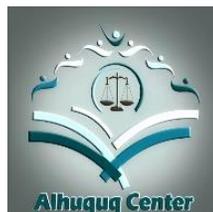




رابطة الأطباء العرب في النقب
ARAB MEDICAL ASSOCIATION
אגודת הרופאים הערבים בנגב



Alhuquq Center



SIDREH-LAKIYA
جمعية سدرة-اللقية
עמותת סדרה-לקייה



صندوق المدافعين عن حقوق الإنسان
הקרן למגיני זכויות אדם
HUMAN RIGHTS DEFENDERS FUND



منتدى التعايش السلمي في النقب من أجل المساواة المدنية
פורום דו קיום בנגב לשוויון אזרחי
Negev Coexistence Forum for Civil Equality

NGO Report to the UN Human Rights Committee in Advance of its Review of the State of Israel

Violations of the ICCPR committed by the State of Israel against the Arab Bedouin in the Southern Negev/Naqab Desert

Submitted by

Negev Coexistence Forum for Civil Equality

Sidreh Association

Alhuquq Center

Arab Medical Association in the Negev

Human Rights Defenders Fund

Date 27.1.2022

The Negev Coexistence Forum for Civil Equality (NCF) is an Arab-Jewish organization established in 1997 by Arab and Jewish residents of the Naqab, to provide a platform for a joint fight for civil rights equality. The Forum recognizes the neglect of various Israeli governments and their authorities, who have denied the Bedouin community in the Naqab full rights and acts to prevent further affliction and harm to recognized and unrecognized villages. The Forum's activities are varied and include local and international advocacy, research, community activities, public protests, social media, work with Israeli and foreign media, and more. All activities are based on Arab-Jewish collaboration. *In accordance with the Israeli law, the Negev Coexistence Forum for Civil Equality is proud to note that as a result of cooperation with friendly countries and international organizations that promote human rights, most of the funding for our activities comes from “foreign entities”.

Alhuquq Center is an independent, non-governmental, non-partisan association founded to benefit the Arab Bedouin citizens of the Negev/Naqab living in both recognized townships and unrecognized villages in Israel. The Center works to protect their legal, social, human, economic and civic rights in the face of increasingly discriminatory governmental policies. Improving education, stabilizing housing, ensuring voting rights, and fostering self-advocacy are among the Center’s top priorities.

Sidreh Association is a non-profit organization established in 1998 in al-Lagiyyih with the mission to support the Palestinian-Bedouin woman in the Negev in her pursuit of the full realization of herself and her rights as well as those of her community. Sidreh focuses on 4 main strategic objectives: Access to knowledge; Access to resources; Gender equality and participation; Sustainable development. Sidreh’s vision is a society in which the Palestinian-Arab woman has full ownership over herself and decisions, fully enjoys her rights, enjoys safety and stability, feels pride regarding her cultural heritage, and realizes her place as an active member in her society, bringing sustainable development to our community.

Arab Medical Association in the Negev is a non-profit organization established in 2015 with the mission to promote health and raise awareness in the field of health among Arab residents of the Negev. To achieve this purpose, the Association works to make health services accessible to the entire population, including the residents of the unrecognized villages.

The Human Rights Defenders Fund (HRDF) works to protect Palestinian and Israeli Human Rights Defenders (HRDs). The Fund’s main activity area is the provision of legal aid and defense to HRDs who face different forms of legal persecution, to fend off attacks on their bodies, persons, and work. The vision of HRDF is that human rights defenders are free to carry out their peaceful and legitimate work to promote human rights, democracy, and rule of law, without fear of attacks and harassment by the authorities or non-state actors. To fulfill this mission, HRDF works with a network of leading criminal and human rights attorneys, and finances legal counseling and representation for activists who have been arrested, indicted, or sued over their activities, and provides training for grassroots groups and activists. By providing quick, effective, and professional legal support to defenders who are systematically targeted for their participation in non-violent resistance activities, HRDF mitigates the chilling effect of these attacks and safeguard Israeli and Palestinian human rights defenders’ safety and well-being.

This NGO report sets forth for the Committee's consideration of the violations of the ICCPR by the State of Israel against the indigenous Arab Bedouin population in the Southern Negev/Naqab Desert. It makes specific reference to the previous Concluding Observations (COs) issued by the Committee in 2014, the Fifth periodic report submitted by Israel in October 2019, as well as observations and recommendations made by the CESCR, CERD, and UN Special Rapporteurs during the year of 2019, 2020 and 2021; in which they expressed serious concerns about Israel's conduct towards its Bedouin citizens. The main issues brought before the esteemed Committee are as follows: forced evictions and displacement; exclusion of the Bedouin population from decision-making processes relating to its condition; discrimination in planning and zoning policies; voting intimidation and inaccessibility of polling stations; excessive use of force; harassment and criminalization of Bedouin human rights defenders; and limited access to basic services.

In addition, this report will refer to the human rights situation of the Bedouin population amid the COVID-19 pandemic, and the escalation of violence in May, 2021.

HISTORICAL BACKGROUND

The Bedouin citizens of Israel are an indigenous population that has been living in the Negev/Naqab for centuries, long before the establishment of the State of Israel in 1948. The Bedouin community is an integral part of the Palestinian Arab minority in Israel and the Palestinian people as a whole, one that has a distinct way of life and other special characteristics. International bodies, including the UN HRC (hereinafter: the Committee), the CERD, and the CESCR, have all consistently issued conclusive observations (hereinafter: COs) calling on Israel to recognize and respect the rights, historical land claims, and traditional way of life of the indigenous Bedouin communities.¹

On the eve of the establishment of the State of Israel, about 65,000-100,000 Arab Bedouin lived in the Naqab region. Following the 1948 war, the State began an ongoing process of eviction of the Bedouin from their dwellings. At the end of the war, only 11,000 Bedouin remained in the Naqab, as most of the community fled or was expelled to Jordan, West Bank, Egypt, Gaza Strip and the Sinai Peninsula. The Bedouin people were also placed under Israeli military rule from 1948-1966. During the 1950s, the military government relocated the Bedouin to an area called the Siyāj (or “fence” in Arabic) and prohibited them from returning to their historical lands.² According to data published by the Israeli Central Bureau of Statistics (hereinafter CBS) in 2019, there were approximately 280,000 Bedouin residents in the Naqab³. These communities are organized in three types of settlements: government-planned townships, newly recognized villages, and unrecognized villages that the State refuses to recognize.⁴

The State's policy in the Naqab has been guided, and continues to be guided, by the mythologizing of the area as a vast empty space that should be prioritized for the settlement of Israeli Jewish citizens. This longstanding view has led to the non-recognition of Bedouin ownership of their lands, with the State filing legal actions to confiscate and register Bedouin property as "State lands".⁵ As a result, today there are 35 unrecognized Bedouin villages in the Naqab that the State refers to either as "illegal" or "unregulated" villages", and to their inhabitants as "diaspora", "criminals" and "trespassers" on State land. Some of these unrecognized villages existed long before the establishment of the State of Israel, while others were created following the forced transfer of the population by the military rule to the Siyāj area.

Since the Central Bureau of Statistics (hereinafter: CBS) has refrained from carrying out a proper census of the Bedouin citizens in the unrecognized villages, there is not a consensus regarding the number of Arab Bedouins living in the area, nor valid information about their socioeconomic needs for policymaking.⁶ The information provided by them is based on rough estimations rather than on accurate data. According to the CBS, as of 2017, more than 28% of the Bedouin population (around 63,000 people) lives in unrecognized villages,⁷ although civil society organizations estimate that the number is closer to 90,000-100,000 people,

¹ UN HRC, 112th Session, Geneva, 07-31 October 2014. Concluding Observations on the Fourth Periodic Report of Israel, 21 November 2014. CCPR/C/ISR/4; UN CERD, 110th Session, Geneva, 25 November – 13 December 2019. Concluding Observations on the Combined Seventeenth and Nineteenth Reports of Israel, 12 December 2019. CERD/C/ISR/CO/17-19; UN CESCR, 66th Session, Geneva, 30 September – 18 October 2019. Concluding Observations on the Fourth Periodic Report of Israel, 12 November 2019. E/C.12/ISR/CO/4.

² Negev Coexistence Forum for Civil Equality, 'Processes of dispossession in the Negev-Naqab: The Israeli policy of counter claims against the Bedouin-Arabs', 2012, pp.3-4. <https://tinyurl.com/yalmenpo>

³ Central Bureau of Statistics. 2020. [online] Available at: <https://tinyurl.com/5exehff7> [Accessed 18 November 2021].

⁴ Negev Coexistence Forum for Civil Equality. 2021. No shelter in place: State demolitions in the Naqab Arab Bedouin communities and its impact on children. [online] Available at: <https://tinyurl.com/w9sezhd5> [Accessed 18 November 2021].

⁵ Negev Coexistence Forum for Civil Equality, 'Mechanisms of dispossession and intimidation: Demolition policy in Arab Bedouin communities in the Negev/Naqab, 2019, pp.6-8. <https://tinyurl.com/yx937585>

⁶ Negev Coexistence Forum for Civil Equality. 2021. Uncounted: Indigenous Bedouin citizens neglected by the Israeli Central Bureau of Statistics. [online] Available at: <https://tinyurl.com/3an3z8a9> [Accessed 18 November 2021].

⁷ Central Bureau of Statistics (CBS), Demographic characteristics of Muslims in the Southern Region (Bedouin population) , 03.10.2019, p.1 (in Hebrew), <https://tinyurl.com/y8r8c8hg>

in contrast to what is stated in the Fifth periodic report to the ICCPR submitted by Israel.⁸ In Israel's report it is stated that there are unauthorized areas but in fact there are 35 historical villages that the State refuses to recognize. These villages do not appear on any official maps,⁹ and the State does not provide most of them with basic services such as healthcare and educational facilities; all of them lack infrastructure including connection to the national electricity grid, running water, paved roads and sewage disposal systems. Their residents have no representation in the various local governmental bodies and some of them cannot register to participate in municipal elections. Additionally, as a result of non-recognition, the building of permanent structures in these villages is illegal and can lead to heavy fines and home demolitions.¹⁰

Since the 1950s the State has executed plans to forcibly displace Bedouin in the Naqab and concentrate them into limited geographic spaces.¹¹ These plans were implemented by establishing seven government-planned Bedouin townships in the Siyāj area in the 1970s and 1980s. All the townships are characterized by poverty, deprivation, high unemployment, crime and social tension, as well as inadequate provision of State services. According to CBS data, 72% of the Bedouin in the Naqab reside in these towns, about 186,400 people.¹² These townships are part of an ongoing, non-consensual and non-participatory process of forced urbanization aimed at dismantling Bedouin culture and traditional way of life.

In addition to the seven townships, the State recognized 11 Bedouin villages from 1999 onwards, hailing their recognition as a fundamental shift in governmental policy, which had previously focused exclusively on forced urbanization. However, there is no significant difference between these villages and the unrecognized villages. The residents of most recognized villages continue to be denied access to basic services and are under constant threat of house demolitions. According to the CBS, only 6.6% of the Bedouin community resides in these villages, numbering more than 19,000 people.¹³

FORCED EVICTIONS AND DISPLACEMENT - ARTICLES 2, 11, 12, 14, 17, 20, 26, 27

At the heart of the ongoing conflict between the Bedouin citizens and the State of Israel is the State's ongoing denial of Bedouin ownership rights over their lands and the policy of dispossession. Most of the State's plans for the Naqab have ignored the needs of the Bedouin population and violated their rights. The purpose of these plans, both in the past and present, is to "resolve" the land and housing issues of the Bedouin community, and to concentrate the Bedouin population in urban and semi-urban localities (the government townships and the recognized villages).

