



**HOUSING AND LAND RIGHTS NETWORK**  
**Habitat International Coalition**

The Regional Council for the  
Unrecognized Arab Villages in  
the Negev



المجلس الاقليمي للقرى العربية غير المعترف  
بها في النقب  
המועצה האזורית לכפרים בלתי מוכרים

## **URGENT ACTION APPEAL**

### **Case ISR- FEDM 040707**

**Naqab(Negev), Palestine: Israel continues its 'secret' policies of house demolitions and violations against the indigenous Arabs of the unrecognized villages.**

House/community demolitions, forced evictions, dispossession,  
use of force, deprivation of the means of subsistence

The Regional Council for the Unrecognized Villages (RCUV), in cooperation with HIC-HLRN, **requests your immediate action** in the current violations taking place in the Naqab (Negev), South Israel.

### **Description of Events**

In the early morning hours of Monday, 25 June 2007, a large contingent of Israeli police forces, along with support from the Israel Border Patrol and under orders from the Israeli Ministry of Interior, demolished 28 structures, including 25 houses, in the Unrecognized Village, of Attir - Umm al-Hiran and left over 150 men, women and children homeless and without any personal belongings in the scorching heat of the Naqab Desert.

The Government of Israel (Gol) had forcibly relocated the residents from their ancestral lands to the village of Attir - Umm al-Hiran in 1956. Now, 51 years later the Gol intends to relocate them again so that Gol, Jewish Agency and Jewish National Fund can build a Jewish town on the land of the victims. Two years ago, the residents received demolition orders to evacuate the territory, but remained steadfast on their property. On the night of Sunday, 24 June 2007, Israeli authorities were at one of the resident's home, partaking in true Bedouin hospitality, with the understanding that next morning the Bedouin Arabs would sign a compensation agreement and voluntarily move. Instead of an agreement and instead of compensation, bulldozers were brought in to demolish their homes. The government offered neither compensation nor alternative shelter, thus depriving hundreds, including

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#### **South Asia Office:**

B-28 Nizamuddin East  
New Delhi 110 013, INDIA

Tel:/FAX: +91 11 2435-8492

E-mail: [info@hic-sarp.org](mailto:info@hic-sarp.org)  
Web: [www.hic-sarp.org](http://www.hic-sarp.org)

#### **Coordination Office:**

11 Taba Street, 2<sup>nd</sup> Floor  
Muhandisin • Cairo, EGYPT

Tel/ FAX: +20 (0)2 347-4360

E-mail: [hlrn@hlrn.org](mailto:hlrn@hlrn.org); [hic-mena@hic-mena.org](mailto:hic-mena@hic-mena.org)  
Web: [www.hlrn.org](http://www.hlrn.org); [www.hic-mena.org](http://www.hic-mena.org)

#### **UN Liaison Office:**

8, rue Gustave Moynier  
1202 Geneva, SWITZERLAND

Tel:/FAX: +41 22 738-8167

E-mail: [hic-hrc@iprolink.ch](mailto:hic-hrc@iprolink.ch)

women and children, of their shelter and belongings in the scorching heat of the Naqab Desert.

The forced evictions and displacement of the residents of Attir - Umm al-Hiran was carried out at the behest of the Israeli authorities, including the National Security Council, to ensure both the cleansing of the Arab population from the Naqab for the future resettlement of Jews on the stolen land and as compensation to settlers redeployed in 2005 from settler colonies in the Gaza Strip. These actions not only violate general principles of international human rights and humanitarian law, but also illustrate the depth of racial discrimination against the indigenous Palestinians within the political structures of the State of Israel and its parastatal institutions. In full realization of the State's intentions, the residents of Attir – Umm al-Hiran, demonstrated against these plans, to which Israel responded by closing all entry roads into the village and arresting RCUV Director Husain al-Rifai-ah, placing him in administrative detention.<sup>1</sup>

The current demolitions are part and parcel of Israel's increasingly campaign forcibly to displace the Arab residents of the Naqab (Negev) and settle their land with Jewish settlers.

