

AS SAFE AS HOUSES?

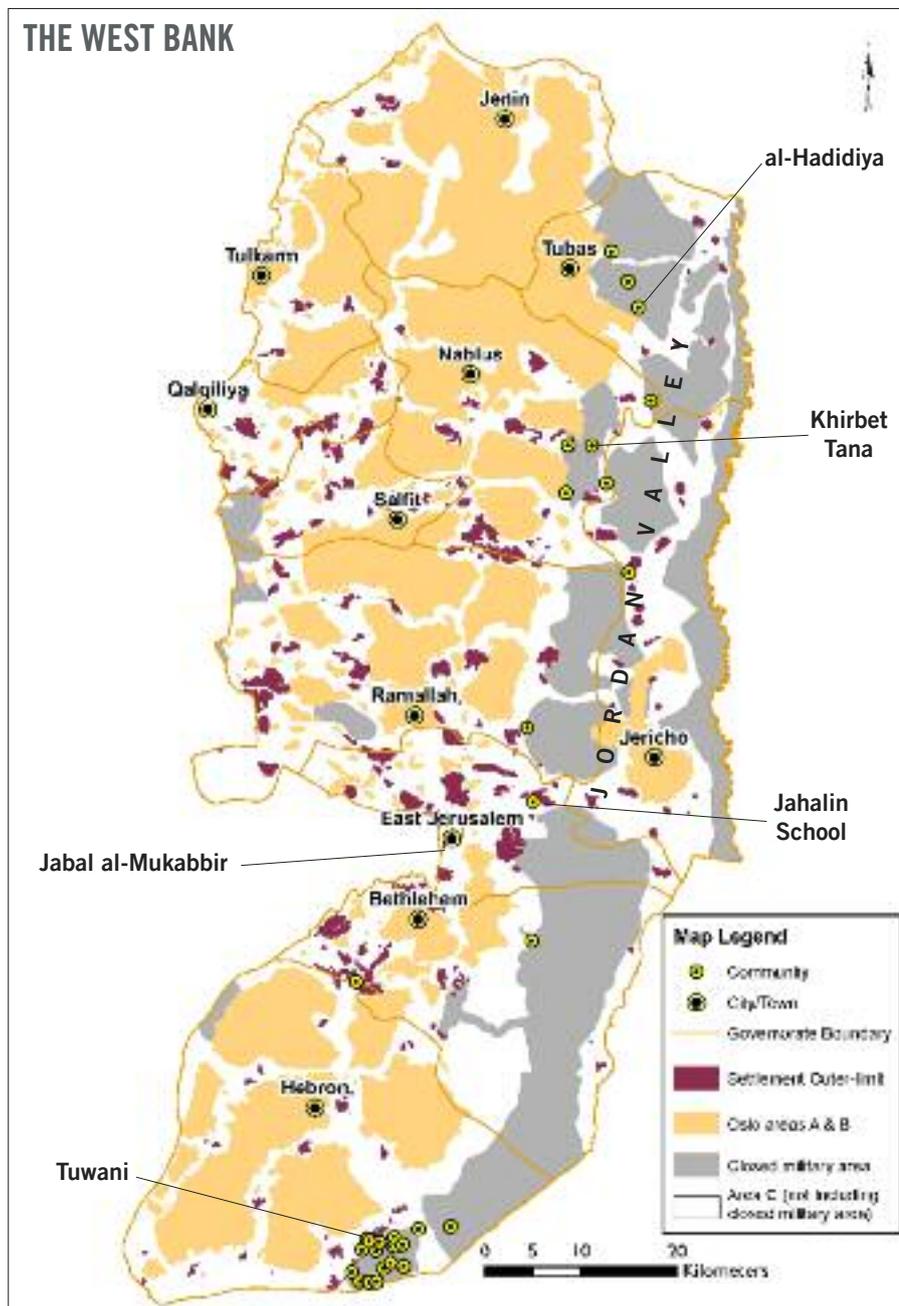
ISRAEL'S DEMOLITION
OF PALESTINIAN HOMES

AMNESTY
INTERNATIONAL



Palestinians living under Israeli occupation in East Jerusalem and the rest of the West Bank face such tight restrictions on what they can build that their right to adequate housing is being violated. The Israeli authorities condemn as “illegal” homes and other structures built without the permits that they control and rarely allow to Palestinian residents, and then order their destruction. Demolition crews, accompanied by security officials, may arrive at any time, giving families little notice or opportunity to remove their possessions.

