



# 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 DECEMBER 2017**

During the month of December 2017, 9 structures have been demolished in the West Bank (including occupied East Jerusalem), affecting 58 people- out of whom 33 are children. Ten people were displaced due to the demolitions, four of whom were children.

More than half of the demolitions this month happened in occupied East Jerusalem, bringing the annual total of demolitions and evictions in the city to 143 structures, directly affecting 654 people, displacing 269 people -out of which 146 are children.

Two demolitions occurred inside Israel: a house under construction was demolished in the Palestinian village of Zemer in North Israel and another house was demolished in the unrecognised Bedouin village As-Sir in the Naqab desert.

A Punitive demolition was carried out at the beginning of the month in the village of Qabatiya, Jenin displacing 5 people. Since the beginning of 2017, nine homes have been demolished or sealed on punitive grounds, displacing 49 Palestinians.

At least 180 Palestinian households in occupied East Jerusalem have eviction cases filed against them. Most of these cases were initiated by Israeli settler organizations, based on ownership claims, as well as claims that the residents are no longer 'protected tenants' The petition against the demolition of Al Muntar school- one of 60 schools in the West Bank that are slated for demolition- has been rejected in the Israeli High Court of Justice. As of 1 February 2018 it can be demolished immediately leaving dozens of children without a school to study in.

Two petitions to stop the demolition of three Palestinian herding communities: Ein al Hilwe and Um Jmal in Northern Jordan valley, and Jabal al Baba in the Jerusalem Periphery have been rejected by Israeli courts. As a result, a total of 520 structures, including 130 previously provided as aid, are at risk of destruction or seizure, and 419 people, about half of them children, are at heightened risk of forcible transfer. The village of Susiya in South Mount Hebron was informed earlier in December that Israeli authorities plan to demolish 46 structures in the village including the local clinics and the school. 10 communities all over the West Bank are at risk of mass demolition; Two in the Hebron region (Susiya and Dakaika), Two in the Jerusalem Periphery (Khan Al Akhmar and Jabal Al Baba), and Six in the Jordan Valley area (Makhul, Al Farisiyaa Ihmayyer, Al Farisiya Nab' Al Ghazal, Ein Al Hilwa, Ein Al Hilweh- Um Jmal, and Humsa Al Buqa'ia). This is putting more than 1329 structures at risk of demolition and could displace 221 households. Since the beginning of 2017, Israel has directly affected 6,668 people by either demolition, seizure orders, sealing off, or eviction of 425 structures throughout the West Bank including East Jerusalem. The total number of demolished structures since the beginning of 2017 increased to 404, resulting in the direct displacement of over 653 Palestinians including 360 children.



## Home Demolitions

- On 1 December 2017, The Israeli authorities demolished a house in Qabatiya village, Jenin on punitive grounds, displacing five people, including three children. The demolished house belonged to one of two Palestinians, currently imprisoned, who are accused of killing an Israeli settler on 4 October 2017. Since the beginning of 2017, nine homes have been demolished or sealed on punitive grounds, displacing 49 Palestinians.
- In the early morning hours on 5 December 2017, three structures were demolished in the Ras Shehade neighbourhood adjacent to the Shu'fat refugee camp in occupied East Jerusalem. For the first time since the construction of the Separation Wall in occupied East Jerusalem Israeli forces entered the Shu'fat refugee camp- located on the West Bank side of the wall- and demolished three structures. Amongst the demolished structures were the foundations of a building affecting 17 people from 3 households.
- On 13 December 2017 in the Palestinian village of Zemer, North Israel, a house was demolished by Israeli authorities. The house, which was under construction, was built on private Palestinian land. The demolition occurred without any prior notice. Tension prevailed following the demolition operation as Zemer residents rallied to express their rejection of the Israeli practices of home demolitions aimed at uprooting them from their lands. In recent years there has been a noticeable increase in the pace of house demolitions in Palestinian villages and cities inside Israel.
- The same day, 13 December 2017, Israeli officials alongside police forces demolished a house in the unrecognised Bedouin village of As-Sir, south of Beer Sheva.

