



## **OMCT/HIC-HLRN**

### **JOINT URGENT ACTION APPEAL:**

**Israel begins destruction of “hundreds of homes” in Rafah:  
2,197 people already left homeless in 15 days, at least 15 killed.**

#### **Case ISR–FE 190504.ESCR**

The Housing and Land Rights Network of Habitat International Coalition (HIC-HLRN) and the World Organisation against Torture (OMCT) request your URGENT intervention in the following situation in Palestine.

#### **Brief Description**

In his statement on 17 May 2004, UN Secretary-General Kofi Annan relayed reports from UN agencies that 2,197 people have been rendered homeless because of demolitions of 191 homes during the first 15 days of May, with Rafah being the most affected area. Yet, despite the wide criticism of demolitions policy even inside Israel, Al Mezan Center for Human Rights, a member of HIC-HLRN which has been systematically documented all house demolitions in the Gaza Strip and monitoring the current situation, has informed HIC-HLRN that the Israeli government has expressed its intention to destroy hundreds more houses in Rafah. Israel's Defence Minister, Shaul Mofaz has publicly announced that "Operation Rainbow," Israel's military action in Rafah, will continue as long as necessary. According to Al Haq, a member of OMCT and HIC-HLRN networks, it is estimated that the Israeli military have totally or partially demolished 100 Palestinian homes in the Gaza strip from 10 to 14 May 2004, leaving 1,160 Palestinians homeless. It is also reported that at least 30 Palestinians died in Israeli attacks over this period. According to the information received from Al Haq, 15 Palestinians were killed in the morning of 18 May 2004, when Israeli forces launched a new attack as part of the ongoing military operation. According to the Palestinian Human Rights Monitor Group, only during the last week, the Israeli Forces have killed 56 Palestinians, among them 14 children under the age 18. HIC-HLRN and OMCT are convinced that these actions constitute a form of collective punishment strictly prohibited under international law.

On 14 May 2004, 13 people whose homes were destroyed appealed to the Israeli Supreme Court to stop the demolitions in the refugee camps in the south of Rafah, and on 18 May, 45 others petitioned the Court against the threat of destruction of their homes. The Supreme Court rejected the cases and at the same time lifted a temporary injunction to the military not to demolish houses. The Court ruled that the army was entitled to carry out the demolitions for reasons of self-defence, as the Israeli forces claimed that attacks come from these homes. Dozens of Palestinians have fled their homes just after the Court's rejection of these petitions, anticipating demolitions.

Though the army added that it has no future plans to continue demolitions, except in cases of “military necessity,” which the Court has permitted, the widespread policy of demolitions can not be justified on the grounds of military necessity. This is also contradicted by the announcement of the Israeli government that it has plans to destroy hundreds more homes. The former head of the Israeli army's southern command for Gaza, Colonel Yom Tov Samya, is also reported to have stated that Israel's house demolitions policy was an end in itself, not a by-product of a search for tunnels or resistance fighters. In October 2003, he said "The IDF

(Israeli Defence Force) has to knock down all the houses along a strip of 300 to 400 metres [wide]. It doesn't matter what the future settlement will be, this will be the border with Egypt."

The Israeli Government also has claimed several times that it only demolishes abandoned houses, where resistance fighters take shelter and carry out hostile actions against its forces. Al Mezan has documented on the contrary that, for example, the Israeli forces demolished 58 inhabited houses in Rafah, in January 2002, when the minister of defense claimed that his forces only destroyed 20 uninhabited houses. Likewise, on 14 May 2004, Israel claimed that it destroyed 40 more uninhabited houses, while, according to Al Mezan's documentation of the case, it completely demolished 76 houses and partially destroyed 24 that were inhabited by 740 inhabitants; the Israeli forces destroyed one home with its inhabitants inside. It is worth noting that the Israeli forces are currently building a wall on the borders between Egypt and the occupied Palestinian territory, which involves grabbing hundreds of square meters of land as "security zones."

