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**המוקד להגנת הפרט**

**مركز الدفاع عن الفرد**

## Punitive Home Demolition - Timeline

Since 1967, Israel has been demolishing homes of Palestinians as part of its penal policy in the Occupied Palestinian Territories (OPT). The military, relying on Regulation 119 of the Defense (Emergency) Regulations of the British Mandate, which grants broad discretionary powers, imposes this excessive and irrevocable punishment under an administrative decision. Concurrently, the military continues to demolish homes on various administrative claims and to implement its "razing" policy of uprooting fields and groves and demolishing homes for "security" reasons.

Punitive home demolitions constitute collective punishment, and are contrary to both international law and the basic precept of Israeli law that a person must not be punished for the acts of others. The punitive demolition of homes does not replace criminal punishment but supplements it, and its chief victims are the occupants of the demolished home rather than the alleged perpetrator, who has mostly been imprisoned or killed.

The following timeline illustrates Israel's shifts of policy concerning punitive demolitions, implemented as if the OPT were its own private testing grounds and the human rights therein the military's plaything. HaMoked deplores the fact that the High Court of Justice (HCJ) serves as a fig leaf for Israel's actions, and legitimizes the abuse of OPT residents and the violation of the rules of international law.

### 27.9.1945 | **The British Mandate enacts the Defense (Emergency) Regulations**

Under [Regulation 119](#), a home may be demolished or forfeited, if it is suspected to have been used for the commission of an offence involving violence or intimidation, or if the military commander is satisfied that one of its inhabitants had been involved in the commission of such an offence. Aside from the suspect's home, the draconian regulation, which is set out in a section entitled "Miscellaneous Penal Provisions", allows to demolish the homes of his relatives, neighbors and others in his community.

Upon termination of the British Mandate, the British Parliament abolishes all Mandatory legislation in Palestine-Eretz-Yisrael, including the Defense (Emergency) Regulations.

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21.5.1948 **Israel adopts the Mandatory Defense (Emergency) Regulations under the Law and Administration Ordinance 5708-1948**

Section 11 of [the Ordinance](#) stipulates that the law that was in effect in Palestine-Eretz-Yisrael on the day the State of Israel was established would remain in effect so long as it does not contradict the Ordinance or any future laws, and with the necessary changes emanating from the establishment of the state and its authorities.

Israel contends that the revocation of the Mandatory Defense Regulations was never published in the official Palestine Gazette, and therefore, its revocation was a secret law, in the meaning of the term under Section 11a of the Ordinance, which is that “it is not and never has been valid”.

Adopting the Defense Regulations into Israeli domestic law allows for use of the powers to forfeit and demolish homes throughout the country. However, in practice, the power is used only against Palestinian residents of East Jerusalem.

1949 **The signing of the Fourth Geneva Convention which prohibits collective punishment and determines that home demolition for non-military purposes constitutes a war crime**

Under Article 53 of the Convention, the occupying power is prohibited from destroying homes or other property "except where such destruction is rendered absolutely necessary by military operations". According to Article 33, "no protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited. [...] Reprisals against protected persons and their property are prohibited".

[The Fourth Geneva Convention](#)

7.6.1967 **Military promulgates a proclamation that applies the Defense (Emergency) Regulations to the OPT**

Section 2 of the [Proclamation regarding Regulation of Administration and Law \(West Bank Area\) \(No. 2\) 5727-1967](#) stipulates that the law that was in force prior to the occupation of the Territories by Israel will remain in force. A proclamation to the same effect was promulgated in the Gaza Strip.

Over the years, the High Court of Justice rejects arguments that the Defense (Emergency) Regulations do not apply in the West Bank pursuant to the Proclamation, since the Jordanian Constitution revoked them in 1952. The HCJ rules the Regulations continue to apply in the West Bank subject to an order issued by the Jordanian military governor, which left Mandatory

legislation intact. With respect to the Gaza Strip, [the HCJ notes](#) that there had been no substantive changes to the law in Gaza since the British Mandate, such that no claim disputing the validity of the Defense (Emergency) Regulations in that region was ever made.

[The judgment](#) as to the Regulations under Jordanian rule (in Hebrew)

1967-1987 **The military punitively demolishes or seals more than 1,300 homes in the OPT**

From the beginning of the occupation until the outbreak of the first intifada, the military demolishes homes – mostly late at night – without trial or proof of any wrongdoing. Most of the homes, some 1,000, are demolished in the first five years of the occupation of the West Bank and Gaza Strip.

See [B'Tselem report from September 1989, p. 11](#) ; [Al-Haq report from 2003, p. 7](#)

8.3.1968 **The UN Human Rights Council calls on Israel to desist from demolishing the homes of Palestinians in the OPT**

Following a New York Times item about punitive home demolitions in East Jerusalem, the Council passes a resolution, with a majority of seventeen to one (Israel), to send the Israeli government a telegram expressing its displeasure with home demolitions in the OPT. The US representative on the Council, who abstained, reads out a notice issued by the American State Department, according to which the Fourth Geneva Convention applies to Israel's actions in the OPT, including East Jerusalem.

See [Davar newspaper article](#), March 10, 1968 (in Hebrew)

12.3.1968 **The legal advisor to the Israeli Ministry of Foreign Affairs in a classified legal opinion: punitive home demolitions in the OPT are a breach of international law**

Following international criticism over Israel's policy in the OPT, the director general of the Ministry of Foreign Affairs commissions a legal opinion on "Blasting Homes and Deportation".

[The opinion](#), written by Theodore Meron, later a leading world expert on international law, determines, among other things, that using Regulation 119 to demolish Palestinian homes is a clear violation of the Fourth Geneva Convention. Meron even notes that the legal argument that domestic law overrides international law – used by the Military Advocate General to defend the home demolition policy – is "unpersuasive".

Despite the clear assertions made in the opinion, it does not gain the attention of decision makers. On the contrary, it is filed away, fading from memory.

December 1968 **The International Committee of the Red Cross condemns the demolition of homes in the OPT: collective punishment of innocent people cannot be justified under any circumstances. Internal correspondence of the Ministry of Foreign Affairs reveals that in Israel's view the demolition of homes is "a lighter punitive action as compared to any other punitive act"**

On December 2, 1968, the ICRC President sends a telegram to the Israeli Minister of Foreign Affairs protesting the "new series of home demolitions committed in the last days of November by the security forces in Nablus and in Hebron". The President notes that acts of reprisal or collective punishment – such as home demolition – are absolutely prohibited under the Fourth Geneva Convention, and demands that the Israeli government intervene to stop use of this illegal measure.

The Ministry of Foreign Affairs refrains from responding to the issue raised in the telegram, but according to internal correspondence between the Israeli ambassador in Geneva and various foreign ministry officials, Israel considers the demolition of homes to be unavoidable, and even perceives it as a "lighter punitive action as compared to any other punitive act, which we would have had to use to deter hostile entities from committing terror activities".