### **Background Information on Palestinian Villages in the Naqab (Negev).**

The Arab residents of the Naqab (Negev) have been living on their land for centuries. In the aftermath of the Palestinian Naqba (*disaster*, resulting from the 1948 Israeli conquest), a direct consequence of the mass violations and population transfer committed by Zionist military commanders who became Israel's political leaders in 1948, only 10% of the original Arab population of the Naqab remained.

The indigenous Bedouin Arabs are a unique community of the Palestinian people that has lived in the Negev for centuries. In 1948, they formed 98% of the population of the Naqab. However, after the establishment of Israel, only a small fraction of the population was left in the Naqab, Israeli forces having expelled the rest to Jordan and Egypt. The Israeli authorities have refused to recognize the Bedouins' traditional tenure rights. Dispossessed of the lands they have owned for centuries, today the 160,000 Bedouins are the most disadvantaged citizens in Israel. Almost half of the Bedouin community of indigenous citizens live in seven failing government-planned townships or "concentrations" (*rekuzim*), as Israeli planners call them. The remainder lives in at least 45 villages that the State of Israel still refuses to recognize. These villages do not appear on any official maps of Israel and, without recognition, are denied basic services such as running water, electricity, garbage collection, etc.

One of the principal methods by which the government hopes to resettle this indigenous community in the townships is by demolishing their houses in the unrecognized villages on the premise that they are "illegal," and by simultaneously foreclosing all avenues for legal construction within the traditional villages. On 30 May 2006, the Minister of Interior announced at the Parliament that, during the past three years, Israeli authorities had demolished 560 houses in the "unrecognized" villages. These demolitions have taken place in the early hours of the morning by squads of local police and Israel Land Administration officials. Reportedly, these authorities drive families out of their homes under police order, and destroy the houses with bulldozers, causing civilian casualties. Moreover, these demolitions have resulted in rendering thousands of people homeless, with many of the evictees now living in overcrowded conditions with their relatives, while some have build shacks from scrap materials.

### **Duty holders**

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<sup>1</sup> Administrative detention is detention without charge or trial, authorized by administrative order rather than by judicial decree. It is allowed under international law, but, because of the serious injury to due process rights inherent in this measure and the obvious danger of abuse, international law has placed rigid restrictions on its application. Administrative detention is intended to prevent the danger posed to state security by a particular individual. However, Israel has never defined the criteria for what constitutes "state security." (Definition taken from "Administrative Detention", *B'Tselem*, at: <http://www.btselem.org/English/Administrative%5FDetention/> )

The State of Israel, its elected government, parastatal institutions and its military forces bear the duty to uphold norms of applicable international human rights law as minimum obligations in their treatment of the Palestinian Arab citizens, including the indigenous Bedouin community, on the basis of nondiscrimination. The State has assumed these duties, including by way of its treaty ratifications and affirmations mentioned below. By extension, compliance with these rules also is required of local authorities and private parties, which the State of Israel also is required by law to ensure, in order to protect against violations.

### **International Law**

The State practices reported here violate the inhabitants' human right to adequate housing; i.e., the right of all women, men and children to gain and sustain a secure place to live in peace and dignity. House demolitions represent a gross human rights violation and a violation of the international human rights norms, especially provisions regulating adequacy, nondiscrimination and military necessity. It is worth noting that the Israeli authorities generally do not inform the inhabitants in advance of demolition, and do not allow them a chance to salvage possessions or furniture. The Israeli authorities do not ensure that "all persons should possess a degree of security of tenure [that] guarantees legal protection against forced eviction, harassment and other threats," as provided in General Comment No. 4, elaborating the States obligations under treaty. The International Covenant on Economic, Social and Cultural Rights (ICESCR) requires that States parties, such as Israel, "take immediate measures aimed at conferring legal security of tenure upon those persons and households currently lacking such protection, in genuine consultation with affected persons and groups" (para. 8[a]). According to General Comment No. 7, "States Parties shall ensure, prior to carrying out any evictions, and particularly those involving large groups, that all feasible alternatives are explored in consultation with the affected persons, with a view to avoiding, or at least minimizing, the need to use force. Legal remedies or procedures should be provided to those who are affected by eviction orders." States Parties shall also see to it that all the individuals concerned have a right to adequate compensation for any affected personal and real property (para. 15). The same legal standard provides that evictions "should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State Party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available" (para. 17).

