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## Human Rights Council

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

## Written statement\* submitted by Al-Haq, Law in the Service of Man, non-governmental organization 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.

[11 February 2019]

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



## Jerusalem: Ongoing Threats to the Status of the City and Forcible Transfer of Palestinians

The recognition by the President of the United States of America (US) of Jerusalem as Israel's capital, on 6 December 2017,<sup>1</sup> has given Israel what it considered a 'green light' to unlawfully alter the character, status, and demographic composition of Jerusalem, while escalating its forcible transfer measures against Palestinians in the city. Following President Trump's recognition, the US proceeded with the unlawful relocation of its embassy from Tel Aviv to Jerusalem on 14 May 2018,<sup>2</sup> followed by Guatemala and Paraguay.<sup>3</sup> Since then, Paraguay has reversed its embassy move, while Australia has recognised West Jerusalem as Israel's capital, also in violation of the city's status under international law.<sup>4</sup> Indeed, Al-Haq argues that the Palestinian people retain sovereignty over the entirety of Jerusalem, as part of their collective right to self-determination in the city.<sup>5</sup> In this written submission, Al-Haq focuses on the continued threats to the status of Jerusalem, highlighting forcible transfer measures, including as a result of house demolitions and evictions, affecting its Palestinian residents.

### 1. Threats to the Status of Jerusalem

The city of Jerusalem is accorded a special status under international law, which cannot be altered by political statements and recognitions nor by measures imposed by Israel to the effect of changing the city's legal status, character, and demographic composition, as confirmed by numerous United Nations (UN) resolutions adopted since 1947.<sup>6</sup> Yet, Israel has systematically sought alteration in Jerusalem, from its annexation of West Jerusalem in 1948, to its occupation and annexation of East Jerusalem since 1967, to the construction of the Annexation Wall in and around the city, in violation of the Palestinian right to self-determination, as confirmed by the International Court of Justice in 2004.<sup>7</sup> In addition, Israel continues to pursue its vision for a so-called 'Greater Jerusalem', which incorporates illegal Israeli settlements in the eastern Jerusalem periphery to the metropolitan area of the city while attempting to remove densely-populated Palestinian neighbourhoods, already located behind the Annexation Wall, from the city, thereby realising an overwhelming Israeli-Jewish demographic majority with a minimum number of Palestinians. Should Israel

<sup>1</sup> Al-Haq, "Al-Haq Condemns United States Recognition of Jerusalem, in the occupied State of Palestine, as Israel's Capital", 6 December 2017, available at: <http://www.alhaq.org/advocacy/targets/third-party-states/1156-al-haq-condemns-united-states-recognition-of-jerusalem-in-the-occupied-state-of-palestine-as-israels-capital>.

<sup>2</sup> Al-Haq, "Al-Haq Condemns Relocation of US Embassy to Occupied Jerusalem", 15 May 2018, available at: <http://www.alhaq.org/advocacy/topics/wall-and-jerusalem/1240-al-haq-condemns-relocation-of-us-embassy-to-occupied-jerusalem>.

<sup>3</sup> Al-Haq, "Guatemala and Paraguay Embassy Relocation to Jerusalem Blatantly Disregards Jerusalem's Internationally Protected Status and Violates United Nations Resolutions", 23 May 2018, available at: <http://www.alhaq.org/advocacy/topics/wall-and-jerusalem/1258-guatemala-and-paraguay-embassy-relocation-to-jerusalem-blatantly-disregards-jerusalem-internationally-protected-status-and-violates-united-nations-resolutions>.

<sup>4</sup> Al-Haq, "Al-Haq Condemns Australia's Recognition of West Jerusalem as Israel's Capital", 15 December 2018, available at: <http://www.alhaq.org/advocacy/targets/third-party-states/1337-al-haq-condemns-australias-recognition-of-west-jerusalem-as-israels-capital>.

<sup>5</sup> Al-Haq, "Al-Haq Issues Briefing Paper on Palestinian Sovereignty over East and West Jerusalem", 23 October 2018, 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>6</sup> A list of UN resolutions on the status of Jerusalem is can be found on Al-Haq's website at: Al-Haq and Community Action Center (Al-Quds University), "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>.

<sup>7</sup> *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, Advisory Opinion, I.C.J. Reports 2004, p. 136, para. 122.

realise its ‘Greater Jerusalem’ plan, for which bills are currently tabled at the Israeli Parliament (the Knesset),<sup>8</sup> this would not only violate Jerusalem’s international status but also amount to prohibited forcible transfer,<sup>9</sup> acquisition of territory by force,<sup>10</sup> and annexation of occupied territory,<sup>11</sup> in violation of core principles of international law.

