



The Civic Coalition for Palestinian Rights in  
Jerusalem's Submission to the United Nations  
Human Rights Council's for  
Universal Periodic Review of Israel

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*The Civic Coalition for Palestinian Rights in Jerusalem is a nongovernmental nonprofit coalition of institutions, societies, associations and individuals with experience and mandate of working in Jerusalem on human rights issues. The Coalition was established in 2005 and currently has a membership of 25 institutions.*

*Our vision: To promote and protect Palestinian rights in Jerusalem and combat Israeli government violations of their human rights.*

*Our mission: To mobilize efforts, capacities and resources to protect the political, civil, economic, social and cultural rights of Palestinians in Jerusalem based on international and human rights law.*

# ISRAEL

## Civic Coalition for Jerusalem

### Submission to the UN Universal Periodic Review (UPR)

#### Of UPR Working Group,

**Key Words:** Jerusalem; Master Plan Jerusalem 2050; Israeli planning system; home demolition; cultural, social and political rights; religious freedom; education; freedom of movement

In this submission, the Civic Coalition provides information under Section C, Promotion **and Protection of Human Rights on the Ground: Implementation of international human rights obligations** of the Human Rights Council's Guidelines for the Preparation of Information under UPR.<sup>1</sup>

### **Category: Discrimination and political agenda of Israelization in Jerusalem**

*A - 136.91. Enhance its efforts to further promote the human rights of minorities, including citizens of Arab origin, by promoting their participation in politics, the economy and various sectors of society as well as by ensuring their **equal access to education, health care and other social services** (Japan);*

*A - 136.93. Ensure **the enjoyment of economic, social and cultural rights in equal conditions** for minorities, particularly their right to work and to education (Belgium)*

#### Topic I: Urban planning and land confiscation

*A - 136.58. Increase efforts to ensure non-discrimination, particularly in the areas **of access to justice, property rights and housing rights** (Canada);*

*A - 136.62. **Eliminate all forms of discrimination** against persons of African descent (Tunisia);*

*A - 136.96. Ensure, in practice, the **non-discrimination and respect of the rights of persons belonging to minorities, be they ethnic, cultural or religious**, in particular the Bedouin and the Arab (France)*

***Key issue: Israel's Local Outline Plan Jerusalem 2000 implemented without being approved, and additional urban planning plans, promote expansion of settlements, racial segregation, discrimination against Palestinians, and demolition of Palestinian homes in occupied East Jerusalem contrary to international humanitarian law; contrary to the recommendations of the UN Committee on the Elimination of Racial Discrimination (CERD).***

1. On 14 September 2004, the Israeli-Jerusalem municipality disclosed the Jerusalem Master plan 2000 to serve as a mandatory map for land use in Jerusalem, including East Jerusalem until the

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<sup>1</sup> UN Doc. A/HRC/6/L.24. 24 September 2007

year 2020. Since then Israel has continued to implement discriminatory urban planning policy in order to change the legal status, the geographic character and the demographic composition of the whole of Jerusalem in favor of a Jewish majority. Therefore, Israel has implemented measures in violation of numerous United Nations Security Council Resolutions and Article 2(4) of the UN Charter prohibiting the acquisition of territory by the threat or use of force. The Special Rapporteur on the situation of human rights in the occupied Palestinian territories (oPt) since 1967, as well as the Committee on Economic Social and Cultural Rights and the CERD have also expressed their concern about Israel's discriminatory planning policies in this regard. In spite of the objections and unapproval of the plan, the municipality of Jerusalem has been implementing the plan on the ground.

2. More recently, other plans have been submitted to achieve the Israeli vision of Jerusalem : capital, one and undivided, of the Jewish State. The "Jerusalem 2050" plan provides a vision and project proposals for Jerusalem up to the year 2050, serving as a "transformational master plan for Jerusalem". The team for the implementation of the plan is said to include "the best Israeli tourism, transport, environment, heritage and security planners.", for a largely-Jewish high-tech tourist destination with a minimal Palestinian presence. In contradiction with numerous warnings by the international community, Israel's policies on Jerusalem promotes a united Jewish capital, implemented through urban planning to quietly deport the Palestinian population out of the city, committing an illegal population transfer.

