



Date: 02/12/2019

Fact Sheet

DEMOLISHED LIVES: Israel's policy of home demolitions:

Israeli occupation authorities have been carrying out a policy of “quiet transfer/silent expulsion” against Jerusalemites through the use of several widespread policies and tools known as long-term ‘soft’ expulsion. In this regard, Israel has created living, economic and housing conditions that make life in the city almost impossible through the employment of long-term strategic policies such as weakening the economic situation, increasing the burdens of everyday living including the high cost of living on residents, imposing taxes and fines and marginalizing Palestinian neighborhoods in zoning and construction plans, therefore confining them to crowded residential areas. They also prohibit Palestinian construction expansion necessary to meet the requirements of their natural growth, do not grant them construction permits, revoke their residency status, demolish their homes and other measures that give Palestinians in Jerusalem no other option than to quietly leave their city. These ongoing policies aimed at expulsion are tantamount to ethnic cleansing on the basis of the national identity of a particular people.¹

One of the most prominent Israeli policies for the Judiazation of Jerusalem and the expulsion of its Palestinian population is the policy of home demolitions, the objective of which is to empty the city of Palestinians in exchange for widespread settlement expansion and major settlement projects.² Based

¹ Munir Nuseibah, Israel's Dangerous Transfer Tactic in Jerusalem (Al Shabaka 2016)

² Israeli occupation authorities target Jerusalem through policies and plans of quiet expulsion and transfer of Jerusalemites in order to Judaize the city. These policies stem from a clear government approach in the 1970s when the Israeli government prevented a demographic majority of Arabs compared to Jews in the city. It's goal was not to allow Palestinian Arabs to exceed 30% of the population of Jerusalem. Israel's plans aimed at decreasing the number of Palestinians in Jerusalem then developed through several major settlement projects, namely the Jerusalem 2020 project, the “Greater Jerusalem Project”, the E1 settlement project, the “Marom Plan and the Jerusalem 2050 Plan. All of the aforementioned projects fundamentally aim to turn the Palestinians into a minority in their own city not exceeding 11% of the total population. What's more, the areas where they reside should not exceed 12% of the overall area of the city. The roots of this policy go back to the start of the occupation in 1967 when land in Jerusalem was categorized as follows: 35% of the land in East Jerusalem was confiscated for settlement construction, 30% was ‘un-zoned’ which meant Israeli authorities prohibited construction there on the premise that it was state-owned land. Another 22% of the land was considered ‘green areas’ for the benefit of the “public” and therefore prohibited to build on it. In practicality, these green areas are actually reserves for future settlement construction whereby occupation authorities were able to expand the area of existing settlements or build new ones on them. Hence, whatever space was left for the Palestinian residents of Jerusalem comprised only 13% of the land, which was an area almost completely built-up. This is not to mention that this percentage will ultimately decrease if the “Greater Jerusalem” plan is completed, which is based on the annexation of large

on this, the possibility for Jerusalemites to obtain building permits is close to nothing, especially in light of the lack of spaces for construction in addition to the intentional disregard for Palestinian neighborhoods in the city and their marginalization in any zoning plans. In light of this Israeli policy, which suffocates the Palestinians in Jerusalem, the residents are up against two options only: either they build without a permit and therefore leave themselves vulnerable to exorbitant fines and likely demolition, which they also must foot the bill for, and find their families displaced, or leave the city under these harsh circumstances and live in the West Bank. This, in turn, results in the revocation of their residency rights in Jerusalem and ultimate expulsion from it, which of course is the aspired goal of the occupation. Estimates point to over 100,000 Jerusalemites threatened with displacement because of the threat of their homes being demolished for not having the ‘proper permits’. Furthermore, Israeli occupation authorities demolish the homes of families of Palestinian martyrs as a means of revenge and in contravention with international law given that this falls under the category of collective punishment.³

The right to housing and home demolitions according to international law:

According to human rights law, the right to housing is a basic human right without discrimination. In addition, special criteria were developed for suitable housing.⁴ As for international humanitarian law, there are restraints on the occupying authority in that it is prevented from making any geographic or demographic changes to the regions under its control.⁵ Moreover, the Rome Statute of the Criminal Court includes war crimes, crimes against humanity and crimes of aggression as part of its jurisdictions. The criteria for these crimes include the policy of home demolitions of Jerusalemites.⁶

