



## AL-MEZAN CENTER FOR HUMAN RIGHTS

### Habitat International Coalition Housing and Land Rights Network



#### **“Israel’s Violations of Palestinian Civilians’ Right to Adequate Housing”**

**HABITAT INTERNATIONAL COALITION** and its member **AL MEZAN CENTER FOR HUMAN RIGHTS (GAZA)**

United Nations Commission on Human Rights, 59<sup>th</sup> Session (2003)

Item 8, Israeli Human Rights Violations in the Occupied Arab Territories, including Palestine

*This report summarizes gross and systematic violations by Israeli Occupation Forces (IOF) of Palestinian civilians’ right to adequate housing in the Occupied Palestinian Territory (OPT). Notably, the treaties violated include the International Covenant on Economic, Social and Cultural Rights (1966), which Israel ratified in 1991, and the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949) and The Hague Regulations (1907).*

The State of Israel, through its Military Government (MGol), has aggressively escalated its violations of Palestinians’ human right to housing and land in the OPT since 1967, even more since the signing of the Oslo-era Declaration of Principles, since the beginning of the current *Intifada*, and most dramatically in the past few months. The violations of the right to adequate housing constitute only part of Israel’s collective illegal punishment procedures; however, these violations are of such a grand scale as effectively to prevent the Palestinian people’s exercise of its fundamental and inalienable right to self-determination.

In March 2002, IOF seized control of most of the territory that was under Palestinian National Authority control. The terms of the Oslo Agreements and subsequent processes retained these as besieged areas under Israel’s effective control over goods and persons entering and leaving, and subject to military conquest. This report concentrates on that aspect of military activity and Jewish-settler crime against the Palestinian civilian population’s homes and properties during the period since the 58<sup>th</sup> session of the Commission on Human Rights.

The IOF have exercised no precautions to respect and protect civilian life and property. Since 2000, they have destroyed and damaged thousands of homes. Of the 5,440 Palestinian structures that the IOF destroyed before 2002, fully 4,994 were family homes.<sup>1</sup> Since the 58<sup>th</sup> Commission on Human Rights session, the IOF destroyed well over 1,275 Palestinian homes. UNRWA has reported that, in March–November 2002, the IOF destroyed 304 refugee homes in the West Bank, notwithstanding the 438–600 refugee housing units that they destroyed in their assault on Jenin (April 2002). In 2002, the IOF also demolished some 99 Palestinian homes in occupied Jerusalem, which area represents a microcosm of the whole of IOF crimes.

Land confiscation and bulldozing productive Palestinian agricultural land are also organic to the IOF deprivation strategy. Local monitors report that IOF and settlers have ruined 16,000 *dunums*<sup>2</sup> in the Gaza Strip alone. The land area in the West Bank confiscated for Jewish settler colonies alone has reached 41.9% of the entire West Bank<sup>3</sup>; in the Gaza Strip, Israeli land theft has taken roughly one-third. Israeli occupation has left 95% of Gaza’s few forested areas denuded.<sup>4</sup>

<sup>1</sup> “Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Mr. Miloon Kothari (Addendum): Visit to the occupied Palestinian territories,” E/CN.4/2003/5/Add.1, 12 June 2002, para. 26 and table page 9.

<sup>2</sup> A *dunum* equals 1,000m<sup>2</sup>.

<sup>3</sup> B’Tselem, *Land Grab: Israel’s Settlement Policy in the West Bank* (Jerusalem: B’Tselem, May 2002); see Table 9, p. 99. This is in addition to some 30% of West Bank land that the IOF have confiscated and closed for other purposes.

<sup>4</sup> The 42 thousand *dunums* in 1971 were reduced to 2 thousand already by 1999. See [www.arji.org](http://www.arji.org).

Many local violations are well detailed and documented; however, reliable comprehensive data on the destruction and confiscation remain elusive. The following typology illustrates the main features of Israel's ongoing campaign to destroy the Palestinian people's habitat and to possess their land and natural resources.

