

HUMAN RIGHTS COUNCIL

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Agenda item 3

PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT

**Report 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, Miloon Kothari***

Addendum

SUMMARY OF COMMUNICATIONS SENT AND REPLIES RECEIVED FROM GOVERNMENTS AND OTHER ACTORS

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Israel

Communication sent

59. On 21 August 2007, the Special Rapporteur sent an allegation letter jointly with the Independent Expert on Minority Issues and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people regarding forced evictions faced by several Bedouin indigenous communities in Israel and in territories under Israeli's occupation. The Special Rapporteurs and the Independent Expert acknowledge receipt of the letter received from the Permanent Mission dated 9 August 2006 regarding the Bedouin village of Al-Sira, as a response to the communication sent by the Special Rapporteur and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people on 19 October 2006. The Jahalin Bedouins are mostly 1948 Palestinian refugees, originating from the area of Beersheva (Bir el Sabe'e) in the Negev (Naqab), Israel, and currently living in the West Bank. Since the implantation of Jewish settlements in the West Bank in the 1970s, it is reported that most have subsequently been internally displaced within the occupied West Bank allegedly as a result of threats and/or home demolitions. Particularly with regard to this Bedouin community, it is alleged that the establishment in 1976 of Ma'ale Adumin and its continued expansion since then has led to their recurring forced eviction and displacement away from the expanding settlement. On one occasion in 1997, reports state that even though a group of Bedouins had challenged the displacement in court, the army eventually forcibly evicted them to shipping containers onto the Jabal, next to the Jerusalem garbage dump in Abu Dis. Since the establishment of the permit regime in the mid-1990s and the construction of the Wall in 2002, access to markets in Jerusalem neighbourhoods, has been substantially reduced, further affecting the Bedouins' livelihood. According to recent reports, up to 2,700 members of the Jahalin Bedouin indigenous community in the Occupied Palestinian Territories are facing threats of forced evictions around the Jewish settlement of Ma'ale Adumin and near the villages of Anata, Abu Dis, and Al' Zaryya. The Jahalin Bedouin community, presently scattered among 31 localities on the hills and roads in the desert, allegedly faces home demolitions, as well as restricted access to land and essential services, as a result of the construction of the Wall in the occupied West Bank and of the planned expansion of the current settlement of Ma'ale Adumin, east of Jerusalem. This expansion plan, called the E1 Plan, allegedly intends to appropriate approximately 12.5 square kilometers of the Palestinian villages of Al-Tur, Anata, Al Eizaryieh, Abu Dis, Al Essawyieh and Hizma. Together with the planned route of the Wall around the E1-Ma'aleh Adumim settlement block, it will apparently encompass, if implemented, 52 square kilometers and over 50,000 Jewish settlers, de facto including this part of the occupied West Bank in Israel's "Greater Jerusalem". Reports received claim that these plans will require the displacement of these Bedouin communities outside of the route of the Wall. The Government reportedly claims that the shacks in which the Bedouin community live have been illegally built on "state land", but there would be evidence to prove that the land belongs to the local communities. According to the reports, the Government has informed those affected that they are required to leave the area that will be encompassed by the Wall, and that it plans to displace them onto permanent clusters on lands belonging to the adjacent Palestinian villages of Abu Dis, Anata, Al 'Zaryya, Eastern Sawahrah, Al Za'ym, and Sheikh Sa'ad, all on the eastern periphery of Jerusalem. These villages are said to be host communities to the Jahalin Bedouins who live semi-nomadically on the land. Nevertheless, the current residents are against the permanent

