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המוקד להגנת הפרט

مركز الدفاع عن الفرد

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Dear Sir,

Re: Punitive measures against Palestinians in the context of the abduction of three Israeli youths

1. I hereby appeal to you with regard to the punitive steps and pressure measures the Government of Israel is considering to employ against the Palestinian population in the West Bank, as we have learnt from Barak Ravid's article in today's "Haaretz" newspaper. Among the measures mentioned, are house demolitions and deportation of Palestinians from the West Bank to the Gaza Strip.
2. We hereby request you intervene in order to prevent use of these measures, as they contradict Israeli law and international humanitarian law.

Deportation to the Gaza Strip

3. The removal of a person from his home and his deportation or forcible transfer to another place severely infringe on his liberty, dignity and property. Articles 49 and 78 of the Fourth Geneva Convention prohibit deportation from the occupied territory or forcible transfer of protected civilian population. This is one of the prohibitions in the Convention (see Article 147 of the Fourth Geneva Convention).
4. According to media reports, the purpose of deporting Palestinians to the Gaza Strip is punishment and the exertion of pressure, against the backdrop of the youths' abduction, a consideration which is forbidden under international humanitarian law.

5. The deportation of Palestinians from the West Bank to the Gaza Strip is intended as punishment of Palestinians without direct guilt or direct involvement in the abduction of the youths, and it amounts to political prosecution.

House demolition

6. House demolition is a cruel and inhuman measure which severely traumatizes the family, leaving it destitute and displaced.
7. The demolition of a family home is a violation of fundamental rights – the right to dignified life, the right to shelter and the right to property. Demolition targets individuals who have not offended and contradicts a supreme and fundamental moral and legal principle, whereby “Parents are not to be put to death for their children, nor children put to death for their parents; each will die for their own sin.” (2 Kings 14: 6; see also the remarks of Honorable Justice Cheshin in HCJ 2006/97 **Ghneimat v. GOC Central Command**, IsrSC 51(2) 651, p. 654).
8. House demolition breaches international humanitarian law, which prohibits collective punishment (Art. 33 of the Fourth Geneva Convention) and damage to and destruction of private property (Art. 46 of the Hague Regulations and Art. 53 of the Fourth Geneva Convention).
9. It is important to recall that the military's long pursued policy of demolishing homes of assailants' relatives had failed to prove itself as a deterrence, and that in 2005, the Minister of Defense accepted the recommendations of a committee appointed by the Chief of Staff, to stop house demolitions because deterrence had not been proved effective and the damage caused by the demolitions exceeded the benefit.

In conclusion

10. If the State of Israel does in fact intend to use harsh and extreme punitive steps and pressure measures as detailed above, that contradict international humanitarian law and Israeli law, we request you intervene as follows:
11. Prevent deportation of Palestinians from the West Bank to the Gaza Strip and house demolitions for the above stated reasons.
12. Should it be decided to deport Palestinians from the West Bank to the Gaza Strip, we request that prior to deportation, the designated deportees be given the right to a hearing, in the presence of their lawyers, and that they be given the opportunity to petition the court before the deportation.

13. Should it be decided to demolish houses, the families must be notified in writing about the decision sufficiently in advance, so they could appeal to the courts and exhaust proceedings before the demolition.
14. Kindly inform us as to your position and action in said issues.

Sincerely,

Ms. Abir Joubran-Dakwar, Adv.