



## Effect of House Demolition on Jerusalemite Women

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*“Since the day I received the Israeli demolition order, I never left the house, I am always afraid that they will come and I don’t want them to find it empty, I am always here ready to defend my ownership of this house, I won’t go out. I missed family weddings, mornings I never went out, except once, to the post office to pay the fine for the house!”<sup>1</sup>*

These were the words of Etidal, a Palestinian woman from the Al-Bustan neighborhood - Silwan, the Israeli occupation authorities issued an executive order to self-demolish her house within a period of 21 days. If she and her family do not do so, the occupying forces will demolish their house, bearing the family the costs of the demolition. In addition to continuing the payment of a construction violation issued to them since 2009. The story of Etidal is not exceptional, as 230 thousand<sup>2</sup> Palestinian women live under constant threat of forced displacement in its various forms within a policy that in most cases can constitute a crime against humanity to empty Jerusalem of its Palestinian residents and replace them with Israeli settlers<sup>3</sup>.

<sup>1</sup> An interview with Mrs. Etidal Abu Diab, conducted by the researcher on June 16, 2021.

<sup>2</sup> Palestinian Central Bureau of Statistics (<http://pcbs.gov.ps>) حسب التجمع 2026-2017 (الجهاز المركزي للإحصاء الفلسطيني | عدد السكان المقدر في منتصف العام لمحافظة القدس).

<sup>3</sup> According to Article 7 of the Rome Statute - the Statute of the International Criminal Court - the forced displacement that is committed within a broad and systematic framework is a crime against humanity, as this



Palestinian women have been living under the Israeli military occupation in Jerusalem since 1967, when Israel imposed its legal system in contrary with international humanitarian law, which prohibits the occupying power from changing the laws in force in the area. Moreover, the Israeli Laws classified Palestinians as permanent residents in their own land; accordingly, they are under the constant threat of losing this residency and be expelled out of the city. The policy of house demolitions in East Jerusalem is one of the forced displacement mechanisms where Israel seeks to limit the presence of Palestinians in Jerusalem to Judaize the city. Among all this, the suffering of Palestinian women and the double impact of the occupation on their security and safety are evident.

This specialized article presents the issue of house demolitions in Silwan as one of the mechanisms of forced displacement. It focuses on the daily challenge of human security of Jerusalemite women due to this Israeli policy, and its impact on their daily lives. This article contributes in shedding the light on their case in light of the WPS agenda, and answers the central question: How can Women, Peace and Security (WPS) agenda contribute in alleviating the suffering of Palestinian women in Jerusalem? Could it guarantee their basic rights?

### **Legal Overview: Silwan as a part of East Jerusalem.**

Silwan is part of the militarily occupied East Jerusalem, which Israel illegally annexed its lands, despite the UN Security Council's call for the Israeli forces to withdraw from it as stated Resolution 242. This illegal annexation was followed with the imposition of the Israeli legal system on Palestinians in Jerusalem. Accordingly, the Israeli courts hear the civil cases of the Palestinians without jurisdiction<sup>4</sup>; as the relationship between the occupying power and the people under occupation must be governed by international conventions and covenants of humanitarian law. Such cases must be heard before international courts. As Israeli Judicial system necessarily adopts the colonial perspective of the Israeli occupation represented in the policies to Judaize the city, the most prominent of which is forced displacement.

The policy of forced displacement takes many forms, such as the withdrawal of residency and the imposition of a coercive environment on the Palestinian population in which it is difficult to live

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description, in addition to other conditions stipulated by the Rome Statute, applies to those policies followed in East Jerusalem. In an attempt to empty the city of its aboriginal inhabitants.

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under. In several cases, this policy can constitute war crimes or crimes against humanity, but the most obvious form is house demolitions, which witnessed an increase of 40% during the first quarter of 2021 over previous years, leading to an increase of 87% for cases of displacement.

