



Factsheet

Self-demolition in Jerusalem: Between the hammer and the anvil

"My son and his family have nowhere left in this city... We demolished his house with our own hands," said an elder man from Silwan (whom will be identified as B.Z.). Three years ago, B.Z. had built the house (*comprised of simple polyynic panels¹* for his son (*daughter-in-law and two grandchildren*) by hand, and now he was forced to demolish it himself. The dwelling was built on the roof of the family home, as B.Z.'s intention was to relieve his son of the peril of moving beyond the municipal boundaries of Jerusalem (*in seeking affordable housing*) and the consequent risk of losing his Jerusalemite residency right. Such would have also had bearings on their family reunification process as the daughter-in-law holds a West Bank identity card.

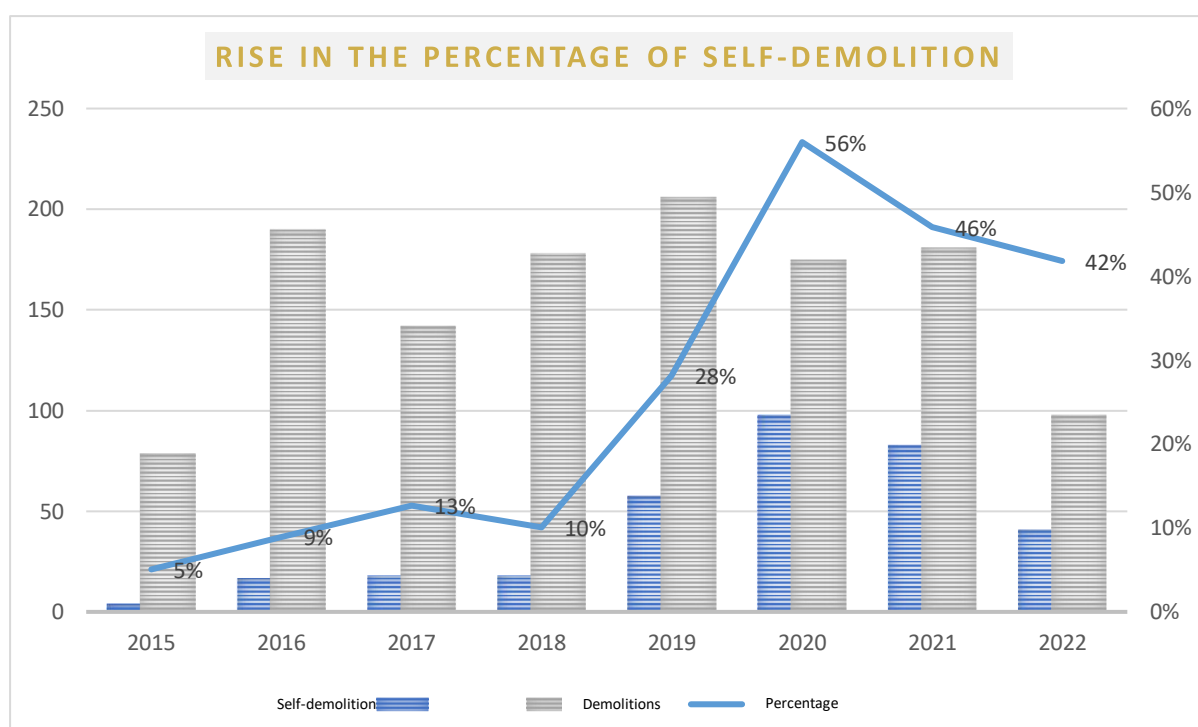
The case of B.Z.'s family is not unlike the hundreds of Jerusalem families, whom faced with systemic discrimination in Israel's building and zoning policies, have built on their privately owned land without obtaining required permits and now face risk of demolition (along with other possible penalties, as hefty fines and imprisonment).

Moreover, the payment of these fines does not exempt them from the requirement to obtain a building permit. Some estimates have indicated that a third of Palestinian homes in the city of Jerusalem (occupied in 1967) were built without proper municipal permits, meaning that more than 100,000 Jerusalemites are at risk of displacement.



¹ a type of a reinforced plastic that is used for isolation.

More recently, the phenomenon of self-demolitions has increased in prevalence. Documentation in the city of Jerusalem has indicated a clear increase in self-demolitions of homes and facilities built without permits. In the first eight months of this year, 41 out of the 98 structures demolished in Jerusalem had been self-demolished by their owners. **This amounts to 42% self-demolition**, a significant increase when compared to 2015, when the number of homes that were self-demolished during the year did not exceed 4 out of 79 demolitions (5% of all demolitions).



	2022	2021	2020	2019	2018	2017	2016	2015
Self - Demolition	41	83	98	58	18	18	17	4
Total Demolition	98	181	175	206	178	142	190	79
Percentage	%42	%46	%56	%28	%10	%13	%9	%5

Reasons behind the high rate of self-demolition:

While there are many reasons pushing Jerusalemites towards the self-demolition of their homes, analysts attribute the increased frequency to a set of amendments to Israel's 1965 Planning and Building Law, known as the "Kaminitz Law".

Kaminitz Law:

In April 2017, the Israeli parliament (Knesset) voted in its second and third reading on the specific amendments to the Planning and Building Law, with 43 members in favor and 33 against. The primary goal was declared to be "to fight unauthorized construction" in general. Nevertheless, its real intention has proven to be to facilitate the demolition of Palestinian

homes towards hampering the urban expansion of Palestinian communities within the Palestinian and applies to Palestinians with Israeli citizenship and the occupied city of Jerusalem.

