



Al Mezan Center for Human Rights
Housing and Land Rights Network
Habitat International Coalition



“Report on Israel’s Violations of Palestinian Civilians’ Right to Adequate Housing and Land in OPT”

by

HABITAT INTERNATIONAL COALITION and its member **AL-MEZAN CENTER FOR HUMAN RIGHTS (GAZA)**

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Item 8, Israeli Human Rights Violations in the Occupied Arab Territories, including Palestine

This document reports on Israel’s systematic and aggravated violations of Palestinian civilians’ right to adequate housing in the Occupied Palestinian Territory (OPT) since the 60th session of the Commission on Human Rights (2004), as well as the consequent breaches of the International Covenant on Economic, Social and Cultural Rights (1966), (ratified by Israel in 1991), the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949) and The Hague Regulations (1907).

In May 2004, Israel launched one of the harshest military operations in the Gaza Strip. "Operation Rainbow" started under escalating statements by the Israeli Government that the army was going to demolish hundreds of homes at the borderline between Rafah and Egypt to secure it.¹ Within a few days, the Israeli Occupation Forces (IOF) demolished 576 homes in Rafah, even though numerous Palestinian and Israeli human rights organizations approached the Israeli High Court to halt the demolition. According to Al Mezan Center for Human Rights' documentation, the period since the Commission's 60th session witnessed the Israel's most serious breaches of Palestinians' rights to adequate housing and land.

These violations involved Israeli incursions into civilian areas in the Gaza Strip; all of which involved wide-scale demolition of homes, land and property as well as civilian infrastructure. The scenes in the areas of Zaitun, Rafah,² north Gaza³ and Khan Yunis following such incursions were shocking, both by the scale of their destruction and the conditions of homeless civilians.⁴ During the same month of May 2004, IOF destroyed 300 private commercial facilities and leveled 688 dunums⁵ in Rafah alone. Israel launched several other incursions, which incurred similar impact on civilian life and property afterwards, in spite of the wide international condemnation.

The information that Al Mezan Center for Human Rights and the Habitat International Coalition (HIC) have gathered shows the escalation of such violations of the Palestinian people's rights

¹ See <http://btselem.gns.co.il/Rafah/English.asp>

² Consult full report on Rafah incursion at:
http://www.mezan.org/site_en/resource_center/mezan_publications/detail.php?id=75.

³ The IOF incursion in North Gaza lasted for 18 days during which 114 Palestinians were killed, 205 homes demolished, leveled 550 dunams of land and ruined four water wells.

⁴ Field documentation indicated that IOF killed 65 Palestinians, 24 of whom were children, during the 5-day incursion of Rafah.

⁵ One dunam equals 1,000 square meters.

to housing and land, reflected a consistent, announced policy by the Israeli government, and was being employed as a measure of collective punishment.

On 19 May 2004, the United Nations Security Council adopted Resolution SC1544, fourteen states voted in favor, while the United States abstained. The Council called upon Israel to cease demolition of Palestinian homes and to “respect its obligations under international humanitarian law, particularly the obligation not to undertake home demolitions contrary to that law.” The Council expressed grave concern at the humanitarian situation of Palestinians made homeless in the Rafah area. Numerous other international organizations, including UNRWA, ICRC, Human Rights Watch and Amnesty International, issued statements affirming that Israel was in breach of international law. UNRWA reported that some 3,800 Palestinians were made homeless in Rafah during May 2004.⁶ Amnesty International described IOF’s demolitions as “a long-standing policy” and a violation of international humanitarian law and provided a legal opinion on Israel’s claims of military necessity. Home demolitions continued in Rafah, and were escalated in several other areas, however.⁷

Additionally, the construction of the Separation Wall continued in the West Bank. Land confiscation, demolition of homes and isolation of communities also continued. Israel built several other smaller walls in the Gaza Strip to secure Jewish settlements and military zones. All these walls incurred confiscation of land⁸. Palestinian faced more problems finding land for essential facilities, such as schools, hospitals, cemeteries, not to mention housing. UNRWA and the Palestinian authorities faced serious problems finding land to build relief shelters for civilians whose homes were demolished by Israel in the Gaza Strip.

These violations were accompanied with escalated restrictions on movement and closures in and around the OPT, incurring serious increase in the rates of poverty and unemployment, which limited the population’s capacity to remedy the housing conditions to a great deal.

