



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 MAY 2019

During May 2019, at least 16 structures were demolished in the occupied Palestinian Territories (including East Jerusalem) by Israeli forces, displacing at least 29 people- including 12 children- and affecting a further 121 people (according to OCHA oPT).

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 1 May, 2019, Israeli forces alongside Israeli Civil Administration personnel demolished and confiscated a residential structure and an animal structure in Susiya, South Mount Hebron. The owner erected the confiscated tents on 19 April, 2019, a day

after his previous tents were demolished by Israeli forces, for the second time. The demolition has left the family of five displaced.

- On 1 May, 2019, Israeli forces alongside Israeli Civil Administration personnel demolished an inhabited residential structure in the Ad Deirat community, East of Yatta, South Mount Hebron. The demolition displaced a family of five, including three children.
- On 2 May, 2019, Israeli forces alongside Israeli Civil Administration personnel dismantled and confiscated an animal structure in Umm al Kheir community, South Mount Hebron. The family installed a new fence and cover for the structure the previous day. An elderly man was physically assaulted by the Israeli forces during the incident and was slightly injured. A family of seven were affected by the confiscation of the structure.
- On 14 May, 2019, Israeli forces demolished a structure in the village of Haris, Salfit. The structure was to be used as a car repair shop. A family of seven, including four children was affected.
- On 14 May, 2019, Israeli forces demolished the unrecognised Bedouin village al-‘Arāgīb, Naqab desert, South Israel, for the 145th time.
- On 23 May, 2019, Israeli forces demolished an under-construction house in Khalaya al-Louz area, Bethlehem.
- On 27 May, 2019, Israeli forces alongside Israeli Civil Administration personnel confiscated a 15-m2 metal barracks in Az-Za’ayem, Jerusalem. According to the family, the barracks was used as a storage space for plumbing equipment for the family’s business, and was installed six months ago. No demolition order was issued against the barracks; however, the Israeli Civil Administration had verbally ordered the family to dismantle the barracks ten days prior to the demolition. A confiscation order was given to the family immediately after the confiscation.
- On 27 May, 2019, Israeli forces demolished an agricultural structure in Shoshalah area, Al Khadr, Bethlehem. One person was affected.
- On 28 May, 2019, Israeli forces alongside Israeli Civil Administration personnel damaged and confiscated the newly constructed water network that serves the Khallet al Foron community in Hebron. 18 families, comprising 100 people were affected.
- On 30 May, 2019, Israeli forces alongside Israeli Civil Administration personnel confiscated and demolished five structures in the Al Hadidiya herding community in the Jordan Valley. The demolition displaced two families of 14 people, including nine children, and left 350 sheep without shelter. According to the families, the demolished structures included two residential tents and three animal tents, that were all donated by aid organizations in response to the demolition of the family’s structures in October 2018. The families added that they did not receive any demolition orders against the structures.
- On 30 May, 2019, Israeli forces demolished three structures in Khirbet ar Ras al Ahmar, Jordan Valley. The structures included two residential tents and one open area for animals surrounded by zinc. During the demolition, Israeli forces used knives to slash ten tents’ sheets that were supposed to be used during the winter as residential and animal shelter. The demolition displaced a family of five.

Legal Updates

High Court of Justice (HCJ) ruling on Military Order regarding Removal of New Structures (Judea and Samaria) (Temporary Order) (No. 1797) 2018:

On 30 April 2019, the HCJ handed down a ruling which jointly dismissed three petitions submitted against *Military Order regarding Removal of New Structures (Judea and Samaria) (Temporary Order) (No. 1797) 2018*.

These are the three petitions which were submitted:

1. HCJ 4588/18 (St.Yves and JLAC)
2. HCJ 4590/18 (several Palestinian communities and individuals from the northern Jordan valley)
3. HCJ 4593/18 (several heads of Palestinian localities in area C, Bimkom, and Haqel)

The HCJ combined the three petitions and heard them together. Thus the final ruling handed down on 30 April 2019 pertains to all the petitions.

While the petition was pending, the implementation of the order was frozen until final ruling. Thus, with the handing down of the ruling yesterday dismissing the petition, the freeze is lifted and the order can be implemented.

That stated, in their response to the petition, **the respondent Israeli authorities informed that they intend to carry out a pilot** within the first year of the order's implementation. In the framework of the pilot, the order will be implemented only on structures that fall within the following categorizes:

- Structures in firing zones;
- Structures in proximity to main transportation axes, security facilities, or strategical infrastructure.
- Structures that were built in nature reserves or archaeological sites;
- Structures that were built within the borders of delimited military zones or in instances in which the structures have significant implications for security, public order and safety;
- New Israeli construction on private Palestinian land or new Palestinian construction on private Israeli land

The guiding rationale being (according to the respondents and accepted by the HCJ) that structures falling under these categorizes do not have planning viability (i.e., are not subject to potential retroactive legalization) and therefore it is in the public interest to have them removed.