Under Israeli military law applied to Palestinians in most of the West Bank, evicted families are not rehoused or compensated. So, those evicted would face homelessness and destitution were it not for relatives, friends and charities. Palestinians in East Jerusalem fare little better under the Israeli civil authorities.



Rida Nimr and her husband Nimr Ali Nimr were sitting by the rubble of their demolished home when Amnesty International delegates arrived in the Palestinian neighbourhood of Jabal al-Mukabbir, south of the Old City of Jerusalem, on 29 October 2009. Two days earlier, an Israeli demolition force from the Jerusalem municipality had destroyed the two-storey home of three generations of their family. Five children were among those left homeless. Rida described what happened:

“Some 30 police and special forces, accompanied by three bulldozers driven by civilian contractors, arrived while the children were still sleeping. The police rapidly surrounded and closed off the area. The demolition force only took a few pieces of furniture out of the house before its demolition and did not allow us to take out anything except, after pleading, a laptop belonging to our daughter Amal which she needs for her university studies.”

The family said that money and personal identification documents had been lost in the destruction. Broken furniture and other household items were visible under the rubble. ‘Aouni Nimr, aged 24, and his wife Ayesha, who had married just four days before the demolition, lost many of their wedding gifts as well as the home in which they were about to start their new life together.

Map courtesy of the Office for the Coordination of Humanitarian Affairs, Occupied Palestinian Territory, with additional text marking case studies by Amnesty International.

The Nimr family told Amnesty International that they had built their home in 2000 but then immediately received a demolition order from the Jerusalem municipal authority. In the following years, the family contested the order. They submitted three separate building plans and challenged the demolition order in the Israeli courts. Their plans were rejected by the Israeli authorities, the first two for “security reasons” and the third because the municipal authority had decided to categorize the land as a “green area” (where no construction is allowed).

Six months after the demolition the extended Nimr family was still living apart, its members mostly staying in three different homes of relatives and neighbours. Nimr Ali Nimr was living in a rudimentary shack on the site of his former home. The family continues to be sent monthly fines of 1,500 shekels (US\$400) from the municipality for having built “illegally”.

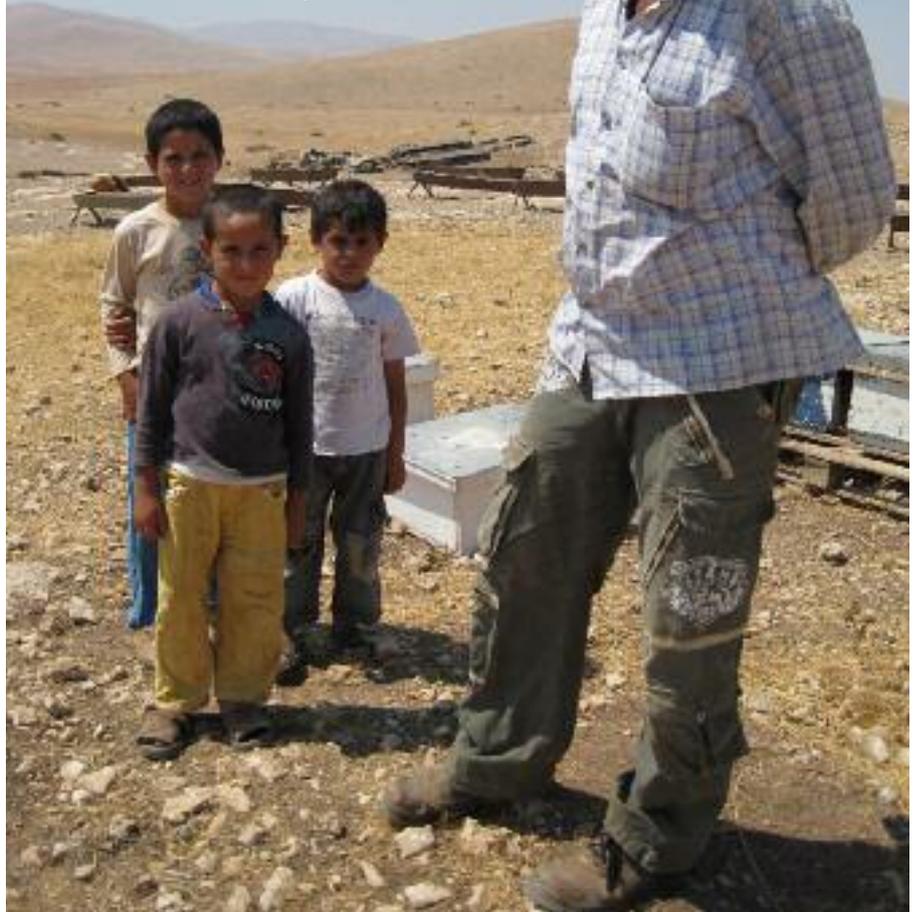
According to the UN, 270 structures were demolished in the West Bank in 2009 alone, under order from the Israeli authorities, displacing over 600 Palestinians, more than half of them children. The UN estimates that some 4,800 demolition orders are pending against Palestinians in the Occupied Palestinian Territories (OPT). This means that many thousands of men, women and children are living in daily fear that the rumble of bulldozers will signal the impending destruction of their home, their possessions and their hope for a secure future.