In its 2014 CO on Israel, the Committee stated that Israel should ensure meaningful participation of the Bedouins "in any process concerning their re-location", take into account their traditional way of life and their right to ancestral land, and withdraw from the Praver-Begin Bill.¹⁴ Despite the repeal of the Bill,¹⁵ the current policy of the government and the enforcement agencies point to their determination to forcibly transfer the Bedouin population to the recognized villages and townships onto less land than was purposed in the Praver-Begin Bill.

⁸ United Nations Digital Library System. 2022. Fifth periodic report submitted by Israel under article 40 of the Covenant pursuant to the optional reporting procedure, due in 2019. Pg. 5. [online] Available at: <<https://digitallibrary.un.org/record/3834951>> [Accessed 26 January 2022].

⁹ You can find the map of the unrecognized villages on the Negev Coexistence Forum for Civil Equality's website: www.dukium.org/map

¹⁰ Negev Coexistence Forum for Civil Equality. 2021. No shelter in place: State demolitions in the Naqab Arab Bedouin communities and its impact on children. [online] Available at: <<https://tinyurl.com/w9sezhd>> [Accessed 18 November 2021].

¹¹ I. Abu-Saad, 'The indigenous Palestinian Bedouin of the Naqab: Forced urbanization and denied Recognition', in N. Rouhana and A. Sabbagh-Khoury (eds), *The Palestinians in Israel: Readings in History, Politics and Society* (Haifa: Mada al-Carmel-Arab Center for Applied Social Research, 2011), pp. 120-127. <https://tinyurl.com/ydb6sv6u>

¹² Central Bureau of Statistics (CBS), Demographic characteristics of Muslims in the Southern Region (Bedouin population), 03.10.2019, p.1 (in Hebrew), <https://tinyurl.com/y8r8c8hg>

¹³ Ibid.

¹⁴ UN HRC, 112th Session, Geneva, 07-31 October 2014. Concluding Observations on the Fourth Periodic Report of Israel, 21 November 2014. CCRP/C/ISR/4, CO No.9(d), p.4.

¹⁵ Government of Israel, *Proposed Law for the Regulation of Bedouin Settlement in the Negev, 2013* (in Hebrew), <https://tinyurl.com/yyhg92s>

The Committee also expressed its concern at the continuation of home demolitions and forced evictions of the Bedouin population on numerous occasions, calling on Israel to stop “any actions that may facilitate or result in... forced displacement and dispossession”.¹⁶ The issue of forced evictions and demolitions targeting the Bedouins, was also raised by Special Procedures’ mandate holders in 2014,¹⁷ in May of 2019; when six Special Rapporteurs sent a letter to the Government of Israel expressing serious concern of its plans to evict Bedouin population from its ancestral lands¹⁸, and once again in October 2020, six Special Rapporteurs released a communication expressing their concern on forced evictions and home demolitions in the midst of the Covid-19 Pandemic in the Naqab, as well as the use of criminal and administrative sanctions to Human Rights defenders. In the COs of both CERD¹⁹ and CESCR²⁰ on Israel (2019), the State was called on to cease its demolitions of Bedouin homes and structures; ensure meaningful consultation with the affected community; resolve the pending land claims; regularize their villages; and stop eviction of Bedouin people from their homes and ancestral lands.

A. HOME DEMOLITIONS

Since Israel’s review in 2014, the annual number of home demolitions in Naqab Bedouin communities **has more than doubled** – from 1,073 in 2014 to **2,586 in 2020**.²¹ The number of house demolitions in the Naqab reached an historic peak that year. This benchmark was reached despite the instruction of the Attorney General to reduce demolition warrants and police presence in the Naqab after civil society organizations sent an urgent request to halt demolitions during the pandemic.²²

The number of “initiated demolitions” (those carried out by enforcement authorities) increased between 2014 and 2017 from 355 to 641 demolitions, but there was also a dramatic decline in initiated demolitions between 2017 and 2020, from 641 to 147 demolitions.²³ In 2019, more than 655 residential structures were demolished²⁴ while in 2020, it rose to **1,004 residential structures**.²⁵ In contrast, the number of “**self-demolitions**” (carried out by the owners of the structures) heavily increased from 718 in 2014 to 2,421 in 2020. Self-demolitions constituted 94% of all structures demolished in 2020.²⁶ In the number of self-demolitions, enforcement authorities include demolitions “**in-procedure**” – when an owner demolishes his own structure before a warrant, or a demolition order is issued. In 2019, in-procedure demolitions numbered to 736. In 2020, the ‘performed in procedure’ demolition rate increased from 33% in 2019 to 38% in 2020.

In just eight years, the number of demolitions reached 13,265, out of which 10,114 were self-demolitions.²⁷ Such a trend marks an increased fear of the authorities, whose punitive actions threaten the ability of Bedouin residents to provide a safe home for their families and pursue a dignified life.

¹⁶ UN HRC, 112th Session, Geneva, 07-31 October 2014. Concluding Observations on the Fourth Periodic Report of Israel, 21 November 2014. CCPR/C/ISR/4, CO No.9(c), p.4.

¹⁷ ISR 10/2014 of 14 October 2014.

¹⁸ Mandates of the Special Rapporteurs in the field of cultural rights; on adequate housing; on the situation of human rights defenders; on the human rights of internally displaced persons; on minority issues and on contemporary forms of racism: *Public Communication*, 1 May 2019, AL ISR 6/2019, <https://tinyurl.com/y5qvulcs>

¹⁹ UN CERD, 110th Session, Geneva, 25 November – 13 December 2019. Concluding Observations on the Combined Seventeenth and Nineteenth Reports of Israel, 12 December 2019, CO No. 28, 29. CERD/C/ISR/CO/17-19, <https://tinyurl.com/tsj2sh3>

²⁰ UN CESCR, 66th Session, Geneva, 30 September – 18 October 2019. Concluding Observations on the Fourth Periodic Report of Israel, 12 November 2019, CO No. 21C. E/C.12/ISR/CO/4, <https://tinyurl.com/v5c4ddg>

²¹ The Southern Administration for the Coordination of Enforcement of Land Laws, *Summary of 2020 Work Year*.

²² NCF to the Attorney General: Stop home demolitions in the Bedouin localities in the Negev! - Dukium.org. (2020). Retrieved on 4th of July from <https://www.dukium.org/ncf-to-the-attorney-general-stop-home-demolitions-in-the-bedouin-localities-in-the-negev/>

²³ Ibid.

²⁴ Negev Coexistence Forum for Civil Equality, ‘On (In)Equality and Demolition of Homes and Structures in Arab Bedouin Communities in the Negev/Naqab’, 2020, p.16, <https://tinyurl.com/y2394joj>

²⁵ Negev Coexistence Forum for Civil Equality. 2021. No shelter in place: State demolitions in the Naqab Arab Bedouin communities and its impact on children. [online] Available at: <<https://tinyurl.com/w9sezhdz>>

²⁶ The Southern Administration for the Coordination of Enforcement of Land Laws, *Summary of 2020 Work Year*.

²⁷ Negev Coexistence Forum for Civil Equality. 2021. No shelter in place: State demolitions in the Naqab Arab Bedouin communities and its impact on children. [online] Available at: <<https://tinyurl.com/w9sezhdz>>

These statistics reflect a harsh official policy of increased pressure on Bedouin residents to destroy their own homes through a constant presence of law enforcement officials and demolition teams; distribution of demolition orders; threats of heavy financial fines; aerial photography of villages by drones; and threats that are vaguely disguised as "negotiations" on the part of representatives of the Authority for the Development and Settlement of the Bedouin in the Negev (hereinafter: Bedouin Authority). Since 2014, the government only increased its pressure, attempting to coerce and/or force Bedouin living in unrecognized villages to move to recognized townships and villages. Although authorities are well-aware of the severe trauma on Bedouin families, they do not provide physical and/or mental health treatment to those who have lost their homes via State-sanctioned demolitions or self-demolitions. Bedouin citizens are instead left to cope with the effects and trauma alone and without assistance from welfare services.

REFERENCE TO COVID-19

Although the right to adequate housing is a recognized fundamental right in international law, a sizable proportion of the Naqab's 300,000 Bedouin citizens live in informal settlements and grossly inadequate housing,²⁸ often in overcrowded conditions and lacking access to water and sanitation. This has made Bedouin citizens particularly vulnerable to contracting the virus, with the added factor that many are often suffering from multiple health issues. Furthermore, inadequate housing has made it barely possible for Bedouins to self-isolate.²⁹ According to a study by the UN mandate on adequate housing,³⁰ mortality and infection rates are significantly higher among minorities and other vulnerable groups with inadequate housing conditions, which have contributed to excessive, and largely, preventable death and suffering.³¹

On August 2020, the Special Rapporteur on the right to adequate housing called for a global ban on evictions during the pandemic, however demolitions on the field continued.³² As a result of the work of civil society organizations during 2020, Special Rapporteurs on adequate housing along with the Special Rapporteurs on indigenous peoples, minorities, human rights defenders, internally displaced persons and cultural rights, sent a communication to the State of Israel, expressing their concern on forced evictions and home demolitions in the midst of the Covid-19 pandemic in the Naqab.³³ In addition, they emphasized their concern regarding the use of criminal and administrative sanctions against human rights defenders, including Sheikh Sayah Abu Madhi'm al-Turi and others from the unrecognized village of Al-'Arāgīb.³⁴ The communication highlighted that such forced evictions and home demolitions amid the Covid-19 pandemic constituted a risk to health and life.

In March 2020, as a response to an urgent inquiry issued by twenty-two civil society organizations to Mr. Avichai Mandelblit, Israeli Attorney General, which demanded immediate action to stop home demolitions in the Naqab during the Covid-19 crisis,³⁵ the Ministry of Justice committed to halt demolitions of residential homes, reduce the distribution of demolition orders and warnings, and lessen the presence of the National Unit for Enforcing Planning and Construction Laws in villages.³⁶ Yet, between January and

²⁸ Ben Gurion University, Online Database - Life Characteristics of the Bedouin Population in the Negev - Demographics. (2021). Retrieved from <https://tinyurl.com/ayvtzem>

²⁹ Negev Coexistence Forum for Civil Equality. 2021. No shelter in place: State demolitions in the Naqab Arab Bedouin communities and its impact on children. [online] Available at: <<https://tinyurl.com/w9sezhdz>>

³⁰ Rajagopal, B. (2020). COVID-19 and the right to adequate housing: impacts and the way forward. Retrieved 10 June 2021, from <https://www.undocs.org/A/75/148>

³¹ Ibid

³² OHCHR | Ban evictions during COVID-19 pandemic, UN expert urges. (2020). Retrieved from <https://tinyurl.com/bd8y8ha7>

³³ Communication by UN Special Rapporteurs on forced evictions during pandemic - Dukium.org. (2020). Retrieved 15 June 2021, from <https://www.dukium.org/89910/>

³⁴ al-'Arāgīb - Dukium.org. (2020). Retrieved 15 June 2021, from <https://www.dukium.org/village/al-arakib/>

³⁵ NCF to the Attorney General: Stop home demolitions in the Bedouin localities in the Negev! - Dukium.org. (2020). Retrieved from <https://www.dukium.org/ncf-to-the-attorney-general-stop-home-demolitions-in-the-bedouin-localities-in-the-negev/>

³⁶ Letter from Ministry of Justice regarding demolition of structures in the Naqab during pandemic. (2020). Retrieved from <https://tinyurl.com/2zfyv323> [Hebrew]

December 2020, 2,568 structures were demolished in the Bedouin villages in the Naqab,³⁷ representing a rise of 13% in the demolition of structures compared to 2019 (2,241).³⁸ Despite the humanitarian crisis caused by the pandemic, this is the highest number of structures demolished ever recorded in one year in the Arab Bedouin communities. Regarding demolitions during 2021, the estimation is like 2020's numbers. Furthermore, civil society organizations have monitored the destruction of approximately 8,500 dunams of crops.³⁹

In May 2020, Adalah, NCF, Sidreh Association, the Regional Council of Unrecognized Villages (RCUV) and other organizations submitted a petition to the Supreme Court to establish isolation centers—to provide adequate space for quarantine—in the unrecognized villages of az-Za'arūrah and az-Zarnūg. Further, the petition demanded a suitable isolation solution for women in unrecognized villages that would take into account their unique needs and way of life.⁴⁰ The petition was rejected based on the claim that it was a theoretical and not a concrete plan.

