

**Mandates of the Special Rapporteur on minority issues 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**

Ref.: UA ISR 12/2022  
(Please use this reference in your reply)

1 June 2022

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on minority issues 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 43/8 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 **threats of evacuation and demolition in Ras Jrabah, an unrecognized Bedouin village in the Naqab (Negev)**.

The issue of forced evictions targeting the Bedouin minority, as well as demolitions and destruction of Bedouin property, has already been raised by Special Procedures' mandate holders in the past, through the letters ISR 10/2014 of 14 October 2014, ISR 6/2019 of 1 May 2019, and ISR 7/2020 of 12 October 2020. We regret that the Government of Israel has yet to respond to these letters and to the concerns expressed therein.

According to the information received:

Thousands of Palestinian Bedouin citizens of Israel living in the Naqab (Negev) face threats of eviction by the state to make way for more Jewish-only towns, military bases, and other major infrastructure projects that exclude them and their development interests.

Ras Jrabah, a Palestinian village with approximately 500 Bedouin residents, located in the southern Naqab (Negev) region, unrecognized by Israeli authorities, is facing an imminent threat of eviction. The Israel Land Authority (ILA) filed 10 eviction lawsuits against 127 residents of Ras Jrabah and their families in May 2019. The state is seeking to evacuate the village and to forcibly displace its 500 residents to segregated, impoverished Bedouin-only towns in order to expand the primarily-Jewish city of Dimona. While the state calls the residents "trespassers", in fact, the villagers have lived there for generations.

In the lawsuits, the Israel Land Authority demanded that the court order the eviction of the Bedouin families for the purpose of expanding the adjacent primarily-Jewish city of Dimona and to "use the land for the public good".

Ras Jrabah covers an area of 340 dunams (approximately 84 acres) of lands belonging to the Al-Hawashleh tribe, and its residents have lived there for generations. Ras Jrabah is adjacent to the city of Dimona, which was built on the Al-Hawashleh tribe's lands. Israeli authorities intend to move and resettle

Ras Jrabah's residents in another segregated, impoverished government-planned Bedouin town, designated solely for the Bedouins. The residents wish to remain as an independent village or for the village to become a neighborhood in Dimona. Ras Jrabah's residents are heavily reliant on essential state services provided in Dimona, including health and welfare services, and for employment. The evacuation of the village and demolition of residents' homes would cut them off from Dimona, which they consider themselves to be an integral part of.

The Bedouin Development and Settlements Authority in the Negev (the Bedouin Authority) – a body of the Israeli government responsible for all aspects of Bedouin residents' lives – refused to consider the option of integrating the village into Dimona. The Bedouin Authority stated that it is only possible to evict the residents and resettle them in the nearby Bedouin town of Qasr Al Sir. In a meeting of the ILA and Ras Jrabah's village committee, representatives of the Bedouin Authority noted that they are not authorized to offer solutions within Israeli Jewish towns, only in Bedouin towns.

On 22 and 23 May 2022, the Beer Sheva Magistrates' Court held hearings in the case.

Without prejudging the accuracy of the information received, we wish to express our serious concern about home demolitions, lack of security of tenure and the risk of forced eviction and arbitrary displacement affecting members of the Bedouin minority. Of particular concern is the irreparable damage these evictions may cause to the traditional way of life of the Bedouins, their livelihoods, their specific forms of living and cultural practices, and their relationship to their land. In light of the multiple communications of Special Procedures mandate holders expressing concern about forced evictions affecting the Bedouin minority in the Negev we wish as well to express our concern that these forced evictions and threats of forced evictions constitute a pattern which is *prima facie* incompatible with Israel's human rights obligations.

In this respect, we would like to refer your Excellency's Government to the International Covenant on Civil and Political Rights (ICCPR), ratified by your Excellency's Government on 3 October 1991. We recall in particular article 26, which states that all persons are equal before the law and are entitled without any discrimination to the equal protection of the law; as well as article 27, which provides that in those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.

We would also like to bring to your Excellency's Government's attention the 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, which refers to the obligation of States to protect the existence and the identity of minorities within their territories and to adopt the measures to that end (article 1) as well as to adopt the required measures to ensure that persons belonging to minorities can exercise their human rights without discrimination and in full equality before the law, and to create favourable conditions to enable persons belonging to minorities to express their characteristics and to

develop, inter alia, their culture, traditions and customs (article 4). It further provides that national policies and programmes shall be planned and implemented with due regard for the legitimate interests of persons belonging to minorities (article 5).

We would also like to recall Article 11, paragraph 1(a) of the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by your Excellency's Government on 3 October 1991, which recognizes the right of everyone to an adequate standard of living, including adequate housing. This article must be read in conjunction with Article 2.2 of the Covenant, which provides for the exercise of any right under the Covenant without discrimination of any kind.

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>

We would also like to recall the latest report of the Special Rapporteur on the right to adequate housing on spatial segregation (A/HRC/49/48) in which the Special Rapporteur called upon States to “refrain and desist from actively pursuing segregationist policies and practices, resulting in the violation of the right to adequate housing and the prohibition of discrimination”.

We also recall the concluding observations that the Committee on Economic, Social and Cultural Rights addressed to Israel in which concerns were expressed about, among others, the eviction of Bedouin people from unrecognized villages in the Negev Desert and their forced relocation to recognized Bedouin townships, as well the substandard living conditions in both the unrecognized villages and the recognized townships, which are characterized by very limited access to adequate housing, water and sanitation facilities, electricity and public transportation (E/C.12/ISR/CO/4, 2019).

Finally, we would like to draw the attention of your Excellency's Government to provisions in the 1965 International Convention on the Elimination of All Forms of Racial Discrimination, which Israel ratified on 3 January 1979. Article 5 makes clear that State parties must, in compliance with the fundamental obligations laid down in article 2 of this Convention, undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law.

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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.

We recall the concluding observations that the Committee on the Elimination of Racial Discrimination addressed to Israel in which concerns were expressed about house demolitions and the ongoing transfer of Bedouin communities to temporary locations, the absence of meaningful participation of and consultation with Bedouin communities in the formulation of such plans affecting their access to land and property, as well as the substandard living conditions in both the unrecognized villages and the recognized townships (CERD/C/ISR/CO/17-19, 2020).

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 mandates 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/or comments you may have on the above-mentioned allegations.
2. Please provide any information about the planned eviction of approximately 500 members of the Bedouin Community in Ras Jrabah, including detailed information why measures to avoid or reduce resettlement are not possible, when and how the concerned Bedouin communities were consulted and details concerning their planned resettlement (e.g. respective resettlement action plans), the provision of long-term housing options and services provided at resettlement sites.
3. Please provide updated information with regard to the land claim case of members of the Bedouin Community in Ras Jrabah before the Beer Sheva Magistrates' Court.
4. Please explain how the enjoyment of the rights of the persons belonging to the Bedouin minority, including their right to adequate housing and to an adequate standard of living as well as their cultural rights, are fulfilled and protected.

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 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.

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

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