



# 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 AUGUST 2018

At least 23 structures were demolished in the occupied Palestinian Territories (including East Jerusalem) in the month of August, displacing 14 people- including nine children- and affecting a further 111 people, including 55 children. In Southern Israel, in the Naqab desert, the unrecognised Bedouin village Al-Arakib was demolished for the 132nd time. All the demolitions and confiscations occurred on the 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 August, 2018, Israeli forces demolished a number of graves in Al 'Arrub refugee camp, Hebron.
- On 6 August, 2018, Israeli settlers demolished two houses in the Beit al Barakeh church compound, next to the Al 'Arrub refugee camp, Hebron, displacing a family of four that have been residing in those houses for the past 45 years. The demolition took place despite an Israeli court injunction preventing the eviction of the family. In 2012, a settler organization fraudulently purchased the land and structures from a Swedish Christian organization, and in 2015, the area was annexed to the Gush Etzion settlement Regional Council. The owner of the houses, reported that a large group of Israeli

settlers, accompanied by Israeli military forces and a bulldozer, arrived to the area and started to demolish the houses. They prevented him from removing the family's belongings and carried out the demolition at gun point.

- On 7 August, 2018, Israeli forces demolished two apartments in Shu'fat, East Jerusalem, affecting six people from two households. The owner of one of the houses has reported that he was fined 70,000 NIS (\$20,000) for the demolition operation.
- On 7 August, 2018, Israeli forces demolished three rooms and three animal pens in Jabal al Mukabbir, East Jerusalem, affecting five people from one household. The owner of the structures has claimed that he did not receive any prior notice about the demolition.
- The same day, 7 August, 2018, also in Jabal al Mukabbir, East Jerusalem, Bassam Ubeidat, a resident of the neighbourhood, self-demolished his home after the Jerusalem municipality warned him that the demolition operation will cost him 60,000 (16,000) NIS if he does not demolish the house on his own.
- On 7 August, 2018, Israeli forces demolished one structure in Beit Hanina, East Jerusalem, affecting five people from one household.
- On 7 August, 2018, Israeli forces demolished two structures in Jabal al Mukabbir, East Jerusalem, affecting seven people from one household.
- On 7 August, 2018, Israeli forces demolished a Palestinian coffee firm, with no prior notice, in Jabal al Mukabbir, East Jerusalem. The owner of the coffee firm was granted 15 minutes to evacuate the building. As a result, he was unable to remove most of the machinery, materials and produce from the building, leaving him with an estimated \$135,000 loss in damages. In addition, he was fined \$2,000, and ten Palestinians workers have been left unemployed.
- On 8 August, 2018, Israeli forces demolished a structure in Umm al 'Obor, Tubas, Jordan Valley, affecting two people from one household.
- On 8 August, 2018, Israeli forces demolished a house in As Samu', Hebron, displacing a family of eight.
- On 13 August, 2018, Israeli forces demolished two structures in Sur Bahir, East Jerusalem, affecting five people from two households.
- On 13 August, 2018, Israeli forces demolished two structures in Deir Dibwan, Ramallah, affecting four people from one household.
- On 15 August, 2018, Israeli forces demolished one structure in Al 'Isawiya, East Jerusalem, affecting eight people from two households.
- On 16 August, 2018, Israeli forces demolished the unrecognised Bedouin village of Al Arakib, in the Naqab desert, Southern Israel, for the 132nd time.
- On 29 August 2018, Israeli forces demolished a print shop owned by the Summrein family in Ein al-Louza neighbourhood, Silwan, East Jerusalem, assaulted residents and detained three. A local medical center adjacent to the demolished print shop said seven people were severely beaten as the demolition was under way, and three pregnant women also required medical care. The demolition has affected the livelihood of 14 people from four families.
- On 29 August, 2018, Israeli forces demolished five structures in Barta'a ash Sharqia, Jenin, affecting 27 people from seven households. The owner of one of the shops that were demolished reported that Israeli soldiers did not allow him to remove his equipment and belongings before the demolition, resulting in further loss.
- On 29 August, 2018, Israeli forces demolished a number of stalls belonging to Palestinian farmers near Beit Ummar, Hebron. After destroying the stalls, the Israeli forces seized large quantities of fruits and vegetables. A similar incident occurred two

weeks ago in another area of Hebron. The Israeli soldiers claim that these measures are taken for security reasons, and that Palestinian farmers' stalls obstruct the movement of Israeli settlers.

## **Legal Updates**

### **1. Khan al-Ahmar – Legal update by the Norwegian Refugee Council:**

“This morning [01/08/2018] the joint petitions of the Khan Al Ahmar (KAA) villagers and land owners (hailing from Anatta and Abu Dis), as well as that of Regavim to expedite the demolition, were considered in the interim injunction hearing on the execution of demolition orders and the forcible transfer of KAA inhabitants.

