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**Human rights situation in Palestine and other  
occupied Arab territories**

### **Joint written statement\* submitted by Al-Haq, Law in the Service of Man, BADIL Resource Center for Palestinian Residency and Refugee Rights and Cairo Institute for Human Rights Studies, non-governmental organizations in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2019]

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\* Issued as received, in the language(s) of submission only.



## Increase in house demolitions and forcible transfer in Jerusalem

Since 1948, Israel has sought to alter the character, status, and demographic composition of the State of Palestine, including the city of Jerusalem, in violation of the prohibitions on acquisition of territory by force, annexation, and colonialism, as core principles of international law. As Palestinians mark 71 years of displacement and dispossession since the Nakba, 52 years of prolonged Israeli military occupation of the Palestinian territory, and 12 years of unlawful closure of the Gaza Strip, the Israeli occupying authorities have continued to escalate forcible transfer measures across the Occupied Palestinian Territory (OPT), particularly in occupied East Jerusalem, as part of a widespread and systematic practice of forced displacement and demographic engineering, dating back to 1948. This joint written submission focuses on Israel's escalation of forcible transfer in Jerusalem, particularly as a result of house demolitions, on the rise since the beginning of 2019.<sup>1</sup>

### Forced displacement and demographic engineering

During the Nakba, Israel illegally annexed West Jerusalem, forcibly uprooting some 60,000 Palestinians from the city who became refugees and whose right of return to their homes and property has been denied ever since. In addition, Israel implemented the Absentee Property Regulation, confiscating Palestinian refugees' property and taking possession of some 10,000 Palestinian homes and their contents in West Jerusalem.<sup>2</sup> In 1967, Israel occupied and illegally annexed East Jerusalem, further displacing Palestinians. Some 30,000 Palestinians from Jerusalem were abroad at the time of the war,<sup>3</sup> and only those Palestinians who were physically present in Jerusalem during the 1967 census, conducted by the Israeli Occupying Power, were granted a residency status in the city. For those Palestinians, Israel designed a precarious residency regime, requiring them to constantly prove that their 'centre of life' is Jerusalem, and more recently, that they owe 'allegiance' to Israel, in violation of international humanitarian law.<sup>4</sup> Since 1967, Israel has revoked over 14,500 East Jerusalem residencies, leading to the forcible transfer of Palestinians and their families from Jerusalem.<sup>5</sup>

Since 1967, Israel has pursued a policy of demographic engineering aimed at further reducing the Palestinian presence in the Israeli-declared municipal boundaries of Jerusalem. In particular, Israel sought to redefine the city's boundaries to incorporate the maximum amount of land with a minimum number of Palestinians.<sup>6</sup> Today, the Israeli occupying authorities have adopted a series of master plans to alter Jerusalem's demographic makeup and to illegally annex additional occupied Palestinian territory, to Israel. Notably, Israel's

<sup>1</sup> OCHA, "Record number of demolitions, including self-demolitions, in East Jerusalem in April 2019," 14 May 2019, available at: <https://www.ochaopt.org/content/record-number-demolitions-including-self-demolitions-east-jerusalem-april-2019>.

<sup>2</sup> Al-Haq, "Al-Haq Issues Briefing Paper on Palestinian Sovereignty over East and West Jerusalem," 23 October 2018, pp. 9-10, available at: <http://www.alhaq.org/advocacy/topics/wall-and-jerusalem/1313-al-haq-issues-briefing-paper-on-palestinian-sovereignty-over-east-and-west-jerusalem>.

<sup>3</sup> BADIL, "From the 1948 Nakba to the 1967 Naksa," BADIL Occasional Bulletin No. 18, June 2004, p. 3.

<sup>4</sup> Al-Haq, "Urgent Appeal: Israel Must Suspend and Repeal Recent Legislation Allowing for the Revocation of Permanent Residency Status from Palestinians in Jerusalem for 'Breach of Allegiance'," 8 March 2018, available at: <http://www.alhaq.org/advocacy/targets/third-party-states/1196-urgent-appeal-israel-must-suspend-and-repeal-recent-legislation-allowing-for-the-revocation-of-permanent-residency-status-from-palestinians-in-jerusalem-for-breach-of-allegiance>.

<sup>5</sup> Al-Haq, "Punitive Residency Revocation: the Most Recent Tool of Forcible Transfer," 17 March 2018, available at: <http://www.alhaq.org/advocacy/topics/wall-and-jerusalem/1201-punitive-residency-revocation-the-most-recent-tool-of-forcible-transfer>.

<sup>6</sup> Al-Haq, "The Occupation and Annexation of Jerusalem through Israeli Bills and Laws," 5 March 2018, available at: <http://www.alhaq.org/advocacy/topics/wall-and-jerusalem/1195-the-occupation-and-annexation-of-jerusalem-through-israeli-bills-and-laws>.

2020 Master Plan seeks to achieve and maintain a 60 per cent Israeli-Jewish demographic majority in Jerusalem and a 40 per cent minority of Palestinians. The Israeli Parliament plays a significant role in furthering Israel's demographic objectives, introducing new bills to redraw the municipal boundaries of Jerusalem. Israel's so-called "Greater Jerusalem" plan seeks to illegally annex West Bank settlements in the eastern Jerusalem periphery to the city, and to remove densely-populated Palestinian neighbourhoods from Jerusalem. Overall, Israeli policy in the OPT, including in East Jerusalem, has pursued two goals: to maximise illegal Israeli-Jewish settlement construction and expansion through land confiscation, and to force the transfer of the occupied Palestinian population.