BACKGROUND

In 1967, Israel occupied the West Bank, including East Jerusalem, and the Gaza Strip – areas subsequently known as the OPT – at the end of the so-called Six Day War.

Immediately after the occupation, Israel illegally annexed over 70 square kilometres of the West Bank and classified it as part of the Jerusalem municipality. Palestinians living in the expanded “East Jerusalem” did not become Israeli citizens although they were placed under the jurisdiction of the Israeli Jerusalem Municipality and required to pay municipal taxes.

Mohammed Bani Odeh's home was demolished by the Israeli army along with three other family homes in al-Hadidiya on the morning of 11 March 2008. The destroyed properties had housed at least 34 people, including some 26 children. All of the families had previously had their homes demolished in February 2008. Villagers living in al-Hadidiya and the nearby Palestinian hamlets of Humsa and Ras al-Ahmar continue to face demolition and eviction orders from the Israeli military.



© Amnesty International

The remainder of the West Bank and the Gaza Strip were governed by the Israeli military authorities from 1967 until the mid-1990s, when the conditions of the Israeli occupation were altered as part of the Oslo Accords. These agreements established the Palestinian Authority (PA); divided the West Bank into Areas A, B and C; and transferred partial jurisdiction of some areas in the OPT to the PA while overall security remained under Israeli control. In line with the Oslo Accords, 17.7 per cent of the West Bank was designated as Area A in which the PA had civilian and security responsibility. Area B, in which the PA had civilian and public order responsibility and Israeli had overriding security responsibility,

made up 18.3 per cent of the West Bank. The remainder of the West Bank, more than 60 per cent of the total West Bank area excluding Jerusalem, was classified as Area C in which Israel had both civil and security authority.

In 2005, Israel “disengaged” from the Gaza Strip, withdrawing its settlements from the area but retaining control of Gaza’s airspace, territorial waters and its land border with Israel. Although Israel no longer operates a planning policy in Gaza, Israeli forces have demolished thousands of Palestinian homes during military incursions since 2005, particularly in areas near Gaza’s perimeter.

BUILDING PERMITS

Although the legal system applied to Palestinians in East Jerusalem differs from that imposed on Palestinians in the rest of the West Bank, the patterns of home demolition are similar and are also often justified in East Jerusalem on grounds of the lack of a building permit. In both localities permits are extremely difficult, virtually impossible, for Palestinians to obtain from the Israeli authorities. In East Jerusalem, applying for a building permit is a lengthy, expensive and often unsuccessful process.