[Internal foreign ministry correspondence regarding the ICRC telegram](#) (in Hebrew)

December 1970 **Israel decides to reduce punitive home demolitions in the West Bank and to stop their use in East Jerusalem**

According to a letter titled "House demolition as punitive action", sent to the Ministry of Foreign Affairs Deputy Head on December 16, 1970, "in light of the reduction in terror activities in Judea and Samaria", the Ministry of Defense decided to restrict use of the home demolition measure: "The basic policy remains – punishing active participation in hostile terrorist activity – but with the intent to follow the criterion more stringently. The penalty is to be employed only over the depositing of explosives or the possession of a weapon". It is further stated that the Committee for the Security of Jerusalem has decided "to adopt the same policy and refrain from bombing or demolishing homes" given the "importance of maintaining the quiet in the eastern city".

["House demolition as punitive action" Letter](#) (in Hebrew)

- 6.11.1979 **The High Court of Justice legitimizes punishment as a deterrent**
- In a constitutive judgment on the issue of home demolitions, the HCJ determines that Regulation 119 of the Defense (Emergency) Regulations, 1945, permits the use of punitive measures for deterrence, and approves the sealing of one room in a home, which was used by an OPT resident who was convicted of an offence. The court also rules that the unusual nature of the sanction warrants selective use thereof.
- [The judgment](#) (in Hebrew)
- 10.8.1982 **The High Court of Justice: exercising the authority to demolish a home under Regulation 119 is not conditional on a criminal conviction of any of its inhabitants**
- The court rejects a petition against the intended demolition of the homes of two families whose members admitted to (but have not yet been convicted of) a murder. The court determines that the military commander may act pursuant to Regulation 119 without a conviction, and that all that is required is that the evidence before him be such that a reasonable person would find it sufficiently inculpatory. However, the court did rule that the Regulation may be used in exceptional circumstances only and following due discretion and diligent examination.
- [The judgment](#) (in Hebrew)
- 24.3.1986 **The High Court of Justice rules punitive home demolition is not collective punishment**
- In a judgment upholding the demolition of three homes in the West Bank, the court rules that Regulation 119 is aimed at deterring also the people around the offender, and yet, does not constitute collective punishment. According to the justices, embracing an interpretation that precludes home demolitions when they may harm innocents would empty it of meaning, “leaving only the possibility of punishing a terrorist who lives alone and by himself in a home”.
- [The judgment](#) (in Hebrew)
- 1988-1992 **During the first intifada, Israel demolishes or seals more than 860 homes in the OPT**
- See [B’Tselem report from November 2004, p. 17](#)
- A decision to demolish a home is largely arbitrary. It lacks clear criteria and depends on the military commander on the ground. The military demolishes the homes of individuals suspected of committing acts that threatened the

lives of Israeli citizens or soldiers, and often, also of the homes of "suspected agitators" and those who forcibly resisted arrest. Additionally, the military demolishes the homes of people who are not immediately related to the suspect, and homes which suspects have rented and whose owners have no connection to the grounds for the demolition.

30.7.1989 **The High Court of Justice rules that except when "military-operational requirements" are concerned, prior warning of the impending home demolition must be served, and the occupants must be allowed to challenge the decision before the military commander and if need be, before the court**

In "urgent cases", the openings of a home may be sealed – a reversible action – but in this case also, the occupants must be advised of their right to contest, as stated.

[The judgment](#)

31.7.1989 **The High Court of Justice approves use of Regulation 119 even if the offender is only a renter**

According to the court, “were it to come out that any sanction can be avoided in advance by the perpetrator of terrorist actions using a rented apartment, the deterring power anticipated from use of said legal provision would be nullified”.

[The judgment](#) (in Hebrew)

6.5.1990 **The High Court of Justice revokes a punitive demolition order due to flaw in the factual basis underlying the decision to use Regulation 119**

The court accepts, by majority vote, a petition against the planned demolition of a suspect’s home, given that some of the facts on which the military based its decision had been wrong. The court rules the case should be referred for reconsideration by the military commander, stressing: “The decision of a public authority must be rooted in facts and figures which are properly collected and examined prior to serving as the factual basis for the decision”.

[The judgment](#) (in Hebrew)

19.8.1990 **The High Court of Justice rules that the reasonableness of a decision to issue a punitive demolition order can be measured also according to information revealed after the order is issued**

The court rules that so long as the demolition order had not been implemented, justification and grounds for it can be found in all acts

attributed to the suspect, “whether they were known at the time the order was issued or revealed thereafter”.

[The judgment](#) (in Hebrew)

8.1.1991 **The High Court of Justice lowers the threshold for use of Regulation 119, ruling the sealing of a home is a justified response to stone throwing that resulted in no damage**

The court allows to seal the room of an OPT resident who was twice convicted of throwing stones at a moving vehicle, ruling that given the prevalence of offenses of this type, and the difficulty in locating the perpetrators, partial sealing does not exceed the proportionality required between the severity of the act and the severity of the response.

[The judgment](#) (in Hebrew)

13.1.1991 **An amendment to military law, which expands the military commander’s authority to use Regulation 119 and fills a legal gap, makes it easier for the state to demolish Palestinians’ homes**

Section 5b of the Amended Order on Punitive Measures (Judea and Samaria) (No. 332), 5729-1969, stipulates that the military commander may use Regulation 119 inside the OPT even with respect to offenses committed outside them. The Amendment seeks to overcome the legal difficulty in using Regulation 119 against OPT residents when the offenses were planned and committed entirely within Israel, which is not subject to the military commander’s control.

See [Section 5b](#) of the Order (in Hebrew)

17.6.1991 **The High Court of Justice revokes a punitive demolition order given that the targeted home was not the suspect’s permanent residence**

The court revokes an order for the demolition of a home owned by a man whose nephew, a resident of the OPT, admitted to attacking a suspected collaborator. The court rules that the uncle’s home, where the boy lived only temporarily, cannot be seen as the latter’s permanent residence, and therefore, the military commander may not use Regulation 119 in this case.

[The judgment](#) (in Hebrew)

In early September 1991, the military issues a demolition order for the home of the boy’s father in Qalandiya Refugee Camp.

23.3.1992 **The High Court of Justice rules that the military commander's authority to demolish a person's home pursuant to Regulation 119, is not restricted to the specific residential unit but applies to the entire residential structure, regardless of the innocence of the other occupants**

In a minority opinion, Justice Cheshin determines that only the residential unit of the convicted offender should be demolished, otherwise the demolition constitutes collective punishment. However, he does rule that this would not be the case if family members knew of the actions, or undertook to turn a blind eye to them.

[The judgment](#) (in Hebrew)

14.6.1992 **Justice Cheshin: the 'spirit' of Regulation 119 had long vanished, and the Regulation must now be interpreted according to the Basic Law: Human Dignity and Liberty**

The [High Court of Justice rules](#) that the military commander's authority to demolish a home pursuant to Regulation 119 extends to every part of the home not used or owned by the suspect but by others, without need to prove that these occupants have participated, encouraged, or knew about the suspected activity. Justice Cheshin, in the minority, reaffirms his position that "the military commander is not authorized to impose collective punishment".