Throughout 2020 and 2021, enforcement authorities continued to distribute demolition warrants, carry out demolitions, interrogate livestock farmers, and issue fines to herders. These enforcement measures cause extreme duress and to self-demolitions by the owners of the houses, which in 2020 numbered 94% of the total of demolitions.⁴¹ Adult heads of households, who on average support a family of approximately seven people, experience additional stress and mental health issues due to the house demolitions and housing insecurity, all of which are compounded during the pandemic.⁴² Further, enforcement authorities disregarded the health and sanitation recommendations for such a state of emergency; residents of the villages informed NCF that **many of the inspectors and police officers patrolled the villages and interacted with the population without taking any precautions to prevent the spread of the virus.**⁴³

Moreover, houses in the villages are the most rudimentary and crowded of structures, with often more than six people living in a single room, making social distancing next to impossible. Proper sanitation is also a challenge, as most of the villages' homes lack running water or sewerage disposal. Adalah; NCF; the Regional Council for Unrecognized Villages in the Negev (hereinafter: RCUV); the Arab Medical Association in the Negev; and other human rights groups petitioned to the Supreme Court in a demand for immediate access to coronavirus testing and bolstered ambulance services in Bedouin villages.⁴⁴ However, this petition was declined as the Court refused to intervene in the Ministry of Health' (MoH) considerations. Notwithstanding, Justice Amit noted that provision of tests should continue to be monitored in the unrecognized villages as well.⁴⁵

Vaccination Inequity in Negev/Naqab Bedouin Communities

According to information published by the Israeli Ministry of Health, 40% of the Israeli population has been vaccinated with a third dose of available vaccines. However, only 4% of approximately the 170,000 Bedouin residents in recognized villages and townships were immunized with a third dose, by October 2021.⁴⁶ Regarding the remaining approximate 100,000 residents from unrecognized villages, there is no available information about their vaccination status. The State's neglect of the Bedouin population is

³⁷ Southern Administration for the Coordination of Enforcement of Land Laws, 'Summary of Working Year 2020', p. 10 Section 1 [Hebrew]

³⁸ Ibid

³⁹ Ibid

⁴⁰ Petition to the Supreme Court on appropriate isolation centers for Bedouin women. May 2020. Retrieved from <https://tinyurl.com/3kzuvshc>

⁴¹ Negev Coexistence Forum for Civil Equality. 2021. No shelter in place: State demolitions in the Naqab Arab Bedouin communities and its impact on children. P.16. [online] Available at: <<https://tinyurl.com/w9sezhdz>>

⁴² Ibid

⁴³ NCF produced a video about home demolitions during the pandemic, which can be accessed through the link <https://tinyurl.com/y2tjqszu>

⁴⁴ Israel Supreme Court of Justice 2471/20, Adalah v. Ministry of Health, (decision delivered on 16 April 2020) (in Hebrew), <https://tinyurl.com/yxcbsk2n>

⁴⁵ Ibid.

⁴⁶ Ministry of Health, 2021. Retrieved from <https://tinyurl.com/55j76uj5>

reflected in the particularly low vaccination rates and the subsequent increased number of people who fall ill with the infection. There are a significant number of Covid-19 infections in educational institutions, identified by the periodic tests that students are required to carry out to attend classes.⁴⁷ Thus, several classrooms and schools in Bedouin communities are closing.

B. THE BEDOUIN AUTHORITY

The policy of the state towards its Bedouin citizens is reflected not only in the demolition of homes and dispossession of land, but also in that it does not treat the Bedouin population as citizens of equal status. One of the key manifestations of this is that unlike other Israeli citizens, the relationship between Bedouin residents and state systems and authorities is mediated by unique institutions established by the state solely for this purpose. Unlike most of the country, Bedouin citizens in the Naqab do not have fully independent local government institutions, and in the unrecognized villages there are no such formal institutions at all.⁴⁸ One of the key elements of this unequal treatment, is the establishment of the Bedouin Authority, established by virtue of Government Resolution No.1999,⁴⁹ in 2007. After being transferred to the Prime Minister's Office, the Bedouin Authority was again moved to the Ministry of Construction and Housing. In 2016 it was transferred to the Ministry of Agriculture and today is an internal unit in the Ministry of Economy and Industry. It is an independent support unit, responsible for development and settlement activities in the Bedouin communities in the Naqab.⁵⁰ The principal designated purpose of the Bedouin Authority was to regulate land ownership claims, regulate permanent residence and infrastructure and outline plans to strengthen education and employment. To do so, the Bedouin Authority oversees the five-year socio-economic plan for 2017-2021, expected to assist local Bedouin authorities with employment, integration, and coordinating education and welfare services. Despite these stated claims, the Bedouin Authority represents persistent discrimination, in the sense that the Naqab's Bedouin citizens, unlike the rest of Israeli citizens, are considered different before the eyes of the State, governable by a separate entity. The Bedouin Authority works in collaboration with law enforcement and the police, including the Yoav Unit's investigation division, that is a special police unit established as part of the 2011 Praver Plan and assists the authorities in carrying out demolitions.⁵¹

Out of 14 high-level officials in the Bedouin Authority, there is not one Bedouin employee, while all officials, including its CEO, Yair Maayan are Jewish. The Bedouin Authority's functions are extensive: promoting "regularization"; statutory planning; synchronization between the various authorities; and is also responsible for monitoring the implementation of the Five-Year Plan for economic and social development (hereinafter: the Plan).⁵² On the face of it, the Plan is a huge investment for the residents, but an integral part of the plan is the development of lots for construction, intended for the planned resettlement of many residents from the unrecognized villages in the Naqab (see p. 5 section C).

The Bedouin Authority is also responsible to "negotiate" with Bedouin citizens to move into the recognized Bedouin localities - negotiation performed while ignoring any and all Bedouin objections, placing them under extreme duress, and without any possibility of official recognition of their existing communities. In

⁴⁷ Janko, A. and Shaalan, H., 2021. 40% of those tested yesterday - from Arab society: "Morbidity in schools". [online] ynet. Available at: <https://tinyurl.com/f6hdc9z>

⁴⁸ S. Svirski and Y. Hasson, 'Transparent citizens: The Government's policy towards the Negev Bedouins', *Adva Center*, 2005. p.13 (in Hebrew), <https://tinyurl.com/ycm5hf3j>

⁴⁹ Government Resolution No. 1999, 15 July 2007. *Establishment of an Authority for the Regularization of Bedouin Settlement in the Negev* (in Hebrew), <https://tinyurl.com/ycoh3rqg>

⁵⁰ The Authority for Development and Settlement of Bedouin in the Negev, 'Annual Report under the Freedom of Information Law, 1998', 2018, (in Hebrew), <https://tinyurl.com/y8cq127v>

⁵¹ Reply to freedom of information request from the Ministry of Public Security dated 17.11.2015. See "Enforcing Distress: House Demolition Policy in the Bedouin Community in the Negev." Negev Coexistence Forum for Civil Equality. June 2016.

⁵² The Negev Coexistence Forum for Civil Equality, 2019. 'Mechanisms for dispossession and intimidation: Demolition policy in Arab Bedouin communities in the Negev/Naqab', p.16, <https://tinyurl.com/yx937585>

a statement made by the head of the Bedouin Authority, Maayan admitted that there is never “real” consent of the Bedouin population, but rather a forced one that is the result of threats and distribution of demolition orders that will eventually relinquish their land claims and move.⁵³

This practice becomes clear when examining the case of Umm al-Ḥīrān. The Bedouin Authority had previously “negotiated” with the people of Umm al-Ḥīrān, who under extreme duress, following the killing of one of the villagers by the police (see page 10), signed two agreements, in which people agreed to move to the township of Ḥūrah and demolish their homes in the village. During negotiations, some members of the community made allegation that the agreements signed were discriminatory and unequal (i.e. lacking universal parameters needed to ensure equal treatment of all concerned). In 2018, people from the village filed petitions with the Supreme Court against the Minister of Treasury, the MoA, the Bedouin Authority, and the State of Israel. The State Prosecutors Office, in its answer to the petition set before the Supreme Court, claimed that the detailed agreement in its' entirety should be cancelled as Maayan, who signed it, had no legal authority to deal with the distribution of land.⁵⁴ In the end, the State agreed to recognize the agreement signed by Maayan under certain conditions. Nevertheless, in its final verdict on the matter, Supreme Court Judge, Daphne Barak-Erez, expressed "discomfort from the treatment of the sensitive issue of moving people from Umm al-Ḥīrān to Ḥūrah, in the way it emerges from the factual details of the State's response."⁵⁵

C. DEVELOPMENT INDUCED DISPLACEMENT

Government Resolution 2397 and the Five-Year Plan for Socio-Economic Development – Government Resolution No. 2397 ostensibly allocates NIS 3 billion (US \$855 million) for the development of Bedouin townships and villages.⁵⁶ However, it in fact conditions state funding on the execution of evictions and home demolitions in the 35 unrecognized Bedouin villages,⁵⁷ which are almost entirely excluded from the benefits of the plan. The Resolution includes a section on “law enforcement” that authorizes the State to “protect state lands” and “prevent illegal expansion” in order to “decrease areas of land on which illegal construction exists.”⁵⁸ **This section was added** after several government ministers refused to approve the resolution without including **measures to ensure the evacuation and demolition of the unrecognized villages,**⁵⁹ thus conditioning economic development on the implementation of policies of forced displacement, allocating part of its budget to this purpose. This allocation includes NIS 30 million per year for the purpose of planting trees in what it refers to as “evacuated state lands” on which the unrecognized Bedouin villages exist, to prevent the return of their inhabitants;⁶⁰ a further NIS 32 million for increased law enforcement personnel⁶¹; and NIS 10.5 million for additional personnel in the National Unit for Planning and Building Law Enforcement and local planning committees, in order to tackle “illegal construction” by the Bedouin population.⁶² **The Resolution offers no possibility for recognition of the**

⁵³ A statement made by the CEO of the Bedouin Authority, Yair Maayan, on the 6th of January 2020, during deliberations in the Regional Planning Committee in Be'er Sheva.

⁵⁴ Kalman Liebskind, 'The State Prosecutor's Office presents: About lies, hiding the facts from the Supreme Court of Justice and on agreements that should not be upheld', *Maariv Online*, 6 July 2019 (in Hebrew), <https://tinyurl.com/y2s8bz2g>

⁵⁵ Israel Supreme Court of Justice 5852/18, *Husain Abu al-Q'ian v. Minister of Treasury, et al.* (decision delivered on 16 September 2019), article 10. p.3 (in Hebrew).