### ***Systematic violation of the human right to adequate housing:***

1. Israel's violations of the right to adequate housing have proved to be constant, deliberate and systematic. The civilian population in the OPT witnessed Israeli forces' **frequent shelling of civilian houses with heavy machine guns, tank shells and antitank missiles**. Homes located near borders, Jewish settler colonies and IOF military posts have been attacked most frequently.
2. Israel has launched **hundreds of air strikes** on Palestinian National Authority (PNA) security and civil police posts, despite humanitarian law prohibitions against targeting such civil institutions. Owing to their civilian function, many of these posts, particularly civil police stations, are naturally located in residential areas. In some cases, Israeli forces have shelled homes directly, far from any conceivable military target. This gratuitous destruction cannot be dismissed as "collateral damage," nor attributed to unfamiliarity with the areas, as Israel meticulously has controlled, surveyed, mapped and patrolled the OPT over its 35 years occupation.
3. **Destruction of homes with explosives:** On 7 December 2000, only ten days after the *Intifada* started, IOF detonated explosives destroying two apartment buildings south of Gaza City, containing forty apartments. Similar procedures have been continuous since then. Israel has escalated the destruction of Palestinians homes with explosives since early September 2002, following the Israeli cabinet's approval of a policy decision to destroy the homes of Palestinians who are accused or suspected of involvement in armed resistance against Israel's occupation.
4. **Bombardment of homes with aircraft:** IOF have deliberately attacked homes with airplanes on at least two occasions. On 14 July 2002, an Israeli F-16 bombarded a residential building in the southern Gaza town of Khan Yunis. Worse, eight days later, an Israeli airplane fighter dropped a 2000-pound bomb on Qarqash neighbourhood, in al-Daraj area of Gaza City. Israel announced that the target was a "wanted leader" in his home. However, this night-time Israeli attack killed 16 people, nine of them children, inside their homes. Additionally, the attack damaged 87 area homes, eleven of which were completely destroyed.
5. **Bulldozing homes:** Israeli forces have destroyed the majority of Palestinian homes in the Gaza Strip by bulldozer. Frequently, IOF tanks and bulldozers have launched incursions inside the PNA-controlled territories, usually under combat helicopter cover, and bulldozed homes. These operations are always accompanied by intensive firing, preventing the victims from salvaging their belongings. In most cases, the IOF do not issue warnings to affected Palestinian civilians in advance of the bulldozing demolitions.
6. **Military siege, isolating residential areas:** IOF imposed a comprehensive military siege of the OPT on 9 October 2000. In certain areas, especially al-Muwasi, in Gaza's south, and al-Syafa, in the north, the siege has isolated these areas fully. Only local residents are allowed in and out at the IOF's discretion. Construction materials are not allowed to enter, nor are medical personnel. Hundreds of families have been displaced as a result, and such population transfer appears to be the objective of IOF operations, extinguishing all aspects of normal life for indigenous Palestinians living near Israeli settler colonies.

### ***Reasons behind Israel's Destruction of Palestinians' Homes***

7. **Expansion of existing settlements:** Since 1967, IOF has confiscated more than 50% of the area of the West Bank and the Gaza Strip for use by Jewish settler colonies. Most of the home demolitions take place near these settler colonies and their "bypass roads." Israel has annexed land in Bait Lahiya, Dayr al-Balah, Rafah and Khan Yunis (Gaza Strip) after demolishing Palestinians homes near settler colonies and bypass roads.

8. **Carving out “security zones”:** IOF has destroyed hundreds of Palestinian homes to create security zones separating settlements, bypass roads and borders from Palestinian residential areas. This is clear in the south of the Gaza Strip, where hundreds of homes were destroyed and their owners denied access to them.
9. **Denial of access to residential areas and facilities:** IOF deny Palestinian civilians’ access to their residential areas in several areas in the Gaza Strip. This halts the movement of individuals and goods. In many areas, the IOF impose restrictions on students’ movement to schools and universities and impedes the movement of medical personnel and civilians in need of access to medical facilities.
10. **Discrimination in housing:** Apart from other IOF purposes, around 350,000 Jewish settlers have colonized more than 50% of the total OPT land. The 3.2 million indigenous Palestinians are restricted to the rest of the land. Israel subsidises, arms, protects and encourages Jewish settlers to engage in this violation, recognized under international humanitarian and penal norms as a war crime. The Gol budget has allotted NIS 2 billion for OPT settlements in 2002, in addition to the undisclosed expenditure of parastatal institutions (World Zionist Organization/Jewish Agency, Jewish National Fund, etc. (which operate tax free in many States represented in this Commission). The services, infrastructure, finance, military and “legal” cover that Israel and the MGol provide for the Jewish settler colonies are far superior to anything available to indigenous Palestinians, while IOF destroy and prevent development of Palestinian facilities, especially water, sanitation, environmental protection and land use.
11. **Concentrated destruction of Gaza:** Destruction mounts daily. In Gaza alone, IOF damaged 1,483 homes in 2002, of which 694 were refugee shelters. The total of Palestinian homes damaged there at end 2002 was at least 2,424 homes. The number of completely IOF-destroyed homes in 2002 has totalled 704, leaving 23,122 people homeless, including a majority of children. This preceded the IOF’s destruction of 439 Palestinian homes in North Gaza Governorate since the New Year, representing a sharp 1,140% increase.

**Conclusion:** Israel’s systematically grave breaches of international humanitarian law and gross violations of its human rights treaty obligations in Palestine. In particular, international crimes affecting Palestinians’ individual and collective human right to adequate housing have caused profound grief and loss to thousands of Palestinian civilians, laying waste to all hopes for peace.

Israel is legally bound under the International Covenant on Economic, Social and Cultural Right, *inter alia*, to report on the implementation of its treaty obligations in areas under its control, which it has stubbornly refused to do. The international community, including its fellow treaty parties on this Commission, also bear a responsibility to remedy these violations within the framework of international public law. The effective inaction of the international community instead only has encouraged Israel to continue this pattern of deprivation and senseless destruction. We urge this Commission to call for the enforceable withdrawal of Israel from the OPT and international cooperation to reconstruct Palestine. To do less only perpetuates the conditions of war in the region, and destroys faith in the entire system of international law and legitimacy among the wider public.

**For further information, please consult the following websites:**

<http://www.hic-mena.org> and <http://www.mezan.org>