3. Nevertheless, Jerusalem status is still undefined according to international instruments (UN Resolutions -R476(1980), R267(1969), ...-, EU recommendations, Diplomatic statements) and Israeli-Palestinian negotiations. The different Israeli plans promote tourism in a city Israel has no sovereignty over, according to international standards. Through the absentee property law, the discriminatory urban planning, the restrictions on events and NGOs, Israel evicts Palestinians and target the identity of Jerusalemites.

## Topic II: Education

*A - 136.85. Take measures to ensure a fair access to education, without distinction of the origin or gender of the person (Mexico)*

*A - 136.86. Put into practice additional measures which encourage a larger presence of Arab students in university lecture halls as well as a policy encouraging the inclusion of Arab lecturers in the universities (Spain)*

4. The educational sector in East Jerusalem is negatively impacted by a shortage of classrooms, a substandard quality of existing facilities and access restrictions for teachers and students. While Palestinian children in East Jerusalem between the ages of 5 and 18 are legally entitled to free public education, approximately 5,300 registered children are not able to enroll in school<sup>2</sup> with a total of 23,500 Palestinian children not registered at a known educational institution<sup>3</sup>.

5. The shortage of classrooms is one of the most pressing issues, with a lack of 2,672 classrooms<sup>4</sup>. In 2016, 820 inadequate classrooms are in use in East Jerusalem<sup>5</sup>. Many Palestinian children

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<sup>2</sup> ACRI, Failed Grade, the education system in East Jerusalem, 2010

<sup>3</sup> Ir Amim, Education Report: Between the Hammer and the Anvil, 2016

<sup>4</sup> Id.

<sup>5</sup> ACRI, 5 Year "Grace-Period" for Education in East Jerusalem has Ended, February 2016

attend school in makeshift classrooms without facilities such as libraries, computer labs or sports facilities. The majority of schools are located in former residential buildings that are unsuitable and overcrowded. Such shortages are due to Israeli planning restrictions that prevent new construction and building expansion, forcing to add facilities without permit and have them served with demolition and closure orders.

6. In March 2011, Israeli Authorities imposed government-censored textbooks on Palestinian schools in East Jerusalem. These versions remove references to the Palestinian history, culture and heritage such as the occupation, the Palestinian flag and the national anthem. Such measures are an attempt to deny Palestinian children the right to learn about their identity.

7. In 2015 the municipality started imposing Israeli curriculum on schools in East Jerusalem through restriction on funding. In 2016, the Minister of Education decided to “aid the process of Israelization” through extra-funding for schools using Israeli curriculum. With the illegal conditioning of educational budgets, schools enforcing the Palestinian curriculum receive only 60% of those using the Israeli one, reflecting the Municipality’s lack of concern for Palestinian students in East Jerusalem. While Palestinian students represent 39%<sup>6</sup> of the city’s student body, they only receive 11% of its educational budget. In the settlements, schools receive 170% comparing to the budget given to Palestinian schools.<sup>7</sup>

### Topic III: Residency Status

***Key issue: Restrictive measures continue to apply in relation to residency status of Palestinians living in East Jerusalem.***

8. Following the Israeli occupation of East Jerusalem in 1967, Palestinian residents became “permanent residents” of Israel, while 30,000 Palestinians were deprived of the right to live in Jerusalem<sup>8</sup> for being outside the city on the day of the census. Palestinians from East Jerusalem have blue Israeli ID that give them the right to live in Jerusalem. Residency status expires after seven years abroad. Therefore, Jerusalemites who move abroad risk permanently losing their status as residents. In order to retain this status, they must regularly prove their adherence to strict criterias intended to demonstrate that their “center of life” is in Jerusalem. If they fail to convince that they lived, continue to live, work and raise their children in Jerusalem, their status are revoked. According to the “center of life” policy, Palestinian Jerusalemites found living or working outside East Jerusalem would lose their ID and their residency rights. Since 1967, 14,595 Palestinian Jerusalemites have had their status revoked,<sup>9</sup> with 100 only in 2016.<sup>10</sup>

