



**Lawyers for Palestinian Human Rights' briefing:  
Coerced self-demolitions**

**March 2022**



## **About Lawyers for Palestinian Human Rights (LPHR)**

LPHR is a lawyer-based charity in the UK that works on projects to protect and promote Palestinian human rights. We distinctly provide a legal and human rights perspective on issues affecting Palestinians. Our trustees include leading human rights lawyers, Sir Geoffrey Bindman QC, Fiona McKay, Tessa Gregory and Nusrat Uddin.

### **Authors of this LPHR briefing:**

**Natalie Sedacca** is a member of the executive committee of LPHR. She is a Lecturer in Law at the University of Exeter with research specialism in labour law and human rights; formerly Teaching Fellow at University College London (UCL) and Queen Mary University of London. She holds an an LLM in Transnational Law (Distinction) from King's College London and a PhD from UCL. Before entering academia, she spent nine years in legal practice, including seven as a qualified solicitor, specialising in claims against the police and public authorities.

**Tareq Shourou** is the executive director of LPHR. Before becoming LPHR's first director in 2013, he worked as a human rights solicitor in London representing asylum claimants, unaccompanied children and survivors of human trafficking, and led the public legal advice service of the human rights organisation, Liberty. He holds an LLM in Public International Law from King's College London.

### **Contact:**

Tareq Shourou  
Director of LPHR  
Email: [contact@lphr.org.uk](mailto:contact@lphr.org.uk)



## Introduction

1. On 3 January 2022, the [Dabash Palestinian](#) family in the Sur Baher village on the south-eastern outskirts of occupied East Jerusalem reportedly completed the demolition of their home, constructed six years earlier, which had provided shelter to eleven family members, including seven children. Three weeks previously, having already paid 25,000 Shekels (around £5,000) in fines and fees, the City Council handed them a demolition order after a number of unsuccessful appeals. The family were told they must demolish their home or pay higher fines and fees in addition to the city's demolition costs for using its workers and equipment.
2. Ali Dabash [said](#): “For many years, we have been filing permit applications and paying fees, however, for us, the Palestinians in Jerusalem, having a construction permit approved is like a miracle. While the world welcomed the new year with celebrations, we welcome it as a houseless family.”
3. On 31 January, Palestinian brothers [Mahmoud and Daroud Shqeirat and their families](#) were forced to carry out a demolition of their homes in Jabal al-Mukabber, occupied East Jerusalem. This left 13 people, including five children, homeless, initially staying in a tent provided by the International Committee of the Red Cross before looking for a rental home. Having first received a demolition order three years ago and trying unsuccessfully to challenge it in the Israeli courts, they have paid more than 50,000 shekels (over £10,000) in fines to the Jerusalem municipality.
4. Far from being isolated incidents, these are recent examples of an intensifying pattern of Palestinians in East Jerusalem being effectively forced to demolish their own home on pain of imminent crippling financial sanctions.
5. As this briefing outlines, a notable surge in coerced “self-demolitions” in the last couple of years appears to be driven by a legislative amendment passed by the Israeli parliament in 2017, which has placed increased powers in the hands of executive bodies to order home demolitions in Israel and occupied East Jerusalem with less judicial oversight. The stark existence of coerced self-demolitions exemplifies the potential for parliamentarians to use their law-making powers for unjust ends.
6. The discriminatory impact of this law on Palestinians living in East Jerusalem is increasingly evident given the prolific rise in self-demolitions being carried out by Palestinians under



law-backed coercion. This cruel and humiliating phenomenon is a relatively new addition to the [coercive environment](#) already in effect in East Jerusalem, which places Palestinians at [serious risk of forcible transfer](#) in breach of international humanitarian and human rights law.

7. Despite the coronavirus pandemic, the overall rate of demolitions and displacement in 2020 across the occupied West Bank, including East Jerusalem, reached a [four-year high](#). The increase in coerced self-demolitions in occupied East Jerusalem is both an aspect of the broader context of continued land appropriation and dispossession of Palestinians, and a [particular feature](#) of occupied East Jerusalem.

