



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 JANUARY 2020

During the month of January 2020, at least 44 structures were demolished in the occupied Palestinian Territories (including East Jerusalem) by Israeli forces, displacing at least 87 people- including 56 children- and affecting a further 205 people (according to OCHA oPT).

In the Naqab desert, the entire Bedouin village of al-Aragib has been demolished three times this month alone, 173 times all together in the past ten years.

All the demolitions and confiscations were carried out on grounds of lacking an Israeli-issued building permit, other than four houses that were demolished as a punitive act by the Israeli authorities. Most of the demolished structures supported agricultural, herding and commercial livelihoods.

Full List of Demolitions

- On 1 January, 2020, the Jerusalem municipality along with Israeli forces demolished an under-construction residential structure in Silwan, East Jerusalem. The structure was divided into two apartments (100m² each), to house two families who started the construction five months ago. The building was almost finished and the families have already furnished the apartments and were planning to move in soon. The families hired a lawyer in case a demolition order will be brought against the structure, but the house was demolished on the same day a court session was scheduled. Two households comprising 13 people, including seven children were affected.
- On 2 January, 2020, the ICA (Israeli Civil Administration) along with Israeli forces dismantled and confiscated two residential tents and another tent used to shelter animals in Khirbet ar Ras al Ahmar, Tubas, Jordan Valley, in Area C designated by the Israeli military as a Firing Zone. This is the second time the Israeli military has demolished the families' tents in the past three weeks. Two families comprising of ten people, including five children have been displaced for the second time in less than ten days.
- On 5 January, 2020, a family was forced to self-demolish a 60-m² concrete wall and metal fence around an empty, privately-owned land in 'Isawiya, East Jerusalem. The family constructed the wall in August 2019, and received an Administrative demolition order against it in December 2019. The Israeli police called the family twice, threatening them to demolish the wall themselves and or to pay for the municipality to do so. A family of five, including three children was affected.
- On 6 January, 2020, Israeli forces demolished the entire unrecognized Bedouin village of al-Aragib, in the Naqab desert, Southern Israel, for the 170th time.
- On 6, January, 2020, the ICA along with Israeli forces confiscated six residential structures and one agricultural structure in Ras ein al 'Auja, Jericho. According to the families, no prior notice was given to them before the demolition took place. During the demolition, clashes erupted between Israeli forces and the community. The demolition displaced four households comprising of 40 people, including 27 children.
- On 6 January, 2020, two Palestinian households had to self-demolish their homes and a storage room in Jabal al Mukabbir, East Jerusalem. The houses were built in 2011 and 2012, and a

demolition order was issued against them in 2016. The families were fined 35,000 NIS which they have been paying in monthly installments since 2018. They reported that they received several telephone calls from the Israeli police threatening them that if they won't self-demolish their houses they will be fined an extra 80,000 NIS and will have to pay for the demolition operation. Eventually, after losing their case in an Israeli court the families were forced to self-demolish their own homes. Two families comprising of 15 people, including 11 children have been displaced.

- On 7 January, 2020, personnel from the Jerusalem municipality along with Israeli forces demolished a house in Beit Hanina, East Jerusalem. According to the family, they built the small structure in June 2019, and immediately received a demolition order. On 16 December, 2019, an Israeli court ruled in favour of the demolition. A family of four, including two children- one of whom is a 3-month old baby, was displaced.
- On 8 January, 2020, the ICA along with Israeli forces demolished an agricultural structure in 'Isawiya, East Jerusalem. The structure was built in 2017 and served as a resting-room, toilet and storage room for an elderly farmer. A demolition order was issued against the structure shortly after it was built and the farmer appointed a lawyer to follow the case. The demolition took place with no prior notice and before a final decision was given from an Israeli court. One man was affected.
- On 8 January, 2020, the ICA along with Israeli forces demolished two agricultural structures and a water cistern in the Al Burj community, Hebron. The structures received demolition orders against them in December 2019. A family of two, and a man were affected.
- On 9 January, 2020, a family was forced to self-demolish their 30-m² house in Jabal al Mukabbir, East Jerusalem. The house comprised of a room, a kitchenette and a toilet. It was built in 2013 and had a demolition order issued against it immediately after it was constructed. One elderly woman was displaced.
- On 9 January, 2020, the ICA along with Israeli forces demolished a mini-market in Ras Karkar, Ramallah, and confiscated building materials used to build the shop. The family, who the shop is their main income, reported that they did not receive any demolition order prior to the demolition. After the demolition the military served the family with a confiscation order. Five family members, including three children were affected.
- On 14 January, 2020, the ICA along with Israeli forces demolished three structures used as workshops in Hizma, Jerusalem. The structures were built in August 2019, and started to operate in October 2019. A month later the owners received a stop-work order from the Israeli authorities and they appointed a lawyer to follow the case. Two households comprising of ten people, including four children have been affected. In addition, eight workers who lost their workplace have also been affected.
- On 16 January, 2020, Israeli forces demolished the entire unrecognized Bedouin village of al-Aragib, in the Naqab desert, Southern Israel, for the 171st time.
- On 16 January, 2020, the ICA along with Israeli forces demolished a house in Ar Rifa'iyya, Hebron. Two water tanks were also damaged during the demolition. During the incident clashed broke out between the family who tried to protect their home and Israeli forces. In a video taken during the clashes, Israeli soldiers are seen attacking men, women and children. As a result of the demolition, a family of six, including four children was displaced.
- On 16 January, 2020, Personnel from the Israeli Ministry of Interior and Israeli forces demolished three structures used to house animals in Bir Onah, Bethlehem, in an area located inside the Israeli-declared Jerusalem municipal boundaries. The family has experienced demolitions in June and August 2019. A family of six, including two children has been affected.
- On 16 January, 2020, the ICA along with Israeli forces demolished the foundations of a structure intended to be used as a school in Birin, Hebron. The current school, which operates in an old structure, serves 60 students from Birin and Khallet al Forun and employs nine staff members. The demolition has affected 69 people.

