



October 5, 2007

To:
OC central command
Major General Gadi Shamni
By fax number 02-5305741

Commander of SJ district police
Commander Shlomo Kaatabi
By fax number 02-6279297

The Board:

Dear Sirs,

Re: enforcing the law during the olive harvest season

Shulamit Aloni

Michael Ben Yair

Rut Dayan

Shlomo Gazit

Shlomo Lahat

Paul Kedar

Yair Rotlevy

Michal Smoira-Cohn

The olive harvest will occur in the middle of October this year. According to international law and an HCJ ruling, the security forces are obligated to take action to allow the Palestinian olive harvest to take place in the West Bank. During the 2006 harvest the IDF and the Israel Police failed to fulfill that duty in a number of key areas. The most serious defects were found in the enforcement of the law upon Israeli civilians who disrupted the harvest. In all of the cases documented by Yesh Din, in which Israeli civilians used violence against Palestinian harvesters, IDF soldiers stood by and did nothing. That behavior is part of a larger pattern of defective enforcement, which includes refraining from carrying out searches and arrests in "real time" and failing to execute criminal investigations after the event.

Based on a report that examines the events of last year's harvest, Yesh Din calls on you to prepare for the harvest season this year by taking a number of measures:

1. Strictly enforcing the law upon Israeli civilians who disrupt the harvest. That includes IDF soldiers intervening to stop such incidents, especially violent incidents, and arresting and prosecuting Israeli civilians who break the law. In general, law enforcement upon Israeli civilians during the harvest appears to match the general pattern of fecklessness and refraining from thoroughly confronting the offenses. The instant response to the offenses committed by Israeli civilians against harvesters was very lame and the police investigations of offenses committed during the harvest yielded no results.
2. IDF deployment must be planned in advance to allow maximum access to the areas where the harvest takes place, including lifting or opening internal checkpoints and obstacles as needed. The IDF only partially fulfilled its legal duty to allow the farmers access to their land during last year's harvest. During the harvest, Yesh Din's situation room received reports of nine cases in which the access of harvesters to their land was delayed or prevented by IDF soldiers, road blocks or refraining from opening gates in the separation barrier.
3. Increase the assimilation of the army's duties at the field level, including oral briefings, highlighting the duty to arrest Israeli civilians suspected of offenses, and

especially in cases of violence. In the matter of protecting the farmers against harassment, again the IDF fulfilled its duties only partially, as opposed to the HCJ ruling, that ordered military escort to be provided throughout the harvest season.

4. Rule on land disputes (the "freezing status" procedure) quickly and effectively to prevent disruption of the harvest. According to the procedure, harvesting should stop while an initial inquiry is conducted by the Civil Administration. That inquiry should last up to 72 hours, so that if it turns out the claims are unfounded the harvest can be resumed before the end of the season. Despite fears ahead of the harvest season that there would be a large number of ownership claims by Israeli civilians, only 10 such cases were noted. Despite the small number of incidents, the initial inquiry was completed within the promised time frame in only one case, and then too in favor of the Israeli civilian who claimed ownership of the land.

5. A detailed plan for the deployment of the SJ district police must also be drafted, including an element of instant and quick response to complaints in real-time, including conducting searches. In practice, response to the harassment events that occurred during the harvest was inadequate, especially in regards to violent events.

Due to the defects in enforcing the law during last year's harvest, and the attacks on Palestinian farmers and harvests recently, we call on you to adopt the enclosed recommendations and instruct the commanding and field echelons to follow them. To guarantee the safe conduct of the harvest, it is your duty and responsibility to prevent harm to the Palestinian farmers during the harvest and to prosecute offenders, in accordance with the State of Israel's responsibilities under international law and its own laws, with the goal of protecting the human rights of the Palestinian residents under our rule.

Michael Sfar,

Legal Advisor, Yesh Din - Volunteers for Human Rights

CC:

Defense Minister, Mr. Ehud Barak

Judea and Samaria Region Legal Advisor, Colonel Sharon Afek

SJ District Legal Advisor, Deputy Commander Yehonatan Lahav