#### **Marked surge in coerced self-demolitions**

8. The prevalence of coerced self-demolitions in East Jerusalem has been increasing in recent years. Between 2004 and 2018, Al-Haq reports that self-demolitions [amounted to](#) around 15% of total home demolitions (14 out of 98) in Silwan, occupied East Jerusalem. Compared with 42 such incidents reported by B'Tselem in East Jerusalem in [2019](#) (16% of a total of 265 demolitions), there were a marked increase of 78 coerced self-demolitions in East Jerusalem reported by UN OCHA (47% of a total of 166) in [2020](#).
9. 2021 saw further intensive use and a marked ratio increase of [forced self-demolitions](#) in East Jerusalem. Of 53 homes demolished [from January to August 2021](#), 72% (38) were carried out by their owners to avoid financial penalties and / or imprisonment, including a building demolished in the Shu'fat neighbourhood of East Jerusalem that displaced four families comprised of 15 people. Among these was a tragic incident on 28 August 2021, [reported](#) by the UN Office for the Coordination of Humanitarian Affairs (**UNOCHA**), in which a 17-year-old Palestinian died after a concrete wall fell on him while he was helping his neighbours to demolish their home in Beit Hanina in East Jerusalem, as ordered by the Israeli authorities.
10. Further reported examples from late 2021 include [Aziz Oweisa](#)'s demolition of his house in the East Jerusalem neighbourhood of Jalal al-Mukaber on 9 November (reported by Wafa news agency). Having already been fined 32,000 shekels (around £7,000) by occupation authorities, he faced paying further extortionate fines if the Israel municipality carried out the demolition. Just over a week later, on 17 November, the [Burqan family](#) were forced to demolish their own home in the Ras al-Amoud neighbourhood of Silwan, where Palestinian families are [facing mass eviction and forcible transfer](#) as a result of pressure and legal actions by Israeli settlers. The latest UNOCHA demolitions and displacement report covering



[November to December 2021](#) finds that the proportion of buildings demolished by their owners in East Jerusalem reached 55 per cent.

11. Coerced self-demolitions have also impacted 35 Bedouin villages in the Negev desert, which Israel refuses to recognise, leaving residents unable to apply for building permits. 2013 to 2018 saw 7,298 demolitions in these Palestinian communities, of which a clear majority – 6,100 – were coerced self-demolitions. The year 2019 saw a further 2,241 demolitions, including [1,969 self-demolitions](#). The Negev Coexistence Forum has analysed these demolitions as intended to ‘place constant pressure on civilians in order to force them to move from the unrecognized villages to the townships and villages that have been recognized by the State.’

#### **Context and factors driving an increase in coerced self-demolitions**

12. Since the unlawful annexation of East Jerusalem in 1967, Israel has imposed its land laws and regime to the territory, along with additional amendments affecting the rights of Palestinians to land and housing in East Jerusalem.<sup>1</sup> For example, the Absentees’ Property Law of 1950, which regulates control of the properties of Palestinians who fled or were expelled from their homes after 1947, has been gradually applied since the annexation. In East Jerusalem, the law is applied to Palestinian properties – including those whose owners are in the West Bank – but not to the property of Jewish Israelis.
13. The process of dispossession is accelerated by the role of settler organisations in [passing information](#) about unlicensed buildings to local authorities. In 2020, the Israeli NGO Peace Now [reported](#) that the Ateret Cohanim settlers group had filed lawsuits against 84 Palestinian families in the Batan al-Hawa, East Silwan. For further background, see LPHR’s 2018 [briefing](#) on Palestinian residents of occupied East Jerusalem at risk of forcible transfer.
14. Palestinians in East Jerusalem are subject to [restrictive and discriminatory](#) planning and zoning policies that make planning permits almost impossible to obtain. [Only 13 per cent](#) of East Jerusalem is zoned for Palestinian construction, with 35 per cent allocated to illegal Israeli settlements.
15. Between 1991 and 2018, Israeli authorities approved 9,536 building permit applications for Palestinians in East Jerusalem, compared with 21,834 for settlements in East Jerusalem –

---

<sup>1</sup> For detailed background, see Amnesty International’s 2022 report ‘Israel’s Apartheid against Palestinians’ at p114-162 .



meaning only 16.5% of permits were given to Palestinians, who make up 38% of the population of East Jerusalem, according to [Peace Now](#).