Israel does not provide alternative adequate housing or compensation for the Bedouin Arab citizens whom it evicts and dispossesses. As such, the State of Israel is violating especially the affected persons' entitlements to security of tenure; livelihood; freedom from dispossession; participation and self-expression; physical security; and adequate reparation for damages, losses and other costs. All are elements of the human right to adequate housing as guaranteed in ICESCR, which Israel ratified on 3 January 1992. It should be noted here that Israel bears a binding treaty obligation to respect, protect, promote and fulfill these entitlements in an environment of self-determination, nondiscrimination, gender equality, rule of law, international cooperation, and nonregressivity.

The State has been derelict in its obligations as elaborated in the UN Committee on Economic, Social and Cultural Rights General Comments Nos. 4 and 7 on the human right to adequate housing, including protection from forced eviction. The monitoring bodies of the international human rights treaty system repeatedly have found Israel in breach of its obligations to both its citizens and to the other State parties of the relevant covenants and conventions. The Committee reviewing the Convention against Torture, in its November 2001 consideration of Israel's treaty implementation, recognized for the first time, in the extreme case of Israel's performance, that house demolition may qualify as a form of cruel, inhuman and degrading treatment and/or punishment under the

Convention's article 16.<sup>2</sup> Israel ratified CAT on 2 November 1991. The State flagrantly breaches its obligations, *inter alia*, under the International Covenant for the Elimination of Racial Discrimination (CERD), both in general and, specifically, Article 5(e)(iii), guaranteeing the right to housing. Israel ratified ICERD on 2 February 1979.

The Committee on Economic, Social and Cultural rights (CESCR) has repeatedly noted Israel's material discrimination against the Arab Bedouin citizens. In its 1998 Concluding Observations, the Committee noted that:

"The number of Bedouins living below the poverty line, their living and housing conditions, their levels of malnutrition, unemployment and infant mortality are all significantly higher than the national averages. They have no access to water, electricity and sanitation and are subjected on a regular basis to land confiscations, house demolitions, fines for building "illegally", destruction of agricultural fields and trees, and systematic harassment and persecution by the Green Patrol. The Committee notes in particular that the Government's policy of settling Bedouins in seven "townships" has caused high levels of unemployment and loss of livelihood....The Committee urges the State party to recognize the existing Arab Bedouin villages, the land rights of the inhabitants and their right to basic services, including water."<sup>3</sup>

CESCR repeated the same concerns in its 2003 Concluding Observations, urging that Israel "recognize all existing Bedouin villages, their property rights and their right to basic services, in particular water, and to desist from the destruction and damaging of agricultural crops and fields, including in unrecognized villages. The Committee further encourages the State party to adopt an adequate compensation scheme for Bedouins who have agreed to resettle in 'townships'."<sup>4</sup>

Also, the 1998 Rome Statute of the International Criminal Court defines as crimes against humanity the "deportation or forcible transfer of population"; "persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender"; and "other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health" (Article 7.1[d], [h] and [k]). The same Statute considers such acts as war crimes under Article 8.1(a) (iv) and 8.2 (i), (ii), (iv) and (viii).