settlement of the Bedouins landing the area. It is alleged that the displacement to these villages threatens the traditional semi-nomadic way of life of the Jahalin Bedouins, as according to the future plans, they will be effectively surrounded by the Wall, cutting them off from Jerusalem and from other parts of the West Bank. Reportedly, they have also expressed their wishes to remain in their homes and a strong desire to preserve their traditional way of life while improving their living conditions. In addition, reports received have alleged that one of the relocation sites envisaged today by the authorities is again located on the Jabal in Abu Dis, on the site of the Jerusalem garbage dump, which is still reportedly polluted and unsuitable for habitation. On the basis of further information received, similar concerns are raised with regard to the reported demolition of buildings and homes of Bedouin indigenous communities living in the unrecognized village of Attir-Umm al-Hiran in the Negev Desert, South Israel. The communities have reportedly lived in the Negev area for centuries. However, in 1965, the communities were forcibly removed by Israeli authorities, which failed to recognize their ancestral lands, and relocated them in Attir-Umm al-Hiran. According to the reports, on 25 June 2007, a large contingent of Israeli police forces acting together with the Israel Border patrol and acting upon the direction of the Israeli Ministry of Interior and the National Security Council, proceeded to demolish 28 structures, including 25 houses in this village, leaving over 150 Bedouin men, women and children homeless. These demolitions were allegedly carried out as part of a larger plan to resettle the Bedouin communities in one of seven Government townships, and also to build a town for Jewish settlers. Since 2005, the inhabitants of this village had allegedly been regularly presented with demolition orders from the Israeli authorities and had been asked to evacuate the village. They did reportedly not receive prior notice about the demolitions on the day nor were given time to remove their possessions from the buildings and their homes. On 24 June 2007, Israeli authorities reportedly informed one of the residents in the village that they would present on 25 June 2007 a compensation proposal with a view to obtaining their agreement to leave the village voluntarily. However, to date, no alternative housing or compensation has been allegedly provided. On the basis of further information received, concerns are also raised with regard to forced evictions of Bedouin indigenous communities in the Jordan Valley, east of the West Bank, much of which have been occupied by military facilities or have been taken over by Israeli settlements. According to this information, more than a hundred residents of the Bedouin indigenous villages of Hadidiya and Humsa, in the Jordan Valley, are facing threats of house demolition and forced eviction. On 10 April 2007, the residents of the Bedouin village of Haddidiya received demolition orders, asking them to leave their homes by 21 April. The same situation reportedly occurred in the nearby village of Humsa, where the residents received a written notice on 29 May 2007 ordering them to leave the area. It is reported that the official reason for the eviction orders is that this area is a closed military area, from which the Bedouin population is barred. Reportedly, on the morning of 13 August 2007, the demolition of several houses began in Humsa, including the houses of numerous families with a large proportion of children. According to reports, house demolition has been widely used as a mean to force Bedouins and Palestinians to leave the Jordan Valley. Reportedly, Bedouin families often receive the house demolition orders written in Hebrew, a language which most of the Bedouins do not understand or read. It is reported that sometimes house demolition orders are not directly given to the families but simply left on the soil and families often only know of the order when the army arrives to demolish their homes. Furthermore, it is alleged that Bedouin communities are forbidden from building permanent structures, and thus are forced to live in tents and shacks, which provide little shelter from the heat, cold and external elements, and they are not allowed to use infrastructure including wells and roads in the area, as these are for the exclusive use of the nearby Israeli settlements. It is also reported that the army does not allow the installation of basic services including running water, electricity and other essential facilities in the Bedouins villages. The army has reportedly set up military checkpoints and blockades which restrict the Bedouins' movements. Allegedly these restrictions and measures are intended to force the Bedouins out of the area.

Response received

60. By letter dated 23 August 2007, the Government replied to the communication sent on 21 August 2007 by the Special Rapporteur jointly with Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and the Independent Expert on minority issues. The Government underlined that in one paragraph, the communication refers to the case of Bedouins in territories under Israeli occupation while the allegation letter also mentioned Bedouins living in Beersheva and the Negev which are located within Israel, and are not occupied territory. The Government also indicated that the allegation letter refers to "Naqab" instead of Negev and it specified that peoples who live inside Israel are Israeli citizens and not "Palestinian refugees". The Government therefore requested a rectification from the Special Rapporteur.

Response received on cases sent by the Special Rapporteur in preceding years

61. By letter dated 9 August 2007, the Government replied to the allegation letter transmitted by the Special Rapporteur on 19 October 2006 jointly with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and concerning the Bedouin village of Al- Sira, In 1980, following the peace accords with Egypt according to the *Negev Land Acquisition ("Peace Treaty with Egypt") Law, 5740- 1980*, areas surrounding the Nevatim Airport were expropriated for the purpose of establishing military installations. The Bedouin residents living nearby were subsequently evacuated in 1983. Most resettled in the permanent Bedouin towns of Kseife and Araara, while some moved to the Bedouin town of Rahat, or to other areas in the centre of Israel. Additionally, in 1980 a fence was erected around Al-Sira area, and it was made clear to residents that the land was henceforth expropriated and that at some point they would have to relocate according to law. Nevertheless, residents of the Al-Sira community began to dismantle the fence surrounding the area. Residents furthermore petitioned the Supreme Court requesting it to abolish the land expropriation. However on the recommendation of the Supreme Court's president, the petition was revoked. In September 2006, the State initiated action against illegal construction in the area of Al- Sira and inspectors from the Ministry of Interior visited the village in order to identify the owners of the illegal dwellings. However, due to the fear of penal proceedings, it has been found that in the majority of cases residents are neither present nor willing to declare in which of the building they reside. In addition, out of respect for the special status of Bedouin women, State officials do not pressure women to identify themselves. Al-Sira is situated on State land. The Bedouin residents claiming ownership of that land are either very old or have passed away. As those who built illegally were more often distant relatives, rather than the ownership claimant themselves, it has proved almost impossible to ascribe illegal buildings to specific persons. Efforts were made to identify building owners and initiate proceeding against them using data available via other inspection units, such as the Bedouin Administration and the Green Police. An *ex parte* demolition is issued as a final resort, and only when it is impossible to file an indictment against the owners under the usual circumstances, or when every other alternative has been exhausted. Unless a resident identifies the illegal building within two-week period, a request will be submitted to the Magistrates Court to render and *ex parte* demolition order. In any case, such an order becomes valid only after having posted a demolition notice for 30 days, during which time the owner of the building is entitled to submit a reservation. The owner is further entitled to contest the demolition order and raise his own claims during the court hearing. In the case of Al-Sira, demolition orders were rendered by the Magistrates Court according to article 212 to the *Planning and Building Law*, and were procedurally posted on the illegal buildings. The residents of the buildings were given an extended period to submit an application for reversing the judgement, but most opted not to approach the court.

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