### **Background Information**

From 29 September 2000 to 15 May 2004, according to Al Mezan, the Israeli forces have destroyed 5,013 houses in Gaza, rendering 38,215 inhabitants homeless, including 19,372 children. In Rafah alone, in the same period, the Israeli army has demolished 2,200 houses with 15,622 inhabitants, of which 7,839 are children. The destruction of other hundreds of houses will cause a further human catastrophe, the number of people living in Rafah being very high, with families' average reaching seven members, besides the households of extended families living under the same roof and the poor living conditions due to the deep economic consequences of the Israeli occupation, including the closures and unemployment. According to UNRWA, more than half of the workforce suffers from unemployment, and two out of every three families live under the poverty line. In this context, destruction of houses leads to the complete destitution of thousands of families already harshly affected by the Israeli occupation.

Al Mezan and Al Haq have reported that the recent events in the Gaza strip are not the first time that Israeli authorities have conducted mass demolitions of Palestinian homes. Scores of homes were razed in Rafah in October 2003 and hundreds of homes were also demolished in Jenin in April 2002. Al Haq has reported further that, between the summer of 1992 and April 1993, demolitions varied from the complete destruction of 38 houses, using heavy missiles, to the partial destruction of 47 houses, while severely damaging the interior of 51 houses by gunfire. The reasons officially given are mainly security and illegality of construction. In comparison though, the Israeli forces' trend to house demolition thus has escalated sharply since the beginning of *Al Aqsa Intifada* in September 2000, and the phenomenon has assumed an organized policy with methods varying from heavy missiles, to air raids using F-16 aircraft and bombing with 1,000 kg bombs.

The history of Arab house demolition dates back to Israel's occupation of Palestinian lands, in 1948, when Israeli forces expelled hundreds of thousands of Palestinian inhabitants from their villages. Some 900,000 now count among the 1948 refugee community in the Gaza Strip, which has dramatically increased the population of the area that now counts one of the highest population density in the world.

International and human rights organizations all have condemned these practices, but none has taken action sufficient to end the demolitions and protect civilians and their property. Peace activists from the United States and European Union have tried to form human shields in the face of Israeli bulldozers, but this only led to the 16 March 2003 death of American activist Rachel Corrie, who was crushed under an Israeli bulldozer provided by the Caterpillar company, and of shooting of Briton Thomas Hurndall, on 13 February 2004, and of Israeli army killing the British photographer James Miller, on 2 May 2003, while he was filming a

documentary about children's suffering at the Rafah Refugee Camp. (For information on Caterpillar, Inc. corporate responsibility and the campaign against Caterpillar equipment sales to Israel, see <http://www.catdestroyshomes.org/>.)

## **International Human Rights Law**

These practices represent a violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949), which prohibits destruction of civilian properties, collective punishment and targeting civilians (articles 33, 53, 49 and 47). The extensive destruction and appropriation of property, not justified by military necessity is also considered a grave breach under Art. 147 of the Fourth Geneva Convention.

The practices reported also violate the inhabitants' human right to adequate housing; i.e., the right of all women, men and children to gain and sustain a secure place to live in peace and dignity. House demolitions represent a gross human rights violation and a violation of the international human rights and humanitarian norms, especially provisions regulating adequacy, nondiscrimination and military necessity. It is worth noting that the IOF generally do not inform the inhabitants in advance of demolition, and do not allow or give them a chance to salvage possessions or furniture. Of course, the IOF do not provide alternative housing or compensation either. As such, the IOF especially violate the peoples' entitlements to security of tenure; livelihood; freedom from dispossession; participation and self-expression; physical security; and adequate compensation for violations and losses. All are elements of the human right to adequate housing as recognized in international law. It should be noticed here that Israel bears a treaty-bound obligation to respect, defend, promote and fulfil these entitlements in an environment of self-determination, nondiscrimination, gender equality, rule of law, international cooperation, and nonregressivity.

Specifically, the Israeli authorities have breached their treaty obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR), which Israel ratified on 3 January 1992. The State has been derelict in its obligations as elaborated in the UN Committee on Economic, Social and Cultural Rights General Comments Nos. 4 and 7 on the human right to adequate housing, including protection from forced eviction. Israel also has been specifically condemned by the Committee reviewing the Convention against Torture at the end of 2001, when recognising for the first time house demolition as a form of cruel, inhuman and degrading treatment and/or punishment. Israel ratified CAT on 2 November 1991. The State flagrantly breaches its obligations, *inter alia*, under the International Covenant for the Elimination of Racial Discrimination (CERD), both in general and specifically Article 5(e)(iii), which treaty it ratified on 2 February 1979.

