



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 NOVEMBER 2019

During the month of November 2019, at least 63 structures were demolished in the occupied Palestinian Territories (including East Jerusalem) by Israeli forces, displacing at least 141 people- including 71 children- and affecting a further 431 people (according to OCHA oPT).

In the Naqab desert, the entire Bedouin village of al-Aragib has been demolished twice this month alone.

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 5 November, 2019, the Jerusalem municipality along with Israeli forces demolished a two-storey residential building in Silwan, East Jerusalem. In addition, two concrete fences that surrounded the house were partially and fully demolished to make way for the bulldozers to pass. The demolition of the fences affected two households that were living in close proximity. In total, two households comprising nine people, including

four children were displaced, and 14 people from two households were affected by the demolition.

- On 6 November, 2019, the ICA (Israeli Civil Administration) along with Israeli forces confiscated three residential structures in Khallet 'Athaba, Hebron. Three families comprising of 21 people, including 11 children were displaced for the second time in a matter of months.
- On 6 November, 2019, Israeli forces demolished the entire unrecognized Bedouin village of al- Aragib, in the Naqab desert, Southern Israel, for the 166th time.
- On 6 November, 2019, the ICA along with Israeli forces confiscated two structures that were used to shelter animals in Maghayir al Abeed, Hebron. A family of ten, including six children was affected, and 120 sheep were left with no shelter. This is the second time this year the family has had their animal shelters demolished.
- On 7 November, 2019, Israeli forces dismantled and confiscated an agricultural structure in Khirbet Tana, Nablus, in an area designated by Israel as a closed military zone. A family of ten, including two children was affected.
- On 10 November, 2019, the ICA along with Israeli forces demolished a residential structure and a structure used to shelter animals in Za'tara, Bethlehem. As a result, two families comprising of 14 people, including six children were displaced.
- On 11 November, 2019, the ICA along with Israeli forces demolished and confiscated a structure used to shelter animals in the Abu Nuwar community, Jerusalem. The family claimed that they did not receive any demolition order prior to the demolition. A family of five, including two children was affected.
- On 11 November, 2019, the ICA along with Israeli forces demolished and confiscated an inhabited residential structure, and an uninhabited residential structure in the Al Muntar community, Jerusalem. Both families claimed that they did not receive any demolition order prior to the demolition. As a result, a family of two was displaced and a family of five, including three children was affected.
- On 11 November, 2019, the ICA along with Israeli forces demolished and confiscated an inhabited residential structure in the Wadi al Jemil area, Jerusalem. The family claimed that they did not receive any demolition order prior to the demolition. A family of two was displaced.
- On 13 November, 2019, the ICA along with Israeli forces demolished an under-construction residential building, a container used as a work place for workers, a structure used as an animal shelter and an agricultural structure in Ein ad Duyuk at Tahta, Jericho. 30 people were affected by the demolition.
- On 13 November, 2019, Israeli forces demolished an under-construction residential house in an area designated by Israeli authorities as a nature reserve, near Khirbet 'Atuf, Tubas. A family of eight was affected.
- On 14 November, 2019, the ICA along with Israeli forces demolished and confiscated five residential structures and five structures used to shelter animals in Za'tara, Bethlehem. 30 people were affected by the demolition. The area is located in an Israeli designated firing-zone. In addition, ten water tanks, 100m long fence, three solar panel systems and a water pump were either damaged or demolished during the demolition. Three families, comprising of 22 people. Including ten children were affected.
- On 18 November, 2019, the ICA along with Israeli forces demolished a 250 meter long agricultural road and sidewalk in the Bedouin community of Jabal al Baba, and damaged the main water pipe that provides drinking water to the village. 290 people from 58 families have been affected by the demolition.
- On 18 November, 2019, the ICA along with Israeli forces demolished two under-construction residential houses and two water cisterns near Al 'Arrub refugee camp,

Hebron. The families started to build the houses in 2012 and spent an estimated 500,000 NIS on the construction. Three families comprising of 15 people, including 7 children have been affected.

