



## DEMOLITIONS AND DISPLACEMENT BULLETIN

(For the period covering 3 September- 19 October 2020)

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

- Data collected by the UN records that between 3 September- 19 October 2020, 115 people, including 54 children were displaced by the demolition or seizure of 75 structures
- Israeli authorities demolished or seized 29 residential structures, 22 of which were inhabited. An illustrative example is on 30 September 2020 in the community of She'bal-Batem in the Masafer Yatta area of the South Hebron Hills, Israeli forces demolished two tin-roofed cinder block structures that were home to two families, comprising 14 people. The demolition left 10 children, one of them with a physical disability, homeless.
- During the ongoing COVID-19 crisis, Israeli authorities demolished or seized 13 water, hygiene and sanitation structures
- JCB heavy machinery vehicles are documented by [video](#) being involved in at least two separate demolition incidents, dated 30 September and 19 October, by the Israeli human rights organisation, B'Tselem
- Twice in September, Israeli authorities dismantled the ceiling of Ras al-Tin school and confiscated its chairs and classroom tables. The school is now subject to imminent demolition. LPHR has submitted an urgent action letter to the UK government [here](#).
- 52 schools in Area C of the West Bank and East Jerusalem face pending demolition or stop work orders (as of end of September)
- In three separate rulings issued in September, Israeli courts ordered the eviction of 12 Palestinian families from their homes in the Silwan and Sheikh Jarrah neighbourhoods in occupied East Jerusalem, and the handover of the properties to Israeli settler organisations

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 creation of a “[coercive environment](#)” on the one hand, and Israel's relentless pursuance of a [settlement/annexation policy](#) in the occupied West Bank, including [East Jerusalem](#), on the other hand. 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 a material update on LPHR's evidence-based human rights complaint against the UK company, JCB, under the OECD Guidelines for Multinational Enterprises, for involvement in demolitions/displacement and settlement-related construction.

### **Demolitions and Displacement during the reporting period**

[UN OCHA](#) records that between 3 September- 19 October 2020, Israeli authorities demolished or seized 75 Palestinian-owned structures (19 of them donor-funded), displacing 115 people, including 54 children, and otherwise affecting the livelihoods or access to services of 286 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- 19 October 2020, according to data collected by [UN OCHA](#), 562 Palestinian structures (96 of them donor-funded) have been demolished or seized by Israeli authorities, displacing 744 people (including 384 children) and otherwise affecting 2703 people. [UN OCHA](#) reports that between the declaration of the COVID-19 emergency on 5 March 2020 and the end of September 2020, 461 Palestinian owned structures were targeted due to a lack of building permits, displacing 572 people, marking a 31% increase in both demolitions and displacements compared with the equivalent period in 2019.**

During the COVID-19 emergency, Israeli authorities have continued to target water, sanitation and hygiene structures, demolishing such 13 structures between 3 September-19 October 2020 (**bringing the total number of demolished water, sanitation and hygiene structures since the start of the year to 45**). The demolition of livelihood and agricultural structures also continued, with 13 livelihood and 17 agricultural structures demolished or seized during the reporting period.

**29 residential structures, 22 of them inhabited, were demolished or seized between 3 September- 19 October 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. On 1 October 2020, in response to legal action taken by a human rights organization, the Israeli authorities indicated that they would freeze the demolition of inhabited homes in East Jerusalem during the pandemic. However, in the absence of a complementary freeze on the accumulation of fines for Palestinians who do not self-demolish their homes when issued with a demolition order, self-demolitions are likely to continue.

Incidents of demolitions, seizures and displacement include:

- [B'Tselem](#) reports that on two occasions during in September, Israeli forces targeted a school in the Palestinian community of Ras al-Tin, east of Ramallah. On 3 September, Israeli forces confiscated ten tin panels, four cinder block pallets, 30 classroom chairs and 12 tables. On 10 September, Israeli forces confiscated tin panels from the school's roof, as well as 30 chairs and 12 classroom tables, leaving students without shade from the sun or chairs to sit on. The school had previously been targeted on 31 August. [UN OCHA](#) reports that the school serves 50 children, who, before the school began operating on 6 September 2020, had to walk five kilometres to reach the nearest school. The entire building is expected to be demolished soon, following a decision by an Israeli court. According to the [Norwegian Refugee Council](#), the European Union, several of its member states and the United Kingdom provided humanitarian funding for the construction of the school. LPHR's urgent action letter to the UK government urging its intervention in regard to the imminent demolition of Ras-al-Tin school is [here](#).
- [UN OCHA](#) reports that as of the end of September, 52 schools in Area C and East Jerusalem face pending demolition or stop-work orders.
- [UN OCHA](#) reports that in East Jerusalem, in three separate rulings issued in September, Israeli courts ordered the eviction of 12 Palestinian families from their homes in the Silwan and Sheikh Jarrah neighborhoods, and the handover of the properties to Israeli settler organizations. Over 200 families in East Jerusalem are at risk of eviction due to similar court cases filed against them.
- [B'Tselem](#) reports that on 15 September, in the community of Khirbet Izbik in the northern Jordan Valley, Israeli forces forced a Palestinian man to dismantle a tent he

had set up for agricultural uses. Israeli forces also confiscated a car belonging to a Palestinian man and a digger belonging to another.

- [B'Tselem](#) reports that on 21 September, in Khirbet Yarza, Israeli forces confiscated a water container.
- [B'Tselem](#) reports that on 22 September, in the village of Zif, northeast of the town of Yatta in Hebron District, Israeli forces confiscated two trucks, a bulldozer and a digger.
- [B'Tselem](#) reports that on 23 September in the community of Khalet Taha, northwest of Dura in Hebron District, Israeli forces demolished a large water reservoir, a well under construction and a power grid that stretched over 600 metres. They also dismantled and confiscated a tent used by three Palestinian families to guard against settlers entering their land and razed land intended for building another water reservoir and a cattle pen.
- [B'Tselem](#) reports that on 24 September, a resident of Nab' al-Ghazal , a community in the al-Farisiyah area, found an expropriation order and maps at the entrance to the community, apparently placed there by Civil Administration officials. According to the order, 1,600 square metres of land within the community that belong to a resident of Tubas will be expropriated due to the expansion of Israeli water facilities nearby. These facilities provide water only to settlers and the military, and not to Palestinian residents of the area.
- [B'Tselem](#) reports that on 27 September in Khirbet 'Atuf in the northern Jordan valley, Israeli forces confiscated a van and portable welding machine which was being used to upgrade the community's water network on behalf of the Palestinian Agricultural Relief Committees.
- [B'Tselem](#) reports that on 29 September, in the community of Khirbet Yarza in the northern Jordan Valley, Israeli forces demolished the homes of two families, numbering 10 people in total, including six children. The forces also delivered one of the families a demolition order for a tent used for storage. Additionally, the forces confiscated the vehicles of a Palestinian TV crew documenting the demolition.
- [B'Tselem](#) reports that on 29 September in the community of Khirbet Jib'it in Ramallah, Israeli forces demolished two cisterns and confiscated two water containers belonging to an extended family from the community.



- [B'Tselem](#) reports that on 29 September, in Khirbet 'Atuf in the northern Jordan Valley, Israeli forces confiscated a Palestinian man's car, on the grounds that he was in a 'closed military zone'.
- [B'Tselem](#) reports that on 29 September, at around 21:00, Israeli forces (30 soldiers on foot and others in two military vehicles) entered the community of al-'Aqabah in the northern Jordan Valley. The soldiers trained in the village until midnight, some moving among the houses and others firing tank shells in the vicinity. Such incidents contribute to a coercive environment, putting pressure of Palestinian communities to leave their villages.
- [B'Tselem](#) reports that on 30 September 2020 in the community of She'b al-Batem in the Masafer Yatta area of the South Hebron Hills, Israeli forces demolished two tin-roofed cinder block structures that were home to two families, comprising 14 people. The demolition left 10 children, one of them with a physical disability, homeless. Masafer Yatta has been declared a closed area or 'firing zone' for Israeli military training. [UN OCHA](#) reports that the Israeli authorities have been seeking for years to evict the 1,400 Palestinians residing in 14 herding communities in this area.
- [B'Tselem](#) reports that on 30 September, in the community of Tal a-Smadi, northwest of the village of al-Jiftlik in the Jordan Valley, Israeli forces demolished a shack that was home to a husband and wife.
- [B'Tselem](#) reports that on 30 September in the area of Fasayil al-Wusta in the northern Jordan Valley, Israeli forces destroyed the sheeting and frames of four tents. The tents were donated by humanitarian aid organisations and meant to house two families whose homes had been demolished in August. The families number seven people in total, including two children.
- [B'Tselem](#) reports that on 15 October in the community of Khirbet Tal al-Himma in the Jordan Valley, Israeli forces confiscated a bulldozer and a truck owned by a contractor from Nablus, which were being used to carry out work for one of the community's families, without delivering a confiscation order.