In addition, in its 2007 Concluding Observations, the Committee on the Elimination of Racial Discrimination expressed concern:

"... about the relocation of inhabitants of unrecognized Bedouin villages in the Negev/Naqab to planned towns. While taking note of the State party's assurances that such planning has been undertaken in consultation with Bedouin representatives, the Committee notes with concern that the State party does not seem to have enquired into possible alternatives to such relocation, and that the lack of basic services provided to the Bedouins may in practice force them to relocate to the planned towns. (Articles 2 and 5 (d) and (e) of the Convention)."<sup>5</sup>

Additionally, both the CESCR and CERD have pointed toward the unethical and illegal role of the Zionist parastatal organizations belonging to the State of Israel, namely the Jewish National Fund

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<sup>2</sup> Conclusions and Recommendations of the Committee against Torture: Israel, CAT/C/XXVII/Concl.5, 23 November 2001, para. 6(iii)(j).

<sup>3</sup> "Concluding Observations of the Committee on Economic, Social and Cultural Rights: Israel," E/C.12/1/Add.27, 4 December 1998, at: <http://domino.un.org/UNISPAL.NSF/fd807e46661e3689852570d00069e918/0bc7883100a95730852569af00575179!OpenDocument>.

<sup>4</sup> "Concluding Observations of the Committee on Economic, Social and Cultural Rights: Israel," E/C.12/1/Add.90, 23 May 2003, para. 27, at: [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/E.C.12.1.Add.90.En?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/E.C.12.1.Add.90.En?Opendocument).

<sup>5</sup> Concluding Observations of the Committee on Elimination of Racial Discrimination: Israel, CERD/C/ISR/CO/13, para. 25, at: <http://www.ohchr.org/english/bodies/cerd/docs/CERD.C.ISR.CO.13.doc>

(JNF) and the World Zionist Organization/Jewish Agency (WZO/JA) in the expropriation of Palestinian property and its redistribution to “Jewish nationals.”<sup>6</sup>

**Actions requested:**

Please write to the Israeli authorities, international officials, and/or your local politicians demanding that:

1. Israel cease its illegal actions against indigenous Palestinians;
2. Israel's parastatal organizations (WZO and JNF) registered and operating internationally be recognized as foreign agents (representing a foreign State), and not as charitable organizations; and that
3. Both Israel and its parastatal organizations be held accountable for their conduct both in Palestine and internationally.

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**Please see the attached Sample Letter. Kindly CC the following in any actions undertaken:**  
[urgentactions@hlrn.org](mailto:urgentactions@hlrn.org), [miloonkothari@vsnl.net](mailto:miloonkothari@vsnl.net), [faisal.rcuv@gmail.com](mailto:faisal.rcuv@gmail.com).  
.....

**Addresses of Duty Holders:**

***Israel***

**Ehud Olmert**

Prime Minister of Israel  
Prime Minister's Office  
3 Kaplan St., Qiryat Ben-Gurion  
P.O. Box 187, 91919 Jerusalem  
Tel: +972 (0)2 670-5555  
Fax: +972 (0)2 651-2631  
Website: <http://www.pmo.gov.il>  
E-mail: [pm\\_eng@pmo.gov.il](mailto:pm_eng@pmo.gov.il)

**Michael Freedman**

Minister of Justice  
29 Salah al-Din St.  
91010 Jerusalem  
Tel. +972 (0)2 670-8511  
Fax: +972 (0)2 628-8618  
Website: <http://www.justice.gov.il/> (Hebrew)

***International Officials***

**H.E. Ban Ki-Moon**

UN Secretary-General  
UN Headquarters  
UN Plaza  
New York NY 10017, United States  
E-mail: [ecu@un.org](mailto:ecu@un.org), [coi@un.org](mailto:coi@un.org)

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<sup>6</sup> Ibid, paras. 11 and 35.