International human rights law:

The right to suitable housing is a basic human right enshrined in various international agreements and treaties. It is prohibited to infringe on this right especially if it is part of a policy of ethnic cleansing and racial discrimination towards a certain group or if it is in the form of collective punishment. House

settlement blocs to the Jerusalem municipality borders. This means that Jerusalem will effectively be encircled by a settlement belt reaching to the outskirts of the Dead Sea to the east and the South Hebron Hills to the south.

³ Article 119 (1) of the British Emergency Regulations of 1945 stipulates that “A Military Commander may by order direct the forfeiture and to the Government of Palestine of any house, structure, or land from demolition of which he has reason to suspect that any firearm has been illegally dis- property, etc. charged, or any bomb, grenade or explosive or incendiary article illegally thrown, or of any house, structure or land situated in any area, town, village, quarter or street the inhabitants or some of the inhabitants of which he is satisfied have committed, or attempted to commit, or abetted the commission of, or been accessories after the fact to the commission of, any offence against these Regulations involving violence or intimidation or any Military Court offence; and when any house, structure or land is forfeited as aforesaid, the Military Commander may destroy the house or the structure or anything on growing on the land.”

⁴ For more details on the conditions and circumstances of suitable housing, refer to: the two general comments 4 and 7 of the Committee on the Economic, Social and Cultural Rights, which clarify the meaning of the right of housing and the conditions and circumstances of suitable housing.

⁵ For more details on the restrictions imposed on the occupying power, refer to Al Haq’s report entitled, “The impact of Israeli occupation violations on Palestinian women (2014) p. 20-21

⁶ Articles 5,6,7,8 of the ICC Rome Statute can be found in the link below:
[https://legal.un.org/icc/statute/arabic/rome_statute\(a\).pdf](https://legal.un.org/icc/statute/arabic/rome_statute(a).pdf)

demolitions constitute a flagrant violation of international human rights treaties and declarations, which guarantee the right of an individual to appropriate housing, in accordance with Article 1/25 of the International Declaration of Human Rights ⁷, the International Covenant on Economic, Social and Cultural Rights of 1966 ⁸ and Article 5/e/3 of the International Convention on the Elimination of All Forms of Racial Discrimination of 1965, which includes the right to housing. ⁹

International Humanitarian Law:

- **House demolitions are a grave violation of the provisions of the 1949 Fourth Geneva Convention**

House demolitions are considered in contravention with the provisions of international humanitarian law, in particular the stipulations of the 1949 Fourth Geneva Convention on the protection of civilians during times of war. In accordance with this convention, the policy of house demolitions falls under grave violations and one form of arbitrary measures that lead to the unlawful destruction and confiscation of ownership without any military necessity for this. The demolitions carried out by Israeli occupation authorities in Jerusalem violate Article 53 of the Fourth Geneva Convention which prohibits “any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations”,¹⁰ something which is nonexistent in Jerusalem given that the structures are civilian structures with civilian inhabitants.

Furthermore, Article 33 prohibits the collective punishment of civilian groups protected under the Convention or their punishment for acts they did not commit; also reprisals against protected persons and their property are prohibited. ¹¹

⁷ Article 25 of The Universal Declaration of Human Rights, Article 1 stipulates: Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

⁸ Article 1/11 of the 1966 International Covenant on Economic, Social and Cultural Rights states the following: 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 States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent.

⁹ Article 5/e/3 of the International Convention on the Elimination of all forms of Racial Discrimination states the following: In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: Economic, social and cultural rights, in particular: The right to housing.

¹⁰ Article 53 of the 1949 Fourth Geneva Convention stipulates the following: Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations.

¹¹ Article 33 of the 1949 Fourth Geneva Convention states the following: No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation

House demolitions as a war crime

International Criminal Law considers wide-scale house demolitions to be an illegitimate act and a violation of international law. Article 8/2 of the International Criminal Court (ICC) Rome Statute stipulates that the destruction of properties on a large scale without any military necessity to justify this is considered a war crime.¹²

International law experts agree that if grave violations are systematically committed, they constitute war crimes. The ICC adopted an interpretation of each violation mentioned in the text of this article as a war crime and mentioned the components of a war crime and crime against humanity.

