May 2021 and 20 May 2022, according to the PRCS.

178 injuries with live bullets, and 997 with rubber-coated metal bullets in the year between 10 May 2021 and 20 May 2022.⁹ Drawing on Israel's long-used shoot-to-maim policy,¹⁰ most of the injuries by live bullets and rubber-coated metal bullets targeted the protesters' lower limbs,¹¹ in an attempt to curb the physical ability of Palestinians to participate in protests, crush the spirit of resistance, and break their will. The report also highlights the deliberate use of rubber-coated bullets at protesters at Jabal Sbeih, especially to the head: an area particularly vulnerable to rubber-coated bullets, as injuries can lead to morbidity and disability.¹² In fact, 15 serious injuries caused by rubber-coated metal bullets to the head have caused six Beita residents to lose their eyes, while two suffer serious injuries in the eye, three suffer lacerations in the skull, and four suffer fractures in the jaw.¹³

The Israel occupying authorities have further imposed collective punishment measures against Beita residents to quash their popular resistance including closing the entrances and routes leading into Beita; conducting ongoing dawn raids in search and arrest operations, arbitrarily arresting 150 of Beita residents between May 2021 and May 2022;¹⁴ punitively withholding Palestinian bodies; punitively revoking work permits; and levelling routes and infrastructure to impede the mass gathering of protesters and the passage of ambulances into Beita, thereby obstructing emergency access of those injured to healthcare.

The suppression of protests with unnecessary and excessive use of force, arbitrary detention of protesters, and collective punishment measures for a year over a village with a population of approximately 12,000 Palestinians,

9 *Ibid.*

10 Amnesty, 'Israel: 'Deliberate Attempts' by Military to Kill and Maim Gaza Protesters Continues' (27 April 2018) <<https://www.amnesty.org.uk/press-releases/israel-deliberate-attempts-military-kill-and-maim-gaza-protesters-continues>>.

11 Interview with Dr Abdel Jaleel Sameh Hunjul, 35, Medical Director of the PCRS Field Hospital in Nablus Governorate, on 2 June 2022, on file with Al-Haq.

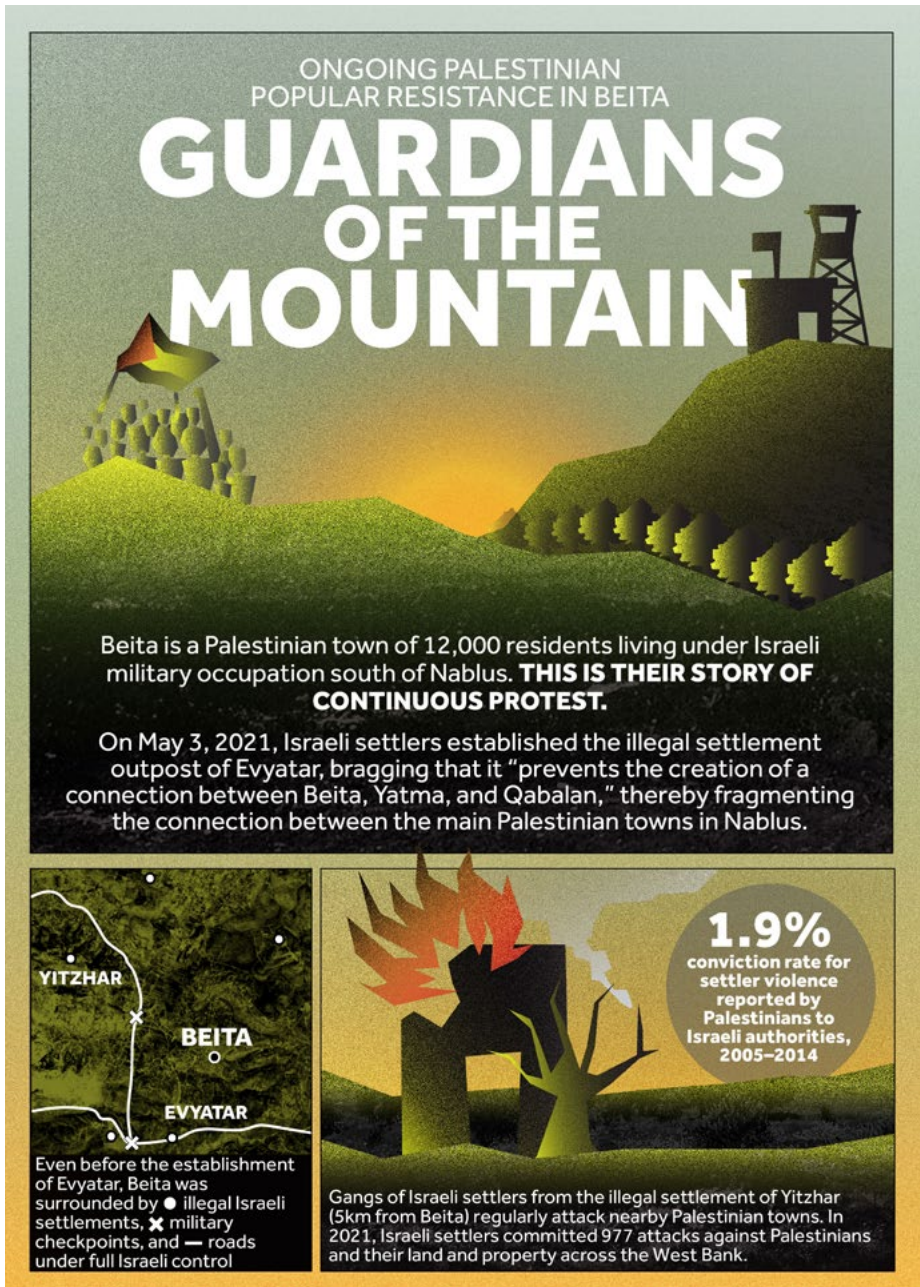
12 Ahmad Mahajna, 'Blunt and Penetrating Injuries Caused by Rubber Bullets during the Israeli-Arab Conflict in October 2000' (2002) *The Lancet* 359; Interview with Dr Abdel Jaleel Sameh Hunjul, 35, Medical Director of the PCRS Field Hospital in Nablus Governorate, on 2 June 2022, on file with Al-Haq.

13 Interview with Ahmad Yaser Bani Shamsa, 34, activist, resident of Beita, and representative of the General Union of Palestinian Injured, on 8 June 2022, on file with Al-Haq.

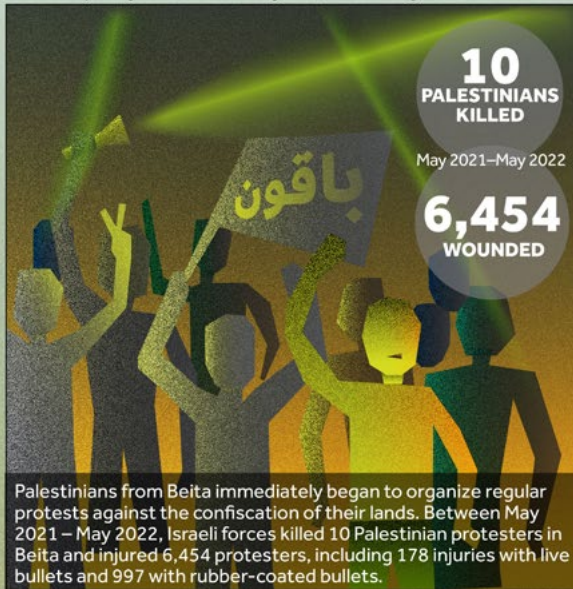
14 *Ibid.*

has had cumulative and detrimental impacts on the health, socio-economic and psychological wellbeing of the families and the community as a whole. By interviewing the survivors of Israel's military attacks and collective punishment measures, the report shows how many have either developed, or are at risk of developing disabilities as a result of their injuries. This affects not only their economic situation by impeding their ability to work and cutting the primary source of income of entire families, but it also affects their social life leaving layers of mental health and psychosocial consequences. Such social and psychological consequences will undoubtedly continue to unfold as Beita residents still endure the never-ending impacts of losing their beloved ones, the unfolding consequences of their injuries, and the broader intensive violence and suppression impacting almost every family in the village. Nonetheless, the residents' robust belief in their collective right to self-determination, the right to resist colonisation, and their readiness to pay a heavy price to protect their land and future from colonisation and its adverse impacts, continue to drive their popular resistance in pursuit of freedom, restitution, justice and dignity.

Visualizing Palestine Fact Sheet



From 2013–2020, Israeli settlers tried four times to confiscate land in Beita. In May 2021, taking advantage of widespread Israeli violence against Palestinians during the Unity Uprising, the settlers quickly constructed Evyatar, assisted by Israeli soldiers.



In June 2021, Israeli settlers reached an agreement with the Israeli government to temporarily leave Evyatar. The structures remain intact. Authorities then issued a military seizure order for the area, a sign that they intend to permanently confiscate the mountain. In August 2021, the Israeli Supreme Court refused an appeal from Beita residents against Israel's confiscation of their lands.



“OUR PARENTS FOUGHT AND SACRIFICED SO MUCH TO KEEP OUR LANDS. WE CANNOT FAIL THEM”
BEITA PROTESTER



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Introduction



1 Introduction

1.1 Beita Village

The Palestinian village of Beita is located southeast of Nablus in the Occupied Palestinian Territory (OPT) and has a population of around 12,500 Palestinians, as of May 2021.¹⁵ Beita is bordered by the Palestinian villages and towns of Osarin and Aqraba to the east, 'Awarta and Odala to the north, Huwwara and Yasuf to the west, and Yitma and Qabalan to the south.¹⁶ The word 'Beita' means 'home' in Arabic. Indeed, aptly named, Beita has always been considered a 'safe home' for Palestinians. Traditionally, Palestinians from the neighbouring villages and towns, seeking stability, security and safety, have relocated to, and settled in, Beita.¹⁷

The village covers an area of 17,495 dunums,¹⁸ of which 15,014 are arable land and 1,032 dunums are residential.¹⁹ Beita is made up of mountainous heights interspersed with several valleys, and is the leading area in olive oil production within the Nablus governorate.²⁰ In Beita, the highest mountain is Jabal Al-'Orma, which is located on the eastern side of the village, rises 843 meters above sea level, and spreads over 250 dunums.²¹ Another mountain partially lying in Beita is Jabal Sbeih, which is located to the southern side of the village, and engulfs the neighbouring villages and towns of Yitma and Qabalan.

15 PCBS, 'Projected Mid-Year Population for Nablus Governorate by Locality' (30 May 2021) <https://www.pcbs.gov.ps/statisticsIndicatorsTables.aspx?lang=en&table_id=698>.

16 The Applied Research Institute – Jerusalem (ARIJ, 'Beita Town Profile' (2014) 4 <http://vprofile.arij.org/nablus/pdfs/vprofile/Beita_vp_en.pdf>.

17 Beita Municipality, 'Summary: Ten-year strategic plan for Beita' (2009) 5.

18 A dunum is a unit of land used to measure land areas in the Palestine since the British Mandate. One dunum is equivalent to 1,000 square meters.

19 Za'tara locality is included in the statistic. ARIJ, 'Beita Town Profile' (2014) 12 <http://vprofile.arij.org/nablus/pdfs/vprofile/Beita_vp_en.pdf>.

20 Beita Municipality, 'Summary: Ten-Year Strategic Plan for Beita' (2009) 5.

21 Shatha Hammad, "'This is Our Mountain": Palestinians Repel Settlers Emboldened by Netanyahu's Words' (Middle East Eye, 5 March 2020) <<https://www.middleeasteye.net/news/our-mountain-palestinians-repel-settlers-emboldened-netanyahus-green-light>>; Atef Daghlal, 'Jabal Al-'Orma in Nablus' (Al-Jazeera, 5 March 2020) Article in Arabic <<https://bit.ly/38coXFL>>.

Historically, Beita residents have stood at the forefront of the collective Palestinian resistance struggle, especially during the British mandate rule, the *Nakba* of 1948, the *Naksa* of 1967 and the first and second *Intifadas*. Paying a heavy price for resisting Israel's colonisation of their village, Palestinian residents of Beita have been killed, injured, detained and subjected to home demolitions, separation of families, movement restrictions, collective punishment, and psychological impacts.²² Notwithstanding, intergenerational resistance in Beita has formed into a solid steadfast identity of the village, underscoring its survival of direct colonisation attempts on its lands.

Notably, Beita did not endure the wholesale displacement and dispossession experienced by other Palestinian villages and towns during the two major Zionist ethnic cleansing waves of the 1948 *Nakba* and the 1967 *Naksa*.²³ Nonetheless, today, Israel's practices of settler-colonisation and apartheid evidenced in Beita are being carried out through, *inter alia*, violence, collective punishment, fragmentation, segregation, closure, as well as economic subjugation, natural resources exploitation and pillage, and ongoing attempts of land appropriation. Such practices create and maintain a coercive environment, which ultimately aims to forcibly transfer Palestinians. As admitted by former Israeli Prime Minister Ariel Sharon, "you don't simply bundle people onto trucks and drive them away... I prefer to advocate a positive policy, to create, in effect, a condition that in a positive way will induce people to leave".²⁴

22 Sarmad Fawzi Tayeh, 'The Town of Beita: Palestinian Mosaics with a Unique Character' (Maan News, 24 June 2021) Article in Arabic <<https://www.maannews.net/articles/2043516.html>>.

23 Interview with Taysir Al-Sheikh Saleh Khreiwesh, 63, resident of Beita, on 8 June 2022, on file with Al-Haq.

24 David Bernstein, 'Forcible Removal of Arabs Gaining Support in Israel' (The Times, 24 August 1988) cited in John Reynolds, 'Where Villages Stood Israel's Continuing Violations of International Law in Occupied Latroun, 1967-2007' (Al-Haq, December 2007) 60.

1.2 Colonial Settlement Enterprise

As with all communities across the OPT, Beita is impacted by Israel's broader colonial settlement enterprise.²⁵ While there are no colonial settlements established on Beita lands, the impact of colonial settlements goes beyond direct land appropriation. Beita is encircled and effectively enclosed by illegal colonial settlements, military checkpoints, and bypass roads. To the south-west of Beita is Kfar Tapuah colonial settlement, while Yitzhar, Itamar, and Har Brakha colonial settlements lie to the north of the village, all of which have been illegally established on the Palestinian lands of neighbouring villages.²⁶

Beita is also impacted by two nearby military checkpoints, Huwwara and Za'tara, which separate the northern governorates from the central and southern governorates in the occupied West Bank. The Za'tara checkpoint is one of two major checkpoints that split the West Bank in three,²⁷ leaving Palestinian towns and villages physically fragmented. Furthermore, the IOF regularly close checkpoints in the West Bank, preventing Palestinians from accessing main roads held under Israel's military control. In addition to controlling, hindering, and disrupting the movement of Palestinians, Israeli checkpoints further undermine Palestinian rights to education and health and infringe on their livelihoods, as well as the contiguity of Palestinian territory and the development of the Palestinian economy.²⁸ Moreover, the IOF, who control the checkpoints, routinely deploy unnecessary, disproportionate, and sometimes lethal force,²⁹ ill-treatment, and daily humiliations against Palestinians across the OPT.³⁰

25 Israel's colonial settlement enterprise refers to the illegal residential, industrial and agricultural settlements established in the OPT and, integrally, the activities that help to sustain, promote and expand them, including the permanent related infrastructure, including bypass roads and checkpoints; the Annexation Wall; the bifurcated Israeli legal regime applied in the OPT; settler violence; and economic activities in agriculture, manufacturing, service provision and other commercial endeavours provided by or for settlers. Moreover, policies of indirect population transfer of settlers into the OPT and the forcible transfer of the Palestinian population within and outside the OPT are central to the establishment and maintenance of such an enterprise.

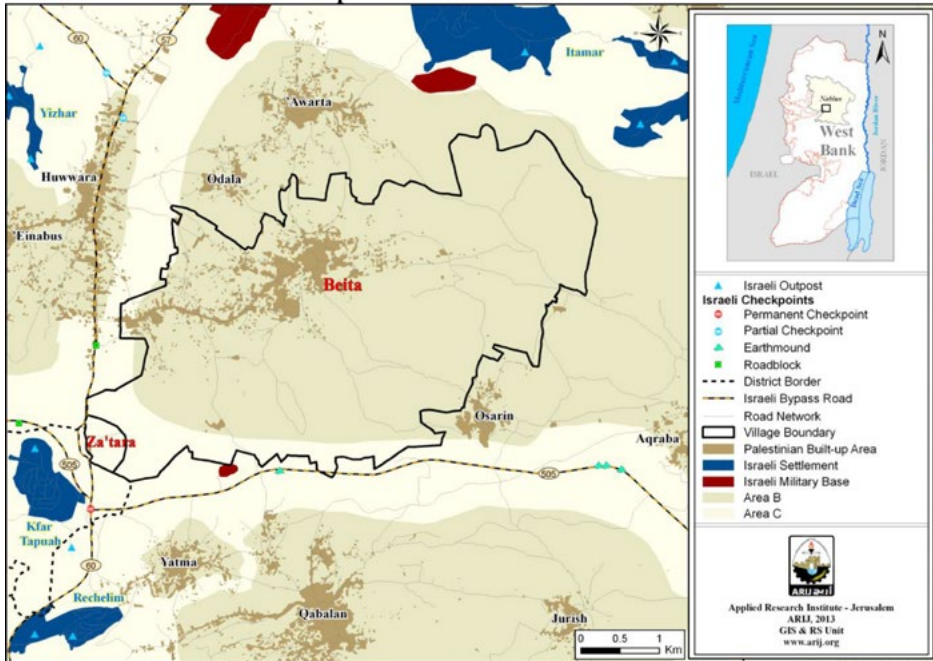
26 See, ARIJ, 'Urif Village Profile' (2014) 15; ARIJ, 'Awarta Village Profile' (2014) 15.

27 B'Tselem, 'Restrictions on Movement' (11 November 2017) <https://www.btselem.org/freedom_of_movement>.

28 MIFTAH, 'Israeli Checkpoints in the Occupied Territories' (13 July 2017) <<http://www.miftah.org/Display.cfm?DocId=14429&CategoryId=4>>.

29 Hanna Haaland and Peter Trainor, 'Death Traps: Israel's Use of Force at Checkpoints in the West Bank' (Al-Haq, 2002) <<https://www.alhaq.org/publications/8154.html>>.

30 See, Al-Haq, 'Palestinians Suffer Ill-Treatment at Huwwara Checkpoint' (12 December 2013) <<https://www.alhaq.org/monitoring-documentation/6692.html>>.



A map of Beita and the surrounding Palestinian villages, as well as the nearby Za'tara checkpoint and Israeli colonial settlements that were established on Palestinian lands - ARIJ - GIS Unit © 2014

Moreover, Israel has appropriated land to the west and south sides of Beita, for the construction of Road No. 60 and Road No. 505.³¹ Similarly, in May 2019, the Israeli occupying authorities approved construction permits for the Huwwara Road, which will appropriate 406 dunums of private Palestinian land from seven Palestinian villages, including Beita.³² The Huwwara Road will run 5.5 kilometres from Za'tara junction to the Yitzhar junction, to serve four colonial settlements: Yitzhar, Itamar, Elon Moreh and Harch Bracha.³³ In October 2020 alone, plans for 775 housing units – constituting a planned growth of about 50 percent – were advanced

31 ARIJ, 'Beita Town Profile' (2014) 19 <http://vprofile.arij.org/nablus/pdfs/vprofile/Beita_vp_en.pdf>.

32 Peace Now, 'Construction Permits Approved for Two Bypass Roads near Nablus and Bethlehem' (2 May 2019) <<https://peacenow.org.il/en/construction-permits-approved-for-two-bypass-roads-near-nablus-and-bethlehem>>.

33 *Ibid.*

for the aforementioned four colonial settlements.³⁴ In February 2020, the Israeli occupying authorities informed the local councils of at least four Palestinian villages and towns, including Beita, of the plans to construct the new road.³⁵ It was later reported that the road is being constructed for the protection of illegally transferred in settlers and presented under the pretext of “enabl[ing] a quiet and comfortable fabric of life for the two populations and contribut[ing] to greater security and safety”.³⁶

34 Maya Rosen and others ‘Annexation to Highway’ (Breaking the Silence, December 2020) <<https://www.breakingthesilence.org.il/inside/wp-content/uploads/2020/12/Highway-to-Annexation-Final.pdf>>.

35 Akram al-Waara, ‘Israel’s Latest Bypass Road Has Palestinians Fearing The Worst’ (Middle East Eye, 24 February 2020) <<https://www.middleeasteye.net/news/israel-new-bypass-road-further-isolate-palestinians-hit-local-businesses>>.

36 Jacob Magid, ‘Day After Attack, Road Announced to Bypass Flashpoint Palestinian Town’ (Times of Israel, 4 April 2019) <<https://www.timesofisrael.com/day-after-attack-road-announced-to-bypass-flash-point-palestinian-town/>>.

1.3 Widespread and Systematic Settler Attacks on Beita

Illegally transferred settlers in the Nablus governorate are notorious for their frequent and extreme violent attacks against Palestinians.³⁷ The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) alarmingly reports that most settler attacks against Palestinians in the West Bank are carried out in the Nablus governorate.³⁸ Such settler attacks include, *inter alia*, wilful killing; attacks on Palestinian children, farmers, protesters, and journalists; the burning of agricultural lands and properties; appropriating land; the pillage and exploitation of water resources; attacking vehicles; and spray-painting hate speech on Palestinian properties.³⁹

For example, the Yitzhar colonial settlement, which was established on the lands of six Palestinian villages and towns, lies around five kilometres to the north of Beita, is a source of extreme attacks against Palestinians.⁴⁰ The Yitzhar settlers are known to have developed a practice of 'Price Tag' reprisals, which constitute acts of violence committed by settlers mostly in retaliation to perceived threats on the construction and/or expansion of colonial settlements.⁴¹ To the south of Beita lies the village of Duma, where one of the most horrific settler crimes in recent years was perpetrated. On 31 July 2015, Israeli settlers set fire to the Dawabsha family home, killing eighteen-month-old Ali Dawabsha, and his parents, Sa'd, 32, and Riham, 27,

37 OCHA, 'Increase in Settler Violence During the First Four Months of 2018' (5 June 2018) <<https://www.ochaopt.org/content/increase-settler-violence-during-first-four-months-2018>>.

38 *Ibid.*

39 See, Al-Haq, 'Special Focus: Yitzhar Settler Violence in on the Rise' (5 January 2021) <<https://www.alhaq.org/advocacy/17738.html>>; Al-Haq, 'Collective Punishment in Awarta' (20 July 2011) <<https://www.alhaq.org/publications/8083.html>>; Al-Haq, 'The 'Price Tag' Policy A Surge in Settler Violence Against Palestinians' (11 June 2011) <<https://www.alhaq.org/advocacy/7040.html>>.

40 Al-Haq, 'Special Focus: Yitzhar Settler Violence in on the Rise' (5 January 2021) <<https://www.alhaq.org/advocacy/17738.html>>.

41 Antoine Shalhat, 'Price Tag Groups: The Sword of Israeli Colonisation' (Mada al-Carmel, Arab Center for Applied Social Research, 2014) 3 Study in Arabic <https://mada-research.org/wp-content/uploads/2014/10/antone_shalhat-6.pdf>.

and severely injuring four-year-old Ahmad Dawabsha.⁴² More recently, since December 2021, villages and towns in Nablus governorate have been under intensified settler violence.⁴³

Similar to other Palestinian villages and towns, Beita has also endured settler violence, as its residents have also been killed by illegally transferred in Israeli settlers. On 6 April 1988, Israeli settler Roman Aldube shot and killed two Beita residents: Mousa Saleh Bani Shamsa, 21, and Hatem Fayez al-Jabir, 22.⁴⁴ On 14 April 1991, Jamil Hlayyel Dweikat, 50, resident of Beita, was found dead near Elon Moreh settlement, after his disappearance for almost 30 days.⁴⁵ It was later discovered that Pinhas Assayag, an Israeli settler illegally residing in the Elon Moreh colonial settlement, had abducted and shot Jamil by two live bullets in his chest and head.⁴⁶

More recently, on 18 May 2017, Moutaz Hussein Bani Shamsa, 21, resident of Beita, was shot and killed by an Israeli settler, while participating, along with other 100 Palestinians, in a protest organised to support Palestinian hunger-striking detainees in Israeli prisons. As an expression of support to the detainees, the protesters blocked the traffic on the main road of Huwwara by standing in front of the cars for 15-minute intervals, regardless of whether the vehicles were Palestinian or Israeli. Suddenly, an Israeli settler rammed into the Palestinian protestors with his car. An IOF military jeep, which drew up beside the settler's car, fired tear gas canisters, dispersing the demonstrators.

42 According to Al-Haq's documentation, Ali died the same day on 31 July 2015, Sa'd succumbed to his wounds and died on 8 August 2015, and Riham succumbed to her wounds and died on 7 September 2015. See, Al-Haq, 'Arson Attack Emblematic of Israel's Settlement Enterprise' (2 August 2015) <<https://www.alhaq.org/advocacy/6511.html>>; Al-Haq, 'Special Focus on Palestinian Children: Targeting Palestine through its Future' (December 2015) <https://www.alhaq.org/cached_uploads/download/alhaq_files/publications/Special.Focus.on.children.pdf>; DCI-P, 'Israeli Settler Guilty of Murder in 2015 Arson Attack on Palestinian Family' (25 May 2020) <https://www.dci-palestine.org/israeli_settler_guilty_of_murder_in_2015_arson_attack_on_palestinian_family>.

43 Al-Haq, 'Al-Haq Sends Urgent Appeal to UN Special Procedures on Intensified Violence against Palestinians by Colonial Settlers' (14 April 2022) <<https://www.alhaq.org/advocacy/19901.html>>.

44 For further information, see pages 21-24. Interview with Sari Hilal Hamayel, 60, resident of Beita, on 8 June 2022, on file with Al-Haq; Interview with Taysir Al-Sheikh Saleh Khreiwesh, 63, resident of Beita, on 8 June 2022, on file with Al-Haq.

45 UN, 'The Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People, (22 August 1991) <<https://www.un.org/unispal/document/auto-insert-178518/>>; Al-Haq documentation.

46 *Ibid.*

In response, the protestors started throwing stones, which hit the settler's car. The settler then pulled his gun and fired three bullets from his window, hitting and killing Moutaz (who had his back turned to the settler), in the back of his head, and injuring Majdi Mohammad Ishtayeh, a journalist from the Associated Press, in his right hand.⁴⁷

Israel systematically and deliberately abstains from enforcing the law with regard to settler violence, showcasing its institutional unwillingness to investigate and prosecute criminal acts perpetrated by settlers.⁴⁸ In fact, settlers have managed to intensify their attacks against Palestinians, under the protection of the IOF, with impunity. According to Yesh Din, 92 percent of cases submitted to the Israeli police by Palestinians in relation to settler attacks, between 2005 and 2021, were closed without filing an indictment.⁴⁹ The Israeli occupying authorities' unwillingness to investigate, alongside the IOF's active support of settlers during vicious attacks on Palestinians, perpetuates an environment in which grave acts of violence against Palestinians thrive with impunity. Such institutionalised impunity sustained by settlers is part of Israel's policy to ultimately displace Palestinians on both sides of the Green Line and control and dominate their land.⁵⁰

47 Al-Haq Affidavit 426A/2017, given by Majdi Mohammad Suliman Ishtayeh, 40, resident of Ramallah, on 8 June 2017; Al-Haq Affidavit 425A/2017, given by Ihleel Inad Ali Abu Jeesh, 35, resident of Beit Dajan, on 21 May 2017; Al-Haq Affidavit 424A/2017, given by Nofal Kamal Jaber Abu Kishik, 57, resident of Nablus city, on 18 May 2017; Al-Haq Affidavit 423A/2017, given by Maysar Dawoud Mohammad 'Iytani, 58, resident of Nablus city, on 18 May 2017. See also footage showing the killing of Moutaz Bani Shamsa <https://www.youtube.com/watch?v=3cXG41_S4tY>.

48 Valentina Azarov, 'Institutionalized Impunity: Israel's Failure to Combat Settler Violence in the Occupied Palestinian Territory' (Al-Haq, 2013) <https://www.alhaq.org/cached_uploads/download/alhaq_files/publications/institutionalised-impunity.pdf>.

49 Yesh Din, 'Data Sheet, December 2021: Law Enforcement on Israeli Civilians in the West Bank' (7 February 2022) <<https://www.yesh-din.org/en/data-sheet-december-2021-law-enforcement-on-israeli-civilians-in-the-west-bank-settler-violence/>>.

50 Valentina Azarov, 'Institutionalized Impunity: Israel's Failure to Combat Settler Violence in the Occupied Palestinian Territory' (Al-Haq, 2013) <https://www.alhaq.org/cached_uploads/download/alhaq_files/publications/institutionalised-impunity.pdf>.

1.4 Natural Resources Exploitation and Corporate Capture

Israel has occupied the West Bank, including East Jerusalem, and the Gaza Strip since 1967, appropriating Palestinian lands for agricultural, industrial and residential colonial settlements and licensing Palestinian natural resources to Israeli and international commercial enterprises for commercial exploitation – acts which amount to grave breaches of the Geneva Conventions and the war crimes of appropriation and pillage.⁵¹ As in all occupied Palestinian towns and villages, Beita residents have been forced to rely on Mekorot, Israel's national water company, to meet their water needs, as Israel has transferred ownership of all Palestine's water supply systems in the occupied West Bank to the company.⁵² Israel further operates an illegal and discriminatory water allocation policy, piping water to Har Brakha and Yitzhar colonial settlements, while leaving the Palestinian village of Beita suffering from water shortages throughout the summer.⁵³

Furthermore, Israel's prolonged occupation, the colonial settlement enterprise, physical movement barriers, and the exploitation of Palestinian natural resources, have enforced the captivity of the Palestinian economy, denying Palestinians the opportunity to develop an independent economy.⁵⁴ The captivity of the Palestinian economy has forced many Palestinians to seek job opportunities in illegal settlements, and sometimes in those established on their own appropriated private land.⁵⁵ In 2017, the Palestinian Central Bureau of Statistics reported that 22 percent of Beita labour depends on the

51 Geneva Convention Relative to the Protection of Civilian Persons in Time of War, (adopted 12 August 1949) 75 UNTS 287 (hereinafter 'Fourth Geneva Convention'), Article 33(2); Hague Convention (IV) Respecting the Laws and Customs of War on Land and its Annex: Regulations Concerning the Laws and Customs of War on Land (adopted 18 October 1907, entry into force 26 January 1910) (hereinafter 'Hague Regulations'), Articles 28 and 47; Rome Statute of the International Criminal Court, U.N. Doc. 2187 U.N.T.S. 90, 17 July 1998, (hereinafter 'Rome Statute'), Article 8(2)(b)(xvi).

