



27 July 2006

Louise Arbour

United Nations High Commissioner for Human Rights

John Dugard

United Nations Special Rapporteur on the situation of human rights in the occupied Palestinian territory

Miloon Kothari

United Nations Special Rapporteur on Adequate Housing

Dear Madam Arbour and Messrs. Dugard and Kothari:

As a nongovernmental organisation based in the Gaza Strip, and a regional land and housing rights network with over 80 members regionally, we would like to express grave concern about illegal and ongoing measures being used by Israel during military operations in the Gaza Strip that are in gross violation of international law and constitute unacceptable means of behaviour by any standards in times of conflict.

On the night of 24 July 2006, Israeli forces began destroying civilian homes in the Rafah, Khan Younis and Gaza City districts of the Gaza Strip, giving inhabitants just one hour's advance warning to evacuate their families and belongings. This action not only constitutes severe use of collective punishment, but also violates the rights to adequate housing enshrined in international human rights conventions as well as the prohibition to destroy civilian property. Four houses were targeted in this way in one night, and a number of other residents have been warned this week that their homes are also slated for destruction. Many other homes have been destroyed in other attacks throughout the Gaza Strip over the previous month. Al Mezan and Habitat International Coalition's Housing and Land Rights Network are concerned that these actions constitute a disturbing trend in Israeli military policy and we urge that they be immediately stopped.

In an unprecedented development in Israeli military actions in the Gaza Strip, on the night of 24 July 2006, the Israeli military warned residents, by telephone, of the imminent destruction of four houses, forcing residents hurriedly to leave their homes, which the Israeli army subsequently bombed. Nineteen Palestinians were injured, including children. The means by which residents were informed of the imminent bombing of their homes by telephone is absolutely unacceptable form of conduct by the Israeli army and demonstrates the actual prior intent of Israel to attack civilian homes; attacks on civilian property cannot be justified by any means, including military necessity. The areas

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targeted are very densely populated areas, and civilian harm and casualties are inevitable in such attacks; this was abundantly clear during the recent air strike on a house in the Sheikh Radhwan neighbourhood of Gaza City on 9 July, where Israeli air forces killed nine members of one family, including 7 children, and injured over 30 others.

Israel military actions have long shown that the destruction of Palestinian housing and habitat constitutes an official Israeli policy. Large scale destruction, such as the demolition of 58 houses in Rafah on 13 January 2002, belies Israel's justification of necessity; the great deprivation caused to civilians and the loss of civilian life during such action epitomize the disproportionate use of force and disregard for civilian life and property. Since the beginning of the Second Intifada, in September 2000, the Israeli army has partially or completely destroyed 6,498 houses in the Gaza Strip, affecting 59,461 Palestinian residents, who are protected persons under international law.

House demolitions and other attacks on civilian objects and property violate the fundamental guarantee for individuals to enjoy the right to housing, a right that is guaranteed in numerous international law instruments, including treaties such as the ICESCR and CRC, and several United Nations declarations, including the Vancouver Declaration, the Istanbul Declaration and Habitat II Agenda, and customary law's Universal Declaration of Human Rights, with which the United Nations and members states have a responsibility to ensure compliance. In addition, the Rome Statute on the International Criminal Court qualifies these acts as crimes against humanity [Article 7.1 and 2(a)] and war crimes [Article 8.2.(a)(iv) and (b)(iv)]. Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War clearly prohibits the destruction of personal and public civilian property, as well as any form of collective punishment [Articles 33 and 53], considering them as "grave breaches" [Article 147].

By carrying out attacks that result in the destruction of houses, kill civilians and cause anxiety to a large civilian population, Israel is only ensuring the further deterioration of an already fragile situation. Violating the right to housing negatively affects a number of other rights and exacerbates poverty in the Gaza Strip. As the Israeli government explicitly endorses these kinds of attacks, as demonstrated with its clear intent and prior threats in these recent attacks, the international community and the United Nations in particular must take meaningful steps to ensure that international human rights be upheld in the Gaza Strip and the rest of the occupied Palestinian territory. We urge you, as representatives of the United Nations in the context of human rights, to respond in order that:

- The United Nations demand explicitly the end of the illegal Israeli practice of attacks on housing, and call for Israel to guarantee to respect, protect and fulfill the fundamental right to adequate housing in the Gaza Strip and elsewhere in the occupied territories;
- The United Nations urge High Contracting Parties to the Fourth Geneva Convention to uphold their obligations under Article 1 to ensure the respect of international law by holding Israel to its obligations under the Convention, including to prosecute violators in their jurisdictions;

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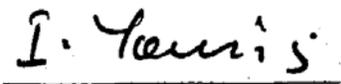
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- Additionally, Members and agencies of the UN suspend support to, and international cooperation with the State of Israel as long as these gross housing rights violations continue.

We appreciate your attention to this serious matter and look forward to your positive intervention.

Please be assured of our highest consideration.

Sincerely,



Issam Younis
Director
Al Mezan Centre for Human Rights



Joseph Schechla
Coordinator
Housing and Land Rights Network
Habitat International Coalition