

**Mandates of the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967 and 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:  
UA ISR 10/2020

17 November 2020

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967 and 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 Human Rights Council resolutions 1993/2A and 43/14.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **demolitions in Palestinian Bedouin community of Humsa Al Bqai'a**.

According to the information received:

On 3 November 2020, Israeli Security Forces demolished more than 70 structures in the Palestinian Bedouin community of Humsa Al Bqai'a. According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), it is estimated that three quarters of the community have lost their shelter affecting 73 people among them 41 children. Many of those were donor-funded structures and included homes, animal shelters and solar panels. Available videos and images show a number of Israeli military bulldozers head to the area followed by scenes of wreckage including twisted metal, sheets and cots where the community used to live. This is one of the largest single demolitions recorded in recent times, bearing in mind that demolitions since the beginning of the year have recorded their highest rate since 2016 with more than 689 structures destroyed causing the displacement of more than 869 Palestinians.

Israeli authorities have asserted that these structures were built illegally, or without the adequate permit. Those are extremely difficult to obtain. The lack of these permits has been used to justify the demolition of numerous Palestinian structures in the past. Those communities consistently and systematically lack legal avenues to appeal orders of demolition. They are also already extremely vulnerable and exposed with limited access to basic infrastructure including health, electricity and education. Israeli military authorities have further stated that these structures were built illegally in a military training area.

The latest information suggests those displaced were left in the open after the demolition, with no adequate support and in cold temperatures. Some emergency aid including tents is currently being deployed.

While we do not wish to prejudge the accuracy of these allegations, we express grave concern for the families facing displacement in the Palestinian Bedouin village of Humsa Al Bqai'a and other Bedouin communities 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 all demolitions, particularly of Bedouin communities, 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, ratified by Israel in 1991, which recognizes the "right of everyone to an adequate standard of living for himself and his family," including housing. As clarified by the Committee on Economic, Social and Cultural Rights, in its General Comment No. 7, forced evictions are a gross violation of the right to adequate housing and may also result in violations of other human rights, such as the right to life, the right to security of the person, the right to non-interference with privacy, family and home and the right to the peaceful enjoyment of possessions.<sup>1</sup> Paragraph 15 of the same General Comment provides that if an eviction is to take place, procedural protections are essential, including, among others, genuine consultation, adequate and reasonable notice, alternative accommodation made available in a reasonable time, and provision of legal remedies and legal aid. Under no circumstances, evictions should result in homelessness, and the State party must take all appropriate measures to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available to affected individuals, where they are unable to provide for themselves. We wish to underscore that, notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats.<sup>2</sup>

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<sup>1</sup> The Committee on Economic, Social and Cultural Rights (CESCR) General comment No. 7, para. 4.

<sup>2</sup> CESCR, General Comment No. 4, para. 8.

In addition, we would like to refer your Excellency's Government to the Guidelines for the Implementation of the Right to Adequate Housing (A/HRC/43/43)<sup>3</sup>, notably guideline no. 6 on forced evictions, as well as the “COVID-19 Guidance Note: Prohibition of evictions” elaborated by the former Special Rapporteur on the right to adequate housing.<sup>4</sup>

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://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 the Bedouin community of Humsa Al Bqai'a, and how this decision is in line with Israel's obligations under international humanitarian law and international human rights law.
3. Could you kindly specify, whether the affected residents in the Bedouin community of Humsa Al Bqai'a have been offered any compensation for their loss of homes and 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

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3 <https://undocs.org/en/A/HRC/43/43>

4 [https://www.ohchr.org/Documents/Issues/Housing/SR\\_housing\\_COVID-19\\_guidance\\_finacilization.pdf](https://www.ohchr.org/Documents/Issues/Housing/SR_housing_COVID-19_guidance_finacilization.pdf)

investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

We may 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.

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.

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

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occupied since 1967

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standard of living, and on the right to non-discrimination in this context