16. In 2018 the Israeli Government issued a [resolution](#) aimed at narrowing economic and developmental gaps, which could potentially have allowed some Palestinians to secure legal ownership of their land. However, a [subsequent report](#) by Israeli organisation Ir Amin highlighted the use of this mechanism to benefit Jewish Israeli owners, including in one case to put around 45 Palestinian residents in Sheikh Jarrah, East Jerusalem at risk of eviction.
17. The situation that has been purposefully created through discriminatory laws and policies is a major obstacle to Palestinian development and leaves many Palestinian residents in densely populated areas. At least a third of Palestinian homes in East Jerusalem [lack](#) the relevant planning permit, which potentially leaves over 100,000 residents at risk of displacement that could amount to forcible transfer (see legal section below) .
18. Despite the great difficulty Palestinians face in obtaining the necessary permission, building without a valid planning permit carries significant penalties, which are a key factor fuelling coerced self-demolitions. The Planning and Building Law of 1965 ([5725-1965](#)) provides for the demolition, dismantling or removal of buildings or developments constructed without a permit, and for its owners to be liable for the cost of the demolition and for a fine and / or imprisonment.<sup>2</sup> Appeals in these cases are difficult for Palestinians to win, and where brought unsuccessfully will [increase the costs](#) they are liable to pay. As a result, individuals are forced to demolish their own homes on pain of crippling fines and / or imprisonment.
19. A 2017 amendment to the Planning and Building Law, Amendment 116, known as ‘the Kaminitz Law,’ has heightened the discriminatory impact of building laws on Palestinian communities in East Jerusalem and therefore [appears to be a driver](#) of increased coerced self-demolitions in recent years. The amendment was intended to increase the ‘enforcement and penalization of planning and building offenses’ for construction without permits in Israel and East Jerusalem.
20. An announcement in 2019 by then Israeli justice Minister Ayelet Shaked [stated](#) that the goal of the Kaminitz amendment ‘was to toughen the enforcement over illegal construction mainly in the Arab sector,’ before voicing concerns about its use against ‘Jewish farmers as well.’ This suggests a discriminatory intent from the outset. Even had the amendment been

---

2 See Amnesty International Report on ‘Israel’s Apartheid regime against Palestinians,’ p147-149.



intended to be neutral, the amendment [fails to account](#) for longstanding discrimination in allocation of permits and the severe housing shortage this has generated for Palestinians.

21. The Kaminitz amendment increases the severity of the planning regime by expanding the state's powers to implement demolition and eviction orders with less judicial oversight, concentrating more enforcement powers into an executive body, increasing the size and frequency of use of financial penalties, and increasing prison terms for building without a permit to three years. The new coalition Israeli government formed in June 2021 [reportedly](#) included a promise to freeze the Kaminitz Law for two years as a concession for the inclusion of the United Arab List/Raam party leader, Mansour Abbas, but there appears to have been no concrete action to follow this through.
22. The Kaminitz amendment clearly appears to be behind the empirical increase in coerced self-demolitions in the last few years. It can therefore be understood as a new legislative means to perpetuate the coercive environment for Palestinian communities in East Jerusalem.

### **International humanitarian and human rights law implications**

23. Palestinian civilians in East Jerusalem and the remainder of the occupied Palestinian territory under Israel military rule are entitled to legal protections under both international humanitarian law and international human rights law.
24. Article 46 of the Hague Regulations, relevant to East Jerusalem as occupied territory, requires that private property must be respected and cannot be confiscated. Article 53 of the Fourth Geneva Convention of the Fourth Geneva Convention prohibits any destruction of real or personal property belonging to private persons, except where rendered absolutely necessary due to military operations. In the case of self-demolitions, the destruction of property is achieved indirectly by coercing Palestinians to carry out demolitions. This is not related to military necessity but to the imposition of a permit system that discriminates against Palestinians. Extensive destruction and appropriation of property, where not justified by military necessity and carried out unlawfully and wantonly, is classified as a grave breach of the Fourth Geneva Convention (Article 147) and amounts to a war crime under Article 8(2)(a)(iv) of the Rome Statute of the International Criminal Court.
25. The large scale use of demolitions, including coerced self-demolitions, together with the discriminatory planning regime, are part of a ['coercive environment'](#) that pressures many Palestinians to leave certain areas and creates a risk of forcible transfer. Compelling owners