- On 19 November, 2019, a family was forced to self-demolish their under-construction house in Jabal al Mukabbir, East Jerusalem. The house was built before 1967, and the family reported that they obtained a permission from the Jerusalem municipality to rehabilitate the house. During the rehabilitation several of the walls collapsed and the family had to rebuild them, an act that was considered by the Israeli authorities as illegal building. The family took the case to court but lost. The family were then forced to self-demolish the house in order not to pay the high expenses of the demolition operation. A family of five was affected.
- On 19 November, 2019, personnel from the Jerusalem municipality along with Israeli forces demolished a house in Jabal al Mukabbir, East Jerusalem. A family of five, including two children was displaced.
- On 19 November, 2019, personnel from the Jerusalem municipality along with Israeli forces demolished a house in Beit Hanina, East Jerusalem. Although the family were still waiting to receive a final decision from the Israeli court about the demolition, the house was demolished. A family of six, including three children was displaced.
- On 19 November, 2019, the ICA along with Israeli forces demolished a residential tent and three tents that were used to shelter animals in Ein Samiya, Ramallah. The demolition displaced a family of seven, including five children, and affected another family of eight, including six children.
- On 20 November, 2019, the ICA along with Israeli forces demolished two apartments and a structure used to shelter animals in Shuqba, Ramallah. The demolition displaced a family of 11, including eight children.
- On 21 November, 2019, the ICA along with Israeli forces demolished a residential structure in Khallet 'Athaba, Hebron, in an area declared by the Israeli military as a firing zone. The demolition displaced a family of 12, including six children, for the second time in three months.
- On 21 November, 2019, Israeli forces demolished the entire unrecognized Bedouin village of al- Aragib, in the Naqab desert, Southern Israel, for the 167th time.
- On 24 November, 2019, a family completed the self-demolition of an under-construction extension to their house. The two floors were built on top of the family's house in Qalandiya, in the part that is located on the Jerusalem side of the Separation Wall, East Jerusalem. The family received two demolition orders- in September and October 2019, and started dismantling the two floors two weeks ago. A family of 12, including seven children was affected.
- On 25 November, 2019, the ICA along with Israeli forces demolished a restaurant and a resting area in Battir, Bethlehem. A family of six, including two children was affected.
- On 26 November, 2019, personnel from the Jerusalem municipality along with Israeli forces demolished a house in Qalandiya, located on the Jerusalem side of the Separation Wall, East Jerusalem. The family received a demolition order against the house in 2014, shortly after they finished building the house. They retained a lawyer who took the case to court, but lost. A day before the demolition, the family appealed against the demolition in the Jerusalem district court, but their appeal was rejected the same day. A family of 15, including nine children, has been displaced due to the demolition.
- On 28 November, 2019, the ICA along with Israeli forces demolished four houses and three water cisterns in Beit Kahil, Hebron. The demolished houses belong to the families of four Palestinians, who are suspected in the killing of an Israeli soldier in

August 2019. Four families comprising of 15 people, including six children have been displaced.

- On 28 November, 2019, Israeli forces demolished a house under-construction in Asira ash Shamaliya, Nablus. A family of seven, including four children was affected.

Legal Updates

The Norwegian Refugee Council updated on the ongoing case of the Sabbagh Family in Sheikh Jarrah, East Jerusalem. The Sabbagh Family have been fighting a lengthy legal battle against a Jewish-Israeli settler organization that is trying to displace them from their home:

On 5 November 2019, the Jerusalem Magistrate Court issued a decision accepting the Sabbagh Family appeal against the 2012 eviction ruling.

The court stated that there exists a contradiction in the wording of the eviction ruling; on one hand, part of the ruling orders the eviction of the family from the properties erected illegally by them; on the other hand, another part of the ruling orders the eviction of the family from the property and or the extensions erected illegally by them.

According to the Court, this inconsistent wording requires clarification prior to the eviction of the family. The Court then asked the Enforcement and Collection Authority to submit the following questions to the court that issued the 2012 ruling, which also happens to be the Magistrate Court:

- **Does the family have to vacate the entire property, or just its illegal extensions?**
- **If family has to only vacate the extensions that were erected illegally, what are these extensions?**

The Court also ordered a moratorium on the eviction ruling until the clarification is made and returned a 35,000 NIS security deposit issued by NRC on behalf of the Sabbagh family

Next Step:

The Enforcement and Collection Authority must now submit in writing to the Magistrate Court the aforementioned questions and wait for clarifications. Once clarifications are issued by the Court, these clarifications will become part of the 2012 eviction ruling, and as such they can be appealed to a higher court by either party. This process could last for upwards of a year. “

The High Court of Justice approved the punitive demolition of four homes in the west Bank; Justice Baron in a minority opinion opposed demolition of three of the homes:

On November 12, 2019, the High Court of Justice (HCJ) rejected four petitions filed by HaMoked against the punitive demolition orders issued for the homes of four Palestinian families from Beit Kahil, Hebron District. The demolitions target these families because their relatives are accused of involvement in the murder of a young Israeli man, Dvir Sorek on August 7, 2019. The orders target three one-story homes, to be demolished completely, and

another residential building in which a second-floor apartment was to be demolished – the homes of entire families, including 10 minors, some of them very young children.