52 Al-Haq, 'Corporate Liability: The Right to Water and the War Crime of Pillage' (December 2022) <<https://www.alhaq.org/publications/20995.html>>.

53 Al-Haq, 'Joint Urgent Appeal to United Nations Special Procedures on Israeli Suppression of Palestinian Resistance at Jabal Sbeih Against Settlement Expansion' (6 November 2021) 16 <https://www.alhaq.org/cached_uploads/download/2021/11/06/urgent-appeal-beita-1636217746.pdf>.

54 Mark Samandar, 'Captive Markets, Captive Lives' (Al-Haq, 2021) <<https://www.alhaq.org/publications/18265.html>>.

55 *Ibid.*

Israeli labour market.⁵⁶

Overall, plans to appropriate Beita land for nearby settlement bypass roads, the unimpeded construction of the illegal Evyatar colonial outpost, the coercive environments to force transfer, as well as settler harassment and intimidation, continue. All the above examples highlight how Israel's colonial settlement enterprise impacts the lives of Palestinians, especially those who live in the vicinity of colonial settlements. For that, Palestinians residing in Beita endure water exploitation, settler violence, economic captivity, freedom of movement restrictions, limitations on their right to access health, education and employment, territorial and social fragmentation, and are ultimately denied the exercise of their right to self-determination and permanent sovereignty over national resources.

The second pillar of the impact of Israel's settler-colonial project on Beita is related to Israel's systematic policies and practices of domination it maintains over the Palestinian people. The residents of Beita are a steadfast and persistent example of Palestinians who have relentlessly stood in the face of attempts to directly appropriate their land and efforts to intimidate them to induce their removal from their land. The defiance of the residents of Beita has been met by a machinery of violence and suppression. Attempts to appropriate Beita and the reciprocal resistance of Palestinians therein, against Israel's heavy military suppression and resulting international law violations, will be explored in detail in the report. In particular, the report examines the latest attempt to colonise lands in Beita since May 2021 and its aftermath.

56 Palestine Economic Policy Research Institute, 'A Reading of Selected Indicators from the Labor Market Based on Surveys of the Palestinian Central Bureau of Statistics' (2019) 48 Study in Arabic.

2

Collective Punishment and Resistance in Beita during the First *Intifada*

The first *Intifada*, meaning ‘uprising’ and literally ‘to shake off’ in Arabic, began on 9 December 1987 and ended in September 1993. The first *Intifada* was a Palestinian stand against decades of Israeli colonisation and its associated policies and practices of dispossession, suppression, and domination.⁵⁷ The Palestinian people organised into popular committees and ran national campaigns, demonstrations, ‘sit ins’, strikes, boycotts of Israeli products, and acts of civil disobedience.⁵⁸ Israel’s corresponding violent repression of the first *Intifada* included the use of live ammunition against unarmed Palestinian protestors; the implementation of ‘break the bones’ policy, which was instituted by the then Israeli ‘Defence’ Minister Rabin in January 1988; arbitrary mass arrests; and collective punishment practices.⁵⁹ Between 1988 and 1993, the IOF killed over 1,200 Palestinians, including 200 Palestinian children under the age of 16.⁶⁰ Furthermore, Israel relied on the imprisonment and detention of Palestinians as one of its key mechanisms of control, leaving Israel with the highest prison population per capita worldwide at the time.⁶¹ Such repression, was, as Edward Said put it, “part of an orchestrated campaign to exterminate Palestinians as a political presence in Palestine”.⁶²

57 Al-Haq, ‘Punishing a Nation: Human Rights Violations During the Palestinian Uprising’ (1988) 3-6 <<https://www.alhaq.org/publications/8171.html>>.

58 See, Interactive Encyclopedia of the Palestine Question, ‘The First Intifada, 1987-1993’ (The Institute for Palestine Studies and the Palestinian Museum) <<https://www.palquest.org/en/highlight/29773/first-intifada-1987-1993>>; Layth Hanbali, ‘Reimagining Liberation through the Popular Committees’ (Al-Shabaka, 16 February 2022).

59 Al-Haq, ‘Punishing a Nation’ (1988) 13. In February 1988, a video was posted by CBS, exposing Israel’s policy of breaking the bones to the world, mobilising solidarity internationally, see footage: <<https://www.youtube.com/watch?v=19-hmgaM1ZQ>> and <https://interactive.aljazeera.com/aje/PalestineRemix/view_remix.html#!/23:1617920,48211/23:1732927,119148>.

60 Rami Nasrallah, ‘The First and Second Palestinian Intifadas’ in Joel Peters and David Newman (eds), *The Routledge Handbook on the Israeli-Palestinian Conflict* (Routledge 2013) 56, 60.

61 Joel Beinin and Lisa Hajjar, ‘Palestine, Israel and the Arab-Israeli Conflict: A Primer’ (Middle East Research and Information Project 2014) 9.

62 Edward Said, ‘Intifada and Independence’ (1989) 22 *Social Text* 23, 29.

Beita residents stood at the forefront of resistance during the first *Intifada* and were among the first in the OPT to confront the IOF. From the outset of the *Intifada*, the youth of the village rotated in shifts to confront the IOF with stone-throwing and guarding high areas in the village.⁶³ Nizar Banat, a Palestinian activist, who was killed by Palestinian security forces in June 2021,⁶⁴ recalled the steadfast image of Beita during the first *Intifada*:

*All the people at the time of the Intifada talked about the steadfastness of the Beita people. Beita was a pivotal station in the first Palestinian Intifada. Perhaps if Beita had not remained steadfast, the Intifada would have turned in other directions.*⁶⁵

The Israeli occupying authorities systematically and violently punished Beita residents for their defiance and resistance. For example, as early as January 1988, Israeli Colonel Yehuda Meir, ordered the IOF to break the bones of Palestinians in the villages of Beita and Huwwara,⁶⁶ as such policy was not only intended to inflict serious injury but also to break the will of Palestinian resistance. The IOF took at least 20 Palestinians from the villages into nearby fields and beat them with rifles and clubs, leaving at least 12 Palestinians with broken limbs.⁶⁷ In February 1988, around 40 residents of Beita were subjected to the same brutal policy as they returned from their work inside the Green Line on a bus to Beita. The Israeli occupying authorities, knowing that 40 passengers were from Beita, targeted the bus deliberately.⁶⁸ Ribhi Hamdan, was among those from Beita subjected to the policy. Ribhi, who is now 57 years old and still resides in Beita, recalled his feeling on the day of his beating, “I thought the hour of my death had come”.⁶⁹

63 Interview with Taysir Al-Sheikh Saleh Khreiwesh, 63, resident of Beita, on 8 June 2022, on file with Al-Haq.

64 ICHR and Al-Haq, ‘A Joint Fact-Finding Report on the Killing of the Political Activist Nizar Banat’ (ICHR and Al-Haq, March 2022) Report in Arabic <<https://www.alhaq.org/ar/advocacy/19632.html>>.

65 Nizar Banat, ‘Jabal Sbeih, Beita, Another Time’ (YouTube, 24 June 2021) Video in Arabic <https://www.youtube.com/watch?v=fqjz62__ge4>.

66 Los Angeles Times, ‘Israeli Officer Says Higher-Ups Ordered Beatings’ (23 June 1990) <<https://www.latimes.com/archives/la-xpm-1990-06-23-mn-359-story.html>>.

67 *Ibid*; Al-Haq, ‘Punishing a Nation’ (1988) 15.

68 Interview with Taysir Al-Sheikh Saleh Khreiwesh, 63, resident of Beita, on 8 June 2022, on file with Al-Haq.

69 Mohammed El-Kurd, ‘A Night with Palestine’s Defenders of the Mountain’ (the Nation, 15 September 2021) <<https://www.thenation.com/article/world/beita-palestine-israel/>>.

2.1 The 1988 Incident: Collective Punishment Campaign on Beita

In April 1988, four months into the first *Intifada*, Israel inflicted a mass collective punishment campaign on Beita residents, including the killing of three Palestinians, the punitive demolition of 14 homes, the deportation of six residents, the arbitrary arrests of 60 Palestinians, and the imposition of a curfew and closure of the village.⁷⁰

On 6 April 1988, a group of Israeli settlers, including two armed settlers, entered the vicinity of Beita village.⁷¹ At the time, it was reported that the settlers were on a ‘hiking trip’.⁷² Yet, one of the settlers told media that the hike had a political message, saying: “we have to show them that we are the owners of the country”.⁷³ Accordingly, this settler ‘hike’, taking place amidst widespread and systematic IOF suppression in the context of the first *Intifada*, was part and parcel of the broader and ongoing efforts to impose and entrench Zionist domination and colonisation over the Palestinian people and their land.

During the settler ‘hike’, Mousa Saleh Bani Shamsa, 21, a resident of Beita, was shot and killed by armed settler Roman Aldube at Jabal Al-‘Orma. There had been no confrontations.⁷⁴ Roman Aldube, who was well known for his propensity for violence, has been described as:

*[A] man... of such extremism and violent tendencies that the Israeli army had banned him the year before from entering Nablus, where he had been a party to the killing of a Palestinian child, Aisha Bahash, in her father’s bakery.*⁷⁵

70 Al-Haq, ‘Punishing a Nation’ (1988) 105.

71 *Ibid.*, 113.

72 *Ibid.*

73 David Samel, ‘The ‘Beita’ Incident of 1988 Shines Lasting Light on a Cruel Occupation and its Half-Hearted Coverage’ (Mondoweiss, 6 April 2010) <<https://mondoweiss.net/2010/04/the-beita-incident-of-1988-shines-lasting-light-on-a-cruel-occupation-and-its-halfhearted-coverage/>>.

74 Interview with Taysir Al-Sheikh Saleh Khreiwesh, 63, resident of Beita, on 8 June 2022, on file with Al-Haq; Interview with Sari Hilal Hamayel, 60, resident of Beita, on 8 June 2022, on file with Al-Haq.

75 Ellen Cantarow, ‘Beita’ (Spring, 1989), 8 Grand Street 195, 198.

The killing of Mousa and the presence of armed settlers at Jabal Al-‘Orma was announced immediately over the village speakers whereupon hundreds of Beita residents rushed to the mountain.⁷⁶

Taysir Al-Sheikh Saleh Khreiwesh, who was 29 years old at the time, was shot at point-blank range with a live bullet to his stomach, by the same armed settler, Roman Aldube. In an interview with Al-Haq, Taysir recounted:

On the day of the incident, around 23 settlers entered the eastern part of Beita near Jabal Al-‘Orma. Their goal was to enter Beita to challenge us. The settler guard in charge of the group, Roman Aldube, was armed with an M16 rifle. He was known for his violence. If a group wants to hike, they don’t need rifles and they don’t start shooting at people.⁷⁷

Taysir further recalled his conversation with the settler group, as he urged them to take Roman Aldube’s weapon and promised to lead them out:

When I arrived at Jabal-Al-‘Orma, I saw the settler group, but Aldube was not with them. I approached the settlers to advise them to take the gun from Aldube and I promised to walk them out of Beita safely. Suddenly, while I was talking to the other settlers, Aldube approached me, screaming. I tried to convince him to give his rifle to the other guard. He insisted that he was not afraid, and that he bears the responsibility of the group... He then pointed his rifle at my stomach. I told him again to put the rifle away, but he shot me at point-blank in my stomach... As I was falling to the ground from the injury, I heard a group of Beita residents calling in one voice ‘Allah Akbar’ and they surrounded the settler group.⁷⁸

Taysir, 34 years on, still suffers partial paralysis in his lower limb. In the immediate aftermath of his injury, he could not feel his legs. The at point-blank range bullet to his stomach caused a nervous damage in his spine. For around 30 years, he suffered tremendously due to his injury, including the development of some 370 bedsores in his leg, as he also had a third of his

⁷⁶ Interview with Taysir Al-Sheikh Saleh Khreiwesh, 63, resident of Beita, on 8 June 2022, on file with Al-Haq.

⁷⁷ *Ibid.*

⁷⁸ *Ibid.*

bowel resected. He underwent 10 surgeries, including six in the stomach and back and four in his lower limbs. After his latest surgery in 2018, the doctor diagnosed that a clot in his artery was impeding blood flow to his legs.⁷⁹

Sari Hilal Hamayel, now 60 years old, witnessed the incident in full, and is one of the six Palestinians who were deported from Beita. In an interview with Al-Haq, he explained what happened after Roman Aldube had shot Taysir:

When one sees the blood of a person from his people, he/she will lose his/her senses. We decided to drag the settlers into Beita. Aldube was still wrapping his rifle around his body as we were walking the settler group to the village. Aldube was hit on his head, when he immediately fired bullets, killing Hatem Fayez al-Jabir, 22, resident of Beita and settler Tirza Porat, 15.⁸⁰

When the IOF discovered what had happened in Beita, they automatically presumed that the settler, Tirza Porat, had been killed by Beita residents. Before even investigating the incident, the IOF announced and initiated a campaign of collective punishment on Beita.⁸¹ The then Israeli Minister for Justice called upon the government “to raze the village of Beita and expel all rioters from the territories”.⁸²

On the same day, the IOF raided Beita, sealed it off, and placed it under curfew. They rounded up and detained all male Beita residents in the village school, supposedly for questioning, where they remained held for the next five days.⁸³ The next day, on 7 April 1988, the IOF killed another Beita resident, Isam ‘Abd-al-Halim Bani Shamsa, 16.⁸⁴

The oppressive and cruel Israeli collective punishment of Beita for the 6 April 1988 incident, continued until 30 April 1988. During this time, Beita was sealed off from the rest of Palestine.⁸⁵ The IOF punitively demolished

79 *Ibid.*

80 Interview with Sari Hilal Hamayel, 60, resident of Beita, on 8 June 2022, on file with Al-Haq.

81 B’Tselem, ‘Demolition and Sealing of Houses’ (1989) 21; Al-Haq, ‘Punishing a Nation’ (1988) 113.

82 Al-Haq, ‘Punishing a Nation’ (1988) 113.

83 *Ibid.*, 105.

84 Al-Haq documentation.

85 Al-Haq, ‘Punishing a Nation’ (1988) 105.

14 houses in Beita, arrested some 60 residents, and deported another six.⁸⁶ All these measures were carried out while the details of the incident were not investigated. Eventually, even Israeli investigations, which are rarely conducted and in most cases, biased, unthorough, superficial, and discriminatory against Palestinians, proved that the armed Israeli settler Roman Aldube was responsible for the three killings on 6 April 1988.⁸⁷ He was not to be charged, because, as the IOF spokesperson opined, “the tragic incident and its result are already a penalty”.⁸⁸

86 *Ibid.*

87 Joel Brinkley, ‘Beita Journal; Where the Hot Rage of April Is Now Cold Fury’ (New York Times, 23 August 1988) <<https://www.nytimes.com/1988/08/23/world/beita-journal-where-the-hot-rage-of-april-is-now-cold-fury.html>>.

88 Noam Chomsky, ‘Scenes from the Uprising’ (Z Magazine, July 1988), https://chomsky.info/198807_/#FN28>.

2.2. Ongoing Impacts of the 1988 Collective Punishment Campaign

The ensuing impact of collective punishment policies and measures should not be overshadowed. In the aforementioned case, layers of socio-economic and psychological impacts continue to affect the survivors of the 6 April 1988 incident. Not only were the family of Mousa Saleh Bani Shamsa forced to deal with the loss of Mousa with no accountability of the perpetrator, they also suffered further collective punishment policies. Mousa's sister, Mounira Saleh Bani Shamsa, who was 22 years old at the time, was arrested immediately after the incident. When Mounira learnt about her brother's killing, she hit settler Roman Aldube with a stone on his head.⁸⁹ She was later prosecuted for throwing stone and aggravated assault on Roman Aldube and was sentenced to seven months of imprisonment, while pregnant.⁹⁰ Her home was also punitively demolished, where her husband and three children, including a seven-month-old baby, lived.⁹¹ Furthermore, as the IOF blew up and demolished 14 houses in Beita, another 21 nearby houses were damaged, because of the force of the explosions.⁹² Mousa's family home was one of those damaged houses.⁹³ In an interview in September 1988, Mousa's mother posited, "if your house has been demolished, you might rebuild it. If you lose your money, you might regain it. But if you lose your son..."⁹⁴

Beyond its use of administrative house demolitions to enforce Palestinian dispossession and displacement, Israel further punitively demolishes Palestinian houses, as evident in this case. Either way, these arbitrary demolitions leave devastating impacts on the dignity of the families, as well as their economic security, ambitions and future.⁹⁵ Causing an initial trauma

89 Maan News Agency, 'Beita Incident 1988: the First Intifada' <<https://www.youtube.com/watch?v=gklM6sUdSQs>>; Ellen Cantarow, 'Beita' (Spring, 1989), 8 Grand Street 195, 197.

90 Ellen Cantarow, 'Beita' (Spring, 1989), 8 Grand Street 195, 197.

91 Al-Haq documentation.

92 B'Tselem, 'Demolition and Sealing of Houses' (1989) 21.

93 Ellen Cantarow, 'Beita' (Spring, 1989), 8 Grand Street 195, 199.

94 *Ibid*, 197.

95 Ahmad Asad, 'The Case of Al-Issawiyah; Accounts of Persistent Isolation, Separation and Violations' (JLAC, 2020) 26.

among the displaced,⁹⁶ demolishing a house further impacts the mental health and sense of safety, especially among children. On the long term, the resulting dispossession and displacement leads to severe emotional distress and social isolation of the children, jeopardises their education, and risks the creation of social problems.⁹⁷

Within a similar vein, Israel's policy of deportation leaves multi-layered impacts on the individuals deported, their families, and the Palestinian people as a collective. Israel displays its policy of deportation as a means to remove Palestinians who have allegedly broken the law⁹⁸ a law which is in essence, designed to entrench settler-colonialism and domination. In violation of Israel's obligation not to deport protected persons out of the occupied territory,⁹⁹ such policy further pours into the broader colonial aims of domination and erasure, through undermining a Palestinian political leadership, and rupturing the social fabric of society by separating families, placing them under constant psychological and mental stress.¹⁰⁰

Sari Hilal Hamayel, 60, one of the six Beita residents deported from Palestine, had his home and his family's home demolished. At the time of the 6 April 1988 incident, Sari was living with his pregnant wife and their two daughters, both under the age of two. His parents and four brothers, all children, were residing in another apartment, which was also punitively demolished. Sari was the breadwinner for both families. In an interview with Al-Haq, Sari recalled the circumstances of his arrest, and explained the impact of the demolition and deportation on his family:

96 Save the Children, 'Hope Under the Rubble: The Impact of Israel's Home Demolition Policy on Palestinian Children and their Families' (2021).

97 *Ibid.*

98 Ahmad Asad, 'The Case of Al-Issawiyah; Accounts of Persistent Isolation, Separation and Violations' (JLAC, 2020) 12.

99 Deportations of protected persons from occupied territory to any country are prohibited, regardless of their motive. Fourth Geneva Convention, Article 49. Furthermore, under Article 147, illegal deportation of protected person is considered as a grave breach of the Fourth Geneva Convention, as well as a war crime. Rome Statute, Article 8(2)(a)(vii).

100 Ahmad Asad, 'The Case of Al-Issawiyah; Accounts of Persistent Isolation, Separation and Violations' (JLAC, 2020) 10-11.



Sari Hamayel's wife and daughters in a tent after the punitive demolition of their home in April 1988

Photo courtesy of family, April 1988

Following the incident on 6 April 1988, the IOF raided Beita, with huge forces as if they are entering a war battle. When the residents of Beita saw the IOF's raid, many youth spread to the mountains, to avoid more killings. Along with Mustafa Hamayel [also one of the six Palestinians deported], I sought shelter in the eastern part of the village. On 9 April, when I learnt that a demolition order was issued for my home and my parents' home, Mustafa and I headed back to Beita, but we were arrested before managing to arrive there. Having had their house demolished, my family stayed in a tent for around two months until they managed to find an alternative housing. The IOF would come and tear the tent. The biggest impact was on my wife, father, mother and brothers. My father's spirits were down. I was the breadwinner for the family. They found themselves without a home. They were shocked. My mother had an old memory problem, related to a shock she endured when she received false news that I

*was killed by IOF as a child. After the 1988 incident, she completely lost her memory. She was constantly asking about my whereabouts, but she would not recognise me when she sees me.*¹⁰¹

Sari Hilal Hamayel and Mustafa Mohammad Hamayel were arrested until 19 April 1988, when they were eventually deported to Lebanon, along with another four Beita residents. Recalling his feelings when he learnt about the deportation order at Jneid Prison, Sari said:

*It is a shock to be deported without knowing your fate and the fate of your family. We [the six deported] appealed the deportation order until our last breath. Personally, I prefer ten years of imprisonment in my country, and not a single year deported in exile. On 19 April 1988, they told us to prepare ourselves for deportation. We didn't think it would be so fast. We thought they would transfer us to another prison. We underwent stripping, photographing and inspection. Until this moment, I was still trying to convince myself that they were about to send us to another prison. They took us through stairs under the ground. We were surprised to see our families. I found my wife and her father waiting for me. When I asked why they were there, they informed me that the Israeli occupying authorities will implement the deportation order. I was only able to talk to them for a couple of minutes, while the soldiers were standing between us. The soldiers then pulled us apart. They took each two of the six Palestinian deportees in a military jeep and tied us to the chair with chains and handcuffs. Israeli persecution has no limits. It was so humiliating. We were informed by our families of the deportation orders.*¹⁰²

The six deported residents of Beita were sent to Lebanon on 19 April 1988. As of the time of writing, two of the deportees remain in exile, while the other four spent a combined 49 years in exile.¹⁰³ Sari, for example, spent eight years in exile between Lebanon, Tunisia, Iraq and Jordan. In 1989, after around a year and a half in exile, his wife and children moved with Sari to Iraq.

101 Interview with Sari Hilal Hamayel, 60, resident of Beita, on 8 June 2022, on file with Al-Haq.

102 *Ibid.*

103 Interview with Taysir Al-Sheikh Saleh Khreiwesh, 63, resident of Beita, on 8 June 2022, on file with Al-Haq.

Commenting on his deportation experience and the policy, Sari recounted:

Deportation is harsher than prison. I never searched for luxury in exile. My plan was to be at the nearest point to Palestine. In the 1980s, communication was really hard. One time, I sent a letter to my family through the International Committee of the Red Cross. I met my family a year and a half after I sent letter and they had not received it yet. Thus, I wanted to be close to Palestine even if deported. In 1992, I tried to enter Jordan via Iraq. I was detained at the border as a deportation order was also issued against me by the Jordanian government. Later on, the deportation order in Jordan was revoked. But, for four months, I was forced to appear at the Jordanian intelligence services for interrogation. They would keep me waiting from 8:00 am until 2:00 am without questioning and then ask me to come again the next day. It was humiliating. I prefer to live in my country in a dumpster, rather than in a palace under humiliation. Palestinians deported in exile live under humiliation.¹⁰⁴

After returning to Beita in 1996 with his family, Sari and his family still endure the impact of the Israeli collective punishment policies. Sari explained:

In 1996, we started a new life in our own country, Palestine. My family consists of seven daughters and three sons, including two children. The suffering continues. We started from scratch. We did not even have a mattress when we resettled in Beita. We rented a house. We started new relationships. We feel like strangers, even with family members.¹⁰⁵

Mustafa Mohammad Hamayel, 61, spent 28 years in exile, enduring, along with his family, harsh living conditions because of deportation. Mustafa was a father of four children when he was deported in April 1988. His home was also punitively demolished. His family relocated to Jordan to be with him, until he was allowed to return to Palestine in 2016. In an interview with Al-Haq, Mustafa explained the hardships to maintain a dignified life and provide for his family in exile, saying:

¹⁰⁴ Interview with Sari Hilal Hamayel, 60, resident of Beita, on 8 June 2022, on file with Al-Haq.

¹⁰⁵ *Ibid.*

I went through suffering for 28 years that I cannot explain. I wish I had died before I was born. Our families were starving in Beita. My family moved and relocated to be with me in Jordan. Our life was really hard in Jordan. My salary was not enough to provide for my family, especially with the high prices. We were subjected to many pressures in exile. In Jordan, I did not have the right to own a property, buy a car, issue a driving licence, or work easily. No one asked or cared about us. It was like we were being buried alive. To live in your home country in a dumpster is better than living in a palace in exile.¹⁰⁶

106 Interview with Mustafa Mohammad Hamayel, 61, resident of Beita, on 8 June 2022, on file with Al-Haq.

3

Latest Colonisation Attempt: The Evyatar Colonial Outpost

Throughout its ongoing occupation, Israeli settler-colonialism continues to be manifested against Beita and its residents in various forms. Between 2013 and 2020, Beita was subjected to four attempted acts of land appropriation by settlers, for the purpose of establishing illegal colonial settlements therein. In 2013, 2016 and 2018, Israeli settlers attempted to establish a colonial outposts at Jabal Sbeih, south of Beita,¹⁰⁷ whereas the fourth attempt was directed at Jabal Al-'Orma, north-east of Beita, in 2020.¹⁰⁸ The Israeli occupying authorities demolished the colonial outpost structures three times at Jabal Sbeih,¹⁰⁹ and the residents of Beita defied and resisted the fourth attempt at Jabal Al-'Orma.¹¹⁰

In May 2021, Israeli settlers, for the fourth time, initiated the construction of a colonial outpost at Jabal Sbeih, which is located on the lands of three Palestinian villages and towns: Beita, Yitma and Qabalan.

Specifically, on 3 May 2021, settlers built and set up a number of caravans on Jabal Sbeih, establishing the Evyatar colonial outpost, spanning over 35 dunams of the mountain.¹¹¹ The settler organisation Nahala, headed by Daniella Weiss, a former mayor of the Kedumim colonial settlement, spearheaded the establishment of the Evyatar colonial outpost, with the coordination of the so-called Samaria Regional Council, and the Military Commander's consent.¹¹²

107 B'Tselem, 'Nine Months of Protesting a New Outpost: Seven Killed and Dozens Injured in the Town of Beita' (28 February 2022) <https://www.btselem.org/firearms/20220228_nine_months_of_protesting_seven_killed_and_dozens_injured_in_the_town_of_beita>.

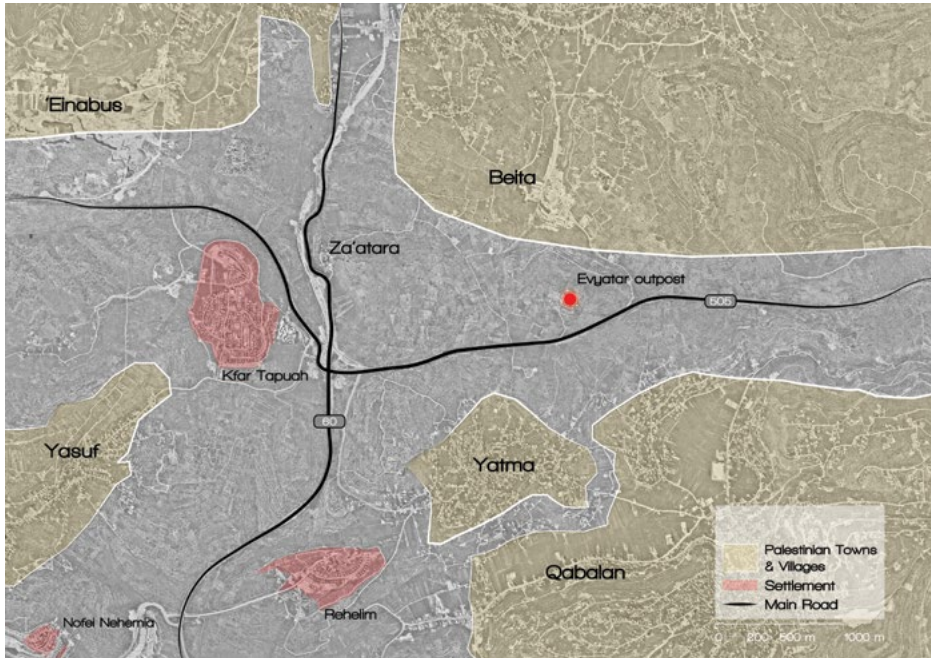
108 Al-Haq, 'Israel's Gross Violations of Human Rights in the Face of COVID-19 (Reporting Period 8 - 29 March 2020)' (3 April 2020) <<https://www.alhaq.org/advocacy/16676.html>>.

109 B'Tselem, 'Nine Months of Protesting a New Outpost: Seven Killed and Dozens Injured in the Town of Beita' (28 February 2022) <https://www.btselem.org/firearms/20220228_nine_months_of_protesting_seven_killed_and_dozens_injured_in_the_town_of_beita>.

110 For further information, see pages 46-48.

111 JLAC, 'Petition for the Cancellation of Evyatar Deal' <<https://www.jlac.ps/details.php?id=i8bt4da2256ygj5x0p0gu>>.

112 Judah Gross, 'Gantz, Shaked Squabble Over Settlements as Cabinet Sorts Out a West Bank Policy' (Times of Israel, 4 July 2021), <<https://www.timesofisrael.com/gantz-shaked-squabble-over-settlements-as-cabinet-sorts-out-a-west-bank-policy/>>; B'Tselem, 'Nine Months of Protesting a New Outpost: Seven Killed and Dozens Injured in the Town of Beita' (28 February 2022) <https://www.btselem.org/firearms/20220228_nine_months_of_protesting_seven_killed_and_dozens_injured_in_the_town_of_beita>.



