

28 May 2018

**Al-Haq Urgent Appeal to the United Nations 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**

Victim: Khan al-Ahmar community in the occupied Palestinian territory.

Alleged Perpetrator: Military Commander of the Israel Defense Force, State of Israel

Person Submitting Complaint: Mr. Shawan Jabarin, Al-Haq

Date of Violation: Impending – Military order for demolition of community houses has been issued and upheld by the Israel High Court of Justice on 24 May.

Dear Ms. Leilani Farha,

I am writing to request an Urgent Appeal for your intervention in the imminent destruction of Khan al Ahmar in the Occupied Palestinian Territories (OPT). On Thursday, 24 May 2018, the Israeli Supreme Court authorized the Israeli military's destruction of the entire Khan al-Ahmar infrastructure and community, including a school and homes for 180 people, as well as the forcible transfer of Khan al-Ahmar residents to an area near Ezzariyeh.¹ The Court's decision comes on the same day that Israeli Defense Minister Avigdor Lieberman announced the approval of at least 400 new illegal settlement homes in the OPT.²

Israeli forces have engaged in the demolition and destruction of the Khan al-Ahmar community and other Bedouin communities in the area known as "E1" since the beginning of August 2015.³ Between 5 August 2015 and 20 August 2015, Israeli forces destroyed 57

¹Israeli Court Approves Razing West Bank Bedouin Village, THE GUARDIAN (May 25, 2018, 6:02 AM), <https://www.theguardian.com/world/2018/may/25/israel-court-approves-razing-khan-al-ahmar-bedouin-village>; see also, Education Ministry Appeals to Save School from Israeli Demolition, WAFA (May 26, 2018), <http://english.wafa.ps/page.aspx?id=pbsWJYa97866857484apbsWJY>.

² Yotam Berger, Israel Mulls Hundreds of New Settlement Homes—Defense Minister Touts Over 2,000, HA'ARETZ (May 24, 2018, 9:09 PM), <https://www.haaretz.com/israel-news/israel-pushing-for-3-900-new-homes-in-30-settlements-1.6114836>.

³ Palestinian Human Rights Organization Council, Joint Statement on Israeli Demolitions of Palestinian Structures Inside Area C, and the Perpetration of Forcible Transfer of Palestinian Civilians, (Aug. 20, 2015), <http://www.alhaq.org/images/stories/PDF/2012/pchro08-2015.pdf>

Palestinian structures in E1 communities.⁴ Al-Haq has documented the demolition of 35 structures by the Israeli authorities in Khan al-Ahmar since 2015.⁵ This has already led to the displacement of 205 individuals, including 127 children. The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) for the OPT has previously identified Khan al-Ahmar as being “at risk of forcible transfer.”⁶ Indeed, in its August 2016 report, the UN Special Committee noted that the Palestinian Bedouin community is subjected to a “coercive environment” in which Bedouins and other Palestinian refugees are given the “‘false choice’ of either agreeing to relocate or risk becoming homeless.”⁷ In September 2017, The residents of Khan al-Ahmar were threatened with forced relocation by the Israeli Civil Administration.⁸ After issuing that threat, the United Nations High Commissioner for Human Rights recommended that Israeli authorities “[r]efrain from implementing evictions and demolition orders on the basis of discriminatory and illegal planning policies and practices that may lead to forcible transfer, including of Bedouin and herder communities...”⁹

In defiance of previous international admonishments and United Nations (UN) calls to comply with international law, the Israeli Military Court issued military order 1797 authorizing the demolition of all remaining structures in Khan al-Ahmar, including a school serving 170 students from five communities.¹⁰ The Israeli High Court of Justice refused to enforce international law, holding that there is “no reason” for it to stop the demolitions.¹¹ Blatantly

⁴ *Joint Statement on Israeli Demolitions of Palestinian Structures Inside Area C, and the Perpetration of Forcible Transfer of Palestinian Civilians*, AL-HAQ (Aug. 20, 2015, 2:31 PM), <http://www.alhaq.org/advocacy/targets/palestinian-human-rights-organizations/953-joint-statement-on-israeli-demolitions-of-palestinian-structures-inside-area-c-and-the-perpetration-of-forcible-transfer-of-palestinian-civilians>.