The UN has estimated that the gap between Palestinian housing needs in East Jerusalem and the construction that is legally permitted is at least 1,100 housing units per year, based on the rate of population growth. In Area C of the West Bank, more than 94 per cent of building permit applications submitted by Palestinians to the Israeli authorities between 2000 and September 2007 were rejected.

By denying permit applications to an expanding Palestinian population in both East Jerusalem and the West Bank, the Israeli authorities are putting Palestinians in an impossible position: whatever choice they make, they face homelessness. Denied permission to build by Israel, the occupying power, many feel they have no option but to construct homes and other structures without official permits, knowing that these buildings may soon be flattened, without redress, by Israeli bulldozers.

JERUSALEM

Only 13 per cent of occupied East Jerusalem is designated by the Jerusalem Municipality as available for Palestinian building. This area of just 9.18 square kilometres is already heavily built up and home to around 250,000 Palestinians.

By contrast, the Israeli authorities enable settlements, built illegally on occupied land for the exclusive use of Israelis, to be established and to expand. Some 35 per cent of the land in East Jerusalem has been expropriated by illegal settlements in which 195,000 Israelis now live. Meanwhile, demolition orders are regularly served against Palestinian families in the Old City of Jerusalem and in neighbourhoods such as Jabal al-Mukabbir.

TARGETING 'AREA C'

Under the Oslo Accords, the Israeli authorities retain both civil and military control in Area C, more than 60 per cent of the West Bank. The estimated 150,000 Palestinians living there face severe restrictions on building and also on their freedom of movement. Thousands of hectares (18 per cent of the West Bank), particularly in the Jordan Valley and the southern Hebron hills, have been declared "closed military zones" in which Palestinian construction is prohibited and Palestinian movement is limited.

IN THE FIRING LINE: JIFTLIK VILLAGE

Around 5,000 people live in Jiftlik in the central Jordan Valley. Before the Israeli occupation began in 1967, the village had extensive lands. Now, most of the area is a "closed military zone" and Palestinian building is severely limited, although three Israeli settlements have been established nearby. In 2005, without consulting Jiftlik's residents, the Israeli military authorities devised an "outline plan" for the village designating "approved" parcels of land where Palestinians could live. Around 40 per cent of homes in the village were excluded. Even in areas of Jiftlik that fall within the "outline plan", permits are required for new construction or extensions to existing buildings. These permits are difficult to obtain and any building erected without permission is liable to demolition. According to residents, demolition orders have been issued against tens of homes in Jiftlik in the past few years and some 30 buildings have been demolished.

VILLAGES IN THE JORDAN VALLEY

The Israeli authorities strictly limit Palestinian construction in the Jordan Valley area and have systematically demolished both Palestinian homes and animal pens belonging to Palestinian farmers, denying the residents shelter and severely impacting on their livelihoods. Since 2005, the Israeli authorities have increased restrictions on the movement of Palestinians between the Jordan Valley and the rest of the West Bank, allowing only Palestinians registered as residents of the valley to enter it in private vehicles. Such limits on movement and building, and the repeated demolitions in the Jordan Valley, make life for the Palestinian communities there extremely hard and difficult to endure.

An Israeli army sign in the Jordan Valley declares a populated Palestinian area closed for military reasons, July 2009.



© Amnesty International

KHIRBET TANA: RESISTING DESTRUCTION

"The army jeeps came at six in the morning; people saw them in the valley and started taking their belongings out of the houses. We didn't have time to finish milking the ewes. They demolished everything here; by 9.30 they were finished."

Raeda Nasasreh, a 24-year-old mother of two, describing demolitions in Khirbet Tana to Amnesty International in 2010

Khirbet Tana is a village just west of the Jordan Valley whose small community is largely made up of farmers and shepherds. In the early 1970s, the Israeli army declared the area a "closed military zone". While local Palestinians were denied permission to build, the nearby Israeli settlements of Mekhora and Itamar were established.