- On 16 January, 2020, Personnel from the Jerusalem municipality and Israeli forces demolished two roads in Al Walaja, in an area located inside the Israeli-declared Jerusalem municipal boundaries. Both roads were used by six families comprising of 28 people, including 16 children, to arrive to their homes inside the village.
- On 17 January, 2020, a Palestinian family from Jabal al Mukabbir, East Jerusalem, had to self-demolish their home. The house was built in 2011, and consisted one bedroom, a kitchen and a living room. During the demolition of structures adjacent to the house on 6 January, 2020, Israeli authorities verbally warned the family members that they must demolish their house until 21 January, 2020, or have the Jerusalem municipality demolish it. The demolition has displaced a family of six, including four children.
- On 19 January, 2020, Israeli forces demolished the entire unrecognized Bedouin village of al-Aragib, in the Naqab desert, Southern Israel, for the 173rd time.
- On 20 January, 2020, a Palestinian family was forced to demolish a small horse stable in Khirbet Khamis, Bethlehem, in an area located within the Israeli-defined Jerusalem boundaries. The demolition affected a family of three.
- On 25 January, 2020, a Palestinian family was forced to demolish a container- used as a storage room in Beit Hanina, East Jerusalem. The family's home was demolished by Israeli authorities earlier in the month, and were warned to demolish the container as well or have it demolished by the Jerusalem municipality and be fined. The demolition affected a family of four, including two children.
- On 26 January, 2020, Israeli forces demolished a water cistern (of about 60-cubic meters) that was used to irrigate about 200 fruit trees in Az Zawiya, Salfit. The demolition affected a family of six, including four children.
- On 27 January, 2020, the ICA along with Israeli forces demolished three structures that were used as a blacksmith workshop, a shisha shop, and a car painting workshop and forced another man to self-demolish a fourth structure that was used as a storage room in Al Khalayleh, A West Bank village located on the Jerusalem side of the Separation Wall. None of the owners of the structures received a demolition order prior to the demolitions. 14 people, including six children have been affected as a result.
- On 28 January, 2020, Personnel from the Jerusalem municipality and Israeli forces demolished a shop in Wadi al Joz, East Jerusalem. The owners of the shop received a demolition order in January 2019 and appointed a lawyer to appeal the demolition order. Although the case was still pending a decision by an Israeli court, the structure was demolished. The demolition affected two households comprising of 12 people, including four children.
- On 28 January, 2020, Personnel from the Jerusalem municipality, the Israeli Ministry of Interior and Israeli forces demolished a 300-meters agricultural fence in Khirbet Khamis, Bethlehem, in an area located within the Israeli-defined Jerusalem boundaries. The fence was built in December 2019, surrounding 4 dunums of privately-owned Palestinian land that was planted with fruit trees. The family reported they did not receive any demolition order against the fence. A family of five, including three children was affected.

Legal Updates

“Court rules to evict Palestinian Rajabi family in Silwan because of discriminatory property law

Following a lawsuit filed by members of the Ateret Cohanim settler association in the name of a Jewish trust from the late 19th century, the Jerusalem Magistrate’s Court ordered yesterday (January 19th) the eviction of Nasser Rajabi and his family from their home in the Batan Al-Hawa neighborhood of Silwan. The family said it intends to appeal to the district court.

The lawsuit is one of a series of dozens of eviction lawsuits filed by Ateret Cohanim against some 100 Palestinian families living in Batan Al-Hawa, putting 700 people at risk of eviction. The settlers’ claims are based on the fact that in the late 19th century the land was allocated by its Jewish owners to a Jewish trust for the benefit of the poor Yemenite Jews of Jerusalem. Today, in the name of the same trust, settlers seek to evict the Palestinian families who built their homes lawfully on that land after 1948.

