



## DEMOLITIONS AND DISPLACEMENT BULLETIN (For the period covering 5 August- 2 September 2020)

### Key points outlined in this LPHR Demolitions and Displacement bulletin:

- Data collected by the UN records that between 5 August- 2 September 2020, 81 structures were demolished or seized during the ongoing COVID-19 crisis, displacing 194 people, including 96 children
- Israeli authorities demolished or seized 33 residential structures, of which 25 were inhabited
- JCB heavy machinery vehicles are documented being involved in at least two separate demolition incidents by the Israel human rights organisation, B'Tselem
- During the ongoing COVID-19 crisis, Israeli authorities demolished or seized five water, hygiene and sanitation structures
- Israeli authorities demolished or seized 14 livelihood structures and 28 agricultural 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](#). When reading this bulletin, it is important to be cognisant of the tight nexus between a systematic policy and practice of demolitions, forcible displacement and the creation of a “[coercive environment](#)” on the one hand, and Israel's relentless pursuance on the other hand of a [settlement/annexation policy](#) in the occupied West Bank, including [East Jerusalem](#). These policies and practices are being carried out in clearly apparent violation of international law, as outlined further below in this bulletin.

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.

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

## Demolitions and Displacement during the reporting period

[UN OCHA](#) records that between 5 August- 2 September 2020, Israeli authorities demolished or seized 81 Palestinian-owned structures (eight of them donor-funded), displacing 194 people, including 96 children, and otherwise affecting the livelihoods or access to services of 409 others. All of the structures were targeted due to a lack of building permits, which are nearly impossible for Palestinians to obtain.

Between 1 January- 2 September 2020, according to data collected by [UN OCHA](#), 489 Palestinian structures (77 of them donor-funded) have been demolished or seized by Israeli authorities between , displacing 645 people (including 332 children) and otherwise affecting 2,400 people.

During the COVID-19 emergency, Israeli authorities have continued to target water, sanitation and hygiene structures, demolishing five such structures between 5 August- 2 September 2020 (bringing the total number of demolished water, sanitation and hygiene structures since the start of the year to 33). The demolition of livelihood and agricultural structures also continued, with 14 livelihood and 28 agricultural structures demolished or seized during the reporting period.

33 residential structures, 25 of them inhabited, were demolished or seized between 5 August- 2 September 2020. Following the outbreak of the COVID-19 crisis, the Israeli authorities indicated that they would refrain from demolishing or seizing inhabited homes that were in place prior to the start of the crisis. However, [UN OCHA](#) reports that these demolitions have continued.

Incidents of demolitions, seizures and displacement include:

- [B'Tselem](#) reports that on 6 August, in Khirbet Wadi Ejheish, in the South Hebron Hills, Israeli forces demolished a family's home, leaving 10 people, including eight children, homeless.
- [B'Tselem](#) reports that on 11 August, Israeli forces demolished a residential tent in Khirbet al-Fakhit, displacing seven people, including three children. The tent was donated by the EU after the same family's tent had been demolished two months earlier.
- [B'Tselem](#) reports that on 11 August in Khirbet Susiya, in the South Hebron Hills, Israeli forces demolished a tent used for agricultural purposes and confiscated a small cement mixer and a cart intended for building a structure. [B'Tselem](#) reports that the forces then



- continued to Khirbet al-Mufaqqarah, Masafer Yatta. Upon the forces' arrival, the residents dismantled a tent they had erected a week earlier.
- [B'Tselem](#) reports that on 11 August, Israeli forces demolished a tent that served as a livestock pen in the community of Maghayir al-'Abid. The B'Tselem website shows a [photograph](#) of a JCB heavy machinery vehicle in connection with this demolition incident.
  - [B'Tselem](#) reports that on 25 August, Israeli forces dismantled and confiscated two tents that were home to a family of ten, including a child, and demolished a shack that was home to a family of 13 (including eight children) in the Palestinian community of Wadi a-Siq, east of Ramallah. The forces also dismantled and confiscated a livestock pen and the fences around it, four shacks used as livestock enclosures, two solar panels and two water containers. The structures belonged to the two families whose homes were demolished and to two other families.
  - [B'Tselem](#) reports that on 25 August, Israeli forces dismantled and confiscated a shack made of tin and metal that was being built to house a family of ten (including eight children) in Ras 'Ein al-'Auja, in Jericho.
  - [B'Tselem](#) reports that on 25 August, Israeli forces demolished two tents that were home to two families (numbering seven people including two children) in Fasayil al-Wusta, in the northern Jordan Valley. Israeli forces also demolished two shacks serving as livestock pens, two tents used as kitchens, one tent used as a toilet and two storage tents.
  - [B'Tselem](#) reports that on 2 September, in the area of Wadi al-A'war (by the community of Birin, northeast of Yatta) Israeli forces demolished a room used by farmers from the community.
  - A further demolitions and displacement incident reported by B'Tselem on 2 September 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.

To clearly illustrate that these demolition and displacement incidents are part of an ongoing policy and practice, please see our previous bulletins for the periods [1 July- 4 August 2020](#), [4 June- 30 June 2020](#), 1 May- 3 June 2020; [1 March- 30 April 2020](#); [1 January-29 February 2020](#) and [1 December-31 December 2019 \(including an overview of 2019\)](#).

### **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 protected persons 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 this reporting period 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 plainly calls into question whether the above-mentioned demolitions in this Bulletin, including those of residential, livelihood, agricultural and water, hygiene and sanitation structures, could amount to an absolutely necessary military measure. As such, the demolitions clearly 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 water, hygiene and sanitation 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 the commission of war crimes. 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 reporting period of this Bulletin 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 be investigated by the Office of the Prosecutor of the ICC if it [opens an investigation into the situation in Palestine](#).

International human rights law is also engaged by the purposeful acts of demolitions and displacement grossly affecting Palestinian residents and communities in the occupied West Bank, including East Jerusalem. 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 or seizures of residential structures and consequential displacement of Palestinian civilians, including 96 children, constitute a violation of these obligations under international human rights law.

In the context of the COVID-19 pandemic, it is necessary to be aware that 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 25 inhabited residential structures and five water, sanitation and hygiene structures at a time when social distancing, self-isolation and facilities for frequent handwashing are needed to control the spread of the pandemic, 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 2 September 2020, a JCB heavy machinery vehicle and a Volvo heavy machinery vehicle were [documented](#) being involved in the demolition of seven structures, including two family homes, in Khirbet Jenbah, a community in Masafer Yatta in the South Hebron Hills. A JCB vehicle is present in the edited video at the site of the demolition which predominantly shows a Volvo vehicle being used to demolish a residential structure. The demolition left the families, made up of 12 people including eight children, homeless. The other demolished structures were a livestock pen, electrical equipment and four solar panels. Khirbet Jenbah is not hooked up to a water network or power grids. Only 12 of the community's 35 families have electricity, using solar panels from Palestinian aid organizations.



- As mentioned above, the B'Tselem website shows a [photograph](#) of a JCB heavy machinery vehicle in connection with a demolition incident on 11 August where Israeli forces demolished a tent that served as a livestock pen in the community of Maghayir al-'Abid. It is possible that the photographed JCB heavy machinery vehicle was used in the other two documented incidents of 11 August, as the [B'Tselem reporting](#) indicates that the three incidents were sequenced in time.

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.

LPHR is currently awaiting an Initial Assessment decision from the UK National Contact Point on our comprehensive evidence-based human rights complaint.