

Mandates 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; the Special Rapporteur on the human rights of internally displaced persons; the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967 and the Special Rapporteur on violence against women and girls, its causes and consequences

Ref.: AL ISR 1/2026
(Please use this reference in your reply)

20 January 2026

Excellency,

We have the honour to address you in our capacities 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; Special Rapporteur on the human rights of internally displaced persons; Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967 and Special Rapporteur on violence against women and girls, its causes and consequences, pursuant to Human Rights Council resolutions 52/10, 59/12, 1993/2A and 59/20.

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 Abu Diab family home located in Al-Bustan, in the neighborhood of Silwan, East Jerusalem. In our view this demolition exemplifies a broader and increasing pattern of home demolitions in East Jerusalem, alongside the establishment and expansion of Israeli settlements in the same area. The communication expresses concern that demolitions of Palestinian homes are facilitated by discriminatory urban planning laws which make it virtually impossible for Palestinians to obtain legal permits for their homes, for expanding them or for building new ones, and prevent them from accessing legal remedies and an impartial consideration of housing matters before Israeli Courts.**

These allegations take place in the context of Israel's obligations under the IV Geneva Convention, article 49 and Hague Regulations, articles 46, 52 and 55, and the Advisory Opinion rendered by the International Court of Justice on 19 July 2024, which ordered Israel to withdraw the occupation, dismantle the colonies and end henceforth the exploitation of Palestinian natural resources.

Similar concerns have been expressed by our mandates in ISR 3/2023, ISR 1/2023, ISR 9/2022, ISR 2/2022, ISR 11/2020 and ISR 10/2019, among others. We regret to note that none of these letters have received a reply from your Excellency's Government.

According to the information received:

Mr. Fakhri and Mrs. Aminah Abu Diab are both Palestinian community leaders and prominent human rights defenders. For more than two decades, Fakhri Abu Diab has chaired the Bustan Residents' Committee, serving as a spokesperson for the residents of Silwan and, more broadly, for East Jerusalem communities affected by house demolitions, restrictive urban planning, and displacement policies. Through this role, he has engaged extensively with international

organizations, civil society, and diplomatic missions, raising awareness of the human impact of these measures. Fakhri also helped establish and direct several community initiatives, most notably the Al-Bustan Association in Silwan, which works to provide a safe and inclusive environment for children, youth, and families, empowering them to become aware of their rights and active in community development. Aminah Abu Diab is actively involved with the Social Solidarity Organization, a grassroots women's group in Silwan dedicated to promoting social welfare, mutual support, and community resilience among Palestinian women and families living under difficult conditions.

After their marriage, they continued to live in Mr. Abu Diab's family home in Al-Bustan, Silwan, where they raised their two sons. Over time, the household expanded to include their daughters-in-law and four young grandchildren, forming part of a large, close-knit extended family. Their house was built in the 1950s, prior to the *de facto* annexation of East Jerusalem by Israel in 1967.

Since 2005, houses in the Al-Bustan area have been targeted for demolition over municipal plans to replace the residential area with a biblical theme park. For several years, negotiations between residents and the municipality to legalize building in the area and implement a zoning plan for Al-Bustan have largely forestalled the forcible displacement of the community, which numbers around 1,550 Palestinian residents.

In 2010, the Jerusalem Municipality advanced a new plan to develop a tourist park under the name of "King's Garden" in Al-Bustan. The plan included the demolition of approximately 22 structures built without permits in the western part of the neighbourhood and the legalization of about 66 buildings in its eastern section, accompanied by expanded building rights in that area. According to the plan, residents who would be required to vacate their homes in the demolition zone could rebuild new homes in the eastern section of the neighbourhood. No details were provided as to how this right would be realized in practice.

On 23 December 2010, an indictment was filed against Fakhri Abu Diab for inhabiting a house requiring a permit under the Planning and Building Law of 1965, without having obtained such a permit.

On 12 June 2012, the Jerusalem Magistrate Court issued a demolition order against the Abu Diab family home and Mr. Abu Diab was fined NIS 35,000, equivalent to approximately USD 11,000. The execution of the order was scheduled to take effect one year later, on 12 June 2013.¹

Mr. Abu Diab appealed the sentencing decision, and on 10 January 2013, his appeal was heard before the Jerusalem District Court. Mr. Abu Diab argued that the house slated for demolition served as a shelter for himself and his family, including children. Mr. Abu Diab further contended that the demolition constitutes a violation of human rights, amounts to unlawful discrimination, and is based on political considerations. He pointed out that his home is located

¹ CrimC (Jerusalem Magistrate's Court) 12570/10 State of Israel v. Fakhri Abu Diab (Decision delivered on 12 June 2012).

adjacent to a building known as “Beit Yehonatan” (Jonathan House), which is inhabited by Jewish settlers and was also constructed without a permit. Yet, unlike the efforts of the Jerusalem Municipality to demolish unauthorized Palestinian homes, substantial efforts were made by the same Municipality to prevent the demolition of the Beit Yehonatan building, which remains standing.

