

SUMMARY OF THE SITUATION OF RESIDENTS OF WADI ABU EL HINDI AND MUNTAR

(High Court Appeal: 3519/11)

1. The Petition refers to 106 families who live in the valley or some who live on the slopes of the valley, to its south. Most of those living there have lived in the place permanently for more than 30 years; a majority of the residential dwellings are situated in Firing Zone No. 912.

2. The case relates to a traditional and poverty-stricken population, most of whom live off herding of flocks. Because of their distance from main roads and Palestinian neighbourhoods, it is even harder for them to find work in the nearby settlements. The distance to the nearest neighbourhood – Azaria – is 7 kms. Most of the residents have no vehicles, and they have either to walk on foot or ride on donkeys in order to get to clinics, workplaces, or to a high school. (There is, in Wadi abu Hindi an elementary school which serves some 150 students.) It is worth noting that 150 metres from the encampment in the valley is a modern road which connects Qedar settlement to Ma'ale Adumim, which passes through the Azaria main junction. Access to that road is forbidden to the people of the Jahalin. The road in question is for Jews only.

3. Wadi abu el Hindi separates between the settlement of Qedar and Ma'ale Adumim. There is a plan to connect the two settlements by building infrastructure. The living area of the Hadaleen is considered [by Israel] to be strategic by the settlers, because of its proximity to the settlements and the realities of that region, where there are projects similar to the one previously developed for E-1. In other words, extensive building and actual annexation to the Jerusalem Periphery. In the past two years, (and even before that) personnel from the inspection department of the Civil Administration visited the area and listed every building, home or tent and told the residents (apparently as part of the project that is currently confidential) that they were going to relocate the structures (or most of them) in a place somewhere near Jericho.

4. The outstanding demolition orders which are the subject of the petition against them, relate to about 100 buildings which were donor funded, and which were erected there about two years ago. The structures under discussion are simple, were erected in a matter of hours, but which considerably improved the quality of life of the residents of the area. The structures consist of a kitchen, an entrance door and windows, and they provide better protection than the tin huts in the bad weather prevailing there (extremely hot in summer and extremely cold at night in the winter). Most of the structures were erected next to toilets (?). In response to the State's petition, every respondent or head of family has been required to provide an affidavit providing exact details of the site of his home, the new buildings constructed, the buildings that were taken down or demolished in order to erect the new structures in their place. They were also required to indicate how long they have lived in permanent structures there and the number of people in their families. The question of length of time living in the structures is critical, because under military law anyone living in a military firing zone is seen as an intruder or squatter, unless that person was living in a permanent structure in a place before it was declared a firing zone. Recently, the settler organisation Regavim has been joined to the case. This is, as usual, in order to put pressure on the Prosecution lawyers representing the Civil Administration, and the military officer (the appellants in the case), and to prevent any compromises or agreements which do not accord with the settlers' desires, and in order to speed up the legal process.

The new buildings, it must be said, are all from light materials (mostly plastic), so that a strong wind can blow the entire donated structure away. In each lightweight structure there is one room used for living quarters for the entire family, which includes a small kitchenette in it. Next to some of those structures, small toilets have also been erected. In light of the above, there is an improvement in the quality of life as compared to the original shack structures, most of which were constructed from tin sheeting. It is important to stress that the structures under discussion are not real homes, suitable for people to live in for any length of time. On another point: something that was stressed in the Petition is that as long as the shacks were constructed from tin or old cardboard there were no demolition orders issued. This proves the point that the Bedouin community is being deliberately harassed by the authorities.