



DEMOLITIONS AND DISPLACEMENT BULLETIN

(For the period covering 1 March- 30 April 2020)

Key points outlined in this LPHR Demolitions and Displacement bulletin:

- The UN reports that 71 structures were demolished or seized in March and April, displacing 39 people, including 19 children
- A family of eight, including six children, were displaced on 23 April when their mobile home was demolished
- 25 donor-funded structures were demolished or seized in March and April, including seven water and hygiene-related structures
- During the COVID-19 crisis, Israeli authorities confiscated tents for a field health clinic and six donor-funded disinfectant sprayers provided to mitigate the risk of COVID-19 in the West Bank

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 Israel's displacement of Palestinians and demolition of livelihood structures during the COVID-19 emergency, in the context of Israel's legal obligations to prevent the spread of the disease. The *Further Reading* section also reports on Israel's continued policy of blocking off roads that connect Palestinian communities as a form of collective punishment, and the rise in attacks by Israeli settlers on Palestinians and their homes.

LPHR gives special thanks to Emma Fullerton for her excellent work preparing this bulletin.

Demolitions and Displacement during the reporting period

[UN OCHA](#) reports that in March and April 2020, the Israeli authorities demolished or seized 71 Palestinian-owned structures, displacing 39 people (including 19 children) and otherwise affecting the livelihoods or access to services of 406 others (including at least 116 children). This brings the total number of Palestinian structures demolished or seized by Israeli authorities between 1 January - 30 April 2020 to 160, and the total number of displaced people to 209 (including 111 children).

[UN OCHA](#) reports that since the start of the COVID-19 emergency, the Israeli authorities have largely suspended demolitions of inhabited homes but have continued targeting livelihood and service-related structures. The demolitions or seizure of seven water, hygiene and sanitation structures during the reporting period is particularly concerning, given how such demolitions could undermine the efforts of already vulnerable communities to prevent the spread of the pandemic.

Eight inhabited residential structures were demolished or seized in March and April, according to data collected by [UN OCHA](#). All but two of the structures were targeted due to a lack of building permits, which are nearly impossible for Palestinians to obtain. 25 of the targeted structures had been provided as humanitarian assistance, including four funded by the EU and its member states, worth nearly 5,000 euros. Incidents of demolitions and seizures include, in chronological order:

- [B'Tselem](#) reports that in March, the Israeli authorities continued to block roads used by Palestinian communities in the West Bank. On 3 March, Israeli forces used sand mounds, rocks and concrete to block the road connecting the communities of She'b al-Batem and Khirbet al-Fakhit in the area of Masafer Yatta, in the South Hebron Hills.
- [UN OCHA](#) reports that on 4 March, the Israeli authorities demolished or seized four donor-funded structures in the Beit Jala town (Bethlehem), including a mobile latrine, a residential tent and an agricultural shed.
- According to [UN OCHA](#), another two mobile latrines were demolished in March, in Za'tara village (Bethlehem) and in the Ein ar Rashash Bedouin community (Ramallah), while in the former community a water tank was also damaged during the incident.
- [UN OCHA](#) reports that on 5 March, the Israeli authorities punitively demolished two homes in At Tira and Bir Zeit (Ramallah), displacing six people, including a [child](#). The



- homes are owned by Palestinians arrested on charges of abetting an attack in August 2019, in which a 17-year-old Israeli girl was killed and two other Israelis were injured.
- [UN OCHA](#) reports that in addition to 16 donor funded structures demolished or seized in March, three EU-funded structures, at a value of over 3,000 euros, were served with demolition or stop-work orders. These included a residential and livelihood tent in the community of Khirbet ar Ras al Ahmar in Tubas.
 - [B'Tselem](#) reports that on 19 March in the community of al-Muntar, Israeli forces demolished two stone structures with a tin roof that were the seasonal home of a shepherd, as well as a shack used as a livestock pen. The demolitions were executed under [Military Order 1797](#), which removes any option for Palestinians to legally challenge demolition orders that the Civil Administration issues for new structures.
 - [UN OCHA](#) and [B'Tselem](#) report that on 26 March, in Ibziq (Northern Jordan Valley), a herding community located in an area declared a closed 'firing zone' for military training, the Israeli military demolished one home and seized eight tents provided as humanitarian aid. Four of these tents were intended to be used as temporary shelters for Palestinians evacuated to make way for Israeli military trainings. Two of the tents were to be used for a field clinic. During the incident, the Israeli forces requisitioned six donor-funded disinfectant sprayers provided to mitigate the risk of COVID-19, as well as a power generator.
 - [B'Tselem](#) reports that on 26 March, Israeli authorities demolished three seasonal homes of farmers who are residents of Jerusalem, in the village of 'Ein a-Duyuk a-Tahta west of Jericho.
 - [UN OCHA](#) reports a surge in attacks on Palestinians and their property by Israeli settlers, which since the start of the COVID-19 pandemic have increased by about 80% compared with the first two months of the year.
 - [B'Tselem](#) reports that on 1 April, Israeli authorities demolished three homes under construction in the village of Rummanah (Jenin). The homes were designed to house

