



DISPLACEMENT, DESTRUCTION AND APPROPRIATION: THE PALESTINIAN VILLAGES OF LATROUN 40 YEARS AFTER 1967

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In the early hours of 6 June 1967, Israeli military forces entered the three Palestinian villages in what is known as the Latroun salient, namely 'Imwas, Yalo and Beit Nouba. As the Jordanian army had already withdrawn from the area, the Israeli forces met with no resistance and immediately began to expel the residents from their homes. By 7 June 1967, the majority of the residents had been forced to flee from the area and were on the long walk to Ramallah, where they would take temporary refuge. Unknown to them, however, the Israeli authorities had already started to implement their plan to raze the villages to the ground, and 40 years later the villagers would remain displaced.

'Imwas, Yalo and Beit Nouba were evacuated and destroyed by the Israeli military forces in contravention of the most basic tenets of the laws and customs of war. 40 years on, and violations of international law continue, with the residents' right to return to their villages perpetually disregarded, and their land appropriated for Israel's benefit, effectively annexed. Many of the elements which have defined Israel's prolonged occupation of the Palestinian territory can therefore be seen through the lens of the former villages of Latroun.

Forced Displacement

Despite the fact that no hostilities took place in the Latroun area, the more than 10,000 residents of 'Imwas, Yalo and Beit Nouba were forcibly displaced from their homes in the days following Israel's invasion of the area on 6 June 1967. One of the Israeli soldiers who participated in the operations in Latroun described how "[w]e were also told to take up positions around the approaches to the villages in order to prevent those villagers – who had heard the Israeli assurances over the radio that they could return to their homes in peace – from returning to their homes. The order was – shoot over their heads and tell them there is no access to the village."¹

Such forced displacement as was perpetrated in the Latroun villages is prohibited under Article 49(1) of the Fourth Geneva Convention, to which Israel is a party, as well as under binding customary international humanitarian law. The exceptions to this otherwise absolute prohibition, that forced displacement may be permitted for the "security of the civilian population" or for "imperative military reasons," are clearly not applicable to a situation where the Jordanian army had already withdrawn before the Israeli army arrived, thus leaving no scope for any fighting to take place in the area.

The severity of the war crime of forcible transfer, such as that which occurred in 'Imwas, Yalo and Beit Nouba, is highlighted by its inclusion as a "grave breach" of the Fourth Geneva Convention. The legal regime of grave breaches encompasses the most heinous violations of the laws of armed conflict, and obliges all High Contracting Parties to the Convention to search for and prosecute persons who have committed, or ordered

¹ Amos Kenan, *Israel, A Wasted Victory* (Tel Aviv, Amikam, 1970), p.18.

the commission of, such crimes. Under international law, the ongoing displacement of the residents of the Latroun villages is a continuing international crime, for which the responsible Israeli authorities of today remain criminally liable.

Property Destruction

The extensive destruction of property in 'Imwas, Yalo and Beit Nouba by the Israeli military falls into slightly varying categories, with different degrees of protection established by the canons of international humanitarian law for distinct categories of property. The underpinning principle is unvarying, however: public and personal property may not be destroyed unless such destruction is required by imperative military necessity.

The destruction of the schools, mosques and medical facilities in the Latroun villages was carried out in flagrant disregard of the specific provisions of international humanitarian law which bestow comprehensive protection on educational, religious and medical institutions. With regard to the houses of the residents that were destroyed by Israeli bulldozers while the Six-Day War was still in progress, Article 23(g) of the Hague Regulations, declaratory of a long-established principle of customary international law, stipulates that it is "especially forbidden" to "destroy or seize the enemy's property, unless such destruction or seizure be imperatively demanded by the necessities of war." The destruction of the property of the villages which continued after the war ended on 10 June 1967 was carried out by Israeli occupying forces in clear violation of the broader protection afforded to property in occupied territory by virtue of Article 53 of the Fourth Geneva Convention:

Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations.

In short, there must be a direct connection between the destruction of property and the overcoming of enemy forces. The Israeli army met with no resistance in these villages, and the destruction of civilian property carried out therein was in no way connected with the overcoming of enemy forces. The fact that the inhabitants of the Latroun villages were first evacuated from their homes and transferred from their villages before the razing of their homes and properties removes any basis for even attempting to invoke a defence of "military necessity." That the Israeli military authorities had planned to destroy the villages before the war is clear from the testimonies of soldiers involved.

With three entire villages razed to the ground, the scale of the destruction is sufficiently egregious to render it within the ambit of "extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly" – also a grave breach of the Fourth Geneva Convention, for which the perpetrators are criminally responsible. The requisite mental element for this crime had undeniably been present in the upper echelons of the Israeli military; the then Chief of Staff, Yitzhak Rabin, having subsequently asserted that "I gave the order"² to demolish the villages.

² Trish Woods, *Park With No Peace* (Canada Broadcasting Corporation, 1991).

Settlement Construction

Mevo Horon settlement was built on the land of Beit Nouba village in 1970 with the obvious intention of bolstering Israel's claims over the land in Latroun, an area of clear strategic interest to Israel. Although a small settlement at the time, Mevo Horon has been recently expanding in keeping with the overall trend of the Israeli settlements in the West Bank. Between 2000 and 2005, its population almost doubled.

As well as defying the basic tenets of international law by virtue of the fact that they constitute a form of colonialism and an inherent violation of the right to self-determination, the Israeli settlements entail serious infringements of specific provisions of international humanitarian law. Article 49(6) of the Fourth Geneva Convention states unequivocally,

The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.