The following points are relevant facts and figures gathered by Al Mezan Center for Human Rights in the Gaza Strip, illustrating the practices carried out by the Israelis on the OPT in violation of the human right to adequate housing of Palestinians:

- **Bulldozing houses:** bulldozing of Palestinian homes increased seriously during 2004, especially during the frequent, massive incursions by the IOF. In most of the documented cases, demolitions took place without any kind of notification. In total, the IOF bulldozed 1,420 homes in the Gaza Strip during 2004 alone. Additionally, the IOF continued the construction of a metal wall between Rafah and Egypt, which caused the destruction of 641 homes. Incursions aiming at home demolition caused huge loss of civilian live and property, and caused severe suffering for civilians.
- **Demolition with explosives:** Israel acknowledged that its army targeted 29 homes using explosives in the Gaza Strip during 2004. However, according to Al Mezan’s documentation, IOF destroyed 129 homes in this manner, many of which were destroyed owing to their location near the targeted homes. On 1 September 2004, IOF mined and destroyed two apartment building in an-Namsawi neighborhood, opposite to Neve Dkalim

⁶ Source: http://www.un.org/unrwa/emergency/appeals/rafah_appeal.pdf

⁷ Three independent United Nations’ human rights experts of the Commission on Human Rights also issued a statement echoing their concerns about the ‘massive operation by Israeli forces that included the demolition of houses the violence and loss of life’: <http://www.notes.reliefweb.int/w/rwb.nsf/0/7e65aec9c30b8d5785256e9e005bd25f?OpenDocument>

⁸ Israel controls more than 42% of the West Bank total area and some one third of the area of the Gaza Strip.

settlement, in Khan Younis. In such cases IOF did not take sufficient measures to spare civilian life and property in this conduct.

- **Arbitrary shelling and bombardment of civilian populated areas:** IOF destroyed 284 homes completely during arbitrary shelling of residential areas in 2004. The excessive, disproportionate use of force, which included the use of heavy machine guns, tank shells, aircraft bombs and antitank missiles. During IOF incursion of north Gaza in October 2004, IOF fired tank shells into homes, destroying them and killing women, men and children. Hundreds of other homes were made inhabitable due to this daily conduct, which is carried out by soldiers in watchtowers along the borders and around settlements. In five air strikes targeting 'wanted' Palestinians, IOF destroyed 84 houses in the Gaza Strip during 2004, killing and wounding dozens of civilians in these attacks, which took place in densely inhabited residential areas.
- **Siege and isolation of residential areas:** IOF continued to completely isolate entire residential areas such as al-Muwasi, in southern Gaza, al-Syafa in the north, and al-Ma'ni in the middle of Gaza. They prohibit vehicular movement and transport of goods, especially those used in construction. In numerous occasions, IOF prohibited civilians' movement and access to basic services outside these areas, which lack health and education facilities. It should be asserted that the isolation of these areas occurred in the pretext of securing Jewish colonies near them.

In the West Bank, IOF continued the illegal construction of the separation wall rendering dozens of communities isolated and thousands of families without property, or access to their property and basic services. The construction of the separation wall created over 70 isolated enclaves in the West Bank. It also incurred serious deterioration of civilians' living conditions owing to severe restriction on movement and access to work, education and health facilities.

- **Occupying and searching of homes:** during the dozens of incursions into residential areas in the Gaza Strip, Israeli soldiers broke into and occupied numerous homes. Soldiers searched homes violently. In most of the cases they detained the inhabitants into one room and used the houses for watching and firing. Families were forced to live under these conditions for weeks. Al Mezan contacted the Israeli authorities several times, reporting theft of property and money by soldiers in similar situations.
- **Unjustified destruction to infrastructure:** IOF incursions have damaged or destroyed physical infrastructure, including roads, bridges, water and electricity lines and, more seriously, sewage and sanitation facilities. In Rafah and north Gaza, besieged civilians suffered lack of water and medicine for weeks. The destruction of sewage and water lines caused serious threat to public health. To date, these areas are still suffering inadequate housing conditions as the local authorities have not been able to resolve these problems, especially in the town of Rafah.⁹
- **Leveling and theft of land:** The IOF leveled 6,400 dunums¹⁰ of productive agricultural land in the Gaza Strip during 2004. IOF leveling of land accompanied incursions, and is a

⁹ The Municipality of Rafah announced that the repair of the damages of the infrastructure were beyond its capacity. See Al Mezan Center for Human Rights, "Operation Rainbow," a special report of IOF incursion of Rafah in May 2004. See also OCHA reports, at <http://www.reliefweb.int/rw/RWB.NSF/db900SID/SODA-6293Z4?OpenDocument&rc=3&emid=ACOS-635PFR>.

¹⁰ According to the documentation of Al Mezan Center.

regular matter near military zones and settlements. The expansion of Jewish settlements in the OPT, as well as the construction of the 650-km wall across the West Bank, continued during 2004 at the expense of Palestinian land. In the Gaza Strip, Al Mezan documented six cases of land seizure and forcible requisitioning for military and settlement purposes during 2004.