### **Discriminatory planning and house demolitions**

Although residency revocation is the most direct tool of forcible transfer in Jerusalem,<sup>7</sup> Israel also uses discriminatory urban planning laws and regulations to expropriate Palestinian property, deny Palestinians building permits, and carry out house demolitions.<sup>8</sup> Accordingly, Palestinians may only build on 13 per cent of the land in East Jerusalem, most of which is already built up and overcrowded. In comparison, 35 per cent of the land has been expropriated for unlawful settlement construction and expansion. Over the past few years, Israel's Jerusalem municipality has only granted about seven per cent of building permits for Jerusalem's Palestinian residents, while they constitute some 40 per cent of the city's population. As a result, Palestinians are essentially forced to build or renovate without a permit, placing them at risk of forced displacement should their houses be demolished.

Israel's discriminatory planning regime for East Jerusalem has caused an acute housing crisis for Palestinians in the city, with many choosing to move to Palestinian neighbourhoods behind the Annexation Wall, including Kufr 'Aqab, 'Anata, and Shu'fat refugee camp, where Israeli municipal oversight over construction is minimal. Yet, this too has created a precarious situation for Palestinians, given that Israel may, at any time, unlawfully redraw the municipal boundaries of Jerusalem to exclude some 130,000 Palestinians, who are already separated behind the Annexation Wall.<sup>9</sup> Additionally, Israel carries out punitive house demolitions under the pretext of deterrence. Israel has maintained the British Mandate's Emergency Regulation 119, having used it to punitively demolish, seal, and confiscate the houses of hundreds of alleged Palestinian attackers' families in the OPT, since 1967.

In 2018, Al-Haq documented the demolition of a total of 266 Palestinian structures throughout the OPT, of which 126 were residential homes, including 110 so-called 'administrative' and 16 punitive house demolitions. Altogether, 513 Palestinians, including 207 children, were displaced in 2018 as a result of house demolitions. Furthermore, the year 2018 saw record numbers of house demolitions in East Jerusalem. Al-Haq documented the demolition of 108 structures, making up 43 per cent of all demolitions in the OPT, which led to the displacement of 198 Palestinians in Jerusalem, including 102 children. During the first seven months of 2019, Israeli authorities carried out 90 house demolitions in East Jerusalem. Notably, on 22 July 2019, the Israeli occupying forces carried out mass demolitions in Sur Bahir's Wadi Al-Hummus neighbourhood of Jerusalem, citing the structures' close proximity to the Annexation Wall.<sup>10</sup>

As stressed by UN officials, "Israel's policy of destroying Palestinian property is not compatible with its obligations under international humanitarian law" as it is not rendered

<sup>7</sup> See supra note 5.

<sup>8</sup> Article 53, Fourth Geneva Convention. Article 8(2)(a)(iv), ICC Statute.

<sup>9</sup> Al-Haq, "15 Years Since the ICJ Wall Opinion: Israel's Impunity Prevails Due to Third States' Failure to Act," 9 July 2019, available at: <http://www.alhaq.org/advocacy/topics/wall-and-jerusalem/1429--qq->.

<sup>10</sup> Al-Haq, "Al-Haq Sends Urgent Appeal to UN Special Procedures and Calls for Immediate Halt to Demolitions in Wadi Al-Hummus," 22 July 2019, available at: <http://www.alhaq.org/advocacy/targets/united-nations/1438--qq->.

necessary by military operations. Notably, the Annexation Wall was deemed illegal by the International Court of Justice (ICJ), 15 years ago, for violating the inalienable right of the Palestinian people to self-determination.<sup>11</sup> Following the ICJ Advisory Opinion, the General Assembly called on Israel and third States to abide by their obligations to end “the illegal situation resulting from the construction of the wall and its associated regime”.<sup>12</sup> The Annexation Wall has been used to unlawfully annex Palestinian territory and as a pretext to demolish homes and uproot Palestinians. The fact that the Annexation Wall is still standing, 15 years later, is a testament to the international community’s failure to hold Israel accountable for widespread and systematic human rights violations committed against the Palestinian people.

## **Conclusion and recommendations**

Overall, Israel’s forcible transfer of Palestinian civilians from occupied East Jerusalem may amount to a war crime and crime against humanity, when seen as part of a widespread and systematic alteration of the character of Jerusalem through demographic engineering and the erasure of Palestinian presence from the city, giving rise to individual criminal responsibility at the International Criminal Court (ICC).<sup>13</sup> Accordingly, we call on the Human Rights Council to:

- Ensure the protection of the protected Palestinian population in East Jerusalem, and the OPT, from the imminent risk of forcible transfer, through house demolitions, forced evictions, and land appropriation;
- Condemn the measures taken by Israel, the Occupying Power, to alter the legal status, character, and demographic composition of Jerusalem, and not recognise any such changes as lawful;
- Adopt effective measures and a timeline for the enforcement of the obligations contained in the conclusions of the 2004 ICJ Advisory Opinion, and ensure Israel, the Occupying Power, ceases all works on and dismantles the Annexation Wall; and
- Hold perpetrators accountable for widespread and systematic human rights violations committed against the protected Palestinian population by referring information on suspected war crimes and crimes against humanity committed in the OPT to the ICC, and urging the Office of the Prosecutor to open, without delay, an investigation into the situation in Palestine since 13 June 2014.

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Civic Coalition for Palestinian Rights in Jerusalem, Community Action Center (Al-Quds University), and Jerusalem Legal Aid and Human Rights Center (JLAC), NGO(s) without consultative status, also share the views expressed in this statement.

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<sup>11</sup> OCHA, “UN officials’ statement on demolitions in Sur Bahir,” 22 July 2019, available at: <https://www.ochaopt.org/content/un-officials-statement-demolitions-sur-bahir>.

<sup>12</sup> UN Doc. A/RES/ES-10/15.

<sup>13</sup> Articles 7(1)(d) and 8(2)(a)(vii), ICC Statute.