

PUBLIC

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19 June 2006

Further Information on UA 112/06 (MDE 15/038/2006, 02 May 2006) House Demolition/forced eviction/medical concern

ISRAEL/OCCUPIED TERRITORIES **Muhammad Is'hac Herbawi (m)**
Yousra Herbawi (f)
Mansur Herbawi (m), aged 24, their son
Their other five children, aged 13-21

On 7 June the Jerusalem Court of Local Affairs ordered the Herbawi family to obtain a building permit for the part of their home which houses their disabled 24-year-old son Mansour by 7 December 2006, or have it demolished. It will be virtually impossible for the family to obtain such a permit.

The court also ordered the family to pay a fine of 15,000 Shekels (US\$3,400), which the family cannot afford, as both parents are in poor health and no longer able to work and the other five children are still studying, the oldest two at university and the youngest three at school.

The rest of the house is subject to a separate demolition order. It is virtually impossible for the family to obtain a building permit as the house does not meet the exact requirements of the area's building plan (concerning the percentage of each plot of land which may be built on, and the division of the land into plots), issued by the Jerusalem Municipality in 2004 – over a decade after the Herbawis' home was built.

The family built their home in 1989 and the following year they were ordered to pay a fine (which they did) and to either get a building permit or have their home demolished. In 1992 the family added a two-room extension for their bedridden son Mansour, who is completely paralysed (quadriplegic), mentally handicapped, and suffers from frequent epileptic seizures.

For over 15 years the Herbawi family have been fighting a legal battle to save their home in the Abu Tour neighbourhood of East Jerusalem, in an area of the West Bank which Israel occupied in 1967 and subsequently annexed, in violation of international law. Before the Jerusalem Municipality issued a building plan for the area in 2004, the Herbawi family spent significant sums of money to prepare and present building plans to the Municipality. However, when the building plan was finally issued, some 15 years after the house had been built, the Herbawi family home did not meet the exact specifications and the Municipality issued an order for the demolition of the house.

BACKGROUND INFORMATION

Thousands of Palestinian homes in East Jerusalem are at risk of being demolished for lack of building permits. The Israeli authorities frequently demolish Palestinian homes in East Jerusalem and elsewhere in the Occupied Territories on the grounds that they have been built without a permit. Yet it is impossible for most Palestinians in East Jerusalem to obtain a permit to build a home on their own land.

In the past two years the Jerusalem Municipality has stepped up its demolition of Palestinian homes. Some 200 Palestinian homes have been demolished in East Jerusalem since the beginning of 2004, leaving more than 600 people homeless. In the five years from 1999 to 2003 a total of around 230 homes were demolished.

Since Israel occupied East Jerusalem in 1967, the Israeli authorities have pursued a policy of limiting new

construction in the Palestinian neighbourhoods. The expropriation by Israel of large areas of Palestinian land left most Palestinian areas in and around East Jerusalem with little or no land on which to build. Much of the privately owned land has been zoned as "green land", where nothing can be built. Attempts by Palestinians to have their land re-zoned so that it can be used for building homes have invariably failed. At the same time Israel has been building large settlements (which are illegal under international law) on expropriated Palestinian land in the area, for the exclusive use of Israeli Jewish citizens. While Palestinians' homes are still being demolished because they were built without a permit, illegal Israeli settlements continue to be built and expanded in East Jerusalem. Demolitions of homes of Israeli Jewish citizens built without permit are unheard of.

Israel is a state party to the International Covenant on Economic, Social and Cultural Rights, and is bound by Article 11(1) to respect "the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing". Forced eviction is "the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection". This practice was declared by the UN Commission on Human Rights in Resolution 1993/77 to constitute "a gross violation of human rights, in particular the right to adequate housing".

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, Hebrew or your own language:

- expressing concern that Muhammad and Yousra Herbawi to are still facing demolition of their home in the Abu Tour neighbourhood of East Jerusalem, and calling on the Mayor to cancel the demolition order;
- calling on the Jerusalem Municipality to cancel all other outstanding orders to demolish Palestinian homes in East Jerusalem and to place a moratorium on such demolitions until such time as planning and building laws and regulations are amended in a manner that complies with international standards.

APPEALS TO:

Uri Lupolianski
Mayor of Jerusalem
Jerusalem Municipality
1 Safra Square
Jerusalem 91007
ISRAEL

Fax: +972 2 629 6014
E-mail: lpuri@jerusalem.muni.il
Salutation: Dear Mayor

COPIES TO: diplomatic representatives of Israel accredited to your country

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 31 August 2006.