The Court rejected the victim’s arguments, holding that the municipality’s policy did not constitute intentional discrimination but rather a policy that is not implemented uniformly, stemming from the large number of demolition orders and the State’s limited capacity to enforce them all. Therefore, Mr. Abu Diab was given the opportunity to carry out the demolition himself. With respect to Mr. Abu Diab’s claim that the Local Affairs Court had been influenced by political considerations, the Court held that this argument was unfounded, as the decision was made pursuant to the law. The Court emphasized that Mr. Fakhri Abu Diab is required to carry out the demolition order if no building permit is obtained by the end of the extension period.

Following the appellate judgment, Mr. Abu Diab sought to negotiate with the Jerusalem Municipality in an attempt to regularize the legal status of his home. As a result of these negotiations, planning understandings were reached concerning the whole neighbourhood, which led to the submission of a formal zoning plan in 2018. The plan was registered at the District Planning Committee in 2020.

Despite Mr. Abu Diab’s efforts, the Jerusalem Local Affairs Court rejected his request for an extension to execute the demolition order, holding that postponement of a demolition order is granted only in exceptional and rare cases. In its decision of 5 July 2023, the Jerusalem Magistrate Court found that the Abu Diab family home was longstanding and unauthorized, with no realistic prospect of legalization, and that there was no justification for delaying the execution of the demolition order, as doing so would undermine the rule of law. It also ruled that since the planning process remained in its initial stages, with no tangible likelihood of legalizing the structure, and in view of the longstanding and serious nature of the offense, the public interest in executing the demolition order outweighed the personal interest of the applicant.²

On 31 January 2024, a demolition order for the Abu Diab house was issued and signed by the Chief of Building Demolitions of the Jerusalem Municipality. Mr. Fakhri Abu Diab appealed the order before the Jerusalem District Court, but his request to stay the execution of the demolition order was rejected on 14 February 2024.

On the same day, Israeli officials including armed members of the Israeli Police unit “Enforcement Coordination Directorate” and the Chief of Building Demolitions of the Jerusalem Municipality demolished the Abu Diab’s family house, resulting in the forced displacement of ten individuals, including four children. Reportedly, the police arrived in the morning, sealed off the area, and stormed the house. The family was given minutes to leave, before bulldozers

² CA (Jerusalem Magistrate’s Court) 61375-01-23 Fakhri Abu Diab v. State of Israel (Decision delivered on 5 July 2023).

destroyed their home and belongings. Armed police patrolled the area throughout the operation. Mr. Fakhri Abu Diab was charged NIS 40,000 (approximately USD 12,200) for the cost of the bulldozers that demolished his own home.

The police unit Enforcement Coordination Directorate is mandated to enforce the law against construction offenses, encroachments on public lands, and use of public lands without a lawful permit, including actual enforcement. The Unit is known for its systematic demolitions of Palestinian houses in East Jerusalem, including in Silwan, Sheik Jarrah, al-Issawiya, Jaba, and al-Tur. On several occasions, victims have reported being subjected to police harassment, physical assault, and arbitrary arrest during eviction operations.

Impact of the demolition

As a result of the demolition, the Abu Diab family has endured displacement, homelessness, economic insecurity, psychological trauma, emotional distress, and allegedly continued intimidation until present day. The demolition has fractured the Abu Diab family's unity, severely impacted their health, and deepened their vulnerability. Their dignity and sense of safety have been profoundly affected as well.

Following the demolition, all members of the family were displaced. Fakhri and Aminah Abu Diab chose to remain on the ruins of their home, where they later installed a caravan as temporary shelter. Their two sons and their respective families were forced to move away from Silwan. Fakhri and Aminah Abu Diab initially remained at the demolition site without shelter for two days, relying on their neighbours for basic needs, and later stayed with family or friends for several weeks while a caravan was being prepared to provide them with temporary housing. The distress caused by displacement was exacerbated by the harsh winter weather.

Once completed, Fakhri and Aminah Abu Diab moved into a caravan, which they placed on the ruins of their former home. They managed to connect it to the water, electricity, and sewage systems. Reportedly, the makeshift connections and the presence of exposed electrical wires pose serious risks. The Jerusalem Municipality has since indicated its intention to remove the caravan, leaving Fakhri and Aminah Abu Diab facing renewed uncertainty about their future and the threat of a second displacement.

Broader context

Allegedly, the demolition of the Abu Diab home and the legal struggles faced by Fakhri Abu Diab and his family reflect a broader pattern of demolitions of Palestinian homes alongside the expansion of Israeli settlements in East Jerusalem. This is facilitated by laws and policies which are often implemented in a way that prevents Palestinians from obtaining legal permits, exposing them to the risk of forced evictions and demolition without the provision of alternative adequate housing. Further, demolitions enforced by Israeli authorities carried out through judicial proceedings that fail to uphold fundamental guarantees of

due process and fair trial, effectively deny Palestinians meaningful access to justice and render access to judicial remedies virtually impossible, leaving Palestinians without a practical avenue to contest demolition orders.

Approximately 22 per cent of East Jerusalem is zoned as “green areas”, designated for public and non-residential development. Allegedly, the zoning of green areas has long been a common practice by Israeli authorities to stop legal Palestinian development and expansion in areas where the State plans to build or expand Jewish-only settlements. Israeli zoning laws allow municipal authorities to zone any un-expropriated land as a “green area”, barring Palestinian development in these areas. The prohibition of construction has been applied retroactively to buildings erected before areas were designated as “green areas”.