- On 17 December 2017, the Abu Rammouz family from Ras al ‘Amud, occupied East Jerusalem had to self demolish their own home after receiving a demolition order. The Abu Rammouz family had received the demolition order three years ago and have been fighting in court to stop the demolition and obtain the near impossible to attain planning permissions to no avail. Finally, his lawyer had told him that he must either demolish his house or the Israeli municipality would do so and charge him 50,000 (\$14,200) in costs. The 150 square meter house which was built from tin plates and roofed with bricks, was built ten years ago. Eight people have been affected by the demolitions.
- On 21 December 2017, a family of Eight were forced by the Israeli police to remove their belongings from a storage shop in the Old city, Occupied East Jerusalem and handed it over to an Israeli settler organization, which claimed ownership. The eviction followed protracted proceedings at Israeli courts, where the family unsuccessfully challenged its eviction, claiming it was a protected tenant.
- Another self demolition occurred a few days later, on 23 December, 2017 in Silwan, occupied East Jerusalem. The Abu Rajab family who live in the Al Bustan neighbourhood in Silwan had little choice after the municipality ordered them to either demolish the house themselves or bare the costs of the municipality’s demolition- some 80,000 NIS (US\$ 22,000). The demolition left 5 people displaced. The residents of Al-Bustan have been embroiled in a decades-long battle that begun in the late 1970’s after the Israeli government embarked on a plan to build a national park in the area, with the city’s master plan defining the area as an open space where construction was prohibited, according to Israeli rights group B’tselem. Due to the designation, residents have long faced great difficulties contending with demolition orders issued against the homes that were built there without permits-mostly in the 1980’s- due to the increased population in Silwan. The municipality began issuing demolition orders and indictments to homes in Al-Bustan in 2005 as part of Israeli authorities’ plan to establish the Jewish site “King David’s Garden” in Silwan and around the “Holy Basin”, which includes many Christian and Muslim holy sites. Silwan is one of many Palestinian neighbourhoods in occupied East Jerusalem that has seen an influx of Israeli settlers at the cost of home demolitions and the eviction of Palestinian families.
- On 26 December, 2017, two structures were demolished in Silwan, occupied East Jerusalem affecting 14 people from two households. During the demolition, Israeli forces handed several demolition orders to other families in the neighbourhood, raided a number of commercial shops, including a gas distribution company, and confiscated some goods. They further issued tickets to vehicles parked in the area, and confiscated some others. The police also raided a restaurant in the area and confiscated seven gas cylinders and removed the signs of several stores in the area. Earlier that day, Israeli police conducted a wide-scale detention campaign in the area, during which the police detained at least 12 Palestinians. The practise of collective punishment has increased during December 2017 all over occupied East Jerusalem and most noticeably in Silwan.
- On 27 December 2017, in Al Walaja village, Bethlehem, one structure was confiscated affecting eight people.
- On 28 December 2017, in Tarqumiya, Hebron one structure was confiscated affecting 11 people.

## **Campaigns and Activities**

- “Save our village from Israeli bulldozers”- On 5 December 2017, The Village Council of Susiya appealed to the international community in an open letter published in the

media. They requested from the international community to stand with them in all possible ways in the face of enforced expulsion by the Israeli state.

- On 5 December 2017, UK based organisation ‘Lawyers for Palestine Human Rights’ published a briefing on forcible transfer which coincided with the parliamentary debate on the effect of Israeli demolitions on Palestinian communities, held on 6 December 2017.
- A petition calling to stop the demolition in Susiya was launched in December 2017 and has gathered thousands of signatures so far. <https://www.change.org/p/stop-the-demolition-of-susiya-8752baff-ca14-466e-b8f7-23edc5cbe229>
- On 14 December 2017, UK based organisation ‘Lawyers for Palestine Human Rights’ wrote a letter to the British Foreign Office, requesting its urgent action to prevent the forcible eviction of the inhabitants of three Palestinian West Bank communities (Umm al Jmal, Ein al-Hilweh and Jabal al-Baba).
- On 23 December 2017, the ‘Jordan Valley Coalition’ -a network of Israeli groups and activists- conducted a solidarity visit to the villages of Jabal al-Baba and Khan al-Akhmar in the Jerusalem Periphery that are facing imminent threat of displacement.

## **Communities facing heightened risk of forcible transfer**

### **Susiya, South Mount Hebron**

On 4 December 2017, the Israeli authorities informed the Israeli Supreme Court of their intention to demolish 46 structures in Susiya village, Forty people, including 14 children, are expected to be displaced, while all 160 of its residents in Area C are at heightened risk of forcible transfer. The whole community (327 residents) will be affected by the demolition of the 46 structures, which include eight homes, two health clinics, 12 rooms used for the school, another two livelihood structures and a solar panel system. The demolition of the school would disrupt the access of children to education in the middle of the school year, adding to the high psycho-social impact typically associated with displacement. The demolition of the structures hosting the clinic will also affect the access of the entire community to primary health care. According to the authorities, these structures were erected without the required permits, in contravention of a court injunction from 2014.

