



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 FEBRUARY 2019

During February 2019, at least 33 structures, a road and two major water networks were demolished in the occupied Palestinian Territories (including East Jerusalem) by Israeli forces, displacing at least 75 people- including 33 children- and affecting a further 19,830 people (according to OCHA oPT).

In the Naqab desert, southern Israel, the unrecognised Bedouin village al-‘Arāgīb,, was demolished for the 139th time, and a number of houses in Palestinian towns were demolished in the North and Centre of Israel.

All the demolitions and confiscations 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 2 February, 2019, a family was forced to self-demolish their under-construction residential extensions in Jabal al Mukabbir, East Jerusalem. According to the family, the extensions were built in 2016, for three apartments. The family received a demolition order the same year, and they appointed a lawyer who managed to postpone the demolition until a court ruled in January 2019, in favour of the demolition. The family had to demolish the extensions until 4 February, 2019. During the years, they paid at least 35,000 NIS in fines for building without an Israeli-issued building permit. 12 people, including seven children were affected by the demolition. On 4 February, 2019, a family was forced to self-demolish a residential extension to

their 60 sq m house in Ath Thuri, East Jerusalem. The demolition affected four people, including two children.

- On 4 February, 2019, a family was forced to self-demolish their 110 sq m uninhabited house in Jabal al Mukabbir, East Jerusalem. The demolition affected four people, including two children. Adjacent to the house was an under-construction structure that belonged to a brother of the family, and was demolished in December 2018, by the Israeli forces.
- On 4 February, 2019, a family was forced to self-demolish their 80 sq m house in Silwan, East Jerusalem. The demolition affected six people, including four children. The house was built in 2015, and the family received a demolition order right after the construction was completed. A lawyer appointed by the family managed to postpone the demolition until 31 January 2019, when an Israeli court ruled in favour of the demolition. The family had to pay a fine of 55,000 NIS for building without an Israeli-issued building permit.
- On 5 February, 2019, a family was forced to self-demolish two apartments that were built as extensions to their house in Ras al 'Amud, East Jerusalem. The family bought the one bedroom house in 2005, and started to build an extension to it. Immediately after completing the construction the family received a demolition order. Over the years the family fought the case in court, paid 62,000 NIS in fines to the Jerusalem municipality and 55,000 in legal fees. Although a court session was scheduled to take place at the Israeli High Court in March 2019, earlier this month, staff from the Jerusalem municipality arrived at the family's house threatening that if they don't demolish the house at once, the municipality will do so and the family will have to pay 150,000 NIS in demolition fees. The municipality staff disregarded the court documents family members presented to them, and proceeded threatening the family. The demolition displaced seven people.
- On 5 February, 2019, a man was forced to self-demolish his house, for the second time, in Sakhnin, North Israel. Hassan Othman had to self-demolish his house for the first time 18 months ago: "I lost my first house and now I am losing the second one after I had fallen in the trap of the [Israeli] municipality of Sakhnin." He noted that he was told that he would be forced to pay the fine of 300,000 shekels (\$80,000) if he did not demolish his own house.
- On 7 February, 2019, Israeli forces demolished the entire unrecognised Bedouin village of al-'Arāgīb, in the Naqab desert, South Israel, for the 139th time.
- On 9 February, 2019, a family was forced to self-demolish a building, built 16 years ago, that consisted of a house and a store in Jabal al Mukabbir, East Jerusalem. The demolition displaced six people, including four children, and affected another family of four persons, including two children.
- On 10 February, 2019, an under-construction house was demolished by Israeli forces in Ramla, a city in the centre of Israel.
- On 11 February, 2019, Israeli forces demolished a house in Al Walaja, East Jerusalem. A family of seven, including two children, were displaced and they lost all their belongings that were buried under the rubble after Israeli forces did not allow them to evacuate their belongings before the demolition.
- On 11 February, 2019, a family was forced to self-demolish their 42 sq m house in Sur Bahir, East Jerusalem, displacing a family of five, including three children. The family received a demolition order against the house in 2014, and appointed a lawyer who managed to postpone the demolition, until a court ruled in favour of the demolition in early 2019. The family has paid at least 25,000 NIS in fines for building without an