In 1965, the Israeli Parliament (Knesset) enacted the Planning and Building Law,³ which regulates in chapter 10 (“Oversight, Enforcement and Penalties”), Sections 231-233 the demolition of structures built without legal authorization. The provisions governing the issuance of demolition orders were revised under amendment 116⁴ to the Planning and Building Law, which entered into force at the beginning of 2017. This amendment was intended to strengthen the enforcement mechanisms available to local authorities. Amendment 116 granted expanded powers to construction inspectors and broadened the tools available for addressing building violations, including through administrative orders such as stop-work orders and orders to cease unlawful use of land. Notably, the amendment facilitated increased use of administrative demolition orders by shortening the timelines for their issuance and stiffening the penalties for contraventions.

Fines for non-compliance were significantly raised, and where the execution of a demolition order is postponed, the amendment would envisage conditions that ensure its implementation. Although courts retain discretion to delay the execution of such orders, they may do so only in exceptional circumstances and for a limited duration. Property owners are entitled to file an objection but must do so within a narrowly defined timeframe.

Reportedly, amendment 116 led to a marked increase in the use of demolition orders and significantly curtailed judicial oversight. This legislative change disproportionately affected Palestinian residents of East Jerusalem, who already suffer from systemic planning failures. Palestinian residents seeking to build legally in East Jerusalem face severe challenges due to deficient planning, bureaucratic barriers, and an aggressive enforcement policy that fails to account for the area’s unique realities. While Israeli authorities have argued that the amendment’s objective is to encourage formal planning in neglected areas, reportedly no substantive improvement has been observed in Palestinian neighbourhoods. Infrastructure remains largely inadequate, permit acquisition processes are prohibitively complex and costly, and land rights remain uncertain and contested.

³ https://www.gov.il/en/pages/planning_and_building_law_1965
⁴ chrome-extension://efaidnbmnnnibpcajpcgclefindmkaj/https://fs.knesset.gov.il/20/law/20_lsr_382860.pdf

Owing to the discriminatory, long, complicated and expensive process for obtaining a building permit and its low approval rate, many Palestinians are compelled to build structures without a permit, or do not register them. Buildings lacking permits can become subject to demolition, exposing their residents to the risk of eviction and displacement. It is estimated that at least 33 percent of all Palestinian homes in East Jerusalem lack building permits, placing over 90,000 individuals at risk of displacement and being rendered homeless. In July 2024, the ICJ ruled in its Advisory Opinion that Israel's punitive demolition of Palestinian property and demolitions for lack of an Israeli issued building permit in the Occupied Palestinian Territory is discriminatory and violates key precepts of international humanitarian law and international human rights law.

Palestinians seeking to challenge demolition orders before Israeli courts routinely encounter legal and procedural obstacles. When appealing to courts to challenge demolition orders, according to Israeli law the petitioner must demonstrate a proprietary interest in the property as a condition for legal standing. In the *Khamis Tahan v. Chair of the Jerusalem Local Planning and Building Committee* case,⁵ in which the Supreme Court reviewed an appeal against the Jerusalem District Court's decision to deny a request to cancel a demolition order for a structure unlawfully constructed in the Anata neighbourhood of East Jerusalem, the judgment noted that the petitioner's request had already been rejected by the Jerusalem Local Affairs Court on the ground that it lacked legal standing. The Court held that the petitioner was not a holder of rights in the property but rather a trespasser and thus could not request the cancellation of the demolition order. The lack of rights over housing or land is an argument routinely used by Israeli courts to dismiss petitions seeking the cancellation of demolition orders.

The Planning and Building Law has been applied in a discriminatory manner against Palestinians and in favour of Jewish settlers. In *Siham Abu Diab v. Chair of the Jerusalem Local Planning and Building Committee*,⁶ the petitioner challenged a Jerusalem Local Planning and Building Committee's decision to demolish her house. One of the petitioner's principal arguments was that the Planning and Building Law was selectively enforced in the Silwan neighbourhood on the basis of religion and nationality, as building violations committed by Jewish residents were not enforced. During the proceedings, several instances of unlawful construction by Jewish residents of Silwan were cited. Nevertheless, the Court found that no discrimination had occurred. The judge noted, based on the testimony presented, that there are approximately 9,500 illegal structures in Silwan, and that the allegation that eight violations were committed by Jewish residents did not constitute a sufficient basis for proving selective enforcement.

In July 2023, the head of infrastructure at the Israeli Civil Administration confirmed that around 90-95 per cent of Palestinian requests for permits are

⁵ CrimLA 6829/09 *Khamis Tahan v. Chair of the Jerusalem Local Planning and Building Committee* (Decision delivered on 6 September 2009).

⁶ AdminApp (Jerusalem Magistrate's Court) 2165-06-20 *Siham Abu Diab v. Chair of the Jerusalem Local Planning and Building Committee* (Decision delivered on 2 July 2020), not related to the case of Fakhri Abu Diab.

On 7 January, the Office of the High Commissioner for Human Rights issued a report in which it indicated that Israel has taken steps to encircle East Jerusalem with settlements and isolate it from the rest of the West Bank and that Israeli authorities accelerated the creation of facts on the ground that have had the effect of entrenching Israeli control over East Jerusalem.¹²

Particular impact on women

Palestinian women are the traditional caretakers of the home and, as they generally spend more time at home, they are disproportionately affected by demolitions. Palestinian women consistently report that home demolitions carried out by Israeli officials involved violence and excessive force. Testimonies describe physical assaults, verbal abuse, intimidation, and aggression, which create fear and trauma for families, especially children. Women also recount instances of mockery and ridicule by Israeli forces during demolitions, including taking selfies with the rubble and making demeaning remarks. The distress caused by the loss of homes and belongings is exacerbated by these aggressive actions, leaving families feeling vulnerable.