**Israel's policy to forcible transfer: Expensive fines & executive demolishing orders:** Based on that, Israel imposes fines or even issue executive orders on Palestinian housing units that did not obtain a building permit, as the Palestinians in Jerusalem face two problems in this regard:

1- Israel does not adequately grant building permits to the Palestinians in Jerusalem, as the percentage of building permits granted to the Palestinians in recent years did not exceed 7% of the granted permits, although they constitute 40% of the population in East Jerusalem, which indicates a racist planning policy.

2- Building permit fees are very expensive compared to the income of the Palestinian population in occupied Jerusalem, where 75.4% of them live below the poverty line.

As for the issue of (17) Palestinian families in the Al-Bustan neighborhood - Silwan, these families face both policies, non-appealable executive orders for demolition, and exorbitant financial fines.

Today, the estimated number of houses under the threat of demolition in East Jerusalem is 60,000 houses. This constitutes a grave breach of the Fourth Geneva Convention on the Protection of Civilians in Times of Armed Conflict. Article 53 states that: *“Any 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 co-operative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations”*. While all the houses threatened of demolition in East Jerusalem are civilian facilities and their residents are civilians.

In addition, house demolitions can constitute a war crime based on international criminal law, as Article 8/2 of the Statute of the International Criminal Court states that large-scale destruction of property without a military necessity justifying it is a war crime. Furthermore, it can constitute a crime against humanity as it includes the elements of the crime of persecution as a crime against humanity.

**None - appealable executive orders for demolition:**

Despite imposing the Israeli legal system in violation of international humanitarian law on the Palestinians in Jerusalem, Israel accelerated the implementation of its forced displacement policies. In 2008, the Israeli government approved Amendment No. 116 to the Israeli Planning and Building Law, known as the Kaminitz Law; This amendment grants wide powers to demolish and impose very expensive fines on the executive authority, undermining the powers of the judicial authorities. It prevents courts from interfering with demolition freeze orders so that the planning and building unit can issue an administrative order to demolish a building without a court permission and can also impose a fine of hundreds of thousands of shekels without court's permission.

Today, because of their implementation, the planning and building unit has imposed fines amounting to more than 20 million shekels in Arab towns. The Israeli government boasts that it has managed through law to limit 80% of construction in unregulated Arab towns.



### **The right to adequate housing within the WPS agenda:**

"Although the whole family is affected by forced displacement, it is the woman who suffers the most here as well. Women have to adapt to their new circumstances and assume their responsibilities as in the past, but with fewer means, and they have to work harder and harder to manage things."<sup>5</sup>

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<sup>5</sup> Special Rapporteur on violence against women, report submitted in 2000 to the Commission on Human Rights on economic and social policy and its impact on violence against women.



International law links between the right to adequate housing and human security; as one of the elements of the right to an adequate standard of living. Accordingly, the indivisibility approach applies to it with the related basic human rights such as the right to food, water, health, work, and property, safety of the person, safe Housing, and protection from inhuman and degrading treatment.

This link is reflected in the definition of “the right to adequate housing” as more than just providing a roof, which the individual can live under, it is the right to live a safe and dignified life in a decent housing away from threats<sup>6</sup>.

Therefore, international community considers forceful displacement a grave violation of international law<sup>7</sup>. Moreover, in some cases it may constitute a war crime or a crime against humanity<sup>8</sup>.

In Jerusalem, Palestinians struggle against the policy of forced displacement, which is implemented in various forms, the most prominent and burdensome of which is the policy of house demolitions. Where Israel has pursued a policy of self-demolition, based on giving Palestinians the option to self-demolish their home or bear the cost of demolition if it is carried out by the Israeli Jerusalem municipality, adding to the risks and burdens of forced displacement an additional financial burden as compensation for the government.

In light of this systematic policy, which is widely applied in Palestinian neighborhoods of Jerusalem, in addition to other racist policies, living in the city of Jerusalem has become a major challenge for Palestinians, especially women and girls, which requires special attention and focus to protect them from the multiplier effect of human rights violations under occupation.