⁵⁶ Government Resolution No. 2397, 12 February 2017. *Program for Socio-Economic Development of the Bedouin Population in the Negev* (in Hebrew), <https://tinyurl.com/y56valvy>

⁵⁷ Merav Arlozorov, 'Galant and Yariv Levin delayed the approval of the Bedouin plan in the government – Three billion Shekels in five years', *The Marker*, 15.01.2017 (in Hebrew), <https://tinyurl.com/ydahanny>

⁵⁸ Government Resolution No. 2397, 12 February 2017. *Program for Socio-Economic Development of the Bedouin Population in the Negev*, Article 13. a. (in Hebrew), <https://tinyurl.com/y56valvy>

⁵⁹ Merav Arlozorov, 'Galant and Yariv Levin delayed the approval of the Bedouin plan in the government – Three billion Shekels in five years', *The Marker*, 15.01.2017 (in Hebrew), <https://tinyurl.com/ydahanny>

⁶⁰ Government Resolution No. 2397, 12 February 2017. *Program for Socio-Economic Development of the Bedouin Population in the Negev*, Article 13.1.1. (in Hebrew), <https://tinyurl.com/y56valvy>

⁶¹ *Ibid*, Article 13. h.

⁶² *Ibid*, Article 13. i. -13. j.

unrecognized villages, as it instructs the Bedouin Authority to prioritize evacuating the Bedouin communities living in the unrecognized villages.⁶³

According to the Fifth periodic report submitted by Israel in October 2019 to the ICCPR,⁶⁴ there has been a “strategic work of examining and setting rules for the planning of construction of the Bedouin localities, with the participation of the Bedouin residents.” Bimkom is aware that there is a lot of planning but most of it cannot be implemented because it is done in disconnection from the field, the residents needs and without their participation. It is worth that the States reviews to what extent the planning procedures correspond to the reality, needs and lifestyle of the Bedouin population

The Ramat Beka Industrial Zone - A plan for the “Ramat Beka Special Industrial Zone” threatens to forcibly displace thousands of Bedouin from their land.⁶⁵ The plan involves the relocation of a massive testing facility operated by weapons manufacturer to the Naqab in an area that is home to multiple Bedouin communities. It covers a vast area of 112,838 dunams and is intended to host military industries with safety or environmental risks. 44% of the area will be used for experiments in “explosives, vehicles, chemicals ...”, and the plan will expose thousands of Bedouin residents to health risks.⁶⁶ If completed, the plan would impose building and development restrictions on more than 1,200 structures and homes, in the affected villages, and is likely to result in the forced displacement of residents of the area.⁶⁷

Extension of Highway 6 - The planned extension of Road 6, a major north-south highway,⁶⁸ is expected to result in the destruction of around 600 structures in at least nine unrecognized Bedouin villages.⁶⁹ According to media reports, authorities began planning the eviction of about 1,000 families living in the affected area.⁷⁰

Railways - Two new railways lines (the Arad-Be’er Sheva railway and the Dimona-Yeroham railway) will swallow up extensive tracts of land and have been planned to cut through several Bedouin villages.⁷¹ The railways will require thousands of dunams of land and the demolition of homes and will create pollution and noise nuisance. Dozens of homes are also placed within “restricted zones” in which future development will not be permitted, or within an “affected area” where residents will be severely influenced by pollution.⁷²

Sdeh Barir phosphate mine - A plan to allow for the mining of phosphate in an area directly adjacent to the Bedouin village of al-Fur‘ah will require the demolition of several homes in the village and will pose a serious health risk to neighboring residents. The planned area for the mine currently contains 1,426 buildings, and an additional 569 buildings are within the plan’s surrounding restricted area. Several human rights organizations, together with some of the al-Fur‘ah residents, filed a petition to the Israeli Supreme Court against this phosphate mine on January 21st, 2019. The petition was filed on behalf of al-Fur‘ah’s residents, the Regional Council for Unrecognized Villages (RCUV), Bimkom, Adalah Association, Physicians for Human Rights and was attached to a petition by the Municipality of Arad.

⁶³ Ibid, Article 13.b.

⁶⁴ See note 8, article 215

⁶⁵ Ramat Beka Special Industrial Zone, Local Master Plan 621-0479709 (in Hebrew).

⁶⁶ See also an objection submitted on 26 September 2018 to the planning authorities against the plan by Adalah and Bimkom (in Hebrew): <https://tinyurl.com/y7lrgvuu>.

⁶⁷ Adalah, ‘Israeli military industries moving massive testing facility to south, 1,200 Bedouin structures at risk of forced displacement’, 2018, <https://tinyurl.com/y7pky2u>

⁶⁸ The extension consists of Plan TAMA 31/A/21/2 (from Lahavim to Shoket), Plan TAMA 31/A/21/3 (from Shoket to Nevatim), and Plan TAMA 31/A/21/4 (from Nevatim to the Negev Junction), (in Hebrew).

⁶⁹ Bimkom: Planners for Planning Rights, ‘Plan for Road 6 – South’, 2010 (in Hebrew): <https://tinyurl.com/yevqkweq>

⁷⁰ Ilana Curiel, ‘Thanks to Road 6, the process of evacuating a thousand Bedouin families in the Negev has begun’, *Ynet News*, 3 December 2018 (in Hebrew).

⁷¹ Dimona-Yeroham Railway, Local Master Plan 607-0193185; Arad Railway, Local Master Plan 652- 0203216 (in Hebrew).

⁷² Adalah, ‘Adalah, Bimkom reject plans for Arad train line that will harm 50,000 area Bedouin residents’, 21 August 2017, <https://tinyurl.com/y7n914fz>; Adalah, ‘Planned Dimona-Yeroham train line will cause severe harm to local Bedouin residents’, 9 October 2017, <https://tinyurl.com/y9r88bcm>

The State submitted its opposition to an absolute order, in which it was determined that there was no regulated methodology regarding the health dangers of the plan and there were no expert opinions presenting the health dangers.

On October 11th, 2021, the Supreme Court ruled for the continuation of the construction of the phosphate mine. The court contented itself with an amendment made to the building plan “14B” asking for the examination of the health consequences at the level of the detailed planning.

This means that a detailed program that will include a health assessment will be conducted, although this was already stated in the original National Outline Plan. Regarding Adalah’s claims in the petition they submitted, claiming that it is not enough, the court emphasized that the planning authorities must also consider meticulously the “zero alternative.” In other words, planning authorities stop the mining if it negatively impacts the health of people in the vicinity. The civil society organizations, led by Adalah, will consider filing another petition against the detailed plan of Sdeh Barir. That, assuming there will be no drastic changes in the mine area, the health consequences or the planning of al-Fur‘ah.

D. LEGISLATIVE MECHANISMS OF DISPLACEMENT

Article 7 of The Basic Law: Israel – The Nation-State of the Jewish People - Article 7 of this new Basic Law, enacted in July 2018,⁷³ stipulates that the development of Jewish settlement is a “national value”, and that the state must act to encourage, promote and consolidate it.⁷⁴ The law institutes ethnic segregation as a new legal norm throughout Israel (Article 1). The law is likely to be used to establish exclusively Jewish towns in areas where Arab citizens are most concentrated, including in the Naqab. The law also legitimizes discriminatory land policies, such as the existence of admissions committees that prevent non-Jewish families and individuals from moving into small towns throughout the state. It could also give constitutional justification to discriminatory budgeting policies that would channel public funds to Jewish communities and individuals as incentives to relocate to the Naqab, in order to secure a Jewish demographic majority there.

The Kaminitz Law - The Kaminitz Commission Report was published in January 2016⁷⁵ and on June 19 of that year, the Government adopted Resolution 1559,⁷⁶ which accepted most of the Committee's recommendations aimed at strengthening the system of enforcement against violations of planning and building laws, for the most part in Arab communities. The Kaminitz Commission's proposals were transformed into Amendment No. 116 of the Planning and Building Law.⁷⁷ The law’s main objectives are: (1) To concentrate enforcement of land planning powers into the hands of one national body; (2) To expand the use of the state’s administrative powers to implement demolition and eviction orders and so as to limit judicial review; and (3) To markedly increase the use and severity of financial penalties for offenses under the law. In June 2018, the Justice Ministry approved administrative regulations determining the cost of fines imposed for violations of the Planning and Building Law. The cost of the fines set is unprecedented and may amount up to NIS 300,000.⁷⁸ In addition, where a demolition is carried out, homeowners may also be subjected to criminal charges.

The law harms Bedouin citizens in the Naqab as it disregards the systematic rejection of their historical claims to ancestral land, as well as decades of forced displacement, and discrimination in state land planning

⁷³ Adalah filed a petition against the Basic Law on 7 August 2018) to the Israeli Supreme Court on behalf of all of the Arab political leadership in Israel – the High Follow-Up Committee for Arab Citizens of Israel, the National Committee of Arab Mayors, the Joint List parliamentary faction. HCJ 5866/18, The High Follow-Up Committee, et al. v. The Knesset, et al. (case pending).

⁷⁴ For an English translation of the law, see: <http://knesset.gov.il/laws/special/eng/BasicLawNationState.pdf>

⁷⁵ The Unit for Coping with Illegal Construction, ‘Report’, 2016 (in Hebrew), <https://tinyurl.com/y3wcaw2>

⁷⁶ Government Resolution No. 1559, 19 June 2018. *Strengthening the enforcement of planning and building laws* (in Hebrew), <https://tinyurl.com/y9nffwcy>

⁷⁷ Amendment No. 116 to the Planning and Building Law is a legislative enactment of Amendment No. 109 to the Planning and Building Law. In March 2017, the Interior Committee split the bill, with Amendment No. 116 containing most of the sections of the original bill.

⁷⁸ Ministry of Justice, ‘Administrative Offenses Regulations (Administrative Penalty - Planning and Construction), 2017 (in Hebrew).

and allocation, which has left them without the ability to obtain building permits and comply with the law. The law is also being used as a tool to demolish homes, businesses and other properties in Bedouin villages and townships.

On November 12th, the Ministry of Justice issued a notice to the public regarding the Kaminitz Law, which was presented as a suspension of the law for the Arab society. After studying the announcement, it turns out that this is only an "easement" in enforcing the Kaminitz law and not a suspension of the law.

This suspension applies only to dwellings that were populated before January 1st, 2018 and only provided that there are no outstanding enforcement proceedings other than administrative fines. Most of the structures in demolition proceedings generally do not meet these conditions.

E. VILLAGES AT RISK OF DISPOSSESSION

Rās Jarāba – Villagers received warning notices from the Municipality of Dimona (Jewish town) in March 2018. The town of Dimona was established on the historical lands of the Bedouin village and over the years, has expanded its jurisdiction, all the while pushing the Bedouin population aside. The municipality is planning a new neighborhood to be built on the Bedouin village's land, and the Bedouin Authority is seeking to forcefully evict the villagers to the recognized villages of Gašir as-Sirr and Abu Tlūl aš-Šahbī – however, the people claim that the designated lands for them belong to other Bedouin families. At the end of June 2019, all of the houses in the village received eviction orders (95 in total) from the Israel Land Administration (ILA). Since November 2019, the villagers entered a legal process to freeze all eviction orders, and the RCUV is assisting the residents on the civic level. The people of Rās Jarāba are willing to compromise and become a neighborhood in Dimona that will allow them, on some level, to continue their traditional way of life. Currently there is a litigation in the courts, in May 2022 there will be two days of interrogation of primary evidence, which means that all residents in legal proceedings will attend to court to testify.

al-Buqei'a – The village of al-Buqei'a has 1,000 people, who in the past were displaced from their original lands near Dimona. Three years ago, the Planning Committee held a meeting without the residents' knowledge, where it was decided to forcefully move them to the area of Mar'it. In September 2019, all of the families in the village received eviction notices. The villagers formed a local committee and is currently working with human rights organizations, including the RCUV, to find a solution that will stop the State from forcefully displacing them. Adalah is planning to submit letters of defense in December. A third of the residents received lawsuits from the Israeli Lands Authority (ILA) when they divided the village into 3 or 4 beats of lawsuits.