Displacement following demolitions often forces families into overcrowded homes with extended relatives, diminishing women's autonomy and increasing household stress. Reportedly, many women experience heightened verbal, emotional, and physical abuse under these conditions. The loss of privacy, financial pressures, and patriarchal dynamics heighten the risk of domestic violence, aggravating the trauma of the demolition itself and undermining women's ability to recover or protect their children.

Home demolitions and the resulting displacement in Jerusalem have led many families to marry off their daughters at an early age, seeing marriage as a means of providing stability or protection for their daughters and sisters.

Women are generally expected to assume the full burden of domestic labour, emotional labour, and caregiving responsibilities, roles that are socially imposed and often undervalued. These demands are generally intensified when women reside with extended families. These hardships are further exacerbated when families are cost-burdened and face financial debt as a result of the steep fines imposed on them by the Israeli occupation for home demolitions to proceed.

The absence of designated shelters that Palestinian women can safely access with their families further exacerbates their vulnerability. Following demolitions, women who attempt to seek refuge in Israeli government-run shelters in Jerusalem report experiencing exclusion from other residents and the administrators on the basis of their Palestinian identity, which often compels them to leave shortly after arrival.

Without prejudging the accuracy of the information received, at the outset we would like to recall that the International Court of Justice, in its Advisory Opinion on the "Legal Consequences Arising from the Policies and Practices of Israel in the

¹² Israel's discriminatory administration of the occupied West Bank, including East Jerusalem, OHCHR report dated 7 January 2026.

Occupied Palestinian Territory, including East Jerusalem” declared Israel's presence in the Occupied Palestinian Territory (OPT) unlawful under both jus ad bellum and jus in bello perspectives, also recognizing violations of racial segregation and apartheid prohibitions.

The Court affirmed, inter alia: “The sustained abuse by Israel of its position as an occupying Power, through annexation and an assertion of permanent control over the Occupied Palestinian Territory and continued frustration of the right of the Palestinian people to self determination, violates fundamental principles of international law and renders Israel’s presence in the Occupied Palestinian Territory unlawful”; that “this illegality relates to the entirety of the Palestinian territory occupied by Israel in 1967”; and that “this is the territorial unit across which Israel has imposed policies and practices to fragment and frustrate the ability of the Palestinian people to exercise its right to self-determination, and over large swathes of which it has extended Israeli sovereignty in violation of international law”.

Legally, the ongoing prolonged occupation constitutes an act of aggression in violation of jus ad bellum, violating the non-derogable right of the Palestinian people to self-determination. The International Court of Justice mandated Israel to terminate its occupation, dismantle all settlements, and the associated settlement regime, provide reparations to Palestinian victims, and facilitate the return of Palestinian people displaced in 1967.

The Court considers that the nature of Israel’s acts, including the fact that Israel frequently confiscates land following the demolition of Palestinian property for reallocation to Israeli settlements, indicates that its measures are not temporary in character and therefore cannot be considered as permissible evacuations. In the Court’s view, Israel’s policies and practices are contrary to the prohibition of forcible transfer of the protected population under the first paragraph of Article 49 of the Fourth Geneva Convention.” We recall that within the meaning of article 53 of the IV Geneva Convention, the destruction of real or personal property belonging to private persons by an occupying power is prohibited, except where such destruction is rendered absolutely necessary by military operations. In this regard, we recall that the concept of absolute necessity is similar to the concept of imperative necessity, which is understood as a constraint of such vital importance that it leaves no other choice. It is not merely a question of military convenience or advantage; destruction must be materially indispensable for military operations.¹³ In this respect, we recall that large-scale destruction to create a buffer zone for the general security of military operations would not generally meet the requirement of proportionality.¹⁴

We wish to express our serious concerns regarding the forced eviction of the Abu Diab family, following the demolition of their home in Al-Bustan, East Jerusalem.

¹³ Convention (IV) relative to the Protection of Civilian Persons in Time of War, Commentary of 2025, article 53 – Prohibited destruction of property. Available at the following address: [IHL Treaties- Geneva Convention (IV) on Civilians, 1949- Commentary of 2025 article | article 53- Prohibited destruction of property | article 53].

¹⁴ Convention (IV) relative to the Protection of Civilian Persons in Time of War, Commentary of 2025, article 53 – Prohibited destruction of property. Available at the following address: [IHL Treaties- Geneva Convention (IV) on Civilians, 1949- Commentary of 2025 article | article 53- Prohibited destruction of property | article 53]; See also the Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, UN Doc. E/CN/2005/29, 2004, para. 17. Available at the following address: [https://docs.un.org/en/E/CN.4/2005/29].

