



DEMOLITIONS AND DISPLACEMENT BULLETIN

(For the period covering 1 January – 29 February 2020)

Key points outlined in this LPHR Demolitions and Displacement bulletin:

- The UN reports a rise in the monthly average of Palestinians displaced by demolitions in 2020, compared to 2019
- The UN reports that 89 structures were demolished in January and February 2020, displacing 170 people, including 92 children
- 21 donor-funded structures were targeted in January and February 2020, including at least 10 structures provided as humanitarian assistance by the EU and its member states

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

This Bulletin further provides accompanying legal analysis and a short report on LPHR's recent human rights complaint against the UK company, JCB, under the OECD Guidelines for Multinational Enterprises for involvement in demolitions and displacement.

This bulletin concludes with a *Further Reading* section that reports on the publication of the UN Database listing companies involved in settlement-related activities, and the publication of a recent report by Amnesty International on Palestinian communities at risk of forcible transfer.

Demolitions and Displacement during the reporting period

[UN OCHA](#) reports that in the first two months of 2020, 89 Palestinian owned structures were demolished or seized in Area C of the West Bank and East Jerusalem, displacing 170 people (including 92 children) and otherwise affecting the livelihoods or access to services of nearly 445 others (including at least 134 children). The high number of demolitions and seizures in January and February 2020 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. So far in 2020, the monthly average

of Palestinians displaced by demolitions and seizures is higher than in 2019 – 85 people displaced on average for January and February 2020, compared to the monthly average of 76 in 2019 - according to [UN OCHA](#).

All but one of the structures demolished or seized in January and February 2020 were targeted on the grounds that they lacked building permits, which are nearly impossible for Palestinians to obtain. Incidents of demolitions and seizures include:

- [UN OCHA](#) reports that in January, the Israeli authorities demolished, or forced Palestinians to demolish, 10 structures in Area C of the West Bank and East Jerusalem, displacing 9 people and affecting 41 others. Five of the targeted structures, including one previously provided as humanitarian aid, were located in Area C, in Az Zawiya village (Salfit) and in Al Khalayleh, a small community in the Jerusalem area separated from the rest of the West Bank by Israel's Separation Barrier. The remaining five structures were in East Jerusalem.
- [UN OCHA](#) reports that 21 donor-funded structures were targeted in January and February 2020. Of these, four were in herding communities in areas declared closed 'firing zones' for military training, in southern Hebron (Massafer Yatta area) and in eastern Nablus (Khirbet Tana). Another donor-funded structure, a caravan used as a storage room at a school, was demolished in Susiya, a herding community in the Hebron governorate. These communities are at heightened risk of forcible transfer due to the coercive environment they face.
- [UN OCHA](#) reports that of the 10 donor-funded structures targeted in February, 8 had been funded by the EU and its member states, for nearly 30,000 euros. An additional 14 EU-funded structures, at a value of nearly 29,000 euros, were served with demolition or stop-work orders in February.
- [UN OCHA](#) reports that on 6 February, the Israeli authorities demolished for the second time a house in Jenin city on punitive grounds, displacing 7 people, including two children. The house belonged to the family of a Palestinian, currently imprisoned, who participated in an attack in 2018 in which one Israeli settler was killed. The house had been rebuilt after it was initially demolished on 23 April 2018. Clashes erupted during the demolition, in which Israeli forces shot and killed two Palestinians, including a 19-year-old youth and a Palestinian policeman, who was reportedly inside a police station at the time of the clashes.



- [B'Tselem](#) reports that on 12 February, Israeli forces displaced a family of three, including one child, when they dismantled and confiscated a shack the family were living in, in the community of Tal a-Smadi, in the Jordan Valley.
- [B'Tselem](#) reports that on 17 February, Israeli forces disconnected pipes that supplied water for domestic and agricultural use to around 50 families in the community of Khirbet 'Alan, in the Jordan Valley.
- [UN OCHA](#) reports a rise in demolitions and seizures through the use of Military Order 1797. [Military Order 1797](#) removes any option for Palestinians to legally challenge demolition orders that the Civil Administration issues for new structures, allowing Israel to demolish homes summarily. 11 structures were demolished or seized under the Order in February. This represents the second largest application of this order in a single month since the start of its implementation in July 2019.
- [B'Tselem](#) reports that one structure demolished under Military Order 1797 during the reporting period housed a family of nine, including five children. The structure in Khirbet a-Rakeez had been donated by a humanitarian aid organization and was demolished on 27 February.

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 and provide for the welfare of the occupied population.

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 January and February 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 during the first two months of 2020 is indicative of a policy and practice not justified by military necessity that engages the individual criminal responsibility 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 92 children, constitute a violation of these obligations under international human rights law.

[LPHR's human rights complaint against the UK company, 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.

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

- On 12 February 2020, the UN Office of the High Commissioner for Human Rights (OHCHR) published its long-awaited [database](#) "of all business enterprises involved in certain specified activities related to the Israeli settlements in the Occupied Palestinian Territory". The database lists 112 companies, including JCB, whom OHCHR has found "*reasonable grounds to believe*" have a "*substantial and material*" involvement in one or more of nine specified settlement-related activities. Two other UK based companies, Opodo and Greenkote, were named. Each company was provided with a right of response during OHCHR's examination process. LPHR joined four other UK organisations, Amnesty International UK, Quakers in Britain, War on Want, and Christian Aid, in publishing a [statement](#) urging the UK Government to take action to end businesses' involvement in illegal settlements in the occupied Palestinian territory.
- As noted in this Bulletin, the forced displacement of Palestinians continues. [Amnesty International](#) recently reported on Palestinian communities at risk of forcible transfer to make way for Israeli settlements and tourist attractions. Amnesty's [report](#) looks at the

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impact of this on Palestinian residents of Khirbet Susiya village, who were forced to leave their homes to make way for an archaeological site run by settlers in the Israeli settlement of Susya, as well as five other communities at risk.