9. In June 2010, the Israeli authorities invoked for the first time “breach of loyalty to the state of Israel” in order to revoke the residency rights for 3 members of the Palestinian Legislative Council and a former Palestinian Minister of Jerusalem Affairs. The Israeli Magistrate Court decided to forcibly deport one of the men from the city of Jerusalem to the West Bank. Cancellations of residency rights on the basis of “breach of loyalty” are extreme actions which are in violation of international humanitarian law and Israel’s commitments under the Oslo agreements.

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<sup>6</sup> Ir Amim, Education Report: Between the Hammer and the Anvil, 2016

<sup>7</sup> CCPRJ, De-Palestinization of Education in Jerusalem, 2016

<sup>8</sup> CCPRJ, From Diversity to Racial Segregation and Domination Palestinians in Jerusalem, 2014

<sup>9</sup> ACRI, East Jerusalem: Facts and Figures, May 2017

<sup>10</sup> According to Hamoked

10. Since, Israel has implemented a new practice of ‘‘punitive residency revocation’’, revoking residency rights as a punishment for ‘activities against the State of Israel’. This policy took a step forward in 2017, when relatives of an alleged attacker had their residency revoked, making wider the scope of punitive revocation. Permanent residency is not a permanent status and is nowadays targeting through collective punishment, in violation of international law.

11. Moreover, permanent residency is not automatically passed on to children, which leads to difficulties in the registration of children with the Jerusalem Center for Socio-Economic Rights which estimates that there are as many as 10,000 unregistered children in East Jerusalem. Permanent residency is only passed to children under specific circumstances governed by section 12 of the Entry into Israel Regulations (1974). This makes it very difficult to access basic education, health and other social services.

13. Permanent residency is neither automatically transferred through marriage: non-permanent resident spouses of a Palestinian Jerusalemite must apply for family unification in order to reside in the city. The application for family reunification is governed by the Interior Ministry and involves a long and expensive bureaucratic process.

14. Family unifications involving oPt residents were frozen by Executive Order 1813, in 2002. In 2003, the Nationality and Entry into Israel Law (Temporary Order) replaced Order 1813 but continued to severely limit family reunification for Palestinian Jerusalemites and their spouses from the rest of the West Bank and the Gaza Strip. The law was amended in 2005, opening the door for family reunification for non-Jerusalemite husbands over 35 years and non-Jerusalemite wives over 25 years and allowing the Minister of Interior to grant permanent and temporary residency visas for children under the age of 14. Stricter implementation of existing Israeli policy has also seen foreign spouses and foreign nationals denied entry at Israeli controlled border crossings with Israel and the oPt. The law was amended again in 2007, extending the reunification restrictions to spouses from ‘‘enemy states’’: Iran, Syria, Lebanon and Iraq. Such policies are blatant violations of the International Covenant on Civil and Political Rights, which guarantee the rights of the family.

15. Additionally, Palestinian residency is threatened by the Separation Wall. Over 100,000 Jerusalemites live on the other side of the Wall<sup>11</sup> in order to reside with their spouses who hold West Bank ID or to live in more affordable housing. These people live in real fear that Israel will redraw the municipal borders and revoke their residency accordingly.