Such evictions constitute violations of the right to adequate housing under international human rights law. Furthermore, the demolition of Fakhri and Aminah Abu Diab's home follow a broader pattern of home demolitions and forced evictions in parallel with the expansion of Israeli settlements in East Jerusalem. This trend, which has significantly increased since 7 October 2023, severely undermines Palestinians' enjoyment of the right to adequate housing, enshrined in article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by your Excellency's Government in 1991, as well as a broad range of other related human rights. We recall that the right to adequate housing goes well beyond the mere physical structure of a home: it must be seen also as a cornerstone of collective memory and social identity. This right is severely jeopardized when communities are forcibly evicted and displaced from the places that they have called their homes for generations.

We express our serious concern about the discriminatory housing, property and land regime in East Jerusalem which deprives the Palestinians of housing, land and property rights, secure tenure and exposes them to the constant threat and risk of forced evictions and demolitions, while making it nearly impossible for Palestinians to challenge demolition orders. We observe that such a system may contravene article 2(2) of the International Covenant on Economic, Social and Cultural Rights (ICESCR), and article 2(1) of the International Covenant on Civil and Political Rights (ICCPR), both of them ratified by Israel on 3 October 1991. As part of a broader pattern of practices and policies implemented by Israel against Palestinians in East Jerusalem, we also consider that the case impacts on the right to self-determination of the Palestinian people, protected under common article 1 of ICCPR and ICESCR.

We would also like to refer to the provisions of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which the State of Israel ratified on 3 October 1991, which calls on States to refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions act in conformity with this obligation. Article 2 of the Convention also calls on States parties to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise.

General recommendation No. 19 of the CEDAW Committee (1992) on violence against women defines gender-based violence as "violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental, or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty." We would also like to recall the CEDAW Committee's General Recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations, which calls on States parties to protect women's human rights at all times, advance substantive gender equality before, during and after conflict as well as to provide access to justice for victims of sexual violence (CEDAW/C/GC/30). Furthermore, in general recommendation No. 35 (2017) on gender-based violence against women, updating the general recommendation No. 19 (1992), the CEDAW Committee clarifies that the due diligence obligation underpins the Convention as a whole and that States parties will be held responsible should they fail to take all appropriate measures to prevent, as well as to investigate, prosecute, punish and provide reparations for, acts or omissions by non-State actors that result in gender-based violence against women (CEDAW/C/GC/35).

Further, we are concerned that the facts alleged above violate the International Convention on the Elimination of Racial Discrimination (ICERD), ratified by your Excellency's Government in 1979, which requires all States parties to eliminate racial discrimination and prohibit racial segregation and apartheid. The discriminatory planning regime in East Jerusalem described above, which limits housing options for Palestinians, in our view clearly effects segregation on the basis of race, colour, descent or national or ethnic origin and undermines Palestinians' enjoyment of the right to adequate housing. In this respect, we also wish to recall the International Court of Justice (ICJ)'s Advisory Opinion on the Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, where the Court held that Israel's practice of demolition of Palestinian properties constitutes a breach of article 3 ICERD, which prohibits apartheid.¹⁵

We are gravely concerned that the displacement caused by the demolitions may violate several provisions of the Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention). In particular, we recall that forced displacement and evictions of protected persons in the occupied territory may amount to forcible transfer, prohibited under articles 49 of the Fourth Geneva Convention, which, as the occupying Power, Israel is obliged to respect. Article 49 permits the occupying Power to carry out total or partial evacuation of protected persons under very narrow circumstances, where "...the security of the population or imperative military reasons so demand". Based on the above information, the sole motivation for the planned eviction appears to be illegal settlement activities and none of the permitted grounds has been met. We are further concerned that the facts alleged above may violate article 53 of the Fourth Geneva Convention, which establishes that 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. In our view, the reported facts do not suggest any reasons of security of the population nor an imperative military necessity that would justify demolition and, as a result, forced displacement.

We are troubled by the fact that these urban planning policies and their implementation have facilitated the drive for Israeli settlements, while threatening Palestinians very existence in East Jerusalem, a practice that risks altering the demographic composition of the occupied territory. The establishment and expansion of Israeli settlements in the occupied Palestinian territory have been widely condemned as "a flagrant violation of international law", amounting to the transfer by Israel of its own civilian population into the occupied territory, which is strictly prohibited under international humanitarian law and constitutes a war crime (Rome Statute, article 8(2)(b)(viii)).

Moreover, we are concerned that the demolition of the Abu Diab home may be considered punitive, and directly linked to Fakhri and Aminah Abu Diab's activism in defense of housing and property rights. Arbitrary demolitions carried out for purportedly punitive reasons are aggravated forms of human rights violations. They can cause severe physical and psychological suffering and, when they target or result in discriminatory impacts against persons belonging to vulnerable groups, and when

¹⁵ International Court of Justice, Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem, para. 229.

demolitions result in homelessness, they may constitute a violation of the prohibition against torture and cruel, inhuman, degrading treatment or punishment, as defined in the Convention Against Torture (CAT).

