



ICAHD

The Israeli Committee Against House Demolitions
الحركة الإسرائيلية ضد هدم البيوت
הוועד הישראלי נגד הריסת בתים

Resisting Apartheid, Building a Shared Democracy

DEMOLITION AND DISPLACEMENT REPORT FOR APRIL 2019

During April 2019, at least 70 structures were demolished in the occupied Palestinian Territories (including East Jerusalem) by Israeli forces, displacing at least 70 people- including 33 children- and affecting a further 313 people (according to OCHA oPT).

All the demolitions and confiscations, other than the two punitive demolitions, were carried out on grounds of lacking an Israeli-issued building permit. Most of the demolished structures supported agricultural, herding and commercial livelihoods.



Full List of Demolitions

- On 1 April, 2019, Israeli forces demolished three agricultural structures in Shu'fat, East Jerusalem, affecting 16 people from three households.
- On 2 April, 2019, Israeli forces demolished an under-construction three-storey building in Bir Onah, Bethlehem. Ten family members from three households were affected by the demolition.

- On 2 April, 2019, a family was forced to self-demolish a housing unit, built on the rooftop of their residential building in Silwan, East Jerusalem. The family first received a demolition order in 2016. On 2 April, 2019, an Israeli court ordered the family to demolish the structure until 23 May, 2019. The demolition displaced one person, and affected four others from the same family.
- On 2 April, 2019, The Israeli ministry of Interior along with Israeli forces demolished a two-storey building consisting of six under-construction apartments in Ras Khamis, which is located within the Israeli-defined East Jerusalem municipal area on the West Bank side of the Separation Wall. As a result, 45 people, including 27 children, from six households have been affected.
- On 5 April, 2019, a family was forced to self-demolish their house in the village of Hizma, which is located within the Israeli-defined East Jerusalem municipal boundary on the Jerusalem side of the Separation Wall. The house was built on a plot of land, bought by the family in 1976. Eight people, including six children, were displaced as a result of the demolition.
- On 6 April, 2019, a Palestinian family was forced to self-demolish a horse stable and a container used for storage space in Shu'fat, East Jerusalem. Three households comprising 18 people, including 11 children, were affected. The families have had several other structures demolished throughout the years.
- On 9 April, 2019, a Palestinian family was forced to self-demolish their under-construction house in Bir Onah, Bethlehem. The demolition was carried out after the family was warned by the Israeli authorities that if they didn't self-demolish, they will have to pay for the municipal demolition and fines, an amount that could reach 250,000 NIS, as was told to them. Three families, comprising of 19 people, including 11 children were affected.
- On 10 April, 2019, a Palestinian family was forced to complete the self-demolition of the walls and roof of their house, that was self-demolished in 2016, inside the Old City of Jerusalem. Four people from one household were affected.
- On April 10, 2019, Two houses were demolished by the Israeli forces in Tal as-Saba', a government planned Bedouin township, Naqab desert, South Israel.
- On April 10, 2019, Israeli forces demolished a house in al-Lagiyyih, a government planned Bedouin township, Naqab desert, South Israel.
- On 11 April, 2019, Israeli forces demolished and confiscated an agricultural structure in Majdal Bani Fadil, Nablus, affecting two people from one family.
- On 13 April, 2019, a Palestinian family was forced to self-demolish extensions to their house, built on their rooftop, in the Old City of Jerusalem. Seven people, including three children, from two households were affected and one child was displaced.
- On April 15, 2019, a Bedouin family was forced to self-demolish their house in [Awajān](#), an unrecognised Bedouin village in the Naqab desert, South Israel.
- On 16 April, 2019, Israeli Civil Administration personnel alongside Israeli forces demolished and confiscated two structures: a residential tent and an animal shelter, in the village of Susiya, Massafer Yatta, displacing a family of five.
- On 16 April, 2019, Israeli forces demolished two plant nurseries and the concrete ground for a planned car wash facility and nursery in Hizma. The structures were located within the Israeli-defined East Jerusalem municipal area on the West Bank side of the Separation Wall. This is the third time the plant nurseries have been demolished. The demolition has affected four households, comprising of 30 people, including 18 children.
- On 17 April, 2019, Israeli Civil Administration personnel alongside Israeli forces demolished three agricultural structures in Shoshaleh area in Al Khadr, Bethlehem.