The Kaminitz Law procedurally facilitates the demolition of “unlicensed” houses and reinforces penalties on their owners, in addition to expediting the demolition process. Furthermore, the law **allows the imposition of successive penalties against the use of unlicensed buildings**, which will impose additional hearty burdens on owners. It also undermines the courts’ authority with regard to freezing demolition orders. It deprives courts of the power to grant time extension (*for longer than a year*), which is insufficient to license homes in Palestinian towns in historic Palestine, including East Jerusalem. Therefore, this law **effectively invalidates the court's power to freeze the demolition order** even if the homeowner is in the process of regulating and licensing the building and changing the status of the land. In the process, tens of thousands of homes and facilities in Palestinian communities in Jerusalem and Palestinian towns inside Israel are now left vulnerable.

In addition, the law enforcement authority (*i.e., the Jerusalem municipality*) is not authorized to consider exceptional circumstances, including humanitarian crises, or planning conditions and legal status in the framework of which construction was carried out without a permit. Jerusalemites are, therefore, not allowed to present their grievances, suffering and personal, family and economic circumstances before the court, so as to issue a verdict and penalty in accordance with the respective situation.

Additional changes introduced by the Kaminitz Law include; transferring the power to impose fines and issue demolition orders from the courts to building inspectors, increasing the maximum number of years of imprisonment for construction violations (from two to three years), and doubling penalties. The Kaminitz Law has raised the value of fines issued against people who have built without necessary licenses, as decided by the Minister of Finance. Additionally, the law also allows the imposition of successive penalties against the use of unlicensed buildings, placing a huge burden on the owners of houses and unlicensed facilities. In addition to penalties that are paid, penalties related to illegal construction are converted to penalties to which absolute responsibility applies, as in the case of exceptionally serious penalties.

The Kaminitz Law also stipulates that local authorities are to allow those who have been issued demolition orders a window of only 21 days to either self-demolish or have the municipality demolish their structures (at high a demolition expenses).

Such hefty fines and efforts to avoid the cost charged by the municipality for carrying out a demolition, has pushed many Jerusalemites to self-demolish their homes. If the municipality carries out the demolition of a house or facility, the owner of the building is obliged to pay the cost of the demolition and all accompanying matters. This includes the cost of both the contractor responsible for the demolition, the bulldozers and trucks that transport the bulldozers, and the police accompanying the demolition, (the more the police officers, the higher the bill). If fines/costs are not paid, the homeowners would face imprisonment as an inevitable consequence.

SUMMARY OF REASONS

To avoid the high costs associated with applications for building permits and planning fees

To avoid imprisonment for failing to pay fines

To avoid the trauma caused by forced demolition and damage to personal belongings and furniture.



The root factor leading to the issuance of demolition orders against Jerusalemites, is the limited prospects to obtain a building permit or to find a legal solution, to start with. For even if there was a legal horizon, the cost of licenses and planning fees is very high and exceeds what an average family can afford. The same institutionalized discrimination eventually pushes Jerusalemites towards self-demolish.

In addition to the above-mentioned factors, weak social and political safety nets lead to the families' weak ability to confront and withstand demolition policies. Jerusalemites also seek to avoid trauma to children and other family members, by self-demolishing rather than having the municipality demolition without notice and the subsequent panic and destruction of belongings and furniture that follows. Families are often surprised by bulldozers and are not given an opportunity to empty their house of their belongings.

Additionally, some Jerusalemites, who work in Israeli institutions or government offices, fear losing their livelihood if they are sentenced to prison for not obeying the court order to carry out the demolition. Failure to comply with the court's decision would lead to the opening of a criminal file against the owner, threatening his/her source of income.

The Psychosocial Impact of Self-demolition on Families

Home, as a concept or meaning in cultural and social life has a profound impact on stability and psychological and social balance. Home is a place of safety, comfort and stability and embodies the privacy of each member of the family. Therefore, the loss of home deeply impacts family members, specifically women and children. A literature review deduced a **range of psychological and social effects resulting from house demolition, especially self-demolition**, which can be summarized as follows:

1- Self-demolition, by the head of the household, plagues them with significant psychological problems. For instead of protecting their family, by providing decent housing, they have demolished the home with their own hands.

2- The loss of a safe and stable place generates a state of anxiety, tension and constant fear of the future among members of the family, especially women and children.

3- Most families whose houses were self-demolished relocate to live with extended family, resulting in a partial loss of the role of mother, father and children, especially in regards to upbringing and privacy; generating many inter-family problems.

4- Some studies have shown that most women whose homes were demolished bore the brunt of the re-stabilization of the family, along with the personal violation to their privacy, loss of security and stability.

5- Loss of hope and pessimism for the future as a constant feeling afflicting family members. In addition, the feeling of being alone in this misfortune, due to weak social and political safety nets.

6- Most of those who have been subjected to house demolition develop symptoms of trauma and post-traumatic stress.

House demolition policies are dangerously putting Jerusalemites before two options; either to self-demolish their home which they have built with their own hands, or to let the occupation bulldozers carry out the process and be charged for the cost of the demolition and other penalties. Tragically, the “best” option is the most bitter one, with self-demolition only anticipated to rise in the coming years.

