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**UNITED NATIONS  
OFFICE OF THE UNITED NATIONS  
HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE  
HUMAN RIGHTS COUNCIL**

**Mandate of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context**

REFERENCE:

19 August 2011

Excellency,

I have the honor to address you in my capacity as Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context pursuant to General Assembly resolution 60/251 and to Human Rights Council resolution 15/8.

In this connection, I would like to draw the attention of your Excellency's Government to information I have received regarding the alleged **demolition of a Bedouin settlement in Al-Hadidiya in the Jordan Valley**.

According to the information received:

Al-Hadidiya is a Bedouin community located in the Jordan Valley, in Area C. Reportedly, approximately 112 people live in the community on a permanent basis and another 120 people live in Al Hadidiya on a seasonal basis during the winter.

Information received indicates that on 10 June 2011 the IDF demolished a residential tent and three animal shelters in Al-Hadidiya, affecting 10 people.

Reports also indicate that on 21 June 2011 IDF demolished seven tents, four structures serving as kitchens and 18 pens housing livestock in Al-Hadidiya, affecting six households (27 people including 11 children).

Allegedly, demolition notices were served to the residents on 16 June, giving them three days to object to the demolition orders. An appeal against the orders submitted by the residents to the Civil Administration on 19 June was rejected. I am informed that on 21 June, the residents submitted a petition against the orders to the Israeli Supreme Court, which was still pending when the demolitions took place.

Reportedly, some families were prevented from saving their belongings prior to the demolition and they were subsequently lost in the debris.

According to information received, although the demolition orders were issued only to the households of A, B, C, D, and E, structures belonging to F, and G were also demolished.

Information received allege that Al-Hadidiya residents are not permitted to build permanent housing in the area and are therefore obliged to live in tents and shacks, without access to electricity, water, transportation and education services. The temporary housing is also deemed illegal by Israeli authorities.

While I do not wish to prejudge the accuracy of these allegations, I would like to remind your Excellency's Government of Article 11.1 of the International Covenant on Economic, Social and Cultural Rights, to which Israel is a party, which states that "the States Parties to present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including housing, and to the continuous improvement of living conditions". The Committee on Economic, Social and Cultural Rights commented the right to adequate housing in its General Comment No. 4, stressing that the right to housing should not be interpreted in a narrow or restrictive sense such as merely having a roof over one's head; rather, it should be seen as the right to live somewhere in security, peace and dignity. With "due priority to those social groups living in unfavorable conditions," the right to housing includes guaranteeing: (a) legal security of tenure; (b) availability of services, materials, facilities and infrastructure; (c) affordability; (d) habitability; (e) accessibility; (f) location; and (g) cultural adequacy. The Committee also added that "the right to housing should be ensured to all persons irrespective of income or access to economic resources".

As stated in resolutions 1993/77 and 2004/28 of the Commission on Human Rights, forced evictions constitute gross violations of a wide range of internationally recognized human and mass evictions may only be carried out under exceptional circumstances and in full accordance with international human rights law. According to the General Comment No. 7:

"15. Appropriate procedural protection and due process are essential aspects of all human rights but are especially pertinent in relation to a matter such as forced evictions which directly invokes a large number of the rights recognized in both the International Covenants on Human Rights. The Committee considers that the procedural protections which should be applied in relation to forced evictions include: (a) an opportunity for genuine consultation with those affected; (b) adequate and reasonable notice for all affected persons prior to the scheduled date of eviction; (c) information on the proposed evictions, and, where applicable, on the alternative purpose for which the land or housing is to be used, to be made available in reasonable time to all those affected; (d) especially where groups of people are involved, government officials or their representatives to be present during an eviction; (e) all persons carrying out the eviction to be properly identified; (f) evictions not to take place in particularly bad weather or at night unless the affected persons consent otherwise; (g) provision of legal remedies; and (h) provision,

where possible, of legal aid to persons who are in need of it to seek redress from the courts.

“16. Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available.”

I also like to draw the attention of your Excellency's Government to Article 53 of the IV Geneva Convention relative to the Protection of Civilian Persons in Time of War, to which your State is a Party. Article 53 stipulates that: "Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations".

As it is my responsibility, according to the mandate entrusted to me by the Human Rights Council, to clarify all allegations brought to my attention. I would therefore greatly appreciate detailed information from your Government concerning the above situation and about the measures taken by the competent authorities. I would in particular appreciate to receive information on the following points:

1. Are the facts alleged in the above summary of the case accurate?
2. Please provide details on the outcome of the petition submitted by the Al-Hadidiya residents to the Supreme Court against the demolition orders.
3. Did appropriate consultations take place with the affected community? If yes, please give the details, date and outcome of these consultations.
4. Did any of Hadidiya residents apply to the relevant authorities for housing permits in the past? If yes, please indicate the decisions taken and the reasoning for the decisions.
5. To what extent have measures of compensation been put in place for all concerned persons, with a due assessment of the loss of their housing and livelihood?
6. What measures have been foreseen to ensure that the evicted persons will not become homeless?
7. What has been foreseen in terms of relocation? If locations have been designated for the relocation, please provide details on the exact location, including details on the area and quality of land, access to public services and livelihood sources.

I would greatly appreciate receiving from your Excellency's Government within 60 days the above mentioned additional information. I undertake to ensure that your Government's response to each of these questions is accurately reflected in the report I will submit to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of my highest consideration.

Raquel Rolnik

Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context