



# 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 SEPTEMBER 2019

During the month of September 2019, at least 47 structures were demolished in the occupied Palestinian Territories (including East Jerusalem) by Israeli forces, displacing at least 78 people- including 16 children- and affecting a further 1,096 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 September, 2019, a Palestinian family was forced to self-demolish a house under-construction they intended to move into. The family first received a stop-work order, and then a demolition order that ordered them to either self-demolish the house or have it demolished by the municipality, and pay the cost of the demolition. A family of eight, including four children have been affected as a result.
- On 2 September, 2019, the ICA (Israeli Civil Administration) along with Israeli forces demolished five structures and a 125 meter long fence in Ein Fares, Nahhalin, Bethlehem. The structures were donor-funded and were provided as a response to a previous demolition that occurred in the area in July 2019. Five families comprising 39 people, including 20 children have been affected.

- On 2 September, 2019, Israeli forces demolished a mosque and a residential house, both under-construction in the Jabal Jares area of Hebron City. One family comprising seven people, including three children was affected by the demolition of the residential house, and around 300 people were affected by the demolition of the mosque.
- On 3 September, 2019, the Jerusalem municipality along with Israeli forces demolished an extension of a residential house in At Tur, East Jerusalem. The family started to build the extension for their small apartment in 2010, and received a demolition order right away. They appointed a lawyer who managed to postpone the demolition until an Israeli court ruled in favour of it. A family of seven, including five children was affected.
- On 3 September, 2019, a Palestinian family was forced to self-demolish an inhabited structure in Silwan, East Jerusalem. The 50m<sup>2</sup> structure was built on the second floor and consisted of a bedroom and a kitchen. The structure was built in 1999, and received a demolition order against it in 2014. The family appointed a lawyer, and lost the case in court in June 2019. Representatives from the Jerusalem Municipality gave the family an oral warning on 1 September, 2019, giving them 24 hours to self-demolish or to have the municipality do so and they would have to pay the cost of the demolition. Two people were displaced as a result.
- On 10 September, 2019, Israeli forces demolished an agricultural structure in Tarquimiya, Hebron. Two water tanks were damaged during the demolition. The owner of the structure reported that he built the structure in July 2018, after the previous structure he had built was demolished that month. A family of eight, including four children was affected.
- On 11 September, 2019, the Israeli Ministry of Interior along with Israeli forces demolished two adjacent under-construction residential buildings in Al'Elzaria, a town located on the West Bank side of the Separation Wall, East Jerusalem. Both buildings had at least two completed floors, out of a planned 12. Each building was supposed to have around 45 apartments. The demolition has affected 18 households comprising of 83 people, including 48 children.
- On 11 September, 2019, ICA and the Israeli military demolished two residential structures and a mobile latrine- all donor-funded in Khallet Athaba', an area located in an Israeli-declared firing zone, Hebron. The demolition displaced two families consisting of nine people, including five children.
- On 11 September, 2019, ICA and the Israeli military demolished four residential structures and a storage tent- all donor-funded in Um Fagarah, an area located in an Israeli-declared firing zone, Hebron. The demolition displaced four families comprising of 18 people, including eight children.
- On 11 September, 2019, ICA and the Israeli military demolished a structure used as a latrine in Khirbet Sarura, an area located in an Israeli-declared firing zone, Hebron. The demolition affected a family of two.
- On 12 September, 2019, Israeli forces demolished five water cisterns, cut off/damaged over 470 trees, and damaged fences in an area of 26 dunums in the Khirbet 'Atuf area, Tubas, Jordan Valley. All the demolitions took place on private Palestinian lands, in an area the Israeli authorities have designated as a nature reserve and area C. 252 people from 37 households were affected by the demolition.
- On 16 September, 2019, the Jerusalem municipality along with Israeli forces demolished a house under-construction, an agricultural structure, a 180m long wall and a retaining wall in Al Walaja, Bethlehem. All the structures that were demolished were located on the Jerusalem side of the Separation Wall. Four households comprising of 28 people, including 18 children were affected.