At the outset the Court suggested the parties consider a “third relocation option” to a site to be developed in Nabi Musa (between the settlements of Mitzpe Yerhio and Vered Yerhio), south of Jericho. The hearing was suspended for the parties to consult.

Following, the State confirmed that KAA inhabitants – even if they were to relocate to Nabi Musa – would not be able to do so in the immediate future as it would have to be planned and developed for months if not years, while in the meantime KAA will be destroyed and they will reside in the Jabal West Relocation site.

The villagers rejected the said relocation option to Nabi Musa, and the Court then turned to hearing arguments in consideration of the interim injunction.

Petitioners (Adv. Jabarin and Naser) reiterated the arguments in the petitions, namely: The petition is admissible for adjudication, as it introduces a new argument in the form of claim for land ownership and competence of the village council to present a spatial plan for approval.

A spatial plan for the village, in proximity to its current location (within 100m) was presented to the ICA Planning Committee.

The spatial plan was correctly formatted, included all requisite annexes, including establishing ownership in the land (on behalf of land owners). The village council (Mukhtar) are vested with planning powers, pursuant to the 1966 Jordanian Planning law, and could thus submit such a plan for consideration and approval by the ICA High Planning Council.

The plan was rejected in limine by the ICA, although it met the threshold for consideration, in abuse of powers. In addition, had the spatial plan been admitted, ICA protocol would entail delaying enforcement measures (the execution of demolition orders) for the duration of considering the plan.

The remedy requested involves the Court instructing the ICA to consider the spatial plan, and a suspension of demolition in accordance with protocol or by means of an interim injunction.

Finally, on behalf of the land owners it was argued the exportation of land undertaken in 1975 is flawed (for reasons including completion of registration and usage since), and should be reversed to establish the threshold for submission of a spatial plan.

The State Counsel, after consulting with the MoD (COGAT) rejected the possibility of admitting the spatial plan, stating as it did in its initial response that ownership could not be argued, as the land in question was expropriated for public use in 1975.

It went on to argue that the petitions are inadmissible, since a final Court ruling in the matter was handed in May, and arguments in favor of alternative planning, in the current site or elsewhere, were already heard and rejected by the Court.

The State further confirmed the following:

Work on the Jabal West relocation site continues, and the school will be connect to water and electricity (via generator) in coming days allowing for relocation plans to progress, for completion before the formal school year opens (1 September) . In relation to the conduct of destruction and transfer it confirmed its intention to cordon off the area following the demolition. Inhabitants will not be allowed to reenter the area. Family tents, water and food will be supplied in Jabal West, and the belongings will be transported there. The State confirmed that it would not transport the villagers to Jabal West, and they would be asked to relocate there.

Following a short deliberation, the Court issued the following decision: Within 5 days the State will confirm, in writing, its offer to consider the development of a relocation site in Nabi Musa, and willingness to relocation KAA villagers to that site, following an interim period in the Jabal West site. The State to make any additional arguments as to why the spatial plan is inadmissible, including in relation to expropriation of land.

Upon receiving the State response (which indicated they would need less than 5 days to communicate), petitioners would have an additional 5 days to respond and present counterarguments in support of the petitions.

After that time the Court will issue a decision in writing, indicating no additional hearing may be necessary, either:

- (a) Rejecting the petition (on admissibility or substantive grounds, or both), thus upholding the Court ruling from May and sanctioning the demolition and forcible transfer.
- (b) Admitting the petition for further consideration, issuing an interim injunction on demolition and transfer for the duration of the proceedings.

While a final decision has not been made, the Court was openly hostile to the arguments presented by the petitioners, indicating that unless consensus on the Nabi Musa relocation site is found, they will issue a ruling expeditiously.

The diplomatic presence (France, Sweden, UK, Germany, Spain, EU) in the Chamber was noted by the Court, and may have been a decisive factor in allowing further arguments in writing and a decision to be made at later date, perhaps in absentia. The Court further encouraged the State to complete preparation at the Jabal West site,

connection the necessary infrastructure for the school to operate and the KAA villages to be relocated there.

The order nisi remains in effect, until a decision on the interim injunction is made.”

## **2. Evictions and Displacement in East Jerusalem, by Ir-Amim**

The Israeli government’s inauguration of a Jewish Yemenite center in the middle of Batan al-Hawa, Silwan.

On Wednesday, August 11, at 4:30 PM, representatives of the Israeli government will inaugurate a Jewish Yemenite heritage center in Batan al-Hawa, Silwan, the site of the most substantial settler takeover campaign in Jerusalem since the annexation of East Jerusalem in 1967. The center will be dedicated on the same plot of land from which 5 branches of the Abu Nab family were evicted by the Ateret Cohanim settler organization, the last family forcibly removed from its home in October 2015. Batan al-Hawa, situated in the heart of Silwan just outside the Old City, is now the site of the largest attempted settler takeover in East Jerusalem, threatening to displace 100 families—roughly 600 Palestinians—from their homes. By the end of 2015, the Ateret Cohanim settler organization had quadrupled the number of housing units in its possession, taking over a total of some 27 units in six buildings. Some 17 families have already been evicted and approximately 80 have eviction claims pending against them in court.