- Israeli-issued building permit. This is the second time the family has had their home demolished, after Israeli forces demolished their home in 2010 in the same location.
- On 12 February, 2019, Israeli Civil Administration personnel along with Israeli forces demolished three stone walls and a water well, in an agricultural area of the Al Khalayleh community, located in Area C on the Jerusalem side of the Separation Wall. The families reported that they did not receive any demolition orders. The demolition affected 21 people, including 11 children.
 - On 12 February, 2019, Israeli forces demolished two apartments and a storage space in Ras al 'Amud, East Jerusalem. The demolition affected 17 people, including four children.
 - On 12 February, 2019, Israeli forces demolished a 100 sq m house in Jabal al Mukabbir, East Jerusalem. The demolition displaced six people, including one child.
 - On 12 February, 2019, Israeli forces demolished a house in Al Walaja, East Jerusalem. The demolition displaced five people
 - On 12 February, 2019, Israeli forces demolished a recently-rehabilitated road that connected Khirbet Shaab al-Butum to Masafer Yatta, in Hebron. The road was used to facilitate Palestinian farmers' access to their farmlands and residential areas.
 - On 13 February, 2019, Israeli forces demolished a 62 sq m house in Jabal al Mukabbir, East Jerusalem. The demolition displaced a family of six, including four children.
 - On 13 February, 2019, Israeli Civil Administration personnel along with Israeli forces demolished and confiscated the water network that served all the communities in Masafer Yatta. The water network was connected to a pumping station in a nearby area in 2018. 240 families, comprising of 1,272 people are seriously affected due to the demolition, as this is their main source of water.
 - On 13 February, 2019, Jerusalem municipality personnel demolished a residential structure and an animal pen in Bir Onah, Bethlehem. The house was located on the Jerusalem side of the Separation Wall. The owner did not receive any prior notice or demolition order. The demolition has displaced four families, comprising 15 people, including four children.
 - On 13 February, 2019, Israeli Civil Administration personnel along with Israeli forces demolished two commercial structures in Al Hijra, Hebron, close to Road 60. The Israeli forces confiscated all the produce that was sold in the structures and all the materials that were used for the structures. After the demolition, the Israeli forces erected a huge earth wall to prevent the owners from erecting any structures in the future. Two families comprising 15 people, including five children have been affected, and a 16 year-old boy was physically assaulted and arrested during the demolition.
 - On 16 February, 2019, a man was forced to demolish his store in Umm al Fahem, North Israel. The demolition order was delivered on 14 February, 2019, two days prior to the demolition. In the demolition order, the owner was ordered to demolish the store within 48 hours, or else he will have to pay for the demolition operation.
 - On 17 February, 2019, Israeli authorities demolished and damaged around 750 meters of a water network in Beit Dajan, Nablus. The 8 km planned water network project was supposed to connect the villages of Beit Dajan and Beit Furik to a water source nearby due to the huge shortage of drinking water in the villages. The demolition has directly affected all 18,477 residents of the two villages. The project itself is funded by the local authorities of the villages, and although they presented to the Israeli authorities all the maps and documents needed to obtain an Israeli-issued permit to build, they never received an answer from them.

- On 19 February, 2019, Israeli forces demolished three residential structures, three tents used for animal shelters and a mobile latrine in Khirbet ar Ras al Ahmar, Tubas, Jordan Valley. The demolition displaced a household of six, including one toddler.
- On 20 February, 2019, Israeli forces demolished two apartments and a horse stable in Beit Hanina, East Jerusalem. Valley. The demolition displaced two households comprising of 11 people, including six children. The families received a demolition order against the apartments in 2015, and they appointed a lawyer who managed to postpone the demolition until a court ruled in favour of the demolition in mid-2018. The family had paid around 65,000 NIS in fines to the Jerusalem municipality for building without an Israeli-issued building permit. They lost almost all of their belongings that were buried under the rubble, after not being allowed to take them.
- On 20 February, 2019, Israeli forces demolished three agricultural structures in Mikhmas, East Jerusalem, affecting four people.
- On 23 February, 2019, a Palestinian from the Deir al-Asad town in northern Israel was forced to demolish his own two storey building, upon order by the Israeli authorities. Ibrahim Ali Badran reported that he was forced to demolish a commercial building he owns to avoid the high demolition costs imposed upon him by Israel, if the Israeli authorities carry out the demolition instead. He added that he had previously attempted to prevent the demolition through all possible legal means.