- On 18 September, 2019, Israeli forces demolished an agricultural structure in Khirbet 'Atuf, Tubas, Jordan Valley. A family of six, including four children was affected by the demolition.
- On 24 September, 2019, Israeli forces demolished an under-construction house in Awarta, Nablus. A family of four, including two children was affected by the demolition.
- On 24 September, 2019, the Jerusalem municipality along with Israeli forces demolished a house in Beit Hanina, East Jerusalem. The family received the first demolition order in 2013, and hired a lawyer who managed to delay the demolition until an Israeli court ruled in favour of the demolition. The family managed to evacuate their belongings from the house before the demolition took place, leaving the family of seven, including two children displaced.
- On 24 September, 2019, the Jerusalem municipality along with Israeli forces demolished a house under-construction in At-Tur, East Jerusalem. The structure was being built as the third floor of a residential building, and was supposed to house a newly-wed couple. The family received two demolition orders in July, 2019, and a final one was delivered in August 2019, giving the family a 3-day notice and a verbal order to demolish the structure. During the demolition solar water-heating panels, a boiler, water and electricity networks and a pigeon coop were damaged. Three people were physically assaulted and needed medical treatment during confrontations that erupted between the family and Israeli forces, during the demolition . Two people were affected by the demolition.
- On 24 September, 2019, the Jerusalem municipality along with Israeli forces demolished a horse stable in Silwan, East Jerusalem. The stable was used to shelter six horses, and was built 15 years ago. During the demolition an olive tree was cut down. Two households consisting of 13 people, including seven children were affected by the demolition.
- On 25 September, 2019, ICA along with Israeli forces demolished an under-construction house that was ready to move into, in Al Hijra, South Hebron. A family of five, including three children was affected.
- On 25 September, 2019, ICA along with Israeli forces demolished an agricultural structure in Al Baqa'a, Hebron. During the demolition a water cistern, agricultural tools, four water pumps and fertilizers were destroyed and buried under the rubble. A family of 18 members, including 15 children was affected.
- On 25 September, 2019, Israeli forces demolished a structure used to shelter animals, a 50-meter long fence and a butchery in Deir Ballut, Salfit. The demolition affected a family of nine, including two children, who faced the same demolitions three months ago.
- On 26 September, 2019, ICA along with Israeli forces demolished and confiscated a protest tent and all its contents, in the Al Muntar area, east of Jerusalem, and declared the area as a closed military zone. The tent was built on 15 September, 2019, by Palestinians to protest the building of a new Israeli outpost that was erected the previous day. The Palestinians who built the tent claim they have ownership on the land the outpost was erected on, while the Israeli settlers claim they bought the land- 417 dunums- in 1984. The case is being dealt in the Israeli High Court of Justice. The number of affected Palestinian land owners, as estimated by the As Sawahreh municipality is 300.

## Legal Updates

### Sumreen Family Eviction ruling update:

On 20 September 2019, the Jerusalem Magistrate court ordered the eviction of Sumreen family from its two story house (land size approx. 740 Square meter/ 18 individual living there) located in Wadi Hillweh in Silwan - Jerusalem (next to the City of David) following an eviction lawsuit initiated by Himonta (a subsidiary of the Israeli National Fund (INF)).

In 1987 the Israeli National Fund succeeded, in collaboration with the Custodian for Absentee properties, to obtain a declaration from the Custodian that Mousa Sumreen (the late father of Sumreen family) is an absentee and that his properties are absentee property (despite the fact that Mousa lived all his life in Silwan in Jerusalem). Following this declaration, which was never brought to the attention of the Sumreen family, the Custodian sold/transferred the Sumreen properties to the Israeli National Fund.

In 1991, the INF sold/transferred the property to Himonta (INF subsidiary) and the property was registered under Himonta's name on April 1991. Immediately after, Himonta initiated an eviction lawsuit against the Sumreen family based on the Custodian declaration and based on its ownership rights over the property. In a decision issued in 1994, the Jerusalem Magistrate court dismissed Himonta's petition ruling that the declaration of Sumreen property as absentee property **was illegally** made as the late father Mousa was proved to have lived all his life in Silwan in Jerusalem.

In 1996, and following an appeal submitted by Himonta, the Magistrate court ruling was turned over by the Jerusalem District court which ruled that the declaration of Sumreen property as absentee **was legally** made based on the fact that following Mousa's death, his two remaining sons/heirs were nationals of and living in an enemy state (Jordan). The District Court then referred the case back to the Magistrate court to discuss and decide on the question of whether other Sumreen family members, namely Mousa's nephew (Mohammad) and his family who lived in the property, have any rights in the property that supersedes Himonta's rights.