A map of Evyatar colonial outpost and the Palestinian villages and towns on which it was established: Beita, Yatma, and Qabalan. Al-Haq © June 2023

While Israeli settlers have routinely established colonial outposts across the occupied West Bank, the high speed of the construction of the Evyatar outpost as well as the growth rate of the number of its settlers was abnormal. Within one month, amidst widescale, massive and violent Israeli repression against Palestinians across Palestine during the Unity *Intifada*,¹¹³ around 50 settler families moved from other Israeli colonial settlements, establishing some 50 structures, and setting up water and electricity networks in the Evyatar colonial outpost.¹¹⁴

While the Israeli occupying authorities differentiate between the 'legality' of a colonial settlement and a colonial outpost, international law strictly prohibits the Occupying Power from transferring its own civilians directly or indirectly into an occupied territory, which is considered a grave breach of the Fourth

113 For further information on the Unity *Intifada*, see pages 55-58.

114 Kelly Kunzl, 'Beita Forces Settlers to Evacuate... For Now' (The Electronic Intifada, 12 July 2021) <<https://electronicintifada.net/content/beita-forces-settlers-evacuate-now/33581>>.

Geneva Convention, and a war crime under the Rome Statute.¹¹⁵

Even though colonial outposts are driven by settlers and are unsanctioned under Israel's domestic law, the Israeli occupying authorities still facilitate the establishment of colonial outposts. Israel funds their construction and development; allotting land; issuing permits and providing infrastructure and services, including water and electricity networks, at low costs; and retroactively "legalising" them. In particular through "the more indirect and non-transparent means of parastatal organizations, in particular the World Zionist Organization and the Jewish National Fund".¹¹⁶ Palestinian residents of Beita and surrounding villages have further reported that Israeli occupying soldiers, in their official uniforms, have assisted in the construction of the Evyatar colonial outpost in May 2021.¹¹⁷ As such, colonial outposts initiated by settlers do not operate in a vacuum, but are fostered, and themselves reinforce, the Zionist settler-colonial project, further expanding Israeli-Jewish domination in the West Bank. Explaining the role of Israeli settlers and colonial outposts in entrenching Israel's settler-colonial project, the former Deputy Mayor of the Beita Municipality, Mousa Abed Hamayel, 61, stated:

*The Israeli colonial project is driven by the state and the army. Settlers, [including those who establish colonial outposts,] are another tool to enforce that project. We have evidence proving and showing how the army assisted in building the settlement, and protected the settlers, in order for them to settle in Evyatar.*¹¹⁸

¹¹⁵ Fourth Geneva Convention, Articles 49 and 147; Rome Statute, Article 8(2)(b)(viii).

¹¹⁶ OCHA, 'The Humanitarian Impact on Palestinians of Israeli Settlements and Other Infrastructure in the West Bank' (July 2007) <https://www.ochaopt.org/sites/default/files/ocharpt_update30july2007.pdf>; Al-Haq, 'Joint Submission to the United Nations Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967, Mr Michael Lynk, on the Legal Status of the Israeli Colonial Settlements in the Occupied Palestinian Territory' (30 April 2021) para 12.

¹¹⁷ Hagar Shezaf, 'Israeli Soldiers Photographed Helping Build Illegal West Bank Outpost' (Haaretz, 11 June 2021) <<https://www.haaretz.com/israel-news/.premium-israeli-soldiers-photographed-helping-build-illegal-west-bank-outpost-1.9897082>>.

¹¹⁸ Interview with Mousa Abed Hamayel, 61, former Deputy Mayor of the Beita Municipality, on 24 August 2021, on file with Al-Haq.

In effect, the Evyatar colonial outpost has seized private Palestinian land and prevented the access of some 30,000 residents of the three villages to their land, including agricultural land that they have regularly ploughed and cultivated.¹¹⁹ Daniella Weiss, who is the spokesperson of the Evyatar colonial outpost, stressed that the colonial outpost has the potential to expand across 600 dunams.¹²⁰ Evyatar's Facebook page highlights that the establishment of the colonial outpost "creates a geographic contiguity between Kfar Tapuah and Migdalim [colonial settlements] and prevents the contiguity and communication between the [Palestinian villages and towns of] Qabalan, Yitma and Beita".¹²¹

On 6 June 2021, the Israeli occupying authorities issued a military order, declaring the area on which the colonial outpost was established as a demarcated area, ordering the demolition of its structures and the eviction of its settlers.¹²² Yet, on 30 June 2021, the Evyatar settlers and the Israeli occupying authorities reached an agreement (hereinafter 'the Evyatar agreement'), stipulating that the settlers would, temporarily, evacuate the colonial outpost and the structures would remain intact, while the Occupying Power examines "the legal status of the land".¹²³

In the meantime, the Israeli occupying authorities issued a military seizure order concerning the 35 dunams of Palestinian land on which the Evyatar outpost was established. As such, the military order vested the occupying authorities with the power to act as a custodian of the land on the settlers' behalf, to maintain the illegal structures and oversee the implementation of the Evyatar agreement. On 2 July 2021, the settlers left the colonial outpost, but the structures remain intact, as the time of writing.

119 JLAC, 'Petition for the Cancellation of Evyatar Deal' <<https://www.jlac.ps/details.php?id=i8bt4da2256ygi5x0p0gu>>.

120 Amira Hass, 'In Just a Month, Illegal Settler Outpost Sprouts Up on Palestinian Lands' (Haaretz, 7 June 2021) <<https://www.haaretz.com/israel-news/.premium-in-just-a-month-illegal-settler-outpost-sprouts-up-on-palestinian-lands-1.9882850>>.

121 Evyatar's Facebook Page <<https://www.facebook.com/Evyatar2021/>>; B'Tselem, 'Nine Months of Protesting a New Outpost: Seven Killed and Dozens Injured in the Town of Beita' (28 February 2022) <https://www.btselem.org/firearms/20220228_nine_months_of_protesting_seven_killed_and_dozens_injured_in_the_town_of_beita>.

122 JLAC, 'Petition for the Cancellation of Evyatar Deal' <<https://www.jlac.ps/details.php?id=i8bt4da2256ygi5x0p0gu>>.

123 *Ibid.*



Caravans set up and established at the Evyatar colonial outpost
Alaa Badarneh © 13 August 2021

Palestinians have resorted to Israel's judicial system, despite recognising the futility of seeking justice from the coloniser, and its discriminatory nature which, inherently, is another tool to enforce Israel's settler-colonial project. On 8 July 2021, the Jerusalem Center for Legal Aid and Human Rights and the Colonization and Wall Resistance Commission submitted a joint petition to the Israeli Supreme Court, on behalf of the local councils of Beita, Yitma, and Qabalan, and nine Palestinian property owners from Qabalan.¹²⁴ The joint petition provided ample evidence, including documents, inheritance deeds, and photographs, that the land on which the Evyatar colonial outpost was built is privately-owned Palestinian land and that many dunams had been cultivated by its Palestinian owners.¹²⁵ The petition demanded the annulment of the military seizure order and the termination of the Evyatar agreement.¹²⁶

¹²⁴ *Ibid.*

¹²⁵ *Ibid.*

¹²⁶ *Ibid.*



*A Palestinian raising a Palestinian flag with Evyatar colonial outpost in the background
Wahaj Bani Moufleh © 1 April 2022*

On 15 August 2021, the Israeli Supreme Court refused to consider the aforementioned joint appeal, arguing that it was ‘premature’ to the conclusion of the process examining the legal status of the lands.¹²⁷ As such, the Court decided to postpone the examination of the legality of the colonial outpost and the Evyatar agreement until the land is examined and a decision is made on the possibility of declaring it, or part of it, as ‘State Land’.¹²⁸ Notably, declaring Palestinian land as ‘State Land’ has been a systematic policy to further Israeli colonisation,¹²⁹ with 99.8 percent of the Palestinian land allocated as ‘State Land’ in the West Bank reserved for illegal settlers.¹³⁰ The petitioners insisted that the Evyatar agreement in and of itself should have been declared null

¹²⁷ Al-Haq Field Report, on file with Al-Haq; JLAC, Facebook post, in Arabic (15 August 2021) <<https://www.facebook.com/JLACps/posts/10158351432886989>>.

¹²⁸ *Ibid.*

¹²⁹ Mercedes Melon, ‘Settling Area C: The Jordan Valley Exposed’ (Al-Haq, 2018) 27.

¹³⁰ Peace Now, ‘State Land Allocation in the West Bank — For Israelis Only’ (17 July 2018) <<https://peacenow.org.il/en/state-land-allocation-west-bank-israelis>>.

and void,¹³¹ because it puts a veneer of legitimacy on a series of absolutely and flagrantly illegal acts, paving the way for its retroactive legalisation.¹³²

Bashir Ahmad Snobar, 56, resident of Yitma village, owns three and a half dunums of agricultural land on Jabal Sbeih, which is planted with around 40 olive trees, and dozens of figs, grape, almonds, and cactus trees and plants. In his affidavit to Al-Haq, Bashir commented on the Court's decision:

*The Court completely ignored the petitioners' appeals regarding the illegality of the entire agreement conducted between Israel's Benet government and the settlers in accordance with international law, regardless of the results of the Civil Administration's examination of the legal status of the lands. The Court has also ignored the blatant assault by settlers on lands to which they have no right, and thus the Court does not see any legal problem in adapting the law literally for the benefit of these aggressor settlers.*¹³³

Israel's judicial system has systematically aided the expansion of Israel's settler-colonial project, by exploiting laws and policies for colonisation purposes, as well as by tactically stalling, dragging, and/or freezing decisions and arranging political agreements with settlers, in an attempt to undermine the momentum of the resistance of the Palestinian people.¹³⁴ Former Deputy Mayor of the Beita Municipality, Mousa Abed Hamayel, 61, described Israel's judicial system as one instrument of the broader colonial system and explained how delays are used by Israeli courts in order to exhaust Palestinians and undermine their resistance.¹³⁵ Specifically, Mousa outlined how:

Israeli courts drag the proceedings in order not to make Palestinians feel that they won their battle, and in an attempt to find ways to

131 All information on the legal proceeding of the Evyatar colonial outpost documented by JLAC is on file with Al-Haq.

132 Hague Regulations, Articles 43 and 46; Fourth Geneva Convention, Article 49.

133 Al-Haq Affidavit 138/2021, given by Bashir Ahmad Fa'eq Snobar, 56, resident of Yitma, on 18 August 2021.

134 MIFTAH, 'Israeli Settlement Proposal in Sheikh Jarrah: Solution or Evasion?' (13 October 2021) <<http://www.miftah.org/Display.cfm?DocId=26728&CategoryId=34>>.

135 Interview with Mousa Abed Hamayel, 61, former Deputy Mayor of the Beita Municipality, on 20 September 2021, on file with Al-Haq.

*exploit laws to advance colonisation. Israeli colonisation plans work in harmony; they come from the top of the pyramid till the bottom. There is harmony between the politicians, military, the settlers, and the judiciary.*¹³⁶

In February 2022, just days before the end of his term, Israel's Attorney General, Avichai Mendelblit, reportedly authorised the establishment of the Evyatar colonial outpost, determining, in an issued legal opinion, that declaring the land on which Evyatar was constructed as state-owned can proceed.¹³⁷ Concurrently, the Israeli occupying authorities are reportedly considering a 'compromise' whereby a Yeshiva, which was dismantled in the colonial outpost of Homesh, be rebuilt in Evyatar.¹³⁸ According to B'Tselem, "[t]he government can now, according to its logic, go ahead with 'legalizing' the outpost and founding the yeshiva there".¹³⁹

136 *Ibid.*

137 Hagar Shezaf and others, 'In Last Days in Office, Israel's Attorney General Okayed Settlement at Illegal Outpost (Haaretz, 2 February 2022) <<https://www.haaretz.com/israel-news/.premium-in-last-days-in-office-israel-s-ag-okayed-settler-colony-at-illegal-outpost-1.10585018>>.

138 B'Tselem, 'Nine Months of Protesting a New Outpost: Seven Killed and Dozens Injured in the Town of Beita' (28 February 2022) <https://www.btselem.org/firearms/20220228_nine_months_of_protesting_seven_killed_and_dozens_injured_in_the_town_of_beita>.

139 *Ibid.*

4

Resistance and Steadfastness in Beita

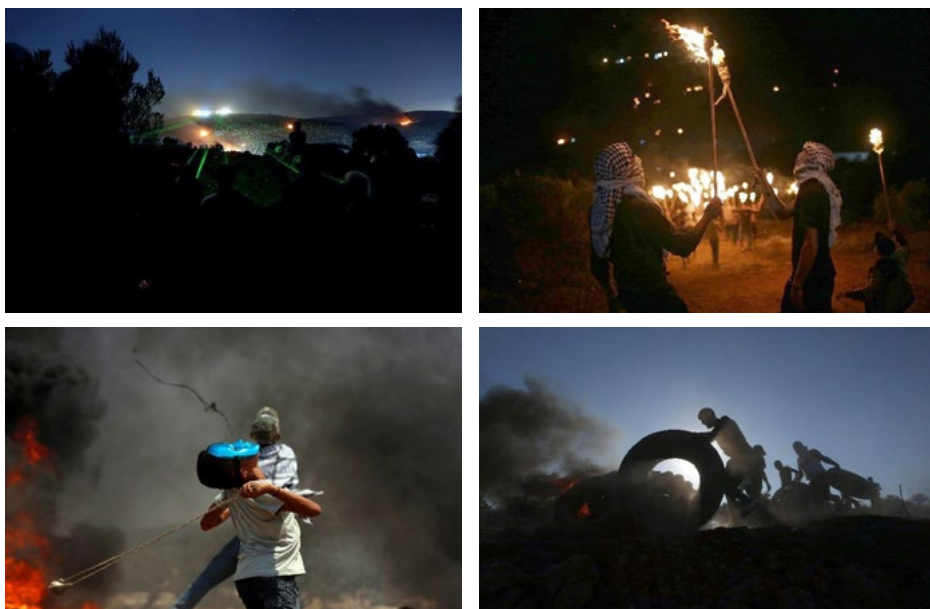
4.1 The Guards of the Mountain

Since the establishment of the Evyatar colonial outpost on 3 May 2021, Beita residents mobilised and started demonstrating, on a daily basis, at Jabal Sbeih. Calling themselves the ‘Guards of the Mountain’, Palestinians leading the popular resistance at Jabal Sbeih organised themselves into rotation units, to provide the mountain with 24/7 protection against settlers and the IOF. The daily protests would culminate on Fridays with extensive participation from Beita residents, who would hold prayers and gather in the tent they had set up at the mountain. Following the prayers, confrontations would then take place between the fully armed IOF and Beita residents.



Palestinians wearing t-shirts displaying the various units of the Guards of the Mountain
Shadi Jarara © 2021

In the first months after the establishment of the colonial outpost, Beita residents employed popular resistance methods, borrowed from a rich history of popular resistance struggle across Palestine. For example, the Guards of the Mountain used “night confusion”, a tactic which was employed during the 2018 Great Return March in the Gaza Strip, when protesters used loud



*Palestinians participating in the night confusion activities at Jabal Sbeih
Shadi Jarara © June and July 2021*

noises along the border fence areas at night time to disturb the IOF.¹⁴⁰ Along with borrowing and utilising previously-used popular resistance tactics, the Guards of the Mountain developed new, creative tactics. For example, the ‘Torch Unit’ was responsible for lighting fire on wooden sticks and standing at Jabal Sbeih at night, to disturb the settlers and the IOF. Similarly, the ‘Night Confusion’ Unit would point laser lights and flashlights towards the colonial outpost and the IOF stationed at Jabal Sbeih, blow horns, and sing folk songs via loudspeakers.

Another unit called the ‘Tyres Unit’ was responsible for collecting and burning tyres, in order to obscure the view of the IOF, and thereby providing protection for the protesters during confrontations. Concurrently, ‘the Monitoring Unit’ was responsible for monitoring the IOF and settlers’ presence on the mountain, while the ‘Spikes Unit’ was responsible for creating and placing road spikes along the mountain to restrict the movement of Israeli military vehicles, jeeps and bulldozers.

¹⁴⁰ Rami Almeghari, ‘Gaza Marks One Year of the Great March of Return’ (28 March 2019, The New Arab) <<https://english.alaraby.co.uk/analysis/gaza-marks-one-year-great-return-marches>>.

Focus – ‘The Least We Can Do’ Initiative

Historically, the women of Beita have been an integral part of the village’s struggle for liberation from Israel’s settler-colonialism, apartheid and occupation, while also enduring political marginalization under a patriarchal context.¹⁴¹ The women of Beita not only reinforce and mobilise the resistance of the Palestinian people as wives, mothers and sisters, but hold active roles in resistance, leadership and community organising. For example, during the first Intifada, the women of Beita engaged in protests, popular resistance including by stone throwing, and challenging Israeli soldiers and settlers.

During the popular resistance model against the Evyatar colonial outpost since May 2021, the women of Beita has been creative in finding tactics to complement the popular resistance of the village. With the nature of protests at Jabal Sbeih taking place 24/7 to guard the mountain, some youth would stay at the mountain, away from their homes and families, for days, specifically during the first months. Amal Mohammad Bani Shamsa, 39, resident of Beita, spontaneously co-started ‘The Least We Can Do’ initiative to support the protesters. In an interview with Al-Haq, Amal recalled:

During the second week of the protests, women in Beita watched live footage from Jabal Sbeih, and we heard youth at the mountain mentioning they need water and food, especially since they are constantly there, guarding the mountain. A number of women and I launched an initiative on social media, calling for the preparation and donation of food to be delivered to the protesters. For around two weeks, Mariam Bani Shamsa and I, delivered food packages and homemade food in our cars to the protesters. With the increase in the number of protesters, it became harder to control their needs. We then thought that this initiative needs more organisation. We

141 Yara Hawari, ‘The Political Marginalization of Palestinian Women in the West Bank’ (Al-Shabaka, 28 July 2019) <<https://al-shabaka.org/briefs/the-political-marginalization-of-palestinian-women-in-the-west-bank/>>.

started looking for funding and started preparing food at the Beita Halls for Events, with the participation of around 120 women. For some 80 days, we delivered two meals to the mountain on a daily basis, with more quantities on Fridays. When a person sacrifices his/her life and family, materialistic gestures are symbolic and this is why we named the initiative 'The Least We Can Do'.¹⁴²



¹⁴² Interview with Amal Mohammad Bani Shamsa, 39, resident of Beita, on 20 September 2021, on file with Al-Haq.

4.2 Reasons Why Popular Resistance in Beita has Endured

Understanding that Israel tactically and temporarily postpones its violations, in order to numb Palestinian resistance, the Guards of the Mountain have vowed that, “[they] will not calm down until the last caravan is removed from Jabal Sbeih”,¹⁴³ even after the Israeli settlers had left the colonial outpost on 2 July 2021. Since May 2021, the protests at Jabal Sbeih have varied in the level of participation, consistency and presence at the mountain, with the first months witnessing constant presence, wide participation from the residents, and the development and employment of a wide range of popular resistance tactics. Yet, as of the time of publishing, residents of Beita still gather and protest at Jabal Sbeih especially on Fridays, and occasionally engage in confrontations with the IOF, marking more than two years of popular resistance against the Evyatar colonial outpost.



Palestinians at a protest at Jabal Sbeih
Wahaj Bani Moufleh © 18 February 2022

143 Palestine News and Info Agency, ‘Guards of the Mountain’ in a Press Conference: We Will Not Calm Down Until the Last Caravan Is Removed from Sbeih Mountain’ (15 August 2021) <<http://www.wafa.ps/Pages/Details/29206>>.

Despite the exhaustion and high level of Israeli violence and suppression endured by Beita residents, as highlighted in the next section, many factors have contributed to the endurance and continuity of the popular resistance in Beita:

4.2.1 Independence

First, the popular resistance model of Beita has managed to preserve its independence. Assessing and learning from different models of popular resistance across Palestine, residents of Beita have maintained their popular resistance model as people-organised and led, preventing the intrusion of political factions. Amal Mohammad Bani Shamsa, 39, resident of Beita, one of the leaders behind the 'Least We Can Do' initiative and a volunteer first responder with the Palestine Red Crescent Society (PRCS), underlined the cruciality of maintaining an independent popular resistance model to preserve its continuity.¹⁴⁴ In her interview with Al-Haq, Amal stated, "there is no place for political factions in our popular resistance model. We all agree that no political party flag can be raised on the mountain. Only the flag of Palestine".¹⁴⁵

4.2.2 Historical and Intergenerational Resistance

Another factor contributing to the continuity of popular resistance in Beita is the culture of resistance, steadfastness, and defiance amongst its residents. Well before the start of Israel's occupation of the West Bank, including East Jerusalem and the Gaza Strip in 1967, Beita residents had engaged in the struggle of liberation against Zionist colonisation of Palestine.¹⁴⁶ During the British Mandate, residents of Beita stood against the British Mandate's role in facilitating the Zionist aims of colonising Palestine. For example, during the Great Revolt of 1936, a three-year-long Palestinian uprising against Britain's governance and the Zionist settler-colonial project, Beita residents

144 Interview with Amal Mohammad Hashem Bani Shamsa, 39, resident of Beita, on 20 September 2021, on file with Al-Haq.

145 *Ibid.*

146 Sarmad Fawzi Tayeh, 'The Town of Beita: Palestinian Mosaics With a Unique Character' (Maan News, 24 June 2021) Article in Arabic <<https://www.maannews.net/articles/2043516.html>>.

joined the Revolt, whereby five residents of the village were killed.¹⁴⁷ Many of the national revolutionaries in Palestine during the British Mandate rule originated from Beita. For example, Abu Kbari's group from Beita was among the first Palestinian groups that engaged in armed struggle against the British Mandate.¹⁴⁸ Moreover, Saleh al-'Armeet, a Palestinian from Beita, was one of the leaders of the armed struggle groups at the time.¹⁴⁹ Saleh al-'Armeet, and his comrade, Abu Jilda alarmed the British and the Zionists and were relentlessly pursued, until they were eventually killed by British Mandatory forces.¹⁵⁰ For generations, such icons have continued to be part of popular heritage, legends and tales in Palestine.¹⁵¹

Explaining the historical and ongoing resistance in Beita, Taysir Al-Sheikh Saleh Khreiwesh, 63, resident of Beita, stated:

*During the British Mandate time, Beita was a fortress and centre for the revolutionaries. Beita has joined and fought nine battles against British Mandate forces and Zionist settler-colonial militias between 1928 and 1947. Since 1932, Beita has been sacrificing martyrs for Palestine, with 84 martyrs to date.*¹⁵²

Residents of Beita continued their resistance against the Israeli settler-colonial project during the *Nakba* of 1948, and the *Naksa* of 1967.¹⁵³ Amidst the first *Intifada*, Palestinians from Beita were known for their steadfastness and resistance, enduring and resisting Israel's repression and policies of collective punishment. In fact, one of the first *Intifada* songs was dedicated to Beita, it

147 Mohammad Jaghoub, 'Beita: The National Struggle of the People of Beita Village' (Palestine Remembered, 3 June 2008) Article in Arabic <https://www.palestineremembered.com/GeoPoints/Beita_895/Article_9934.html>.

148 Palestinian Journeys, 'A Legend in the Mountains' <<https://www.paljourneys.org/en/story/14203/legend-mountains>>.

149 *Ibid*; Hamza Al-Aqrabawi, 'Resistance is an Ongoing Endeavour, Beita as a Model' (21 June 2016, Ultra Palestine) <<https://bit.ly/3WAWDQY>>.

150 Palestinian Journeys, 'A Legend in the Mountains' <<https://www.paljourneys.org/en/story/14203/legend-mountains>>; Abu Jilde, 'Abu Jilde and al-'Armeet' in Arabic <<https://abujildeh.com/>>

151 *Ibid*.

152 Interview with Taysir Al-Sheikh Saleh Khreiwesh, 63, resident of Beita, on 8 June 2022, on file with Al-Haq.

153 Mohammad Jaghoub, 'Beita: The National Struggle of the People of Beita Village' (Palestine Remembered, 3 June 2008) Article in Arabic <https://www.palestineremembered.com/GeoPoints/Beita_895/Article_9934.html>.

goes, “Beita village is precious to us. Beita gave lessons to the Zionist. Beita told the Zionist: do not dream of my land and do not think to step on it”.¹⁵⁴ The image of Beita as unyielding, determined, and obstinate has been passed through generations. Palestinians who led the first *Intifada* in 1987 passed their steadfastness, wisdom and experience to the generation leading the protests at Jabal Sbeih since 2021. Writer and activist, Mohammed El-Kurd, describes the intergenerational steadfastness in Beita:

*It is not hard to imagine how the occupation’s cruelty can create such courageous people. The victims of Rabin’s brutal crackdown would then become the fathers and grandfathers of today’s mountain rangers. Their broken bones didn’t constitute broken spirits.*¹⁵⁵

Notably, the popular resistance since May 2021 at Jabal Sbeih is not the first time in recent history the residents of Beita have defied and resisted colonial expansion. The attempt to colonise Jabal Al-’Orma in 2020 by settlers, for example, was met by mobilisation and protests from Beita residents, eventually defying the settlers’ attempt, but paying a heavy price to Israel’s suppression.

Jabal Al-’Orma, which is located to the east of Beita, is one of the highest mountains in the Nablus governorate, rising 843 meters above sea level, and includes archaeological ruins dating back to the Bronze Age.¹⁵⁶ On 10 March 2020, in response to news received by Beita residents that settlers and IOF intend to raid Jabal Al-’Orma, hundreds of residents from Beita and the neighbouring villages, including elderly and children, gathered for a sit-in at the mountain, to protect the area from the settlers.¹⁵⁷ On 11 March 2020, at around 5:30 am, hundreds of IOF, accompanied by around 40 military

154 Ahmad AlBitawi, ‘Beita to Settlers: Don’t Even Dream About It’ (Ultra Palestine, 16 February 2018) Article in Arabic <<https://bit.ly/3Cz1xVv>>.

155 Mohammed El-Kurd, ‘A Night with Palestine’s Defenders of the Mountain’ (the Nation, 15 September 2021) <<https://www.thenation.com/article/world/beita-palestine-israel/>>.

156 Shatha Hammad, ‘“This is Our Mountain”: Palestinians Repel Settlers Emboldened by Netanyahu’s Words’ (Middle East Eye, 5 March 2020) <<https://www.middleeasteye.net/news/our-mountain-palestinians-repel-settlers-emboldened-netanyahus-green-light>>; Atef Daghlis, ‘Jabal Al-’Orma in Nablus’ (Al-Jazeera, 5 March 2020) Article in Arabic <<https://bit.ly/38coXFL>>.

157 Al-Haq, ‘Israel’s Gross Violations of Human Rights in the Face of COVID-19 (Reporting Period 8 - 29 March 2020)’ (3 April 2020) <<https://www.alhaq.org/advocacy/16676.html>>.

vehicles, and two military bulldozers, raided the area and surrounded the mountain from all sides, heavily and arbitrarily firing tear gas canisters and rubber-coated metal bullets at the protesters.¹⁵⁸ The IOF shot and killed **Mohammad Abdel Karim Hamayel**, 15, in his head with a live bullet from a 20-30 meters distance,¹⁵⁹ and **Islam Abdel Ghani Dweikat**, 23, with two rubber-coated metal bullets in the head from a three meters distance.¹⁶⁰

Salem Mustafa Hamayel, who was 23 years old at the time, resident of Beita village and participant in the organised sit-in at Jabal Al-'Orma, witnessed the excessive use of force by the IOF, and the killing of Mohammad. In his affidavit to Al-Haq, Salem recounted:

I was surprised to see a group of soldiers hiding at the mountain, as they were no more than 50 meters away from the Palestinian youth. As soon as they showed themselves, they fired live bullets indiscriminately, and Mohammad Hamayel, 15, was wounded with a live bullet in the head and fell to the ground right in front of me. I was only about 10 meters away from him, so I immediately rushed to him, to try to carry him. The IOF shot again, forcing me and the young people, who also were trying to help, to hide from the bullets [rather than saving Mohammad].¹⁶¹

In his affidavit to Al-Haq, Islam's father, Abdel Ghani Tawfiq Dweikat, 48, who was with his son on the day he was killed, recalled:

I was in the tent, which Beita residents had set for the sit-in, observing one protester who was shot by a [rubber-coated] metal bullet in the chest, when I heard screams outside the tent and constant firing of live bullets and [rubber-coated] metal bullets. I went outside to find

158 Al-Haq Affidavit 124A/2020, given by Abdel Ghani Tawfiq Dweikat, 48, resident of Beita, on 19 May 2020.

159 Al-Haq Affidavit 89A/2020, given by Baker Mohammad Sabah Mamdouh, 32, resident of Nablus city, on 11 March 2020; Al-Haq Affidavit 90A/2020, given by Salem Mustafa Hamdan Hamayel, 25, resident of Beita, on 12 March 2020.

160 Al-Haq Affidavit 124A/2020, given by Abdel Ghani Tawfiq Dweikat, 48, resident of Beita, on 19 May 2020; Al-Haq Affidavit 129A/2020, given by Mohammad Hammad Ibrahim Hamayel, 45, resident of Beita, on 19 May 2020.

161 Al-Haq Affidavit 90A/2020, given by Salem Mustafa Hamdan Hamayel, 25, resident of Beita, on 12 March 2020.

my son, Islam, lying on the ground on his back and surrounded by a group of Israeli occupying soldiers, wearing their official uniforms. Islam was still moving and blood pouring from his head profusely. I started screaming from the horror of the scene. I approached my son and sat next to him for about two minutes, while an Israeli soldier was still firing [rubber-coated] metal bullets at the protesters.¹⁶²

4.2.3 Unity, Cohesion and Community Solidarity

Besides the intergenerational resistance culture in Beita, there has been a great level of cohesion and unity between all members of the society to prevent any colonisation. Facing any attempt to appropriate their land, Beita residents unite; the political, economic, and social differences between all the residents of the village fade, as they collectively defend their land and future.



*Palestinians participating in a demonstration at Jabal Sbeih
Nader Salha © 2021*

¹⁶² Islam underwent several surgeries; one metal bullet was extracted from his head and the second settled in his brain. He suffered bleeding in the skull and his health condition deteriorated day after day, as he was treated in intensive care, until he succumbed to his wounds on 1 April 2020. Al-Haq Affidavit 124A/2020, given by Abdel Ghani Tawfiq Dweikat, 48, resident of Beita, on 19 May 2020.

