

PUBLIC

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House Demolition/forced eviction/medical concern

**ISRAEL/
OCCUPIED TERRITORIES**

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

The Jerusalem Municipality is preparing to forcibly evict Muhammad Is'hac and Yousra Herbawi from the house where they live with their six children, one of whom is severely disabled, and then to demolish the building. The family have almost no income, and would be left destitute. The impact on the family's health, in particular that of the disabled son, is likely to be very severe. The Municipality can still decide to take into account the family's circumstances and cancel the forced eviction and the demolition.

The couple's oldest son, 24-year-old Mansur, is completely paralysed (quadriplegic), mentally handicapped, and suffers from frequent epileptic seizures. He is bedridden and is cared for at home by his parents, who are in poor health and are not working. Two other children (aged 19 and 21) are studying at university and the youngest three (aged 13, 14 and 17) are at school.

The family has fought a 15-year 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. At the last hearing at the Jerusalem Municipal court, on 30 April, the Jerusalem Municipality requested that the house be demolished and that the family also pay a fine of 30,000 shekels (US\$ 6,500). The court decision, expected on 7 June, is likely to authorise the demolition.

The family built their home in 1989 and the following year were ordered to pay a fine (which they did) and to either get a building permit or have their home demolished. Since the area did not have a building plan, the family spent significant sums of money to prepare and present building plans to the Municipality. However, when the Municipality finally issued a building plan for the area in 2004, several years after the house was built, the Herbawi family home did not meet the exact specifications (regarding the percentage of each plot of land on which there may be construction and the division of the land into separate plots) and the Municipality has issued an order for the demolition of the house.

BACKGROUND INFORMATION

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 permits 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 Jews 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 the Jerusalem Municipality has issued an order to demolish the home of Muhammad and Yousra Herbawi, in the Abu Tour neighbourhood of East Jerusalem, and calling on the Mayor to cancel the demolition order;
- calling on him to cancel all other outstanding orders to demolish houses in East Jerusalem and to end the practice of forced eviction, ensuring particularly that none is left homeless as the result of an eviction;
- calling for a moratorium on all demolitions of Palestinian homes in East Jerusalem until such time as planning and building laws 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 7 June 2006