We further wish to express our serious concerns regarding the gendered impacts of home demolitions in East Jerusalem. For women and girls, displacement caused by demolitions often reinforces gender-based inequalities and increases their vulnerability to gender-based violence.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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 comment(s) you may have on the above-mentioned allegations.
2. Please provide information about the planning regime described above, and on the measures that have been taken to ensure that it does not discriminate in the provision of housing on the basis of race, colour, descent or national or ethnic origin.
3. Please provide information on the measures taken to ensure respect for the principles of legality and proportionality in the issuance of demolition orders, including concerning the case of the Abu Diab family home, bearing in mind that under article 53 of the Fourth Geneva Convention the destruction of property in occupied territory is prohibited unless rendered absolutely necessary by military operations.
4. Please provide information on the procedure followed by Israeli forces during evictions and demolitions. Please indicate how Israeli forces ensure that evictions are carried out without the use of violence and excessive force, including physical assaults, verbal abuse, intimidation, and aggression.
5. Please clarify if investigations have been initiated into the conduct of evictions and demolitions in East Jerusalem, and if adequate remedies for any human rights violations found in the context of any such investigations have been provided to the victims. Please also outline the policies and practices in place to prevent impunity for excessive use of force against Palestinians during the enforcement of demolition orders.
6. Please provide information about the measures that are envisaged to ensure that Palestinians whose homes have been subjected to demolition orders enjoy equal protection before the law, and that they have access to justice and fair trial.

7. Please provide information on the measures, if any, that your Excellency's Government has taken, or plans to take, to ensure that persons displaced as a result of demolition orders do not fall into homelessness.
8. Please provide up-to-date data on the number of demolition orders affecting Palestinian families living in East Jerusalem. Please also provide data on the demolition orders that have affected Israeli families, and on how many have been enforced.
9. Please clarify what are the avenues available for Palestinian families who wish to obtain a permit for their existing house, including in cases where the building dates back to before Israel's *de facto* annexation of East Jerusalem in 1967.
10. Please provide information on the availability and adequacy of shelters in Jerusalem. Please clarify how the principles of equality and non-discrimination are ensured to guarantee equal, safe and dignified access for Palestinian women.

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.

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(s) responsible for the alleged violations.

Please be informed that a copy of this letter has also been sent to the Government of the State of Palestine.

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

Balakrishnan Rajagopal
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

Paula Gaviria
Special Rapporteur on the human rights of internally displaced persons

Francesca Albanese
Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967

Reem Alsalem
Special Rapporteur on violence against women and girls, its causes and consequences

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw your attention to the applicable international human rights norms and standards, as well as authoritative guidance on their interpretation.

Right to self-determination of the Palestinian people

At the outset, we remind your Excellency's Government the right to self-determination of peoples, as enshrined in article 1 paragraph 2 of the Charter of the United Nations, accepted by the state of Israel on 11 May 1949, after that it became the 59th member state of the United Nations pursuant resolution 273 of the General Assembly of the United Nations.

The right to self-determination is enshrined in common article 1 of the International Covenant on Civil and Political Rights (ICCPR) and of the International Covenant on Economic, Social and Cultural Right (ICESCR). This is a *jus cogens* norm, considered as the bedrock of international human rights law, and recognized as the prerequisite to the enjoyment of all human rights.

The right to self-determination of the Palestinian people is firmly recognized in international law and upheld by numerous United Nations resolutions, including General Assembly Resolution 3236¹⁶ (1974) which explicitly affirms the right of the Palestinian people to self-determination without external interference and to national independence and sovereignty; the 2004 Advisory Opinion of the International Court of Justice on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory¹⁷; and the 2024 Advisory Opinion of the ICJ on the Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, where the Court affirmed, inter alia that “the sustained abuse by Israel of its position as an occupying Power, through annexation and an assertion of permanent control over the Occupied Palestinian Territory and continued frustration of the right of the Palestinian people to self-determination, violates fundamental principles of international law and renders Israel’s presence in the Occupied Palestinian Territory unlawful”.¹⁸

Israel's obligations as the Occupying Power

Concerning the obligations of Israel as an unlawful occupying power, we recall that Israel is bound by the obligations set out in the Fourth Geneva Convention of 1949 on the protection of the civilian population during armed conflicts, ratified in 1951 by

¹⁶ Resolution 3236 of the General Assembly of the United Nations, adopted during the 2296th plenary meeting on 22 November 1974. Available at the following address:

[<https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/IP%20A%20RES%203236.pdf>].

¹⁷ International Court of Justice, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion of 9 July 2004, para. 118. Available at the following address: [<https://www.icj-cij.org/sites/default/files/case-related/131/131-20040709-ADV-01-00-EN.pdf>].

¹⁸ International Court of Justice, Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Advisory Opinion of 19 July 2024, para. 261. Available at the following address: [<https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-adv-01-00-en.pdf>].

the State of Israel. Moreover, Israel is bound by the general principles of law recognized by civilized nations and by international customary law (art. 38 Statutes of the International Court of Justice). In this regard, we recall that the Fourth the Hague Convention and its annexes were recognized as reflecting international customary law, and consequently are considered binding, as ascertained by the ICJ in its 2004 Advisory Opinion concerning the legal consequences of the construction of a wall in the Occupied Palestinian Territory. This was acknowledged by all the participants in the proceedings before the Court, including Israel.