So far, 14 families have been evacuated from Batan Al-Hawa, and nearly 100 more families are facing court proceedings in eviction cases.

Peace Now: *“This is an attempt to displace a Palestinian community and to replace it with an Israeli one, in the heart of a Palestinian neighborhood in East Jerusalem. The settlers could not have succeeded without the Israeli authorities’ close support and assistance. In addition to the hard blow to the prospects for a two-state solution by preventing a Palestinian capital in East Jerusalem, this is an injustice and an act of cruelty to throw out families who have lived lawfully in their homes for decades.*

Background

A Discriminatory Law: The Legal and Administrative Matters Law 1970

All of the settlers’ cases are based on the Legal and Administrative Matters Law that was enacted by the Knesset in 1970. The law was legislated in order to deal with many different issues concerning the areas and people annexed to Jerusalem in 1967. One of those issues was the status of properties owned by Jews before 1948.

In the 1948 war, some 35,000 Palestinians fled or were forced to flee their homes in West Jerusalem, and about 2,000 Jews fled or were forced to flee East Jerusalem, mainly from the Jewish Quarter of the Old City. The Legal and Administrative Matters Law was intended to correct what it considered to be a historical injustice by restoring the property to its original Jewish owners. However the law was not applied to Palestinian properties. It turned out that **in the same city, as a result of the same war, two populations lost properties but only one is entitled to repair the historical injustice and return to its property, while the second, which sometimes lives a few hundred meters from its properties, cannot return them. This is the original sin of the law and of the settlements in Batan al-Hawa.**

An examination of the protocols of the legislative process indicates that the legislators viewed a situation in which Jews would be able to return vacant properties, while **in cases where the properties were occupied, they would receive financial compensation.** The legislators took into account the personal connection of a person to his property, but in practice, **the law is being used by settlers who have nothing to do with the original owners.** In the end, a mechanism was created by the government and the Custodian General to exploit the law in order to take control of Palestinian populated areas and to transfer them exclusively to settlers. **This is a governmental action,** and the attempt to present it as a personal conflict of property restitution is nothing more than feigning innocence. **The individual right that the law sought to protect was made by the settlers and with the assistance of the**

government for the right of one collective (Jewish) at the expense of another collective (Palestinian).

Assistance of the Custodian General – In Batan Al-Hawa, the Custodian General issued a certificate of release to the settlers who took over the management of the Jewish trust in 2002. In 2014 the settlers lost an eviction lawsuit against the Abu Nab family because they failed to prove the borders of their property. At the time between the verdict and the appeals hearing, the Custodian General issued a revised release certificate detailing the precise boundaries of the plot. With this new paper given by the Custodian, the settlers managed to win the appeal and the family was evicted from the house. This amended release certificate is being used by the settlers in all of their lawsuits in Batan Al-Hawa.

In addition, it turns out that in December 2005, the Custodian sold to the representatives of the Jewish trust four additional plots that were owned by other Jews in Batan Al-Hawa, without a tender and at a suspiciously low price. If the Custodian was indeed interested in selling the assets in good faith, he would have had to make a tender and offer the Palestinian residents of these properties the chance to purchase them. But instead, the Custodian quietly transferred four plots on which dozens or even hundreds of Palestinians live in the Batan Al-Hawah neighborhood to settlers who seek to evict the Palestinian residents and settle Jews there.

Granting Control of Jewish Trusts to Settlers – Through the years, settlers have been able to take control of many Jewish trusts from before 1948. This includes taking control over many properties in the Old City, and all the pending claims now against families in Batan Al-Hawa are settler claims in the name of a Jewish trust (The Benvenisti Trust) from the end of the 19th century, which was dedicated to provide residential units for poor Yemenite Jewish families. Many decades after the trust was abandoned, the Ateret Cohanim settler association appealed to the court and offered to administer the trust. The state supported the idea, although the interest represented by the settlers had nothing to do with the original purpose of the trust which was aiding the poor of Jerusalem in those days. Despite this, the court granted them control over the trust.

Police Assistance – The Israeli police are assisting settlers in many areas. In the past, there were cases where the police refused to help evacuate Palestinian families for security reasons. Today we see close cooperation with the settlers. Thus, for example, in October 2015, during a time of severe violence in Jerusalem when the police were very busy, police officers helped evict the Abu Nab family which involved imposing a curfew on the Batan Al-Hawa neighborhood.

Nir Hasson of Haaretz newspaper revealed that the police had also accompanied the settlers in threatening calls on tenants in an attempt to get them to leave the homes.”

(report by Peace Now- an Israeli human Rights Organization)