1993-1997 **Israel demolishes or seals 65 homes in the OPT as punishment**

See [B'Tselem report from November 2004, p. 17](#)

Following the Oslo Accords – namely, the establishment of the Palestinian Authority and the military difficulty to operate inside the "A" areas of the OPT – as well as public criticism and petitions filed to the High Court of Justice, the number of home demolitions declines. In this period, Israel only demolishes the homes of families of suspected perpetrators and instigators of suicide attacks.

15.2.1993 **In a rare step, the High Court of Justice orders the reduction of scope of a planned punitive demolition due to "proportionality" and "reasonableness"**

The court partly grants the petition of a mother of a man convicted of murder, against the demolition of her home, in which ten members of the family live. The court finds the intended demolition of the entire home disproportionate and hence unreasonable, and orders a partial sealing instead.

[The judgment](#) (in Hebrew)



- January to June 1994 **Following the Oslo Accords, Israel removes twelve sealings in the West Bank and approves reconstruction of one demolished home**
- See [response of the Coordinator of Government Activities in the Territories](#) from 8.6.1994 to B'Tselem's letter (in Hebrew)
- 17.11.1994 **The High Court of Justice approves the demolition of the home of a Palestinian who died while carrying out a suicide attack: this is the first time the court legitimizes use of collective punishment against relatives of a dead man**
- In a minority opinion, Justice Cheshin opposes the ruling and reaffirms the basic principle whereby "each person shall be liable for his own crime and each shall be put to death for his own wrongdoing".
- [The judgment](#) (in Hebrew)
- 10.3.1996 **HaMoked to the High Court of Justice: the demolition of the homes of assailants' families constitutes collective punishment, which is prohibited under international law and violates the basic precepts of Israeli law**
- HaMoked petitions the court on behalf of two families whose homes are subject to military demolition orders. One is the family of a suicide bomber and the other of a man who was arrested for planning an attack against Israelis. HaMoked contends the innocent should not be punished, and that the action is expressly intended for deterrence, which has been proven ineffective.
- Petitions [HCJ 1824/96](#) and [HCJ 1825/96](#) (in Hebrew)
- 19.3.1996 **The High Court of Justice rejects HaMoked's petitions. The court rules that demolition orders for homes where assailants resided may be suspended and implemented following attacks against Israelis perpetrated by others**
- In a minority opinion, Justice Dorner holds that a demolition order should not be implemented following attacks by assailants unrelated to the household in question.
- [The judgment](#)
- [Critical commentary of the judgment](#)

- 19.3.1996 **The High Court of Justice: the Defense (Emergency) Regulations remain valid although they conflict with the provisions of Basic Law: Human Dignity and Liberty**
- The court, however, determines that the power vested by the Defense (Emergency) Regulations must be interpreted in light of the limitations clause set out in the Basic Law.
- [The judgment](#) (in Hebrew)
- 1998-September 2001 **Israel de-facto ceases to practice punitive home demolitions**
- October 2001-January 2005 **During the second intifada, Israel demolishes 664 homes for punitive reasons; about half of the homes are demolished only because they are adjacent to the homes of suspected assailants**
- See [B'Tselem report from November, pp. 7-8, 17](#); [Data on B'Tselem's website](#)
- Starting in October 2001, Israel resumes its policy of demolishing homes of suspected assailants' families as a means of "deterrence" in its fight against suicide attacks. The military rarely issues demolition orders or gives the occupants prior notice of the intended demolition as required under its undertaking to the High Court of Justice.
- Throughout this period, home demolitions are carried out not only following suicide attacks, but also following other violent activities and attempted assaults against soldiers, for which the perpetrators have been sentenced to long prison terms.
- 20.7.2002 **The High Court of Justice issues an interim order in HaMoked's petition against the intended demolition of the homes of two families of suspected assailants**
- HaMoked asserts that the intended home demolition violates the owner's proprietary rights and the occupants' rights to dignity and housing, and requests the court to allow the families to contest the demolitions before the irreversible act is carried out. In February 2004, the court deletes the petition. In March 2005, with the state's decision to abandon punitive demolitions, [the threat of demolition hanging over the homes is removed](#).

- 31.7.2002 **The Israeli security cabinet resolves to renew the policy of home demolitions for deterrence**
- The decision is passed nine months after the policy is renewed in practice.
- See para. 9 of [the state's response](#) from 13.9.2002 to HaMoked's petition in the Bahar case (in Hebrew)
- 4.8.2002 **HaMoked to the High Court of Justice: order the military to allow 35 families of suspected assailants to exhaust legal procedures before the demolition of their homes**
- The petitions are filed after the military demolishes nine homes of assailants' families in early August, without providing prior notice or even allowing the families to remove their belongings from the homes. With first news of the military operation, HaMoked sets up a 24/7 hotline for emergency calls on home demolitions.
- By the time the petitions are filed, the military has already demolished three of the 35 homes at issue. The petitions seek to compel the military to abide by the judgment of the High Court of Justice issued from the first intifada: prior notice of demolition must be given to allow the families the right to contest the demolition ahead of time, and to rescue their belongings.
- Petitions [HCJ 6696/02](#) and [HCJ 6738/02](#) (in Hebrew)
- 5.8.2002 **The High Court of Justice issues an interim order: the demolition of the homes of the 35 families is suspended**
- HaMoked appeals to the military on behalf of 76 other families who fear the possible demolition of their homes by the military, requesting such action be halted pending a final decision on the petitions.
- [HaMoked's letter](#) on behalf of 76 concerned families (in Hebrew)
- 6.8.2002 **The High Court of Justice: the military may deny the right to a hearing prior to demolition**
- In its [judgment on HaMoked's petitions](#), the court determines that the right to a hearing can be denied if there is cause for concern that such a hearing would jeopardize the lives of soldiers or the success of the operation. **The court decision gives the military the power to grant or deny the right to a hearing** – not just in wartime operations, but also in punitive operations against civilians.
- The military regards this judgment as a blanket approval. Given its contention that prior notification increases the risk that the home would be booby-trapped, and the demolition force injured, the military sees no need to

revise its practice – which contravenes international law – and unfailingly continues to refrain from issuing demolition orders and granting the occupants the right to a hearing.

7.8.2002 **HaMoked files nine more petitions to the High Court of Justice: order the military to grant the right to a hearing**

The petitions concern cases of exceptional circumstances, such as an occupant's medical condition. On the following day, [the court dismisses the petitions](#) and determines that each family has sufficient time to appeal to the military in writing and explain its exceptional circumstances.

The judgment, which has no bearing on reality, completely eliminates the possibility of taking legal action in such cases.

26.5.2003 **Following HaMoked's petition, the High Court of Justice stipulates: a decision to demolish a home without a prior hearing, must be supplemented by a well-supported document from the military legal advisor for the West Bank**

[The petition](#)

[The judgment](#) (in Hebrew)

21.8.2003 **The UN Human Rights Committee: Israel contravenes international law; it must immediately cease all punitive home demolitions in the OPT**

The Committee deplores the demolition of family homes of individuals suspected of involvement in terrorist activities and concludes that Israel contravenes their rights to housing, equality before the law and protection from inhuman treatment.