## 2. Escalation of Forcible Transfer of Palestinians

When Israel occupied and annexed East Jerusalem in 1967, it imposed a so-called permanent residency status on its Palestinian population, increasingly imposing strenuous criteria for Palestinians to maintain their residency in the city. Over the years, such criteria have included the ‘centre of life’ policy and more recently ‘breach of allegiance’ to the State of Israel, despite customary international humanitarian law prohibiting Israel from compelling the inhabitants of the Occupied Palestinian Territory (OPT), including occupied East Jerusalem, to “swear allegiance to the hostile Power.”<sup>12</sup> As a result of such policies, Israel has revoked over 14,500 residencies since 1967.<sup>13</sup> Coupled with the forcible transfer of Palestinians from Jerusalem, Israel has actively sought the transfer in of Israeli settlers to East Jerusalem. Today, some 215,000 Israeli settlers reside illegally in 15 settlements inside occupied East Jerusalem. In addition, on 19 July 2018, the Israeli Parliament adopted the Basic Law: Israel as the Nation-State of the Jewish People, recognising self-determination as exclusive to the Jewish people, including in the OPT, and encouraging further illegal settlement construction in the OPT.<sup>14</sup>

Critically, the year 2018 has seen record numbers of house demolitions in occupied East Jerusalem, with Al-Haq having documented the demolition of 108 structures, making up 43 per cent of all demolitions in the OPT in 2018, and leading to the displacement of 198 Palestinians, including 102 children.<sup>15</sup> In addition, Israel escalated its eviction policy in East Jerusalem, in particular in the Palestinian neighbourhoods of Sheikh Jarrah and Silwan. In Sheikh Jarrah, the Sabbagh family have received an eviction warrant ordering the family to leave their home in favour of Israeli settlers, two months after the Israeli Supreme Court dismissed their appeal.<sup>16</sup> If carried out, the eviction will directly affect 32 Palestinians, including seven children. In the case of Silwan, some 700 Palestinians are currently threatened with forced evictions as a result of action by the Israeli settler organization Ateret Cohanim,<sup>17</sup> following the Israeli Supreme Court’s rejection of an appeal by 104 families in Silwan to overturn a decision to evict them by the Custodian of Absentee Property on 21 November 2018.

<sup>8</sup> See supra note 6.

<sup>9</sup> Article 49, Fourth Geneva Convention (1949).

<sup>10</sup> Article 2(4), United Nations Charter (1945). See, e.g. UN Security Council, Resolution 2334 (2016) of 23 December 2016.

<sup>11</sup> See, e.g., Article 47, Fourth Geneva Convention (1949).

<sup>12</sup> Article 45, Hague Regulations concerning the Laws and Customs of War on Land (1907).

<sup>13</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>14</sup> Al-Haq, “Factsheet: Israel’s “Jewish Nation-State Law” and the Occupied Palestinian Territory”, 23 January 2019, available at: <http://www.alhaq.org/advocacy/topics/wall-and-jerusalem/1344-factsheet-israels-jewish-nation-state-law-and-the-occupied-palestinian-territory>.

<sup>15</sup> Al-Haq’s Monitoring and Documentation Department.

<sup>16</sup> See, e.g., Nir Hasson, “Israel’s Top Court Won’t Rehear Case on Eviction of Palestinians in East Jerusalem”, Haaretz, 13 January 2019, available at: <https://www.haaretz.com/middle-east-news/palestinians/.premium-israel-s-top-court-won-t-rehear-case-on-eviction-of-palestinians-in-east-jerusalem-1.6830318>.

<sup>17</sup> See, e.g., Nir Hasson, “Court Allows Eviction of 700 Palestinians From East Jerusalem Neighborhood”, 22 November 2018, available at: <https://www.haaretz.com/israel-news/.premium-court-allows-eviction-of-700-palestinians-from-east-jerusalem-neighborhood-1.6677069>.

### 3. Conclusion and Recommendations

Al-Haq recalls that forced evictions “violate, directly and indirectly, the full spectrum of civil, cultural, economic, political and social rights enshrined in international instruments”, as recognized by the UN Office of the High Commissioner for Human Rights.<sup>18</sup> In the case of occupied East Jerusalem, they further amount to unlawful forcible transfer and feed into Israel’s plan to alter the character and demographic composition of the city, in violation of international law.

Accordingly, Al-Haq calls upon the Human Rights Council to:

- a) Refrain from directly or indirectly recognizing or assisting Israel’s acts of annexation of occupied East Jerusalem that may result from bilateral State cooperation as well as economic activities undertaken by persons under their jurisdiction;
- b) Condemn Israel’s efforts to alter the legal status, character, and demographic composition of Jerusalem and not recognize any such alterations as lawful, including those arising as a result of settlement construction and expansion and settler take-over of Palestinian homes; and
- c) Ensure the protection of the protected Palestinian population in occupied East Jerusalem from forcible transfer measures, including as result of house demolitions and forced evictions.

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

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<sup>18</sup> OHCHR and UN Habitat, Forced Evictions, Fact Sheet No. 25/Rev.1, p. 5.