Amal Mohammad Bani Shamsa, 39, resident of Beita, one of the leaders behind the 'Least We Can Do' initiative and a volunteer first responder with the PRCS, commented on the complementarity of roles between Beita residents since the May 2021 demonstrations at Jabal Sbeih:

*We all complement each other. One person is in the frontlines throwing stones, another observes, another brings equipment for the night confusion activities, another guides the popular resistance Each in their capacity has an integral role to play in the popular resistance in Beita. If anyone gives up their role, there will be a flaw in our popular resistance model.*¹⁶³

During the first months of the protests at Jabal Sbeih, given that many protesters devoted all their time to protect the mountain, they were away from their families as well as their jobs, and thus, were economically impacted. In the face of this hardship, the culture of community solidarity, which persists among residents of Beita, has contributed to the continuity of resistance. Beita residents' consistent support to those who risk their lives and dedicate their time and energy to protect the mountain, has reinforced the steadfastness and resistive adaptation despite the circumstances. Commenting on this culture of solidarity, Mousa Abed Hamayel, 61, former Deputy Mayor of Beita Municipal Council, in his interview with Al-Haq, explained:

*You would find children saving their allowance to buy supplies for the activities at the mountain. If someone goes to a grocery store, and the owner of the store knows that this person is constantly present at the mountain, the owner would not ask for money in return.*¹⁶⁴

163 Interview with Amal Mohammad Hashem Bani Shamsa, 39, resident of Beita, on 20 September 2021, on file with Al-Haq.

164 Interview with Mousa Abed Hamayel, 61, former Deputy Mayor of the Beita Municipality, on 24 August 2021, on file with Al-Haq.



*Palestinians at a protest at Jabal Sbeih
Wahaj Bani Moufleh © 10 September 2021*

Ahmad Yaser Bani Shamsa, 34, activist, resident of Beita, and representative of the Association for Injured Palestinians, also spoke on the cohesion and solidarity among Beita residents:

For the first 45 days of the protests at Jabal Sbeih, Beita residents bore responsibility of all expenses of the popular resistance and its impacts, including by donating to pay for the night confusion activities, food and drinks to the Guards of the Mountain, and supporting the medical expenses of those injured by the IOF at the mountain. Residents of Beita would put money at the Beita Municipality, pharmacies and gas stations, for anyone in need. For example, the night my relative Imad Dwiekat was martyred [one of the ten Palestinians from Beita killed between May 2021 and May 2022], residents of Beita collected donations amounting to NIS 25,000 [around USD 7,200] to pay his debts and to support his widow and five children.¹⁶⁵

¹⁶⁵ Interview with Ahmad Yaser Bani Shamsa, 34, activist, resident of Beita, and representative of the General Union of Palestinian Injured, on 20 September 2021, on file with Al-Haq.

4.2.4 Youth Participation

While all ages participate in the protests taking place at Jabal Sbeih, the majority are adolescents. The growing increase of youth participation in protests across Palestine, including in the case of Beita, reflects the growing sense amongst them of their alienation from decision making; their frustration with the lack of a political liberation project; their disbelief in the so-called peace process; their frustration with the international community; and foremost, their subjection to severe and prolonged deprivation of their fundamental human rights under Israel's settler colonial apartheid rule.¹⁶⁶ With their resistance, Palestinian youth feel empowered, as they reclaim a level of agency.¹⁶⁷



*Palestinian protester participating in the demonstrations at Jabal Sbeih
Shadi Jarara © 23 June 2021*

166 Simon Reynolds, 'Using other Forms of Resistance' in Lubnah Shomali, Maya Al-Orzsa (eds), Oslo is Dead: Alternative Approaches to Achieve Durable Solutions (BADIL Al-Majdal Magazine, April 2016) 36.

167 Arab World for Research & Development 'Current Protest: An Online Study of Palestinian Youth' (10 December 2015).

4.2.5 Resistance is an Ongoing Endeavour

While acknowledging that their lives are at risk when resisting expanding colonisation, residents of Beita are willing to pay such a heavy price, to ensure that they and the generations ahead are unshackled from the adverse, permanent impacts of Israel's colonial settlement enterprise. As inscribed by Basel Al-Araj, a Palestinian intellectual and activist, "resistance is an ongoing endeavour: every price you pay in the resistance is worthwhile".¹⁶⁸

Similarly, Saed Mohammad Hamayel, 49, resident of Beita, who lost his son, Mohammad, 16, in a protest against the Evyatar colonial outpost to an Israeli bullet, and had his family home punitively demolished in 1988, stated:

*If we don't continue our popular resistance, we would see settlers not only on 35 dunams of land but expanding to 800 dunams, as they were aiming to do, in order to turn Palestinian villages into cantons and entrench the apartheid regime... All colonial outposts started with a caravan. Ariel, which is one of the biggest settlements, started with one caravan. We see neighbouring villages who paid a heavy price. In Beita, regardless of the cost we have to pay, we will continue our struggle... We want to pay our bill once, we don't to pay it in instalments.*¹⁶⁹

One of the major consequences of having a colonial settlement established on the lands of Beita is the heightened risk of daily settler violence. Referring to the settler arson attack in 2015 which killed three members of the Dawabsha family,¹⁷⁰ Baraa Hussein, 23, photographer, noted, "we see what settlers have done to other villages. A settler can set a Palestinian house on fire and walk away... We don't want that to be our reality".¹⁷¹

168 The New Arab, 'Basel Al-Araj...Resists and Does not Break' (7 March 2017) in Arabic <shorturl.at/qCI14>.

169 Al-Haq, 'Side Event to the Human Rights Council 48th Session: Voices from Beita' (27 September 2021) <<https://www.youtube.com/watch?v=4p-nMUHRF40>>.

170 Al-Haq, 'Arson Attack Emblematic of Israel's Settlement Enterprise' (2 August 2015) <<https://www.alhaq.org/advocacy/6511.html>>; Al-Haq, 'Special Focus on Palestinian Children: Targeting Palestine through its Future' (December 2015) <https://www.alhaq.org/cached_uploads/download/alhaq_files/publications/Special.Focus.on.children.pdf>.

171 Mohammed El-Kurd, 'A Night with Palestine's Defenders of the Mountain' (the Nation, 15 September 2021) <<https://www.thenation.com/article/world/beita-palestine-israel/>>.

Emphasising the necessity to resist the aggravating settler violence, Muntasir Ali Hamayel, 29, lawyer, activist and resident of Beita, explained:

Settlers used to avoid entering Palestinian villages, but not anymore. Today, we are afraid. These are armed settlers. They are on the offense. Let's remember the martyr Moutaz Bani Shamsa who was killed by an armed settler in 2018, with the protection of the Israeli occupying soldiers. He was killed during a solidarity demonstration held in Huwwara to show support to Palestinian prisoners and detainees on hunger strike. [Celebrating the killing of Moutaz], a settler, who was responsible for the construction of a colonial outpost, distributed sweets at Yitzhar roundabout, after the martyrdom of Moutaz. How would a Palestinian who lost a loved one to Israeli bullets not engage in popular resistance against colonisation? They will, even if it means losing their lives for it.¹⁷²

Furthermore, Beita residents recognise that settler attacks, which are intentional, widespread, and organised, constitute a core component of the coercive environment endured by Palestinians in the occupied West Bank, with the aim to further expand and entrench Zionist settler-colonialism. Ahmad Awad Bani Shamsa, 50, resident of Beita, explained the institutionalised efforts to displace the Palestinian people from their land, by the Israeli occupying authorities, the IOF, settlers and settler organisations:

Settlers are supported by the state and settler organisations. They want to take over any hilltop between Palestinian communities in order to terrorise the Palestinian people and force them to leave their land. They want us to leave our land so that they can settle in. These are institutionalised efforts to erase indigenous Palestinians. When they are met by resistance, they might go to another location. But in Beita, we are an ongoing model of opposition and resistance against colonisation efforts. We decided and persisted to defend our land against colonisation to prevent future detrimental impacts of colonisation – which we see in neighbouring villages, such as Huwwara, and Bourin. Since May 2021, we have been going through a battle against colonisation. We can't beat the

172 Interview with Muntasir Ali Hamayel, 29, lawyer and activist, on 24 August 2021, on file with Al-Haq.

*army, but colonisation is completely rejected. Are we supposed to allow a Zionist settler to attack a Palestinian civilian or to forcibly appropriate our land? We completely reject this.*¹⁷³

The high spirit of sacrifice is not only observed among those who engage in the protests and confrontations, but it further extends to their parents and the community as a whole. Amal Mohammad Bani Shamsa, 39, activist and resident of Beita, reflected:

*My only son is 14 years old. When the protests started in May 2021, I was terrified to let him participate. Then, when I started going to Jabal Sbeih with my son, I would tell him: "May God protect you" and then I let him go. When I first saw his slingshot, I was scared to death. Now, whenever I don't see his slingshot on our table, I automatically know he is at the mountain. Pain, joy and sacrifice are all habituations.*¹⁷⁴



Nayef Hamayel with his cane
Al-Haq © 25 February 2022

Displaying their high resilience, residents of Beita employ and turn the same Israeli suppression tools into tools of reinforcement. For example, Nayef Abdel Hafeez Hamayel, 47, resident of Beita, continues to participate in protests at Jabal Sbeih, despite difficulty walking, due to a sustained injury with a live bullet in the right knee on 23 July 2021.¹⁷⁵ When the Al-Haq team met with Nayef in February 2022, Nayef was relying on a cane to walk. Notably, the tip of his cane is made of the rubber from the rubber-coated metal bullets fired at the protesters at Jabal Sbeih by the IOF since May 2021.

¹⁷³ Interview with Ahmad Awad Bani Shamsa, 50, resident of Beita, on 25 February 2022, on file with Al-Haq.

¹⁷⁴ Interview with Amal Mohammad Hashem Bani Shamsa, 39, resident of Beita, on 20 September 2021, on file with Al-Haq.

¹⁷⁵ For further information on the injury of Nayef Abbdel Hafeez Hamayel, see page 75.

5

The Heavy Price of Guarding Jabal Sbeih – Israel’s Violent Suppression

Over the past decades, Israel has used a variety of systematic and ongoing suppressive measures and policies to deter any resistance and opposition to its settler-colonial apartheid regime. The popular resistance of Beita at Jabal Sbeih has been met with violent suppressive policies and practices by the IOF, including excessive use of force, arbitrary detention, as well as collective punishment measures.¹⁷⁶

5.1 Excessive Use of Force

Israel’s deliberate and excessive use of force includes the targeting of demonstrators with live ammunition, rubber-coated metal bullets, tear gas canisters, and sound bombs; systematically resulting in the arbitrary killing and injuring of unarmed protesters, who rarely pose any imminent threat to the fully armed Israeli occupying soldiers.

Focus – The Unity Intifada of May 2021

Protests against the the Evyatar colonial outpost should be contextualised within the broader Palestinian people’s collective struggle, in pursuit of freedom against Zionist settler-colonialism. Within this context, Israel’s suppression of the Jabal Sbeih protests should be understood as part of Israel’s systematic suppression and domination of the Palestinian people.

Before the establishment of Evyatar colonial outpost, a spark of what would become the Unity *Intifada* had started in Jerusalem in April 2021, following violations and provocations by the IOF and settlers attempting to assert their domination over, and entrench the erasure of, Palestinians in the city.¹⁷⁷ Harassment escalated on the first day of the month of

176 Al-Haq, ‘Joint Urgent Appeal to United Nations Special Procedures on Israeli Suppression of Palestinian Resistance at Jabal Sbeih Against Settlement Expansion’ (6 November 2021) <https://www.alhaq.org/cached_uploads/download/2021/11/06/urgent-appeal-beita-1636217746.pdf>.

177 Al-Haq, ‘Action Alert: International Community Must Take Immediate and Concrete Measures to Halt Israel’s Aggression against Palestinian Jerusalemities’ (10 May 2021) <<https://www.alhaq.org/advocacy/18289.html>>.

Ramadan, on 13 April 2021, when the IOF stormed into Al-Aqsa Mosque, cut the wires for the outer minarets and speakers, and installed metal barriers on the stairs of the Damascus Gate.¹⁷⁸ Israeli intimidations in Jerusalem continued, with settlers marching and roaming the city, under the protection of the Israeli police, calling for and chanting ‘death for Arabs’.¹⁷⁹ This also coincided with mobilisation of the residents of the neighbourhood of Sheikh Jarrah in Jerusalem against their imminent threat of forced displacement, within their campaign to ‘Save Sheikh Jarrah’, which had started in March 2021.¹⁸⁰

By the time residents of Beita were protesting the Evyatar colonial outpost in May 2021, the Palestinian people, across Palestine as well as Palestinian refugees in exile, had already mobilised in a remarkable outpouring of unity. Demonstrations against the Zionist settler-colonial project were held across Palestine and around the world, exposing the root causes of Israeli violations and highlighting the subjection of the Palestinian people to an ongoing *Nakba* since 1948.

On 18 May 2021, during the Unity *Intifada*, a manifesto titled ‘The Dignity and Hope Manifesto’ was published online, affirming the unity of the Palestinian people despite decades of enforced fragmentation. One extract of the manifesto reads:

The story of truth is a simple one in our land: the truth is that Palestinians are one people, one society. Zionist gangs forced out most of our people, it stole our homes and destroyed our villages. Then Zionism decided to shred what remained of Palestine, isolating us and separating us in small strips of our land. They tried to turn us into different societies, each living apart, each in its own separate prison. That is how Zionism has sought to control us, that

178 *Ibid.*

179 *Ibid*; Al-Haq, ‘Al-Haq Field Report on Human Rights Violations in April 2021’ (18 May 2021) <<https://www.alhaq.org/monitoring-documentation/18322.html>>.

180 Al-Haq, ‘14 Palestinian and Regional Organisations Send Joint Urgent Appeal to UN Special Procedures on Forced Evictions in East Jerusalem’ (16 March 2021) <<https://www.alhaq.org/advocacy/17999.html>>; Al-Haq, ‘Sheikh Jarrah Families Send Letter to the International Criminal Court Calling for Urgent Investigation of their Imminent Forced Displacement, Endorsed by 190 Organisations’ (24 April 2021) <<https://www.alhaq.org/advocacy/18240.html>>.

*is how they worked to fragment our political will, and to prevent a united struggle in the face of racist settler-colonialism in all of Palestine... It is now time for this tragedy to end. In these days, we write a new chapter, a chapter of a united Intifada that seeks our one and only goal: reuniting Palestinian society in all of its different parts; reuniting our political will, and our means of struggle to confront Zionism throughout Palestine.*¹⁸¹

The Unity *Intifada* was met with repression and violence, as part of Israel's ongoing policy to suppress any resistance to its colonisation. Repressive measures included the military bombardment on the Gaza Strip between 10 and 21 May 2021, excessive use to force while suppressing protests, a mass campaign of arbitrary arrests, and the facilitation of settlers' violent attacks on Palestinians and their properties across Palestine.¹⁸² On 14 May 2021 alone, the second day of Eid al-Fitr, the IOF and settlers shot and killed 12 Palestinians in protests and confrontations in the West Bank, including two civilians protesting the Evyatar colonial outpost. In addition, nine Palestinians were killed during Israel's military incursion and bombardment of the Gaza Strip,¹⁸³ bringing the total number of Palestinian killings to 21, in one single day.¹⁸⁴

Notably, 14 May is a day which the Palestinian people commemorate ahead of *Nakba* Day, which occurs on 15 May of each year. *Nakba* Day memorialises the Zionist ethnic cleansing of 80 percent of the Palestinian people, the destruction of 531 Palestinian villages,¹⁸⁵ and the killing of

181 Mondoweiss, 'The Manifesto of Dignity and Hope' (18 May 2022) <<https://mondoweiss.net/2021/05/the-manifesto-of-dignity-and-hope/>>.

182 Al-Haq, 'Al-Haq and Partners Send Written Submissions Ahead of the 47th Regular Session of the Human Rights Council' (5 June 2021) <<https://www.alhaq.org/advocacy/18481.html>>.

183 Al-Haq, 'Al-Haq Field Report on Human Rights Violations in May 2021' (14 June 2021) <<https://www.alhaq.org/monitoring-documentation/19587.html>>; Al-Haq, 'No Safe Home: Israel Unleashes a Relentless Campaign of Intense and Targeted Bombing Attacks on Civilian Properties Across the Gaza Strip' (18 May 2021) <<https://www.alhaq.org/advocacy/18368.html>>.

184 The figures include Palestinians who later succumbed to their wounds from injuries sustained on the day. Two days earlier, on 12 and 13 May 2021, the IOF killed 51 Palestinians during their bombardment on the Gaza Strip. All the killings were documented by Al-Haq field researchers. Field reports and affidavits on file with Al-Haq.

185 Ilan Pappé, *The Ethnic Cleansing of Palestine* (Oneworld, 2007) xiii.

15,000 Palestinians in over 70 massacres.¹⁸⁶ The ongoing dispossession, violence and suppression reflect the ongoing *Nakba* that the Palestinian people continue to endure, for Israel's maintenance and expansion of its settler-colonial apartheid regime over the Palestinian people. For 74 years, Israel has been continuously suppressing Palestinian freedom and right to self-determination.¹⁸⁷ For 74 years, the Palestinian people have never stopped their struggle to resist the colonisation of their land.

5.1.1 Israeli Occupying Forces Kill Ten Palestinian Civilians

Between May 2021 and May 2022, ten Palestinian civilians were killed by the IOF in and near Beita. Of the ten killed, nine were unarmed protesters demonstrating against the Evyatar colonial outpost, and the tenth was a plumber, killed as he was trying to raise the water level at a well to circumvent water shortage on Beita.

The Killing of Issa Suliman Barham, 40

On Friday, 14 May 2021, during the Palestinian Unity *Intifada*, a number of confrontations and protests took place across Palestine. The IOF responded with lethal force against unarmed protesters, killing 12 protesters throughout the West Bank.¹⁸⁸ On this day, two specific protests were demonstrating against Israeli attacks on Jerusalem and the Gaza Strip, as well as the Evyatar colonial outpost; the first one at Jabal Sbeih, and the other near the western entrance of Yitma village, south of Beita.

186 PCBS, 'Dr Ola Awad, Reviews the Conditions of the Palestinian People via Statistical Figures and Findings, on the 72nd Annual Commemoration of the Palestinian Nakba' (13 May 2020) <<https://www.pcbs.gov.ps/site/512/default.aspx?lang=en&ItemID=3734>>.

187 On 14 May 2018, for example, the IOF killed 61 Palestinian demonstrators in the Gaza Strip in one single day, during the Great March of Return, when massive demonstrations took place in the Gaza Strip between 30 March 2018 and the end of 2019, calling for their right to return and end to the inhumane closure and blockade. These figures include three Palestinians who succumbed to their wounds later from injuries sustained on the day. See, Al-Haq, "'Bloody Monday' - Documentation of the Shoot-to-kill, Egregious Killings Committed by the Israel Occupying Force (IOF) on 14 May 2018' <<https://www.alhaq.org/advocacy/6196.html>>; Al-Haq, '14 May 2018: IOF Commit Egregious Killings of 59 Palestinians in the Gaza Strip as Great Return March Protests Culminate Ahead of 70th Nakba Commemoration' <<https://www.alhaq.org/advocacy/6211.html>>.

188 All the killings were documented by Al-Haq field researchers. Field reports and affidavits on file with Al-Haq.



From top left to bottom right: Issa Suliman Barham, 40, Tariq Omar Snobar, 27, Zakaria Maher Hamayel, 25, Mohammad Saed Hamayel, 16, Ahmad Zahi Bani Shamsa, 15, Shadi Omar Salim, 41, Imad Ali Dweikat, 38, Mohammad Ali Khabisa, 28, Jamil Jamal Abu Ayash, 32, Fawaz Hamayel, 47

The Jabal Sbeih protest started at 1:30 pm after Friday prayers at Karm Nimer area across Jabal Sbeih. The IOF shot at the protestors, firing live bullets, rubber-coated metal bullets, and tear gas canisters, which resulted in a number of injuries. At around 4:00 pm, Palestinian demonstrators in the vicinity of Jabal Sbeih, reached the Nablus – Jericho Road, which is also known as Road 505, south of Beita village, and threw stones at settlers’ cars, near where the IOF were stationed. The IOF chased the demonstrators. As Palestinian protesters ran between the olive trees, a soldier shot at them, injuring **Issa Suliman Barham**, 40, resident of Beita, from a distance of approximately 70-100 meters, in the stomach. At An-Najah National University Hospital in Nablus city, on the same day, Issa was pronounced dead, due to the bullet, which lodged in his spine had caused internal bleeding.¹⁸⁹ Issa, who held a doctorate in law and was a Cybercrime Prosecutor in Salfit governorate, is survived by his wife and four children.

¹⁸⁹ The killing of Issa Suliman Barham was documented by Al-Haq’s field researcher. Field report on file with Al-Haq.

The Killing of Tariq Omar Snobar, 27

On the same day, 14 May 2021, Tariq Omar Ahmad Snobar, 27, resident of Yitma, was shot at, on three separate occasions. He sustained injuries, from a rubber-coated metal bullet in the right leg, a rubber-coated metal bullet in the head, and a third injury, from a live bullet to the stomach. He succumbed to his injuries two days later, on 16 May 2021. Tariq was a husband and father of a two-day baby, a house painter, and had formerly been incarcerated for three years, between 2013 and 2016, in Israeli prisons.

At around 1:00 pm, a confrontation erupted at Ras Al-Deir, near Road 505, north of Yitma village, across from Jabal Sbeih area. Between 150 and 200 Palestinians from Yitma village confronted, with stones, around 45 Israeli occupying soldiers, who were fully armed and backed up by three armoured military vehicles. The IOF fired live and rubber-coated bullets, tear gas canisters and sound bombs at the Palestinians, from a 30 to 50 meters proximity. The direct firing of live bullets at the protesters dispersed some of them, including Tariq, who withdrew to a hilltop to the west of Ras Al-Deir. Tariq, along with other youths, threw stones at a military vehicle parked some six meters away from them. The IOF immediately responded with a heavy barrage of live fire. Tariq and the protesters tried to withdraw from the area, towards the direction of Yitma village, when the IOF chased them into an agricultural land, planted with olive trees. Tariq was then shot with a rubber-coated bullet in his right leg, but he continued running until he reached the village's main water tank.

At the same time, other confrontations were taking place near the entrance of Yitma village between around 150 Palestinians and 40 members of the IOF. The IOF fired rubber-coated metal bullets, tear gas canisters and sound bombs, and some demonstrators threw stones. Tariq, was, for the second time, injured with a rubber-coated metal bullet, hitting his head. Following his second injury, Tariq went home, and at around 7:40 pm, he returned to the confrontations near the entrance of Yitma village. There, he was shot for the third time. A soldier, taking a prone position, fired a live bullet, shooting Tariq in the stomach, from 50 - 60 meters away. At the time he was shot, Tariq was standing next to the fence of a house. Once injured, PRCS volunteers carried and transferred Tariq, by a private car, to the Qabalan

clinic. Upon medical examination, it was decided to transport him to Rafidia Governmental Hospital in Nablus city.

To reach Rafidia Governmental Hospital in Nablus city, the ambulance had to take a detour, as the Huwwara checkpoint was closed by the IOF. This delayed arrival to the hospital by around 15 minutes. At the hospital, Tariq was admitted into the intensive care unit and underwent three different operations. His right kidney and part of his liver were removed. However, internal bleeding from a laceration to his lung could not be remedied and he was pronounced dead, at 11:00 am on 16 May 2021.¹⁹⁰

The Killing of Zakaria Maher Falah ‘Hamayel’, 25

On Friday, 28 May 2021, at around 12:30 pm, around 400-500 Palestinians gathered and headed to al-Houta area, across from Jabal Sbeih, to hold the Friday prayers therein, in protest against the Evyatar colonial outpost. Around eight Israeli occupying soldiers, accompanied by two military vehicles, standing 100 meters away, moved towards the Palestinian protestors, including those who were praying, and started firing tear gas canisters to disperse them. Notwithstanding, the Palestinians continued with their prayer. At around 1:30 pm, after the noon prayer, some of the Palestinian group stayed in the area, while others went to the industrial area, located at the bottom of Jabal Sbeih. Thereafter, the confrontations intensified and continued for around two hours in the industrial area of Jabal Sbeih. The Palestinian protesters threw stones and around 20 members of the IOF, deployed in the vicinity of Jabal Sbeih, fired live ammunition, rubber-coated metal bullets, tear gas canisters, and sound bombs.

Later on, around 150-200 protesters managed to approach the Evyatar colonial outpost, in which Israeli settlers were still residing, at a 50-meter distance. An armed settler started directly firing at the Palestinian protesters with an M16 rifle, injuring Ahmad Hashem Fayege Khader, 35, with two live bullets in his left thigh and left hand. Around 15 minutes later, around 10 Israeli occupying soldiers arrived and started heavily and directly firing live bullets at the Palestinians, dispersing them.

190 The killing of Tariq Omar Snobar was documented by Al-Haq's field researcher. Field report on file with Al-Haq.

At around 5:30, around 40-50 protesters managed to come back close to the colonial outpost and threw stones at the direction of six Israeli occupying soldiers, who fired rubber-coated metal bullets and tear gas canisters at the Palestinians from some 20-25 meters distance. A seventh masked occupying soldier appeared at the same site and started walking some 15 meters to the north of the rest of the IOF, took a kneeling firing position, and shot at Zakaria Maher Falah 'Hamayel', 25, resident of Beita, schoolteacher, and a former detainee in Israeli prisons. At the time he was shot, Zakaria had his back to the IOF, posing no imminent threat to the Israeli occupying soldiers.

A.H.¹⁹¹ who was 27 years old at the time, resident of Beita, was around two meters away from him when he was shot. In his affidavit to Al-Haq, he recalled:

I was with around 40-50 protesters, including Zakaria, some 150-200 meters away from the Evyatar colonial outpost... Zakaria had his back to seven fully armed Israeli soldiers, including two Israeli border soldiers, and a masked Israeli occupying soldier. Zakaria was withdrawing from the area and walking to the west, when the masked Israeli soldier took a kneeling shooting position and fired a bullet... I immediately saw Zakaria falling on his face around one meter in front of me. I thought Zakaria had tripped so I approached and asked him 'did you fall?', while he was motionless... I did not hear a sound of live ammunition being fired when Zakaria fell to the ground, as the last firing of tear gas canisters at us was about seven minutes before the killing of Zakaria, and the last shooting of live bullets was about 15 minutes prior to the killing. With a group of protesters, I flipped Zakaria to his back. This is when I saw that he was bleeding heavily from his mouth, that I could not identify the exact area of his injury... After transferring Zakaria to the PRCS ambulance with a group of protesters and volunteers of the PRCS, I left the site immediately as what I witnessed was painful and frightening.¹⁹²

191 Full names of eyewitnesses are withheld for their protection.

192 Al-Haq Affidavit 239A/2021, given by A. H., 28, resident of Beita, on 29 May 2021.

The doctors pronounced Zakaria's death at 6:45 pm of the same day at Rafidia Governmental Hospital in Nablus city, caused by a live bullet fired at his back that had exited his chest. The confrontations of that day, which continued until approximately 6:30 pm, further resulted in the injury and hospitalisation of five other protesters, including one child; all of whom were targeted in their lower limbs: Saddam Ahmad Khabisa, 30, was shot with a live bullet in the left leg; Hamada Jaghob Bani Shamsa, 14, was shot with a live bullet in the left leg; Adel Ahmad Othman Bani Shamsa, 20, was shot with a live bullet in the left leg; Ahmed Hashem Fayege Khader, 35, was shot with two live bullets in the left thigh, and in the left hand; and Sharif Hasan Bani Shamsa, 31, was shot with a rubber-coated metal bullet in the right leg.¹⁹³

The Killing of Mohammad Saed Hamayel, 16

On Friday, 11 June 2021, at around 12:30 pm, hundreds of protesters headed to Jabal Sbeih. Confrontations erupted at different sites at Jabal Sbeih, between the protesters, some of whom were throwing stones and setting tyres on fire, and dozens of members of the IOF, who fired live bullets, rubber-coated metal bullets and tear gas canisters at the unarmed protesters. During the confrontations, dozens of Palestinians were injured, including five protesters who were injured with live bullets, two of whom were children.¹⁹⁴

At around 4:00 pm on the same day, confrontations escalated at the bottom of Jabal Sbeih. A group of protesters threw stones towards approximately eight Israeli occupying soldiers, from a 50-meter distance. Two of the occupying soldiers took a kneeling shooting stance and directed their weapons at the protesters. At the same time, other Israeli occupying soldiers fired heavy rounds of tear gas canisters.

Mohammad Saed Hamayel, 16, resident of Beita and junior in high school, and his friend, S.H, who was 18 years old at the time, resident of Beita, were sheltering under an olive tree for around three minutes, to catch their breath from the tear gas, when they were attacked. S.H, who was injured in the

193 The killing of Zakaria Maher Hamayel and the injuries on 28 May 2021 were monitored and documented by Al-Haq's field researcher. Field report on file with Al-Haq.

194 The injuries sustained by Palestinian protesters at Jabal Sbeih on 11 June 2021 were monitored and documented by Al-Haq's field researcher. Field report on file with Al-Haq.

attack, witnessed the killing of his friend Mohammad by the IOF. The soldier shot two to three live bullets from a 40-meter distance directly at them, one bullet injured S.H in the left shoulder, and the other hit Mohammad in the chest, killing him, while they both had their arms on each other's shoulder. In his affidavit to Al-Haq, S.H recounted:

At around 4:00 pm, I saw soldiers around 100 meters opposite us from the eastern side. While I was standing in this area, the firing of tear gas canisters by the occupying soldiers intensified, so my friend Mohammad Saed Hamayel, 16, and I took cover under an olive tree for some three minutes. After Mohammad and I were feeling less suffocated by the tear gas, we headed towards the soldiers with the other protesters. We confronted the soldiers verbally [cursing them]. We [the protesters] and the soldiers were about 40 meters opposite to each other and we saw each other clearly, as nothing was blocking the view between us. Mohammad and I were putting our arms on each other's shoulders, when suddenly I felt something hit my left shoulder. It felt like electricity. I ran a few meters towards the paramedics, who were around ten meters away and standing on one of the hilltops. I did not look back, as there was heavy firing of tear gas... Once I arrived at the Beita Field Hospital, I was shocked to see my friend, Mohammad, being hospitalised. After the paramedics provided me with emergency care, I was taken to Rafidia Governmental Hospital, in Nablus city. During my hospitalisation at the hospital, I heard screaming at the emergency department. It was then that my brother informed me that Mohammad was martyred. I was examined and a live bullet was found in the collar bone in my left shoulder.¹⁹⁵

Following his injury, Mohammad was initially taken to Beita Field Hospital and then transferred to Rafidia Governmental Hospital, where he was pronounced dead at around 4:30 pm. Mohammad was killed by a live bullet which penetrated his chest diagonally, existed from under his left armpit, and lodged in his left arm.¹⁹⁶

¹⁹⁵ Al-Haq Affidavit 337A/2021, given by S. H, 20, resident of Beita, on 12 June 2021.