**H.E. Sheikha Haya Rashed al-Khalifa**

President of the UN General Assembly  
United Nations Headquarters  
Conference Building  
New York NY 10017, United States  
Tel: +1 (212) 963–2486, 963–5067  
Fax: +1 (212) 963–3301, 963–3133  
E-mail: [presidentga61@un.org](mailto:presidentga61@un.org)

**José Manuel Barroso**

Office of the President  
European Commission  
1049 Brussels, Belgium  
E-mail: [sg-web-president@ec.europa.eu](mailto:sg-web-president@ec.europa.eu)

**Hans-Gert Poettering**

President of European Parliament  
Rue Wiertz  
PHS 11B011  
Brussels 1042, Belgium  
Tel: +32 (0)2 284–9769  
Fax: +33 (0)3 88 17 9769  
E-mail: [hpoettering@europarl.eu.int](mailto:hpoettering@europarl.eu.int)  
[hans-gert.poettering@europarl.europa.eu](mailto:hans-gert.poettering@europarl.europa.eu)  
[sg-registre@cec.eu.int](mailto:sg-registre@cec.eu.int); [sg-plaintes@cec.eu.int](mailto:sg-plaintes@cec.eu.int); [Futurum@cec.eu.int](mailto:Futurum@cec.eu.int)

**Luis Moreno-Ocampo**

Prosecutor of the International Criminal Court  
Po Box 19519  
The Hague 2500 CM, Netherlands  
Tel. +31 (0)70 515–8515  
Fax +31 (0)70 515–8555  
Email: [opt.informationdesk@icc-cpi.int](mailto:opt.informationdesk@icc-cpi.int)

**Thomas Hammarberg**

Commissioner for Human Rights  
European Commission  
Council of Europe  
Strasbourg F-67075 Cedex, France  
Tel: +33 (0)3 88 41 34 21  
Fax: +33 (0)3 90 21 50 53  
E-mails: [commissioner@coe.int](mailto:commissioner@coe.int)

## [Sample letter for Israeli officials]

Dear Sir:

We are profoundly disturbed by news from Habitat International Coalition's Housing and Land Right Network (HLRN) and its local member, the Regional Council for the Unrecognized Villages (RCUV), about the evictions, demolitions and land expropriation against the indigenous Arab residents of the Naqab (Negev).

The State of Israel and, by extension, its parastatal organizations, the World Zionist Organization (WZO) and Jewish National Fund (JNF), bear the duty to uphold norms of applicable international humanitarian and human rights law as minimum guidelines for their treatment of the indigenous Palestinian civilian population, including refugees. The State has assumed these duties, including by way of its treaty ratifications and affirmations mentioned below. By extension, compliance with these rules also is required of private parties to avoid contributing to the situation that leads to certain violations.

The practices violate the inhabitants' human right to adequate housing; i.e., the right of all women, men and children to gain and sustain a secure place to live in peace and dignity. House demolitions represent a gross human rights violation and a violation of the international human rights and humanitarian norms, especially provisions regulating adequacy, nondiscrimination and military necessity. It is worth noting that the IOF generally do not inform the inhabitants in advance of demolition, and do not allow or give them a chance to salvage possessions or furniture. Of course, the Israeli occupation forces (IOF) do not provide alternative housing or compensation either. As such, the IOF especially violate the peoples' entitlements to security of tenure; livelihood; freedom from dispossession; participation and self-expression; physical security; and adequate compensation for violations and losses. All are elements of the human right to adequate housing as recognized in international law. It should be noticed here that Israel bears a treaty-bound obligation to respect, defend, promote and fulfill these entitlements in an environment of self-determination, nondiscrimination, gender equality, rule of law, international cooperation, and nonregressivity.

Specifically, the Israeli authorities have breached their treaty obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR), which Israel ratified on 3 January 1992. The State has been derelict in its obligations as elaborated in the UN Committee on Economic, Social and Cultural Rights General Comments Nos. 4 and 7 on the human right to adequate housing, including protection from forced eviction. Israel also has been specifically condemned by the Committee reviewing the Convention against Torture at the end of 2001, when recognising for the first time house demolition as a form of cruel, inhuman and degrading treatment and/or punishment. Israel ratified CaT on 2 November 1991. The State flagrantly breaches its obligations, *inter alia*, under the International Covenant for the Elimination of Racial Discrimination (ICERD), both in general and specifically Article 5(e)(iii), which treaty it ratified on 2 February 1979.