In July 2005, the Israeli authorities demolished Khirbet Tana's school, as well as a number of homes, animal sheds and

The Israeli authorities have not only issued demolition orders against Palestinian homes but also against schools, clinics, roads, water cisterns, electricity pylons, sheds and animal shelters in Palestinian communities.

water cisterns belonging to Palestinians. The villagers rebuilt their community. On 10 January 2010, Israeli forces again entered Khirbet Tana and demolished the homes of 100 Palestinians, among them 34 children. They also demolished the village school and 12 animal pens.

Despite the repeated demolitions, the people of Khirbet Tana are determined to remain there and the community has once again begun to rebuild their village. Um Fuad (pictured right), aged 76, told Amnesty International:

"When the bulldozers came, I was making cheese above the house, and the soldiers and the workers crowded all around me. Their bosses were taking photos of everything. I said to them, 'What do you want, a bit of cheese too perhaps?... Then I handed out some sweets I had in a jar to the villagers, saying 'Let's celebrate, because we are going to be building'. And indeed, before the bulldozers were gone we had already put up a tent."



© Amnesty International



© Amnesty International



© Amnesty International



© EAPP/Kestin D.

top: Um Fuad, 29 April 2010.

above: The two-classroom school in Khirbet Tana that was demolished on 10 January 2010, rebuilt and then reopened on 26 April. From January to April children attended class in a makeshift tent on the site.

above left: The villagers of Khirbet Tana make a livelihood from raising sheep and goats. They rebuilt their animal pens from scraps of metal retrieved after the demolition by the Israeli army on 10 January 2010. Some of the livestock perished after the demolition because of bad weather.

left: Khirbet Tana shortly after being destroyed for the second time in January 2010.



© Amnesty International

THE JAHALIN: FORCED TO STAY NOWHERE

The Bedouin Jahalin tribe was forcibly transferred from the Tel Arad area in the Negev to the West Bank in the 1950s by the Israeli authorities. Following Israel's occupation of the West Bank, the Israeli military restricted the tribe's seasonal movement, rendering their traditional way of life impossible. As a result, the Jahalin established permanent homes in small encampments, prompting persistent harassment by Israeli settlers and the military authorities, who claim their tents and basic buildings are "illegal".

The Abu Dahouk clan, made up of some 30 families, live near the community of Arab al-Jahalin by the side of the Jerusalem to Jericho road, about 10km from the Palestinian village of Anata and just south of the Israeli settlement of Kfar Adumin. Until 2009, the children had to make the dangerous road journey to Anata, or even further to the refugee camp of Iqbet Jaber near Jericho, to go to school. At around 200 shekels (US\$53) a month for each child, these travelling costs were prohibitive for many.

In mid-2009, the Abu Dahouk clan, with the help of the Italian non-governmental organization Vento di Terra, began to build a local school. The basic buildings, on a 300-square-metre plot of land, were made of used tyres filled with soil, joined together with mud and made waterproof with old cooking oil. Roofs of wooden beams and corrugated iron allow air to circulate in stifling temperatures. Anxious to complete the buildings in time for the new school year, residents worked for up to 12 hours a day and employed 15 local workers.

Then, on 24 June, the Israeli military authorities ordered the work to stop. The community, however, ignored the order and 75 local Jahalin children began classes at the primary school in late August 2009. In February 2010, the Jahalin tribe petitioned the Israeli Supreme Court to grant legal authorization for the school to continue to function. On 3 March, the Supreme Court ruled that the school could remain open until the end of the school year on 1 June 2010, but rejected the residents' appeal to "legalize" its presence through a permit. With the school facing demolition, a further court session will be held after 1 June to determine the school's future. Children in the Jahalin

school told Amnesty International that the school was "a hundred times, a thousand times better" than the distant school in Iqbet Jaber, and feared that they would be unable to continue with their education if it were destroyed.



© Amnesty International

top: Children in al-Khan al-Ahmar school in the Jahalin Bedouin encampment, April 2010.
above: The outside of the school.



In the illegal Israeli settlement of Maaleh Adumim, east of Jerusalem, building continues despite calls by the international community for a freeze on construction, April 2010.

