



# General Assembly

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## Human Rights Council

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Agenda item 7

**Human rights situation in Palestine and other  
occupied Arab territories**

**Joint written statement\* submitted by the International  
Organization for the Elimination of All Forms of Racial  
Discrimination (EAFORD), Arab Organization for Human  
Rights, Indian Movement "Tupaj Amaru", International-  
Lawyers.Org, Union of Arab Jurists, non-governmental  
organizations in special consultative status, International  
Educational Development, Inc., World Peace Council, non-  
governmental organizations on the roster**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[01 September 2016]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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## **Palestine: Israeli Collective Punishment against Palestinians Constitutes a War Crime**

### **Introduction:**

For decades, the occupied Palestinian people have suffered from grave human rights violations due to Israel's oppressive and unjust practices.

Among the unfair acts against the occupied population is the ongoing Israeli policy of collective punishment, through the demolitions of the family houses of those accused or suspected of carrying out attacks against Israelis. This practice results in the total devastation of completely innocent families, who have nothing to do with the alleged attacks.

The latest such demolition took place in Hebron, West Bank, on 30<sup>th</sup> August 2016, raising serious concerns regarding this collective punishment policy against innocent civilians which is a war crime under the provisions of International Law.

### **Facts:**

At the late night of 30 August 2016, Israeli Occupation Forces (IOF) invaded the one-floor family house of the prisoner Mohammad Amira'a (38 years old), accused of assisting a Palestinian attacker, Mohammad Al-Fakih, in the shooting and killing of an Israeli Rabbi, Michael Mark. The forces used explosives to blow up the house, located in Dura village, southern Hebron, leaving the entire family of Amira'a homeless.

The demolition was carried out by a decision released from the Israeli High Court of Justice (HCJ) on 21 August 2016. It is worth to mention that the court refused an appeal raised by the family to prevent executing the demolition.

### **Background:**

Since 1967, Israel has applied a policy that is aimed at demolishing the houses of relatives and neighbours of the Palestinians who carried out or are suspected of carrying out an attack against Israelis. The main purpose of such policy, which is known as "the punitive house demolitions policy", is deterrence. That is to cause harm for families of perpetrators of attacks against Israelis in order to deter others from carrying out similar actions.

With the beginning of the second intifada in September 2000 and until 2005, Israel demolished more than 664 houses as a punishment, leaving about 4,182 Palestinians homeless, including children and women.

In February 2005, an Israeli military committee concluded that this punitive policy is not serving its purpose, that is to deter Palestinians, and that this strategy has become highly questionable regarding its legality. The recommendations of the committee were adopted by the Israeli Minister of Defence, Shaul Mofaz, and the policy was suspended. Except on one occasion that took place in East Jerusalem in 2009, where one house had been blown up and two others were sealed.

In the summer of 2014, the punitive house demolitions policy has been resumed after the mysterious disappearance and death of three Israeli settlers. Later on, Israel convicted Palestinians for their death. In the period between 2014 and July 2016, Israeli Forces have demolished fully or partly sealed 37 Palestinian houses, 16 of these buildings were not even under demolition order but simply were damaged for their proximity to the targeted ones. As a consequence of these demolitions, more than 214 Palestinian civilians remained homeless, among them are 92 minors. Dozens of other Palestinian houses are still under the threat of demolition by Israeli Forces.

The Special Rapporteurs on the occupied Palestinian territory and on the right to adequate housing issued a joint statement on 25 November 2014, referring to the punitive demolition of Shaludi family house in East Jerusalem, calling

on Israel to refrain its punitive demolition of Palestinian homes in response to the alleged acts of violence by Palestinians.

On 19 November 2014, Israeli Forces demolished the family house of Abdel-Rahman Shaludi, accused of killing two Israeli settlers. Abdel-Rahman was shot dead immediately. Yet his family had to face another tragedy. Israeli Occupation Forces have ordered the demolition of their house and the family of seven remained homeless. The consequences of this punishment were devastating on the family members who were thrown into difficult economic situation trying to divide themselves among homes of their relatives<sup>1</sup>.

The UN Special Rapporteur on the situation of human rights in the occupied Palestinian territories, Makrim Wibisono, commented on this incident by indicating that “all acts of violence require a firm response from the Israeli authorities, and those responsible should be tried before a court of law and sentenced for their crimes...but the State cannot go beyond what is sanctioned by international law.”<sup>2</sup>

On her side, Ms. Leilani Farha, the UN Special Rapporteur on adequate housing, added that “the use of house demolition as a punitive measure is a form of collective punishment contrary to international law. Israel must immediately end its use of this devastating practice”<sup>3</sup>.

