



**המוקד להגנת הפרט**  
**HAMOKED** Center for the Defence of the Individual  
هموكيد - مركز الدفاع عن الفرد

Date: May 10, 2012

In response please cite: 31430

To:

Mr. Yehuda Weinstein

Attorney General

Ministry of Justice

29 Salah a-Din St.

**Jerusalem 91010**

**By registered mail and fax no. 02 6467001**

Dear Mr. Weinstein,

Re: **The ISA recommendation now under your consideration concerning the punitive demolition of families' homes in the 'Awarta village**

"In those days people will no longer say, 'The fathers have eaten sour grapes, and the children's teeth are set on edge'. Instead, everyone will die for his own sin; whoever eats sour grapes – his own teeth will be set on edge" Jeremiah 31:29-30.

1. Following media reports that the Israel Security Agency has presented you with its recommendation to demolish the homes of the \_\_\_\_\_ and \_\_\_\_\_ families in the 'Awarta village, I would like to convey to you on behalf of HaMoked: Center for the Defence of the Individual, our decided opinion and our arguments against the renewal of punitive demolitions of homes of families of convicted terrorists.
2. Demolishing the home of an assailant's family is a cruel, inhuman and immoral act. The sealing off or destruction of a home causes an entire family, including the young and the elderly, to lose all cherished assets, it had accumulated, gathered and built with its own hands over the course of many years, leaving it vulnerable, destitute and at the mercy of others.
3. The demolition of a home of an assailant's family constitutes a deliberate and calculated act of harm upon innocent people, and is an outrage to the innate sense of justice of every human being. Regardless of the question of efficacy, the demolition of a home of an entire family which has done no wrong, contradicts the basic precept of any legal system devised by human beings, whereby sons must not be punished for the sins of their fathers, nor fathers for the sins of their sons.

4. The destruction of a home constitutes a critical violation of the family members' rights to family life, housing, and a life in dignity. As such, it conflicts with Israeli legislation and with Basic Law: Human Dignity and Liberty. Additionally, the demolition of a home completely contradicts international humanitarian law, including the provisions of the Fourth Geneva Convention, which strictly prohibit collective punishment and needless destruction of property.
5. Therefore, the demolition of an assailant's family home it is absolutely forbidden. The degree of utility or deterrent effect associated with this method has no relevance to this rule and even if confirmed, it does not make the method any less objectionable.
6. Moreover, even those who assign importance to the question of its utility or deterrent effect on potential assailants come up empty handed. The effectiveness of house demolitions has never been proven or supported by evidence. On the contrary, over the years, the effectiveness of this measure has come under question inside the military and outside. In terms of proportionality, there is nothing to prove that a rational link exists between the elected measure, i.e. the demolition of homes of assailants' families, and its intended purpose, i.e. deterring potential assailants (for more, see article by Mordechai Kremnitzer [in Hebrew], for the Israel Democracy Institute:  
[http://www.idi.org.il/BreakingNews/Pages/Breaking\\_the\\_News\\_94.aspx](http://www.idi.org.il/BreakingNews/Pages/Breaking_the_News_94.aspx)).
7. Furthermore, in 2005, the Chief of General Staff adopted the conclusions of the military committee which had reviewed the use of house demolitions in the fight against terror, and had recommended suspending the use of house demolitions as a deterrent, because "the IDF, in a Jewish and democratic state, cannot tread the line of legality, let alone the line of legitimacy!!!"[Sic].
8. As to the homes of the \_\_\_\_\_ families which the ISA has recommended for demolition, we wish to state that both these homes do not belong to the assailants but to their fathers. The home where \_\_\_\_\_ lived is a two storey house in which live his parents and six of their children, four of whom are still minors. The home where \_\_\_\_\_ lived is a one storey house, in which live his parents and five of their children, three of whom are still minors. The demolition of their homes will leave these two families, along with their children, homeless and destitute.
9. In view of all of the above, we believe that the ISA recommendation under your consideration should be rejected in its entirety.
10. We would be grateful for your consideration.

Respectfully,

Sigi Ben Ari, Adv.