- **Destruction of education facilities:** IOF targeted educational facilities in the Gaza Strip. On 16 March 2004, IOF mined and destroyed the branch building of the al-Aqsa Public University, in Zaitun neighborhood, southern Gaza City. During their incursions, IOF destroyed parts of UNRWA schools and used them to fire at civilian areas. Al Mezan monitored numerous cases in which IOF fired at schools, killing four schoolchildren in 2004. UNRWA frequently condemned IOF's targeting of its schools, and the killing and injury of children in them.¹¹
- **Mechanisms of redress:** Palestinian and Israeli organizations made significant efforts to prevent the above mentioned violations during 2004 through contacts with military bodies, or by approaching the Israeli High Court. Unfortunately, the results have been negligible,¹² even though the Israeli Government made public its intention to continue home demolitions systematically. However, the Court accepted a few cases with specific time and location, and never ruled against demolition of homes or seizure of land in principle. The fact that IOF rarely notify families prior to demolition leaves little chance for legal intervention.

Following a petition by Rafah residents through the Al Mezan Center for Human Rights, the Israeli High Court announced its decision on 16 May 2004 to reject the request to halt the Government of Israel's decision to demolish hundreds of homes in Rafah. IOF had already destroyed some 120 homes in Block O of Rafah Refugee Camp before this petition. The Court's ruling authorized the IOF to proceed with house demolitions in case of "military necessity," and requested that owners be notified when possible. The Court's wording was very general and allows for diverse interpretations. It said that IOF could destroy homes without prior notification of the owners under certain conditions: in case of (1) armed men firing on Israeli troops from the house(s), (2) the house(s) used for military purposes, and/or (3) the life of Israeli troops are endangered.¹³ As a result of the Court's ruling, hundreds of Rafah residents were seen removing their belongings and fleeing their houses on 17 May.

Moreover, In spite of the International Court of Justice's Advisory Opinion¹⁴ that the Israel's settlements and separation wall in the West Bank are in breach of international law, affirming also that Israel, as occupying Power, is bound by international law, the construction of the wall has continued, as has the demolition of homes. The Court's Opinion said "Israel is under an obligation to terminate its breaches of international law; it is under an obligation to cease forthwith the works of construction of the wall being built in the Occupied Palestinian Territory, including in and around East Jerusalem, [and] to dismantle forthwith the structure therein situated". It also asked Israel to demolish the wall and to compensate those Palestinians who have been harmed by its construction.

¹¹ For more details consult UNRWA's Press Release at: <http://www.un.org/unrwa/news/releases/pr-2004/hgg33-04.pdf>

¹² See Al Mezan's report "Operation Rainbow" for greater detail on the Israeli High Court Decision at: http://www.mezan.org/site_en/resource_center/mezan_publications/detail.php?id=75; and News Brief on Middle Gaza case at: http://www.mezan.org/site_en/press_room/press_detail.php?id=321.

¹³ Unofficial translation of quotes of the Israeli High Court's ruling.

¹⁴ See <http://www.reliefweb.int/rw/RWB.NSF/db900SID/SZIE-62QPZZ?OpenDocument&rc=3&emid=ACOS-635PFR>

Conclusion: HIC and the AI Mezan Center for Human Rights once again remind the Commission that IOF practice of home demolition, land and house seizure and the expansion of settler colonies and walls in the OPT are crimes breaching the most fundamental norms of international public law, including human rights standards and the international law.

HIC and the AI Mezan Center for Human Rights call to the Commission's attention that Israel is legally bound under the International Covenant on Economic, Social and Cultural Rights, *inter alia*, to report on the implementation of its treaty obligations in areas under its control, which it stubbornly has refused to do so. The international community and the members of the Commission bear a corresponding responsibility under the principle of international cooperation to remedy these violations within the framework of international public law. The effective inaction of States to do so has encouraged Israel to continue this pattern of deprivation and senseless destruction, undermining peace and security in the region and beyond.

HIC and the AI Mezan Center for Human Rights endorse the statement of the UN Rapporteur on adequate housing, recognizing the "strong need for an end to the occupation and for the immediate deployment of an international protection force in the region," and urging the international community "to act decisively to protect Palestinians by taking urgent steps to remove the impunity that Israel enjoys."¹⁵ Failure to do so perpetuates hostility in the region, and destroys faith in the entire system of international law and legitimacy among the wider public.

For further information, please consult the following websites:

<http://www.hic-mena.org> and <http://www.mezan.org>

¹⁵ Press Release: "UN Rapporteur Blasts Israel's Demolition of Palestinian Homes," 6 November 2003.