



DEMOLITIONS AND DISPLACEMENT BULLETIN

(For the period covering 1 December – 31 December 2019 and additionally including an overview of 2019)

Key points outlined in this LPHR Demolitions and Displacement bulletin:

- The UN reports a 35 per cent and 95 per cent increase in demolitions and displaced persons in 2019, compared with 2018
- The UN reports that 204 structures were demolished in East Jerusalem in 2019, a record high over the past two decades
- A JCB heavy machinery vehicle is documented to have been involved in the demolition of a structure in the Palestinian village of Wadi Esneisel, in a [photograph](#) taken on 4 December 2019 by a B'Tselem fieldworker and published on the B'Tselem website
- In December 2019, 58 Palestinian owned structures were demolished or seized in Area C of the West Bank and East Jerusalem, displacing 99 people (including 48 children)

The incidents and statistics outlined in this bulletin are collated from the UN Office for the Co-ordination of Humanitarian Affairs ([UN OCHA](#)) and the Israeli human rights organisation [B'Tselem](#).

[UN OCHA](#) reports that in December 2019, 58 Palestinian owned structures were demolished or seized in Area C of the West Bank and East Jerusalem, displacing 99 people (including 48 children) and otherwise affecting the livelihoods or access to services of nearly 1,000 others (including 495 children). The high number of demolitions and seizures in December 2019 are part of a larger trend that saw a [95%](#) increase in displaced persons and a [35%](#) increase in demolitions in 2019, compared with 2018. In 2019, there were [623](#) demolitions. [914](#) people, more than half of them children, were displaced as a result of Israeli demolitions and seizures.

The number of donor-funded structures targeted in December 2019 totalled [18](#), higher than in any other month in 2019. The number of donor-funded structures targeted in 2019 (127) was more than double that in 2018 (56).

All structures demolished or seized in December 2019 were targeted on the grounds that they lacked building permits, which are nearly impossible for Palestinians to obtain. Incidents of demolitions and seizures include:

- On [5 and 24 December](#) in Maghayir al Abeed, a herding community in the Massafer Yatta area of Hebron, the Israeli authorities demolished four homes and three latrine units of which, all but one (a home) were donor-funded aid. Massafer Yatta is declared a firing zone for military training and the 1,300 people living there in 14 communities face a coercive environment and are at risk of forcible transfer.
- On [23 December](#) in the Nablus governate, the Israeli authorities uprooted or cut thousands of forest trees and saplings in a recreational area developed with international funding, serving some 14,000 residents in the nearby town of Beit Furik and the Khirbet Tana herding community. Donor-funded livelihood tents and a residential shelter were also demolished or seized.
- In East Jerusalem, the Israeli authorities demolished [10](#) structures during December, bringing the total number of structures demolished in East Jerusalem in 2019 to 204, a record high over the past two decades. Nearly 350 people have been displaced in East Jerusalem during 2019 as a result of demolitions, the largest such figure recorded by OCHA since 2009, when it started the detailed documentation of demolition incidents.
- [11](#) structures, six of them donor-funded, were demolished in four Palestinian Bedouin communities in Area C of the Jerusalem Governorate in, or around, an area planned for settlement expansion. This follows the demolition of five structures in the same area in November. Like other herding communities across Area C, the 18 communities in this area face heightened risk of forcible transfer.
- Also in Area C, the Israeli authorities demolished two water reservoirs in the Einun area next to Tubas town. One of the reservoirs, still under construction, was part of a donor-funded project aimed at increasing water supply, for domestic and irrigation purposes, to five Palestinian herding communities.



Legal Analysis – International Humanitarian law, International Criminal law and International Human Rights law

Palestinian residents in the occupied West Bank, including East Jerusalem, have the status of a protected population under the Geneva Conventions. International humanitarian law requires an occupying power to protect the population of the territory that it occupies, ensure its welfare and wellbeing, as well as the respect for its human rights.

Article 53 of the Fourth Geneva Convention prohibits “destruction of property” not justified by military absolute necessity. As noted above, the purported justification for the demolitions in December was a lack of building permits. Israel’s permit system operating in the occupied Palestinian territory makes it almost impossible for Palestinians to obtain a building permit. This calls into question whether the above-mentioned demolitions, including those of residential shelters and latrine units, could amount to an absolutely necessary military measure. As such, the demolitions appear to constitute a violation of international humanitarian law.

Further, the demolition of property is likely to give rise to breaches of international criminal law and human rights law. Article 147 of the Fourth Geneva Convention provides that “extensive destruction of property not justified by military necessity and carried out unlawfully and wantonly”, is a grave breach of international humanitarian law. Grave breaches entail individual criminal responsibility for all persons involved with its implementation, including government officials. The extensive destruction of Palestinian property throughout 2019 is indicative of a policy and practice not justified by military necessity that engages the grave breaches provision of the Fourth Geneva Convention at Article 147.

Moreover, the Rome Statute of the International Criminal Court provides that grave breaches of the Fourth Geneva Convention constitute war crimes that fall within the scope of the Court’s jurisdiction. The policy and practice of the demolition of Palestinian property in the occupied Palestinian territory is therefore an issue that can potentially be investigated by the Office of the Prosecutor of the ICC if it [opens an investigation into the situation in Palestine](#).

