

Mandates of the 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 and the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967

REFERENCE:
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Excellency,

We have the honour to address you in our 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 and Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, pursuant to Human Rights Council resolutions 34/9 and 1993/2A.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **demolition of the Sur Baher community in East Jerusalem**.

According to the information received:

On 18 June 2019, Israeli security forces (ISF) sent a "notice of intent to demolish" to a group of residents of the Sur Baher community in East Jerusalem. The notice followed a lengthy legal battle and a decision by the Israeli High Court dismissing the community's petition requesting that demolition of their structures not be implemented. The ruling affects 10 buildings, comprising some 70 apartments. Not all of the affected buildings are currently inhabited. The "notice of intent to demolish" expired on 18 July. Any structures falling within the order not demolished by 18 July by their owners would then be subject to demolition by Israeli authorities.

On 16 July, one structure was demolished by its owners pursuant to the order. On 22 July, Israeli security forces began demolition of the other homes and structures that were included in the notice. In total, 9 buildings were demolished, displacing four households and rendering 24 Palestinians homeless. An estimated 350 others have been negatively impacted by the demolitions.

The demolitions are being carried out pursuant to a 2011 military order, which designates 100-300 meters on both sides of the Wall as a buffer area. In this area, construction is prohibited. The Israeli authorities apply this military order equally in the West Bank, including East Jerusalem, throughout in Areas A, B, and C, regardless of whether the necessary building permits have been obtained from the Palestinian authorities. The rationale given for the military order is security. Serious concerns have been raised that the demolition of these structures will pave the way for future demolitions.

The demolitions have taken place in a broader context of home demolitions, which occur across the West Bank, including East Jerusalem. According to information available to the Special Rapporteurs, a total of 63 East Jerusalem housing units have been demolished by your Excellency's government so far in 2019. Over the same period in 2018, 37 East Jerusalem housing units were demolished. In many cases, demolition orders are issued because homes are built without the proper permits in areas controlled by the Israeli authorities. However, it is nearly impossible for Palestinians to obtain such permits.

While we do not wish to prejudge the accuracy of these allegations, we express grave concern for the families displaced and facing displacement in the Sur Baher community of East Jerusalem, as well as for the numerous other families in East Jerusalem who live under threat of forced eviction with demolition orders issued for their homes.

In view of the urgency of the matter, we call upon your Excellency's Government to halt the demolition of the homes in Sur Baher, and to ensure compliance with international law with respect to homes similarly situated, in this community, and elsewhere in the West Bank, including East Jerusalem.

We would like to remind your Excellency's government of its obligations under International Humanitarian Law, and note that the actions described appear to be in contravention of those obligations. According to the Fourth Geneva Convention, any destruction of private property by an Occupying Power is prohibited except where it is rendered absolutely necessary by military operations. Forced displacement that results from such demolitions significantly heightens the risk of forcible transfer, a grave breach of the Fourth Geneva Convention.

In addition, in its 2004 ruling, the International Court of Justice found the construction of the Wall to be illegal. In particular, the Court noted that the route of the wall, including those parts which are constructed inside of the West Bank, including East Jerusalem, is not justifiable by military exigencies or by the requirements of national security.

Furthermore, the home demolitions reported to us, appear to amount to forced evictions in violation of article 11 of the International Covenant on Economic, Social and Cultural Rights and other human rights. As forced eviction affect multiple human rights, including the rights to water and sanitation, to health, to personal integrity and - if no alternative adequate housing is provided - render affected individuals homeless - thus encroaching also their right to life, they constitute gross violations of human rights.

We would therefore appeal to your Excellency's Government to take all necessary steps to secure the right to adequate standard of living and housing as defined in article 11 of the International Covenant on Economic, Social and Cultural Rights, which your country has ratified on 3 October 1991. The Committee on Economic, Social and Cultural

Rights commenting on the right to adequate housing in its General Comment No. 4, stressed 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.

We would furthermore like to refer your Excellency's Government to General Comment No. 7 on forced evictions of the Committee on Economic, Social and Cultural Rights', which stipulates that forced evictions are only permissible under international human rights law in exceptional circumstances and after all procedural protections have been met. This includes the exploration of all feasible alternatives to avoid evictions, genuine consultation with the affected residents, adequate and reasonable notice, adequate compensation for any loss of property, alternative accommodation made available in a reasonable time, and provision of legal remedies and legal aid. Evictions should furthermore not result in individuals being rendered homeless or vulnerable to the violation of other human rights (paragraphs 13, 15 and 16).

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned persons in compliance with international instruments.

As it is our responsibility, under the mandate provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide detailed information on the decision to demolish the homes and property in Sur Baher, and how this decision is in line with Israel's obligations under international humanitarian law.
3. Could you kindly specify, whether the affected residents in Sur Baher have been offered any compensation for their loss of homes or whether alternative short- and long term accommodation has been offered to the affected families.
4. Please describe in detail if any measures have been taken by the Israeli Security Forces or other State entities to ensure that nobody is left homeless after carrying out the home demolitions orders.
5. Please provide us with information on the extent to which the concerned individuals have had access to justice to challenge the home demolition orders and the results of any legal procedures, including court rulings

related to the matter. Was any legal aid provided to the affected individuals?

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

We intend to publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

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

Leilani Farha

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