House demolitions as a crime against humanity

The policy of house demolitions is considered a crime against humanity given that it is the persecution of the Palestinian civilian population without any military necessity. The ICC Rome Statute specifies the elements of the crime of persecution against a specific group or groups of a population for political, racial, national, ethnic, cultural or religious purposes.¹³

Moreover, it is apparent that the policy of home demolitions adopted by Israel in a punitive and systematic manner against the Palestinian residents of Jerusalem includes all elements of a persecution crime and a crime against humanity. By implementing this policy, the occupation has deprived tens of thousands of Palestinians of their basic rights in a way that contravenes with the provisions and regulations of international law.

House demolitions: facts and figures

The total number of Palestinian homes demolished in Jerusalem alone from 1967 until 2018 was 2,074, resulting in the displacement of 9,492 Palestinians. In 2019, which saw the highest increase in demolitions, as of the end of September, Israeli occupation authorities demolished 140 Palestinian homes, displacing 238 Palestinians. Contrastingly, between 2004-2018, on average, Israeli authorities demolished 54 homes a year, which means the rate of demolitions this year is considered the highest in over 10 years.¹⁴

The total number of displaced Palestinians in the first four months of 2019 was 193 people, which is higher than the total number of displaced persons in 2018, which were 178 persons. In April of 2019

or of terrorism are prohibited. Pillage is prohibited. Reprisals against protected persons and their property are prohibited.

¹² Review Article 8 of the Rome Statute for 1998, which specifies war crimes.

¹³ Review Article 7 of the Rome Statute for 1998, which specifies crimes against humanity, including crimes of persecution ("Crime against humanity" means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court)

¹⁴ B'Tselem

alone, 63 Palestinian homes and structures were demolished, making this the highest number ever of home demolitions carried out by Israeli authorities in East Jerusalem in one month.¹⁵

According to OCHA (The United Nations Office for the Coordination of Humanitarian Affairs), the number of affected women from home demolitions in Jerusalem up until the beginning of November 2019 is 78 women and 75 female children and girls.¹⁶

One of the largest house demolition operations conducted by Israeli occupation authorities was in 2019 and is considered the largest since 1967. This was the mass demolition of citizens' homes and properties in the Wadi Hommos neighborhood in Sur Baher. On July 22, 2019, Israeli occupation forces demolished an apartment building comprised of 72 apartments. Moreover, the same danger is threatening other areas of Jerusalem, in particular the Bustan neighborhood of Silwan, which includes 100 homes threatened with complete demolition under the pretext of building the "King David Garden."¹⁷

The psychosocial impacts on women:

When families are displaced because their homes are demolished, women bear the majority of the burden in restoring stability to the family. Hence, the resulting trauma and sense of violation from the loss of their home is tantamount to rape; women lose their world in the material sense along with their social sense because they are no longer responsible for their household and must live in someone else's house. In most cases, the families whose homes have been demolished cannot endure the costs of an alternative residence and are forced to move into relatives' homes. This is due to the fact that the family income must go to paying Israeli court fines and legal fees in addition to the previous cost of construction permits.

Tensions generated by this overcrowding increase because of the fact that the 'hosted woman' has no control over the household domain and over caring for her husband and children, which undermines her role and status. In many cases, this causes sharp tensions within the family, including domestic violence. The emotional and psychological impact on family members is often painful and the trauma of being stripped of their property could lead to family tensions and the absence of a healthy environment inside the family. Case studies have shown that the eviction from and demolition of homes results in multiple human rights violations on women and children in particular, including the right to education, bearing the burden of the household and health care. Most often, the loss of privacy and safe space results in tremendous pressure within the family, which negatively impacts interfamily relations. In turn, this causes mothers to feel weakened in their role as a source of authority and emotional and financial

¹⁵ The Monthly Humanitarian Bulletin; record of demolitions, including self-demolitions in East Jerusalem in April 2019 (OCHA, 2019); https://ochaopt.org/content/_record-number-demolitions-including-self-demolitions-east-jerusalem-april-2019