In a decision issued in 1999, the Magistrate court ruled that Mousa's Sumreen nephew has rights in the property based on a genuine purchase agreement concluded between Mousa and Mohammad's father in 1983. Himonta appealed this decision, but the District court dismissed this appeal.

Immediately after in 1999, the Sumreen family lodged an ownership petition with the District court requesting a declaratory ruling of their ownership in the property based on the purchase agreement of the 1983. Following court deliberations and testimonies of different experts who questioned and doubted the credibility of the purchase agreement, the Sumreen family decide to withdraw the petition.

In 2005, and following the withdrawal of the Sumreen family declaratory petition, Himonta lodged a new eviction case against the Sumreen family living in the property and succeeded, in the absence of a defense statement, to get an Ex-parte ruling to evict the family.

After five years of waiting, in 2011 Himonta initiated legal proceedings through the Enforcement and Collection authority to evict the family from the property. The Sumreen

family immediately submitted a request to cancel the Ex-parte ruling arguing that they were never invited to submit a defense statement in the case. In 2013, and following negotiations between the parties, the court accepted the Sumreen family request and granted them the right to submit a defense statement in the case.

The Sumreen family heirs main argument in the case were that; they possess rights in the property based on explicit and or implicit approval by the late Mousa Sumreen to Mohammad to hold possession in the property. Other heirs argued being a protected tenants.

Following court deliberations, testimonies and cross examinations, on 20/09/2019 the Magistrate court accepted Himonta's petition and ordered the eviction of Sumreen family within 3 months.

According to the court reasoning, the Sumreen family had only a 'possession rights' in the property based on a 'personal right' that was given by Mousa to Mohammad. This right, according to the court, is a 'personal' one rather than 'material' one. As such, and following Mohammad's death, this right expired and consequently cannot be transferred to his heirs. Hence the Sumreen family heirs have no further rights in the property.

**Next Step:**

This ruling by the Magistrate court can be appealed to the District court. If unsuccessful, a further appeal can be made to the Supreme court. The legal proceedings at the District court are expected to be lengthy one (up to two years).

*(Report by the Legal Task Force)*

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**Jerusalem Municipal Data Reveals Stark Israeli-Palestinian Discrepancy in Construction Permits in Jerusalem : Only 16.5% of Jerusalem's building permits are for Palestinians, whom constitute 38% of the city's residents**

**Nearly half of the construction for Israelis is in neighbourhood beyond the Green Line**

According to data the Jerusalem Municipality sent to the Movement for the Freedom of Information after two years of delays on building permits approved by the Local Planning and Construction Committee from 1991 to 2018, while 38% of the city's residents are Palestinians, only 16.5% of the building permits were given for construction in Palestinian neighbourhood.

The figures also indicate that 45% of all Israeli building permits in Jerusalem were in Israeli neighbourhood beyond the Green Line in areas unilaterally annexed by Israel in 1967.

**Of 57,737 housing units approved in construction permits in Jerusalem from 1991 – 2018:**

- Permits for 9,536 housing units (16.5%) were approved for construction in Palestinian neighbourhood

- Permits for 21,834 housing units (37.8%) were approved for construction in Israeli neighbourhood in areas annexed to Jerusalem in 1967 across the Green Line.
- Permits for 26,367 housing units (45.7%) were approved for construction in West Jerusalem.

### **What is a construction permit?**

After the planning process and approval of the construction plans (and in the case of government-initiated construction, after the tender process), when there are developers who wish to implement the planned construction, they must obtain a building permit from the local authority. The Local Planning and Construction Committee reviews the permit applications and their compliance with the applicable plans, as well as safety and environmental standards, etc. After the committee approve the permit, there is some bureaucratic procedures, the municipality issues a building permit and the developers can begin construction. Typically, between the permit approval and the start of construction, it takes several weeks to months. Most of the approved construction permits are also actually built, thus they are a good indicator of the number of units actually built.