Umm Rattām – The village is a historic Bedouin village with over 1,000 residents – many of whom have filed claims to the land. In January 2020, they received demolition orders.

Wādi Khalil – A historic Bedouin village with around 300 residents, some of whom have filed claims to the land. In 2019, they were approached by a representative of TransIsrael – the company in charge of expanding Route 6 to the south – who was willing to negotiate conditions for their resettlement from their land as well as compensation. However, the Bedouin Authority blocked the negotiations. In January 2020, a second notice of eviction was sent to the villagers from the Ministry of Treasure and on the 21st of February this year villagers were invited for questioning. While the people of Wādi Khalil seek a permanent solution, the Bedouin Authority has been ambiguous on the matter for months. Although the construction of Route 6 continues, there is currently no permanent solution for the villagers. Currently the residents are in the stages of negotiating towards agreements, regarding the case of Route 6.

Khirbit al-Watan – An unrecognized village, home to 4,000 people. The village is a historic Bedouin village, existing on maps for centuries. Its inhabitants, who have been sitting on their land prior to 48', have

filed land ownership claims over 12,000 dunams (1200 hectares) during the 70s' – but their land claims were never resolved in court. According to the Be'er Sheva Metropolitan Plan, the village is located in a rural-agricultural area,⁷⁹ which allows for new settlements to be built in the area – and there is no planning impediment to recognize the village.

On May 12, 2020, in the midst of a global pandemic and during the Ramadan fast, bulldozers from the Jewish National Fund (JNF) began plowing on the residents' historical agricultural fields, which is an important source of livelihood, especially in times of economic crisis. The work of JNF in the village is not carried out as part of an approved plan (the National Forestry Program),⁸⁰ but as a mean to “preserve” open spaces – outlined by the Division for the Conservation of Open Space within the ILA.⁸¹ The stated purpose of this mechanism is to prevent “future invasions” on what the government perceives as “state land” by plowing, overturning fields of land, and planting of trees – while ignoring the fact that people have been living on this land for centuries.

During the months of May and June, the residents organized a protest tent and several peaceful demonstrations. However, the authorities decided to arrest two of the villagers and demolish homes in the village (this occurred on the 11th of June 2020).

F. DISPOSSESSION THROUGH AFFORESTATION

The Jewish National Fund (JNF) has been planting trees on disputed lands, with land claims submitted by Bedouin residents, who used to live there before 1948. The afforestation is done without planning approvals, and not as part of the National Outline Plan for Forest and Forestry. The government and the JNF have set up a "Planting Coordination Committee" whose purpose is to mark areas around Bedouin villages or near them, and to plant in them, to "preserve the land."

By mid-January, 2022, the Jewish National Fund (JNF), on behalf of the Israel Land Authority (ILA), started preparing the land for afforestation projects, in the surroundings of the unrecognized village of Khirbit al-Watan, located south of the recognized Bedouin village of Sa'wah. Those lands are under land claims submitted by the Alatrash family in 1973 but were never discussed or approved by the Court.⁸²

On January 10th, a checkpoint was set up near the Bedouin village of Sa'wah as part of a police operation that included hundreds of police officers, partly on lands that the Naqab's Bedouin citizens have ownership claims. The checkpoints were located in the area between Road 31 and Road 25—which prevented and delayed the entry of vehicles to their villages. As a result of those operations, the Bedouin residents started gathering to protest their lands uprooting, that resulted in the destruction of at least twenty-five olive and fig trees and crops. The Police forces repressed the protests using tear gas drones, shock grenades, police riding horses and rubber bullets, against the protesters. During the clashes, and since the beginning of the confrontations there have been 150 arrests.⁸³ Out of that number, there were 60 minors that were arrested and between 6 to 8 people detained and investigated by the Shabak (Israeli Security Agency). Bedouin

⁷⁹ Local Outline Plan No. 23/4/14, the Be'er Sheva Metropolitan Outline, 21 July 2010 (in Hebrew).

⁸⁰ Planning and Building Law – 1965, National Outline Plan for Forest and Forestry, No.2, January 1995 (in Hebrew).

⁸¹ Israel Land Authority, Coordination committee to carry out planting for safekeeping - work arrangements, 25 February 2016 (in Hebrew).

⁸² haaretz.com. 2022. Clashes in southern Israel are a ticking time bomb for Bennett government. [online] Available at: <<https://www.haaretz.com/israel-news/.premium.HIGHLIGHT-clashes-in-southern-israel-are-a-ticking-time-bomb-for-bennett-government-1.10533954>> [Accessed 26 January 2022].

⁸³ haaretz.com. 2022. Israel indicts 16 Bedouin over Negev protests against JNF tree-planting. [online] Available at:

<<https://www.haaretz.com/israel-news/.premium-israel-indicts-16-bedouin-over-negev-protests-against-jnf-tree-planting-1.10554360>> [Accessed 26 January 2022].

women have taken the lead during the demonstrations, which led to the arrest of twenty-six of them, being most of them released to house arrest.

There were at least 10 people injured during the protests and a minor who was arrested left the prison with a broken arm. Besides, a 39-year-old man was injured with rubber bullets and is now in intensive care.

The arrests continued even after the protests were over.⁸⁴ Bedouin activists continued protesting outside the Be'er Sheva Magistrate's Court to demand the detainees be released and that no more be arrested. The number of filed lawsuits reached 16 and the number of detainees still in custody as of today is nearly 60.⁸⁵

The JNF's and ILA's works were temporarily stopped on Wednesday 19th of January, 2022.⁸⁶

VOTING INTIMIDATION, INCITMENT AND INACCESSABILITY OF POLLING STATIONS - ARTICLE 25

In 2019-2021 we have witnessed four general elections, during which the practice of intimidating and marginalizing Arab voters significantly increased. In the April 2019 elections (first round), it was discovered that the Likud Party sent volunteers to Arab polling stations, armed with hidden cameras, in order to document alleged illegal activities during election day.⁸⁷ This practice is in clear violation of the Election Law, including: disruption to the regular course of elections; interference with individual voting or prevention of voting; threatening the right to vote in general or the right to vote for a specific candidate list. According to Adalah, the police were called to many ballot stations where the proper order of the elections was not preserved, but rather was deliberately violated.⁸⁸ The placement of cameras in polling stations situated in Arab communities by the Likud Party, adversely affected voting turnout in Arab communities, as voters' trust and privacy were violated, deterring them from exercising their right to vote and disrupting the due process of elections. Following a petition, the Central Elections Committee decided to ban all parties from deploying surveillance cameras in polling stations on election day.⁸⁹

In addition to voter intimidation and interference with the regular process of elections, the Prime Minister of Israel and other members of his government, have systematically incited against Arab voters and the Arab Members of Knesset, Israel's Parliament (hereinafter: MK). During the September 2019 elections, Netanyahu claimed that Israeli Arabs have 22 nation-states and they "don't need another one", calling the Arab MKs supporters of terror.⁹⁰ These statements were made even worse when Netanyahu sent a Facebook message to his followers stating that "Arabs want to annihilate us all – women, children and men".⁹¹

As for Arab Bedouin citizens living in the Naqab area, inaccessibility of polling stations has had a decisive impact on the relatively low voter turnout among Bedouin citizens, **in particular Bedouin women**.⁹² Bedouin who live in unrecognized villages are categorized by state authorities according to their tribal

⁸⁴ haaretz.com. 2022. Israeli police arrest 30 Bedouin, days after Negev protests over JNF tree-planting. [online] Available at: <<https://www.haaretz.com/israel-news/.premium-israeli-police-arrest-30-bedouin-days-after-negev-protests-over-jnf-tree-planting-1.10547911>> [Accessed 26 January 2022].

⁸⁵ haaretz.com. 2022. Israel indicts 16 Bedouin over Negev protests against JNF tree-planting. [online] Available at: <<https://www.haaretz.com/israel-news/.premium-israel-indicts-16-bedouin-over-negev-protests-against-jnf-tree-planting-1.10554360>> [Accessed 26 January 2022].

⁸⁶ haaretz.com. 2022. JNF board members demand end to controversial tree-planting in Negev until questions answered. [online] Available at: <<https://www.haaretz.com/israel-news/.premium-jnf-board-members-demand-end-to-tree-planting-in-negev-until-questions-answered-1.10545263>> [Accessed 26 January 2022].

⁸⁷ Amir Alon, 'A demand to investigate the placement of cameras: They scared Arab voters', Ynet Politics, 14 April 2019 (in Hebrew) <https://tinyurl.com/wep7xmq>

⁸⁸ Ibid.

⁸⁹ Adalah, 'Israeli elections committee bars surveillance cameras at polling stations, preventing intimidation of Arab voters', 27 August 2019 <https://tinyurl.com/up7o2sa>

⁹⁰ Noa Landau, 'Analysis// Netanyahu's incitement against Arabs in 2015 proved a big success in Israel's 2019 election', *Haaretz*, 10 April 2019 <https://tinyurl.com/y2dg4gs2>

⁹¹ Refaella Goichman, 'Netanyahu's new election message: 'Arabs want to annihilate us all'', *Haaretz*, 11 September 2019 <https://tinyurl.com/yxuusr7b>

⁹² Yaniv Sharon, 'The long way to the polling station', *Davar*, 27 February 2020 (in Hebrew) <https://tinyurl.com/u43s9rp>

affiliation. This means that they are unable to vote in the nearest polling station, and must travel between 5-50 km to the Bedouin townships in order to participate in the election process.⁹³ Moreover, majority of citizens, living in both recognized and unrecognized villages, lack access to public transportation and are unable to travel the required distance in order to vote⁹⁴- low voter turnout statistics among Bedouin in the April 2019 elections (37.5%)⁹⁵ attest to this fact. While most of the unrecognized villages lack basic infrastructure, at least 11 of them have approved buildings where polling stations could have been placed. However, the Central Election Committee refused to do so.⁹⁶ As a response to the government's actions, several organized and private initiatives were set in motion to drive Bedouin citizens to the polls. The first, was promoted by the NGO *Zazim*. However, their initiative was blocked by the Central Elections Committee, which declared that *Zazim* is prohibited from driving Bedouin to the polling facilities because their initiative constitutes as a violation of the Political Parties Financing Law.⁹⁷

Sidreh Association (hereinafter: Sidreh), advocating for political awareness among Bedouin women in the Naqab, initiated a project (with the help of Arab and Jewish volunteers) aimed at mobilizing Bedouin citizens to the polling stations so they can exercise their basic right to vote, especially women living in unrecognized villages. The project resulted in a 20% increase in voting for women from unrecognized villages – a significant achievement in promoting women's rights and the community.