© Amnesty International

ISRAEL'S DEFIANCE OF INTERNATIONAL STANDARDS

The right to adequate housing is an essential component of the right to a decent standard of living. When fulfilled, it can provide a foundation on which other rights are better able to be realized, including the rights to family, to work and to education. At the same time, the right to adequate housing may be threatened or impossible to attain if other rights are not respected, such as the rights to security of the person, to participate in public decision-making and to be free from discrimination. Violations of the right to adequate housing experienced by Palestinians in the OPT are both a symptom of the wider human rights violations to which Palestinians are subject and a barrier to their achievement of other human rights.

Israel, however, is a state party to, and bound by, the International Covenant on Economic, Social and Cultural Rights (ICESCR), which explicitly guarantees the right to adequate housing without discrimination (Article 11.1): *"The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions."*

Adequate housing includes security of tenure. This means that all people in any living arrangement should enjoy legal protection against forced eviction, harassment or other threats. States parties to the ICESCR are obliged to confer this security. All the UN human rights treaty bodies, which oversee the implementation of these treaties, have dismissed Israel's claim that UN human rights conventions do not apply in the OPT.

"The Committee notes with concern the application in the Occupied Palestinian Territories of different laws, policies and practices to Palestinians on the one hand, and to Israelis on the other..."

"The Committee also reiterates its call for a halt to the demolition of Arab properties particularly in East Jerusalem, and for respect for property rights irrespective of the ethnic or national origin of the owner."

UN Committee on the Elimination of Racial Discrimination, June 2007

As the occupying power, the actions of Israel in the OPT are also bound by the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War to which Israel is a signatory. Article 53 prohibits destruction of property that is not justified by military necessity.

The Fourth Geneva Convention also prohibits the transfer of an occupying power's civilian population into the territory it is occupying (Article 49). Since the beginning of Israel's occupation in 1967, however, 135 officially recognized Israeli settlements and 99 settlement "outposts" (unauthorized but state-sponsored and funded by government ministries) have been established in the West Bank, including East Jerusalem, in violation of international law and in defiance of UN resolutions. Again, Israel's argument that the Fourth Geneva Convention does not apply to the OPT has been rejected by the most authoritative international bodies, including the UN Security Council and the International Court of Justice (ICJ). In relation to the question of Israeli settlements in the OPT, the Security Council and the ICJ have further clarified that Israel's building of settlements violates the Fourth Geneva Convention.



© Amnesty International

Fadhel Raba'i sits beside a water cistern under threat of demolition in Tuwani village in the southern Hebron hills. In July 2009 the Israeli authorities issued a demolition order against electricity pylons in Tuwani, which was implemented on 25 November 2009. The army also issued "stop the work" orders against seven new homes for Palestinians and a water cistern.

ACT NOW

Call on the Israeli authorities to end discriminatory housing policies. Call on the Israeli government to:

- Immediately stop all demolitions in the Occupied Palestinian Territories, including East Jerusalem.
- Transfer responsibility for planning and building policies and regulations in the Occupied Palestinian Territories from the Israeli authorities to the local Palestinian communities.

■ Immediately stop the construction or expansion of Israeli settlements and related infrastructure in the Occupied Palestinian Territories as a first step towards removing Israeli civilians living in such settlements.

PLEASE WRITE TO:

Benjamin Netanyahu
Prime Minister
Office of the Prime Minister
3 Kaplan Street
PO Box 187
Kiryat Ben-Gurion

Hakirya
Jerusalem 91950
Israel
Fax: +972 2 566 4838
Or +972 2 649 6659

Nir Barkat
Mayor of Jerusalem
Jerusalem Municipality
1 Safra Square
Jerusalem 91007
Israel
Fax: +972 2 629 6014
Email: lishka@jerusalem.muni.il

cover: Rida Nimr sits amid the rubble of her former family home, Jabal al-Mukabbir neighbourhood, south of the Old City of Jerusalem, 29 October 2009. © Amnesty International

**AMNESTY
INTERNATIONAL**



Amnesty International is a global movement of 2.8 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

June 2010
Index: MDE 15/006/2010

Amnesty International
International Secretariat
Peter Benenson House
1 Easton Street
London WC1X 0DW
United Kingdom
www.amnesty.org