#### Topic IV: Home demolitions

***Key issue: Despite the recommendations of the Special Rapporteur on the oPt and CERD, 88 Palestinian homes were demolished in East-Jerusalem only last year, displacing 295 people including 160 children<sup>12</sup>. The Civic Coalition is concerned with the accelerated rate of home demolitions and evictions in 2017, in path to get worst than 2016. In 2016, 23 houses were demolished as a punishment<sup>13</sup>, raising concern on the renewed policy of punitive home demolitions, re-implemented gradually since 2009.***

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<sup>11</sup> Haaretz, A Decade Behind the Separation Wall: Jerusalem’s 100,000 Outcasts, april 2015

<sup>12</sup> B’tselem statistics, demolition of houses built without permit

<sup>13</sup> B’tselem statistics, demolition of houses as punishment

16. Since 1967, Israel has continued to demolish and evict Palestinians from their homes in East Jerusalem. The Special Rapporteur on the oPt has noted the illegality of the demolition of homes under international law, while CERD has called for a halt to demolitions of Arab properties.

17. From 2004 to 2016, 685 structures were destroyed in East Jerusalem, displacing 2,513 Palestinians including 1,369 children, due to lack of permit<sup>14</sup>. Since 2010, East Jerusalem was targeted by Israel's campaign to forcibly remove Palestinians from the city and supplant them with Jewish settlers. The areas targeted have been Sheikh Jarrah, Silwan, Ras Al Amoud, Beit Hanina and the Old City, the number of Palestinian home demolitions and forced evictions in East Jerusalem escalated in line with its broad geo-political, demographic objectives for Jerusalem.

18. Aimed at exerting pressure on Palestinian communities to leave their neighbourhoods, the policy has resulted in transfer of population. Indirect forcible transfer is one of the methods by which Israel creates 'facts on the ground' in the oPt, including in East Jerusalem.

19. Home demolitions are usually carried out because of unlicensed construction, arising from discrimination against Palestinians in the planning system. Since 1967 "Israel's leaders adopted two basic principles in their rule of East Jerusalem. The first was to rapidly increase the Jewish population in East Jerusalem. The second was to hinder growth of the Arab population and to force Arab residents to make their homes elsewhere"<sup>15</sup>. Demolition of Palestinian homes is accelerated by the Master plan. For example, following the city master plan n9, Jerusalem City Engineer Uri Shitrit issued orders in 2004 to "remove unlawful construction in the Valley of the King" in order to keep the area "an open public space", while approximately 1,400 Palestinians live in this neighbourhood. Therefore, 88 buildings are under threat of destruction, impacting the life of 130 families, for the creation of a biblical park related to King David passing<sup>16</sup>. Despite the submission of a new plan by the neighbourhood, made of compromises between the need of housing and the creation of the public space, the municipality refused to change the plan. The complete change of a Palestinian residential neighbourhood to a biblical park under Israeli control, raises more than reasonable concerns that the planning tool of "public space" is once again being used to establish political facts on the ground.

20. For the last 50 years of annexation, Israel has been implementing a systematic discriminatory urban planning policy, which neglect the social, economic, and housing rights of the Palestinians in Occupied Jerusalem. A policy which main objective is to increase the Jewish Israeli settlers and to reduce the Palestinian presence in the City and to achieve the so called "Greater Jerusalem" where it will include Gush Etzion block in the south, Maale Adumim in the East and Gevat Zeev in the north. According to a report by the International Peace and Cooperation Center, 78.4% of building violations took place in West Jerusalem between 2004 and 2008, and only 21.5% in East Jerusalem. Yet, only 27% of all violations in West Jerusalem were subject to judicial demolition orders, and 84% of violations in East Jerusalem.