This well organized Ateret Cohanim campaign represents not only the displacement of an entire community but also the direct involvement of the Israeli government in facilitating private settlement in the Old City and surrounding band of Palestinian neighbourhoods. The government has acted through the General Custodian and the Registrar of Trusts (both under the Ministry of Justice) to facilitate settlers’ seizure of Batan al-Hawa, as well as increasing its security budget by 119% from 2009 – 2016 to ensure the protection of radical Jews settling in the hearts of Palestinian neighbourhoods in East Jerusalem.

In parallel, in the last several years the danger of eviction has mounted on the other side of the Old City, in Sheikh Jarrah. A wave of eviction lawsuits are now in court, advanced by well-funded and organized settler groups who enjoy both direct and indirect state support:

- Sheikh Jarrah – Um Haroun (west of Nablus Road): Approximately 45 Palestinian families under threat of eviction, at least nine families with eviction cases pending in the court system and an additional five who have received warning letters attached to eviction claims. Two families have already been displaced and their homes taken over by settlers.
- Sheikh Jarrah – Kerem Alja'oni (east of Nablus Road): About 30 Palestinian families under threat of eviction, at least 11 of whom have cases pending in court. Nine families have already been evicted and their homes taken over by settlers.

The settlements in Batan al-Hawa and Sheikh Jarrah are an integral part of efforts by settler organizations and Israeli authorities to consolidate Jewish control of the Old City and Palestinian neighborhoods on its periphery, to create an irreversible reality in the

highly contested area in order to deliberately subvert efforts to negotiate an agreed political resolution on Jerusalem.

### **3. The kindergarten in Jabal Al baba, Jerusalem Periphery**

- In early April 2018, the community of Jabal Al Baba erected a structure, which serves as a kindergarten, women's center and health clinic in the community. The kindergarten provides 25 children between the ages of 3-6 with preschool services. The women's center serves approx. 45 women from the community. Through the health clinic, primary services are provided by a nurse and doctor who visit to the community one day per week in which first-aid kits are available.
- After the building of the structure, the Israeli Civil Administration (ICA) visited the community and assured Attallah (the community representative) that they had no intention to demolish the structure.
- On 11/4/2018, the ICA visited the community again and informed Attallah, verbally, that they will demolish the structure on the next day (12/04/2018).
- On 11/4/2018, Adv. Netta sent a request to the ICA asking not to demolish the structure and to provide the community with a period of one week to submit relevant documents to demonstrate that the structure is only used for humanitarian needs in the absence of alternative services. Similar letter was also sent to the court asking for a decision related to the letter for allowing the community to build humanitarian structures.
- On 20/4/2018, the ICA officer responsible for infrastructure notified Adv. Netta that the community have until Tuesday 24/4/18 to self-dismantle the structure.
- On 23/4/2018, the community dismantle the kindergarten, as they were afraid that the material might be seized.
- On 24/4/2018, the court issued a decision asking the state to respond to the request to allow the community to build Humanitarian structures, while the petition is still on ongoing.
- On 22/5/2018, the court issued a permanent interim injunction against the implementation of the new delimitation order in the community. The decision did not address the request to allow for Humanitarian construction in the community.
- In early June 2018, the community rebuilt the Kindergarten and the women center regardless of the ongoing legal procedures.
- On 25/7/2018, the ICA visit the community and dismantle the structure.
- In early August 2018, as a result of the communication between the community representative, the lawyer and the ICA, it was decided that the community can rebuild the Kindergarten and the women center using wood and metal sheds only for 45 days and then they have to self-dismantle it or it will get demolished.
- The three structures were built last week, as a result, Adv. Netta submitted on 13/8/2018, a letter to the ICA asking them to receive the building permit application and to settle the structures in their current locations, in order to keep the installed after the 45 days.

**HaMoked:** Updated summary on punitive home demolitions from July 2014 to 28 August 2018

– 45 homes completely or partially demolished: 15 in northern West Bank; 24 in southern West Bank; 6 in East Jerusalem

– 9 homes completely or partially sealed: 1 in northern West Bank; 3 in southern West Bank; 5 in East Jerusalem

- 2 homes slated for complete or partial demolition: 1 in northern West Bank; 1 in East Jerusalem
- 102 homes surveyed with no punitive order issued: 16 in northern West Bank; 67 in southern West Bank; 18 in East Jerusalem
- 8 punitive demolition or sealing orders cancelled: 1 following an objection to the military; 7 following a High Court petition

54 homes demolished or sealed – completely or partially – in 2014-2018 (as of 28.8.2018) and number of untargeted homes damaged thereby\*. in addition, 101 homes surveyed by the military but no punitive order issued as yet