



House Demolitions: Israel’s Forcible Transfer of Palestinians from Jerusalem

About the Initiative

Seven Palestinian organizations (Community Action Centre (CAC)-Al-Quds University, the Jerusalem Legal Aid and Human Rights Center (JLAC), the Society of St. Yves, Al-Haq, BADIL, the Civic Coalition for Palestinian Rights in Jerusalem (CCPRJ), and al-Shabaka) collaborated with Visualizing Palestine to create a series of visuals on the situation in occupied East Jerusalem. The visuals aim at raising awareness of Israel’s apartheid policies in the city, its effects on the Palestinian population, and the gross violations of international humanitarian and human rights law as a result of such policies.

Introducing the Third Visual – “House Demolitions: A Tool of Displacement and Forcible Transfer”

Under international law, East Jerusalem remains occupied territory. Therefore, Israel’s *de jure* annexation of the city is illegal. Throughout its fifty-year occupation, Israel has enacted discriminatory laws and policies aiming at maintaining an overwhelming Israeli-Jewish demographic majority in Jerusalem. Through the fragmentation, dispossession, and isolation of its Palestinian population, Israel uses a complex web of methods to reduce the number of Palestinians in Jerusalem and force their removal from the city. The discriminatory zoning and planning regime is one of the most prominent tools driving this policy.

Israel uses urban planning in order to prevent the growth and expansion of Palestinian neighbourhoods in occupied East Jerusalem. As a result of Israel’s discriminatory housing and planning policy, Palestinians are only allowed to build on **13%** of the land in East Jerusalem, most of which is already built-up and overcrowded.¹ In comparison, **35%** of the land was expropriated for unlawful settlement construction and expansion.² In occupied East Jerusalem alone, there are now 15 illegal settlements housing some 226,500 settlers.³

This discriminatory planning system has caused an acute housing shortage for Palestinians. Only

¹ UN OCHA, ‘High numbers of Demolitions: the ongoing threats of demolition for Palestinian residents of East Jerusalem’, December 2017, <https://www.ochaopt.org/content/high-numbers-demolitions-ongoing-threats-demolition-palestinian-residents-east-jerusalem>.

² PASSIA, ‘Historical Facts and Figures’, 2015, p. 10, http://passia.org/media/filer_public/42/39/42395981-77c2-4e7a-a6d4-4ea2566345dd/factsheet_jerusalem.pdf.

³ Jerusalem Institute for Policy Research, ‘Population of Jerusalem by Population Group, Quarter and Sub-Quarter’, 2015, http://www.jerusalemstitute.org.il/upload/yearbook/2017/shnaton_C0517.pdf.

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“HOUSE DEMOLITIONS: A TOOL OF DISPLACEMENT AND FORCIBLE TRANSFER”

4,706 building permits were issued for Palestinians in East Jerusalem between 1967 and 2014,⁴ despite a significant increase in the city’s Palestinian population from **70,900** at the beginning of the occupation.⁵ Over the past few years, Israel’s Jerusalem municipality has only granted about **7%** of building permits for Jerusalem’s Palestinian residents, who make up some **40%** of the city’s population.⁶ Palestinians who are essentially forced to build or renovate without a permit are at risk of having their houses or structures demolished. In 2017, the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) estimated that around **100,000** Palestinians were at risk of displacement as a result of house demolitions in occupied East Jerusalem.⁷

Although **78%** of building violations occurred in West Jerusalem, demolition orders disproportionately targeted Palestinians in East Jerusalem, making up **84%** of all violations in East Jerusalem (between 2004 and 2008).⁸ Between 2004 and 15 February 2018, Israel demolished **807** Palestinian structures in East Jerusalem, displacing **2,880** people, including **1,510** children.⁹ In addition to the great financial losses incurred as result of the demolition of their property, Palestinians must pay heavy fines for building without permits, which highly benefit the occupation.¹⁰