Also, it is worth noting that the 1998 Rome Statute of the International Criminal Court defines both "population transfer" (art. 7(1)(d) and 7(2)(d)) and the "extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly" as war crime (art. 8, 2.a (iv)).

We call on you to carry out your duties within the norms and standards required of States.

To avoid further violations and senseless destruction of human life and property ensure:

1. The immediately halt of impending and future evictions;

2. Full reparation for all affected persons and communities, so as to enable the inhabitants to rebuild their houses and other structures, while government provides basic infrastructures and planning, thereby restoring the community;
3. Prosecution of those individuals and legal persons responsible for these breaches and violations.

We thank you in advance for your attention to this matter and look forward to hearing from you about your remedial response.

Sincerely,

**[Name of sending organization and contact information]**

### **[Sample letter to International officials]**

Dear Sir/Madam:

We are profoundly disturbed by news from Habitat International Coalition's Housing and Land Right Network (HLRN) and its local member, the Regional Council for the Unrecognized Villages (RCUV), about the evictions, demolitions and land expropriation against the indigenous Arab residents of the Naqab (Negev).

The State of Israel and, by extension, its parastatal organizations, the WZO and JNF, bear the duty to uphold norms of applicable international humanitarian and human rights law as minimum guidelines for their treatment of the indigenous Palestinian civilian population, including refugees. The State has assumed these duties, including by way of its treaty ratifications and affirmations mentioned below. By extension, compliance with these rules also is required of private parties to avoid contributing to the situation that leads to certain violations.

These practices represent a violation of the *de jure*-applicable Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949), which prohibits destruction of civilian properties, collective punishment and targeting civilians (articles 33, 53, 49 and 47). The extensive destruction and appropriation of property, not justified by military necessity is also considered a grave breach under Art. 147 of the Fourth Geneva Convention.

The practices reported also violate the inhabitants' human right to adequate housing; i.e., the right of all women, men and children to gain and sustain a secure place to live in peace and dignity. House demolitions represent a gross human rights violation and a violation of the international human rights and humanitarian norms, especially provisions regulating adequacy, nondiscrimination and military necessity. It is worth noting that the Israeli occupation forces (IOF) generally do not inform the inhabitants in advance of demolition, and do not allow or give them a chance to salvage possessions or furniture. Of course, the IOF do not provide alternative housing or compensation either. As such, the IOF especially violate the peoples' entitlements to security of tenure; livelihood; freedom from dispossession; participation and self-expression; physical security; and adequate compensation for violations and losses. All are elements of the human right to adequate housing as recognized in international law. It should be noticed here that Israel bears a treaty-bound obligation to respect, defend, promote and fulfil these entitlements in an environment of self-determination, nondiscrimination, gender equality, rule of law, international cooperation, and nonregressivity.

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Also, it is worth noting that the 1998 Rome Statute of the International Criminal Court defines both “population transfer” (art. 7(1)(d) and 7(2)(d)) and the “extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly” as war crime (art. 8, 2.a (iv)).

Finally, it is important to highlight the recent rejection by ECOSOC's NGO Committee of the JNF's application for UN consultative status as a “nongovernmental organization”. The Committee found the JNF's activities to be inconsistent with the UN Charter and lacking sufficient independence of a UN Member State.

In order to avoid further violations and senseless destruction of human life and habitat, we call on you to urge Israel to uphold its legal obligations by support this action to:

1. Publicly condemn Israeli actions;
2. Ensure that Israel upholds its treaty obligations;
3. Guarantee the security and safety of the occupied Palestinian people;
4. Consider the WZO and JNF as representatives of the State of Israel, and not as charitable organizations;
5. Hold both Israel and its parastatal organizations, the WZO and JNF, accountable for their actions both internationally and in Palestine.

We thank you in advance for your attention to this matter, and look forward to hearing from you about your constructive response.

Please be assured of our highest consideration.

Sincerely,

**[Name of sending organization and contact information]**