¹⁶ Data on demolition and displacement in the West Bank (OCHA, 2019)

¹⁷ For more information on the home demolitions in Wadi Homs and the targeting of the Bustan neighborhood of Silwan, refer to the Euro-Mediterranean Human Rights Monitor: Wadi Homs in Jerusalem in the face of Israeli ethnic cleansing; human rights violations in Jerusalem during July, 2019 (2019). Refer to pages 14-17 linked below: <https://euromedmonitor.org/uploads/reports/jerusalemreportarjuly.pdf>

support for their children. In this regard, one woman, “Suhad” says, “I am always tense; I desperately need a place just for my family, even if it is a small mice-infested room, it would still be fine with us. I want my children to be able to move around as they please and play freely with their toys...I became depressed to the point I could not even eat and this depression affected my husband and children.”¹⁸

These women find themselves feeling anxious and depressed but are still forced to be strong for their families, especially their children. Furthermore, house demolitions leave women scared, anxious and sad. A number of women said their homes had been previously demolished or that they had seen their neighbor’s home demolished and were therefore always worried that their home would be next... Um Mohammed Hamdan, a 60-year old woman from Anata, described her days and nights as “endless” as she waited for the day her second house would be demolished, saying, “This is the first time I have slept in six months. The fear and terror of waiting for them (the army) is worse than the rubble around me right now. The first demolition was at dawn...then they demolished our home again...but at least now I can sleep.”¹⁹

A meeting was held with a group of Jerusalemite women whose homes had been demolished by Israeli occupation authorities. The women described the day of demolition and the events that preceded it including trials, fines and intimidation by Israeli soldiers. They also spoke about their lives and families after the demolition, including their displacement and emotional anguish. Following are some of the women’s testimonies:

Hanadi Abu Rumouz:

Hanadi Abu Rumouz is a Jerusalemite woman who was expelled along with her family from Beit Hanina after Israeli occupation forces demolished her home on February 22, 2017. Abu Rumouz explained the events of that day: “You feel like they are treating you like a criminal; as if you are committing a crime because you live in Jerusalem.” She continued, “A female soldier went into my daughters’ room and began brushing her hair in front of the mirror while they were sitting and crying. That was so infuriating.” Abu Rumouz went on, “They demolished the dream of a lifetime; they demolished everything: our dreams, our memories and our aspirations. They destroyed our lives and kept demolishing until the last stone. Every time the bulldozer tore down a wall, I felt as if they were tearing out my heart. They were committing a horrible crime and they stood there laughing. After the house was demolished they started shaking hands and congratulating each other, like they finished what they had come for. They cannot be human. I don’t understand how people can sit around laughing and be happy while they see children thrown out in the street.”

Because of the high Israeli fines and the financial burdens the family endured, they were forced to move in with Hanadi’s parents for two years until they could afford to rent a home in the Kufr Aqab region. “We used to have our own house with a little courtyard in the front,” she said. “Today we live like we are in prison because of the [separation] wall, the crowding crisis and the tall buildings. After our home

¹⁸ Women’s Center for Legal Aid and Counseling (WCLAC): Ramallah, West Bank: Demolitions in the West Bank. “Testimony of a woman whose home was demolished.” www.wclac.org (2005)

¹⁹ Harhash, Nadia. “Testimonies and Reports” (ICAHD) (2007)

was demolished, I realized how every particle of soil in Jerusalem is precious. Our home was only 10 minutes away from the Aqsa Mosque but now it seems so far away because of the Qalandiya checkpoint and the constant traffic there. They really have isolated us from Jerusalem.”

She then described her and her family’s lives after the demolition: “We were mentally destroyed,” she said. “At first I tried to stay strong and patient for everyone but then I felt myself falling apart.” She continued, “My children were also crushed. Four of my children are still in school in Beit Hanina and Shufat and have to endure the checkpoint every day”. Abu Rumouz also said her oldest son had to take the “Tawjihi” high school matriculation exam the same year their house was demolished. “This was really hard,” she admitted. “How was he supposed to study when his room, his home had been torn down and we had to stay with my parents? He would leave my family’s house in Kufr Aqab every day at 6:00 a.m. so he could get to the exam hall in Jerusalem by 9:00. In spite of these difficult circumstances, he still got 92% on his exam, thank God.”

