



DEMOLITIONS AND DISPLACEMENT BULLETIN

(For the period covering 1 May- 03 June 2020)

Key points outlined in this LPHR Demolitions and Displacement bulletin:

- Data collected by the UN records that between 1 May- 3 June 2020, 90 structures were demolished or seized during the ongoing COVID-19 crisis, displacing 117 people, including 64 children
- A JCB heavy machinery vehicle is documented to have been involved in the demolition of 6 residential structures in in Khirbet al-Markez in the South Hebron Hills, displacing 35 people, including 25 children, in a [photo](#) taken by a B'Tselem fieldworker and a [video](#) published by B'Tselem on 3 June 2020
- Israeli authorities demolished or seized 26 inhabited residential structures
- Israeli authorities demolished or seized 13 water, hygiene and sanitation structures

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 evidence-based 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 multiple barriers facing Palestinians reliant on farming and shepherding; resulting in the contribution of a coercive environment.

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

Demolitions and Displacement during the reporting period

UN OCHA reports a high number of demolitions and seizures of Palestinian homes and other structures between 1 May- 3 June 2020. During the reporting period, Israeli authorities

demolished or seized 90 Palestinian-owned structures, displacing 117 people (including 64 children) and otherwise affecting the livelihoods or access to services of 333 others. All but two of the structures were targeted due to a lack of building permits, which are nearly impossible for Palestinians to obtain. According to data collected by UN OCHA, 256 Palestinian structures were demolished or seized by Israeli authorities between 1 January- 3 June 2020, displacing 326 people (including 175 children).

During the COVID-19 emergency, Israeli authorities continued to target livelihood and service-related structures. The demolitions or seizure of 13 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. Additionally, 14 livelihood structures and 26 agricultural structures were targeted, according to [UN OCHA](#).

26 inhabited residential structures were demolished or seized during the reporting period, according to data collected by [UN OCHA](#). Incidents of demolitions and seizures include:

- [B'Tselem](#) reports that on 4 May, in Khirbet 'Alan, in the Jordan Valley, Israeli forces demolished an agricultural pool owned by a village resident and confiscated tin plates and raw materials intended for his work as a welder. Last month, Israeli forces dismantled and confiscated a prefab the resident had built as an extension to his welder's shop.
- [B'Tselem](#) reports that on 4 May, Israeli forces demolished a tin-covered cinderblock room used by farmers for rest in the village of Tayasir, in the Jordan Valley.
- [UN OCHA](#) reports that farmers' access to their lands in the closed area behind the illegal Separation Barrier was heavily restricted from the start of April until early May, due to the revocation of permits and the non-opening of agricultural gates. As of mid- May, access continued to be restricted in the Jenin, Tulkarm and Salfit governorates.
- [UN OCHA](#) reports that according to World Health Organisation, three Palestinian Bedouin communities in the closed area behind the illegal Separation Barrier in the Qalqiliya governorate went without basic primary healthcare services from the beginning of April until early May, as mobile health services were unable to gain the necessary Israeli-issued permits to access the area.
- [UN OCHA](#) reports that on 11 May, Israeli forces punitively demolished the upper floor of a two-story house in Kobar village in Ramallah, displacing two Palestinians. The home belonged to the family of one of the Palestinians accused of killing an Israeli girl and injuring her brother and father in August 2019. Israeli forces also destroyed a water well and damaged 20 trees. The incident triggered clashes with residents. This is the fourth punitive demolition since the start of the year. Punitive demolitions are illegal under international humanitarian law as it constitutes prohibited collective punishment.