¹⁹⁶ The killing of Mohammad Saed Hamayel and the injuries sustained by Palestinian protesters at Jabal Sbeih on 11 June 2021 were monitored and documented by Al-Haq's field researcher. Field report on file with Al-Haq. Al-Haq Affidavit 336A/2021, given by T.H, 33, resident of Beita, on 12 June 2021.

The killing of Ahmad Zahi Bani Shamsa, 15

On Wednesday, 16 June 2021, between 1:00 pm and 4:00 pm, a group of protesters at Jabal Sbeih engaged in confusion activities, to disturb the settlers and the IOF, by periodically setting tyres on fire. Around four Israeli settlers, stationed about 200-300 meters away from the protesters, left the area after the confusion activities began. There was no IOF presence during this time.¹⁹⁷ At around 4:15 pm, an Israeli occupying soldier, shot and killed Ahmad Zahi Bani Shamsa, 15, a young construction worker, who was around ten meters away from his friend M.H, who was 16 years old at the time. In his affidavit to Al-Haq, M.H recounted:

At around 4:00 pm, I was with around 40 protesters at Jabal Sbeih, when I saw an Israeli occupying soldier, positioned on the top of the mountain, around 300 meters across from us. A few minutes afterwards, I walked, with my friend, Ahmad Bani Shamsa, to another area to set tyres on fire. After we set the tyres on fire, we stood on a side road of the mountain and started chanting Allah Akbar [God is the greatest]. When suddenly, the Israeli soldier came from between the olive trees of the hilltop, and at about 100 metres away from us. Ahmad and I were standing next to each other, around five meters apart, when the occupying soldier took a kneeling shooting position and fired a live bullet towards us.

*As I saw that, I shouted at the protesters to move to the back, and that is when the soldier stood up. Less than one minute later, and while we were running away, the Israeli soldier fired around 15 bullets directly at us. I noticed my friend Ahmad, who was around ten meters away from me, falling to the ground. Immediately, I ran towards him and saw blood pouring from the left side of his head, and I shouted 'martyr, martyr', because I saw the seriousness of his injury. I tried to carry him, but the soldier fired a number of live bullets towards me. I [had to leave] Ahmad, jumped and took cover behind a rock for around two minutes, until the shooting of live bullets stopped.*¹⁹⁸

197 Al-Haq Affidavit 338A/2021, given by F. H, 20, resident of Beita, on 17 June 2021.

198 Al-Haq Affidavit 349A/2021, given by M.H, 17, resident of Beita, on 17 June 2021.

Once the shooting stopped, M.H looked at Ahmad, seeing another friend of Ahmad lying beside him, crying and shouting, he realised his friend was shot.¹⁹⁹ M.H immediately rushed towards him, and, along with other protesters, carried Ahmad, who was transferred, in a private car, to Beita village, and then to Rafidia Governmental Hospital in an ambulance.²⁰⁰ Once admitted to the hospital, Ahmad underwent a surgery. Less than nine hours later, on 17 June 2021, at around 2:30 am, Ahmad succumbed to his wounds and was pronounced dead, due to his injury by a live bullet, which entered the right side of his head and exited from the left back side.²⁰¹

Focus - The Killing of Shadi Omar Salim, 41

On Tuesday, 27 July 2021, at approximately 10:00 pm, the IOF shot Shadi Omar Salim, 41, plumber and former water maintenance officer at Beita Municipality, as he was attempting to raise the water level at a Mekorot water supply point, which is located at Nablus – Ramallah Road, around 300-400 meters away from Beita's village main entrance. Shadi was shot by the IOF, who were positioned between olive trees around 15-20 meters away from him. During the early months of the establishment of the Evyatar colonial outpost, confrontations occasionally took place at the entrance to Beita, but on that day and the time of Shadi's killing, the situation was calm. Shadi's killing not only exemplifies Israel's excessive use of force, but further illustrates the impact of the denial of the Palestinian people from exercising their right to self-determination and permanent sovereignty over their natural resources.

An eyewitness, who lives nearby, recalled hearing nonstop shooting of around 10 live bullets. Around 10 minutes later, an Israeli ambulance transferred Shadi from the site. On the same day, at around 11:30 pm, the Israeli occupying authorities pronounced Shadi's death. The following day, on 28 July 2021, at around 6:00 am, the eyewitness went to the location and photographed the crime scene. There, he saw an adjustable

199 *Ibid.*

200 *Ibid*; Al-Haq Affidavit 338A/2021, given by F. H, 20, resident of Beita, on 17 June 2021.

201 The killing of Ahmad Bani Shamsa on 16 June 2021 was documented by Al-Haq's field researcher. Field report on file with Al-Haq.

wrench, located 10 meters away from the water supply point, a cigarette packet, and blood. A few hours later, at approximately 8:30 am, an Israeli military jeep arrived at the same location. Three Israeli occupying soldiers, accompanied by a military commander, dismounted from the jeep, headed to the crime scene, and confiscated Shadi's plumbing equipment.²⁰²

Following the killing of Shadi, the Israeli occupying authorities withheld his body for two weeks, denying his bereaved families from bidding farewell or providing his loved ones with a dignified burial. His body was only released on 10 August 2021, after ongoing protests in Beita.²⁰³ Shadi, who was husband and father of five children, remains to be remembered as the plumber who quenched the thirst of Beita residents.

The Killing of Imad Ali Dweikat, 38

On Friday, 6 August 2021, a protest which started at 1:30 at Jabal Sbeih with the participation of around 500 Palestinians, was met by the IOF's excessive use of live ammunition, rubber-coated metal bullets and tear gas canisters. This resulted in the injury of Taher Dweikat, who was 13 years old at the time, with a live bullet in his right leg, and Nasim Ali Mo'ala, a 24 years old journalist, with a metal bullet in his right knee.²⁰⁴

At around 3:15 pm, at al-Houta area, across from Jabal Sbeih, Imad Ali Dweikat, 38, resident of Beita, was shot with a live bullet in the chest by an Israeli occupying soldier. Imad, who a construction worker, is survived by his wife and five children. When he was shot, Imad was holding a water bottle, chatting to his friend K.B, who was 31 years old at the time, and standing around five meters from the PRCS ambulances. In his affidavit to Al-Haq, K.B recalled:

202 The killing of Shadi Salim on 27 July 2021 was documented by Al-Haq's field researcher. Field report on file with Al-Haq.

203 For further information on Israel's policy of withholding of Palestinian bodies, see pages 93-94.

204 The injuries sustained by Palestinian protesters at Jabal Sbeih on 6 August 2021 were monitored and documented by Al-Haq's field researcher. Field report on file with Al-Haq.

*At around 3:10 pm, I headed to al-Houta area where the ambulances were parked. I saw my friend Imad Dweikat, standing under an olive tree, four-five meters away from PRCS ambulances. He was watching the confrontations between the IOF and the protestors, which were happening around 150-200 meters away from him, and he was holding and drinking from a bottle of water. I walked towards him, and we chatted for about two minutes, while looking at the protest. We were standing next to each other, around one meter apart, when I suddenly saw Imad falling to the ground on his stomach. At first, I thought that Imad had lost consciousness due to sun stroke, as the temperature was high that day, and I kneeled to turn him over. Then I saw a stream of blood coming out of his mouth and chest. I placed my hand on his chest to stop the bleeding. This is when I realised that he had been shot by the IOF, noting that I did not hear a bullet sound when he was shot. The last sound of ammunition at the scene was about ten minutes before Imad was shot... It is worth noting that Imad was standing next to me and was not participating in the confrontations. During my conversation with him, he was shot and he did not pose any threat on the soldiers. Their shooting at him had no justification or reason, because we were standing far from the site of the confrontations. The IOF usually deploy snipers in the vicinity of Jabal Sbeih, who use special sniper weapons, which are sometimes silent, and target demonstrators directly.*²⁰⁵

Upon his injury, Imad was transferred to Beita Field Hospital and later to Rafidia Governmental Hospital in Nablus. At 4:00 pm of the same day, Imad was pronounced dead, from a live bullet, which penetrated his chest and stabilised in his body.²⁰⁶

205 Al-Haq Affidavit 391A/2021, given by K.B, 32, resident of Beita, on 7 August 2021.

206 The killing of Imad Dweikat on 6 August 2021 was documented by Al-Haq's field researcher. Field report on file with Al-Haq; Al-Haq Affidavit 341A/2021, given by H.B, 31, resident of Beita, on 7 August 2021.

The Killing of Mohammad Ali Khabisa, 28

On Friday, 24 September 2021, at around 1:30 pm, a protest started at Jabal Sbeih, where the IOF were positioned in the vicinity of the mountain. A group of elderly protesters headed towards the occupying soldiers to ask them why settler caravans had remained at the mountain despite the issuance of an order to evacuate the Evyatar colonial outpost and demolish its structures. In response, the soldiers fired rubber-coated metal bullets at the group, injuring one of them, a 65-year-old protestor from Jericho city, in the back.²⁰⁷ Subsequently, heavy confrontations erupted and continued until around 3:45 pm. Some protesters threw stones at the soldiers, who fired back with live bullets, rubber-coated metal bullets, and tear gas canisters.

At around 3:45 pm, an Israeli occupying soldier shot and killed Mohammad Ali Khabisa, 28, husband, father of an eight-month child, house painter, and resident of Beita. Mohammad was shot with a live bullet in the head, from a 40-50 meters distance, while he was sitting under an olive tree. A.A, who was 21 at the time, friend of Mohammad and resident of Beita, was around two meters away from Mohammad when he was shot. In his affidavit to Al-Haq, he recalled:

At around 3:15 pm, I was sitting with a group of five protesters, including my friend Mohammad Khabisa, under an olive tree. Confrontations were taking place, around 100 meters away from us, between Palestinian protesters... [and around 20 Israeli occupying soldiers]. There were also IOF scattered between the olive trees, who were fired live bullets, rubber-coated metal bullets and tear gas at protesters. At around 3:45 pm, Mohammad was leaning on an olive tree trunk and looking in the direction of the IOF, who were opposite of us. I heard the firing of live bullets at protesters, who were around 70 meters away from us.

I was talking to Mohammad... when I saw an Israeli soldier coming from behind a stone-wall, firing live bullets at protesters, and then hiding behind the stone-wall. Meanwhile, I heard the sound of a live

207 The injuries sustained by Palestinian protesters at Jabal Sbeih on 24 September 2021 were monitored and documented by Al-Haq's field researcher. Field report on file with Al-Haq.

*bullet, as if it was passing next to me. It was loud, and I had to put my hand over my ear, due to the intensity of the sound. One of the youth said 'he fell' so I turned around to see my friend Mohammad falling on his right side. I rushed towards him, as he was about two meters away from me, and I saw blood flowing from his head. The scene was frightening... as blood was all over his face. I carried my friend Mohammad and walked about three meters, but I could not endure the sight of blood and the sight of his injured head. I was in shock. I left him lying on the ground, in disbelief of what I saw.*²⁰⁸

A group of protesters carried Mohammad for around 100 meters and transferred him in a PRCS ambulance to Beita Field Hospital, whereupon he was transferred to An-Najah National University Hospital in Nablus, where he was pronounced dead at 5:00 pm.²⁰⁹

The Killing of Jamil Jamal Abu Ayash, 32

On Friday, 10 December 2021, at approximately 12:30 pm, around 700 protesters marched from Beita Tourist Park and Swimming Pool towards al-Houta area, east of Jabal Sbeih. Upon arrival, the protestors were startled by dozens of IOF stationed within the vicinity of the mountain. The IOF immediately fired tear gas canisters and rubber-coated metal bullets at the protesters. Heavy confrontations erupted, with the Israeli occupying soldiers firing live bullets, rubber-coated metal bullets, sound bombs and tear gas canisters, while some protesters threw stones. The confrontations expanded from the vicinity of the mountain to al-Houta area.

After about two hours, at approximately 2:30 pm, Jamil Jamal Abu Ayyash, 32, husband, carpenter and resident of Beita, was shot in his head with a live bullet. In his affidavit to Al-Haq, S.H, who was 29 years old at the time, resident of Beita, and an eyewitness to Jamil's killing, recollected:

At approximately 2:30 pm, I was in the northern area of al-Houta area, with a group of demonstrators. Two soldiers arrived,

208 Al-Haq Affidavit 477A/2021, given by A.A, 22, resident of Beita, on 25 September 2021.

209 The killing of Mohammad Khabisa on 24 September 2021 was documented by Al-Haq's field researcher. Field report on file with Al-Haq.

accompanied by a military officer, who was giving orders to the soldiers to fire live ammunition. Then, I saw a masked soldier, armed with an M16 rifle, take a prone position, and fire two live bullets at the protesters, who were approximately 250 meters away from him. Then, one soldier left, but the military officer was still beside the masked soldier, giving orders to shoot and pointing his hand towards the protesters. During the shooting, I was hiding behind a stone-wall, and I screamed at the protesters to watch out for the masked soldier's bullets, who didn't injure anyone yet. Then, I saw the masked soldier standing up, and then taking a prone position again – this time aiming his rifle at the direction that I and other protesters were in. Then, I saw Jamil Abu Ayyash, holding a manual slingshot, standing less than one meter behind me. I told him to sit down [because the soldier was aiming at our direction]. As soon as I said that, I heard the sound of one live bullet being fired, and I saw Jamil falling to the ground in front of me, on his side, as the bullet hit his head from the right side. Immediately, I stood up to help him. As soon as I got closer to him, the same soldier fired another bullet, but it hit the close-by stone-wall. I later approached Jamil, turned him on his back and saw blood flowing from his head. Then, I saw the masked soldier and the officer withdrawing from the area.²¹⁰

A group of Palestinian protesters carried Jamil for around 400 meters, until they reached the closest ambulance, which then transferred Jamil to Rafidia Governmental Hospital in Nablus. At around 4:40 pm on the same day, Jamil was pronounced dead at the Hospital, due to the gunshot wound to the right side of his head, which exited diagonally from the left side of the back of his head.²¹¹

210 Al-Haq Affidavit 559A/2021, given by S.H, 30, resident of Beita, on 13 December 2021.

211 The killing of Jamil Ayyash on 10 December 2021 was documented by Al-Haq's field researcher. Field report on file with Al-Haq.

The Killing of Fawaz Ahmad Hamayel, 47

On Wednesday, 13 April 2022, at approximately 4:30 am, around 150 Israeli occupying soldiers raided the north-east of Beita village, on foot. The IOF raided houses in the village, arresting five Palestinians. During the raid, dozens of Beita residents confronted the fully armed IOF in various parts of the village, resulting in the injury of seven Palestinians, including six with live bullets, and one with a rubber-coated metal bullet.²¹²

At around 6:20 am, the IOF were withdrawing from al-Hawooz area, north of Beita, and walking south between agricultural and dirt roads, towards al-Najma area near the village's cemetery. There, Fawaz Ahmad Hamayel, 47, resident of Beita, along with other five Palestinians, confronted the IOF, who were around 100 meters away from him, by throwing stones at them with his slingshot. At that time, an Israeli occupying soldier fired two to three live bullets, injuring Fawaz, who was heard screaming in pain and seen placing his hands on his stomach.

Immediately, the residents carried Fawaz around ten meters north from the site, as he was bleeding from his stomach. Fawaz was then taken, in a private car, to Beita Zakat Dispensary. Around 15 minutes later, Fawaz was transferred, by an ambulance, to the Specialised Arab Hospital in Nablus city, where he underwent a surgery. He suffered a severe injury from a live bullet, which had settled in his right loin, causing a large laceration in the right kidney, pancreas and spleen, as well as severe bleeding. On 14 April 2022, Fawaz's health condition deteriorated, and his death was officially announced at around 1:30 pm.²¹³ Fawaz was the Public Affairs Director of Youth and Jerusalem Institutions, and is survived by his wife and three children.

²¹² The Israeli raid on Beita on 13 April 2022, as well as the arrests and injuries were monitored and documented by Al-Haq's field researcher. Field report on file with Al-Haq.

²¹³ The killing of Fawaz Ahmad Hamayel on 13 April 2022 was documented by Al-Haq's field researcher. Field report on file with Al-Haq.

5.1.2 The Injury of 6,000 Protesters

In the year between 10 May 2021 and 20 May 2022, the IOF injured 6,454 Palestinian protesters, including 178 injuries with live bullets, and 997 with rubber-coated metal bullets.²¹⁴ Most of the injuries by live bullets and rubber-coated metal bullets targeted the protesters' lower limbs.²¹⁵



Injured Palestinians walking with their canes at Jabal Sbeih
Nader Salha © 2021

Dr. Abdel Jaleel Sameh Hunjul, 35, Medical Director of the PRCS Field Hospital in Nablus Governorate, recounted a serious event where the IOF had employed excessive use force including, live bullets and rubber-coated metal bullets at unarmed protesters at Jabal Sbeih, deliberately targeting their lower limbs:

Once during the night confusion activities in May 2021 at Jabal Sbeih, the IOF used speakers to threaten protesters at the mountain, that if they proceed with their protests, they would shoot at them and

²¹⁴ The injuries figures are taken between 10 May 2021 and 20 May 2022, according to the PRCS.

²¹⁵ Interview with Dr. Abdel Jaleel Sameh Hunjul, 35, Medical Director of the PRCS Field Hospital in Nablus Governorate, on 2 June 2022, on file with Al-Haq.

‘maim their legs’. The following day, the PRCS dealt with the injury of 12 protesters with live ammunition in their knee area.²¹⁶

On Friday, 4 February 2022, Abdel Rahman Issa Hamayel, who was 13 years old at the time, eighth grader and resident of Beita, was shot with a live bullet in his knee from a 100 meters distance, at al-Houta area, north east of Jabal Sbeih. During confrontations with Palestinian protesters, the IOF fired rubber-coated metal bullets and tear gas canisters. In his affidavit to Al-Haq, Abdel Rahman recounted:

At about 3:10 pm, I was standing about 100 meters away from around seven Israeli soldiers at al-Houta area. Among the soldiers was a sniper, carrying an automatic weapon and aiming it at me and the protesters. This Israeli soldier fired four live bullets at our direction. I felt something hit my left leg in the knee area. When I tried to step on it, I was in great pain, and looked down to see a small hole in my pants... I underwent a surgery and the bullet, which turned out to be a ‘Two-Two’, was extracted. This kind of live ammunition is routinely used by the IOF to snipe demonstrators in the weekly peaceful protests in Beita.²¹⁷

‘Two-Twos’ are live 0.22-inch calibre bullets fired by 10/22 Ruger rifle. The Israeli occupying authorities claim such bullets are non-lethal and can be used in circumstances that ‘justify live fire’.²¹⁸ In reality, nonetheless, these bullets inflict serious injuries, and can be lethal.²¹⁹

²¹⁶ *Ibid.*

²¹⁷ Al-Haq Affidavit 20A/2022, given by Abed al-Rahman Issa Abed Hamayel, 14, resident of Beita, on 5 February 2022.

²¹⁸ B’Tselem, ‘Military Steps Up Use of Live 0.22 Inch Bullets against Palestinian Stone-Throwers’ (18 January 2015) <https://www.btselem.org/press_releases/20150118_use_of_live_ammunition_in_wb>.

²¹⁹ *Ibid.*



*A Palestinian carrying an injured Palestinian participating in demonstrations at Jabal Sbeih
Alaa Badarneh © 25 June 2021*

Nayef Abdel Hafeez Hamayel, 47, husband, father of seven children, and resident of Beita, was also injured by an Israeli 'Two-Two' bullet in the right knee. On 23 July 2021, Nayef, who was 46 years old at the time, was shot at, from a distance of around 70 meters, during his participation in a protest against the Evyatar colonial outpost, at Jabal Sbeih. In his affidavit to Al-Haq, Nayef recounted:

The bullet that hit me was from an Israeli sniper soldier, who was on a hilltop, about 70 meters away from me. The IOF usually use snipers to target the peaceful demonstrators. Most of the injuries by the IOF on the day I was injured targeted the leg area. At around 2:30 pm, around 20 Israeli soldiers who were positioned on a hilltop at al-Houta area, were suppressing the peaceful protest by heavily firing tear gas canisters and rubber-coated metal bullets from a distance of approximately 70 meters, towards the protesters. I was among the protesters chanting against the occupation and carrying Palestinian flags. While I was standing among those protesters, I suddenly felt something hit my right knee, as I felt severe pain...

*Doctors told me that the bullet is of the type ‘Two-Two’, which penetrated my leg and settled inside the knee joint, causing a bone fracture. I underwent a surgery and the bullet was removed, which left shrapnel in the right knee joint, forcing the doctors to repair the bone through a platinum implant in the joint area. Since my injury, I have been walking with a cane.*²²⁰

Israel’s shoot-to-maim policy is nothing new,²²¹ as has been used throughout the OPT, as clearly documented during the Great Return March in the Gaza Strip.²²² There, during the first year of protests, around 170 Palestinians were rendered permanently disabled as a result of subsequent amputations from gunshot injuries, according to the World Health Organization.²²³ Israel’s Rules of Engagement regulating this repression authorise the use of lethal force against those Israel broadly considers as directly participating in ‘hostilities’ and encourages the IOF to shoot at the legs of the ‘main inciters’.²²⁴

Israel’s shoot-to-maim policy draws from a lineage of excessive force practices against the civilian Palestinian population, from Rabin’s ‘break the bones’ policy to Israel’s arms industry,²²⁵ advertised as ‘field proven’.²²⁶ The latter contributing to Israel being in the top 10 of global arms exporters, at the

220 Al-Haq Affidavit 462A/2021, given by Nayef Abdel Hafeez Mahmoud Hamayel, 47, resident of Beita, on 22 September 2021.

221 Amnesty, ‘Israel: ‘Deliberate Attempts’ by Military to Kill and Maim Gaza Protesters Continues’ (27 April 2018) <<https://www.amnesty.org.uk/press-releases/israel-deliberate-attempts-military-kill-and-maim-gaza-protesters-continues>>; Dania Akkad, ‘“Shoot to maim”: How Israel Created a Generation on Crutches in Gaza’ (29 March 2019) <<https://www.middleeasteye.net/news/shoot-maim-how-israel-created-generation-crutches-gaza>>.

222 Al-Haq, ‘Israel Deliberately Injures and Maims Palestinian Civilians, Prevents Evacuation of Wounded, and Denies Access to Vital Healthcare Facilities Outside the Gaza Strip’ (18 April 2018) <<https://www.alhaq.org/monitoring-documentation/6243.html>>.

223 OCHA, ‘Overcoming Injury and Amputation’ (15 Oct 2019) <<https://www.ochaopt.org/content/overcoming-injury-and-amputation>>.

224 Human Rights Council, ‘Report of the independent international commission of inquiry on the protests in the Occupied Palestinian Territory’ (25 February 2019) UN Doc A/HRC/40/74 para 31.

225 Mohammed El-Kurd, ‘A Night with Palestine’s Defenders of the Mountain’ (the Nation, 15 September 2021) <<https://www.thenation.com/article/world/beita-palestine-israel/>>.

226 Israeli Ministry of Economy and Industry (IMEI), ‘Israel’s Homeland Security Industry: Utilizing Innovation To Keep Us Safe’ (9 November 2014) <<https://itrade.gov.il/thailand/israels-homeland-security-industry-utilizing-innovation-keep-us-safe/>>.



A Palestinian with crutches standing near Jabal Sbeih, after his injury by the IOF during confrontations in Beita - Shadi Jarara © 23 June 2021

expense of Palestinian lives.²²⁷ One of the aims of such policy is to curb the physical ability of Palestinians to participate in protests. For example, protests at Jabal Sbeih require significant physical strength due to the sharp gradient of the mountain. The policy further aims to crush the spirit of resistance, and break the will of Palestinians, by impeding their rights to health and employment.

Until present, the legacy of Rabin's 'break the bones' policy continues. In his affidavit to Addameer, S.W, who was 28 years old at the time, resident of Beita, recalled the brutal beating he suffered by the IOF for his participation in protests at Jabal Sbeih:

On 28 July 2021, at around 4:00 pm, I was at Jabal Sbeih. The IOF chased us, and we ran away from them. I was trying to get into my car, when I saw a group of soldiers between the trees. One soldier pointed his M16 rifle at point-blank range at my head. He then shot me with a rubber-coated metal bullet in my head. When I tried to

²²⁷ Stockholm International Peace Research Institute, 'Trends in International Arms Transfers, 2021' (March 2022) <https://reliefweb.int/sites/reliefweb.int/files/resources/fs_2203_at_2021.pdf>.

put my hand on the wound, he hit me with the buttstock of his rifle. He then forced me out of the car, and carried and threw me to the ground, twice. The two soldiers who were with him started thumping me with their rifles and fists, continuously beating my sides and all of my body for around three minutes. They then carried me by the hands and dragged me for about 150 meters, while beating me all over my body, until we arrived at a house under construction. Then, one of the soldiers shoved my face, which was covered in blood, into a pile of construction sand.

*Another six soldiers arrived. All of them started to brutally punch, kick and beat me with their rifles. Then, they walked me about two kilometres to the main street, put me in a military vehicle, took me to Za'tara checkpoint and handed me to an Israeli ambulance. Paramedics in military uniforms put me in the ambulance, took off all my clothes and wrapped me in tin foil. Then, a Palestinian ambulance arrived and took me to the Specialised Arab Hospital in Nablus. I suffered from bleeding in the retina of my eyes, as well as bruises in my face, torso, and elbows. I am still undergoing treatment for my eye.*²²⁸

Between May 2021 and 2022, the PRCS recorded 997 injuries caused by rubber-coated metal bullets in Beita.²²⁹ As outlined by Amnesty International, Israeli rubber-coated metal bullets “are rubber in name only. They consist of a substantial metal core covered with a very thin layer of rubber”.²³⁰ The area around the head is particularly vulnerable to rubber-coated bullets, as injuries can lead to morbidity and disability.²³¹ Dr. Abdel Jaleel Sameh Hunjul, 35, Medical Director of the PCRS Field Hospital in Nablus Governorate, observed the deliberate use of rubber-coated bullets at protesters at Jabal Sbeih, especially to the head:

228 Addameer Affidavit, given by S.W, 29, resident of Beita, on 25 August 2021, on file with Al-Haq.

229 The injuries figures are taken between 10 May 2021 and 20 May 2022, according to the PRCS.

230 Amnesty International, ‘The Pain Merchants: Security Equipment and its Use in Torture and Other Ill-Treatment’ (2 December 2003) 33.

231 Ahmad Mahajna, ‘Blunt and Penetrating Injuries Caused by Rubber Bullets during the Israeli-Arab Conflict in October 2000’ (2002) *The Lancet* 359.

*We have received patients from Beita who have been shot in their eyes with rubber-coated metal bullets. This is not a coincidence. Rubber-coated metal bullets are extremely dangerous when they target the head area. They can cause breakage in the skull. Six of the protesters who were shot with rubber-coated metal bullets in Beita lost their eyes.*²³²

Ahmad Yaser Bani Shamsa, 34, resident of Beita, and representative of the Association for Injured Palestinians, noted that the Association has been monitoring the health condition of 15 serious injuries caused by rubber-coated metal bullets to the head area. As a result, six lost their eyes, two suffered serious injuries in the eye, three suffered lacerations in the skull, and four suffered fractures in the jaw.²³³

On 13 April 2022, during a raid on Beita and a campaign of arrests, an Israeli occupying soldier shot Bilal Jihad Hamayel, who was 25 years old at the time, resident of Beita, with a rubber-coated bullet in the eye, which resulted in the removal of his eye. In his affidavit to Al-Haq, Bilal recalled:

On 13 April 2022, at around 5:00 am, I left my family's house in Ein al-Rojan area, east of Beita, after learning that large numbers of the IOF had raided our village from the southern side. The IOF were carrying out a campaign of arrests and raids on homes... As I was driving, I was surprised by around ten masked and armed Israeli soldiers, standing on the main street, close to one of the houses. One of the Israeli soldiers pointed his weapon at me, demanding that I turn back to where I came from. Indeed, I obeyed the orders of the soldier. I went back and took another bypass road, to reach my work at the gas station, which is located near the Beita Municipality.

While I was driving the car, I was surprised by another group of Israeli soldiers, standing at the main street of Ein al-Maghara area in Beita. The soldiers made me stop and turn off the car. Then, they took my car keys, searched the car, and held me for around 30

232 Interview with Dr. Abdel Jaleel Sameh Hunjul, 35, Medical Director of the PCRS Field Hospital in Nablus Governorate, on 2 June 2022, on file with Al-Haq.

233 Interview with Ahmad Yaser Bani Shamsa, 34, activist, resident of Beita, and representative of the General Union of Palestinian Injured, on 8 June 2022, on file with Al-Haq.

minutes in the car. Then, they handed the keys back and I left, driving to my workplace. As I was driving, I arrived near the village's old cemetery, where confrontations between the IOF, who were blocking the main road, and a group of Beita residents were taking place. As Beita residents were confronting the Israeli raid, the IOF were firing rubber-coated metal bullets and live bullets. At that moment, I got out of the car.

Fifteen minutes after my arrival, while I was standing near a slope down the main street from the southeast side and the IOF were around 10 meters to the west of me, I saw around 30 Israeli soldiers, including two in a kneeling position, who were firing rubber-coated metal bullets at the protesters. During this time, I felt something hit my left eye. I immediately put my left hand on my eye and knew that I was injured, as I saw blood flowing from my eyes and running onto my clothes. I was in great pain, as the object that hit my face was large in size. Then, I walked around four meters towards the southern side, where the youth at the site helped me walk for about 200 meters. They informed me that the object that hit my eyes was a large black sponge bullet, which is cylindrical in shape with a diameter of some 40 mm. The bullet is known among us, as the 'Microphone'.²³⁴

Following his injury, Bilal was taken to see a nurse from Beita, who bandaged and dressed his injury, before being transferred, by an ambulance, to Rafidia Governmental Hospital in Nablus. Thereupon, Bilal underwent an x-ray imaging exam to his head, and was given painkillers. Almost an hour later, he was transferred to An-Najah Medical Hospital in Nablus, where he was admitted to the intensive care unit, as he was bleeding from his left eye. Due to his severe injury, the doctors had to completely remove his left eye. After three days, on 15 April 2022, Bilal underwent an operation in the left eye, to restore the bones of the eye cavity, which were lacerated due to the injury. Bilal was hospitalised until 17 April 2022, and he was unable to work for at least two weeks because of his injury.²³⁵

²³⁴ Al-Haq Affidavit 123A/2022, given by Bilal Jihad Hamayel, 26, resident of Beita, on 26 April 2022.