21. Accordingly, in its recent report on Jerusalem, the EU found that Israeli urban planning policies in the city were politically motivated and lead to a 'de facto discrimination on the ground' against the Palestinian population and that "[Palestinian families] have the choice between

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<sup>14</sup> B'tselem statistics on demolition of houses built without permits in East Jerusalem

<sup>15</sup> Amir Cheshin, Advisor on Arab Affairs to the former mayor of Jerusalem

<sup>16</sup> B'tselem, Al-Bustan Neighborhood – Garden of the King, 2014

immigrating outside the municipal area of Jerusalem (and losing their residency status) or building without the necessary building permit.”<sup>17</sup>

22. Israeli housing procedures utterly fail to meet the needs of the Palestinian residents of East Jerusalem. Palestinians are only permitted to build on 12% of their own land, and obtaining a building permit is close to impossible. They face unreasonably high fees, undue delays and onerous requirements. As a result of the severe housing shortage in East Jerusalem and the discriminatory planning policies by the Municipality, over 20,000 Palestinian homes are built without permit, putting 85,000 Palestinians at risk of home demolition and displacement.<sup>18</sup>

23. Registering land and proving ownership is difficult for Palestinian Jerusalemites. Israel considers many Palestinians to be ‘absentees’ in accordance to the Absentee Property Law, making the registration process difficult. For many Palestinians, attempting to register their land results in its confiscation by the Custodian of Absentee Property. Therefore, many have no choice but to build without permits.

24. Home demolitions are also carried out to punish the family of an alleged attacker, with 654 units demolished from 2002 to 2004, impacting the life of 4,116 Palestinians<sup>19</sup>. Stopped in 2005, the practice was renewed in 2009, increasing the number of punitive home demolitions each year ever since, violating the right of adequate housing and the international prohibition on collective punishment, leaving innocent children homeless on behalf of someone else’s action, therefore fostering violence.

**25. Israel carries out the above prohibited practices and policies in a deliberate and planned manner to alter the demographic composition of Jerusalem and assert Jewish Israeli domination. The State party is using urban planning to settle a demographic balance of approximately 30% Palestinians and 70% Jewish Israelis in Jerusalem to ensure the “Jewish character” of the city, guided by public policy at least since 1973 with the recommendations of the Gafni Committee.<sup>20</sup>**

### **Category: Freedom of religion and belief, expression and right to participate in public and political life**

Topic I: Repression of Palestinian cultural, social and political activity

***Key issue: Arab and Palestinian social, cultural and political organizations are being repressed by the Israeli authorities within Jerusalem as part of the ongoing program of ‘Judaization’. Various Palestinian communal and human rights organizations have been closed off by the police on “security grounds”, which remain vague and unspecified. Since August 2001, the Israeli Authorities closed approximately 32 organizations serving the Palestinian community<sup>21</sup>.***

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<sup>17</sup> CCPRJ, open letter to Ban Ki Moon, January 2012

<sup>18</sup> ACRI, facts and figures, May 2017

<sup>19</sup> B’tselem, statistics on house demolitions as punishment

<sup>20</sup> CCPRJ, Population Transfer including Settler Implantation in Jerusalem, 2016

<sup>21</sup> CCPRJ, Israel Police Closed Map and GIS Department for 6 months, March 2017

26. Severe restrictions on Palestinian cultural activity in Jerusalem are imposed by the Israeli authorities with the effect of preventing expression of Palestinian cultural, social and political identity. Forcible closures are carried out on the orders of the Israeli Minister of Internal Security (MIS) on grounds of alleged Palestinian Authority involvement or “public safety”.

27. There have been numerous such closures since 2008, including repression of cultural identity during events organized for children. On January 2016, the revival of Palestinian Culture in the city of Jerusalem, scheduled to take place at El-Hakawati, the Palestinian National Theater got closed despite the fact that it was strictly a cultural event, on the ground that Palestinian Authority was behind it. Banned activities are still a major issue today in East-Jerusalem. Since the beginning of 2009, Israeli authorities have banned, and physically prevented, numerous peaceful, cultural, and educational activities marking the declaration of Jerusalem as the "Capital of Arab Culture 2009."

28. On the 14th of March 2017, Israeli police and intelligence forces stormed the office of the Map and GIS Department and ordered its closer for 6 months. The office files and computers were confiscated and the director of the department was taken for interrogation for 5 hours. The order was issued on grounds of ‘public safety,’ a somewhat bizarre pretext given the nature of the affected organization. Institutions subjected to closures include some established by the European Union, all relating to social, cultural, and economic development of the Palestinian community.