[Concluding observations of the Human Rights Committee](#) (Para. 16)

2.10.2003 **The High Court of Justice rules that the military must present a written order citing the source of authority and the reasons for the decision**

In its judgment on HaMoked's petition, the court reaffirms the obligation to grant, as far as possible, a hearing in advance, as well as the obligation to present a written explanation for a decision to deny such a hearing.

[The Judgment](#) (in Hebrew)

3.8.2004	<p><b>Neighbors file for compensation for property damage caused when the military detonated the homes of an assailant's family</b></p>
	<p>The military blasted the home without a demolition order and prevented its occupants and those from surrounding homes from removing their belongings before the demolition. The state is sued for trespass to land and chattel, conversion and negligence, while violating the rules of international law. As of late December 2016, the civil claim – filed by HaMoked – is still in progress.</p>
	<p><a href="#">The civil claim</a> (in Hebrew)</p>
November 2004	<p><b>The Chief of the General Staff appoints a committee to review the policy of punitive home demolition in the OPT</b></p>
	<p>The committee, headed by Major General Ehud Shani, is established following fierce criticism voiced by the international community as well as intensive legal work by HaMoked (including 67 High Court petitions against punitive demolitions filed between January 2002 and October 2004). The committee is tasked with examining the efficacy of home demolition of two kinds: as a punitive measure officially presented as deterrence, and as an act of “military” need as part of operational activity.</p>
17.2.2005	<p><b>The Minister of Defense accepts the recommendations of the military committee headed by Major General Shani, and decides to cease use of home demolitions as punishment</b></p>
	<p>The policy shift was announced as part of the state's supplementary notice as part of HaMoked's petition to order the military to refrain from demolishing the home of a suspected assailant's family.</p>
	<p>The summary of the Shani Committee Report was presented in 2008 (as a computer presentation) during proceedings in another petition by HaMoked.</p>
	<p>The military committee has recommended ceasing the use of home demolitions as a deterrent, and asserted that "<b>the IDF [...] cannot tread the line of legality, let alone, the line of legitimacy!!!</b>" (<i>sic</i>).</p>
	<p>State's <a href="#">supplementary notice</a> from 14.3.2005 in HCJ 7733/04 (in Hebrew)  <a href="#">Summary of the Shani Committee report</a> (computer presentation copy, in Hebrew)  <a href="#">Further details</a></p>
March 2005-July 2008	<p><b>Israel temporarily ceases to employ punitive home demolitions</b></p>

6.8.2008 **Contrary to the recommendations of the military committee (the Shani Committee): Israel announces its intention to demolish a home in the East Jerusalem neighborhood of Jabal al Mukabber, which belongs to an assailant's family**

[Military notice of intention to seize and demolish the home](#)

5.1.2009 **The High Court of Justice approves the resumption of the home demolition policy: for the first time since 2005, a home is sealed under Regulation 119**

[The court rejects HaMoked's petition](#) and approves the sealing with concrete of two floors in a home where the family of an assailant lives in the East Jerusalem neighborhood of Jabal al Mukabber. The court rules there is no flaw in the state's decision to resume the home demolition policy, given the change of circumstances.

The sealing is carried out on 19.1.2009.

18.3.2009 **The High Court of Justice continues to legitimize use of Regulation 119 of the Defense (Emergency) Regulations, and allows the military to demolish part of an East Jerusalem apartment building owned by an assailant's father**

[The judgment](#)

The demolition is carried out on 7.4.2009.

5.4.2009 **The Jerusalem Magistrates' Court rejects HaMoked's civil claim, filed on behalf of the family of a suicide bomber, for substantial property damage caused in the demolition of their home**

The court rules that the demolition of the family's home – carried out a year after the suicide attack – constitutes a wartime action, for which, under the Civil Wrongs (Liability of the State) Law, the state is exempt from paying any compensation to those harmed. The court determines that the demolition was valid, regardless of the fact the plaintiffs were denied their right to a hearing and a demolition order was not issued in writing. Moreover, the court finds it acceptable that the family was given 25 minutes to remove their possessions from the home.

Despite the extensive damage caused by the blast – including uprooted fruit trees, dead livestock, destroyed cars and damage to adjacent buildings – the judge determines that "The plaintiffs have failed to prove any negligence on the part of the defendant's soldiers. On the contrary, they have proven **maximum caution** [had been exercised], which I hardly think is similarly exercised by any other military in the world".

[The civil claim](#)

[The judgment \(in Hebrew\)](#)

[Further details](#)

May 2009 – May 2014 **Israel temporarily ceases to employ punitive home demolitions**

2.8.2010 **The military retracts its plan to demolish the home of a tractor driver who ran over and wounded passersby in Jerusalem, after it is revealed he was under the influence of drugs at the time**

[Further details](#)

10.2.2011 **Eight years after the military demolished a home in Hebron: Israel will compensate a neighbor whose apartment and its contents were damaged by the uncontrolled blast**

In May 2003, the military demolished the fourth-floor apartment of a residential building in Hebron. The entire building was severely damaged in the explosion. The family living in the apartment directly below filed through HaMoked a civil claim against the State of Israel for the substantial and unjust damage to their property, caused by the blast. The court endorses the settlement reached by the parties, whereby the state will pay the plaintiff a total of ILS 45,000 in compensation.

[Further details](#)

15.2.2012 **The High Court of Justice permits the demolition of an East Jerusalem home, slated for punitive demolition since April 2009**

The court rules that the state's decision to demolish one floor and seal one residential unit in a building that belongs to the family of an assailant is "reasonable and proportionate". However, the court does recommend the state refrain from implementing the demolition given "the elapsed time between the incident and issuance of the order at issue, and since the hearing of the petition and until today, and in consideration for the changes in the security situation, insofar as such occurred".

On 5.7.2012, the Minister of Defense signs a partial pardon, revoking the demolition order for the top floor of the building, where the assailant's parents and sister live. The order for the sealing of the unit occupied by the assailant himself remains intact, but is unimplemented to date.

[The judgment](#) (in Hebrew)

See [para. 6 in the state's notice from 16.3.2016 in HaMoked's petition in the Atrash et al. case](#)

16.6.2014 **In response to the abduction of three Israelis: the Israeli government considers implementing various sanctions – including home demolitions – against the Palestinian population in the OPT**

[Haaretz newspaper article, June 16, 2014](#)

[HaMoked writes](#) to the Attorney General demanding he prevent the use of illegal sanctions.

23.6.2014 **After five years of refraining from punitive home demolitions: Israel announces its intention to demolish a home in the village of Idhna in the Hebron District, belonging to the family of a suspected assailant**

[Notice of intent to seize and demolish the structure](#)

1.7.2014 **The High Court of Justice dismisses HaMoked's petition against the demolition of the Idhna home, sanctioning the resumption of the punitive demolition policy**

The court dismisses the argument that the military's decision is tainted with extraneous considerations, the effect of the abduction of three Israelis, and rules that the military may change its policy due to changing circumstances.

The military blows up the apartment on the night of July 1, 2014.