⁵ Al-Haq has documented the demolitions of 2 Animal Sheds, 31 houses, 1 well and 1 toilet. There were no demolitions recorded in 2018.

⁶ *UN Officials Visit Khan al-Ahmar and Call for Respect for International Law*, UN OFF. FOR THE COORDINATION OF HUMANITARIAN AFF. (Apr. 18, 2018), <https://www.ochaopt.org/content/un-officials-visit-khan-al-ahmar-and-call-respect-international-law>.

⁷ Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, UN Doc. A/71/352, at 10-11 (Aug. 23, 2016) [hereinafter UN Special Committee Report].

⁸ Report of the United Nations High Commissioner for Human Rights, *Israeli Settlements in the Occupied Palestinian Territory, Including East Jerusalem, and the Occupied Syrian Golan*, UN Doc. A/HRC/37/43, at ¶ 25 (Mar. 6, 2018) [hereinafter UN HCHR Report].

⁹ UN HCHR Report, ¶ 72(d).

¹⁰ *UN Officials Visit Khan al-Ahmar and Call for Respect for International Law*, UN OFF. FOR THE COORDINATION OF HUMANITARIAN AFF. (Apr. 18, 2018), <https://www.ochaopt.org/content/un-officials-visit-khan-al-ahmar-and-call-respect-international-law>.

¹¹ *Israeli Court Approves Razing West Bank Bedouin Village*, THE GUARDIAN (May 25, 2018, 6:02 AM), <https://www.theguardian.com/world/2018/may/25/israel-court-approves-razing-khan-al-ahmar-bedouin-village>.

disregarding international law, it affirmed the Israeli Military Court order, giving residents of Khan al-Ahmar the false choice of either being homeless or being “relocated elsewhere.”¹²

Al-Haq is gravely concerned that residents from the Khan al-Ahmar community are in immediate danger of being forcibly and illegally evicted from their homes.¹³ Israel continues to ignore its responsibilities under international humanitarian law through, *inter alia*, the construction of more illegal settlements in Occupied Palestinian Territory.¹⁴ The forcible transfer of civilians from occupied territory is a “grave breach of the Geneva Conventions.”¹⁵ Further, the destruction of the occupied population’s private property is a violation of Article 46 of the Hague Regulations.¹⁶ Both are imminent in the case of Khan al-Ahmar.

Accordingly, Al-Haq submits this Urgent Appeal for your immediate intervention to prevent the State of Israel from carrying out any further demolitions in Khan al-Ahmar; to refrain from any forcible transfer of any resident from Khan al-Ahmar to any other location; and to call on the State of Israel to comply with its international human rights and humanitarian law obligations in the OPT.

Yours Sincerely,

Shawan Jabarin



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¹² *Ibid.*

¹³ The Israeli High Court of Justice order did not specify a date for the demolition of Khan al-Ahmar (*Israeli Court Approves Razing West Bank Bedouin Village*, THE GUARDIAN (May 25, 2018, 6:02 AM), <https://www.theguardian.com/world/2018/may/25/israel-court-approves-razing-khan-al-ahmar-bedouin-village>). However, the Israeli Civil Administration previously stated that the residents there would be relocated by “mid-2018” (UN HCHR Report, ¶ 25).

¹⁴ Yotam Berger, *Israel Mulls Hundreds of New Settlement Homes—Defense Minister Touts Over 2,000*, HA’ARETZ (May 24, 2018, 9:09 PM), <https://www.haaretz.com/israel-news/israel-pushing-for-3-900-new-homes-in-30-settlements-1.6114836>.

¹⁵ UN Special Committee Report, at 11, fn. 13. See also Rep. of the S.C., *Human Rights Situation in the Occupied Palestinian Territories, Including East Jerusalem*, UN Doc. A/HRC/34/38, at ¶ 18 (Mar. 16, 2017).

¹⁶ Article 46, Hague Regulations (1907); UN Special Committee Report, at 11, fn. 13.