- During the demolition 87 trees were vandalized by the Israeli forces. Three households comprising of ten people have been affected.
- On 17 April, 2019, the Jerusalem municipality alongside Israeli forces demolished a horse stable and a warehouse in Wadi Yasoul, Silwan, East Jerusalem. As a result, two households comprising 18 people, including ten children were affected.
 - On 17 April, 2019, the Jerusalem municipality alongside Israeli forces demolished a house in Beit Hanina, East Jerusalem. A family of seven, including five children were displaced. The family lost most of their belongings under the rubble.
 - On 17 April, 2019, a family was forced to self-demolish a residential room they built, after having their home demolished in February 2019. Two people were displaced and five others affected.
 - On 17 April, 2019, the Israeli army punitively demolished the house of Salah al Bargouthi, who has been accused of carrying out an attack on Israeli settlers. The demolition has left his wife, and a 5-year-old child displaced. In addition, two rooms in an adjacent house were damaged due to the demolition of the apartment, which was located inside a residential building.
 - On 17 April, 2019, Israeli forces demolished an under-construction house in Khirbet Jubara, Tulkarem. The demolition affected a family of five, including three children.
 - On 17 April, 2019, Israeli forces demolished the unrecognised Bedouin village al-‘Arāgīb, Naqab desert, South Israel, for the 143rd time.
 - On 18 April, 2019, Israeli Civil Administration personnel alongside Israeli forces demolished a residential tent and an animal shelter in Susiya, Massafer Yatta, leaving a family of five displaced.
 - On 25 April, 2019, Israeli forces carried out a punitive demolition in the village of Az-Zawiya, Salfit. The house belonged to the family of a young Palestinian who was accused of carrying out an attack that resulted in the death of two Israeli citizens. Israeli forces used explosives to blow up the family house, located on the second floor of a building, causing severe damage to other apartments in the building, as to other houses in the neighbourhood. The punitive demolition left the family of seven, including five children, displaced.
 - On 27 April. 2019, a family self-demolished their house in Silwan, East Jerusalem. The house, located on the fourth floor was built in August 2018. The family received a demolition order in February 2019, and tried to fight the case in court but lost. On 24 April, 2019, the family received a call from Israeli authorities ordering the family to start demolishing the house by themselves, or else the municipality will demolish it. A family of eight, including five children has been affected.
 - On 28 April. 2019, a family self-demolished an extension to their house in Sur Bahir, East Jerusalem. They received an administrative demolition order on 18 April, with a notice until 30 April, 2019. The family did not take any legal action and were forced to self-demolish the extension to the house in order to avoid exuberant fees and fines. A family of eight, including five children were affected.
 - On 29 April. 2019, Israeli forces demolished 22 structures in Jabal al Mukabbir affecting 57 people from 11 households, and displacing ten people from two households. The structures included: two inhabited residential structures, five uninhabited residential structures, three animal barracks, six storage structures, three offices, two fences and a concrete wall. All households reported that they did not receive any demolition orders prior to the demolition.
 - On 30 April, 2019, Israeli forces demolished two homes and two animal structures in Wadi Yasoul, Silwan, East Jerusalem. 11 people, including seven children, were displaced and a further five were affected.