Regardless of these warnings on the illegality of this policy under International Law, the Israeli authorities continued to use the punitive demolitions against Palestinian civilians. On July 2016, the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) called on Israeli authorities to suspend this policy after IOF demolished two homes in Qalandia Refugee Camp in the West Bank. “Punitive home demolitions are a form of collective punishment which are illegal under international law”, said UNRWA Spokesperson, Chris Gunness. “They inflict distress and suffering on those who have not committed the action which led to the demolition and they often endanger people and property in the vicinity” he added. UNRWA reminded Israel of its obligations under International Humanitarian Law to protect the occupied people and provide services<sup>4</sup>.

#### **The Illegality of the Punitive House Demolition Policy:**

This practice is clearly applied by the Israeli authorities as a “severe message of deterrence to terrorists and their accomplices – that they will pay a price if they continue their terrorist activities and harm innocent people”<sup>5</sup>. That is by demolishing the houses of those who commit or are suspected to commit violent acts against Israelis, causing both physical and psychological harm to purely innocent Palestinian families in a practice of collective penalty. Therefore, this policy constitutes a grave violation of article 50 of The Hague Regulations and article 33 of the Fourth Geneva Convention prohibiting collective punishment, which is a war crime.

Secondly, the destruction of civilian buildings without a military necessity is a breach of article 53 of the Fourth Geneva Convention.

Finally, such process of punitive demolitions is a violation of the right of the occupied population to a fair trial, including the right to appeal, protected in articles 71, 72 and 73 of the Fourth Geneva Convention.

#### **Recommendations:**

In light of the above mentioned violations and background, and taking into account the latest demolitions in Hebron, we, NGOs Signatories to this statement recommend to the United Nations Human Rights Council, its Member States and the relevant UN bodies to:

<sup>1</sup> <http://www.ohchr.org/EN/NewsEvents/Pages/PunitivedemolitionsinOPT.aspx>

<sup>2</sup> <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15340&LangID=E>

<sup>3</sup> <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15340&LangID=E>

<sup>4</sup> <http://www.un.org/apps/news/story.asp?NewsID=54398#.V8bTCvmSwoA>

<sup>5</sup> <http://www.ohchr.org/EN/NewsEvents/Pages/PunitivedemolitionsinOPT.aspx#sthash.TWwArh3X.dpuf>

- Put pressure on the Israeli authorities to suspend its illegal policy against the innocent Palestinian civilians.
- Demand Israeli Authorities to provide compensation for those affected by the Israeli punitive house demolitions policy.
- Call on the Israeli authorities to comply with the provisions of International law and Humanitarian law and protect the right of the occupied Palestinian population to a fair trial.
- Dispatch an international independent commission to investigate all the demolitions which have been conducted as collective punishment, and raise the outcomes to the International Criminal Court since collective punishment constitutes a war crime.
- Urge the Special Rapporteur on the situation of human rights in the occupied Palestinian territories to closely investigate all the punitive demolition cases in the Occupied Palestinian Territories and report these grave violations to the upcoming Human Rights Council session.

Geneva International Centre for Justice (GICJ), The Arab Lawyers Association-UK, The Brussels Tribunal, General Arab Women Federation, The Iraqi Commission for Human Rights (ICHR), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), The Iraqi Centre for Human Rights, Association of Iraqi Diplomats (AID), Association of Humanitarian Lawyers (AHL), The International League of Iraqi Academics (ILIA), Women Will Association (WWA), Monitoring Net of Human Rights in Iraq (MHRI), Women Solidarity for an Independent and Unified Iraq, Alliance to Renew Co-operation among Humankind, International Coalition against War Criminals (ICAWC), Organization for Widows and Orphans (OWO), International Anti-Occupation Network (IAON), International Society of Iraqi Scientists, Children of Iraq Association (UK), The Perdana Global Peace Foundation, Kuala Lumpur Foundation to Criminalise War, Spanish Campaign against the Occupation and for Iraq Sovereignty-CEOSI, Arab Cause Solidarity Committee, Iraq Solidarity Association in Stockholm, NGO(s) without consultative status, also share the views expressed in this statement.

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