to demolish their own homes reduces the cost to the Israeli state and tends to decrease international pressure that is often associated with demolitions. Yet far from making the impact on the affected Palestinian residents less severe, it has been [found](#) to increase the humiliation and distress they experience.

26. Under the Fourth Geneva Convention and Rome Statute, forcible transfer of civilians under occupation constitutes a war crime. The Rome Statute also classifies forcible transfer as a crime against humanity, when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack.
27. The situation also has serious implications for the human rights of Palestinians in East Jerusalem. Article 11(1) of the International Covenant of Economic, Social and Cultural Rights, ratified by Israel in 1991, requires States Parties to take adequate steps to ensure the realisation of the right to an adequate standard of living, including housing. The UN Committee on Economic, Social and Cultural Rights has [indicated](#) that this right should not be interpreted narrowly but must entail ‘the right to live somewhere in security, peace and dignity.’<sup>3</sup> Further, the requirement of adequate housing includes ‘a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats.’<sup>4</sup> Incidents of forced eviction are prima facie contrary to the Covenant and can only be justified in exceptional circumstances and in accordance with international law.<sup>5</sup>
28. The Committee has subsequently [stated](#) that the term ‘forced eviction’ refers to ‘the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection.’<sup>6</sup> Where evictions take place, they should not result in individuals being rendered homeless or vulnerable to the violation of other human rights, and the State party must take all appropriate measures to ensure the availability of alternative housing, resettlement or access to productive land.<sup>7</sup> These requirements are in sharp contrast to the coercive environment and discriminatory planning system that provides the backdrop to self-demolitions.
29. Demolitions, including coerced self-demolitions, have a hugely detrimental impact on the rights of children. [Research](#) by Save the Children on the impact of Israel’s home demolition

---

<sup>3</sup> CESCR General Comment No 4: The Right to Adequate Housing, para 7.

<sup>4</sup> *ibid* para 8(a).

<sup>5</sup> *ibid* para 18.

<sup>6</sup> CESCR General Comment No 7: The Right to Adequate housing, para 3.

<sup>7</sup> *ibid* para 16.



policies showed that the dispossession and displacement resulting from the loss of a home leave children feeling distressed and insecure, isolated from their friends and communities, and feeling that their education has been negatively impacted. The UN Convention on the Rights of the Child requires state parties to recognise the right of every child to an adequate standard of living (Article 27) and to education, including taking measures to encourage regular attendance at school (Article 28) as well as providing that children shall not be subjected to arbitrary or unlawful interference with their home (Article 16(1)).

## Conclusion

30. The marked surge of the deeply concerning large scale phenomenon of coerced self-demolitions, alongside other evictions and demolitions, underscores the urgent need for, i) a review of planning laws and policies to ensure compliance with international human rights and humanitarian law, ii) a halt to discriminatory policies and practices, iii) action to ensure the essential needs of Palestinians in East Jerusalem are met, and, iv) a halt to and reversal of settlement development. Communications from the UK consulate in Jerusalem (e.g. a tweet from @UkinJerusalem on 13 January 2022) have correctly identified threats of eviction and home demolition in Sheikh Jarrah, East Jerusalem, as illegal. The UK government and the international community must extend the same concern and condemnation to all demolitions, including self-demolitions carried out by owners under coercion because of a discriminatory planning system, unjust laws and draconian enforcement mechanisms, which further the dispossession of Palestinians.

**Natalie Sedacca, Tareq Shrourou**