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Eitay Mack, Advocate

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August 29, 2022

To:
Members of the United Nations
Security Council

Re: The UNSC must protect the residents of the village of al-
'Esawiyah from the widespread attacks by the Israeli occupation
forces

1. I appeal to you on behalf of the Palestinians living in al-'Esawiyah village in East Jerusalem Muhammad Abu Humus, Musa Mozatfa, Daoud Aliyan, Thaar Abid, Faras Muhammad, Khalil Odeh, Imran Mustafa, Wassam Hamdan, Nazar Mahisan and Ahmed Mahisan.
2. Also, I appeal to you on behalf of the Israeli human rights organizations, movements and activists that support the Palestinian communities in the Occupied Palestinian Territories, and support the demand of the residents of al-'Esawiyah village for the UNSC's protection:

The Israeli human rights organizations and movements: Combatants for Peace, Mothers Against Violence, Windows – Channels for Communication and Machsom Watch.

And the Israeli human rights activists: Simha Latman, Yonatan Shapira, Tamar Yaron, Dr Yael Zoran, Nuni Tal, Dubi Moran, Amir Pansky, Prof. Mira Balaban, Raya Yaron, Dr. Hagar Gefen, Rami Pinchover, Dvoraka Oreg, Dr. Joseph Oreg, Hannah Stollman, Shaish Dan, Miriam Shlesinger, Shaul Tcherikover, Dr. Naomi Kirshner, Ada Bilu, Mreh Abo Jlal, Adina Cohen Harari, Karen Wainer, Reut Crystal, Naomi Benzer, Menachem Golan, Ofer Wasserman, Mieko Galiko, Osama Aljabri, Raghad Rezik, Amir Abu Al-Saoud. Rutie Atsmon, Yuval Gal Cohen, Naela Meilad, Michal Ronel, Yonatan ofer, Sima Sason, Avshalom Rov, Bat-El Galor, Rivka Vitenberg, Rabbi Dani Danieli, Dr. Salim Abbas, Dov Hercenberg, Reut Stoler Ezra, Eyal Rosin, Anat Tueg, Ronit Marian Kadishay, Omer Arvili, Dr Bettina Birmanns, Tamar Berger, Prof. Raz Chen-Morris, Dr. Richard Traube, Liora Glatt Traube, Rachel Hayut, Claire Oren, Oded Paporisch, Nora Bendersky, Michaela Rahat, Hedva Adiri, Michal Peleg, Avital Toch Bar-Haim, Idit Shaked, Adi Argov, Tzvi

Markovitz, Aviva Shemesh, Jude Liemburg, Dr. Hilla Dayan, Dr. Leena Dallasheh, Dr. Ilana Hairston, Prof. Neve Gordon, Prof. Catherine Rottenberg, Ruhama Woolf, Dr. Meir Amor, Maya Goldman, Yasmin Eran-Vardi, Jose Tavdyoglo, Dr. Noah Benninga, Einat Weizman, Dafna Sheer, Prof. Tamar Hager, Dr. Mazal Kaufman, Dr. Tzvia Shappira, Tuly Flint, Gila dror, Lital Amos, Itamar Feigenbaum, Tal Haran, Galia Katsir, Dafna Brenkel, Dr. Diana Dolev, Esti Micenmacher, Edith Breslauer, Amir Bitan, Vered Keasar, Vered Bitan, Bruria Rosenwaks, Michel Lotan, Tamar Lehahn, Nufar Shimony, Ofer Neiman, Micha Rachman, Anat Gutman, Yael Agmon, Dalia Migdal, Ofer Neiman, Avishay Mohar, Natanya Ginsburg, Dr. Uri Davis, Dr. Arlette Mintzer, Talya Ezrahi, Chani Rabinovich, Tamar Litan, Adi Shosberger, Dr. Babai Mhamad, Nina Sebba, Stanley Sebba, Tamam Jabareen, Daphne Banai, Nirit Veiga, Natalie Goral, Aryeh Miller, Oren Feld, Ronny Wallach, Ophir Elkana, Norah Orlow, Dr. Rotem Levin, Dr. Sara Carmeli, Pepe Goldman, Ben Z. Eshel, Shoshana London Sappir, Vardit Goldner, Haya Altman, Sarah Meron, Galia Katsir, Angela Sturm Corem, Indigo Wagner, Ayelet Yekutiel, Tamar Goldschmidt, Aya Kaniuk, Dr. Bareket Schiff Keren, Noemi Givon, Dr. Tom Pesach, Miky Fisher, Juliet Dabbikeh, Nava Toledano, Irit Segoli, Aharon Segoly, Ronny Perlman, Michal Tsadik, Annelien Kisch-Kroon, Dr. Eldad Kisch, Arie Chupak, Rivka Perl Etkin, Amit Fitzer, Elyahu Avidor, Dr. Dafna Hirsch, Ruth Barkai, David Wachsmann, Itai Nevo, Dr. Snait Gissis, Chaya Ofek, Guy Butavia, Tamar Cohen, Zuraya Hadad and Meir Barzilsy.