### **Abu Nuwar School , E1 Area, Jerusalem Periphery**

Two donor-funded classrooms of the Abu Nuwar community’s school (3rd and 4th grade) are yet again under threat of imminent demolition, following the issuance of a new Demolition Order on 12 December 2017 by the Israeli Civil Administration (ICA). 26 pupils are currently attending 3rd and 4th grade (62 pupils in total). This amounts to yet another violation of the right to education as well as the arbitrary obstruction of humanitarian assistance, prohibited by International Humanitarian Law, among other International Humanitarian Law violations.

### **Abu Nuwar Community, E1 Area, Jerusalem Periphery**

(In a statement issued by the Norwegian Refugee Council)

Of the Bedouin communities in the Jerusalem Periphery, Abu Nuwar, located in the E1 area, is imminently at risk of being forcibly transferred and relocated to the Jabal West designated relocation site. This would constitute the fourth wave of ICA-administered forced population

transfers of the Jahalin Bedouin since the first of three waves of ICA transfers throughout 1997-2007.

Abu Nuwar is thus one of the 46 Bedouin communities slated for relocation to one of the three sites ear-marked to host forcibly relocated communities by the ICA. The community is being subjected to a harsh coercive environment, which encourages their non-consensual displacement from the land.

In a previous State response to this petition in January 2016, the State of Israel disclosed that it intended to displace the community in order to facilitate for the expansion of the Ma'ale Addumim settlement in multi-faceted violation of international law. It further divulged that the successful relocation of Abu Nuwar would provide a "litmus test" for future relocation of other communities. According to the Abu Nuwar community, the ICA has demanded that the inhabitants of Abu Nuwar provide it with signed approval for its relocation plans.

Recent coercive actions directed at the community include the confiscation of solar panels that provided electricity for the community's school in August 2017 as well as the issuance stop work orders for two classrooms followed by demolition orders for those same structures issued on 12 December 2017, which directly interferes with the right to education of the 62 pupils currently enrolled in the community's school.

On 18 December 2017 a hearing in the Israeli High Court of Justice was scheduled to take place on a petition submitted on behalf of the entire Abu Nuwar community. The petition includes a community-driven plan developed by Israeli Human Rights organisation 'BIMKOM' as an alternative to the ICA's plan of forcible transfer. In its response to the Abu Nuwar amended petition, dated 15 December 2017, the State of Israel has outlined that the transfer modalities of Abu Nuwar is still in the process of being evaluated and thus is no longer at risk of immediate demolition. However, the State outlines that the relocation site which was initially intended to host the Abu Nuwar community – Jabal West – has rather been earmarked to host the community of al Khan al Ahmar and so the host transfer site for the Abu Nuwar community is seemingly yet to be decided. As such, the relocation of Abu Nuwar seems to have been de-prioritized for the time being, in favour of the relocation of al Khan al Ahmar. The State emphasizes that it does not commit to authorization of the structures included in the petitions and doesn't consider the plan submitted by the community to even be eligible for discussion because it is theoretical and not an actual planning scheme.

In addition, the location of the community makes the authorization impossible for a few reasons, among them:

1. The community is located within the area approved for the Ma'aleh Adumim settlement. Meaning, their relocation is needed to enable settlement expansion.
2. The community is located close to the separation barrier. Meaning, their presence is considered a security threat.
3. The community is located close to the settlement of Ma'aleh Adumim. Meaning, their presence is considered a security threat to the settlement.
4. The community is spread out in 8 different groups.
5. The community is located close to the road.
6. The area is not appropriate for an agricultural, spread-out community, and both the settlement and the nearby Palestinian villages are more Urban in nature. Land in this area is scarce and planning must be adjusted accordingly.

7. The demolition of the structures included in the petitions is currently not a priority. If the decision to carry out the demolition orders is reached in the future, the community will be given a 30 day written notice before any demolitions are carried out in order to enable them to petition the court. This commitment does not apply to new construction or to demolitions for security needs.
8. As a precondition for any temporary authorization of the structures, the State requires that the community exhaust all existing remedies and apply, within 30 days, for a request for “an examination of an alternative residence and a delay of a final Stop Work Order”, including all needed supporting documents. This will serve as part of the considerations in the further planning for the community. The State warns that failure to comply with this requirement could lead to a change in the priorities of the ICA, meaning that it might no longer be considered a low priority for enforcement.