At the end of the pilot period the respondents shall assess the need to update the its policy on the enforcement of the order.

The respondents also added that following the submission of the petitions, they found that there is reason to cancel the condition that the structure is not located within the area of a detailed master plan or within an area seized for military needs [section 6(a)(1) of the order].

(update provided by the Legal Task Force)

On 3 May, 2019, UN officials called for an immediate halt to demolitions in East Jerusalem and respect for international law amidst rise

“Today, the Humanitarian Coordinator, Mr. Jamie McGoldrick called for an immediate halt to the Israeli authorities’ destruction of Palestinian-owned property in East Jerusalem. Demolitions in East Jerusalem have increased at a staggering pace over the last month, leaving tens of Palestinians displaced and others who have lost their livelihoods overnight,” said Mr. McGoldrick. “This must stop.”

As of 30 April 2019, 111 Palestinian-owned structures had been destroyed in East Jerusalem in 2019, either directly by the Israeli authorities or self-demolished by their owners to avoid hefty fines, following the issuance of demolition orders for lack of building permits. Of these, 57 per cent (63 out of 111) were demolished in April, bringing the total number of demolitions in the West Bank to 214 in 2019.

On 29 April alone, the Israeli authorities demolished 31 structures in multiple neighbourhoods of East Jerusalem; this is the highest number of structures demolished in a single day in East Jerusalem since OCHA began systematically monitoring demolitions in 2009. Overall, more Palestinians were displaced in East Jerusalem in the first four months of 2019 than in all of 2018, 193 compared to 176.

Of particular concern, on 30 April, Israeli security forces demolished four structures in the Wadi Yasul area of Silwan, forcibly evicting 11 Palestine refugees, including seven children, with an additional refugee family losing personal property. Five people were seriously injured by Israeli forces, who used beatings, stun grenades and sponge-covered bullets as residents tried to retrieve belongings prior to the demolitions. One man, whose home was destroyed, was injured with a sponge-covered bullet to his back and subsequently arrested. He was heavily beaten by Israeli security forces during the arrest and the transfer to the Israeli detention centre. He remains in custody. These demolitions were preceded by those of two other structures in Wadi Yasul on 17 April. Nearly all structures in Wadi Yasul face a heightened risk of demolition following the near complete exhaustion of efforts to protect homes in the area; over 550 people face the threat of displacement as a result, around a quarter of whom are registered Palestine refugees.

“Some of the elderly refugees in Wadi Yasul who were originally displaced as a result of the 1948 conflict now face the prospect of losing their homes for the second time in their lifetime. For them and for the younger generations this cycle of loss is being perpetuated” said Ms. Gwyn Lewis, Director of West Bank Operations for UNRWA. “As we have seen from the numerous cases UNRWA has responded to in the past, displacement, particularly for the most vulnerable, such as the elderly and children is extremely traumatic, destroys livelihoods, and separates families from their communities.”

“As the occupying power of the West Bank, including East Jerusalem, Israel is obligated to ensure the welfare and well-being of the local Palestinian population,” said Mr. James Heenan, Head of OHCHR in the occupied Palestinian territory. “The implementation of the discriminatory Israeli zoning and planning regime cannot be invoked by Israel to justify any violation of international law.”

Background

Following the occupation of the West Bank in 1967, Israel unilaterally annexed East Jerusalem to its territory, in contravention of international law. In East Jerusalem, as in Area C of the West Bank, a restrictive planning regime applied by Israel makes it virtually impossible for Palestinians to obtain building permits, impeding the development of adequate housing, infrastructure and livelihoods. Only 13 per cent of East Jerusalem is zoned for Palestinian construction, much of which is already built up, while 35 per cent has been allocated for Israeli settlements, which are illegal under international law.

Demolitions, forced evictions, and the discriminatory and restrictive planning regime are elements of a coercive environment created by a range of Israeli practices and policies that pressures many Palestinians throughout the West Bank, including East Jerusalem, to leave certain areas and generates a risk of forcible transfer, which is a grave breach of the Fourth Geneva Convention. The Fourth Geneva Convention also prohibits the destruction of personal property unless rendered absolutely necessary by military operations. Forced eviction contrary to international law also violates the right to adequate housing and the right to privacy, and may be incompatible with other human rights.