Inaccessibility of polling facilities directly prevents Bedouin citizens of Israel from exercising their political rights and is in violation of Article 25(b) of the ICCPR.⁹⁸ Furthermore, limiting citizens' access to polling stations also constitutes as a gross violation of the right to vote enshrined in the state's Basic Law: The Knesset.⁹⁹ In the third round of the general elections (March 2020), voting percentage among Bedouins in the Naqab **stood at 56%**, compared with the national average of 71.5%.¹⁰⁰ **The lowest voting percentage was among those living in unrecognized villages (43.9%).**¹⁰¹ According to The Israel Democratic Institute, this low turnout prevented the Arab Joint List from a greater achievement, estimating they would have had an additional 5,000 votes and an additional 16th mandate.¹⁰² The 16th candidate on the List was Arab Bedouin Yusef Atawna – leaving the Bedouin population of 255,000 people with only one representative in the Knesset.

During the last elections (in March 2021), 41,000 Bedouins from the Negev voted for Mansour Abbas, the current leader of the United Arab List and member of coalition.¹⁰³ The Bedouin residents hoped to have their housing problems tackled now with an Arab representative in the coalition. Sadly, with the passing of the only MK Saeed Alkharumi, the Bedouin residents were left with no representation in the Knesset.¹⁰⁴

⁹³ Adalah, 'Disenfranchised: Thousands of Bedouin citizens prevented from voting in upcoming Israeli election', 11 February 2019 <https://tinyurl.com/vlbnun>

⁹⁴ Sikkuy and The Regional Council for the Unrecognized Villages in the Negev, 'The obstacles to accessible public transportation in dispersed communities in the Negev: Position paper', submitted to the Economic Committee of the Knesset, 12 February 2018 (in Hebrew) <https://tinyurl.com/y93t2goe>

⁹⁵ Arik Rodintzki, 'The 2019 elections in the Arab public's eye', *The Israel Democracy Institute*, 2019 (in Hebrew) <https://tinyurl.com/yxxluyx9>

⁹⁶ Yaniv Sharon, 'The long way to the polling station', *Davar*, 27 February 2020 (in Hebrew) <https://tinyurl.com/u43s9rp>

⁹⁷ Political Parties Financing Law – 1973 (in Hebrew) <https://tinyurl.com/uelpevn>

⁹⁸ International Covenant on Civil and Political Rights, New York, 23 March 1976, United Nations General Assembly, Article 25(b) <https://tinyurl.com/y85h68gf>

⁹⁹ Basic Law: The Knesset - 1958, Article 5 (in Hebrew) <https://tinyurl.com/rjz67d4>

¹⁰⁰ Arik Rodintzki, 'Analysis of the Arab public's vote in the 2020 elections', *The Israel Democratic Institute*, 17 March 2020 (in Hebrew), <https://tinyurl.com/y78f6map>

¹⁰¹ Ibid.

¹⁰² Ibid.

¹⁰³ Negev Coexistence Forum. 2021. Who is Mansour Abbas and what does he have to offer to the 41,000 Bedouins in the Negev that voted for him? - Dukium.org. [online] Available at: <https://tinyurl.com/3b748krm>

¹⁰⁴ Haaretz. 2021. Saeed Alkharumi, Knesset member and Bedouin leader, laid to rest. [online] Available at: <https://tinyurl.com/k8vrnam> [Accessed 6 December 2021].

EXCESSIVE USE OF FORCE – ARTICLES 2, 6, 7, 9

In its 2014 COs, the Committee expressed its concern of “persistent reports of excessive use of lethal force by the State party’s security forces.”¹⁰⁵ The Committee added that Israel must prevent all incidents of excessive use of force and ensure that impartial “investigations are launched into all incidents involving the use of firearms by law enforcement officers”,¹⁰⁶ as well as ensure that those responsible are prosecuted and “punished with appropriate sanctions, and that victims are provided with effective remedies”.¹⁰⁷ Since 2014, Israel continues to disregard the Committee’s recommendations and is using excessive force against its Bedouin citizens during distribution of demolition warrants and operations. In most cases, those involved are not held responsible for their actions and victims are not provided any compensation.

A. THE VILLAGE OF UMM AL-HIRAN

Violent events took place in Umm al-Ḥīrān on 18 January 2017, in a military-like demolition operation during which hundreds of armed police officers unlawfully used excessive force of weapons, accompanied by Israeli military helicopters and bulldozers.¹⁰⁸ During the operation, in which forces destroyed about 15 structures, police fired live ammunition at the car of a 50-year-old villager, a math teacher named Ya’aqub Abu al-Qi’ān. Abu al-Qi’ān was hit by two bullets and lost control of his car, which careened uncontrolled into a group of policemen. After the crash, Abu al-Qi’ān, who was still alive and unconscious, was left in his car without any medical treatment to bleed to death. Among the policemen, one officer died, and another was injured. During the same event, police fired at protestors using sponge-tipped bullets. Among those injured is the now head of the Arab Joint List, MK Ayman Odeh, who sustained wounds to his head and the back.¹⁰⁹

Immediately after the incident, prior to any investigation, Israeli officials, including Prime Minister Netanyahu; the Public Security Minister, Gilad Erdan; and Police Chief, Roni Elsheikh; described the death of the policeman as a ‘terror attack’ and implied that Abu al-Qi’ān was connected to the terror group known as Islamic State.¹¹⁰

On the same day, a complaint was filed against the shooting of Abu al-Qi’ān and a preliminary inquiry was initiated by the Ministry of Justice. Despite the undisputed facts (which included numerous videos, photos and testimonies) the Israeli State Prosecutor closed the preliminary inquiry into the killing of Abu al-Qi’ān on May 2018, and no officers were held accountable for his death.¹¹¹ Moreover, it was revealed that the State Prosecutor ignored a Shin Bet (Israel Security Agency) report about the incident in Umm al-Ḥīrān, which concluded that the policeman died due to operational errors of the police, rather than a car-ramming attack.¹¹² The report mentioned questions raised about the preparation of the forces and their unprofessional behavior in the field.¹¹³ Serious allegations were also made against the medical doctor present at the scene. She was accused of denying Abu al-Qi’ān of medical treatment, eventually leaving him to bleed to death.

¹⁰⁵ UN HRC, 112th Session, Geneva, 07-31 October 2014. Concluding Observations on the Fourth Periodic Report of Israel, 21 November 2014. CCPR/C/ISR/4, paragraph 13, <https://tinyurl.com/red87xp>

¹⁰⁶ Ibid.

¹⁰⁷ Ibid.

¹⁰⁸ Forensic Architecture, *Killing in Umm Al-Hiran*, 19 January 2019, <https://tinyurl.com/y5q6cpqy>

¹⁰⁹ Ibid.

¹¹⁰ Maariv Online, ‘Documentation of the attack in the Negev: The terrorist speeds up and overpowers the police’, 18 January 2017 (in Hebrew), <https://tinyurl.com/thcmnz5>; Forensic Architecture, *Killing in Umm Al-Hiran*, 19 January 2019, <https://tinyurl.com/y5q6cpqy>; Imri Levy Sedan, ‘From ISIS terrorist attack to “unfortunate incident”: The Bedouin village runaway - step by step’, *Walla News*, 23 February 2017 (in Hebrew), <https://tinyurl.com/vct23xh>

¹¹¹ Tova Tzimuki and Ilana Curiel, ‘State Attorney closes Umm al-Hiran case’, *Ynet News*, 05 January 2018, <https://tinyurl.com/wq29d39>; Haaretz Editorial, ‘What Israel State Prosecutor ignored at Umm al-Hiran’, *Haaretz*, 12 June 2018, <https://tinyurl.com/ucgpz2n>

¹¹² Haaretz Editorial, ‘What Israel State Prosecutor ignored at Umm al-Hiran’, *Haaretz*, 12 June 2018, <https://tinyurl.com/ucgpz2n>

¹¹³ Josh Breiner, ‘New footage sheds light on fraught, fatal 2017 episodes in Bedouin village’, *Haaretz*, 3 June 2019, <https://tinyurl.com/y4q9zpyy>

During the doctor's investigation by the Police Investigation Unit, several contradistinctions and inconsistencies in her testimonies were found.¹¹⁴ Nevertheless, the decision was to end the inquiry without opening a criminal investigation and no disciplinary measures were taken against any of the policemen involved.¹¹⁵

The lack of accountability and the impunity granted to the security forces increased the tension between the enforcement units and the Bedouin community, as none of the people involved were held accountable – this is in complete disregard of the Committee's 2014 COs, and in violation of the Covenant. As the family of Abu al-Qi'ān still awaits justice three years after his death, we encourage the Committee to call on Israel to reverse the State Prosecutor's decision and to establish an independent investigation into his death and criminally indict anyone found responsible; as well as provide the victims with effective remedies.

In September 2020, Prime Minister Benjamin Netanyahu referred to the investigation of Amit Segal, who revealed that the investigation of the murder of Yaakov al-Qi'ān, in the unrecognized village of Umm al-Hiran in 2017, had been covered-up. Among other things, Segal revealed certain correspondence between former State Attorney Shai Nitzan, the former Israeli Police commissioner Roni Alsich and then Head of the police investigation department Uri Carmel, indicating attempts to hide information related to the event. Netanyahu referred to the tragic incident "The prosecution and the police took an Israeli citizen who was killed by mistake, and who was then defamed by them after his death - and they turned him into a terrorist."

In light of the horrific findings indicating criminal conduct on the part of the police forces, the government apologized for the brutal assassination of Abu al-Qi'ān.

However, in October 2021, the High Court of Justice rejected the request of the family of Abu al-Qi'ān, to reopen the investigation file into his death, although the existent evidence¹¹⁶.

B. THE VILLAGE OF BIR HADDAJ

Bīr Haddāj is a recognized Bedouin village, located in the Naqab. The village was initially designed as a rural agricultural village in its urban building plan, which was approved by the District Planning and Building Committee in 2003.¹¹⁷ However, Uri Ariel, retracted the plan for the village's development nearly three years ago.¹¹⁸ Now, the Bedouin Authority wants to turn Bīr Haddāj into an urban community that will be added to the seven recognized townships, all ranked at the bottom of the Israeli socio-economic cluster. The residents of Bīr Haddāj have been opposing the Bedouin Authority's plan, and as a result, have been targeted by the housing and construction enforcement authorities and the police.

On the 21st of January 2020, dozens of Yasam officers (Israel Police Special Patrol Unit) and enforcement unit inspectors raided the Bedouin village in order to photograph structures and distribute demolition orders.¹¹⁹ The residents attempted to protest the police's activity in the village. In response, one of the officers, dressed in civilian clothing, fired a shot in the air with his gun, while other officers beat and arrested

¹¹⁴ Oren Ziv, 'New evidence reveals Bedouin citizen was left to die after police shooting', *+972 Magazine*, 23 February 2020, <https://tinyurl.com/wuo4kb5>; Forensic Architecture, *Killing in Umm Al-Hiran*, 19 January 2019, <https://tinyurl.com/y5q6cpqy>

¹¹⁵ Josh Breiner, 'Police doctor failed to treat wounded Bedouin man during deadly Umm al-Hiran clashes', *Haaretz*, 12 June 2018 <https://tinyurl.com/yb76pjgn>

¹¹⁶ *haaretz.com*. 2022. Israel's top court denies bid to reopen probe of officers who killed Bedouin. [online] Available at: <<https://www.haaretz.com/israel-news/.premium-israel-s-top-court-denies-bid-to-reopen-probe-of-officers-who-killed-bedouin-1.10314356>> [Accessed 26 January 2022].

¹¹⁷ Southern District, Local Planning Committee Ramat Negev, 'Local outline plan no. 58/101/02/20: Changes to the outline plan of Ramat Negev no. 101/02/20, Be'er Khayil (Bīr Haddāj), October 2003 (in Hebrew).