Article 11 of the International Covenant on Economic, Social and Cultural Rights, which Israel has ratified, requires State Parties to “recognise the right of everyone to an adequate standard of living for himself and his family, including adequate... housing.” Similarly, Article 27 of the UN Convention on the Rights of the Child (**UNCRC**), which Israel has ratified, provides “State Parties recognise the right of every child to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development.” Article 27 of the UNCRC further adds that State Parties “shall in case of need provide material assistance... particularly with regard to housing.” The above-mentioned demolitions of residential structures and consequential displacement of Palestinian civilians, including 48 children, constitute a violation of these obligations under international human rights law.

LPHR's human rights complaint against JCB under the OECD Guidelines for Multinational Enterprises in regard to its involvement in demolitions and displacement in the occupied Palestinian territory

In 2019, LPHR gathered clear and compelling [evidence](#) to substantiate that in demolitions similar to some of those described above, the products of JCB, a world-leading construction equipment company headquartered in the UK, have materially been used in a way that results in human rights violations. This includes a violation of the right to an adequate standard of living, including the right to adequate housing, under international human rights law.

On 10 December 2019, LPHR submitted an evidence-based [human rights complaint](#) against JCB to the UK National Contact Point for the OECD Guidelines for Multinational Enterprises (situated in the Department of International Trade). The complaint is being brought under the [OECD Guidelines for Multinational Enterprises](#) (**OECD Guidelines**). The primary evidence submitted with LPHR’s complaint that substantiates the material use of JCB products in demolitions, relates to incidents in ten villages or areas in the occupied Palestinian territory, covering the period 2016-2019. In total, 89 homes are identified as having been demolished, resulting in the displacement of at least 484 individuals, including children and the elderly.

LPHR will use its monthly Demolition and Displacement bulletins to highlight any published evidence from the leading Israeli human rights organisation, B’Tselem, of apparent continuing involvement of JCB heavy machinery vehicles in demolitions and displacement:



- On 4 December 2019, a JCB heavy machinery vehicle is documented to have been involved in the demolition of a structure in the Palestinian village of Wadi Esneisel, in a [photograph](#) taken by a B'Tselem fieldworker and published on the B'Tselem website. The accompanying commentary to the photograph, with the headline *“Civil Administration demolishes residential structures and livestock pens in several al-Quds District communities*, can be read [here](#). Five homes that housed three families and two married couples, are reported to have been demolished. In total 26 people, including 13 children, are reported to have been left displaced by these homes.

In our complaint, LPHR submits that JCB is in breach of five human rights responsibilities under the OECD Guidelines. In summary, these are:

- ✍️ That JCB is in breach of the general obligation under Chapter 4, paragraph 1 of the OECD Guidelines to respect human rights;
- ✍️ That JCB has failed to avoid contributing to adverse human rights impacts and to address impacts where they do occur;
- ✓✍️ That JCB has not sought ways to prevent or mitigate adverse human rights impacts that are directly linked to their business operations and products;
- ✓✍️ That JCB has failed to develop a human rights policy that: has been approved by its Board; benefits from internal and/or external expertise; sets out the company's expectations from its staff; is publicly available; and is embedded across the business; and
- ✗✍️ That JCB has failed to carry out human rights diligence as appropriate to its size, nature and context of operations and the severity of the risks of adverse human rights impacts.

As a consequence of our submissions that JCB is in breach of its human rights responsibilities under the OECD Guidelines, LPHR concludes our complaint by requesting that JCB:

- ✍️ Immediately suspend supply of products to Comasco (an Israeli company which is the exclusive dealer of JCB products in Israel) that could be identified as being part of the supply chain that results in demolitions or settlement-related construction, and to permanently cease supply to Comasco should it not be able to provide credible and verifiable guarantees that such products will not be involved in the violation of Palestinian human rights;

- ✍️ Develops and publishes on its website a human rights policy which specifically sets out the due diligence methodology it applies to ensure that its products are not at risk of contributing and/or being directly linked in a business relationship to the violation of human rights;
- ✓✍️ Agrees to participate with LPHR and other appropriate stakeholders in establishing an effective grievance mechanism to enable remediation. Such a mechanism would be administered in accordance with the core criteria for a remediation process as specified in the OECD Guidelines, and incorporate appropriate financial and/or non-financial remedies for individuals in respect of damages suffered through the known uses of JCB products in the demolition of their homes and property, including those identified in this complaint.

Further Reading

- In December, the human rights organisation Adalah published its position [paper](#) on the Israeli government's plan to forcibly evict Palestinian 36,000 Bedouin citizens of Israel from their homes in "unrecognized" villages across the Naqab desert without offering them permanent and just housing solutions.
- On 22 December, Israel's Foreign Minister, Israel Katz, was quoted by the [Times of Israel](#) on the issue of the planned pending demolition of the entire village of Khan al-Ahmar and the forcible transfer of its residents. He significantly reveals that the preliminary examination on Palestine that had just been concluded by the Office of the Prosecutor of the International Criminal Court on [20 December](#), has deterred the Israeli government from proceeding with the demolition and displacement. Mr. Katz is reported by the Times of Israel to have said the following: *"People are yelling 'why not clear not Khan al-Ahmar?' In the [security] cabinet we reached the conclusion that this is a sensitive point that could be the deciding factor in a decision by the prosecutor from Gambia [Bensouda] to open an investigation against Israel... He [Prime Minister Netanyahu] knew... the whole time we were following the deliberations about where approximately the prosecutor's proceedings stood".*