29. The Israeli authorities are aware that these organizations continue to function in a limited capacity: they are also aware that being unable to function officially creates a climate of fear and a reluctance to do anything that might ‘draw attention’ and result in complete closure of the organizations, detention and interrogation of staff.

30. By these means, Palestinian civil society and political activity in East Jerusalem has been largely incapacitated by the permanent threat of closure. Repression of Palestinian social, political and cultural identity involves systematic infringements of Palestinian’s social and cultural rights.

## Topic II: Religious freedoms and respect for the sanctity of holy places

**Key issue:** *The Israeli authorities continue to restrict access to Al-Aqsa Mosque, to carry out actions including tunnelling under the Mosque with little regard for its preservation, and interfering with the internal affairs of the Mosque.*

A - 136.68. Intensify efforts to prevent and tackle any act aimed at reducing or impeding the full enjoyment of the freedom of religion for any individual (Italy);

A - 136.69. Ensure freedom of religion or belief, including access to places of worship (France);

A - 136.70. Take all necessary measures to fight against manifestation of religious intolerance and to thoroughly investigate all cases of religious hatred, including acts of vandalism of religious sites (Slovakia);

A - 136.71. Adopt norms, and apply existing provisions, with a view to protect the rights of religious minorities and ensure the preservation of religious sites (Argentina);

A - 136.72. Protection of and access to all sacred places of worship belonging to Muslims, Christians and others (Pakistan);

A - 136.74. Safeguard equitable protection to all places of worship, including all Muslim and Christian sacred places (Cyprus);



*A - 136.75. Ensure access to religious sites, particularly in the Holy City of Jerusalem (Jordan);*  
*A - 136.76. Ensure full and unrestricted access to holy sites for all members of the clergy and worship without discrimination (Italy);*  
*A - 136.77. Refrain from preventing or hindering the restoration of Islamic holy shrines by the Waqf (Jordan);*

31. Access to Al Aqsa Mosque is severely restricted by the ongoing closure of Jerusalem to residents of the West Bank and Gaza and by the regular ban on Palestinian men under the age of 50 and Palestinian women under the age of 45 from entering the Mosque, especially on Fridays. CERD stresses that the “Al-Aqsa Mosque is an important cultural and religious site for people living in the oPt” and urges Israel “to ensure that the excavations in no way endanger the mosque and impede access to it”.

33. The UNESCO Jerusalem Resolution has affirmed earlier this year the need for respect of holy places in Jerusalem. The HRC is already aware of the Israeli authorities’ failure to take positive action to ensure the preservation of archaeological and historical sites and objects in East Jerusalem and areas of the West Bank under Israeli administrative jurisdiction. CERD has raised its concerns about “excavations beneath and around Al-Aqsa Mosque and the possible irreparable damage these may cause to the Mosque”.

34. The Coalition draws HRC’s attention on the continuing excavations and works part of a wider pattern of active damage to Palestinian, Arab and Islamic cultural heritage. Restrictions on access to the Mosque are continuing, and Israeli authorities continue to interfere with the internal affairs of Al Aqsa and to carry out provocative actions. Settlers force access to al aqsa regularly, last month, israeli jews stormed the al-Aqsa mosque complex bowing on the Temple Mount, where they are not allowed to pray, and singing Israeli national anthem, disrespecting religious freedom and holy sites.