In a follow-up to this response, the petitions were erased on 17.12.17, with the judges noting the State’s commitment to a 30 day notice period and the demand of the State that the community follow through with the required procedures.

### **Neighbourhoods on the West Bank side of the Separation Wall in occupied East Jerusalem**

On 5 December 2017, for the first time since the construction of the Separation Wall begun in occupied East Jerusalem, structures were demolished in neighbourhoods that were cut off from Jerusalem and left on the West Bank side of the Wall. On 27 December 2017, 3 homes in Ras Khamis, a neighbourhood in the Shu’fat refugee camp received demolition orders. If executed, the demolitions will leave 52 people displaced. These demolitions join the planned demolitions of several buildings in Kfar Aqab, in what seems to be the start of a campaign by the Jerusalem municipality to crack down on Palestinian neighbourhoods that were left on the West Bank side of the wall but are zoned as part of the Jerusalem municipal boundaries.

### **Ein al Hilwe and Um Jmal, Northern Jordan Valley**

On 6 December 2017, the ICA responded to the objections submitted by the Jordan Valley communities of Ein al Hilwe and Um Jmal against the delineation orders given against them. the ICA rejected all objections submitted by the communities’ lawyer on the basis of:

1. Lack of documentation, building permits or affidavits evidencing the residents’ rights to the structures
2. The communities are not protected persons or excluded from the applicability of the military order, even if they would have been present in the area prior to the issuance of the order.
3. Residents of the area need an actual permit from the military commander in order to be considered as being lawfully present.
4. Rejection of the applicability of International Humanitarian Law, and, more specifically, article 49.1 of the 4th Geneva Convention, since the latter does not give a protected person (or any other entity) immunity from local laws, including to build illegally and in contravention of local building regulations.
5. The effect of the military order is from its delivery date, with all restrictions on new structures/entry of materials etc taking place immediately.

The community was given 8 days to object and the communities' lawyer plans to submit a petition to the Israeli High Court of Justice.

### **Jabal al-Baba, E1 Area, Jerusalem Periphery**

On 6 December 2017 the Israeli Civil Administration rejected the objection filed by Jabal al-Baba community. On 22 November 2017, the community submitted its objection to the military delineation declaration which obliges the eviction of all property (movable and immovable) outside of the marked red line encircling the community structures. The reasons provided by the ICA for its rejection of the Jabal al-Baba arguments include:

1. The Military Commander did not grant a permit for the community members to remain in their places, and therefore the military order does apply to them. Article 49(1) IVGC does not apply to violations of domestic law therefore there is no forcible transfer in this case.
2. The military order was issued due to security reasons as well as public order needs.
3. The order is not applicable – and therefore there would be no eviction of – structures regarding which there are pending legal or administrative decisions/agreements, only until any “change in relevant circumstances” occurs.
4. The order is valid for execution (removal of property of any kind) within 8 days (until 14 December).
5. The prohibition against construction and transfer of construction material inside the delineated area is already valid as of the 16 November 2017 (publication of the declaration of delineated area in Jabal al-Baba).
6. The community was given 8 days to object and the communities' lawyer plans to submit a petition to the Israeli High Court of Justice.

### **Al Muntar School**

Al Muntar is one of two schools that were built over the last year with European donor funding as humanitarian relief for Palestinian Bedouin communities struggling to access basic services. They serve displaced and refugee communities who have already suffered destruction of their property over many years.

On 20 November 2017, a court hearing in the Israeli High Court of Justice (HCJ) took place in which The judges were not leaning towards letting the children go back to school but rather making them return to the tent they studied in before the school was completed. The ICA confirmed that they do not intend to demolish this tent at the moment.

On 27 December 2017, The Israeli HCJ dismissed the Al muntar petition. The ruling was given by Justice Hendel. The HCJ decided that the interim injunction will expire on 1 February 2018. Following that day, the ICA is authorized to demolish the school. The HCJ based its ruling mainly on the fact that the school was built with no authorization and the construction continued following the submission of the petition. The court completely ignored most of the arguments raised in the petition, in particular the fact that the school was built in an area the ICA decided in the past to be suitable for planning.

The petition regarding the other school (Wadi as-Seek) is still pending.