This policy reshapes the lives of Jerusalemite women, from stability to displacement. It affects their ability to access available resources, and re-establish a sense of belonging, as they live under

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<sup>6</sup> تعريف المقرر الخاص

<sup>7</sup>1- Article 25/1 of the Universal Declaration of Human Rights.

2- Article 11 (1) of the International Covenant on Economic, Social and Cultural Rights of 1966.

3- Article 5/e/3 of the International Convention on the Elimination of All Forms of Racial discrimination of 1965, which guarantees the right to housing, and the provisions of the Fourth Geneva Convention of 1949.

<sup>8</sup> the Statute of the International Criminal Court defines the elements of the crime of persecuting any identifiable group or group of people on political, racial, national, ethnic, cultural or religious grounds





constant anxiety and fear. It also results in the destabilization of the economic situation and family structure because of the loss of livelihood, property and luggage, and the loss of privacy.

*"We separated, my children are in their relatives' homes, I sleep with my parents, and my little daughter sleeps in the car! We lived here all our lives, but now we lost everything. I don't know what will happen next, all I know is that I need to go back to live with my family under one roof, I derive my strength from being with them, but it is not possible now, we have lost our house forever, where are we going, and how can we start over?"* With these words, Safaa Nassar (49) years old from Silwan, expresses her life after the demolition of her house.

The displacement of Palestinian in Jerusalem increase the vulnerability of women, and exacerbate the differences based on gender at the public and private spheres.

**1- Lack of security:** The sense of insecurity begins from the moment they feel threatened of losing their houses through the Israeli demolition orders, as women live in constant anticipation of what is coming. When the demolition occurs, women become homeless, with no place for protection, they feel that they are a burden on those around them from their relatives and neighbors.

**2- Instability:** When the house is demolished, women move between the homes of their relatives (usually the house of their brothers or their parents), where they live a period of constant movement before the family can find an alternative to housing. There are no guarantees that this alternative will be comfortable or appropriate, and they remain subject to permanent movement and lack of privacy.

**3- Difficulties adjusting:** After women have formed and strengthened their relationship with the neighborhood and started to feel empowered by activating their energies in their community. The women whose homes were demolished, find themselves in a completely different situation and in a new environment. People always deal with them as women in need of help, and the stigma attached to them is "poor", they must live and adapt to these new circumstance as they recover from the trauma and its impact on them.

Thus, women suffer increased exposure to poverty, difficulty in finding a new job, the loss of social support a protective environment and the breakdown of social relations along with other additional burdens to restore the stability of the family.



United Nations reports in the context of the right to adequate housing indicate that legal protection against forced displacement is an essential component of women's security. Thus; addressing the threats to the security of Palestinian women in the city of Jerusalem, the policy of forced displacement and home demolitions is evident as the largest component of the insecurity.

The vision of WPS agenda is based on understanding that conflicts have multiplier effect against women. Thus, women are the most interested in building peace. Therefore, through the WPS agenda, documenting cases of human rights violations with a focus on their impact on women and girls as vulnerable groups is the backbone of advocacy campaigns especially at the international level. To mobilize international public opinion and support and be in solidarity with the Palestinian women's call to end the occupation and hold Israel accountable for committing human rights violations and war crimes. Women's participation in ending occupation and achieving peace requires women's ability and empowerment to be effective, but persistent violations of basic human rights undermine women's ability to reach and influence. This contributes to the continued absence of international accountability for the Israeli occupation and impunity for its crimes against the Palestinians.

As a young human rights defender and WPS advocate, I send a message to the Security Council and UN agencies that it is time that for us as Palestinians especially Palestinian women to live in peace and security. This can be achieved only when perpetrators are held accountable for committing human rights violations and to ending impunity against all those who committed crime against humanity.

We need the international community to take actions against perpetrators to stop war crimes, to end the Israeli occupation and hold the Israeli occupation accountable for its successive crimes against Jerusalemite women. Otherwise, we will continue to count numbers of women victims of conflicts, wars, and colonial occupation.