Finally, it is worth noting that the 1998 Rome Statute of the International Criminal Court defines both "population transfer" (art. 7(1)(d) and 7(2)(d)) and the "extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly" as war crime (art. 8, 2.a (iv)).

## **Action requested**

Please write to the authorities in the Israeli government, parastatal institutions implementing settler colonies in Palestine to demand an immediate end to these international criminal actions. Please also address the UN Security Council and urge all international authorities to both condemn AND act to end this unbearable situation.

## **Officials in Israel:**

- Ariel Sharon  
**Prime Minister of Israel**

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The Israeli Embassy or other official representation in your country; find a list at:  
<http://www.israel-mfa.gov.il/mfa/go.asp?MFAH0czk0>

### ***International Officials***

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### ***International Corporate Responsibilities***

- James W. Owens, CEO  
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- Benjamin S. Cordani  
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Geneva - Cairo, 19 May 2004

Kindly inform OMCT and HIC of any action undertaken quoting the code of this appeal in your reply to: [omct@omct.org](mailto:omct@omct.org) and [urgentactions@hln.org](mailto:urgentactions@hln.org).

The joint urgent appeals of OMCT and HIC-HLRN are dedicated to the protection of the right to adequate housing.

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## **Sample Letter to the Israeli authorities**

Mr. Prime Minister,

Habitat International Coalition's Housing and Land Rights Network and the World Organisation against Torture have informed us that you have announced to intend destroying hundreds of Palestinian homes in the Rafah area. It is estimated that the Israeli military has totally or partially demolished 100 Palestinian homes in the Gaza strip from 10 to 14 May 2004, leaving 1,160 Palestinians homeless. It is also reported that at least 30 Palestinians died in Israeli attacks over this period. In his statement on 17 May 2004, UN Secretary-General Kofi Annan relayed reports from UN agencies that 2,197 people have been rendered homeless because of demolitions of 191 homes during the first 15 days of May, with Rafah being the most affected area. Due to the Israeli forces "Rainbow Operation", 15 Palestinians were killed in the morning of 18 May 2004, when Israeli forces launched a new attack as part of the ongoing military operation. Only during the last week, the Israeli Forces have killed 56 Palestinians, among them 14 children under the age 18.

Meanwhile, the Israeli Supreme Court lifted a temporary injunction to the military not to demolish houses. The Court justified its decision by reasons of self-defence, as the Israeli forces claims that attacks come from these homes. Dozens of Palestinians have fled their homes just after the Court's rejection of these petitions, anticipating demolitions. The army also added that it has no future plans to continue demolitions, except in cases of "military necessity," which the Court already has permitted. However, the former head of the Israeli army's southern command for Gaza, Colonel Yom Tov Samya, had admitted that Israel's house demolitions policy was an end in itself, not a by-product of a search for tunnels or resistance fighters. On 27 October 2003, he said "The IDF (Israeli Defence Force) has to knock down all the houses along a strip of 300 to 400 metres. It doesn't matter what the future settlement will be, this will be the border with Egypt."

Israeli Forces already have destroyed 5,013 houses from 29 September 2000 to 15 May 2004 in Gaza, rendering homeless 38,215 inhabitants, including 19,372 children. In the same period, in Rafah only, the Israeli forces have demolished 2,200 houses with 15,622 inhabitants, of which 7,839 are children. Most were inhabited, contrary to Israeli forces' claims.

These practices represent a violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949), which prohibits destruction of civilian properties, collective punishment and targeting civilians (articles 33, 53, 49 and 47). The extensive destruction and appropriation of property, not justified by military necessity is also considered a grave breach under Art. 147 of the Fourth Geneva Convention.

