

## AN APPEAL TO SAVE AN IMPORTANT PALESTINIAN HOME FROM DEMOLITION

**Urgent action required: The Israeli Supreme Court has just ruled that the home of Salim and Arabiya Shawamreh in Anata, which has already been demolished by the Israeli authorities four times, can be demolished yet again. The Shawamreh home has become a symbol of resistance to Israel's house demolition policies and deserves our support. Please forward this to your lists and raise this issue in your advocacy campaigns. Contact your political representatives and the Israeli embassies and consulates in your country. Tell them that the Shawamreh home (Beit Arabiya) cannot be demolished again. Indeed, tell them that NO Palestinian home should ever be demolished again!**

**For more information, contact the ICAHD office at [info@icahd.org](mailto:info@icahd.org) or +972-(0)2-624-5560.**

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Since 1967, the Israeli authorities have demolished more than 24,000 Palestinian homes in the Occupied Territories, some as "collateral damage" in military operations (4000 homes were demolished in the recent invasion of Gaza), some as collective punishment (the obliteration of the Jenin refugee camp in 2002 being just one example), many others for lack of a building permit, though Israel intentionally withholds building permits from Palestinians. In a particularly cruel twist used by the courts, thousands of Palestinian families have been forced to demolish their own homes under pressure of fines and imprisonment. Tens of thousands of demolition orders remain outstanding in East Jerusalem and the West Bank, and can be implemented at any time.

The issue of house demolitions first penetrated the public consciousness on July 9, 1998, when the Civil Administration, Israel's military government in the West Bank, came to demolish the home of Salim and Arabiya Shawamreh and their six children in "Area C" of Anata, northeast of Jerusalem. Mobilized in time by Israeli and Palestinian activists, it was the first opportunity Israelis, diplomats and journalists actually had to witness a home demolition. The courageous resistance of the Shawamreh family and the international attention the demolition received put the issue of house demolitions on the political map. Over the years many local and international NGOs have highlighted this issue, including Amnesty International. Recent reports by OCHA and the EU have also focused on the illegality of house demolitions. Today the obligation of Israel to cease demolishing Palestinian homes is enshrined in the first phase of the Road Map initiative. Much of this success is due to the Shawamreh family's resistance.

Now they need our help. Last week, after a delay of more than two years, a three judge panel of the Israeli Supreme Court (Justices Eliezer Rivlin, Ayala Procaccia and David Cheshin) rejected the Shawamreh family's second appeal to have the 17-year demolition order on their home rescinded. The Shawamrehs' petition to the Court to issue them a building permit was also rejected. As of Sunday, June 7<sup>th</sup>, the Civil Administration is authorized to demolish their home for the fifth time. It is clear that the Shawamrehs cannot find justice in the Israeli court system. One of the family's chief claims, rejected out of hand by the Court, argues that the Fourth Geneva Convention forbids an Occupying Power from extending its law and administration into an occupied territory, rendering the very process of granting or denying permits to Palestinians patently illegal under international humanitarian law.

Understanding that this argument has no standing in Israeli courts (who rule on the basis that there is no occupation and therefore the Fourth Geneva Convention protecting civilians under

occupation is irrelevant), the family then argued that the legal basis accepted by Israel for demolishing their home and thousands of others in the West Bank – RJ-5, a 1942 British-era plan that designated the entire southern portion of the West Bank as “agricultural land” – was itself illegal since it has never been revised over the past 67 years despite significant changes in demography and land use. Besides using the plan to deny the Shawamrehs their fundamental right to housing, RJ-5, they argue, is also used in a discriminatory manner, since the Israeli authorities set it aside when approving dozens of Israeli settlements on the same land denied to Palestinians for building. This argument, too, was rejected by the Court.

The Shawamrehs then argued that their failure to obtain a permit, despite repeated requests for building permits from the Civil Administration (for which they had to spend \$15,000 in fees), was based on no substantive reason. Indeed, the Civil Administration itself had declared in an interview in *Ha'aretz* newspaper that the Shawamrehs would be granted a permit if they provided what the Civil Administration claimed were two missing signatures on their deed of ownership – yet it would not reveal what signatures were required despite repeated queries, finally saying they lost the Shawamreh file altogether.

All this, plus their repeated appeals to the Supreme Court, constituted, the family argued, an unreasonable state of affairs in which all legal channels of redress were denied or closed. They had demonstrated good faith and a willingness to do whatever the Israeli authorities required, despite the illegality of Israeli policies, but were nevertheless refused. Not only did the judges reject this argument, but in their ruling they accused the Shawamrehs of “bad faith” and “unclean hands” since they had rebuilt their home four times without the proper permit. To add insult to injury, the judges then fined them \$2000 for having the audacity to bring their case to court.

ICAHHD is extremely concerned that the Shawamrehs' home will be quickly demolished by the Civil Administration. Beit Arabiya, as it has become known, is a central meeting place for Palestinians, Israelis and international peace activists. The Shawamreh family deserves the support of the international community in their time of need. Under the Fourth Geneva Convention, residents of occupied territories are supposed to enjoy double protection. The Occupying Power, Israel in this case, is enjoined to protect the rights and well-being of Palestinians under its control, while the international community, through the High Contracting Parties, is required to guarantee the same. In both cases the Shawamrehs and the thousands of families they represent have been let down. When they take steps to actualize their fundamental rights, such as rebuilding their demolished homes, they find they have no effective legal or political protection.

Governments will only act if pushed by the people. We call on you to raise your voices against the impending demolition of the Shawamreh home – and in so doing against Israel's overall policy of demolishing Palestinian homes as it attempts to drive them from the country.

The Israeli Committee Against House Demolitions is based in Jerusalem and has chapters in the United Kingdom and the United States.

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[www.icahd.org](http://www.icahd.org)

[www.icahduk.org](http://www.icahduk.org)

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