Developments in East Jerusalem

The Israeli Local planning and building committee at the Jerusalem municipality approves a plan to construct 13 settlement units in the Western part of Sheikh Jarrah (Kabeniet Im-Haroun). *A report from CCPRJ*

Background:

Sheikh Jarrah is a Palestinian neighbourhood in occupied East Jerusalem, located between the Old City and Mount Scopus. Sheikh Jarrah has become the site of a protracted legal battle, the implications of which concern the status and rights of at least 28 Palestinian extended families (Now 60 families), as well as the status and rights of Palestinians in occupied East Jerusalem at large. 12 Palestinian households – one household from the Fawzia al Kurd family, three households from the Hanoun family, seven from al Ghawi family, and one from the Rifqa al Kurd family – have already been forcibly evicted from homes, in which they had lived for three generations. These families had moved to Sheikh Jarrah after they had been displaced in 1948 from their villages and cities of origin now located in Israel and, for months, slept on the street in small, hastily constructed tents. Another 9 households have received eviction orders.

The current situation:

The Israeli Local planning and building committee at the Jerusalem municipality approves a plan to construct 13 settlement units in the Western part of Sheikh Jarrah (Kabeniet ImHaroun). According to the Hebrew (Rasht Channel) the residence of these two buildings, Around 8 families will be evicted. Attorney Mohamad Dahleh, who represents one of the families that would be evicted under the new construction plan, said “the family is already fighting off a lawsuit from a group of settlers wanting to evict them”. He told CNN “he is surprised that construction companies would pursue this project while the family’s case remains in the court system”. “Those Palestinian families have been living in the buildings and apartments for decades, at least prior to 1967, and some of them have been living there prior to 1948,” he said.

But Arieh King of the Israel Land Fund said, “There is discrimination against Jews in East Jerusalem.” In adjacent land plots, Arabs were given far more building rights than were given to Jews in the area, he said. “We intend to appeal and demand more building rights.” The Israel Land Fund says it “strives to ensure that Jewish land is once again reclaimed and in Jewish hands.” Elie Isaacson, a spokesman for the Jerusalem municipality, said, “The building projects in question are private and not municipal ones. The municipal local planning and construction committee is only authorized to review them from an urban planning perspective. Discriminating against those who issue zoning requests on the basis of their religion, colour or creed would be both illegal and completely immoral.”

Sheik Jarrah, during the last decades has become the target of the Israeli ideological settler movements, several plans has been put by the Jerusalem municipality to facilitate taking over the area of sheik jarrah. Most of those plans are based on the ”Claim” that the land was owned by Jews before 1848.

The consequences for the Palestinian families in Sheikh Jarrah :

Palestinian families in Sheikh Jarrah have been systematically deprived of the protections of the Fourth Geneva Convention and fundamental human rights, such as the rights to return, freedom, equality and non-discrimination, security, property, home, family and effective remedy. Over 100 persons, members of Palestinian refugee families who lost their homes in western Jerusalem in 1948, have been evicted once more from their second homes in Sheikh Jarrah to make space for Jewish settlers. Many more are at risk of forced eviction.

The Eviction of the Abu Asab Family from the Old City of Jerusalem

On 17 February, 2019, Large forces entered the Muslim Quarter of the Old City in Jerusalem in order to evict the Abu Asab family from its home for the benefit of Israeli settlers. The background story is as follows: The Abu Asab family lived in a house in the Baka neighbourhood of Jerusalem before 1948. The Jewish Meisel family lived in the Muslim Quarter before 1948. In that war both families were forced to leave their homes. In 1950, the Knesset passed a law that states that Palestinians cannot receive back their homes. In 1970, the Knesset enacted the Legal and Administrative Matters Law, which stipulated, among other things, that property assets belonging to Jews in East Jerusalem would be returned to them.