In particular, we recall that under article 49 of the Fourth Geneva Convention individual or mass forcible transfers of protected persons by the Occupying Power are prohibited, as is the transfer by the Occupying Power of its own civilian population into the territory it occupies. Forcible transfer is defined as a war crime and a crime against humanity in the Rome Statute. “Forcible” in the context of the Rome Statute has been interpreted as not solely restricted to physical force, and may include threat of force or coercion, such as that caused by fear of violence, duress, detention, psychological oppression or abuse of power, or by taking advantage of a coercive environment. We wish to further recall that article 53 prohibits “[a]ny 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” except “where such destruction is rendered absolutely necessary by military operations”. Similarly, article 46 of the Hague Regulations provides that private property must be respected and cannot be confiscated. The protection of property against non justified destruction in occupied territories is a long-standing rule of customary international law, codified in rule 50 of the International Committee of the Red Cross.¹⁹

Equality and non-discrimination

We recall the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), ratified by Israel on 3 January 1979. As the Committee on the Elimination of Racial Discrimination has recognized, Israel’s obligations under ICERD apply to all territories under its effective control, including the Palestinian territories occupied since 1967 (CERD/C/ISR/CO/14-16, para. 10).

Article 1 ICERD broadly defines racial discrimination as “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.” Articles 2(1) and 5 of ICERD oblige States parties to prohibit and eliminate any act or practice of racial discrimination against persons and/or groups and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law. Article 4 also obliges States parties to adopt immediate and positive measures to eradicate all incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin. Importantly, article 3 of ICERD requires States parties to prevent, prohibit and eradicate all practices of racial segregation and apartheid in

¹⁹ International Committee of the Red Cross, rule 50: Destruction and Seizure of Property of an Adversary. Available at the following address: [<https://ihl-databases.icrc.org/en/customary-ihl/v1/rule50>].

territories under their jurisdiction, and general comment No. 19 of the CERD affirms that this prohibition is universally applicable to all States and prohibits segregation arising from both public and private conduct.

Right to adequate housing

We would further like to draw the attention of your Excellency's Government to its obligations under article 11.1 of the ICESCR, ratified by Israel in 1991, which recognizes the right of everyone to an adequate standard of living for themselves and their family, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and stipulates that States shall take appropriate steps to ensure the realization of this right. 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 the Committee on Economic, Social and Cultural Rights (CESCR) has recognized, Israel's obligations under ICESCR extend to the Palestinian territories occupied since 1967 (E/C.12/ISR/CO/4). We further would like to draw the attention of your Excellency's Government's to its obligations under articles 6 and 17 of the ICCPR, ratified by Israel in 1991, on the rights to life and to non-interference with privacy, family, home or correspondence.

In its general comment No. 4, the CESCR clarified that the right to housing should not be interpreted in a narrow or restrictive sense by assigning to it a meaning of "merely having a roof over one's head". It should be seen as the right to live somewhere in security, peace and dignity. The Committee indicated that the right to housing includes: legal security of tenure guaranteeing legal protection against forced evictions, harassment and other threats; availability of services, materials, facilities and infrastructure; affordability; habitability; accessibility; location; and cultural adequacy. The Committee also observed that "States parties must give due priority to those social groups living in unfavourable conditions by giving them particular consideration. Policies and legislation should correspondingly not be designed to benefit already advantaged social groups at the expense of others."

We wish to recall that, as clarified by the CESCR 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. 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. States parties shall ensure, prior to carrying out any evictions, and particularly those involving large groups, that all feasible alternatives are explored in consultation with the affected persons. Moreover, demolitions must never lead to homelessness of the evicted persons by ensuring there is provision of adequate alternative housing facilities, resettlement and compensation for lost property.

As the CESCR noted in its Concluding Observations on the Fourth Periodic Report of Israel, "The Committee is concerned about the discriminatory effect of planning and zoning laws and policies on Palestinians and Bedouin communities in the West Bank, as illustrated by the fact that less than 1 per cent of the land in Area C and 13 per cent of the land in East Jerusalem is allocated for the construction of

infrastructure for Palestinians. The Committee is also concerned that the process of applying for building permits is long, complicated and expensive and that few such applications are approved, which has led to high numbers of evictions and demolitions in the West Bank, including East Jerusalem (arts. 2 (2) and 11).” The Committee also recommended that Israel “review planning laws and policies in the West Bank, including East Jerusalem, to ensure that they are compliant with its obligations under the Covenant and that it end zoning practices” and “reform the construction permit system in the West Bank, including East Jerusalem, with a view to preventing demolitions and forced evictions because of a lack of a construction permit and that it ensure that demolitions are carried out only as a last resort, when strictly necessary and as required for a legitimate State purpose, in accordance with its obligations under the Covenant.” In the same Concluding Observations, the Committee urged Israel to “immediately cease the practice of collectively demolishing houses and private property as a form of punishment and to ensure that victims of such practice are provided with full and effective reparations, including restitution of the affected properties.”

We wish to bring to your Excellency’s Government attention the 2022 report (A/77/190) of the Special Rapporteur on the right to adequate housing which delves into the concept of “domicide” defined as “the deliberate destruction of homes, the rendering of homes uninhabitable or any other systematic denial of housing when such acts are carried out in violation of international law and committed as part of a widespread or systematic attack against any civilian population”. While stressing that the systematic and widespread destruction of housing and civilian infrastructure in conflict may already be prosecuted as a crime against humanity under the Rome Statute (art. 7), the Special Rapporteur called for the recognition of domicile as a standalone crime under international criminal law.