Legal Updates

Case Summary Wadi Yasoul – Silwan, East Jerusalem 17 April 2019 by the Norwegian Refugee Council (NRC)

BACKGROUND: Wadi Yasul is an area located in the Palestinian neighbourhood of Silwan, which is just south of Jerusalem's Old City. This part of Silwan is home to about 500 people. Most of the residents of the area have been served with demolition orders. These orders are a consequence of the reality by which it is virtually impossible for Palestinians to obtain Israeli-issued building permits from the Jerusalem Municipality. Therefore, buildings are built without permits are considered unlawful and are at risk of demolition.

LEGAL AND PLANNING INTERVENTIONS: The Jerusalem Municipality classified the majority of Wadi Yasul's land as a 'green space' and there are plans to build a national park in the area, rendering it virtually impossible for owners of structures in the area to accrue building permits. Residents of Wadi Yasul prepared and submitted an alternative master plan to the Jerusalem Municipality to rezone the neighbourhood. The initial draft was submitted in March 2003 and was received positively by the Municipality, which encouraged the community to continue to advance the planning process. Yet, soon after, the District Planning Committee rejected the plan on grounds that the area is adjacent to the Old City and hence should remain a 'green space'. The community then submitted an administrative petition to the Jerusalem District Court, challenging the District Planning Committee's decision, and the Court facilitated a mutual agreement between the parties, which stipulated that: Residents of Wadi Yasul will have the right to submit a request for an appeal to the National Planning Council, and are entitled to submit a new master plan to retroactively legalize unlicensed structures and develop the neighbourhood with infrastructure and public assets. While the Planning Committees promised to consider the new master plan quickly, openly and professionally, they ultimately rejected it. The residents then filed an appeal with the Administrative Court. The Court hearings were postponed several times to allow the parties to reach an agreement. Later, the District Planning Committee and community agreed that: The Jerusalem Municipality will commence a statistical review of Wadi Yasul to identify more precise population figures and quantify the number of structures in the area; Planning baselines will be developed and agreed upon between both parties; and a meeting will be scheduled with the Municipal Engineer to present the planning overview, and identify further requirements needed to advance the planning process. While the Municipality had indicated its willingness to support the master plan and to submit it to the relevant bodies on behalf of the community, on June 2012, it declared that it has no intention to do so. The community then decided to advance the plan unilaterally. The plan was updated to adapt to the changes on the ground, and was submitted by Eng. Yousef Jabareen to the relevant planning committees on 8 May 2014 and was also subsequently dismissed. The community then appointed Eng. Wassim Abu Al-Hija to initiate a new spatial plan (Plan No. 728303), which was submitted to the relevant planning committees on 19 February 2019.

LEGAL INTERVENTIONS TO PREVENT DEMOLITIONS: NRC has submitted 57 requests to the Jerusalem Magistrate Court to freeze demolition orders in Wadi Yasul to allow time for the planning process to take course. These requests were valid until December 2018, when the court dismissed 3 of these requests throughout the course of the month. In December 2018, NRC filed a joint appeal with the Jerusalem District Court to challenge the dismissal of these cases. Simultaneously the Jerusalem Magistrate Court was adjudicating a joint request to freeze 47 demolition orders. The Magistrate Court decided that it would only issue a final decision on

this case after the District Court issues a ruling on the joint appeal of the 3 previously dismissed cases. In the other remaining 7 cases, requests to freeze demolition were submitted individually to the Magistrate court, but no decisions have been handed down yet. On 31 March 2019, the District Court handed down a ruling that once again dismissed the request to freeze 3 demolition orders it was adjudicating. Based on this ruling, the Magistrate Court followed suit and dismissed the request to freeze 47 demolition cases on 1 April 2019. NRC then submitted a request to file an appeal with Supreme Court to freeze the 3 demolition orders that were dismissed in the District Court, but this request was denied on 14 April 2019. On 16 April 2019, NRC also submitted a joint appeal to the District Court to freeze the 47 demolition orders, which was dismissed at the Magistrate Court. The District Court agreed to hear the appeal, but an interim injunction was not yet granted. Yet, two demolitions – one of a warehouse and another of a horse stable – unexpectedly took place on the morning of 17 April 2019. NRC and the community’s spatial planner, Eng. Wassim Abu Al-Hija will meet with representatives of the Jerusalem Municipality on 26 May 2019 to negotiate a reduction of the zoned ‘green space’ in an effort to reduce the number of pending demolitions and to designate an area that the residents of Wadi Yasul can plan for and develop.