3. Al-'Esawiyah village was occupied in 1967 and annexed illegally by the State of Israel. UN Security Council Resolution 242 (1967), 338 (1973), 446 (1979), 452 (1979), 465 (1980), 476 (1980), 478 (1980), 1397 (2002), 1515 (2003), 1850 (2008) and 2334 (2016), have repeatedly stated that unilateral annexation intended to change the status of parts of East Jerusalem has no legal effect and is invalid, and that it constitutes in itself a violation of international law.
4. After 55 years of Israeli occupation and repression al-'Esawiyah village is one of the poorest neighborhoods in Jerusalem, and its 22,000 residents are stuck in a living hell.
5. According to B'Tselem, the State of Israel has already taken over more than 90% of al-'Esawiyah's land using expropriation, declaration of "state land" and military seizure. From 2004 through late 2019, 135 structures in the village were demolished, 74 of them homes (six of which were demolished by the owners, who had received a demolition order and wished to avoid paying the municipality for the cost of demolition).¹
6. The State of Israel wants the territory of the village of al-'Esawiyah, but not its Palestinian residents. Israel doesn't care about its residents' basic needs and commits serious and systematic violations of their human rights recognized under international law. The residents of the village are systematically, extensively and daily attacked and abused by the Israeli security forces.

¹https://www.btselem.org/sites/default/files/publications/202005_this_is_jerusalem_violence_and_dispossession_in_al_esawiyah_eng.pdf

7. Since the village of al-'Esawiyah is annexed to Israel, the government uses in the village the paramilitary unit of the Border Police that is under the command of the police. For internal Israeli political reasons, the government does not wish to use the military (IDF) within its "sovereign" territory.
8. In reality, the difference between the military and the Border Police is not significant, and it is no coincidence that this is the same unit that is also used extensively in the West Bank (For example, in Kafr Qaddum near Nablus, where there are weekly demonstrations). Although the Border Police is under the command of the police, the policemen in the unit receive military training, and are using military equipment and tactics.
9. Also, the government uses in al-'Esawiyah the Special Patrol Unit (In Hebrew: Yasam), which is a commando unit of the police established to fight terror and serious crime and disturbances, that is known to be involved in endless violent incidents against civilians all around Israel. Its members are former combat soldiers and officers of the military².
10. The State of Israel and its border police forces and Special Patrol Unit are systematically, extensively and daily violating the rights of the residents of al-'Esawiyah recognized in the Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War (1949), the Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land (The Hague, 18 October 1907), the International Convention on Civil and Political Rights (1966), the International Convention on Economic, Social and Cultural Rights (1966), the UN Declaration of Human Rights (1948), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), the Convention on the Rights of the Child (1989), the UN Declaration on the Elimination of Violence against Women (1993), the Convention on the Elimination of All Forms of Discrimination against Women (1979), the International Convention on the Elimination of All Forms of Racial Discrimination (1965), and the International Convention on the Suppression and Punishment of the Crime of Apartheid (1979).
11. No one is safe in al-'Esawiyah, neither in the streets nor in the houses. There is no family in al-'Esawiyah without at least one member who was detained, injured or killed. There is no family whose property was not damaged or destroyed, and who was not humiliated. In recent years:
 - Numerous houses, shops and vehicles were burned or damaged as a result of the Border Police and the Special Patrol Unit using different types of ammunition and grenades (For example, gas) or using these properties for their operational activities.
 - The Border Police and the Special Patrol Unit made use of private houses and shops for their operational activities, entered them to conduct surveillance or ambushes, and by that disrupted the lives of families and violated their right to privacy and respect.