[The judgment](#)

8.7.2014 **Following media reports that the military was preparing for the demolition of dozens of West Bank homes: HaMoked sends urgent letter to the Minister of Defense, demanding the illegal policy of punitive demolition in the West Bank not be resumed**

[HaMoked cautions](#) that the practice of punitive home demolitions constitutes a grave violation of international law, amounting to a war crime, and that employing it puts everyone involved in its implementation, including decision makers, in legal jeopardy.

[Haaretz newspaper article, July 4, 2014](#)



- 11.8.2014 **The High Court of Justice allows military to demolish three Hebron homes belonging to the families of the suspects in the abduction and murder of the three Israelis**
- The court accepts that state's position that there is a "substantial and urgent need" to deter West Bank residents from committing abduction and murder attacks, and [dismisses HaMoked's petitions](#) on behalf of the three families. On the night of August 18, 2014, the military demolishes two of the homes and seals the third.
- 19.8.2014 **The State Attorney's Office: the authority to demolish assailants' homes will be exercised in "extreme cases"**
- In [response to HaMoked's demand](#) not to resume the punitive home demolition policy, the State Attorney's Office says: "The security establishment is well aware of the ramifications of exercising the authority granted under Regulation 119" and therefore the authority is "very prudently" exercised. It further holds that the two attacks which led to the recent decision to exercise this authority were "extremely severe", adding that "any other case will be examined according to its specific circumstances".
- 10.11.2014 **Following a succession of vehicular attacks in Jerusalem and the West Bank: the Prime Minister instructs military officials to advance the demolition of the homes of the attackers**
- [PMO press release, November 11, 2014](#)
- In the ten days following the directive, the military issues demolition orders for four East Jerusalem homes – three are the family homes of three vehicular attack perpetrators and one is the home of the person suspected in the attempted assassination of a right wing activist.
- On November 19, 2014, the military blows up the family home of a vehicular attack perpetrator, located in an apartment building in Silwan. The family declined to file an objection to the planned demolition, or take the matter to court, due to mistrust of the Israeli justice system.
- 18.11.2014 **The Prime Minister instructs the demolition of the family homes of two Jabal al-Mukabber residents who perpetrated an attack in a synagogue in Jerusalem**
- [PMO press release, November 18, 2014](#)
- On November 20, 2014, the military issues demolition orders for both homes.

27.11.2014 **HaMoked leads a public petition by a group of human rights organizations asking the High Court of Justice to instruct the state to desist from the illegal practice of punitive demolitions in the OPT, including East Jerusalem**

[In the petition](#), the organizations claim the court should revisit arguments regarding the legality of using Regulation 119, as they have not been reviewed on their merits since the 1980s, when the two earliest judgments on home demolitions were handed down.

The petition is supported with an [expert opinion](#) from leading Israeli experts on international, constitutional and military law. The opinion maintains that home demolition constitutes a grave breach of international humanitarian law, the international law of occupation and international human rights law, and that it also contradicts the fundamental principle of Israeli law, whereby individuals should not be punished for acts they did not commit. The opinion also stresses that in certain circumstances, the home demolition policy may constitute a war crime, and that employing it legally jeopardizes everyone involved in its implementation.

31.12.2014 **The High Court of Justice issues order nisi ordering the state to explain why it should not refrain from demolishing an East Jerusalem home, and dismisses HaMoked's petitions against the demolition of three more homes in the city**

The court finds no room to intervene in the decision to demolish the home of a vehicular attack perpetrator and the family homes of the two men who carried out a synagogue attack, holding that the attacks were particularly severe, and therefore, there is no preclusion to using the demolition authority. A petition filed by a private lawyer on behalf of the tractor driver from Jabal al-Mukabber who ran over and killed a pedestrian, is also dismissed at this time.

In the case of the person who shot a right wing activist, the court rules the act is less egregious, noting that the fact that the right wing activist survived the attack and his medical condition was improving, has a bearing on the legality issue. In this case, the court opts to ascribe value to the fact that no allegation was made regarding any involvement by family members in the attack, or even knowledge of the plan to commit it. In light of this, the court orders the state to again provide reasons why the demolition is required, implying that a partial sealing of the home would be a more proportionate course of action.

[Judgment in HCJ 8024/14 and HCJ 8025/14](#); [judgment in HCJ 8066/14 and HCJ 8070/14](#)

Following the state's announcement that it would seal the room used by the shooter without harming the rest of the home, [the court rules](#) on June 25,

2015, that the decision is “moderated” and balanced, and approves the sealing.

31.12.2014 **The High Court of Justice dismisses the public petition against the punitive demolition policy: the state has the authority to demolish homes pursuant to Regulation 119, but must use it proportionately**

The court accepts the state’s argument that home demolitions are carried out as a deterrent rather than a punitive measure, but adds that the issue of the actual deterrence produced by the policy should be addressed in future. The court also adds that in future cases, it will ask the state to produce actual evidence of the existence of such deterrence.

[The judgment](#)

15.1.2015 **HaMoked leads a request by a group of human rights organizations asking for a further court hearing before an expanded panel in the public petition against punitive home demolitions**

The organizations stress that the main arguments made in the petition – namely that the policy constitutes collective punishment and damage to the property of protected persons, both prohibited under international law – has never been exhaustively considered, including in the judgment delivered on December 31, 2014, and that the issue and its ramifications are serious.

[Request for further hearing](#)

7.7.2015 **The High Court of Justice: once approved by the court, the timing of a punitive demolition is at the military’s discretion**

On July 1, 2015, six months after receiving the approval of the HCJ, the military seals with concrete the Jabal al-Mukabber family home of one of the Jerusalem synagogue attackers.

On the morning of July 7, 2015, security forces arrive at the family home of the other assailant, also in Jabal al-Mukabber, and survey it in preparation for demolition. HaMoked files [urgent petition](#) demanding the demolition not be carried out, as the cause of deterrence can no longer be relevant eight months after the attack. [The court rejects](#) the petition within several hours, holding that a delay in implementation is not a flaw mandating the revocation of a demolition order.

The military blows up the home in question on October 6, 2015, causing [extensive damage](#) to nearby homes; this, despite the undertaking given by the state in the petition against the demolition order, to take precautions in order to minimize collateral damage. On the same day, the military also demolishes the family home of the tractor driver who ran over and killed a

pedestrian ([judgment of December 31, 2014](#) (in Hebrew)) and seals the room of the man who shot the right wing activist ([supplementary judgment of June 15, 2015](#)).

14.10.2015 **After a string of “lone-wolf” attacks: the Security Cabinet gives the go ahead to continuing home demolitions for deterrence**

The cabinet also confirms no new construction is to be permitted where a home was demolished pursuant to Regulation 119.

[PMO press release, October 14, 2015](#)

15.10.2015 **The High Court of Justice allows the military to demolish an apartment in a residential building in Hebron, where an assailant has lived. Justice Vogelman, in the minority, expresses doubts over the efficacy and proportionality of using Regulation 119 for deterrence**

[The HCJ dismisses two petitions filed by HaMoked](#) against the planned demolition of an apartment – one petition on behalf of the assailant’s wife and two young children, the other on behalf of the eight other families living in the same building, given the potential damage to their apartments and belongings.