INTERNATIONAL LAW: As is the case in situations of armed conflict including situations of military occupation, International Humanitarian Law (IHL) applies to the occupied Palestinian territories. This framework is further augmented by the applicability of International Human Rights Law (IHRL) as recognized by the International Court of Justice (ICJ) in its Advisory Opinion on the Consequences of the Wall. The Hague Regulations of 1907 and the Fourth Geneva Convention of 1949 enshrine many of those provisions most pertinent to the protection of the Palestinian population under IHL. As per article 43 of the Hague regulations, Israel as the occupying power is obliged to provide for the well-being of the protected Palestinian population and to ensure “public order and safety, while respecting, unless absolutely necessary the laws in force in the country”. Israel must therefore refrain from altering local laws in place or extending its own legislation over the occupied territory – including that of discriminatory planning laws.

IHL stipulates that private property must be respected. Specifically, it is forbidden for an Occupying Power to destroy property except where such destruction is rendered “absolutely necessary by military operations.” Article 49(1) prohibits individual or mass forcible transfers. Such forcible transfers are occasioned through the establishment of a coercive environment, which encompasses practices such as home demolitions and threats of demolitions, relocations, settler violence and harassment and restrictions on movement and access, which force inhabitants to relocate to other areas. The demolition orders in Wadi Yasul also infringe upon norms of international human rights law (IHRL), which Israel is obliged to respect and uphold. Such rights include the right to: adequate standard of living, adequate housing, freedom from cruel, inhuman and degrading treatment, non-interference with privacy, home and family, and equality and non-discrimination. In its General Comments, the Committee on Economic, Social and Cultural Rights, which is the body responsible for monitoring the implementation of the ICESCR, identified legal security of tenure as one of the core factors in ensuring adequate housing and stated that “all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats”. Under the ICESCR, the State has the duty both to refrain from forced evictions and to ensure that the law is enforced against third parties who carry out forced evictions.

An updated summary on punitive home demolitions - by Ha'Moked

From the beginning of 2019 and until April 28, the Israeli military demolished – completely or partially – five homes in the West Bank pursuant to a punitive demolition order and with the approval of the High Court of Justice (HCJ). Two of the HCJ judgements were unanimous (one in a petition by HaMoked and another in a petition by JLAC). In the remaining three judgements, all given in HaMoked's petitions, a minority opinion held that the demolition order should be revoked or limited in scope, either due to the circumstances of the case or given the inherent legal difficulties arising from the use of Regulation 119 of the Defence (Emergency) Regulations of 1945, cited in the issuance of such punitive orders.

Since Israel revived its policy of punitive home demolitions in the West Bank, in July 2014, the military has demolished – completely or partially – 52 homes, 6 of them in East Jerusalem; and sealed 9 homes, 5 of them in East Jerusalem. Additionally, 9 demolition or sealing orders were revoked – 7 of them following a petition to the HCJ.

Punitive demolitions constitute an official policy of harming innocent people, the effectivity of which is under considerable doubt – even according to Israel. HaMoked reminds that the demolition of homes is not pursued as an alternative to criminal punishment, but alongside it, and its primary victims are innocent family members, often including young children. This is an act of collective punishment, in violation of international law and the basic principle in Israeli law that a person must not be punished for the deeds of another. HaMoked calls on Israel to abandon this unlawful and unworthy policy at once, and calls on the High Court justices to stop skirting the issue and to finally conduct a rigorous and thorough review of the issue – which has never been conducted – and to prohibit all punitive home demolitions, as common sense, basic human morality and international law dictate