**35. Closing social/cultural events and disturbing the functioning of NGOs, as well as censoring people affiliated to BDS movement are in contradiction with the HRC recommendations cited above. Freedom of religion and freedom of expression are more and more targetting by the State Party.**

### **Category: Freedom of movement**

*A - 136.220. Undertake necessary measures to guarantee the respect for the freedoms and fundamental rights in the occupied territories such as, for example, the right to freedom of movement of all persons (Spain)*

Topic I: The Wall in Jerusalem and its associated checkpoints

**Key issue: *Violations of Israel’s obligations under international law that result from construction of the Wall.***

36. The construction of the wall in occupied Palestinian territory has been continuing since 2001, showing one of the clearest example of the unlawful character of the Israeli occupation. The Separation Wall extends over 200 km to the east and west around Jerusalem and occupies more than 40,000 km<sup>2</sup> of the City’s land. Only 3% of the Wall in Jerusalem area follows the 1967

Green Line. It annexes 12 settlements with a population of more than 208,410 Jewish settlers to Jerusalem.<sup>22</sup>

37. In 1993, Israel established 22 military checkpoints all around Jerusalem, restricting entrances in Jerusalem. Later on, the construction of the Separation Wall also disconnected economically and socially dependent urban centers and severs ties between rural communities and Jerusalem. The Wall changes not only the municipal borders of Jerusalem, but other de facto realities on the ground, decreasing the possibility of East Jerusalem as the capital of a futur Palestinian state.

38. As noted by the Special Rapporteur, the Wall is “an exercise in social engineering, designed to achieve the Judaization of Jerusalem by reducing the number of Palestinians in the city.” Crossings that had been used by schoolchildren and workers to cross the Wall, including a 30cm gap in a steel door in the Wall, and a sewer running underneath it, have been closed. Final closure leads to further fragmentation of Palestinian social, cultural and economic life in Jerusalem

## Topic II: Access to health and public services

*A - 136.67. Take steps to ensure the rights to health, education, and other rights dependent on freedom of movement are protected (Australia);*

*A - 136.84. Redouble efforts to fill the gaps among the infant and maternal mortality rates of Jewish, Arab-Israeli and Bedouin children and women (Belgium);*

39. Nowadays, 4 million Palestinians<sup>23</sup> need to go through a long and difficult procedure to have a chance to obtain a permit and enter the city, sometimes even only for a few hours, for medical needs or administrative formalities. In addition to putting residency status of the aforementioned thousands of Palestinians living on the West Bank side of the Wall at risk, it forces them to cross checkpoints to access necessary health services. Hospitals were always centered in Jerusalem during palestinian history, cutting jerusalem from the rest of the oPt also undermines the health of millions of palestinians, who don't have anymore access to the major referral hospitals of the Palestinian public health system.

40. The Wall has the long-term effect of isolating East Jerusalem from the rest of the oPt. The strict system of permits and checkpoints a Palestinian must pass in order to reach Jerusalem restrict their access to health institutions. The barriers is limiting access for patients but also for personnel and ambulances, undermining the right to health of palestinians, in contradiction with the accepted recommandations cited above.

**41. In addition to the wall, checkpoints and permits, the State party now also collectively revoke residency as a punishment, emphasising restrictions on freedom of movement. The illegal occupation and surrounding of Jerusalem keeps undermining freedom of movements of Palestinians in contradiction with the recommandations of the HRC.**

## **Category: Compliance to Human rights and application of Humanitarian law Conventions**

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<sup>22</sup> Peace Now, data on Jerusalem, 2017

<sup>23</sup> Negotiations affairs department, PLO , Jerusalem

*A - 136.13. Comply with international humanitarian law provisions, in particular with the IV Geneva Convention (Cuba);*

*A - 136.32. Resume full cooperation with the Human Rights Council and with OHCHR (Spain);*

*A - 136.42. Address the recommendations from treaty bodies to which it is a State Party (Nicaragua);*

*A - 136.46. Comply with its legal obligations under international law alongside its obligations deriving from international human rights treaties to which Israel is a party (Indonesia);*

*A - 136.65. Ensure that international human rights standards are respected at all levels of public administration (Cyprus);*

*A - 136.80. Ensure that human rights defenders are able to carry out their legitimate work in a secure and free environment (Austria);*

## Topic I: Population Transfer

42. According to international law, population transfer is unlawful if it entails a practice or policy having the purpose or effect of moving persons into or out of an area, either within or across an international border, or within, into or out of an occupied territory, without the free and informed consent of the transferred population and any receiving population.