The majority justices rejected HaMoked's principle arguments against the measure of punitive demolitions as collective punishment harming innocent people and contrary to international law. Justice Baron, in the minority, reiterated her stance that the legality of punitive demolitions should be re-examined: "there is room to revisit the questions arising from use of the authority under Regulation 119 [of the Defense (Emergency) Regulations] before an expanded panel" – as HaMoked consistently demands in its petitions on the issue.

The court rejected HaMoked's argument that the demolition order for one of the homes should be revoked because there was no affinity of residence between the assailant and the home – given that in the past year, since his parents and siblings moved to live in their new home, the accused stayed for a lengthy period in Israel (as expressly state in the indictment filed against him). Justice Mintz, who wrote the judgment, also rejected HaMoked's argument that the level of – indirect – involvement of two of the accused men had not yet been sufficiently established. On this, Justice Mintz wrote, among other things, that "the degree of actual involvement is supported also by the classified material presented before us". It should be noted that the court reviewed the classified material, but did not accept HaMoked's position that the confessions and interrogation notes should also be examined.

The majority justices also rejected HaMoked's arguments regarding the petitioning relatives' lack of knowledge, in three of the cases, about the accused men's plans. In the words of Justice Mintz: "even if I were willing to assume that there was no evidence regarding knowledge of the petitioners or some of them... about the intentions of the assailants... this would not have been enough to tip the scales...". Justice Melcer, who is Deputy Chief Justice of the Supreme Court, sided with Mintz and added that only if the relatives were successful in persuading the court that "they had tried to dissuade the assailant from implementing [the attack]", or had they "condemned the attack, even after the fact", this could have served as a weighty consideration against the demolition. (it should be noted that in April 2019, [the HCJ approved the demolition of an apartment](#) which was the home of an assailant's parents even though they had strongly condemned their son's act).

Justice Baron, in the minority, held that orders nisi should be issued to require the state to justify demolition regarding three of the homes, due to disproportionality of the intended demolitions. This "given the family members' lack of involvement and absence of knowledge regarding the intention to commit the murder" and "as the [act of] demolition inherently constitutes a severe violation of basic human rights and [the fact that] the deterrence effectiveness of using this measure is still in doubt". Therefore, Justice Baron concluded, "my opinion is that there was a flaw in the military commander's discretion". Justice Baron added that "we are dealing with the homes of uninvolved and innocent people, among them minors.

(report by HaMoked- an Israeli human Rights Organization)

Developments in the Administrative Fines Regulation Case

In June of 2018, Israel's Minister of Justice, Ayelet Shaked, approved a new Administrative Fines Regulation, determining the sum of administrative fines imposed for violations of the Planning and Building Law. The decision to impose the fines is vested in an administrative body and does not involve the court. The sum of the fines is unprecedented and may reach up to 300,000 NIS.

NRC filed a petition with the Supreme Court to challenge the constitutionality of the regulation. A hearing took place on 25 November 2019, and the Court proposed a transitional period of at least 24-months (from the date of the enactment of the Regulation (20/06/2018)) for affected individuals to exhaust planning processes in an effort to legalize their structures, and the use of these structures.

In this regard, the Court issued an Order Nisi (Conditional Order) warranting the Minister of Justice, Minister of Finance and National Unit for the Enforcement of Building and Planning Laws to provide their objections (if any) to this proposition within 60-days.

Despite the fact that the Court did not refer to the constitutionality, illegality and / or proportionality of the regulation, this proposed initiative is considered to be an interim achievement that will, for the time being, put on hold the execution of this draconian policy. Moreover, if the court obliges the State to introduce the transitional period prior to the application of the regulation, it will be immensely beneficial for at-risk families, as they will have sufficient time to develop coping strategies via domestic planning mechanisms.

(update by the Norwegian Refugee Council)