**A. Lack of planning and construction for the Palestinians** The data reveals the known truth about the plight of construction in East Jerusalem. Since 1967, Israeli authorities have refrained from actively encouraging construction for Palestinians in Jerusalem. While the government has initiated planning, appropriation of land for construction, tenders for the construction of more than 55,000 housing units for Israelis in East Jerusalem since 1967, the Palestinians have seen government-initiated construction of only 600 housing units (in the 1970s). This means that almost all Palestinian construction in East Jerusalem is the result of a private initiative by families who have to bear planning costs and encounter many difficulties in obtaining a building permit.

Another notable figure is the average number of units approved in each permit. While in Israeli neighbourhood both in East and West Jerusalem the average is 10.5 units per permit, the average in Palestinian neighbourhood is 3.5 units per permit. This means that the construction in Israeli Jerusalem is for much larger projects, including bigger buildings and compounds, while construction in Palestinian Jerusalem consists of much smaller projects, less organized and in a more sporadic manner.

For more on construction planning neglect in the Palestinian neighbourhood of Jerusalem, see – *Deliberately Planned* – a report of Bimkom and Ir Amim.

In the absence of planning and with virtually no chance of obtaining building permits, East Jerusalem Palestinian residents are forced to build without permits and live under the constant threat of demolition. Over the past three years, nearly 200 structures have been demolished in East Jerusalem per year (a sharp increase since the Obama administration years).

### **B. Construction in Israeli neighbourhood beyond the Green Line**

Since 1967, Israel has built 12 settlement neighbourhood beyond the Green Line on land expropriated for public purposes in East Jerusalem. The number of housing units in these neighbourhood is estimated at over 55,000. Most of the construction was done relatively soon after 1967, in the 1970s and 1980s. Municipal data shows that since 1991, 21,834 housing units have been approved in Israeli neighbourhood across the Green Line.

**An increase of about 33% since Netanyahu's 2009 election** – From 2000 to 2008, the average number of housing units approved in neighbourhood beyond the Green Line was about 500 housing units per year. Since Netanyahu was elected prime minister in 2009, the average has risen by about 33% and stands at 665 housing units approved per year.

**A dramatic increase after Trump's election** – Between 2017-2018, 1,861 housing units were approved in those neighbourhood, up from 1,162 in the previous two years (rise of 58%).

The graph of construction permits in Israeli neighbourhood in East Jerusalem tells the story of the settlements there. For instance, in 1991, 2,096 housing units were approved, almost all of them were in the Pisgat Ze'ev neighbourhood, which was then in the advanced stages of construction. 2000 was the year in which the Har Homa settlement began to be built (1,707 housing units), after the approval by Prime Minister Netanyahu in 1997 to establish Har Homa as the first new settlement since the Oslo Accords.

### **C. Data quality and accuracy:**

**1. Difficulty in obtaining data**– The information requested and received from the municipality of Jerusalem is a list of all construction permits approved over the years since the system was computerized. On 13 November 2017, the Movement for Freedom of Information applied to the Jerusalem Municipality to request the information. This is after a request that the Peace Now motion in December 2014 was only partially complied with, without the data being complete.

About four months later, on 7 March 2018, the Jerusalem Municipality's response was finally received, with the list of building permits without detailing the number of units approved in each of the permit. The municipality reported that the information does not exist in the computerized system. But since Peace Now had an old file from the computerized system from a few years ago with information on the number of units, a new round of correspondence and conversations began and the Jerusalem Municipality moved to acquire the full information.

The Movement for Freedom of Information file a new application on 15 January 2019. It was only on 30 May 2019 that the municipality sent a reply, but the requested information was given in a PDF file and the attempts to convert it to Excel to be analyzed and examined amounted to nothing. Only after the threat of filing a petition in court was the information in Excel format finally received, on 9 July 2019.

**2. Quality of data**– The list received from the Jerusalem Municipality included information on tens of thousands of permits, including the permit number, date of approval, number of housing units added, address, neighbourhood, and the plan number according to which the permit was granted. Peace Now still had to screen the data: erasing duplicates, correcting some typos (in some cases the wrong number of housing units was typed, or an incorrect neighbourhood name was entered). It is important to emphasize that despite efforts to improve and correct the data, there are still data inaccuracies. But since these are large numbers of thousands of housing units, the order of magnitude is likely to be negligible. The

information was also checked against CBS data on construction starts, and similar trends were discovered.

*(Report by Peace Now)*