

Press Release| December 2, 2014| For Immediate Publication

The State delivered its response to the petition of human rights organizations against the practice of punitive house demolition:

The State attempts to avoid discussing the morality and legality of the punitive house demolition policy

Advocate Michael Sfard said following the State's response: "The State in its response requests the court not to discuss the substantial and general arguments of the organizations and attempts, once again, to avoid discussing the morality and legality of the punitive house demolition policy. The petitioners point to the fact that the Supreme Court has never actually discussed the argument raised by all international law experts both in Israel and worldwide, that this policy constitutes a brazen violation of the prohibitions established by international law. The State in its response fails to point at even one judgment which refutes said argument."

The High Court of Justice will hold tomorrow (Wednesday December 3, 2014) a first hearing in the general petition against the punitive house demolition policy. Notwithstanding the fact that the petition is not intended to protect a specific house but rather confronts the punitive house demolition policy on the general level, the court scheduled the hearing for December 3, 2014 at 11:30, while the hearing in the petitions against the intended demolition of the family homes of the perpetrators in the Har Nof synagogue terror attack is expected to be heard.

On November 27, 2014, HaMoked: Center for the Defence of the Individual which heads a group of human rights organizations, petitioned to the High Court of Justice, and requested it to direct the State to cease the illegal punitive house demolition practice in the Occupied Palestinian Territories (OPT), including in East Jerusalem.

In the petition HaMoked argues, through Advocate Michael Sfard, that the legal arguments against the use of Regulation 119, on which punitive house demolition relies, should be revisited as they had not been considered on their merits since the 1980's, when the first two judgments on house demolitions were issued. Furthermore. Over the years there have been significant developments in international law, including international criminal law, but the Supreme Court of Israel has not addressed these developments in its expansive jurisprudence on house demolitions and should do so now.

The petition is backed by a legal expert opinion authored by some of Israel's top jurists working in the field of international, constitutional and military law. The expert opinion states, *inter alia*, that the punitive house demolition policy constitutes a grave breach of international humanitarian law, the international laws of belligerent occupation and international human rights law, and that it contradicts the fundamental tenet in Israeli law whereby people cannot be punished for actions other than their own. The opinion stresses that the house demolition policy could amount, in certain circumstances, to a war crime, and that it may put all those involved in its implementation at risk.

The petition was filed by eight human rights organizations – Hamoked: Center for the Defence of the Individual, Yesh Din, Bimkom, B'Tselem, Public Committee Against Torture, Adalah, Physicians for Human Rights and Rabbis for Human Rights, all represented by Advocates Michael Sfar, Noa Amrami and Roni Peli.

For additional details concerning the petition: [link](#)