² <https://www.police.gov.il/join/professions>

- Numerous residents lost their eyes or got other body organs severely damaged as a result of being hit by bullets of various types by the Border Police and the Special Patrol Unit, when they were on their way to school or kindergarten, to visit friends or family members, to work, to the pharmacy or the supermarket, or just stood in their home garden, porch, or by the window.
 - Numerous residents were arrested, at all hours of the day and night, and even in the hospitals, on claims that they participated in the clashes or as a way to put pressure on them to become collaborators, and provide information about their friends and family members to the Israeli security agencies.
 - The Border Police and the Special Patrol Unit maintained checkpoints throughout the village streets and alleys that prevented the residents from arriving at work or school on time, and were also used to threaten and humiliate them.
 - Numerous residents were beaten by the Border Police and the Special Patrol Unit, in excuse that they disturbed their operational activities or participated in clashes.
 - Every once in a while, the Border Police and the Special Patrol Unit conducted a full "pacification operation" or blockade on the village that almost totally stopped the residents' life.
12. Regularly, heavily armed policemen from the Border Police and the Special Patrol Unit enter the village of al-'Esawiyah, patrolling the streets, yards and entrances to private homes. In particular, they are stationed near educational institutions and playgrounds in order to provoke children and young people and initiate clashes that will justify mass detentions, and the massive use of different types of shooting and anti-riot equipment contrary to international law, and especially the UN Code of Conduct for Law Enforcement Officials (Adopted by General Assembly resolution 34/169 of 17 December 1979), and the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990). Many attempts by parents from the village to convince the Border Police and the Special Patrol Unit to stay away from the educational institutions and playgrounds have failed or not lasted a long time.
13. Some of the policemen who arrive in al-'Esawiyah are very young, and it seems that they come to the village for training in fighting in a built-up area at the expense of the safety and health of the residents. For example, in several cases, officers were seen teaching and explaining to young policemen how to use different types of weapons and grenades.
14. The claim that the Border Police and the Special Patrol Unit unit is carrying out provocations designed to create the clashes that are used as an excuse for collective punishment in al-'Esawiyah, is not a conspiracy or an anti-Semitic claim, but backed up by official documents.

15. From the investigation material of the Department of Police Investigations in case No. 565/2016 – in the complaint of a 12-year-old boy who was shot in the head by a Border Police policeman with a sponge bullet and as a result his skull was fractured, parts of it entered his brain, and internal pressure was created on the brain causing pressure on one of his eyes – it appears that the claims of the residents of al-‘Esawiyah are correct³: According to a report prepared by Sergeant Major Adela Fekdo (No. 76899406-6-018-0062) "During a lunch shift we entered into an activity in the village of Issawiya to engage in confrontation with the residents"; According to an action report prepared by Maj. Gen. Levi Nof (No. 76889076-06-018-0062) "I entered al-‘Esawiyah in order to carry out a confrontation operation during the operation the confrontation developed"; According to an action report prepared by Major General Golan Elmaleh (No. 76889849-06-018-0062) "I was asked to come together with the team to the gas station Manta in al-‘Esawiyah for a confrontation activity in the village led by team 53 and Hoshan 13. We received a briefing and entered on foot led by Hoshan 13 together with additional Border Police forces of the local sector"; According to an action report prepared by Inspector Israel Aviv (No. 76889900-06-18-0062) it was an "initiated and planned activity in the village of al-‘Esawiyah in the Hoshan 13 command"; According to an action report prepared by Major General Asraf Moshe (No. 76893444-6-018-0062) "We were asked to come to al-‘Esawiyah for confrontation activities"; According to an action report prepared by Maj. Michal Moshkowitz (No. 7684249-6-018-0062) "During a shift while I was driving, a confrontation activity was carried out in al-‘Esawiyah, during the activity a gathering began."
16. The residents of the village of al- ‘Esawiyah have no ability to stop on their own the violence of the State of Israel and its Border Police and Special Patrol Unit. They wield no political influence within Israel. Their complaints that are submitted to the Israeli investigative authorities are almost always dismissed. Policemen acting in the village are granted complete de-facto immunity; those residents who dare to complain suffer from harassment and retaliation (including through the issuing of fines). Furthermore, numerous reports by Israeli organizations which are financed by member states of the UNSC, such as B'Tselem and Ir Amim, HaMoked: Center for the Defence of the Individual, and BIMKOM – Planners for Planning Rights, have failed to improve the harsh reality of life in al-‘Esawiyah under the Israeli occupation.
17. **On the basis of the aforementioned, we ask the UNSC to act according to Chapter VII of the Charter of the United Nations:**
- a) **To decide that the present situation with regard to al-‘Esawiyah is likely to threaten international peace and security and may further deteriorate unless additional measures are promptly taken to maintain peace and to seek out a durable solution.**
 - b) **To establish a mission of the UN to ensure effective protection for the civilian population of al-‘Esawiyah from targeted attacks by the State of Israel and its Border Police and Special Patrol Unit, with respect for the rule of law, human rights and international humanitarian law.**

³ <https://www.haaretz.co.il/news/politics/2016-07-12/ty-article/.premium/0000017f-eda9-ddba-a37f-efefbe250000>

- c) **To fight impunity and bring the Israeli perpetrators to justice and provide medical, humanitarian and other assistance to the victims of human rights violations in al-‘Esawiyah.**
- d) **To impose sanctions, including travel bans and assets freeze on Israeli individuals and entities that are responsible for, or complicit in, or having engaged in – directly or indirectly – violations of human rights and international humanitarian law in al-‘Esawiyah village.**

18. We would be grateful for your prompt action and response.

A handwritten signature in blue ink, consisting of a series of loops and a vertical line at the end.

Eitay Mack, Adv.