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## **Lea Tsemel, Advocate and Notary**

**Ahmed Khaleq, Advcate**

**2 Abu Obeida Street Jerusalem, Tel.: 02-6273373 Fax: 02-6289327**

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January 5, 2016  
Houses 20/12

To  
Commander of IDF Forces  
Central Command Headquarters  
In the West Bank  
Tel: 02-5305104/02-5305333

[pniot-tzibur@mail.idf.il](mailto:pniot-tzibur@mail.idf.il)

Dear Sir/Madam,

Re: **Objection against your intention to forfeit and demolish the apartment which served as the residence of the late \_\_\_\_\_ Skafi, I.D. \_\_\_\_\_ from Hebron**

**Objection against the damage which may be caused to other apartments in the same building**

**\_\_\_\_\_ Skafi, I.D. \_\_\_\_\_ Third Floor**

**The apartment of \_\_\_\_\_ Skafi, I.D. \_\_\_\_\_ Third Floor**

On behalf of HaMoked: Center for the Defence of the Individual (**HaMoked**) and following your notice dated January 3, 2016, the objection of the family members is hereby submitted against your intention to seize and demolish the building which served as the residence of \_\_\_\_\_ Skafi.

The grounds for the objection are as follows:

1. The apartment which you intend to seize and demolish constitutes part of a large three story building.

The first underground floor consists of the apartment of the deceased's aunt. The apartment occupies four individuals including two young children.

The other side of the same underground floor consists of the apartment of the deceased's grandmother who lives with her unmarried son \_\_\_\_\_ Skafi, the deceased's uncle.

The ground floor consists of the apartment of Mr. \_\_\_\_\_ Skafi, the deceased's uncle, who resides therein together with his wife and young son.

Said floor consists of four stores which the family intended to rent out.

The third and top floor consists of three apartments. One of the apartments is the apartment of \_\_\_\_\_ Skafi, the deceased's father, his mother and four siblings. It is a 100 square meters apartment which consists of two bedrooms, a kitchen, a living room and two bathrooms. The deceased lived in a room with his brother.

Two additional apartments serve as the residence of the deceased's two uncles, \_\_\_\_\_ Skafi, his wife and five children and \_\_\_\_\_ Skafi, his wife and three children.

The deceased's father has not been working for the last sixteen years due to mental illness. His mother is a home-maker and they hardly make ends meet from their son's work.

2. There is a concern that the demolition which the military commander prefers to carry out would cause peripheral damage, as was the case in the Abu Jamal matter (HCJ 5839/15, HCJ 5844/15).

In view of the fact that due to a tight schedule you do not enable a qualified engineer to examine the apartment designated for demolition, and since you fail to disclose the engineering method you intend to use, the entire three story building is at risk.

3. **The demolition method – an engineering opinion**

The method you intend to use for the purpose of carrying out the demolition is not explicitly mentioned, when one apartment in a three story building is concerned.

According to past experience – the punitive demolition of a housing unit turns into a 'fireworks' display of detonation of explosives intended to provide impressive effects to the press, television and obviously to the residents of the entire area. Such a display has ramifications in the form of severe damage to the other apartments.

In any event, as aforesaid, an adequate engineering plan of your intention was not attached which we could examine and possibly offer – an alternative plan should the objection and appeal be denied. I shall probably need an opinion of an expert engineer on behalf of the secondary applicants and I hereby notify in advance that I shall need a significant extension of time.

4. **Collective punishment**

- A. It is known that the family members and parents of the deceased are not involved in his actions and no guilt on their part has been proved. Nevertheless they are about to be the main victims of said sanction, should it be approved, five families consisting of twenty three members may be harmed by your decision in addition to the deceased's family.

- B. Is it still necessary to remind after so many years that collective punishment of this sort is completely contrary to international humanitarian law which prohibits collective punishment (see Article 33 of the Fourth Geneva Convention) and the infliction of harm to private property (see Regulation 46 of the Hague Regulations and Article 35 of the Fourth Geneva Convention).

5. **No sanction should be taken until all remedies are exhausted**

- A. It should be noted that if, for any reason, this objection is denied, the suspect's family intends to file a petition with the Supreme Court against the sanction which you intend to take.

B. Therefore no action should be taken against the house until all legal remedies are exhausted.

In conclusion – you are hereby requested to retract your intention to demolish the apartment and cause damage to the entire building in any manner whatsoever, and at least take the least injurious measure, and enable the judicial system to examine your decisions and make a judicial decision in connection therewith.

**6. Investigation material**

In your letter which was delivered to the family members on Friday after midnight, you noted that the deceased \_\_\_\_\_ Skafi committed a ramming attack against an Israel Border Police (IBP) officer in the Halhul area, an act attested to by photographs and statements of IBP officers who were present on scene.

I would appreciate receiving the investigation material underlying your decision and determination, in a bid to rule out the possibility that this was a car accident rather than an act of terror. One should not forget that the deceased was shot and killed before he had the opportunity to be heard and to present his version.

Sincerely,

(signature)

L. Tsemel, Advocate

CC: HaMoked: Center for the Defence of the Individual  
A power of attorney is attached