²³⁵ *Ibid.*



An Israeli drone firing tear gas canisters at Palestinian protesters at Jabal Sbeih
Shadi Jarara © 4 June 2021

Besides the injuries caused by live bullets and rubber-coated metal bullets, most of the injuries at Jabal Sbeih were caused by tear gas inhalation. Tear gas can also cause serious injuries, especially when the canisters hit protesters from point-blank distance. The IOF have also used drones to fire tear gas canisters at protesters. Hadi Mazen Bani Shamsa, 15, resident of Beita, explained how drones have been used by the IOF against protesters at Jabal Sbeih:

*It has become the norm to use these drones over our heads at the protests at Jabal Sbeih. The drone throws around four tear gas canisters at once. Every time the IOF fire tear gas canisters, I would take shelter behind rocks and stone-walls in the agricultural areas at Jabal Sbeih.*²³⁶

On Friday, 3 September 2021, during confrontations at Beita, Hadi Bani Shamsa, who was 14 years old at the time, was injured in his left eye, from a tear gas canister shot from a 10-15 meters distance. In his affidavit to Al-Haq, Hadi recounted:

²³⁶ Al-Haq Affidavit 435A/2021, given by Hadi Mazen Bani Shamsa, 15, resident of Beita, on 9 September 2021.

At around 5:00 pm, I was standing at a distance of around 10-15 meters from Israeli soldiers, who were advancing towards the protesters. I saw two soldiers standing directly in front of me... Then, I suddenly felt something hit my face, specifically my left eye... I inhaled tear gas, and was helped by a protester to walk around ten meters before I lost consciousness. When I woke up, I found myself lying under an olive tree and I saw volunteers of the PRCS bandaging my left eye... Immediately after that, they transferred me, on foot, to the ambulance. While we were walking, I saw through my right eye, one of the soldiers firing tear gas canisters at me and the protesters...

After undergoing a head computed tomography (CT) scan, and cleaning my eye at Rafidia Governmental Hospital in Nablus, doctors told me that the gas canister caused a fracture in my nose and bleeding in the retina of my left eye. Following my injury, I felt severe pain and did not go to school for two days.²³⁷

Israel's excessive use of force to suppress protests at Jabal Sbeih did not only target protesters, including children and the elderly, but also journalists and paramedics. Essentially, Israel's excessive use of force is a systematic policy deployed against all Palestinians.²³⁸ Naseem Ali M'alla, 26, resident of Beita, has been working as a freelance journalist since 2016. While covering protests at Jabal Sbeih, Naseem was injured three times with rubber-coated metal bullets, despite wearing the distinctive journalists' blue vest with clear 'PRESS' written on it. Naseem, who was 24 years old at the time, was injured in his right foot on 27 July 2021, whereas his left flank was hit the next day, on 28 July 2021, and his third injury, which was in the right knee, took place on 6 August 2021. In his affidavit to Al-Haq, Naseem recounted how soldiers had directly targeted him:

[On 6 August 2021, I went to Jabal Sbeih to cover the protest.] I was wearing the distinctive press uniform marked with the word 'PRESS', and a helmet and I was live streaming the protests at Jabal

²³⁷ Ibid.

²³⁸ See, for example, Al-Haq, 'Israeli Occupying Forces Target Journalists Covering Gaza Protests, Killing One and Injuring Others' (12 April 2018) <<https://www.alhaq.org/monitoring-documentation/6244.html>>.

Sbeih, on my Facebook page... I was also wearing a protective mask against the tear gas because of the density of the tear gas. At about 2:00 pm, Israeli soldiers were standing about 50 meters opposite to me on a high hill... Then, I felt something hit my right leg in the knee area and it hurt a lot. I started screaming from the pain and I fell to the ground and could not move.²³⁹

On 18 February 2022, 'Alaa Irsan Khdair, who was 19 years old at the time, volunteer first responder with the PRCS and resident of Beita, was injured in the right shoulder with a live bullet shot from a 50-70 meters distance, while standing next to the PRCS ambulance. In his affidavit to Al-Haq, 'Alaa, recalled his injury and the targeting of journalists:

After Friday prayers, a peaceful protest with hundreds of participants started at Jabal Sbeih, specifically at al-Houta area, which is close to the eastern side of Beita Tourist Park and Swimming Pool. I was with another 20 paramedics and volunteer first responders, accompanied by four PRCS ambulances, [to provide first aid medical treatment for any possible injuries]. I was wearing my distinctive vest, marked with the PRCS' logo, as well as my first-aid equipment [and so, I was clearly marked as health worker]. The IOF began to suppress the peaceful demonstrators by firing tear gas canisters and rubber-coated metal bullets at the protesters. During that time, I provided first aid for Palestinians who were suffocated, due to tear gas inhalation, and injured by the rubber-coated metal bullets, [including for the journalist, Jaafar Ishtayeh, who was shot in his right hand with a rubber-coated metal bullet].

At around 2:30 pm, I was standing with another two paramedics and some journalists in a neutral spot away from the confrontations... Some 15 Israeli soldiers were standing on a dirt road leading to al-Houta area, around 50-70 meters to the east of us... Suddenly, the Israeli soldiers dispersed and started chasing the protesters. Then I saw one male soldier and another female soldier approaching us. The two Israeli soldiers attacked a female journalist who was

239 Al-Haq Affidavit 390/2021, given by Naseem Ali M'alla, 26, resident of Beita, freelance journalist, on 7 August 2021.

covering the event, to prevent her from recording [the suppression of the protest] and threatened to shoot at us if we do not leave the place. They fired two rubber-coated metal bullets at us, but the bullets hit the ground and did not hurt anyone. The female journalist was suffocated due to tear gas inhalation, so I helped her leave the area. After about ten minutes, I was standing next to the PRCS ambulance talking to the ambulance officer, when I felt something hit my right shoulder. Immediately, I started screaming, thinking that I was hit by rubber-coated metal bullet, and put my hand on my shoulder, seeing blood on my hand.²⁴⁰

Upon his injury, 'Alaa was provided with first aid by the paramedics, who informed him he was shot by a live ammunition. Then, 'Alaa was transferred to Rafidia Governmental Hospital in Nablus, where he was admitted. On 21 February 2022, 'Alaa underwent surgery to remove the 'Two-Two' bullet, which had entered his right shoulder without exiting and had lodged in a sensitive area, full of nerves.²⁴¹

During protests at Jabal Sbeih, the IOF further deliberately targeted ambulances, as witnessed, first-hand, by Khaled Amin B'ara, 39, ambulance driver and resident of Nablus city. On 25 June 2021, Khaled, who was 38 years old at the time, was deliberately targeted by the IOF, while driving a PRCS ambulance. In his affidavit to Al-Haq, Khaled recollected the attack as well as the use of paramedics as human shields, by the IOF:

On Friday, 25 June 2021, at around 6:30 pm, I was in a PRCS ambulance with a colleague close to Beita Tourist Park and Swimming Pool, opposite to the Evyatar colonial outpost at Jabal Sbeih, to transport injuries, to Beita Field Hospital... The hospital had been set up by the PRCS in Beita village to enable easier treatment of injuries. Suddenly, the IOF brutally attacked us and fired live bullets at another ambulance... damaging the rear windows, while two of my colleagues were in the ambulance.

I drove my ambulance to a safe distance, about 200 meters away. As soon as I stopped, the IOF fired tear gas canisters heavily in

240 Al-Haq Affidavit 43/2021, given by 'Alaa Irsan Khdaire, 20, resident of Beita, on 21 February 2022.

241 *Ibid.*

the area, and suddenly the glass of the driver's seat was smashed and scattered inside the ambulance, hitting me in my eyes. My eyes were hurting and burning... I was transferred to Beita Field Hospital... and treated until my eyes calmed down. The ambulance was directly targeted with a black sponge bullet by the IOF. Paramedics were also deliberately attacked. The IOF used five PRCS volunteers as human shields during the confrontations. For around 20 minutes, the IOF were moving behind the paramedics and verbally insulting them, while following protesters.²⁴²



The IOF deny entry to a Palestinian ambulance at Beita entrance
Wahaj Bani Moufleh © 29 July 2021

Jarir Zakaria Qanadilo, 55, resident of Nablus city, has been an ambulance driver and officer with the Palestinian Medical Relief Society (PMRS), since 2003. On 8 June 2021, Jarir, who was 53 years old at the time, was attacked while covering a protest at the entrance of Beita. In his affidavit to Al-Haq, Jarir detailed:

On 8 June 2021, at about 12:00 pm, I arrived to Beita, to cover a peaceful demonstration, which was announced to take place at the entrance of Beita, to protest the construction of the bypass

242 Al-Haq Affidavit 352A/2022, given by Khaled Amin Shafiq B'ara, 39, resident of Nablus city, on 27 June 2021.

road that will link the Za'tara military checkpoint with the Yitzhar roundabout via the villages of Beita, Huwwara, Odala and Bourin. On that day, the main entrance of Beita was closed by the IOF, with concrete cubes. So, I took an alternative route, driving from the village of Odala to Beita... When I arrived, I parked the PMRS ambulance at a distance of approximately 50-60 meters from the eastern side of the main entrance of Beita. Behind the concrete cubes, were around 15 Israeli soldiers accompanied by three-four Israeli military vehicles... After 20 minutes of my arrival, confrontations between Palestinians and the IOF began. Protesters ignited tyres and Israeli soldiers fired rubber-coated metal bullets and tear gas canisters towards the protesters. I drove the ambulance 10 meters backwards to take shelter and I was observing the confrontations from the ambulance, when the IOF began to heavily fire tear gas canisters... Then, I noticed something hit the windshield of the ambulance. So, I bent down on the driver's seat for protection. Moments later, I lifted myself to see the windshield smashed and glass scattered inside the ambulance... I got out of the ambulance and saw a large black cylindrical sponge grenade that fell on the ambulance, between the hood and the windshield, and I also saw gas canisters around the ambulance.²⁴³

243 Al-Haq Affidavit 302A/2021, given by Jarir Zakaria Nathmi Qanadilo, 55, resident of Nablus city, on 9 June 2021.

5.2 Collective Punishment

In addition to the excessive use of force, which resulted in the killing of ten Palestinians and injury of 6,000 protesters between May 2021 and 2022, Israel has further imposed collective punishment measures against Beita residents to deter their popular resistance. Nizar Banat, a Palestinian activist killed by the Palestinian security forces, opined that the suppression and collective punishment of Beita since May 2021 is not only part of Israel's settler-colonial project, but further represents a revenge attack on Beita residents for their defiance during the first *Intifada*:

*After the 1988 incident, the Israeli occupying authorities began a retaliatory campaign on Beita, in an attempt to discipline the rest of Palestine. Beita was a great challenge in front of the occupation, as the occupying authorities fruitlessly tried to quench the residents of Beita. The Israelis never forgot Beita's [steadfast] position. Today, the Israeli occupying authorities are targeting Beita with a colonisation plan, but also with a desire for revenge.*²⁴⁴

Taysir Al-Sheikh Saleh Khreiwesh, 63, resident of Beita, explained that one of the reasons for the collective punishment is to prevent the Beita model of resistance from spreading throughout Palestine:

*The Israeli authorities are not interested in transferring the Beita popular resistance model and the national awareness in Beita to other areas in Palestine.*²⁴⁵

Since May 2021, the Israeli occupying authorities have further targeted Beita residents, with early morning house raids, arbitrary arrests and administrative detentions against those engaging in protests at Jabal Sbeih. According to Ahmad Yaser Bani Shamsa, 34, activist, resident of Beita, and representative of the Association for Injured Palestinians, between May 2021 and May 2022, the IOF arrested around 150 of Beita residents.²⁴⁶

244 Nizar Banat, 'Jabal Sbeih, Beita, Another Time' (YouTube, 24 June 2021) in Arabic <https://www.youtube.com/watch?v=fqjz62__ge4>accessed>.

245 Interview with Taysir Al-Sheikh Saleh Khreiwesh, 63, resident of Beita, on 8 June 2022, on file with Al-Haq.

246 Interview with Ahmad Yaser Bani Shamsa, 34, activist, resident of Beita, and representative of the General Union of Palestinian Injured, on 8 June 2022, on file with Al-Haq.

On 14 July 2021, the IOF arrested two cousins, Adham Samir Sharafa, 28, and Yousif Mohammad Saharfa, 31, from their homes in Beita during the dawn hours, for their popular resistance at Jabal Sbeih. In his affidavit to Addameer, Adham recounted:

On 14 July 2021, at around 3:00 am, the IOF raided and blew in the door of my father's home, which is next to my home. They asked my father, 'how many children do you have', and he answered them. Then, they told him 'we want Adham'. The IOF started to aggressively bang on the door of my house, shouting 'you have two minutes to open the door or we'll blow it up'. I told them to wait, as my daughters were sleeping and my wife wanted to cover herself. I opened the door, when a soldier asked me about my name, I answered, and then he asked about my ID, which I gave to him. He, who introduced himself as 'officer Ramiz', then told me 'you're coming with us'... There were around 15 Israeli soldiers in my house. They took me to the basement of the house, tied me up and blindfolded my eyes. They did not let me say goodbye to my family [Adham's wife was nine months pregnant]... They made me walk for about five minutes, to the military jeep, while pushing me.²⁴⁷

Adham was first taken to Za'tara checkpoint for two hours, where he was denied to use the bathroom, then to Huwwara military camp for another two hours, and then illegally transferred to Petah Tikva Detention Center, located outside of the OPT.²⁴⁸ Adham was interrogated for 22 days about his participation at protests at Jabal Sbeih. After he was released on 23 August 2021, Adham relayed the details of his interrogation:

I was interrogated for ten days about throwing stones at the mountain, and about my phone... The interrogator screamed and spat on me... Each day, I would be interrogated about two to three times; whereas every round [of interrogation] lasted about two or three hours. Sometimes, I was interrogated once a day. After 12

247 Addameer Affidavit, given by Adham Samir Ahmad Sharafa, 28, resident of Beita, on 25 August 2021, on file with Al-Haq.

248 Article 76 of the Fourth Geneva Convention, which outlines the rights of protected persons when detained by an Occupying Power, includes the right to remain in the occupied territory during all stages of detention, including during the serving of prison sentences if convicted.

*days of interrogation, the interrogator told me that I was forbidden to meet with a lawyer.*²⁴⁹

Detailing three consecutive days of interrogation, as he was deprived of sleep, ill-treated and intimidated, Adham recounted:

I was put in a dark interrogation room from the afternoon for the entire night and was sent back to the cell only to eat. The cell had no windows, a white light, a mattress like concrete, a sink and an Arab bath. The food was very bad and stunk. The chicken thigh they served had feathers on it. I used to eat only Hummus or an apple, if they had provided that, to fill my hunger.

Around five officers would enter the interrogation room and scream at me: 'you are a terrorist and you want to kill the Jews'.

The next morning at around 8:00 am, they sent me back to the cell. I slept for one hour, and then they took me back to the interrogation room, for the rest of the day. The last day (out of the three days), the interrogator opened my Facebook page and pulled up my posts. He printed out a picture of the martyr Issa Barham and cursed him. He then asked, 'is this a martyr'. I told him, 'yes, may God have mercy on him'. He replied, 'may God not have mercy on him, because he is a terrorist'. He then said my posts were inciting people to be martyred, placed the printed posts next to my daughters' photo and said, 'you are neglecting your daughters and posting about these'. I told him, 'to me, there is no difference between my daughters and the martyrs'.²⁵⁰

Adham's cousin, Yousif, was also arrested on the same night. In his affidavit to Addameer, Yousif, who was 30 years old at the time, recounted:

On 14 July 2021, at approximately at 2:30 am, between 30-40 soldiers raided and searched my house, and then arrested me without allowing me to say goodbye to my family. The IOF tightly handcuffed my hands to the back; the marks of the handcuffs remained on my

249 Addameer Affidavit, given by Adham Samir Ahmad Sharafa, 28, resident of Beita, on 25 August 2021, on file with Al-Haq.

250 *Ibid.*

*hands for 15 days... They walked me through the village and arrested another Beita resident on the way. They made us walk for around 15 kilometres until we reached Yitma village. They then blinded my eyes and we sat on the ground for about half an hour. A bus arrived and took us to Za'tara checkpoint. They then asked us medical questions and asked me to sign a paper without letting me read it, and threatened to beat me up if I didn't.*²⁵¹

Yousif was later transferred to Huwwara military camp, where he spent nine days. He was interrogated once at Salem military camp, about the transfer of tyres to Jabal Sbeih. After the ninth day, he was illegally transferred to Megiddo Prison, outside of the OPT, where he was incarcerated for another 21 days. In his affidavit to Addameer, Yousif recalled:

At Huwwara military camp, we suffered from difficult conditions in terms of very bad and small portions of food. The bathrooms were located outside, and we struggled to go to the bathroom, until the soldier agreed. We were allowed to the backyard for half an hour, three times a day, and I remained in the same clothes throughout the arrest period.

*At Megiddo Prison, the food was bad. We were allowed to smoke only three cigarettes a day. I wasn't allowed a change of clothes. Also, for nine days, I wasn't allowed any time in the backyard. They indicted me for stone throwing and transferring tyres to Jabal Sbeih, even though I was not interrogated for stone throwing. I was sentenced to 30 days and fined NIS 1,000 [approximately 290 USD]. I was released on 12 August 2021, from Megiddo Prison.*²⁵²

The IOF also arrested Beita residents, previously injured during the protests at Jabal Sbeih. Omar Mohammad Daoud, 24, resident of Beita, was injured by an Israeli occupying soldier in the head with a rubber-coated metal bullet, from a 30 meters distance. On 18 June 2021, Omar, who was 22 years old at the time, was shot, whilst he was looking at the IOF, at the main entrance of

²⁵¹ Addameer Affidavit, given by Yousif Mohammad Saharfa, 31, resident of Beita, on 25 August 2021, on file with Al-Haq.

²⁵² *Ibid.*

Beita, during a protest against the Evyatar colonial outpost. Omar recounted his arrest less than one month after his critical injury:

On 20 June 2021, I woke up to find myself in an intensive care unit at Rafidia Governmental Hospital in Nablus [as I lost consciousness right after my injury]. The doctors told me that I underwent a surgery, due to my injury with a rubber-coated metal bullet in the left side of my head, which caused a laceration to my skull. I severely bled as an artery supplying the brain was severed. After the surgery, the bones of the skull were reconstructed. I was admitted in the hospital for seven days... The doctors assigned a second surgery [for September 2021], three months after my injury.

On 14 July 2021, at approximately 4:00 am, while I was sleeping in my family's house in Beita, I woke up to find seven fully armed occupying soldiers raiding the house... They handcuffed my hands behind my back, blindfolded me and dragged me towards an Israeli military vehicle that was parked approximately one kilometre away from the house... I was transferred to the Huwwara military camp, where I was held in a detention room with two other Beita residents. Then, I was summoned to interrogation.

The occupying soldiers accused me of throwing stones at the entrance of Beita and at Jabal Sbeih. I denied these accusations... During the interrogation, an Israeli officer told me that I was lying, and he claimed that he had photos proving that I was throwing stones, which he refused to show. After about three-four hours of detention, I was transferred to Salem military camp, in Jenin governorate, where I was subjected to the same interrogation and accusations, which I denied again. Then, I was transferred to Megiddo Prison inside the Green Line, where I remained in detention for 21 days until the date of my release on 3 August 2021.²⁵³

Omar recounted his health condition during his arrest. He suffered from dizziness and imbalance because of his recent surgery to his head injury,

253 Al-Haq Affidavit 454A/2021, given by Omar Mohammad Daoud, 24, resident of Beita, on 20 September 2021.

the previous month. He could not sleep, no doctor saw him for the whole period of his detention, and he was only allowed painkillers. He was fined NIS 1,000 [about USD 290] and charged with a ten-months to three years suspended sentence, for allegedly throwing stones.²⁵⁴

Israel systematically raids Palestinian homes at dawn hours, to provoke and terrify the civilian population, to impose its colonial power and maintain Israeli-Jewish domination over the Palestinian people. Ahmad Awad Bani Shamsa, whose son, Nabil, was arrested in relation to the protests at Jabal Sbeih, commented on how the raid and arrest operations infringe on the sanctity of the home:

*The IOF raided our house violently in January 2022, and arrested my son Nabil. They broke the doors with explosive materials, as if they are the owners of the house, without giving any respect to the family or any consideration for the sanctity of the home and its members.*²⁵⁵

Ahmad further explained that Israel's military law is discriminatory, and is designed to dominate Palestinians while granting a shield of impunity to Israeli settlers:

*They charge our sons based on a military law that has nothing to do with humanity. Their military law deprives us from defending ourselves from settler attacks that have been escalating. Our existence here is at threat. Israeli armed settlers can kill and attack us even in our homes and do whatever they want, and we are denied the right to defend ourselves.*²⁵⁶

Israel's military rule, has become a distinctive tool of domination against the Palestinian people.²⁵⁷ Under military orders, the Israeli military commander employs collective punishment measures under the pretext of 'security',

254 Addameer Affidavit, Omar Mohammad Daoud, 24, resident of Beita, taken on 25 August 2021, on file with Al-Haq.

255 Interview with Ahmad Awad Bani Shamsa, 50, resident of Beita, on 25 February 2022, on file with Al-Haq.

256 *Ibid.*

257 In the immediate aftermath of the Nakba, Israel imposed military rule on some 150,000 Palestinians who remained within the Green Line, including internally displaced Palestinians. In 1966, Israel lifted the martial law, believing that Palestinian citizens, who had been rendered second-class, had been adequately controlled. Noura Erakat, *Justice for Some* (Stanford University Press, 2019) 59. Upon its occupation of the OPT, Israel imposed a similar system to dominate protected Palestinian persons therein.

closing towns and institutions, issuing curfews, deportations, movement restrictions, prohibiting political activity and carrying out arbitrary arrests and administrative detentions.²⁵⁸ Such measures, violate Palestinians' civil and political rights, and deny Palestinians of their right to self-determination.

Another cruel manifestation of Israel's collective punishment policy is the decades-long practice of withholding onto the bodies of deceased Palestinians, denying those killed a proper burial. Severe restrictions on funerals and the families' mourning rituals, deny the families their basic right to mourn their beloved, and infringe on the dignity of the families and friends of those killed and withheld.²⁵⁹ In this respect, Israel continues to dominate the lives of Palestinians, even after their death. In Beita, this was evident by Israel's withholding of Shadi Salim's body for two weeks, following his killing on 27 July 2021.²⁶⁰



Palestinian protesters in Beita holding a banner demanding the release of Shadi's body
Wahaj Bani Moufleh © August 2021

258 Addameer, 'Israeli Military Orders Relevant to the Arrest, Detention and Prosecution of Palestinians' (July 2017), <http://www.addameer.org/israeli_military_judicial_system/military_orders>.

259 Budour Hassan, 'The Warmth of Our Sons' (JLAC, 2019).

260 For further information on the killing of Shadi Omar Salim, see pages 66-67.

In a joint submission to the UN on the policy of withholding bodies, three human rights organisations, including Al-Haq, commented on the policy:

From their birth, indigenous Palestinians are forced to normalize a reality where their very existence on their ancestral lands is governed by a bureaucratic regime that condemns them to perpetual disposability and dispossession. The revocability of the status of Palestinians when they are alive extends to their death. Thus, punishing the dead by deeming their bodies disposable, ungrievable, unmournable and unworthy of a dignified treatment, is a form of cruel dehumanization and othering that targets the erasure and expropriation of their memory and the disciplining of their community... The uncertainty associated with the withholding of bodies, the constant oscillating between irrational hope and guilty despair, the indefinite waiting with no closure in sight as embodied by a documentless death or a graveless corpse floating in an emotional bardo, trap the families in a permanent state of ambiguous loss ... this necropolitical regime creates a hierarchy of grievable and ungrievable lives, confining Palestinians to the latter. Thus, Israel expands the application of its apartheid policies to the symbolic and emotional spaces occupied by the dead.²⁶¹

Another manifestation of Israel's collective punishment on Beita is the movement restrictions and sporadic closures imposed on the village since May 2021. The IOF, on more than one occasion, partially and/or fully closed off, with cement blocks and sand berms, the entrances and routes leading to Beita. In effect, the IOF physically restricted the movement of residents, collectively punishing them for their popular protests, against the Evyatar colonial outpost.

²⁶¹ Al-Haq and others, 'Joint Submission to EMRIP and UN Experts on the Israeli Policy of Withholding the Mortal Remains of Indigenous Palestinians' (22 June 2020) 6.



Palestinian students walking near the entrance of Beita, which was closed off by the IOF with cement blocks. Alaa Badarneh © 8 June 2021

Ahmad Awad Bani Shamsa, 50, resident of Beita, described the impact of Israel's intimidatory collective punishment policies and denial of basic services, on the community in Beita:

The movement restrictions the IOF imposed on Beita by closing off the entrances and exits of the village, forced us to take detours in unpaved and narrow roads. These detours are eight kilometers longer than the usual route. During the summer season, our share of water is non-existent. They shut off water on us to connect it to settlers. This is an occupied land, water is a right and not a privilege. We only consume around 20 percent of our water and the rest is diverted to illegal settlers. We buy our own resources from Israel. They would also cut electricity for two to three hours in the afternoon each day to give the settlers the priority. This is also part of the collective punishment against us because we confront them.²⁶²

262 Interview with Ahmad Awad Bani Shamsa, 50, resident of Beita, on 25 February 2022, on file with Al-Haq.



A Palestinian sitting on a pile of building bricks, with the IOF, who are closing off the entrance of Beita, in the background. Alaa Badarneh © 18 June 2020

Mousa Abed Hamayel, 61, former Deputy Mayor of Beita Municipality, also reported that residents, who work inside the Green Line, had their work permits revoked as part of the collective punishment on the village.²⁶³ Such policy is nothing new, as Israel routinely revokes work permits as a punitive and collective measure.²⁶⁴ In 2020, Beita residents protested an Israeli attempt to appropriate Jabal Al-'Orma, during which two protesters, including Mohammad Abdel Karim Hamayel, 15, were killed by the IOF. In the aftermath of Mohammad's killing, the Israeli occupying authorities revoked the work permits of 15 members of his family, as a punitive measure.²⁶⁵

Furthermore, the IOF has, on numerous occasions, levelled roads in the vicinity of Jabal Sbeih. For example, on 17 September 2021, Israeli military

²⁶³ Interview with Mousa Abed Hamayel, 61, former Deputy Mayor of the Beita Municipality, on 24 August 2021, on file with Al-Haq.

²⁶⁴ B'Tselem, 'Israel Revokes Permits of 20 Members of One Family, Leaving Them Jobless for Nearly Three Months and Counting' (1 May 2018) <https://www.btselem.org/freedom_of_movement/20180501_revocation_of_work_permits_from_qabaha_family>.

²⁶⁵ According to Al-Haq documentation.

bulldozers, accompanied by six Israeli military vehicles and dozens of Israeli occupying soldiers, razed and levelled approximately one kilometre of an unpaved dirt road in Karm Al Nimer area, opposite to Jabal Sbeih, closing the northern entrance of Beita Tourist Park and Swimming Pool. The IOF further destroyed the water network connecting the residential houses in the area, and left large holes destroying the road. Another two roads were also levelled and destroyed in the vicinity of Jabal Sbeih, on the same day.²⁶⁶

Mousa Abed Hamayel, 61, former Deputy Mayor of Beita Municipality, explained the reasons behind these destructions:

*The IOF level these roads because the area is witnessing continuous confrontations in protest against the colonial outpost. The levelling is aimed at preventing Palestinian vehicles and ambulances from reaching the area to transfer the wounded and injured in the place, as a punitive measure carried out by the IOF on our village, Beita. It also is aimed at limiting the access of Beita residents and protesters to the area, and impeding them from reaching the nearest point to the colonial outpost.*²⁶⁷

Recalling the killing of Jamil Jamal Abu Ayyash by the IOF at Jabal Sbeih,²⁶⁸ S.H, an eyewitness who was only half a meter away from Jamil when he was shot, explained:

*I, with the help of another protester, carried Jamil off the ground, and we were running towards the ambulances, because they were parked far from the site where we were, as the occupying bulldozers raze the agricultural roads and lands at Jabal Sbeih every Thursday and Friday of the week, to prevent ambulances from reaching the site of the confrontations.*²⁶⁹

266 Al-Haq Affidavit 455A/2021, given by Mousa Abed Hamayel, 61, resident of Beita, on 20 September 2021.

267 *Ibid.*

268 For further information on the killing of Jamil Jamal Abu Ayyash, see page 70.

269 Al-Haq Affidavit 559A/2021, given by S.H, 30, resident of Beita, on 13 December 2021.

5.3 Psychological and Socio-Economic Impacts

The unrelenting intensity of Israel's violence, underscored by the killing, injuring, arresting, and collective punishment of Beita residents since May 2021, has impacted individuals, families and the community, medically, socially, economically, and psychologically. Israel's goal behind its systematic attack on Beita, is to crush the unified and ongoing popular resistance, and break the will and hope of Palestinians. In doing so, Israel is violating their human rights to, *inter alia*, life, liberty, health, movement, employment, education and to dignity.

Without disregarding the value and pride the Palestinian people take in the Palestinians killed and their sacrifice for the Palestinian struggle for liberation, it is their families, friends, and communities who are left with enduring psychological and socio-economic impacts, which are often overlooked. Reflecting on the psychological impacts of losing his son Mohammad, 16, while protesting against the Evyatar colonial outpost, Saed Mohammad Hamayel, 49, resident of Beita, stated:

Losing family members is not information that merely passes by. I have paid a heavy price and suffered psychologically and socially for losing my family members. My father, brother and sister are martyrs. Our house was punitively demolished in 1988. As a family, we suffered tremendously from the Israeli occupation. I have been paying the price of losing my family members. We have tried to overcome our suffering and rehabilitate from the negative impacts of Israel's violations and crimes. Yet, on 11 June 2021, the IOF killed my son, Mohammad, 16. In that, the Israeli occupying authorities have killed all our family's attempts to maintain hope. Mohammad was an A student. He loved life and peace. He was social and charismatic. He loved Palestine. He went on a peaceful demonstration to defend his land, to protest the establishment of the Evyatar colonial outpost. The IOF did not give the protesters any chance to voice their demands. The Israeli bullet killed all his aspirations. The IOF killed him with a bullet in his chest. That bullet killed us as a family. The bullet killed our aspirations and hope.²⁷⁰

270 Al-Haq, 'Side Event to the Human Rights Council 48th Session: Voices from Beita' (27 September 2021) <<https://www.youtube.com/watch?v=4p-nMUHRF40>>.