¹¹⁸ Yaser Ya'aqubi, 'For the Bedouins, protest is their last resort', *Maariv Online*, 03 August 2017 (in Hebrew), <https://tinyurl.com/ybzu8xef>

¹¹⁹ Oren Ziv, 'Police beat residents of a Bedouin village in the Negev, arrested a minor and shot in the air', *Sicha Mekomit*, 21 January 2020 (in Hebrew), <https://tinyurl.com/wwwt33r>

residents who protested the raid.¹²⁰ A village committee member, Mr. Salman Abu Hamid and two other residents were injured. Two officers were also treated for injuries and at least one minor was arrested.

CRIMINALIZATION AND LEGAL HARASSMENT OF BEDOUIN HUMAN RIGHTS DEFENDERS IN THE NAQAB – ARTICLES 2, 9, 11, 12, 14, 15, 17, 26, 27

A. THE VILLAGE OF AL-ARAGIB AND HRD SHEIKH SAYAH

Sheikh Sayah Abu Madhi'm A-Turi is a leader in the fight for land rights in his unrecognized village of Al-Aragib and is one of the leaders in the long battle for Bedouin land rights in the Naqab. Sayah was born in the village in 1949 and faces a united front of state authorities that have joined forces to prove his land ownership claims are false. Sayah uses his public position to raise awareness and promote recognition for other unrecognized villages in the Naqab facing similar difficulties.

On September 21st, 2020, three members of the Abu Madhi'm A-Turi family were sentenced to imprisonment by the Magistrate's Court after being convicted of three charges earlier in 2019: trespassing with intent to commit an offense, violation of lawful direction, and unlawful entry to public land. Aziz Abu Madhi'm and his brother Sayef were sentenced to six and three months in prison, respectively. Their father, Sheikh Sayah, was sentenced to three months of community service due to his age and his poor health. Another family member, Saleem, was sentenced to four months in prison. The four were also fined extremely high sums, ranging between 12,000-30,000 ILS each, and 77,000 ILS in total.

Sheikh Sayah and his family appealed the decision and filed a motion for a stay of execution of the prison sentence until a verdict will be handed in the appeal. The motion was approved by the Magistrate's Court, under the condition that each of the defendants will provide a 5,000 ILS guarantee. On November 24th, 2021, an appeal hearing was scheduled before the Beer-Sheva District Court. While the case has great public importance, the prosecution did not come prepared to the appeal hearing – they have not read the defense's pleading, nor have they submitted their own. Therefore, the court could not have ruled on the matter, and a new hearing will be scheduled.

Sheikh Sayah was previously convicted in December 2017- at the end of a 4-year trial, the Be'er Sheva Magistrates Court convicted Sheikh Sayah of 19 counts of trespassing, 19 counts of unlawful entry into public land, and one count of breach of law, all of which relate solely to his persistent struggle to safeguard the Bedouins' historical rights over their traditional land. He was sentenced to ten months in prison, five months probation, and an ILS 36,000 fine. Sheikh Sayah appealed the Magistrate's Court's and the District court's decisions. The appeal was denied. A motion for leave to appeal to the Supreme Court was filed and similarly denied. The Court determined that the question of land ownership (currently debated at a different court) is 'irrelevant', since in the meantime the area is considered state land, and rejected the defense argument that the state is using criminal law in order to determine land ownership. The court also chose to ignore the vast political and historical context of the case and disregarded any indications that the persecution against Sheikh Sayah is deliberate. On the contrary, the court ruled that Sayah is 'taking hold of the land' in order to defy the state, to mock its laws, and to cause damages by forcing the state to spend considerable policing expenses on demolitions, evacuations, investigations, and complaint-filing. The court also dismissed the defense's claim, that the state is taking excessive legal procedures against the tribe to dismantle their struggle.

Two of Sayah's sons are on trial for similar offenses, one of them, Aziz Abu Madhi'm, is also a leading human rights defender. The criminalization of the Abu-Madhi'm family for living on their land, and the findings that this is an offense that carries prison sentences effectively criminalize thousands of Bedouin citizens with similar status on the land. There is reason to believe that the Abu-Madhi'm family has been

¹²⁰ Ibid.

singled out for enforcement action to the full extent of the law because they have opted for a non-violent struggle for Bedouin rights in the Naqab. Since the early release of Sheikh Sayah from his 10-month prison term, the government and its enforcement authorities have increased the daily pressure and oppression of the residents of Al- Aragib, and many have been repeatedly arrested during the ongoing demolitions of the village.

Civil Proceedings: In August 2017, six of the village leaders were fined ILS 262,000 to cover demolition costs and an additional ILS 100,000 to cover trial costs. 28 other defendants were fined ILS 20,000-30,000 each in different plea bargains reached in the same trial. Sheikh Sayah and his son appealed this verdict to the District Court, lost, and were further fined with the overwhelming sum of ILS 1,600,000. On November 14, 2019, Sheikh Sayah and his son submitted a motion to the Supreme Court to appeal the verdict. The motion to appeal was approved by the court. On November 15th, 2020, the motion to appeal was heard by the Supreme Court. In the hearing, Sheikh Sayah and his family argued that this is the first time the police civilly sue civilians to cover the costs of its official and budgeted work. Therefore, the sum should be decreased drastically to comply with principles of justice and equality. Furthermore, the ruling of the District Court was punitive and did not consider that ownership claims have yet to be determined by the courts.

The State's Attorney claimed that since the appellants, who "ridicule the rule of law", are the dominant activists of the Bedouin struggle for land rights, they possess a "moral guilt" that should be reflected in much severe costs; the judges dismissed the state's claims, and added that the court cannot ignore the feeling that an injustice had occurred, as fining six appellants with the entire sum imposed on the original 34 defendants is unreasonable and unfair. Finally, on November 17th, 2020, the Supreme Court granted the appeal of six members of the Abu Madhi'm A-Turi family of the unrecognized Bedouin village Al-'Arāgīb, and overturned the ruling of the District Court. The Supreme Court ruled that "*due to the unique circumstances of the case and given the State's obligation to conduct itself with decency and equality, even during compromise proceedings in civil lawsuits [...] the appellants costs order will be decreased to 35% of the original costs of ILS 1,636,767, along with an additional subtraction of the plea-bargain costs of the remaining 28 defendants.*"

It appears that the overwhelming amount of legal charges with which they were fined is intended to intimidate leaders in this flagship struggle and deter other Bedouin communities facing a similar situation. The State is using criminal and administrative law as part of its many efforts to determine its ownership over lands in the Naqab and in Al-Aragib in particular, while ownership claims have yet to be determined by the courts. These are only a few of many criminal, civil and administrative legal procedures executed by the State against the Abu Madhi'm family and other Bedouin activists, in an attempt to prevent them from resisting violations of their rights, and as deterrence to human rights defenders protecting Bedouin rights.

B. ESCALATION OF VIOLENCE AND WAR

In May 2021, we witnessed an escalation of violence exercised by right-wing extremists and the police in Sheikh Jarrah, at Damascus Gate, and at the Al-Aqsa Mosque.¹²¹ Those events led to escalations in clashes between the Hamas and the Israeli Defense Forces (IDF). But these clashes also had an impact on the Palestinian citizens of Israel in general and on the Arab Bedouin residents of the Naqab in particular.

¹²¹ United Nations Office for the Coordination of Humanitarian Affairs - occupied Palestinian territory. 2021. United Nations Office for the Coordination of Humanitarian Affairs - occupied Palestinian territory | Escalation in the West Bank, the Gaza Strip and Israel | Flash Update #1 as of 17:00, 11 May 2021. [online] Available at: <<https://www.ochaopt.org/content/escalation-west-bank-gaza-strip-and-israel-flash-update-1-1700-11-may-2021>>.

As a result of these escalations, large Palestinian-led protests began to form all around the country to protest police violence directed at the Arab community. In the Negev/Naqab such demonstrations came in the form of mass protests along main highways.¹²²

Starting on the 10th of May, over 125 people, including Arab Bedouin residents of the recognized and unrecognized Bedouin villages and townships were detained in Southern Israel.¹²³ On that day there were three protests in the city of Rahaṭ. During the night of May 11th, protesters were stopped and detained in the Bedouin localities of Rahaṭ, al-Lagiyyih, Šgīb as-Salām and Be'er Sheva. The protesters chose to demonstrate by blocking main highways. In response, the police force decided later to close the highways, blocking the entrance and exit of anyone, thus limiting the freedom of movement for the Negev/Naqab's Bedouin and Jewish residents.

On Tuesday May 11th, in the morning, dozens of Arab and Jewish students from Ben-Gurion University and activists from Be'er Sheva organized a protest vigil against Israeli government policy in Sheikh Jarrah in East Jerusalem and against violence in the Arab community.¹²⁴ The protest took place across Ben Gurion University's campus with the approval of the police. In the afternoon, a group of Jewish right-wing extremists arrived and started acting violently in front of the students' dormitories. Police officers that were present at the scene ignored the violence. The right-wing men shouted racist slurs and threats like "may your village burn" towards the Arab protesters. They also threw stones and soda bottles at them. However, it was the Arab protesters who were forced to evacuate by the police, under the threat of heavy force. The police employed stun grenades and forced the protesters into the university's dormitories to "protect" them from the potential harm perpetuated by the violent Jewish extremists.¹²⁵ Later, these right-wing extremists chased the protesters to the entrance of the dormitory and attacked them while students sought refuge. The students called the police, but according to testimonies and videos,¹²⁶ the policemen who arrived at the scene chose to attack the students inside the student dormitory complex. The police did little to stop the right wing extremists, despite the danger to the students. The police officers, most of them from a special patrol unit, attacked Arab students and arrested eight of them. Some of the detainees were punched while handcuffed and kneeling on the ground and in the police vehicles. One of the students was beaten by a policeman using a helmet and another by a policeman using a walkie-talkie. The police threw stun grenades at the students to evict them from the premises.

Eventually, four of the students were released and one of them was sentenced to house arrest in his village in the north of the country. Some of them were injured during the arrests or from police assault. Three more detainees remained in custody and were charged with assaulting police officers, disruption, causing disorder and violence. The detention of the three students was extended, and are currently serving their sentences at home prison with permission for two of them to leave their premises to attend their University classes. None of the right-wing Jewish extremists were arrested.¹²⁷

On May 12th, the police closed Roads 60, 31, and 25 restricting traffic from most Bedouin localities.¹²⁸ The police sought to limit the movement of most of the region's Bedouin residents, limiting the possibility of

¹²² Dukium.org. 2021. Police violence, restrictions to freedom of protest and detentions/1.6.21 - Dukium.org. Available at: <<https://www.dukium.org/police-violence-restrictions-to-freedom-of-protest-and-detentions-naqab-2021/>>.

¹²³ Ibid

¹²⁴ Khalail, R., 2021. The Kahanists attacked and the police joined I 31.05.21. Haokets [Hebrew]. Available at: <https://tinyurl.com/3pvmzzye>

¹²⁵ Ibid

¹²⁶ Rakan, M., 2021. Justice for our students. [online] Youtube.com. Available at: <https://tinyurl.com/hdezvkr>

¹²⁷ May, 2021. By Elianne Kremer. Interview. Khalail, Riham.

