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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

**Human rights situation in Palestine and other
occupied Arab territories**

Written statement* submitted by the Israeli Committee Against House Demolitions, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 February 2013]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Israeli's policy of demolishing Palestinian homes must end

The Israeli Committee Against House Demolitions (ICAHD) is a human rights and peace organization established in 1997 to end Israel's Occupation over the Palestinians. Its main focus is Israel's policy of demolishing Palestinian homes in the Occupied Palestinian Territory and in Israel proper.

Since 1967 Israel has demolished more than 28,000 Palestinian homes, businesses, livestock facilities and other structures vital to Palestinian life and livelihood in the Occupied Palestinian Territory. The motivation for demolishing these homes is purely political, and racially informed: to either drive the Palestinians out of the country altogether (the "quiet transfer") or to confine the four million residents of the West Bank, East Jerusalem and Gaza to small, crowded, impoverished and disconnected enclaves. By such practices Israel effectively forecloses any viable Palestinian entity or the realization of Palestinian self-determination; it also solidifies permanent Israeli domination and illegal settlement expansion, de facto annexing the OPT. Taken against the background of Israel's systematic destruction of more than 500 Palestinian villages, towns and urban neighborhoods in 1948 and after, the legal steps taken to alienate the Palestinian property from its lands, homes and properties subsequent to the 1948 war and its ongoing policy of demolishing the homes of Palestinian citizens of Israel – some 150,000 in number – residing in so-called "unrecognized villages and neighborhoods," the picture that emerges is one of institutional racial discrimination and promulgated ethnic displacement.

House demolitions and forced evictions are among Israel's most heinous practices in the Occupied Palestinian Territory – and they continue to be practiced on a broad scale within Israel as well. In 2012, a total of 600 Palestinian structures were demolished by the Israeli authorities, including at least 189 homes. Eight hundred and eighty-eight Palestinians, more than half of them (468) children, were forcibly evicted from their homes and subsequently displaced; another 4102 people were otherwise affected, for example, due to demolitions of animal shelters, water cisterns and other structures related to their livelihood or because of the destruction of infrastructure, including roads. Ninety percent of the demolitions took place in vulnerable communities in Area C, the rest in Occupied East Jerusalem (and these figures do not include forced "self-demolitions"). Several hundred other people were displaced as a result of evictions, settler violence and military training (Figures from the Displacement Working Group, chaired by OCHA, and ICAHD).

We are witnessing a process of ethnic displacement, what the Israeli government itself describes as "Judaization." These institutionalized policies are intended to alter the ethnic, religious and racial composition of an affected population – Palestinians residing in Area C of the Occupied West Bank and East Jerusalem. (Gaza is outside the scope of this submission, although it should be noted that the demolition of homes there as a result of military attacks constitutes a grave violation of IHL.)

The right to adequate housing is an essential component of the right to a decent standard of living. When guaranteed, it provides a foundation for the realization of other rights, including the rights to family, work, education and, ultimately, national self-determination. Israel is party to, and bound by, the International Covenant on Economic, Social and Cultural Rights (ICESCR) which explicitly guarantees the right to adequate housing (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." The UN Committee on Economic, Social and Cultural Rights interpreted the content of human rights provisions in the Covenant (General Comment 4 – The right to adequate housing), so that the "right to housing should not be interpreted in a narrow or restrictive sense which

equates it with, for example, the shelter provided by merely having a roof over one's head or views shelter exclusively as a commodity. Rather it should be seen as the right to live somewhere in security, peace and dignity." That includes the security of tenure, availability of services, and cultural adequacy. The Committee has also determined in its General Comment 7 that forced evictions are prima facie incompatible with the requirements of the Covenant, and that appropriate procedural protection and due process, and adequate alternative housing, resettlement, or access to productive land must be guaranteed by a state party to the Covenant, as is Israel.

The UN Committee on Economic, Social and Cultural Rights in its 2011 concluding observations called on Israel to stop forthwith house demolitions, forced evictions, and residency revocation in the Occupied Palestinian Territory and East Jerusalem.

The concluding observations issued in March 2012 following the February session of the International Convention on the Elimination of All forms of Racial Discrimination (ICERD) urged Israel to reconsider its policies in order to guarantee Palestinian and Bedouin rights to property, access to land, access to housing and access to natural resources, and eliminate any policy of "demographic balance" from its Jerusalem Master Plan and from its planning and zoning policy in the rest of the West Bank.

As the Occupying Power, Israel is obligated to safeguard the homes of the protected persons (Palestinians) under international humanitarian law (namely the Hague Regulations and the Fourth Geneva Convention). Israel is 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 and the transfer of an occupied civilian population out of its territory. Article 49 stipulates: "Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive." Israel's claim that the Fourth Geneva Convention does not apply to the Occupied Palestinian Territory has been rejected by the international community, including the UN Security Council and the International Court of Justice (ICJ). Further, the Hague Convention of 1907 calls on state parties to respect, protect, and fulfil family honour and rights, the lives of persons, and private property, as well as religious convictions and practices.

According to the Israeli-Palestinian Interim Agreement of 1995, powers and responsibilities related to zoning and planning in Area C should have been transferred to Palestinian control within 18 months. However, that has not happened since its signing, and Israel continues to displace the Palestinian inhabitants of the West Bank, in contravention of international law and bi-lateral agreements.

Recommendations

- ICAHD calls on the state of Israel to dismantle its system of institutionalized discrimination over the Palestinian people, to repeal all discriminatory laws, and to cease forthwith acts of persecution against Palestinians in the Occupied Palestinian Territory and in Israel;
- ICAHD calls on the Council in its concluding observations to forcefully insist on the application of IHL in the OPT, to act vigorously to protect the Palestinian people and its fundamental human rights and, particularly, to call for an end to that most painful policy of occupation – forced eviction and displacement as the result of the demolition of Palestinian homes, property, schools, businesses and infrastructure, which causes displacement and dispossession;

- ICAHD calls for the transfer of powers and responsibilities related to planning and zoning in the West Bank, including Area C, to Palestinian jurisdiction in accordance with international law and bi-lateral agreements, to allow for a planning system to include community participation in all levels of the planning process;
- ICAHD calls for all refugees and internally displaced persons who have been forcibly displaced to be allowed to repatriate, return to their homes in safety and dignity, and be given compensation for any harm they have suffered, including the destruction of land, homes and property;
- ICAHD calls all states, intergovernmental organizations and civil society to cooperate to bring to an end the illegal situation arising from Israel's practices of apartheid and persecution. In light of the obligation not to render aid or assistance, all states and IGOs must consider appropriate measures to exert sufficient pressure on Israel, including the imposition of sanctions. Conflict management and a preoccupation with humanitarian assistance to the Palestinians must give way to effective conflict resolution;
- ICAHD calls on the United Nations' Human Rights Council to adopt the abovementioned recommendations and register them in the UNHRC's concluding observations;
- ICAHD calls on the Council to reiterate its position and that of other UN and international agencies that the demolition of Palestinian homes, the expropriation of Palestinian land and the forced displacement that results, in particular in Area C of the West Bank, and East Jerusalem, are not only illegal under international law but are an obstacle to the enjoyment of human rights by the whole Palestinian population;
- ICAHD calls for an end to the Occupation of the Palestinian Territory and a prompt realization of Palestinians right to national self-determination.