With 1,175 injuries caused by live bullets and rubber-coated bullets during the protests against the Evyatar colonial outpost,²⁷¹ the lives of those injured have been detrimentally impacted, especially those enduring complex injuries or at risk of developing disabilities. In the case of Beita, it is still too early to assess how many of those suffering serious injuries are at risk of developing disabilities, as many still undergo medical treatments. Those injured, especially with complex injuries, are not only subjected to physical health implications, they also endure socio-economic impacts, and mental health consequences. Beyond the extortionate cost of medical treatment on already vulnerable households, or seeking public health assistance through the exhausting bureaucratic procedures of the Palestinian health system, which itself is impaired by Israel's deleterious prolonged occupation, many of the injured have lost their source of income. Since many of Beita's residents are vocational workers and day labourers, these injury-induced medical leaves, have stymied the source of income of entire families.

Nayef Abdel Hafeez Hamayel, 47, husband and father of seven children, and worker in a stone-cutting factory, is an example of how families in Beita are being socio-economically affected. Nayef, who was injured with a live bullet to his right knee during a protest,²⁷² recounted the economic impact of his injury:

*I underwent a surgery, and the bullet was removed, which left shrapnel in the right knee joint, forcing the doctors to restore the bone through platinum implants in the joint area. Since my injury, I have been walking on a cane. I used to work in a stone-cutting factory as a day labourer. I have not been working since my injury, as my job requires physical strength. This has affected me and my family, as my job is our family's only source of livelihood. Therefore, I have been suffering for about two months since the injury.*²⁷³

271 The injuries figures are taken between 10 May and 20 May 2022, according to the PRCS.

272 For further information on the injury of Nayef Abdel Hafeez Hamayel, see page 75.

273 Al-Haq Affidavit 462A/2021, given by Nayef Abdel Hafeez Hamayel, 47, resident of Beita, on 22 September 2021.

Nonetheless, Nayef, despite his injury, continued to participate in demonstrations. He stated:

*Despite my injury, I have been going to the protests at Jabal Sbeih on a daily basis. I lean on my cane and observe the situation, in order to protect the mountain from the control of the Israeli settlers who established the outpost with the protection of the occupying soldiers and the Israeli government. I continue to participate for my love to the land and to the martyrs and injured, who fell in defence of the mountain.*²⁷⁴

The injuries have also left serious psychological impacts to varying degrees, according to the age, marital status, job, educational level, the duration of treatment and rehabilitation, and nature of injury and disability. This may leave serious consequences as regards anxiety and depression.²⁷⁵

On 25 June 2021, Samer Imad Khabisa, who was 18 years old at the time, carpenter and resident of Beita, was shot by an Israeli occupying soldier in the mouth with an expanding 'dumdum' bullet, from a 20-25 meters distance, during a protest at Jabal Sbeih.²⁷⁶ 'Dumdum' bullets, which are designed to expand upon impact to maximise damage to the targeted individual, are expressly prohibited under international humanitarian and customary law for causing superfluous injury and unnecessary suffering.²⁷⁷ Samer's injury left large shrapnel inside his mouth and face, and caused heavy bleeding. Samer lost consciousness directly after the injury and remained in a coma for eight days.²⁷⁸ He was hospitalised for 35 days and underwent four surgeries to remove the shrapnel from his lower and upper jaw, and to treat his teeth and tongue.²⁷⁹ In his affidavit to Al-Haq, Samer explained how his injury has changed his life, and that he will undergo treatment for another two years,

²⁷⁴ *Ibid.*

²⁷⁵ Mysoon Khalil Abu-El-Noor and others, 'Post-traumatic stress disorder among victims of great march of return in the Gaza Strip, Palestine: A need for policy intervention', (2022) 36 Archives of Psychiatric Nursing.

²⁷⁶ Al-Haq Affidavit 453A/2021, given by Samer Imad Khabisa, 19, resident of Beita, on 20 September 2021.

²⁷⁷ Declaration (IV,3) concerning Expanding Bullets. The Hague, 29 July 1899.

²⁷⁸ Al-Haq Affidavit 453A/2021, given by Samer Imad Khabisa, 19, resident of Beita, on 20 September 2021.

²⁷⁹ *Ibid.*

until he is able to talk, eat and drink, or work as prior to his injury:

I still suffer huge problems, particularly with regards to eating and drinking. I now only eat after all my food is fully blended. I then eat it with a spoon. I drink liquids with a straw. All of this is a result of my injury by an expanding bullet. After the injury, I couldn't go to work as I no longer have a source of livelihood. I used to work in carpentry, but after the injury, the doctors prevented me from working until I complete my treatment, which will need about two years. The doctors told me to take care of myself and not to expose myself to any effort, in order to recover from the injury, as my upper and lower jaw are completely worn out and there is no bone in this area. I still suffer from trauma and psychological problems due to the injury because it caused a huge disability in my mouth, and the situation is no longer as it was.²⁸⁰

Samer continued his testimony, hardly speaking, explaining how his injury has also impacted his family, especially as he is the second son injured in the family, during protests at Jabal Sbeih:

My brother, Ahmad, who is 16 years old at the time, was also injured by an Israeli soldier with a live bullet in the thigh during the protests on 14 May 2021, against the Evyatar colonial outpost. Since then, he has not been able to walk easily. The doctors said he might be left with a permanent disability. After our injuries, my mother has been in a shock. She has not been interacting with us. She keeps forgetting stuff.²⁸¹

In Beita village, which has a small population of approximately 12,000 Palestinians,²⁸² the killing of ten residents, the injury of some 6,000 and the arbitrary arrests and imprisonments of around 150 Beita residents, between May 2021 and 2022, has impacted nearly every nuclear family. When asked if she knows someone who was injured in the leg during protests, Amal Bani

²⁸⁰ *Ibid.*

²⁸¹ Interview with Samer Imad Khabisa, 19, resident of Beita, on 20 September 2021, on file with Al-Haq.

²⁸² PCBS, 'Projected Mid -Year Population for Nablus Governorate by Locality' (30 May 2021) <https://www.pcbs.gov.ps/statisticsIndicatorsTables.aspx?lang=en&table_id=698>.

Shamsa, 39, volunteer first responder with the PRCS and resident of Beita, smiled and said:

My two brothers have been injured at the mountain, one of them in his knee. Almost everyone in Beita has one, if not more, family member who is a martyr or has been injured or arrested in the context of the protests at Jabal Sbeih.²⁸³

FOCUS - Khabisa Family – The Impact of Israeli Attacks on a Palestinian Family

The case of Ali Mohammad Khabisa's nuclear family,²⁸⁴ exemplifies how deeply families are impacted in Beita. On 7 July 2021, their son, Mustafa, who was 26 years old at the time, fell on the mountain while running from the IOF tear gas canisters at Jabal Sbeih, breaking his anterior cruciate ligament and requiring surgery. Two months later, on 24 September 2021, the IOF shot and killed the family's son, Mohammad, 28, during a protest against the Evyatar colonial outpost.²⁸⁵ A third son, Ibrahim, who was 27 years old at the time, was arrested and administratively detained between 10 January 2022 and 25 April 2022.

When Al-Haq visited the family home of Ali Khabisa on 25 February 2022 in Beita, a high level of patience, faith but also pain was spread among family members. The resistance of Ali Khabisa's family is not only part of the collective Palestinian struggle against the Israeli settler-colonial regime, but also against Israel's appropriation of their privately-owned land at Jabal Sbeih.

Ali Khabisa, described how he had recently had cardiac catheterisation surgery, which he directly related to the pain and stress suffered from the loss of his son, Mohammad. He described his reluctance to continue working in the Israeli labour market inside the Green Line:

I used to work as a [construction] worker inside the 1948 territory. Since the killing of Mohammad, I don't have the ability and the desire to work, especially in the service of the Israelis.

²⁸³ Interview with Amal Mohammad Hashem Bani Shamsa, 39, resident of Beita, on 20 September 2021, on file with Al-Haq.

²⁸⁴ Interview with Ali Mohammad Khabisa, 58, resident of Beita on 25 February 2022, on file with Al-Haq.

²⁸⁵ For further information on the killing of Mohammad Ali Khabisa, see page 69.

Ali continued describing the disproportionate use of force by the IOF, which killed his son:

Mohammad was defending his land when he was killed by the IOF. The IOF could have used a tear gas canister, but they shot him in the head with a bullet when he did not pose any threat. Mohammad was a house painter. He was a generous person. If he worked for a family in need, he would only take half of the price he normally charges. He was recently married. His daughter, Ghazal, was eight months old when he was killed.

Recalling the raiding of their home on 10 January 2022 to arrest his son, Ibrahim, Ali said:

On 10 January 2022, at dawn, I was awake to pray Fajr [the dawn prayer], when the IOF raided our house, like monsters, and arrested Ibrahim. He was administratively detained without charge and is now in Megiddo Prison. We are not even allowed to see our son during court hearings. We only see him for one minute through the TV.

The family explained how Israel has been systematically oppressing the Palestinian people for over 70 years, with increasing efforts to colonise the land and suppress the people. The Khabisa family expressed how Beita has been left alone to deal with a violent colonial power, and voiced their frustration and lack of trust in Israel's judicial system, and the international community, including states. The international community, they note, has failed to hold Israel accountable for its systematic, ongoing violations and crimes.

Despite the high level of pain and frustration and their acknowledgement of the asymmetrical power between the coloniser and the colonised, the family reiterated their strong faith in their inalienable human rights and just cause – a commitment which has only increased after the loss of their son, Mohammad. They expressed a willingness to continue resisting Israeli colonisation and oppression, no matter the losses or the cost they have to pay. The land, they conclude, 'will only be liberated by the Palestinian people'.

Beyond the psychological impacts on families directly impacted by Israel's violence, the constant presence at Jabal Sbeih, especially in the first months, placed additional socio-economic burdens on Beita residents, many of whom called in absent from their jobs, to guard the mountain. Al-Haq interviewed Ahmad Yaser Bani Shamsa, 34, resident of Beita, on 20 September 2021, who, for 65 days, at the beginning of the protests at Jabal Sbeih, was absent from his home, wife and two children:

For 65 days, I would go to work, come home at around 5:30 pm, change my clothes and directly head to Jabal Sbeih. I would stay at the mountain until around 3 am, go back home to sleep, and go to work the next day. I have a one-and-a-half-year-old daughter, and a new baby son and I have been constantly on the mountain for the past period. For 65 days, I did not see my son. I don't spend time with my wife. For a while, my daughter did not engage with me as before, because she was used to my constant presence. My home is a disaster. There is anxiety, which comes from fear. It's not that our families don't want us to protest, but they are scared for our lives. My mother usually doesn't call me often, but every Friday she calls constantly to check up on me. My wife calls me around 60 times on Fridays. At the same time, they are proud of me.²⁸⁶

The ongoing protests and confrontations at Jabal Sbeih have also impacted the ability of landowners to access their agricultural lands at the mountain, effecting their livelihood. Bashir Ahmad Snobar, 56, resident of Yitma village, owns 3.5 dunums of agricultural land on Jabal Sbeih, planted with around 40 olive trees, as well as dozens of figs, grape, almonds, cactus trees and plants. Detailing the impact of the Evyatar colonial outpost on his livelihood, Ahmad stated:

Since the establishment of the Evyatar outpost, which is around 100 meters away from my agricultural land, I have been unable to access my land because of my fear of attacks by settlers and the IOF. This has caused me losses, as I am not able to take care and plough the land. I do not know whether I will be able to access

²⁸⁶ Interview with Ahmad Yaser Bani Shamsa, 34, activist, resident of Beita, and representative of the General Union of Palestinian Injured, on 20 September 2021, on file with Al-Haq.

my land during the olive harvest season. The land produces about 170 kilos of olive oil, in addition to the fruits of figs, almonds and cacti, which my family and I benefit from. I wish that the Israeli settlers, who are protected and supported by the IOF and the Israeli government, leave the vicinity of my land. The settlers also destroyed dozens of fruit bearing plants on my land, on 22 February 2018. Their attack came in retaliation for the Israeli occupying authority removal of their Evyatar outpost at Jabal Sbeih, which they established [earlier] on 20 February 2018.²⁸⁷

Similarly, the livelihood of Daa Talib Yamak, 21, construction worker and resident of Beita, has also been impacted. On 28 May 2021, Daa, who was 19 years old at the time, was injured with a live bullet in his right foot's joint during confrontations at Jabal Sbeih. In his affidavit to Al-Haq, Daa explained the subsequent impacts on his livelihood, "I lost my job after my first injury, and I stayed in a cast for about two months without being able to walk".²⁸⁸ Daa's injury and its impact on his socio-economic life did not stop him from protesting against the settler-colonial expansion. On Friday, 4 February 2022, Daa was again shot with a live bullet in his left leg from a 20-30 meters distance. Daa explained his condition after his second injury:

The bullet caused lacerations in the bone area in my left leg. I am still waiting for the doctor to schedule a surgery to remove the shrapnel and the bullet from my leg... Now, after my second injury, I don't know how long it will take for me to be fully treated, and able to walk on my feet again.²⁸⁹

With the continuation of defiance, resistance and hope, the long-term impacts of the violent suppression cannot fully be analysed at this stage. Saed Mohammad Hamayel, 49, who lost his son Mohammad, 16, and holds a master's degree in psychology, commented:

You can't really assess the psychological impacts at this stage. Now, all young residents of Beita are putting their energy and

287 Al-Haq Affidavit 138/2021, given by Bashir Ahmad Snobar, 56, resident of Yitma, on 18 August 2021.

288 Al-Haq Affidavit 19A/2022, given by Daa Talib Yamak, 21, resident of Beita, on 5 February 2022.

289 *Ibid.*

*emotions in the protests at the mountain. When this stage ends, the psychological impacts will appear. Many people have lost family members and their source of livelihood. This could lead to poverty. The level of violence and suppression residents of Beita have witnessed could potentially lead to violence, crime, social problems, divorce, and/or withdrawal from schools. What Beita has witnessed since May 2021 could lead to devastating impacts. This should be prevented by providing protection, shedding light on the case of Beita, and assessing the mass level of suppression.*²⁹⁰

290 Interview with Saed Mohammad Hamayel, 49, resident of Beita, on 25 February 2022, on file with Al-Haq

6 Legal Analysis

6.1 The Right to Resist Colonisation

Israeli systematic and illegal policy of suppression of Palestinian resistance should be understood within the broader context of its settler-colonial apartheid regime, in order to address the legal framework of Palestinian resistance.²⁹¹ Settler-colonial projects are distinguished by their goal of eliminating and erasing the indigenous people to exercise sovereignty over their colonised land. As explained by Patrick Wolfe, settler-colonialism involves the “elimination of the native”, both physically and structurally, through continued attempts at forcible removal from the land and denial of sovereignty.²⁹² Fiona Bateman and Lionel Pilkington further opine, “[i]t is misleading to refer to settler colonialism in the past tense... [its] effects are permanent, and the process is still current”.²⁹³

When the Zionist settler-colonial movement was officially inaugurated in 1897 at the First Zionist Congress at Basel, its announced strategy purported, “to create for the Jewish people a home in Palestine”.²⁹⁴ The Congress called for the creation of a proto state apparatus, and collusion with colonial powers, “to produce political conditions that would permit, facilitate, and protect large-scale colonisation”,²⁹⁵ as well as to fulfil the prerequisites for establishing a state: a permanent population, a defined territory, and a government and capacity to enter into international relations.²⁹⁶

At the start of the *Nakba* in 1948, Zionist settler-colonial plans to transfer and dispossess the Palestinian people culminated in the destruction of 531

291 Amaya al-Orzza and Rachel Hallowell, ‘Suppression of Resistance’ (BADIL, December 2016) 11.

292 Patrick Wolfe, *Settler Colonialism and the Transformation of Anthropology* (Cassell, 1999) 1.

293 Fiona Bateman and Lionel Pilkington (eds), *Studies in Settler Colonialism: Politics, Identity and Culture* (Palgrave Macmillan, 2011) 2.

294 Fayez Sayegh, ‘Zionist Colonialism in Palestine (1965)’ 2 *Settler Colonial Studies*, 206, 208.

295 *Ibid*, 210.

296 Montevideo Convention on the Rights and Duties of States (adopted 26 December 1933, entry into force 26 December 1934) 165 LNTS 20, Article 1.

Palestinian villages, expelling their population, rendering 80 percent of the Palestinian people refugees and internally displaced persons, within their own country.²⁹⁷ The newly recognised State of Israel entrenched into its laws, policies and practices, the Zionist ideology of transferring and replacing the indigenous Palestinian people, including by denying the majority of the Palestinian people it displaced their right to return.²⁹⁸ In 1967, Israel occupied the West Bank, including East Jerusalem, and the Gaza Strip, furthering the fragmentation of the Palestinian people geographically, socially and politically; while also effectively dominating them and suppressing their resistance, ultimately denying their right to self-determination.

Having outlined the context of settler colonialism in Palestine, one can now address the Palestinian people's right to resist. The legitimacy of resistance by all means, of people under colonial domination in pursuit of their right to self-determination and liberation, is enshrined in international law. The Palestinian people's right to self-determination has been recognised since the adoption of the Covenant of the League of Nations.²⁹⁹ However, Zionist-British collusion obstructed the realisation of the inalienable right to self-determination of the Palestinian people.³⁰⁰ By 1945, the principle of self-determination to non-self-governing nations was enshrined as a principle of international law, in the UN Charter.³⁰¹

297 Ilan Pappé, *The Ethnic Cleansing of Palestine* (Oneworld, 2007) xiii.

298 Susan Power, 'The Legal Architecture of Apartheid' (AARDI, 14 April 2021) <<https://www.alhaq.org/advocacy/18181.html>>.

299 Covenant of the League of Nations (adopted 28 April 1919), Article 22; Victor Kattan, *From Coexistence to Conquest* (Pluto Press, 2009) 121 and 138.

300 Palestine was placed under British occupation from 1917 until 1923, during which Britain did not enjoy full sovereign rights over Palestine under international humanitarian law. From 1923, Britain, as the Mandatory, was obligated to respect the right of self-determination of the Palestinian people. See, Victor Kattan, *From Coexistence to Conquest* (Pluto Press, 2009) 81-83; John Quigley, 'Palestine's Declaration of Independence: Self-determination and the Right of the Palestinians to Statehood' (1989) 7 *Boston University International Law Journal* 5; Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) notwithstanding UNSC Resolution 276 [1970] (Advisory Opinion) ICJ. Rep 16 [45] - [52].

301 Charter of the United Nations (adopted 26 June 1945, entered into force 24 October 1945) 1 UNTS XVI, (hereinafter 'UN Charter'), Article 1(2). The UN Special Committee on Palestine acknowledged that the right of the Palestinian people to self-determination and independence was violated during British mandate time not because the Palestinian people lacked such title but "because of the intention to make possible the creation of the Jewish National Home." UNSCOP, 'Report to the General Assembly,' (3 September 1947) UN Doc A/364, para 176.

The right to self-determination has been further developed since the end of World War II. Common Article 1 of the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted in 1966, provides that “all peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development”.³⁰²

National liberation and decolonising movements helped to shape customary and treaty law regarding self-determination and the sovereignty of colonised peoples. In 1960, the UN General Assembly (UNGA) adopted Resolution 1514, which established self-determination as a customary norm requiring that “immediate steps” be taken to bring non-self-governing peoples in those territories to “complete independence and freedom”.³⁰³ By 1967, when colonialism had well and truly become delegitimised, and the principle of self-determination had crystallised as a customary norm guaranteeing steps towards independence and self-rule,³⁰⁴ Israel expanded its colonisation and occupied the West Bank and the Gaza Strip.

Later, in 1973, the UNGA passed a resolution, addressing the:

1. the inalienable right of all people under colonial and foreign domination and alien subjugation and in particular ... the Palestinian people to freedom, self-determination, and independence; and
2. the legality of the peoples’ struggle for self-determination and liberation from colonial and foreign domination and alien subjugation... in particular that of the Palestinian people, by all

302 International Covenant on Civil and Political Rights (adopted 16 December 1966, entry into force 23 March 1976) 999 UNTS 171 (hereinafter ‘ICCPR’), Article 1; International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entry into force 3 January 1976) 993 UNTS 3 (hereinafter ‘ICESCR’), Article 1.

303 UNGA, ‘Declaration on the Granting of Independence to Colonial Countries and Peoples’ (adopted on 14 December 1960).

304 Legal Consequences of The Separation of the Chagos Archipelago from Mauritius on 1965 (Advisory Opinion) [2019] ICJ Rep 169 [160].

available means consistent with the Charter of the UN.³⁰⁵

International humanitarian law further provides peoples' right to resist against colonial domination and alien occupation and against racist regimes in pursuit of their right of self-determination.³⁰⁶ International discourse often associates the term resistance with the binary of violent/nonviolent acts. This binary does not fit into the Palestinian context, as it fails to understand the broader struggle of people under colonial and foreign domination, and their right to self-determination and liberation by all means. Naturally, the longer a colonial power exists, the more likely that the colonised people would revolt in the pursuit of their self-determination, and in turn the colonial power would impose stricter measures to control and dominate them. Failing to understand this consequential relation in Palestine, as explained by Palestinian scholar Noura Erakat, "risks creating a new body of law intended to protect a power's colonial holdings as it gives the impression that Israel is using force to defend itself when, in fact, it is using force to squash Palestinian claims and militarily resolve the dispute over its control".³⁰⁷

Palestinians distinguish between their resistance as armed resistance and popular resistance,³⁰⁸ the latter of which does not include the use of arms.³⁰⁹ This distinction helps in understanding the act of stone

305 UNGA, 'Res 3070 (XXVIII)' (30 November 1973) UN Doc A/RES/3070 (XXVIII), operative paras. 1-2. Similarly, other UNGA resolutions reaffirm the right of people under colonial domination, including the Palestinian people, to resist by all means, including UNGA, 'Res 3246 (XXIX)' (29 November 1974) UN Doc A/RES/3246(XXIX); UNGA, 'Res 33/24' (29 November 1978) UN Doc A/RES/33/24; UNGA, 'Res 34/44' (23 November 1979) UN Doc A/RES/34/44; UNGA, 'Res 35/35' (14 November 1980) UN Doc A/RES/35/35; and UNGA, 'Res 36/9' (28 October 1981) UN Doc A/RES/36/9.

306 Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) (adopted 8 June 1977, entry into force 7 December 1978) 1125 UNTS 3 (hereinafter 'Additional Protocol I'), Article 1(4).

307 Noura Erakat 'If Israeli Tactics in Gaza Are Legal, No One is Safe: Response to Michael N. Schmitt and John J. Merriam' (Jadaliyya, 18 June 2015) <<https://www.jadaliyya.com/Details/32206>>.

308 Ibrahim Shikaki, 'What is the 'Right' Type of Resistance?' (AlJazeera, 6 July 2011) <<https://www.aljazeera.com/opinions/2011/7/6/what-is-the-right-type-of-resistance/>>; Dana El Kurd, 'Key Messages from the Oppressed' (Arab Center Washington DC, 6 April 2022) <<https://arabcenterdc.org/resource/key-messages-from-the-oppressed/>>.

309 Ala Alazzeh, 'Non-Violent Popular Resistance in the West Bank' (NOVACT, February 2011) <<https://novact.org/wp-content/uploads/2013/10/Non-violent-popular-resistance-in-the-West-Bank-the-case-of-popular-struggle-committees-final-July-21-2012.pdf>>.

throwing, for example, as a symbolic act of popular resistance against fully armed and equipped soldiers, and armed resistance as a legitimate form of resistance under colonisation. The latter fulfils the legal status of a person entitled to directly participate in hostilities during an armed conflict. Such acts should be addressed accordingly under the relevant international humanitarian law framework. Even if individual acts of struggle breach provisions of international humanitarian law *in bello*, never should the Israeli colonial power or the international community categorise the collective resistance of the Palestinian people in pursuit of their inalienable *jus cogens* right to self-determination as ‘terrorism’, and justify its policy of suppression accordingly.³¹⁰

The international reaction to the war on Ukraine highlights the ability of the international community to intervene with sanctions to bring the illegal situation to an end, and the acts of the attacked population against an illegal aggressor, not forced into an invalid violence/non-violence binary.³¹¹

310 Amaya al-Orzza and Rachel Hallowell, ‘Suppression of Resistance’ (BADIL, December 2016) 13.

311 Yumna Patel, ‘Palestinians on Ukraine Double Standard: ‘Their Resistance is Legalized, Ours is Not’ (Mondoweiss, 21 March 2022) <<https://mondoweiss.net/2022/03/palestinians-on-ukraine-double-standard-their-resistance-is-legalized-ours-is-not/>>.

6.2 Israel's Apartheid Regime

A settler-colonial state is, typically, a racial state.³¹² Israel, being no exception, has, since 1948, established an institutionalised regime of systematic racial domination and oppression over the Palestinian people as a whole, amounting to the crime of apartheid.³¹³ The Apartheid Convention of 1973 defines the crime of apartheid as “inhuman acts committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them”.³¹⁴ Additionally, apartheid constitutes a crime against humanity when committed as a widespread and systematic attack against the civilian population, as per Article 7(1)(j) of the Rome Statute.³¹⁵

Israel has consolidated its apartheid regime by entrenching fragmentation, through the arbitrary denial of the Palestinian refugees their right to return, the restrictions on freedom of movement and residence, and the blockade of the Gaza Strip. This has then been coupled with a toolkit of discriminatory laws and policies particularly in the domains of land and citizenship, legalising crimes committed before the establishment of the settler-colonial State of Israel, and furthering displacement and dispossession of the Palestinian people and their lands and properties.³¹⁶

In order to maintain its apartheid regime, one of Israel's fundamental tools is its institutionalised effort to suppress and silence Palestinians' resistance and opposition. This is orchestrated through, *inter alia*, excessive use of force, arbitrary detention, torture and other ill-treatment, widespread measures of collective punishment, as well as smear and delegitimisation campaigns

312 John Reynolds, 'Anti-Colonial Legalities: Paradigms, Tactics and Strategy' (2015) 18 *Palestine Yearbook of International Law* 8, 19.

313 Al-Haq, and others, 'Joint Parallel Report to the United Nations Committee on the Elimination of Racial Discrimination on Israel's Seventeenth to Nineteenth Periodic Reports' (10 November 2019).

314 International Convention on the Suppression and Punishment of the Crime of Apartheid (adopted 30 November 1973, entry into force 18 July 1976) 1015 UNTS 243 (hereinafter 'Apartheid Convention'), Article II.

315 Rome Statute, Article 7(1)(j).

316 Al-Haq, and others, 'Joint Parallel Report to the United Nations Committee on the Elimination of Racial Discrimination on Israel's Seventeenth to Nineteenth Periodic Reports' (10 November 2019).

against groups and human rights defenders.³¹⁷ In particular, these policies and practices, which are evident in the case of Beita, fall under Article II of the Apartheid Convention, which considers the following as inhuman acts committed to maintain an apartheid regime:

- Denying a racial group of the right to life and liberty of person by murder, arbitrary arrest and illegal imprisonment;
- The infliction of serious bodily or mental harm, by the infringement of their freedom or dignity, or by subjecting them to torture or to cruel, inhuman or degrading treatment or punishment;
- Legislative measures and other measures calculated to prevent a racial group from participation in the political life by denying the right to freedom of opinion and expression, and the right to freedom of peaceful assembly and association;
- The persecution of organisations and persons, by depriving them of fundamental rights and freedoms, because they oppose apartheid.³¹⁸

317 *Ibid.*

318 Apartheid Convention, Article II.

6.3 Violations of International Humanitarian Law

The occupation of the West Bank, including East Jerusalem, and the Gaza Strip, is a continuation of the overarching settler-colonial and apartheid regime, which aims to secure Israeli-Jewish monopoly over all historic Palestine with the minimum Palestinian presence. An Occupying Power's core obligations are: to protect the occupied population, to administer the occupied territory in a manner designed to ensure the restoration of a state of sovereignty (the *status quo ante bellum* principle), and "to prevent the territory becoming a fruit of conquest".³¹⁹ In fact, "the need to recognize the regime of belligerent occupation, and to develop its legal framework, derived from the emerging prohibition on the unilateral annexation of foreign territory through the use of force".³²⁰ The underlying reason behind this prohibition is to prevent colonisation and "the gradual establishment of 'facts on the ground', that may eventually result in a *de facto* annexation".³²¹

As seen in the case study of Beita, ongoing attempts of colonisation are persistent, as Israel's colonial settlement enterprise is expanding with an infrastructure of bypass roads and checkpoints, severely restricting the movement of Palestinians, and hindering their control of their land and natural resources. In doing so, Israel effectively obstructs the Palestinian people's realisation of their right to self-determination and permanent sovereignty over their natural resources.

Since 1967, the Israeli occupying authorities have exploited and controlled natural resources in the OPT, including water and the extractive industries,³²² and have integrated the water system of the OPT into the Israeli system.³²³ Since 1982, Israel's national water company, Mekorot, held control over Palestinian water infrastructure in the West Bank, making it the largest single supplier for Palestinian communities in the West Bank and forcing Palestinians

319 UNGA, 'Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967' (23 October 2017) UN Doc A/72/43106, para 22.

320 Eyal Benvenisti, 'Occupation, Belligerent', Max Planck Encyclopedias of International Law (2009) para 1.

321 Nils Melzer, *International Humanitarian Law: A Comprehensive Introduction* (International Committee of the Red Cross 2019) 243.