The Maisel family dedicated the property to a trust. A few years ago, settlers managed to appoint themselves as directors of this trust, and in their name they sued the family who lived in the property in protected rent during the days of the Jordanians and paid rent regularly. With this crooked legal situation, the court granted the settlers the house and the Abu Asab family became refugees for the second time. Meanwhile, the police, cognizant of the fact that throwing a family out of the house will not look good in the media, are not allowing anyone to approach.

This eviction is part of a larger strategy by proponents of the settlement enterprise to change the character of Palestinian Jerusalem neighbourhoods in order to cement Israeli hegemony over the Old City and its surroundings and to prevent the chances of a two-state solution. Dozens of families in the area face eviction lawsuits and a similar case is playing out currently in Sheikh Jarrah, where the Palestinian Sabagh family faces the threat of eviction in the coming weeks.

(as reported by Peace now)

Yesh Din:

HCJ confirms in several rulings that private Palestinian property in the West Bank cannot be confiscated for the exclusive benefit of Israeli settlements

Yesh Din filed a petition in January 2017 challenging a decision by the State to build an alternative residential complex for the Israeli settlers of Amona near the original settlement on privately owned Palestinian land that the ICA declared as abandoned property (HCJ 794/17 Ziada et al. v. IDF Commander in the West Bank et al). The HCJ accepted Yesh' Din's petition the day following the hearing. The reasoning, which was written by Supreme Court Judge Salim Joubran came 9 months later, on October 30 2017. While the reasoning halted the State's plans for an alternative residential complex, the reasoning included a statement that Israelis are included among the local population of the West Bank and that the Israeli military commander has the authority to infringe on Palestinians' property rights in the West Bank for the exclusive benefit of Israeli settlements. This reasoning represented a departure from previous judgements according to which privately owned Palestinian land cannot be done for the sole benefit of the Israeli population residing in the oPt, but should always also be for the benefit of the protected Palestinian residents (See e.g.: HCJ 393/82 regarding road 443).

Immediately after its publication this reasoning was applied by the Attorney General in an opinion on the expropriation of Palestinian land for roads leading to the outpost of Harasha. A few weeks later the reasoning was also cited by the Attorney General in the context of discussions on the Regularization bill.

In November 2017, Yesh Din filed a petition for a further hearing with an expanded panel of Judges due to this statement which, as aforementioned, diverges from the court's previous judgements. In May 2018 the Chief court justice (Hayout) dismissed the request for further hearing and explicitly stated that Justice Joubran's statement should be considered an obiter dictum and as such does not bind neither the HCJ nor lower courts. In short, Court Judge Hayout ruled that, since the statements were made as an obiter dictum that were not required for the judgement in the case, they cannot serve as precedent. Also, 5 days later, in a hearing on the Regularization bill, Hayout reiterated her opinion.

Following Hayout's ruling, per the case of the outpost of Harasha, the Attorney-General noted that rather than confiscate private Palestinian land for the construction of an access road from the settlement to the outpost, a tunnel could be dug underneath that will lead from the closed settlements to the outposts, hence only underground land – which is not registered – will be confiscated. Palestinians continue to have a right to use land above ground. Finally, in recent Anata ruling (HCJ 3240/15), concerning the ICA's 1975-expropriation of 30.000 Dunums of land for the purpose of constructing Ma'ale Adumim settlement, the judges ruled that due to the statute of limitations, the petitioners can no longer challenge the original confiscation. However, the judgement also reiterates that land cannot be confiscated from Palestinian landowners if it does not also serve the protected Palestinian population (para.15). While the outcome of the petition was negative, the ruling further strengthens the fact that Justice Joubran's statement is an obiter dictum and cannot be used as legal precedent.