- [UN OCHA](#) reports that between 12-18 May, Israeli authorities demolished or seized eight Palestinian-owned, livelihood-related structures and two homes in Area C, resulting in the displacement of two people.
- [UN OCHA](#) reports that in one fortnight in May, Israeli authorities demolished or seized 42 structures in Area C of the occupied West Bank and in East Jerusalem, displacing 20 people, including eight children. Seven of the targeted structures were in Al Walaja village, located on the Jerusalem side of the illegal Separation Barrier. These were the first demolitions by the Israeli authorities recorded within the Jerusalem municipal area since 4 March.
- [B'Tselem](#) reports that on 13 May in the village of Fasayil a-Tahta in the Jordan Valley, Israeli forces destroyed concrete and metal posts installed as a foundation for a structure where a family of five, including three children, were going to live. Israeli forces also destroyed a tent and a shack used as livestock pens.
- [B'Tselem](#) reports that on 14 May 2020, Israeli forces confiscated water pipes in the community of [Khirbet a-Ras al-Ahmar](#), in the Jordan Valley. Israeli forces also destroyed two tents, one of which had been used as a rest stop for a shepherd who lives outside the community and the other as a livestock pen for a local resident. Israeli forces also destroyed two livestock enclosures.
- [B'Tselem](#) reports that on 14 May, in the community of Faza' al-Ka'abneh, in the Ramallah District, Israeli forces confiscated a tent used by shepherds and a livestock pen. Three solar panels, four batteries and an electrical panel were also confiscated. The community of Faza' al-Ka'abneh is home to 115 people, including 60 children, who live off farming and shepherding.
- [B'Tselem](#) reports that on 16 May, in the community of Khirbet Lasefar in the South Hebron Hills, Israeli forces confiscated a truck that had come to the community to deliver tin panels and metal posts for construction. The cargo was confiscated along with the truck. The Lasefar community is home to about 110 people, including 40 children.
- [B'Tselem](#) reports that on 20 May, in Khirbet 'Alan, in the Jordan Valley, Israeli forces confiscated water pipes intended for agricultural use by one of the community's residents. On the same day, in the village of Furush Beit Dajan, Israeli forces confiscated a prefab used by residents for agricultural purposes.
- [B'Tselem](#) reports that on 3 June, Israeli forces demolished 5 residential shacks in the Abu Dahuk community in the Deir Hajla area of Jericho. The demolitions displaced 23 people, including 11 children. Additionally, Israeli forces confiscated three water containers, six solar panels, four air conditioners and two refrigerators.

- A further demolitions and displacement incident reported by B'Tselem in 3 June 2020 is included in the section further below on LPHR's current human rights complaint under the OECD Guidelines for Multinational Enterprises against the UK construction equipment company, JCB.

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 in May 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, livelihood and agricultural structures, 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, 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 extensive destruction of Palestinian property in May 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 64 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 demolition or seizure of 13 water, hygiene and sanitation structures 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 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 3 June, a JCB heavy machinery vehicle is documented to have been involved in the demolition of 6 residential structures in Khirbet al-Markez in the South Hebron Hills, displacing 35 people, including 25 children, in a [photo](#) taken by a B'Tselem fieldworker and in a [video](#) published by B'Tselem. B'Tselem reports that the structures were built with financial aid from the European Union.

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

Ongoing demolition and seizure of agricultural structures during the COVID-19 crisis contributes to a coercive environment for Palestinians living under occupation

As noted in this bulletin, the demolition and seizure of agricultural structures in communities reliant on farming and shepherding is ongoing. Other barriers facing farmers include restrictions

on movement and access to farmland associated with the illegal Separation Barrier constructed by Israel. [UN OCHA](#) reports that most Palestinian farmers must obtain special permits from the Israeli authorities to access their farmland in the area between the Barrier and the Green Line, or “Seam Zone”; this requirement also applies to family members and to agricultural workers. Recent years have witnessed a significant decline in the allocation of these permits, while new standing regulations set a limit on the number of days that farmers can access their land over the course of a year.

These demolitions and movement restrictions also coincide with an increase in settler attacks on Palestinians and their property, including agricultural land. [UN OCHA](#) reports that the sharp increase in settler violence since the start of the COVID-19 crisis is undermining already fragile farming livelihoods in the West Bank. Attacks have included physical assault, torching of Palestinian vehicles, theft of livestock and vandalizing of fruit trees. The ongoing and serious difficulties faced by farming communities contributes to a coercive environment for Palestinians living under occupation.