322 Suha Jarrar, 'Adaptation Under Occupation: Climate Change Vulnerability in the Occupied Palestinian Territory' (Al-Haq, 2019)

323 Al-Haq, 'Corporate Liability: The Right to Water and the War Crime of Pillage' (December 2022) <<https://www.alhaq.org/publications/20995.html>>.

to rely on the company to meet their annual water needs.³²⁴

As seen in the case of Beita, the village suffers serious water shortages, specifically during the summer. Shadi Omar Salim, 41, a plumber and former water maintenance officer at Beita Municipality, was indiscriminately killed by the IOF on 27 July 2021, as he was trying to raise the water level at a Mekorot well, at the entrance of Beita. In his last moments, Shadi was trying to circumvent Israel's exploitation and control of Palestinian natural resources, and the discriminatory policy of water allocation by Mekorot to illegal settlers in the OPT – who consume between three to eight times more water than the entire Palestinian population of the West Bank.³²⁵

Israel's colonial settlement enterprise has entrenched *de facto* annexation, in violation of the international principle prohibiting the acquisition of territory by force.³²⁶ This has in turn violates core principles under international humanitarian law, such as the grave breaches of the Fourth Geneva Convention and the war crime of transferring the Occupying Power's own civilians into the occupied territory under international criminal law,³²⁷ with around 300 colonial settlements in the West Bank, including in occupied Jerusalem, with more than 680,000 settlers.³²⁸

Even though Israel's domestic law does not recognise the legality of the establishment of colonial outposts, initiated by settlers, the Israeli occupying authorities have, nonetheless, facilitated the construction of colonial outposts such as the Evyatar colonial outpost. They have done so by allowing its construction, connecting it to water and electricity infrastructure and conducting an agreement with illegal settlers with the intention of legalising the outpost.³²⁹ Additionally, the IOF have been punishing and suppressing protected persons in Beita, for refusing, and resisting the unlawful appropriation of their land and violence, and threats of violence, by settlers. The transfer of the Occupying Powers' civilian population, whether forcibly or

324 *Ibid.*

325 Amnesty International, 'The Occupation of Water' (29 November 2017); Al-Haq, 'Facts on the Ground' (11 October 2016) 11.

326 UN Charter, Article 2(4); UNGA, 'Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States' (24 October 1970) UN Doc A/RES/2625.

327 Fourth Geneva Convention, Article 147; Rome Statute, Article 8.

328 OHCHR, 'Occupied Palestinian Territory: Israeli Settlements Should be Classified as War Crimes, says UN Expert' (9 July 2021) <<https://bit.ly/3Wlv3HG>>.

329 JIAC, 'Petition for the Cancellation of Evyatar Deal' <<https://bit.ly/3Gh8ZZ3>>.

‘individually and voluntarily’, is unlawful.³³⁰

The settlers’ initiation of construction of colonial outposts and their violence against Palestinians are a direct result of Israel’s occupation and its colonial settlement enterprise. Settler violence entails serious violations of Israel’s obligations under international humanitarian law, including its obligations to ensure the well-being and safety of the protected population, to ensure that they are not mistreated by either the Occupying Power’s authorities or by private actors,³³¹ as well as to protect them from violence and threats of violence.³³² Israel’s obligation in this regard is a positive obligation in terms of taking all the precautions to prevent possible infringement on the protected persons’ fundamental rights and ensuring they are protected from all acts of violence or threats thereof. Instead, the Israeli occupying authorities support settler violence, as the IOF stand passively by during such attacks or participate in the attacks. Additionally, they fail to investigate, prosecute, or enforce the law with regards settler violence, thereby perpetuating an environment in which these attacks thrive with impunity.³³³ The scale and frequency of settler violence has created a coercive environment in which Palestinians are forced to endure the threat of forthcoming forcible transfer, and in which the Israeli occupying authorities have failed to provide an adequate response. Forcible transfer is a grave breach of the Fourth Geneva Convention and is also a war crime.³³⁴

The mass collective punishment measures on Beita undertaken in the aftermath of the 1988 incident and following protests against Evyatar since May 2021, are clearly illegal by virtue of their indiscriminate nature. Collective

330 Al-Haq, ‘Joint Submission to the United Nations Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied Since 1967, Mr Michael Lynk, on the Legal Status of the Israeli Colonial Settlements in the Occupied Palestinian Territory Under the Rome Statute of the International Criminal Court’ (30 April 2021) para 12.

331 JS Pictet, *Commentary on the Geneva Conventions of August 12 1949* (ICRC, Geneva, 1958), 274-283; Hague Regulations, Article 43.

332 Fourth Geneva Convention, Article 27.

333 Valentina Azarov, ‘Institutionalized Impunity: Israel’s Failure to Combat Settler Violence in the Occupied Palestinian Territory’ (Al-Haq, 2013) <https://www.alhaq.org/cached_uploads/download/alhaq_files/publications/institutionalised-impunity.pdf>.

334 Rome Statute, Article 8; Fourth Geneva Convention, Articles 49 and 147.

punishment of the civilian population is absolutely prohibited under Article 50 of the Hague Regulations and Article 33 of the Fourth Geneva Convention.³³⁵ Israel's actions in 1988 on Beita residents, highlighted Israel's imposition of punitive measures against the entire population of the village, on the basis of mere allegations that someone from the village could be involved in the killing of a settler. Statements issued by Israeli officials further indicate that these measures were used as a form of punishment.³³⁶ Israel never compensated those affected by its collective punishment measures, even after it was revealed that the settler had been killed by another settler. Instead, Israel further continues to deny entry of two of the six deported following the 1988 incident, in violation of the absolute prohibition of the deportation of civilians.³³⁷ The punitive house demolitions of 14 houses in Beita in 1988 also amounts to illegal collective punishment.³³⁸ Destroying property "not justified by military necessity and carried out unlawfully and wantonly" is also a grave breach of the Fourth Geneva Convention, and a war crime.³³⁹

In the aftermath of the popular resistance against the Evyatar colonial outpost, Israel had further imposed collective punishment measures on the village, including mass arrests, withholding the body of Shadi Omar Salim, 41, and imposing closures. The policy of withholding bodies not only is a form of collective punishment, but it also violates various provisions under customary and humanitarian law, including the obligation to respect the dead, which "must be disposed of in a respectful manner", and the obligation to return the remains of the dead, to their families.³⁴⁰

Another integral obligation of an Occupying Power is to act as a trustee in governing the occupied territory in the best interest of the occupied people,

335 Hague Regulations, Article 50; Fourth Geneva Convention, Article 33; Additional Protocol I, Article 75(2)(d).

336 Al-Haq, 'Punishing a Nation' (1988) 113.

337 Fourth Geneva Convention, Article 49.

338 Shane Darcy, 'Israel's Punitive House Demolition Policy Collective Punishment in Violation of International Law' (Al-Haq, 2003).

339 Fourth Geneva Convention, Article 147; Rome Statute, Article 8, (2)(a)(iv).

340 Customary IHL, Rule 115; Fourth Geneva Convention, Articles 33(1) and 139; Additional Protocol I, Article 32.

except when there are legitimate security requirements.³⁴¹ The Occupying Power cannot elevate its security needs over the basic principles of international humanitarian law protecting the occupied civilian population, as the evolution of international humanitarian law, was intended to afford protection for civilians, while curbing the interests of the Occupying Power and its military necessity.³⁴²

Since the start of its occupation in 1967, which continues to operate as an indefinite occupation, Israel has systematically exploited 'security' pretexts to dominate the Palestinian people and expand its colonisation. Israel's military rule, since its establishment, has been a distinctive tool of domination against the Palestinian people. While Israel, as an Occupying Power, should not change existing laws in the occupied territory, unless absolutely necessary and for the best interest of the occupied population,³⁴³ the Israeli occupying authorities have since issued over 1800 military orders, that criminalise all forms of political expression, association, movement, and any act that might be considered opposing the occupation, according to the Israeli occupying authorities.³⁴⁴

For example, Military Order 101, issued in the immediate aftermath of Israel's occupation of the West Bank, including East Jerusalem, and the Gaza Strip, in 1967, and amended several times since then, criminalises Palestinian protests, and forbids any individual from printing or publicising documents which may be considered to have "a political significance", according to the occupying authorities. This effectively censors Palestinians and confers significant powers to the occupying authorities to imprison protesters and activists, for periods of up to ten years.³⁴⁵ In doing so, Israel's military rule,

341 UNGA, 'Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967' (23 October 2017) UN Doc A/72/43106, 34.

342 JS Pictet, *Commentary on the Geneva Conventions of August 12 1949* (ICRC, Geneva, 1958), 614.

343 Hague Regulations, Article 43.

344 Addameer, 'The Israeli Military Judicial System as a Tool of Oppression and Control: a Review of Military Order No. 1827' (28 May 2020) <https://www.addameer.org/sites/default/files/publications/the_israeli_military_judicial_system_as_a_tool_of_oppression_and_control_a_review_of_military_order_no._1827.pdf>.

345 Addameer, 'Israeli Military Orders Relevant to the Arrest, Detention and Prosecution of Palestinians' (July 2017) <http://www.addameer.org/israeli_military_judicial_system/military_orders>; Raja Shehadeh, *Occupier's Law: Israel and the West Bank* (Institute for Palestine Studies, 1990) 3.

including its military commander, systematically denies Palestinians' civil and political rights, including the right to self-determination, arguing that civilian Palestinian activists pose a supposed 'threat to the state's security'.³⁴⁶ Even if the Israeli occupying authorities were to claim that security interests exist for the sake of argument, the Occupying Power should never deprive the protected population of the protection it is obliged to afford them.³⁴⁷ This ultimately compromises their fundamental rights,³⁴⁸ especially the rights to life and physical integrity, amounting to collective punishment, and indiscriminate and disproportionate measures.³⁴⁹

The IOF's systematic restoration to excessive use of force and lethal force against protesters who do not pose any threat to fully armed and militarised Israeli occupying soldiers, infringe basic law enforcement principles, and the inviolability of the right to life under Article 6 of the ICCPR. Furthermore, prohibited bullets, such as 'dumdum' bullets, were used against unarmed protesters in Beita. These bullets, which are designed to expand upon impact and maximize damage to the targeted individual, are expressly prohibited under international humanitarian and customary law, for causing superfluous injury and unnecessary suffering, and may lead to loss of life.³⁵⁰

Moreover, the IOF arrested protesters on spurious charges violating their right to a fair trial, and administratively detained protesters without trial, based on 'secret information'. This breaches the Occupying Power's obligation to not detain protected persons unless "for imperative reasons of security",³⁵¹ which further amounts to a war crime under the Rome Statute, of denying protected persons of their rights of fair and regular trial.³⁵² Furthermore, the actions of the IOF with respect to house raids are in direct contradiction of the obligation of an Occupying Power with respect to protected persons, especially family

346 Addameer, 'Israeli Military Orders Relevant to the Arrest, Detention and Prosecution of Palestinians' (July 2017) <http://www.addameer.org/israeli_military_judicial_system/military_orders>.

347 Fourth Geneva Convention, Article 47.

348 JS Pictet, *Commentary on the Geneva Conventions of August 12 1949* (ICRC, Geneva, 1958), 207

349 Amaya al-Orzza and Rachel Hallowell, 'Suppression of Resistance' (BADIL, December 2016) 16.

350 Declaration (IV,3) concerning Expanding Bullets. The Hague, 29 July 1899.

351 Fourth Geneva Convention, Article 78.

352 Rome Statute, Article 8(2)(a)(vi).



*Tear gas fired at a Palestinian paramedic and protesters at Jabal Sbeih
Wahaj Bani Moufleh © 25 June 2021*

rights.³⁵³ Denial of free movement in Beita, including the curfew imposed on the village in April 1988 and the freedom of movement restrictions since May 2021, violate the fundamental rights to freedom of movement and the right to personal liberty.³⁵⁴ The inhumane and degrading character of violent house raids, arbitrary arrests, incidents of physical and psychological abuse, including the beating of protesters, meet the threshold of prohibited “measures of brutality”³⁵⁵ and “measures of intimidation or terrorism”.³⁵⁶

Further, the impact of the measures causing assaults on the dignity of the residents of Beita, physical injury and moral suffering of the entire village, is likely to reach the threshold of “inhuman treatment”, a grave breach of the Geneva Conventions.³⁵⁷ This is evident in specific cases highlighted in the report,

³⁵³ Fourth Geneva Convention, Article 27.

³⁵⁴ ICCPR, Article 12(1).

³⁵⁵ Fourth Geneva Convention, Article 32.

³⁵⁶ *Ibid*, Article 33(1).

³⁵⁷ *Ibid*, Article 147.

such as the case of Al-Khabisa family, consisting of six members, one of whom was killed arbitrarily, the other administratively detained with no charges and another who fell and was injured during confrontations at Jabal Sbeih.

The Israeli policies and practices, implemented and carried out in Beita, including wilful killings, wilfully causing great suffering or serious injury to body or health, wilfully depriving a protected person of the rights of fair and regular trial, and other forms of inhuman treatment are grave breaches of the Fourth Geneva Convention.³⁵⁸ Whereas deportations, such as the deportation of the six Beita residents, amount to the unlawful deportation of protected persons, a war crime,³⁵⁹ giving rise to individual criminal responsibility of the Israeli occupying soldiers and commanders responsible for the planning, organisation and execution of such acts.

Overall, Beita exemplifies how Israel's occupation has crossed the threshold of legality, as it has been since 1967 systematically violating its fundamental obligations as an Occupying Power vis-à-vis the protected Palestinian persons by: claiming sovereign rights over the occupied territory; establishing an indefinite occupation; violating the right of the Palestinian people to self-determination; and acting in violation to the trust principle to serve the best interests of the occupied population and the principle of good faith.³⁶⁰ Thus, while occupation is a matter of fact, when an occupation power violates the fundamental principles of the occupation law framework and its fundamental obligations as an Occupying Power, its occupation is deemed illegal *per se*.³⁶¹

358 *Ibid*, Article 147.

359 Rome Statute, Article 8(2)(a).

360 Orna Ben-Naftali and others, 'Illegal Occupation: Framing the Occupied Palestinian Territory' (2005) 23 *Berkeley J Int'l L* 551; UNGA, 'Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967' (23 October 2017) UN Doc A/72/43106.

361 *Ibid*.

6.4 Violations of International Human Rights Law

Popular resistance in Beita, organised by grassroots community activists, cannot be considered as hostilities against combatants. Thus, the Occupying Power is obliged to exercise its policing functions against protests through a law enforcement paradigm subject to international human rights standards applicable to civilian police operations.³⁶² This means that international human rights law, rather than international humanitarian law, is the primary legal framework, regulating the use of force under the principles of necessity and proportionality, even though the Palestinian territory remains under occupation.

6.4.1 Right to Life

The right to life is enshrined in various international human rights law treaties and customary law. Article 6 of the ICCPR states that no one shall be arbitrarily deprived of his life.³⁶³ As the protests in Beita constitute popular resistance, the situation does not amount to active hostilities for the purposes of applying the law of armed conflict. Rather, the legal framework is one of policing and law enforcement operations, which falls for consideration under the international human rights framework. As such, no one shall be arbitrarily deprived of their right to life, and only in the limited situations of where there is risk to the life of the soldier or another, can armed force be employed – and then, only where it is necessary and proportionate.

The documented cases of excessive use of force in Beita since May 2021, resulted in the killing of ten Palestinians, and the injury of thousands, all of whom were unarmed. The killed and injured were shot from short ranges with live ammunition, and posed no real or imminent threat to the lives of the Israeli occupying soldiers. In some cases, those targeted, injured or killed were not engaging in any confrontations or were facing away from, or running away from, the IOF. This all presents strong evidence that the IOF's arbitrary, systematic and excessive use of force is unnecessary and

362 Natalie Tabar and Lauren Bari, 'Repression of Non-violent Protest in the Occupied Palestinian Territory' (Al-Haq, 2011) 26.

363 ICCPR, Article 6.

disproportionate and results in violations of the right to life, and physical integrity of Palestinians. Notably, Israeli deployment of excessive force against Palestinians is documented throughout all Palestinian cities, towns and villages.

6.4.2 Right to Be Free from Cruel, Inhuman or Degrading Treatment

Israel is obliged to ensure that all persons under its jurisdiction are free from cruel, inhuman or degrading treatment or punishment.³⁶⁴ Further, Israel, the Occupying Power has an obligation to ensure its state agents, including the IOF, refrain from such treatment at all times and to fulfil positive duties of precaution and prevention.³⁶⁵ Inhuman treatment or punishment includes the infliction of intensive mental and/or physical suffering on persons arising from unlawful punishment.³⁶⁶ In Beita, the excessive use of force against protesters, violent raids of homes for the apparent purpose of intimidation, unlawful interrogation and detention measures, beatings of protesters, and closures, which happened in a context of collective punishment, may additionally constitute inhuman treatment.

Furthermore, from the moment of their arrest, Palestinian detainees are subjected to physical or psychological cruel, inhuman or degrading treatment. Beita detainees reported having their homes violently raided at dawn hours, including by exploding doors, their property searched and confiscated, and being blindfolded and handcuffed as they were transferred to interrogation centres, without being informed of the reason of their arrest. During the interrogation period, they reported being subjected to sleep deprivation, continuous and lengthy interrogation sessions, verbal abuse and humiliation, prevention of their right to access to lawyers, and deprivation of the right to basic hygiene products and changing clothes, all of which violate the right to be free from cruel, inhuman or degrading treatment.

364 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (adopted 10 December 1984, entry into force 26 June 1987) 1465 UNTS 85 (hereinafter 'CAT'), Article 2; ICCPR, Article 7.

365 ICCPR, Article 7; CAT, Article 16(1).

366 Al-Haq, 'Collective Punishment in 'Awarta: Israel's Response to the Killing in Itamar Settlement' (22 April 2011) 13.

6.4.3 Right to Protest

The right to protest can be intrinsically derived from the aggregation of several fundamental civil and political rights as enshrined in the ICCPR, which are the rights to freedom of thought, to hold opinions and of expression, as well as the rights of peaceful assembly, and freedom of association.³⁶⁷ Restrictions on the right to freedom of peaceful assembly should always abide by the principles of proportionality and necessity.³⁶⁸ As a widespread and ongoing policy, Israel's suppression of Palestinian protests under military order fails to abide by the principles of proportionality and necessity, as it systematically stifle expression of political opposition.³⁶⁹

6.4.4 Right to Liberty and Security of the Person and Privacy of the Home

Article 9(1) of ICCPR imposes an obligation on Israel to respect and protect the right to liberty and security of the Palestinian people, prohibiting the execution of arbitrary arrests.³⁷⁰ Palestinians are further entitled to the right to be informed, at the time of arrest, of the reasons for their arrest, and to be promptly informed of any charges against them.³⁷¹ Israel is also obliged to treat all persons deprived of their liberty with humanity and with respect for their inherent dignity,³⁷² and afford them their right to due process and a fair procedure.³⁷³ In addition, Israel is obliged to respect and protect Palestinians from arbitrary or unlawful interference with their privacy, family, and home.³⁷⁴

367 ICCPR, Articles 17, 19, 21, and 22.

368 Human Rights Committee, 'General Comment No. 37 (2020) on Article 21, the Right of Peaceful Assembly' (17 September 2020) UN Doc CCPR/C/GC/37, para 40.

369 *Ibid*, para 55.

370 ICCPR, Article 9(1).

371 *Ibid*, Article 9(2).

372 *Ibid*, Article 10(1).

373 *Ibid*, Articles 9 and 14.

374 *Ibid*, Article 17(1).

While states are obliged to uphold a legal basis for every arrest,³⁷⁵ Israeli laws and military orders have been designed to dominate Palestinians, criminalising any political act opposing its occupation, including by imposing sentences of up to 20 years for stone throwing, an integral form of popular resistance by Palestinians, as seen in the case of Beita.³⁷⁶ Many of the Palestinians arrested in the context of their participation in protests at Jabal Sbeih have been charged and sentenced with throwing stones.

Furthermore, the 1988 arbitrary arrests, and the house raids, arbitrary arrests and administrative detention, since May 2021, amount to punishment of the residents for their popular resistance. Many residents were detained without charge or trial based on 'secret information', in violation of their right to basic due process, amounting to an arbitrary deprivation of liberty, and interference with their privacy, family, and home.

6.4.5 Right to Freedom of Movement

Article 12(1) of ICCPR obliges Israel to guarantee the right of the Palestinian people to freedom of movement.³⁷⁷ Beita residents' right to freedom of movement is severely obstructed by Israel's colonial settlement enterprise, including several settlements in proximity to the village, the nearby checkpoints of Huwwara and Za'tara, and the under construction Huwwara Bypass Road – all of which have been illegally established to entrench colonisation.

The right to freedom of movement can only be restricted in the most exceptional circumstances. Any restrictions on movement must conform to the principles of proportionality and necessity, and should not be taken if

375 Al-Haq, 'Collective Punishment in 'Awarta: Israel's Response to the Killing in Itamar Settlement' (22 April 2011) 14.

376 Under Military Order 1651 of 2009, throwing stones is considered a "security offence", and its punishment is up to 20 years of imprisonment. Addameer, 'Military Courts in The Occupied Palestinian Territory' (23 October 2018) <<https://www.addameer.org/publications/military-courts-occupied-palestinian-territory>>; DCI-P, 'East Jerusalem Teens Hit with Harsh Sentences for Throwing Stones' (20 July 2016) <https://www.dci-palestine.org/east_jerusalem_teens_hit_with_harsh_sentences_for_throwing_stones>.

377 ICCPR, Article 12(1).

not appropriate to achieve their protective function.³⁷⁸ The restriction on the freedom of movement of the entire village of Beita through the imposition of a curfew for more than three weeks in April 1988, and the closures of entrances and exits of Beita since May 2021, after popular resistance against the Evyatar colonial outpost, cannot be justified as proportionate or necessary – its only function is to collectively punish the entire population of the village.

6.4.6 Right to Health

Israel is obliged to achieve the full realisation of the highest attainable standard of physical and mental health of the civilian population in the OPT in accordance with its obligations under Article 2(1) of ICESCR.³⁷⁹ Residents of Beita have been suffering violations of their right to physical and mental health as the IOF endangers their safety and wellbeing through its excessive use of force and collective punishment measures, resulting in killings, disabilities, serious injuries, shock, depression, loss of hope for a dignified future, loss of source livelihood, the destruction of the Palestinian family, and the unity of the residents of Beita, as well as the razing of land in the vicinity of Jabal Sbeih, to delay accessibility to emergency health care vehicles.

378 UN Human Rights Committee, 'General Comment No. 27 (1999) on Article 12, Freedom of Movement' (2 November 1999) UN Doc. CCPR/C/21/Rev.1/Add.9, para 14.

379 ICESCR, Article 2(1).

7

Conclusion and Recommendations

The Palestinian steadfast popular resistance in Beita, since May 2021, aimed at ending Israel's settler-colonial regime and protecting and preserving lands from further colonisation is deeply embedded in a legacy of popular resistance, throughout a century of confrontations against Zionist settler-colonialism. The popular resistance in Beita has been violently suppressed by the IOF, subjecting the village to uncounted human rights violations and war crimes, and layers of adverse health, socio-economic, and psychological impacts that continue to unfold. As 'the Guards of the Mountain' remain steadfast against Israeli oppression, they reinforce popular resistance, as a model to advance the Palestinian people's inalienable right to self-determination.

In light of the above, Al-Haq stresses that Israel has an obligation to:

- Dismantle its settler-colonial and apartheid regime, bring to a complete end its illegal occupation since 1967, and enable the exercise of the right of self-determination of the Palestinian people, including permanent sovereignty over natural wealth and resources;
- Immediately dismantle the Evyatar colonial outpost and all existing colonial settlements and outposts and halt the planning, construction and expansion of its unlawful colonial settlement enterprise, and the exploitation of Palestinian natural resources in the OPT;
- End its oppression of Palestinian popular resistance, including by ending its military rule, and the suppression of protests;
- Abide by international human rights law and international humanitarian law in its conduct towards Palestinians; and
- Ensure that State agents respect international law, especially in their use of force, and are held accountable for widespread and systematic human rights violations committed against Palestinians; and that reparations are made available for

Palestinian victims, including the next of kin and descendants of the deceased.

Al-Haq calls on Third States to:

- Recognise and acknowledge that the root causes underpinning Israel's laws, policies, and practices implicating systematic violations and crimes against the Palestinian people as a whole, including in the case of Beita, are those of a Zionist settler-colonial and apartheid regime;
- Address the root causes of Israeli violations including by fulfilling Third States' *erga omnes* obligations, arising from Israel's denial of the Palestinian people's inalienable right to self-determination and the imposition and maintenance of an apartheid regime;
- Not recognise the illegal situation, not render aid or assistance in maintaining the situation and cooperate to bring the illegal situation to an end.³⁸⁰ In doing so, third states must take positive and effective steps to overcome the illegal situation, including through, *inter alia*, the imposition of economic and diplomatic sanctions, and severing cultural ties;
- End all trade in weapons with Israel through a two-way arms embargo and end military-security cooperation, adopt legislation to prohibit trade with illegal Israeli colonial settlements, in line with the example of the Irish Occupied Territories Bill, support and call for an annual update of the UN Database of all business enterprises involved in or with colonial settlements, and implement other effective countermeasures to reverse the illegal situation;
- Use the UNGA Declaration on the Granting of Independence to


³⁸⁰ ICJ, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (Advisory Opinion) [2004] ICJ Rep 136; ILC, 'Draft Articles on Responsibility of States for Internationally Wrongful Acts, with commentaries' (2001) UN Doc. A/56/10; HRC, 'Res S-30/1 on Ensuring Respect for International Human Rights Law and International Humanitarian Law in the Occupied Palestinian Territory, including East Jerusalem, and in Israel' (27 May 2021) UN Doc. A/HRC/RES/S-30/1.

Colonial Countries and Peoples, UNGA resolution “Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights”, the UN Charter, and Common Article 1 of the ICCPR, and the ICESCR to address the denial of the right of the Palestinian people to self-determination and liberation from colonial and foreign domination and alien subjugation;

- Ratify the Apartheid Convention as well as the Rome Statute, to address Israel’s discriminatory laws, policies, and practices targeting the Palestinian people as a whole and call for the reconstitution of the UN Special Committee against Apartheid and the UN Centre against Apartheid, which played a pivotal role in the international mobilisation against apartheid in South Africa and in challenging Third State complicity in the apartheid regime;
- Call on Israel to immediately dismantle the Evyatar colonial outpost and all existing colonial settlements, and to halt the planning, construction and expansion of its unlawful colonial settlement enterprise, and the exploitation of Palestinian natural resources in the OPT;
- Call on Israel to immediately cease its repressive measures against the Palestinian people, including against Beita residents, including by calling on the Israeli occupying authorities to immediately bring its rules of engagement for the use of live ammunition in line with international human rights law, releasing Palestinian prisoners and detainees, ending its administrative detention policy, and ending its policy of collective punishment;
- Assess the multi-layered impacts of Israel’s violence in Beita and encourage the provision of moral, financial, political, legal and psychological support for Beita residents to reinforce

their popular resistance and recover from the unfolding socio-economic and psychological impacts of Israeli violence;

- Ensure justice and accountability for widespread and systematic crimes committed against the Palestinian people, including war crimes and crimes against humanity, including by activating universal jurisdiction mechanisms to try suspected perpetrators of grave breaches in their own jurisdictions, and cooperate to fund investigations at the International Criminal Court; and
- Urge the Prosecutor of the International Criminal Court to advance the investigation into the Situation in Palestine, without any further undue delay.



Shadi Jarara, Jabal Sbeih © 23 July 2021

BEITA

A Model of Steadfast Popular Resistance
Defying Israeli Colonisation



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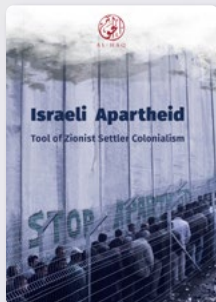
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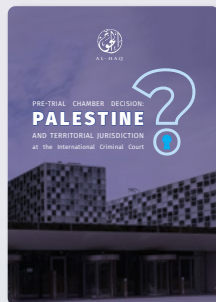
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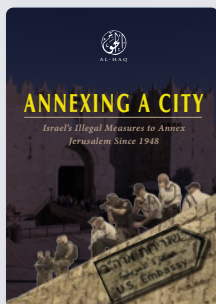
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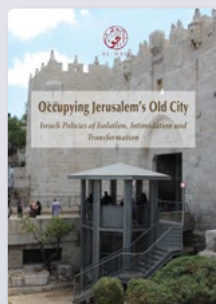
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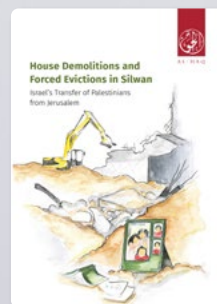
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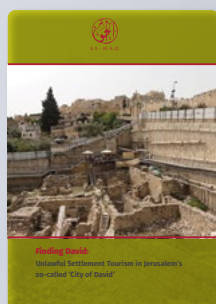
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AL - HAQ

About Al-Haq

Al-Haq is an independent Palestinian non-governmental human rights organisation based in Ramallah in the Occupied Palestinian Territory (OPT). Established in 1979 to protect and promote human rights and the rule of law in the OPT, the organisation has special consultative status with the United Nations Economic and Social Council.

Al-Haq documents violations of the individual and collective rights of Palestinians in the OPT, irrespective of the identity of the perpetrator, and seeks to end such breaches by way of advocacy before national and international mechanisms and by holding the violators accountable. Al-Haq conducts research; prepares reports, studies and interventions on the breaches of international human rights and humanitarian law in the OPT; and undertakes advocacy before local, regional and international bodies. Al-Haq also cooperates with Palestinian civil society organisations and governmental institutions in order to ensure that international human rights standards are reflected in Palestinian law and policies. Al-Haq has a specialised international law library for the use of its staff and the local community.

Al-Haq is the West Bank affiliate of the International Commission of Jurists - Geneva, and is a member of the Euro-Mediterranean Human Rights Network (EMHRN), the World Organisation Against Torture (OMCT), the International Federation for Human Rights (FIDH), Habitat International Coalition (HIC), ESCR-Net - The International Network for Economic, Social and Cultural Rights, the Palestinian Human Rights Organizations Council (PHROC), and the Palestinian NGO Network (PNGO). In 2018, Al-Haq was a co-recipient of the French Republic Human Rights Award, whereas in 2019, Al-Haq was the recipient of the Human Rights and Business Award. In 2020, Al-Haq received the Gwynne Skinner Human Rights Award presented by the International Corporate Accountability Roundtable (ICAR) for its outstanding work in the field of corporate accountability.