¹²⁸ May, 2021. By Elianne Kremer. Interview. Abu Obaid, Huda.

demonstrations and protests. These road blockages affected most of the Bedouin villages as well as residents of two Jewish cities; many were stuck for hours.¹²⁹

According to Bedouin testimonies, due to the repression and violence used by police officers, residents have conducted less demonstrations.¹³⁰ The violence exerted by the police in the Negev/Naqab has consisted of hitting people with bats or with their fists and using tear gas.¹³¹ According to Bedouin testimonies, protests have been reduced since then, due to the repression and violence used by police officers.¹³²

It should be noted that similar events have occurred before the May escalation as well. For example, On February 22nd, 2021, a state operation of land ploughing of 2,800 dunams reached the villages of al-Ġarrah, Al-Ru'ays and Sa'wah. Residents of nearby villages and supporters participated in a demonstration, calling for recognition of their villages, and requesting the State to stop demolitions and ploughing of lands. The operation was accompanied by large police forces who violently arrested those trying to prevent the tractors from ploughing their soils and from cutting off a pipe providing drinking water for the residents. During the demonstration, 11 people including a minor were arrested and detained in a police vehicle from the morning hours until the evening without any food or water. Four other protesters were arrested in the afternoon and taken to the police station. Towards the evening, 11 of the protesters were released, one of them was released by the Court the following day, and three remained in custody.

In addition to the state's induced violence, Bedouins also suffered from legal harassment by non-state actors. For example, two Palestinian nursing students were suspended from Ashkelon college for one year after expressing their political views regarding the war in Gaza: one did it on the students' 'WhatsApp' group, and the other on her private Instagram account. The students appealed to the College Discipline Committee, claiming that its ruling was a severe violation of their freedom of speech and an act of selective enforcement by the academic disciplinary rules (as none of the Jewish students who took part in the discussion were accused of discipline offenses). As a result of the appeal, the college decided to revoke the expulsion of both students.

On December 2nd, 2021, more than 1,000 Bedouin residents protested on Route 25, demanding the halt of excessive use of Police enforcement against them, and "labelling Bedouin citizens as criminals". The demonstrators blame the media that has been creating incitement against the Bedouin residents from the Negev-Naqab¹³³.

Lack of shelters during wartime

During May 2021, Hamas fired thousands of missiles into Israel from Gaza, endangering the lives of millions of civilians. These missiles do not distinguish between Jews and Palestinians. Yet, as a result of the State's discriminatory policies and compared to the Jewish community in Israel, the Bedouin community disproportionately bears the dangers of conflict with Hamas. For most Israelis, the Iron Dome system and the IDF's early-warning alarms, provide protection and alert the citizens to enter shelters and designated safe spaces.

In the unrecognized villages of the Negev/Naqab, most houses were built from light materials with no foundations so there are no shelters, under or above ground, and most construction is lacking protective architecture like safe rooms, such as those in many newly constructed apartments and homes in Israel. The

¹²⁹ ynet. 2021. Anarchy also in the Negev: Bedouins caused heavy damage and twisted lighting poles. Available at: <<https://www.ynet.co.il/news/article/HkHKqrFdu>> [Hebrew]

¹³⁰ See notes 21 and 23

¹³¹ Ibid

³¹ Conversation with Huda Abu Obaid, local lobby coordinator at NCF

¹³³ ynet. 2021. Residents of Bedouin unrecognized villages protest against "excessive use of Police enforcement"; Road 25 is blocked for traffic. [online in Hebrew] Available at: <<https://www.ynet.co.il/news/article/sjcysiify>> [Accessed 2 December 2021].

Iron Dome system does not provide coverage for many of the Bedouin villages since the State considers them to be “open spaces.” Even in recognized villages, there are hardly public shelters. In other words, the lives of almost 100,000 Bedouin citizens living in the unrecognized villages and many others are not taken into consideration by the State when it assesses citizens’ security during war. In previous operations, the IDF has provided portable shelters to Jewish localities that lack alternatives, such as in southern Israel, and even in settlements in the West Bank.¹³⁴ During the last violent escalation, rockets fell in two Bedouin villages, Abu Grīnāt and Awajān, injuring residents.¹³⁵ The residents received no warning of the impending attack. Later, three sirens went off in al-Lagiyyih, two in Tal as-Saba‘ and one in as-Sayyid and Mūlada’h. Two rockets fell in the unrecognized village of Wādi an-Na‘am. Most of the homes in the seven townships do not have safe rooms and the public shelters are insufficient for the needs of the growing population.¹³⁶

In 2014, NCF, the Association for Civil Rights in Israel (ACRI) and other civil society organizations, filed an urgent petition to the Supreme Court, demanding the Home Front Command to provide protection against missiles, in the recognized and unrecognized Bedouin villages in the Negev-Naqab¹³⁷. In particular, the demand was for the provision of mobile shelters to be installed in the villages’ areas in sufficient quantities, in accordance with the needs of each and every village. In the verdict ruled in March 2017, the court did not oblige the State to take active steps to place shelters in the Bedouin villages and rejected the petitioners’ claims regarding the unequal deployment of protection.¹³⁸

In May 2021, NCF issued a letter to the IDF Chief of Home Front Command, Uri Gordin, as well as to the Ministry of Defense, and the IDF Commander in Chief, requesting the immediate emplacement of safe shelters, and taking any and all necessary measures to protect the lives of 300,000 Arab Bedouin citizens in the villages and townships.¹³⁹ As of the date of the publication of this report, NCF has received no response.

LIMITED ACCESS TO BASIC SERVICES – ARTICLES 3, 26, 27

All Bedouin communities in the Naqab suffer from poor public services, or complete lack thereof, and high poverty rates.¹⁴⁰ The State’s deliberate neglect of the seven townships has resulted in the highest poverty (66.6%)¹⁴¹ and unemployment rates in the country, high crime rates, and other socio-economic problems that make them undesirable to the residents of the rural Bedouin villages.¹⁴² Majority of the villages are not connected to the water and sewage disposal systems, the electrical power grid or to most means of communication – only some of the schools are connected to water and electricity. Almost no village has paved roads, sidewalks or street lighting.¹⁴³ In addition, only 4 of the unrecognized villages have health and

¹³⁴ Levi, D., 2019. Exposure: The Ashkelon municipality received shields before the escalation and did not distribute them in the city. [Hebrew] Kan South-Ashkelon. Available at: <https://www.kan-ashkelon.co.il/news/35416>. Inn.co.il. 2019. Channel 7| Israel News. [Hebrew] Available at: <https://www.inn.co.il/flash/665316>.

¹³⁵ English.acri.org.il. 2021. [online] Available at: <https://www.english.acri.org.il/post/_316>

¹³⁶ See note 21

¹³⁷ Law.acri.org.il. 2017. Association for Civil Rights in Israel - Legal Archive. Lack of protection in the Bedouin villages in the Negev. [Hebrew] Available at: <https://law.acri.org.il/he/32058>

¹³⁸ Ibid

¹³⁹ Dukium.org. 2021. Letter to the Minister of Defense and the Home Front Command, demanding the protection of the Naqab’s Bedouin residents with the “Iron Dome”. [online] Available at: <https://tinyurl.com/bzauutb5>

¹⁴⁰ CBS, “Local Authorities in Ascending Order of the Socio-Economic Index, 2015,” Table 1.

¹⁴¹ Israel National Insurance Institute, ‘Poverty dimensions and social disparities – Annual report’, 2018, p.32, Table 12 (in Hebrew).

¹⁴² Negev Coexistence Forum for Civil Equality, ‘Accessibility of public and private services in Arab localities, and institutionalized discrimination against Arab public sector employees in the Negev’, 2013, <https://tinyurl.com/y7gy4hqp>

¹⁴³ State Comptroller and Ombudsman of Israel, *Annual Report 66c*, 24 May 2016, pp.958-959, Table 4 (in Hebrew).

Mother and Child clinics. According to the Israeli National Council for the Child (2017) the infant mortality rates in Bedouin communities was 8.7 to 1,000 born.¹⁴⁴

Unemployment in Bedouin communities is high, and the employment rate for Bedouin women is approximately 24% (17% lower than the goal set for all Arab women).¹⁴⁵ Moreover, the Five-Year Plan's program to increase employment among Bedouin women in the Naqab excludes nearly all citizens living in the unrecognized Bedouin villages, especially women. These women are regularly denied access to basic State services, which makes it almost impossible for them to take significant part in the labor force. The short supply of job opportunities in Bedouin communities and the severe shortage of local commerce, craft and industrial parks is one of the **major barriers** to the integration of Bedouin women in the labor market.

In addition, a majority of the villages lack public transport – in the absence of these services, residents are forced to rely on buses that stop alongside intercity highways where many stations lack shelter and even pavements, which creates a safety hazard. In many cases, there is no safe passage to and from the station and passengers are forced to risk their lives to cross intercity highways.¹⁴⁶

Decades of lack of State investment in Bedouin education has taken a heavy toll. Despite lower levels of educational achievement among Arab students at all stages of education – Israel has the largest gaps in educational achievement of all OECD countries, with Arab children scoring on average 133 fewer points than Jewish students in the 2012 PISA tests.¹⁴⁷ These gaps are even more pronounced in the case of Bedouin school children, though the State does not consistently publish disaggregated data about this population.

In dozens of Bedouin villages, three and four-year-old children have no preschool frameworks, in violation of Israel's Compulsory Education Law – 1949.¹⁴⁸ According to the Knesset, 4,843 Bedouin children in the 3-5 year age bracket had no access to preschool education in the 2016/2017 academic year, which equates to 21% of all Bedouin children of age in the Naqab; 70% of these children live in unrecognized villages.¹⁴⁹ The denial of preschool education is likely to have **lifelong detrimental effects** on the children, and the State's failure to implement the Compulsory Education Law perpetuates inequality of opportunity for Bedouin children. As a result of the structural discrimination that disadvantages Bedouin education from day care to high school, the dropout rate among Bedouin children is a critical concern: at age 17 the Bedouin dropout rate in 2015 was 30%, compared to 13% among all Arab children and 5% among all pupils in Israel in this age group.¹⁵⁰ In the 2015-2016 academic year, 11% of all Bedouin children aged 3-17 in the Naqab were not in any of the Ministry of Education (MoE) schools.¹⁵¹ This is an **alarmingly high figure** which shows the ineffectiveness of the State's efforts to improve education for Bedouin citizens.

¹⁴⁴ The Israeli National Council for the Child, 'Statistical Yearbook, "Children in Israel" data collection', 2018, p.11 (in Hebrew), <https://tinyurl.com/yxuc2nmx>

¹⁴⁵ Sikkuy and The Regional Council for the Unrecognized Villages in the Negev, "The obstacles to accessible public transportation in dispersed communities in the Negev: Position paper", submitted to the Economic Committee of the Knesset on 12.02.2018 (in Hebrew), <https://tinyurl.com/y93t2goe>

¹⁴⁶ Ibid.

¹⁴⁷ Yarden Skop Scoop?, "Israel Has Largest Gaps in Student Achievement of All OECD Countries, Study Shows", Haaretz, 02 April 2014, <https://tinyurl.com/yd8x9sep>

¹⁴⁸ Compulsory Education Law – 1949 (in Hebrew), <https://tinyurl.com/y32dezyz>

¹⁴⁹ Knesset Research and Information Center, "Report on Bedouin Education in the Negev," 30 October 2017, p. 17 (in Hebrew), <https://tinyurl.com/yxtk4mkq>.

¹⁵⁰ Knesset Research and Information Center, "The Bedouin education in the Negev 2018: Chosen figures", 18 December 2018, p.15 (in Hebrew), <https://tinyurl.com/y9pw2uyu>

¹⁵¹ Ibid.