Regarding the impact of the demolition on her children, Abu Rumouz said: “Even though my son excelled in his Tawjihi exam, we fell into a deep depression afterwards. A lot of people promised him scholarships but unfortunately no one actually gave him one and he missed an entire year [of university].

My son Muhannad is 5-years old. When he plays he sets up his cars like a checkpoint with cars, soldiers and a traffic jam. He gave us a hard time after the demolition; he used to be so afraid of the army whenever he saw them at the checkpoint because he saw how violent they were when they demolished our home.”

Abu Rumouz continued, “The demolition of our home had a huge impact on the children. They changed; they became more aware and started to understand what it means to be displaced and how they have to fight this. They understood what steadfastness and resolve means; that they are not just words we say but positions we must take and the life we lead.”

When asked about the future that awaits her, Abu Rumouz said: “I am a homemaker but I have always wanted to complete my education. However, life and raising my children took up all my time. Then after our home was demolished, I had to help my husband with our everyday expenses and rent, so I started working as a teaching and student assistant.”

She said, “I finished high school and I was a good student, but after I got married I didn’t continue my education. It’s been 21 years since I left school but after the demolition I wished I had gone to university and got my degree so I could get a job. Now I know the value of that. If I had a degree, I would not have left my husband to deal with this alone. I have made the decision to go to college and I will register this year. I want to study psychology; maybe because of the circumstances I have been through I realize how important this subject is. I really needed psychological support after the demolition and now I feel I have a duty to support and counsel others whose homes were demolished because demolitions are exactly like death – they break the stones and you break with them. You find yourself unable to do anything. All security and stability is gone in a second. I will never forget the rake of the bulldozer that demolished our house, how merciless it tore it down. I will never forget how that felt, how the children

and women cried. Every time I see a demolition on television, I feel like it happened to me all over again and the painful memories come rushing back. I feel awful for the people whose homes were demolished because I know exactly how they feel. Whenever we hear that someone's house was demolished, we are all affected. When it happened to us, it was ten times worse of course because it felt as if our whole lives were demolished with our home. That is why financial and psychological support must be given to those affected by this policy."

Mariam Mahmoud Amayreh:

Mariam is a homemaker who was displaced from her home in Wadi Hommos after the largest demolition operation by Israeli forces since 1967 and which took place on July 22, 2019. The home had taken two years to build and three years in courts to try and save. "No one helped or supported us...we are all alone here," Amayreh maintained. She said that on the day of the demolition, around five buses carrying some 50 Israeli soldiers each entered the area at around 4:00 a.m. "We woke to scores of soldiers surrounding the neighborhood," she said. "They did not even let me in the house to say goodbye. I was in total shock...all those years we worked and saved our money for nothing." Amayreh also spoke about the large amounts of money they had to pay as fines and for the demolition of their home. They also had back dues for the building itself which they had to pay back. She says they were under a lot of psychological pressure, especially from the financial strain. "We borrowed a lot of money to build our home but now I have to deprive myself and my children of so many things so we can pay back our debts. I can't help it, but I snap at them a lot."

Amayreh explained: "For three years we were in courts but then demolished nine buildings, blew them up. All of the homes and buildings were licensed by the PA. We built in Area A so we would not be in this position but they demolished them anyway under the pretext that they were too close to the separation wall and wanted to keep the area secure. The soldiers surrounded the building and prevented us from approaching it. But no matter what they do, this land is our land and we will continue to build on it. If they want to demolish, let them go right ahead because we will just rebuild."

Shirin Abu Kaff, employee in the Wadi Hommos village council:

"The demolitions in Wadi Hommos resulted in two engagements being cancelled. Because of the courts, the families had to postpone the wedding more than once and then because of the inability to save the house they were planning to live in from demolition, the parties decided that a wedding without a home was impossible. There was also a divorce in the neighborhood. After the demolitions, they said life had become too difficult with all of the pressures and they either took it out on each other or on the children."