We also refer to the Special Rapporteur on the right to adequate housing’s report on land (A/80/351), where he recognized that territory is an essential precondition for the exercise of sovereignty and the right to self-determination and that no other situation proves the relevance of territory and peoples’ free disposition of their natural wealth and resources than that of the State of Palestine. As underlined by the International Court of Justice in its advisory opinion of 19 July 2024, the decades-long occupation and denial of Palestinians’ self-determination has occurred through violations of their rights, including the confiscation and requisitioning of land, the demolition of homes and the plundering of natural resources, in contravention of international law (para. 10).

Further, we wish to draw your Excellency’s Government’s attention to the 1998 Guiding Principles on internal displacement, which establish that all authorities and international actors shall respect and ensure respect for their obligations under international law, including human rights and humanitarian law, in all circumstances, so as to prevent and avoid conditions that might lead to displacement of persons (principle 5). We moreover stress that, according to the Guiding Principles, every human being shall have the right to be protected against being arbitrarily displaced from his or her home, including situations of armed conflict and based on policies resulting in altering the ethnic or religious composition of a population (principle 6). Prior to any decision requiring the displacement of persons, the authorities concerned shall ensure that all feasible alternatives are explored to avoid displacement altogether. Where no alternatives exist, all measures shall be taken to minimize displacement and its adverse

effects (principle 7(1)). The authorities undertaking such displacement shall ensure, to the greatest practicable extent, that proper accommodation is provided to the displaced persons, that such displacements are effected in satisfactory conditions of safety, nutrition, health and hygiene, and that members of the same family are not separated (principle 7(1)). Displacement should not be carried out in a manner that violates the right to life, dignity, liberty, and security of the displaced (principle 8). Indigenous peoples and minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands should be particularly protected from displacement (principle 9). Every human being has the right to dignity and physical, mental and moral integrity (principle 11).

Prohibition of cruel, inhuman or degrading treatment or punishment

We also wish to recall that the Convention Against Torture (CAT), ratified by your Excellency's Government in 1991, establishes in its article 16 that each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. The Committee Against Torture found that the Israeli government's house demolitions "may, in certain instances, amount to cruel, inhuman or degrading treatment or punishment" and violate article 16 CAT. The Committee has also repeatedly called on your Excellency's Government to take all the measures necessary to put an end to the policy of punitive house demolitions, as it violates article 16 CAT (CAT/C/ISR/CO/5 paras. 40-41, CAT/C/ISR/CO/4 para. 33).

Obligation to leave and dismantle the settlements in the West Bank and East Jerusalem

We remind your Excellency's Government that on 19 July 2024, the International Court of Justice issued an Advisory Opinion on the Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem. The Court declared Israel's presence in the Occupied Palestinian Territory (OPT) unlawful under both *jus ad bellum* and *jus in bello* perspectives.

The Court reaffirmed "that the Israeli settlements in the West Bank and East Jerusalem, and the regime associated with them, have been established and are being maintained in violation of international law" (see Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004 (I), p. 184, para. 120). The Court also noted "with grave concern reports that Israel's settlement policy has been expanding since the Court's Wall Advisory Opinion. In particular, in December 2022 Israel's parliament approved the establishment of an additional minister within the Ministry of Defense vested with governing powers in the West Bank, including land designations, planning and coordination of demolitions, which would expedite the approval process for new settlements."

The Court determined that Israel's "policies and practices amount to annexation of large parts of the Occupied Palestinian Territory" and recalled that "to seek to acquire

sovereignty over an occupied territory, as shown by the policies and practices adopted by Israel in East Jerusalem and the West Bank, is contrary to the prohibition of the use of force in international relations and its corollary principle of the non-acquisition of territory by force.” Among the policies and practices cited by the Court in its determination that Israel’s actions constitute annexation was “the displacement of the local population from the occupied territory, which sustains Israel’s settlement policy, also advances the integration of the territory.” The Court clarified that “Israel’s policies and practices induce the departure of the Palestinian population from parts of the Occupied Palestinian Territory, notably from East Jerusalem and Area C in the West Bank. This, in turn, enables the further expansion of Israel’s settlement policy and the ready integration of Palestinian territory into Israel.”

The ICJ further concluded that “Israel’s planning policy in relation to the issuance of building permits, and ... its practice of property demolition for lack of a building permit, which treats Palestinians differently from settlers without justification, amounts to prohibited discrimination, in violation of articles 2, paragraph 1, and 26 of the International Covenant on Civil and Political Rights, article 2, paragraph 2, of the International Covenant on Economic, Social and Cultural Rights, and article 2 of the International Convention on the Elimination of all Forms of Racial Discrimination”.

The ICJ also unequivocally affirmed that “occupation cannot transfer or confer sovereign title to the occupying Power over the territory that it occupies”, reaffirming that “the occupation of a territory is to be a temporary, de facto situation, whereby the occupying Power can neither claim possession nor exert its sovereignty over the territory it occupies”. It is to be noted that the Court explicitly affirmed that Israel’s security concerns cannot override the prohibition of the acquisition of territory by force, a peremptory norm. The International Court of Justice mandated Israel to terminate its occupation, dismantle settlements, provide reparations to Palestinian victims, and facilitate the return of displaced people.

The General Assembly resolution passed on 18 September 2024 (A/RES/ES-10/24) reiterated the obligations of Israel (as well as third States) set out in the Advisory Opinion. The resolution demanded that Israel brings to an end without delay its unlawful presence in the occupied Palestinian territory, and do so no later than 12 months from the adoption of the resolution, which meant by 18 September 2025.