three families of 10 people altogether, including four children. The demolitions were executed under aforementioned [Military Order 1797](#).

- [UN OCHA](#) reports that during the first two weeks of April, the Israeli authorities requisitioned two mobile latrines and damaged two water tanks in the herding community of At Taybe (Hebron), and demolished three water cisterns in Kafr Ni'ma village (Ramallah). During the latter incident, Israeli forces also uprooted about 1,200 trees, on grounds that the land was declared 'state land'.
- [UN OCHA](#) reports that on 23 April a family of eight, including [six children](#), in the Bedouin community of Ein ad Duyuk at Tahta (Jericho) were displaced when Israeli authorities demolished their mobile home, which had been provided as humanitarian assistance.
- [UN OCHA](#) reports that during the last week of April, the Israeli authorities demolished or seized another 7 donor-funded structures assistance. The Humanitarian Coordinator, [Jamie McGoldrick, called on](#) the Israeli authorities to stop demolitions, particularly during the COVID-19 crisis and the month of Ramadan.

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 majority of demolitions 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.

Article 56 of the Fourth Geneva Convention requires that Israel ensure that all the necessary preventive means available to it are utilised to combat the spread of contagious diseases and epidemics. The demolition of residential and hygiene structures, as well as tents which were



going to be used for a health clinic, during the COVID-19 crisis, suggest that Israel is obstructing initiatives that might help halt the spread of the pandemic, rather than fulfilling its obligations under Article 56.

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 ongoing extensive destruction of Palestinian property during in March and April 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 19 children, constitute a violation of these obligations under international human rights law.

Article 12 of the International Covenant on Economic, Social and Cultural Rights requires State Parties to recognise the right of everyone to the enjoyment of an attainable standard of physical and mental health. Specifically listed as one of the steps to be taken by States Parties are those

necessary for 'the prevention, treatment and control of epidemic, endemic, occupational and other diseases' (Article 12 (2)(c)). Israel's seizure of tents to be used as a field clinic and requisition of six donor-funded disinfectant sprayers provided to mitigate the risk of COVID-19 appears to constitute a direct breach of its duties under Article 12.

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 credible, 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

- As noted in this Bulletin, Israel is in breach of its legal obligations to take all necessary preventative means available to protect Palestinians in the oPt from the spread of COVID-19, by continuing to demolish and confiscate residential, livelihood and hygiene structures. LPHR's recent [blog](#) looks at Israel's legal obligations towards Palestinians in the occupied Palestinian territory during the pandemic, including in relation to communities targeted for demolitions.
- As noted in this Bulletin, Israel continued to block off Palestinian communities by blocking roads in March 2020. The blocking off of Palestinian communities as a form of collective punishment has been documented by [B'Tselem](#). The measures impact tens of thousands of West Bank residents by restricting their movement, impairing their ability to make a living, get to school, farm their land and receive medical treatment. Restricting access to essential services is especially egregious during the current health pandemic.
- As noted in this bulletin, settler attacks on Palestinians and their property are on the rise during the COVID-19 crisis. [B'Tselem](#) reports eight incidents in which settlers attacked Palestinian homes and 15 incidents in which settlers vandalized property or stole possessions in March. Five of the attacks on homes occurred in the presence of soldiers, who reportedly did not act to stop the attacks. [B'Tselem](#) reports that unimpeded attacks on Palestinian homes are part of a policy to encourage the dispossession of Palestinians from greater areas of the West Bank.