The illegality of Israel's settlements in the Occupied Palestinian Territory (OPT) is indisputable, and has been confirmed by the UN Security Council, the High Contracting Parties to the Fourth Geneva Convention and the International Court of Justice. The meaningful exercise of the Palestinian right to self-determination entails the dismantling of all Israeli settlements in the West Bank, including East Jerusalem.

Annexation of Land

According to Yitzhak Rabin, the Latroun salient was specifically targeted by Israel on account of its strategic location along "the line of the road between Tel Aviv and Jerusalem."³ What has unfolded in the area since 1967 typifies the cycle of calculated policies implemented by Israel to realise the planned goal of annexing certain areas of the OPT.

First, the forcible transfer of the Palestinian population out of the area. Second, the destruction of property and the confiscation or appropriation of Palestinian land. Third, settlement construction and the transfer of part of Israel's own civilian population into the occupied territory. And now, fourth, the construction of the Annexation Wall to envelop the settlements, in this case Mevo Horon, and to keep them in the 'seam zone' between the Wall and the Green Line. All four steps of this cycle contravene fundamental provisions of international law, and serve to create facts on the ground ultimately aimed at annexation or acquisition of territory by threat or use of force.

The illegality and inadmissibility of such acquisition is one of the core principles upon which modern international law is built, and is firmly enshrined in Article 2(4) of the UN Charter. Moreover, under binding UN Security Council Resolution 242, Israel is required to withdraw from territories occupied in the Six-Day War, including the West Bank.

³ *Ibid.*

The Right of the Residents to Return

The Palestinian civilians forcibly transferred from the three villages of Latroun endured different fates. Some of them ended up as internally displaced persons within the West Bank, mainly in the Ramallah area where they remain today. Others, however, became externally displaced when they fled to Jordan during the war. These residents were thus not issued with West Bank identification cards in 1967, and, as a result, have to this day been prevented by the Israeli authorities from returning to the West Bank, let alone to their villages.

Although the legal status of persons forcibly displaced inside or outside the West Bank may differ accordingly, their rights under international humanitarian law are uniform, with Article 49(2) of the Fourth Geneva Convention holding that persons forcibly evacuated “shall be transferred back to their homes as soon as hostilities in the area in question have ceased.” Binding Security Council Resolution 237, adopted unanimously and since reaffirmed by a plethora of General Assembly resolutions, placed similar obligations on Israel with regard to Palestinians displaced by the 1967 war by calling upon the Israeli government “to facilitate the return of those inhabitants who have fled the areas since the outbreak of hostilities.”

Those forcibly transferred from ‘Imwas, Yalo and Beit Nouba to other parts of the West Bank are classified as “internally displaced persons,” to whom further specific entitlements under international law apply. Principle 28 of the Guiding Principles on Internal Displacement bestows upon Israel the “primary duty and responsibility to establish conditions, as well as provide the means, which allow internally displaced persons to return voluntarily, in safety and with dignity, to their homes or places of habitual residence.”

With regard to those residents of Latroun forcibly displaced to Jordan, although not classified as “Palestine refugees” under the mandate of UNRWA, they hold an inalienable right to return to the OPT under customary law as codified in Article 13 of the Universal Declaration of Human Rights.

As evidenced from the continuing displacement of the residents of Latroun, however, the political will to enforce this inalienable right has thus far been lacking. Article XII of the Oslo Declaration of Principles on Interim Self-Government Arrangements provided for the establishment of a committee “to decide by agreement on the modalities of admission of persons displaced from the West Bank and Gaza Strip in 1967,” an idea which was reproduced in several subsequent agreements between Israel, the Palestinian representatives, Jordan and Egypt. All such agreements, however, are notable by their failure to facilitate the implementation of the right of return for those displaced from the Palestinian territories in 1967. It is imperative, therefore, that any future agreements on the OPT provide more concrete mechanisms to facilitate such return, with the unassailable principles of international law as their basis.

Third Party Obligations

As previously noted, the High Contracting Parties to the Fourth Geneva Convention have a legal duty under Article 146 to search for and prosecute those responsible for ordering and committing the grave breaches of the Convention perpetrated in Latroun;

namely the extensive destruction and appropriation of the property of the villages, and the continuing displacement of the residents of the villages.

The High Contracting Parties also have a broader obligation under Article 1 to “ensure respect” for the Convention. Moreover, under customary international law, all states have a duty not to recognise and not to assist an illegal situation, such as the unlawful acquisition of territory by force, the denial of the right to self-determination, or the illegal building of settlements. This duty extends to a positive obligation on states to take measures, individually and collectively, to put an end to the illegal situation.

Thus, while the obligations on third states with regard to the violations perpetrated in the Latroun area are clear, they have not been sufficiently respected by the international community as a whole with regard to taking measures to put an end to the unlawful denial of the Palestinian right to self-determination; nor by certain individual states with regard to non-recognition of the illegal situation. “Canada Park” was built as a recreational area for Israelis on the land of the destroyed villages of ‘Imwas and Yalo. It was funded by donations to the Jewish National Fund in Canada which were subsidised as tax-deductible by the Canadian government. Thus, Canada, far from fulfilling its positive obligation to put an end to the illegal situation created by Israel in this part of the OPT, is responsible for breaching its duty of non-recognition and is complicit in the creation of facts which consolidate the illegal situation and prejudice the realisation of the Palestinian right to self-determination.

Indeed, the meaningful exercise of this indispensable right has become more and more improbable in the 40 years since the Israeli army forced the residents of ‘Imwas, Yalo and Beit Nouba out of their homes. What began as a seemingly typical post-war military occupation in 1967 has steadily morphed into what is now an exploitative and repressive regime defined by its voracious desire to procure permanent control over as much of the West Bank, including East Jerusalem, as possible, and to pre-emptively fragment any future Palestinian state into nothing more than an assortment of isolated cantons.