The practices reported also violate the inhabitants' human right to adequate housing; i.e., the right of all women, men and children to gain and sustain a secure place to live in peace and dignity. House demolitions represent a gross human rights violation and a violation of the international human rights and humanitarian norms, especially provisions regulating adequacy, nondiscrimination and military necessity. As such, the Israeli army especially violates the peoples' entitlements to security of tenure; livelihood; freedom from dispossession; participation and self-expression; physical security; and adequate compensation for violations and losses. All are elements of the human right to adequate housing as recognized in international law. It should be noticed that Israel bears a treaty-bound obligation to respect, defend, promote and fulfil these entitlements in an environment of self-determination, nondiscrimination, gender equality, rule of law, and nonregressivity.

Specifically, the authorities have breached their treaty obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR), which Israel ratified on 3

January 1992. The State has been derelict in its obligations as elaborated in the UN Committee on Economic, Social and Cultural Rights General Comments Nos. 4 and 7 on the human right to adequate housing, including protection from forced eviction. Israel also has been specifically condemned by the Committee reviewing the Convention against Torture at the end of 2001, when recognising for the first time house demolition as a form of cruel, inhuman and degrading treatment and/or punishment. Israel ratified CAT on 2 November 1991. The State breaches its obligations, *inter alia*, under the International Covenant for the Elimination of Racial Discrimination (CERD), both in general and specifically Article 5(e)(iii), which treaty it ratified on 2 February 1979.

Finally, it is worth noting that the 1998 Rome Statute of the International Criminal Court defines both “population transfer” (art. 7(1)(d) and 7(2)(d)) and the “extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly” as war crime (art. 8, 2.a (iv)).

For your part in the prosecution of this destructive policy, we demand that you immediately halt the demolition of Palestinian homes, particularly the ongoing campaign against the people’s habitat in the Gaza Strip.

Sincerely,

*[Signed]*

*[Your name and organisation]*

*[Cc]*



## Sample Letter to the international authorities

Excellency,

Habitat International Coalition's Housing and Land Rights Network and the World Organisation against Torture have informed us that the Israeli authorities have announced to intend destroying hundreds of Palestinian homes in the Rafah area. UN General Secretary Kofi Annan quoted in a 17 May 2004 statement that UN agencies have reported the demolition of already 191 homes in the Gaza Strip during the first 15 days of May only, rendering 2,197 people homeless, with Rafah being the most affected area. Due to the Israeli forces' "Rainbow Operation", 15 Palestinians were killed in the morning of 18 May 2004, when Israeli forces launched a new attack as part of the ongoing military operation. Only during the last week, the Israeli Forces have killed 56 Palestinians, among them 14 children under the age 18. HIC-HLRN and OMCT are convinced that these actions constitute a form of collective punishment strictly prohibited under international law.

Meanwhile, the Israeli Supreme Court lifted a temporary injunction to the military not to demolish houses. The Court justified its decision by reasons of self-defence, as the Israeli army claims that attacks come from these homes. Dozens of Palestinians have fled their homes just after the Court's rejection of these petitions, anticipating demolitions. The army also added that it has no future plans to continue demolitions, except in cases of "military necessity," which the Court already has permitted. This contradicts the former head of the Israeli army's southern command for Gaza, Colonel Yom Tov Samya, who had admitted that Israel's house demolitions policy was an end in itself, not a by-product of a search for tunnels or resistance fighters. On 27 October 2003, he said "The IDF (Israeli Defence Force) has to knock down all the houses along a strip of 300 to 400 metres. It doesn't matter what the future settlement will be, this will be the border with Egypt."

The Israeli forces already have destroyed 5,013 houses from 29 September 2000 to 15 May 2004 in Gaza, rendering homeless 38,215 inhabitants, including 19,372 children. In the same period, in Rafah only, the Israeli army has demolished 2,200 houses with 15,622 inhabitants, of which 7,839 are children. Most were inhabited, contrary to Israeli army's claims.

These practices blatantly breach the IV Geneva Convention, all international human rights treaties that Israel even has ratified, and meet the 1998 Rome Statute of the International Criminal Court's following definition:

"extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly" as war crime (art. 8, 2.a (iv)).

We urge you not only orally to condemn, but also to take the necessary measures to reverse the situation and prevent the Israeli authorities to end up undertaking massacres in the refugee camps of the Gaza Strip, as it did in Jenin, as local sources fear.

Sincerely,

*[Signed]*

*[Your name and organisation]*

*[Cc]*