- [UN OCHA](#) reports that in Gaza on 18 October, Israeli forces bulldozed land at around 400 metres from the perimeter fence, destroying several dunums of crops and irrigation systems. According to Israeli sources, the operations were aimed at destroying tunnels dug by Palestinian armed groups for military purposes.
- [B'Tselem](#) reports that on 19 October in the farming and shepherding community of Khamat Khader in the area of al-Farisiyah in the northern Jordan Valley, Israeli forces demolished a tin-roofed cinderblock structure that was home to a family of three, including one child. The forces also confiscated the family's generator and car. Additionally, Israeli forces demolished a water reservoir used for the community's livestock. The area of al-Farisiyah has been designated as a 'firing zone' by the Israeli military.
- [B'Tselem](#) reports that on 19 October in Khirbet a-Rakeez in the Masafer Yatta area of the South Hebron Hills, Israeli forces confiscated a tent that housed a family of five, including three children. The tent was donated to the family by the a-Tuwani village council after the family's home was demolished on 30 September 2020.
- [B'Tselem](#) reports that on 19 October, in an area located between Khirbet Khilet a-Dabe' and Khirbet al-Mufaqqarah, Israeli forces cut a 2.5-kilometre stretch of piping used to supply water to Masafer Yatta communities.
- According to [UN OCHA](#), attacks by Israeli settlers and people believed to be Israeli settlers during the reporting period resulted in the burning of over 1,000 olive trees and 40 beehives, the cutting of electricity poles and cables providing power to agricultural rooms, and the bulldozing of 445 fruit trees and an agricultural structure. The ongoing and extensive destruction of Palestinian property by Israeli settlers contributes to a coercive environment.
- Two further demolitions and displacement incidents reported by [B'Tselem](#) on 30 September and 19 October 2020 are 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 [5 August-2 September 2020](#), [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 and confiscations in this Bulletin, including those of residential, livelihood, educational, 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 54 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 22 inhabited residential structures and 13 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:

- [B'Tselem](#) reports that on 30 September in the community of Khirbet a-Rakeez, Israeli forces demolished four donor funded tin-roofed cinder block structures that were home to four families numbering 17 people in total, including 10 children and a woman with special needs. A JCB heavy machinery vehicle and a Volvo heavy machinery vehicle appear in an edited [video](#), published by B'Tselem, documenting the demolition incident. The homes were built with funding from the West Bank Protection Consortium, which is part-funded by EU states and the Directorate-General for European Civil Protection and Humanitarian Aid Operations.

- [B'Tselem](#) reports that on 19 October, Israeli forces in the community of Khirbet al-Fakhit and demolished a tin-roofed cinderblock structure that housed a family of four, including one child. The home was built with international humanitarian aid. Before the forces left, they destroyed a livestock pen and a storage tent owned by the same family. A JCB heavy machinery vehicle appears in two [photographs](#) of the incident, published by B'Tselem. Additionally, a Volvo heavy machinery vehicle and a JCB heavy machinery vehicle appear in an edited [video](#) published by B'Tselem, documenting the demolition incident.

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.

The UK National Contact Point's [Initial Assessment decision](#) on our complaint was published on 12 October 2020. It accepts that key aspects of our complaint are material and substantiated. JCB's actions and policies in relation to three key human rights standards under the government-backed OECD Guidelines for Multinational Enterprises will now be subject to mediation or a full investigation:

- Seek ways to prevent or mitigate adverse human rights impacts directly linked to its business operations and products by a business relationship (Chapter 4, Paragraph 3)
- Have a policy commitment to respect human rights (Chapter 4, Paragraph 4)
- Carry out human rights due diligence (Chapter 4, Paragraph 5)

In the possible absence or failure of mediation, the UK National Contact Point will carry out a full investigation and make a final determination on JCB's apparent breach of the above corporate human rights responsibilities under the OECD Guidelines. LPHR's full public statement on the publication of the UK National Contact Point's Initial Assessment can be read [here](#).