Another feature of Israel’s house demolition policy involves punitive demolitions carried out under the pretext of deterrence. Since 1967, Israel has punitively demolished **hundreds** of Palestinian homes in the Occupied Palestinian Territory. Israel has maintained the British Mandate’s Emergency Regulation 119,¹¹ allowing it to punitively demolish, seal, and confiscate the houses of alleged Palestinian attackers’ families. Since November 2014, out of **61** homes punitively demolished and sealed across the OPT, **16** homes were in occupied East Jerusalem, displacing **63** Palestinians therein.¹² Israel’s discriminatory planning and zoning regime is designed to drive the displacement and forcible transfer of Palestinians out of Jerusalem, which further advances Israel’s

⁴ For building permits issued between 1967 and 2012, see: Bimkom, ‘Trapped by Planning: Israeli Policy, Planning, and Development in the Palestinian Neighborhoods of East Jerusalem’, 2014, <http://bimkom.org/eng/wp-content/uploads/TrappedbyPlanning.pdf>. For statistics from 2013 to 2014, see: Israel State Comptroller and Ombudsman, ‘Reports on the audit of local government for 2016’, 22 November 2016, <http://www.mevaker.gov.il/he/Reports/Pages/554.aspx?AspxAutoDetectCookieSupport=1>.

⁵ See official Israeli statistics since 1967 at: Israel Central Bureau of Statistics, ‘Statistical Abstract of Israel’, 2017, http://www.cbs.gov.il/reader/shnaton/templ_shnaton_e.html?num_tab=st02_25&CYear=2017.

⁶ Nir Hasson, ‘Only 7% of Jerusalem Building Permits Go to Palestinian Neighborhoods’, Haaretz, 7 December, 2015, <http://www.haaretz.com/israel-news/.premium-1.690403>.

⁷ UN OCHA, ‘Significant increase in risk of displacement in East Jerusalem’, 11 September 2017, <https://www.ochaopt.org/content/significant-increase-risk-displacement-east-jerusalem>.

⁸ International Peace and Cooperation Center, ‘Demolishing Peace: House Demolitions in East Jerusalem’, 2014, p. 59, http://www.ipcc-jerusalem.org/attachment/6/IPCC_Demolishing%20Peace.pdf.

⁹ Statistics from Al-Haq’s Monitoring and Documentation Department.

¹⁰ Norwegian Refugee Council (NRC), ‘The Economic Impact of Displacement: Analysis of the Economic Damage caused to Palestinian households as a Result of Displacement by Israeli Authorities’, April 2015, <https://www.nrc.no/resources/reports/the-economic-impact-of-displacement/>.

¹¹ Defence (Emergency) Regulations, 1945.

¹² Statistics from Al-Haq’s Monitoring and Documentation Department, correct as of 15 February 2018.

demographic goals in the city.

House demolitions, including punitive demolitions, violate a wide range of rights accorded to the protected Palestinian population in occupied East Jerusalem under international law. Demolitions violate Palestinians’ right to adequate housing,¹³ the right to choose one’s residence,¹⁴ the right to non-interference with one’s family and home,¹⁵ and may even amount to a form of prohibited ill-treatment.¹⁶ Under international humanitarian law, punitive house demolitions and sealing further constitute unlawful collective punishment measures, prohibited under the Fourth Geneva Convention.¹⁷ Moreover, extensive destruction of property not justified by military necessity and the forcible transfer of Palestinians from occupied East Jerusalem amount to a grave breach of the Fourth Geneva Convention,¹⁸ and are punishable as war crimes under the Rome Statute of the International Criminal Court.¹⁹ As Israel’s demolitions of Palestinian property form part of a widespread and systematic policy to transfer the protected Palestinian population, they may further amount to a crime against humanity for which there is individual criminal responsibility.²⁰

¹³ Article 11 of the International Covenant on Economic, Social and Cultural Rights, 1966.

¹⁴ Article 12, International Covenant on Civil and Political Rights, 1966.

¹⁵ Article 17(1), International Covenant on Civil and Political Rights, 1966.

¹⁶ Article 7, International Covenant on Civil and Political Rights, 1966.

¹⁷ Article 33, Fourth Geneva Convention, 1949.

¹⁸ Article 147, Fourth Geneva Convention, 1949.

¹⁹ Articles 8(2)(a)(iv) and 8(2)(a)(vii), Rome Statute of the International Criminal Court, 1998.

²⁰ Article 7(1)(d), Rome Statute of the International Criminal Court, 1998.