

Rabbis for Human Rights

16 July 2015
29 Tammuz 5775

To
Major Eran Gross
Deputy Head, Infrastructures Division **Urgent!**
Civil Administration
Via fax: 02-9977753

Greetings,

Re: The Village of Susiya – Halting of Demolitions

Your reference General 327219 dated 15 July 2015

We have received your above-mentioned letter and the following is our response:

- The list attached to your letter as per the reference includes 15 illegal construction files and some 40 actual buildings – approximately half the buildings in the village.** The list includes 15 residential buildings serving some 95 people, half of whom are children, as well as light-construction buildings enabling the survival of the residents of the village and their livelihood as shepherds and farmers. **The list of demolitions is grave and does not show goodwill. It constitutes unfair pressure on the residents of the village of Susiya to evacuate their land and homes, contrary to morality and to the law.**
- It should be noted that the buildings in the list were not constructed in violation of a judicial order. If you wish to propose an “orderly solution,” we ask that you do not demolish the village, and we request once again precise details on this matter.** Pending the receipt of your proposal for an “orderly solution,” we demand **the freezing of all the planned demolitions**, which constitute a step that is not only unlawful but also damages the trust needed for dialogue with the residents of the village.
- We remind you that, in accordance with Prof. Benvenisti’s opinion, the planned demolition over this coming summer will itself constitute a grave violation of article 147 of the Fourth Geneva Convention. In Prof. Benvenisti’s words: “The significance of the execution of the demolition orders that are the subject of this opinion is effective ‘transfer,’ as understood in article 6(28) of the Geneva Convention. While this instance does not involve transfer or expulsion through the direct use of force, the above-mentioned article prohibits “transfer” and “expulsion” both directly and indirectly, and both of individuals and groups of protected residents. In this instance, indirect transfer or expulsion take place by creating physical conditions that require the protected persons to leave the place in which they are present against their will. This will be the de facto situation following the execution of the demolition orders: following the planned demolition of the buildings, there will be no way to survive within the area of

the village without shelter and other facilities ensuring the residents' ability to survive and make a livelihood. The demolition of all the buildings in the village constitutes the de facto coercive expulsion of over 155 men, women, and children. The transfer is "coercive" as understood in the above-mentioned article 6(28) since it involves the residents of a village who reside on land belonging to them. They are not interested in abandoning their village land, and in any case they have nowhere to go. In addition to the indirect transfer, the demolition of the buildings in the village as describe above constitutes the demolition of buildings vital for the survival of the residents of the village; this, too, is prohibited as noted in section 1 above."

4. The planned demolitions after the holiday, and before the hearing in the petition, were intended – as emerged from your comments during your visit to Susiya on 12 July 2015 – to placate the settlers: those who have over the years seized the land of the villages that you have also recognized as private land, without any intervention on your part. This constitutes improper political pressure rather than concern for the protected persons and for public order. The demolition is not being undertaken on the basis of considerations of planning, construction, law and order, but due to alien considerations and unfairness in an administrative action.
5. If you execute your plan to demolish the buildings in the list, this will constitute the destruction of approximately half the village. This will create irreversible damage and indescribable suffering for the residents of the village prior to a substantive hearing in the petition.

Sincerely,

Atty. Quamar Mishriqi Asad

CC:

- Head of the Civil Administration
- Head of Hebron DCO
- Head of the Infrastructure Desk, Office of the Coordinator of Government Activities in the Territories
- St. Yves