The justices note that in the case of unreasonable damage to the neighbors’ apartments, “the possibility of compensation remains open”. On the issue of the amount of time – over nine months – that elapsed from the attack until the issuance of the demolition order, the court rules this is insufficient to tip the scale. However, for the first time, the judgment includes a normative directive that “as soon as there exists the intent to demolish, notification should be given as soon as possible after the criminal act in question”.

Justice Vogelman, in the minority, rules that: “employment of the authority under Regulation 119 when no sufficient proof has been provided that the suspect’s family were involved in hostile activity – is not proportional”, and even notes that there is room to consider whether the Regulation does in fact achieve the deterrence the state ascribes to it. Therefore, Justice Vogelman suggests: “that we revisit the judicial precedent to fully examine all issues which may arise under domestic and international law”, but clarifies at the same time that, “as long as this precedent stands I bow my head before the opinion of this house”.

The military demolishes the apartment on the night of October 20, 2015.

12.11.2015 **In a judgment revoking a demolition order issued for a rented apartment and upholding the demolition of five other housing units located in residential buildings, the High Court of Justice rules: when innocent third parties may sustain harm, the rule should be compensation or repairs**

[The judgment](#) concerns 11 petitions (ten of them filed by HaMoked) against plans to demolish six family homes of Palestinian attackers or suspected attackers; six petitions on behalf of the targeted families and five on behalf of the neighbors or the owners.

The court rules that the classified material presented by the state *ex parte* does not indicate that the harm to a third party – who has no family or other tie to the assailant and his family – produces deterrence. The court also rules, for the first time, that in cases where the assailant and his family lived in a rented home on a short term basis – which does not evoke a strong “residency tie” to the home – the demolition is disproportionate given that the lessor would sustain most of the damage. Therefore, the justices rule in favor of the Silwad lessor and decide that the apartment he has leased for a year to the suspect’s family would not be demolished, subject to the eviction of the family. Nonetheless, the court stresses that it does not follow “in each case in which the perpetrator lived in a rented apartment it would not be possible to take against him the measure of demolition”.

The court elects not to intervene in the decision to demolish the other five housing units, but rules that should any collateral damage occur, the state would have to repair it or provide compensation to any injured party who is not related to the assailant or suspect and did not know about his plans; compensation and repair are warranted even when there was no negligence on the part of the security forces. However, the court stresses that in rare cases, and where the state seeks and receives a declarative judgment from a competent court, it could be exempt from payment of compensation to “innocent third parties”. After this ruling, the state reduces use of explosives in home demolitions and employs more cautious methods (using mechanical equipment, manual demolition of internal walls, injecting foaming materials to fill up spaces, etc.), in order to avoid having to pay compensation.

On November 14, 2015, the military demolishes four of the homes – three in Nablus and one in Silwad; a fifth home in Qalandiya Refugee Camp is demolished on November 16, 2015. The apartment in Silwad has been saved.

12.11.2015 **The High Court of Justice rejects a request for further hearing in the public petition against punitive home demolitions**

Justice Naor rules that a “further hearing is not meant for reconsidering matters that were not considered in the judgment”, and is, therefore, “not the appropriate venue for presenting such arguments”.

[The ruling](#)

1.12.2015 **The High Court of Justice orders the revocation of another punitive demolition order due to the state's significant delay of some 11 months in its issuance**

With a two to one majority, the HCJ accepts HaMoked's petition to order the military to refrain from demolishing a home in Askar Refugee Camp in Nablus.

Justice Mazuz rules that "refraining from using the authority **soon after** the incident constitutes a decision not to use the authority. As such, the military commander may not – particularly under new, unrelated circumstances – turn back time and decide to employ the sanction for the original incident after a significant period of time has elapsed". On the other hand, Justice Zylbental rules the order must be revoked due to the unreasonable exercise of authority, rather than the lack of authority per se. According to Justice Zylbental, "exercise of the authority almost a year after [...]’s murderous acts would, in any case, fail to achieve the desired, legitimate, deterrent effect".

The practice of delaying the implementation of a demolition order comes to an end following this judgment. Dozens, if not hundreds, of homes in which Palestinian assailants once lived are thus saved from demolition.

1.12.2015 **Justice Mazuz: the renewed use of Regulation 119 in the OPT raises serious questions not just with respect to international law, but also in terms of Israeli law**

[The High Court of Justice dismisses HaMoked's petition](#) against the military's decision to demolish a Nablus home where a suspect in the planning of an attack has lived. In a minority opinion, Justice Mazuz notes that the determination that home demolitions pursuant to Regulation 119 are a deterrent rather than punitive measure is "not free of doubts", and the same holds true for the determination that this regulation is valid as a provision of domestic law, which prevails over international law. Mazuz also notes that an examination of Regulation 119 according to the rules of Israeli administrative and constitutional law might compel restrictions and qualifications as to its use, including:

- A distinction between a home which is the home and property of the assailant and a home in which the assailant is an "additional resident", such as the home of their parents;
- A distinction between cases in which the home was actively used for the assailant's criminal acts, and cases in which the assailant used the home solely as a residence;
- A distinction between cases in which the assailant's family members, living in the home slated for demolition, were accomplices in his acts,

and cases in which the family members were not even aware of the assailant's plans;

- Restrictions on the timing of the order's issuance and implementation;
- A distinction between cases in which use of Regulation 119 must be subject to a criminal conviction, and cases where this is either unnecessary or impossible;
- Proper correlation between the severity of the acts and the severity of the sanction (seizure, sealing – partial or complete, demolition – partial or complete).

The military demolishes the home on December 3, 2015

22.12.2015 **Justice Mazuz: the onus of substantiating the facts that support targeting a residence under Regulation 119 lies squarely with the state**

The High Court of Justice [dismisses HaMoked's petitions](#) against the military's decision to demolish two homes in Jabal al-Mukabber, East Jerusalem, where the families of two men who carried out attacks in the city live. One of the assailants, it should be noted, witnessed his cousin's home being demolished by the military a week before carrying out his own attack.

Justice Mazuz, in the minority, repeats his principled position that "a sanction which directs itself to harm innocent people, cannot be upheld". In reference to one of the petitions, where the identification of the assailant's apartment has been called into question, Mazuz stresses that in cases involving a serious impingement of constitutional rights, the level of proof required of the state is "**clear, conclusive and compelling evidence**".

The military demolishes the homes on January 4, 2016.

28.12.2015 **The High Court of Justice: the proportionality principle, which restricts the military commander's discretion in issuing demolition orders, also applies to the duration of the forfeiture of the structure, including the land on which it stood, subsequent to the demolition**

In a [judgment upholding](#) the demolition of a cooperative-owned home in Surda, the HCJ rules that inasmuch as an application to remit the structure's forfeiture is submitted for the purpose of rebuilding, it shall be reviewed according to the principle of proportionality.

The military demolishes the home on January 9, 2016.

14.2.2016 **The High Court of Justice: at this time, Israel Security Agency testimony is sufficient for substantiating deterrence alleged by the state**

In a [judgment upholding](#) the demolition of two Hebron homes, the justices again unanimously accept the state's position that home demolitions are carried out for the purpose of deterrence only, rather than as a punitive measure.

The military demolishes the homes on February 23, 2016.

28.2.2016 **Justice Zylbertal: any decision to use Regulation 119 should be made only after the exhaustive collection of administrative evidence is complete**

[The High Court of Justice rules](#) in a majority decision that an incident in which a border police officer was run over by a Palestinian was a terrorist attack rather than a car accident, and approves the demolition of the family home in Hebron.

Justice Zylbertal, in a minority opinion, rules that the military did not make enough effort to collect evidence that might cast the incident in a different light, and stresses that given the severity of home demolition measure, weight should be given also to the evidentiary "gap" that could have been filled.

The military demolishes the home on March 8, 2016.

23.3.2016 **The High Court of Justice, in a majority decision, approves another planned punitive demolition in Hebron, though Justices Vogelman and Mazuz favor a revisitation of case law by an expanded panel**

Justice Vogelman writes his position has been strengthened "that the weighty questions associated with the exercise of the authority under Regulation 119 should be revisited", but that "as long as case law stands ...I see no alternative in this case but to hold that there is no cause for our intervention". Justice Mazuz, who, in a minority opinion, finds the petition should be granted, joins the call for an expanded panel to revisit the issues of principle affecting use of the Regulation.

[The judgment](#)

The military demolishes the home on March 31, 2016.



24.3.2016 **The High Court of Justice permits the demolition of three homes in Qabatiyah in a majority decision: Justice Joubran, in the minority, joins the call for an expanded panel to revisit the issue of punitive demolitions**

Justice Joubran notes that he has not been convinced that the classified material the state presented during the hearing sufficiently supports the conclusion that use of home demolitions creates substantive, effective deterrence against future attacks. [Justice Joubran writes](#), “In my view, an abstract possibility to save lives does not suffice while confronted by actual, real and tangible violation of the right to property and human dignity”.

The military demolishes the three homes on April 4, 2016.

31.3.2016 **The High Court of Justice orders the revocation of a punitive demolition order due to lack of sufficient residency tie between the suspect, a student who lived in the dorms, and his parents’ home, slated for demolition**

By a majority of two – against the opinion of President Naor – the [HCJ grants HaMoked’s petition](#) to instruct the military to refrain from demolishing a home in Qarawat Bani Hassan, district of Salfit, where the parents and siblings of a student suspected of involvement in an attack live.

Justice Mazuz rules that since the suspect has been living in student dorms for the past three years, he cannot be considered an “inhabitant” of the parents’ home and as such, the military is not authorized to take action against the home under Regulation 119. Justice Mazuz also rules that even if the student could have been considered an “inhabitant” of the home, the decision to demolish it would not have met the tests of proportionality and reasonableness, given the family’s lack of involvement and the lack of connection between the home and the attack in question.

Justice Baron, on the other hand, finds the student does have a residency tie to the home, albeit a “weakened tie”, and chooses to focus on the question of the family’s involvement in the son’s actions in order to review the proportionality of the demolition decision. According to Justice Baron, the family’s constructive knowledge – i.e., their “turning a blind eye” – is sufficient to justify a demolition. At times, the justification stems from the family having ignored “alarm bells” – such as statements made over social media, or associations with people identified with terrorist organizations; or else from the family having received monetary compensation for the son’s actions, or voicing support of these actions. However, the weakened residency tie in this case indicates that even constructive knowledge of the son’s plans could not be linked to the family, and in such circumstances, Justice Baron rules the decision to demolish the home is disproportionate and must be revoked.

The home is saved from destruction.

3.4.2016 **The High Court of Justice rules that the military's decision to seal three homes in East Jerusalem is disproportionate and must be revoked: the severity of the measure does not correlate to the severity of the act ascribed to the defendants. The court upholds the sealing of another defendant's home**

The [HCJ accepts three of four petitions filed by HaMoked](#) against the military's decision to seal the homes of four families from Sur Bahir, whose members were accused of involvement in a rock throwing attack, in which an Israeli civilian was killed.

The court rules that in the case of the youth suspected of having thrown the rock, the measure was proportionate, but not so in the case of the other three youths who played a small part in the incident. In a minority opinion. Justice Vogelmann rules there is room to consider confining the sealing to the youth's room alone, explaining that though he is alleged to have thrown the lethal rock, no "intent to kill" is ascribed to him. Justice Vogelmann also notes that as no allegation has been made regarding any involvement on part of the family, the sealing of the entire home cannot be considered proportionate.

The military seals the entrances to the home on April 11, 2016. Three homes have been saved.

3.4.2016 **UNRWA: punitive demolition of homes located within UN refugee camps in the OPT is an inhuman act, and a blatant violation of international law and the human rights of Palestinian refugees**

In a [position paper](#) submitted to the state in a petition filed by HaMoked, UNRWA condemns Israel's decision to demolish two homes in Qalandiya Refugee Camp.

The High Court of Justice ignores the position, and, on June 14, 2016, permits the demolition of the two homes.

[The judgment](#) (in Hebrew)

5.4.2016 **HaMoked to the High Court of Justice: the time has come to revisit the legality of using Regulation 119 before an expanded panel**

In a [petition against a punitive demolition order](#) issued for a Qabatiyah home, HaMoked asks for a hearing before an expanded panel on the issues of principle connected to punitive demolitions. HaMoked notes HCJ justices increasingly voice reservations regarding use of Regulation 119 – some criticizing the demolition policy outright, while others consider themselves bound by existing case law, fearful that a departure from it would turn this "court of justice" to a "court of justices". This judicial conformity, on one

hand, and the increased use of Regulation 119 on the other, result in the demolition of scores of family homes.

[See Haaretz newspaper op-ed](#), April 4, 2016 (in Hebrew)

10.4.2016 **Neighbors sue for damages for property damage and bodily harm caused during a punitive demolition in East Jerusalem**

The lawsuit, filed by HaMoked, relates to damage caused to five apartments in the same building as an apartment that was demolished, and four other apartments in nearby buildings, as well as to mental harm suffered as a result of the traumatic late-night event. The state is sued for negligence, trespassing and conversion, in blatant violation of Basic Law: Human Dignity and Liberty and the rules of international law.

12.4.2016 **The military retracts its plan to demolish a home in the village of Beit Ur a-Tahta, after it has come to light that this had been rented property and that the assailant's family had moved out of it some time ago**

The response to an objection on behalf of the owner, filed by JLAC, states: "Having reviewed the details of the objection, the military commander has decided that there is no room for use of the authority in the case at hand". This retraction is a result of the High Court of Justice's judgment from November 12, 2015, which established that the demolition of a home on short-term lease from a nonrelated person is disproportionate and unproved to serve as a deterrent. The home has been saved.

12.4.2016 **The High Court of Justice approves the planned demolition of the family home of a minor from Qalandiya Refugee Camp: the father had "turned a blind eye" to his son's conduct**

The [court rules](#) that the intelligence information presented by the state "indicates unequivocally that the father of the family was aware, in real time, of the danger posed by his son", and therefore, use of Regulation 119 meets the proportionality test.

The military demolishes the home on April 20, 2016.

20.4.2016 **The High Court of Justice dismisses a petition against a planned punitive demolition and issues an order nisi in two other petitions: two of the suspects were part of the outer circle of perpetrators and their cases warrant further review**

The [court rules](#) that expanding use of Regulation 119 also toward indirect perpetrators is not a simple matter and requires in-depth review, both in terms of the factual basis and in terms of proportionality.

Justice Baron, in the minority, holds that an order nisi should be issued in all three petitions, as the state did not allege family involvement, or even knowledge with respect to their family member's acts in any of the cases.

The court-approved demolition is carried out on May 3, 2016.

2.5.2016 **The High Court of Justice rejects HaMoked's request for a hearing on the issues of principle related to punitive home demolitions before an expanded panel**

[In the ruling](#), President Naor writes: "I have not been persuaded that there is at present instability in the case law to such a degree as warrants the expansion of the panel".

30.6.2016 **HaMoked: the practice of surveying Palestinian homes with no intention of using Regulation 119 is clearly a measure of intimidation against innocents and the military must desist from it immediately**

[Further details](#)

24.7.2016 **The High Court of Justice: proportionality principle requires refraining from demolishing an entire home when it is possible to make a "clear distinction" between the part of the home used as the perpetrator's dwelling and the parts used by his family**

In a [unanimous judgment](#) upholding two punitive demolition orders – one of them partially – the court stresses that "the principles of reasonableness and proportionality should be meticulously adhered to also when a severe and deadly attack is concerned".

The military demolishes the homes on August 4, 2016.

27.9.2016 **In a judgment revoking one punitive demolition order and upholding another, the High Court of Justice: Regulation 119 can be used against individuals who have "indirect" involvement in terrorist attacks if their actions had a decisive effect on the "attack's materializing"**

On April 20, 2016, the HCJ issues orders nisi in two petitions filed by HaMoked against punitive demolition orders issued for two homes in Nablus. The state is asked to explain why its decision to demolish the homes is proportionate and clarify the nature of the administrative evidence against the suspects who were part of the outer circle of those involved in the attack.

In the case of one suspect, the court unanimously rules that the state had not established a sufficient evidentiary basis for using Regulation 119 and orders the revocation of the demolition order.

In the case of the other suspect, who confessed to having committed the acts attributed to him, the court rules by a majority opinion that his involvement in the attack was central and significant and that his actions had met the “high bar of gravity”, which is sufficient for exercising powers under Regulation 119. Justice Baron, in a minority opinion, rules the demolition order should be canceled in this case as well, given that the family was not involved directly, indirectly or constructively in the suspect’s actions. In these circumstances, she stressed “the demolition of the home constitutes a disproportionate violation of human rights of the highest order”.

[The judgment](#)

The court-approved demolition order is implemented on October 11, 2016. The other home is saved.

- 1.11.2016 **The High Court of Justice approves the sealing of a room belonging to a young man from Khirbet Raka’a: though he did not participate in the attack himself, he should be considered an “inner-circle participant”**

The HCJ rejects HaMoked’s argument that the young man’s level of involvement in the attack does not justify use of Regulation 119 and finds he was a “full, significant partner” in the actions. The court further rules that the demolition order is proportionate as it relates only to the room occupied by the young man, and given the military’s decision – following HaMoked’s objection – to seal the room with concrete rather than demolish it.

[The judgment](#) (in Hebrew)

The military seals the room on November 10, 2016.

- 14.11.2016 **The military announces its intention to re-implement a seizure and demolition order for a home it had demolished in November 2015: “After examining the condition of the structure... it turned out that construction has been carried out there, on the floor linked to the terrorist, which was seized by the military commander for the purpose of its demolition”**

On November 16, 2015, the military demolished, following the HCJ’s approval ([judgment of November 12, 2015](#)), the top floor of a three-story building in Qalandia Refugee Camp, where lived a camp resident who committed an attack against Israelis some months earlier. Despite an engineer opinion, submitted by HaMoked as part of its petition to the HCJ, which suggested that the demolition as planned might cause heavy damage

to the bottom floors in the building as well as too nearby structures, the military chose to carry out the demolition using explosives. As a result, the bottom floors were heavily damaged and rendered inhabitable. Consequently, on November 19, 2015, the Palestinian Authority had to demolish the entire structure for being an imminent hazard. Late on, the property owners rebuilt part of the structure – but not the seized and demolished floor – in coordination with the military.

On November 12, 2016, soldiers raid the family home in the late night hours and take photos of the structure. Two days later, the military announces it revealed “a breach of the provisions of the Order”, and demands that the family demolish the “excess and prohibited construction” within 48 hours, otherwise the military would do so. As of the end of December 2016, [HaMoked’s petition](#) against the military’s decision is still pending. On December 15, 2016, a [request for a remission order](#) for the floor in question was [rejected by the military](#).

21.11.2016 **The High Court of Justice to the state: draft possible criteria for demolishing homes of Jews perpetrating terrorist attacks against Palestinians**

Following a hearing in a petition filed by a Palestinian family seeking the demolition of the homes of three Jews who burned their son to death, the court asks the state to address, in its supplementary response, the question whether “detering Jewish terrorists – even if low in number – by using the Regulation [119] would not assist in the prevention of terrorist attacks against Palestinians”. The request comes when, during the hearing, Justice Handel criticizes the state’s discriminatory policy regarding punitive home demolitions, and remarks that: “If it’s about saving lives, I care not if it is an Arab or a Jew”. The justices also ask the state to address the issue of possible criteria for using home demolitions against Jewish terrorists.

[Decision of November 21, 2016](#) (in Hebrew)

18.12.2016 **The High Court of Justice approves the demolition of an apartment in a multi-story building in East Jerusalem: “this was not the first time the terrorist engaged in violent acts, his family knew, acknowledged – and supported”**

The court rules that in the circumstances, the harm to the family members is “necessary”, and unanimously rejects HaMoked’s petition against the demolition order.

On December 22, 2016, the military demolishes the apartment’s internal divisions and seals its openings.

[Judgment of December 18, 2016](#) (in Hebrew)

Currently | **Israel continues to employ its shifting and arbitrary policy of punitive home demolitions which defies international law**

From the time punitive home demolitions were resumed in July 2014 until the end of November 2016, the military had destroyed 35 homes in the West Bank (11 in the northern West Bank, 18 in the south and 6 in East Jerusalem), and sealed 7 (3 in the southern West Bank and 4 in East Jerusalem).

During the same period of time, following petitions filed by HaMoked, the High Court of Justice revoked 6 punitive home demolition orders. In each of these cases, the court focused its criticism on the proportionality of the decision.

The justices acknowledge that the home demolition policy raises constitutionally and morally “difficult questions”, but refrain from addressing these questions on the claim that case law is binding and cannot be departed from so long as the “judicial climate” has not changed. The exception is Justice Mazuz, who, twice in a minority opinion (in [‘Aliwa](#) and in [Abu Jamal](#)), has challenged existing case law on the legality of the policy and insisted on renewed deliberations over Regulation 119.