43. All the practices and policies seen above are enforced by Israel in a deliberate and planned manner, with the declared purpose of altering the demographic composition of the population in Jerusalem and asserting Jewish Israeli domination. Driving Palestinians outside of Jerusalem is an unlawful population transfer outside of occupied territories. By enforcing collective punishments, discriminatory urban planning, and exercising a control over the education system, Israel is creating a coercive environment forcing Palestinians to move out of Jerusalem.

44. The ‘quiet deportation’ is also implemented more directly by the demolitions of houses, the revocation of residency rights, the restrictions on family reunification and child registration, or on any access to Jerusalem.

## Topic II: Compliance to international obligations

45. The State party claims that much of international law, including the Fourth Geneva Convention of 1949, does not apply to the oPt. This claim has been overwhelmingly rejected by the international community, including the UN Security Council and the ICJ. In its 2004 advisory opinion on the Legal Consequences of the Construction of a Wall in the oPt, the court reaffirmed that East Jerusalem, the rest of the West Bank, and the Gaza Strip are occupied and that Israel holds the status of Occupying Power. The Court ruled that East Jerusalem is occupied territory that has been illegally annexed by Israel, and to which international humanitarian and human rights law are applicable.

46. As an Occupying Power, the State party has an obligation to protect the Palestinian civilian population and to administer the territory for the benefit of said population. Article 27 of the Fourth Geneva Convention of 1949 places extensive obligations on the State party vis-à-vis Protected Persons, stating, “[p]rotected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manner and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity.”

47. As the Occupying Power, Israel is vested only with temporary powers of authority and not with sovereignty. The implementation of domestic law in the occupied territory violates Article 43 of the Hague Regulations of 1907. Under this article, the State party is obliged to respect the law in force, except when it is absolutely prevented from so doing, and is also prohibited from making permanent changes.

48. Article 46 of the Hague Regulations also guarantees protection of private property, stating that it cannot be “confiscated.” Article 53 of the Fourth Geneva Convention prohibits, in clear terms, the “destruction” of property unless it is “absolutely necessary” for military operations.

49. The Fourth Geneva Convention also states that the Occupying Power may only carry out total or partial “evacuation” of an area if “the security of the population or imperative military reasons so demand.” If this must occur, then any population so evacuated must be returned to their homes as soon as the hostilities in the area have ceased. In the meantime, the occupying power must ensure those evacuated have “proper accommodation.” The eviction from, confiscation and demolition of Palestinian homes in Sheikh Jarrah, Silwan and throughout East Jerusalem for the construction of Jewish settlements is a clear breach of the Convention.

50. Such displacement is also in clear violation of Article 49(1) of the Convention, which states that, “individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the occupying power or to that of any other country, occupied or not, are prohibited, regardless of their motive.”

51. Israel’s practice of constructing and expanding Jewish settlements is in violation of the same article of the Convention. Paragraph six states, “The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies”. This means that any government plans to stimulate growth of the Israeli population in East Jerusalem, and measures to Judaize the city amount to a grave breach of the Convention.

52. In 1979, the UN Security Council opined that such policies and practices by Israel “have no legal validity.” It has, in the past, called upon Israel to uphold its responsibilities under the Fourth Geneva Convention and “to rescind its previous measures and to desist from taking any action which would result in changing the legal status and geographical nature and materially affecting the demographic composition of the Arab territories occupied since 1967, including Jerusalem and, in particular, not to transfer parts of its own civilian population into the occupied Arab territories,” in accordance with Articles 49(6) and 47.

**53. Earlier this year, the State authorities denied Human Rights Watch’s application for a work permit for its Israel and Palestine director on the grounds, and obstructed the work of the UN special rapporteur on the situation of human rights in the oPt. The State party refused cooperation with Human Rights bodies and didn’t comply to its legal obligations under international law. It shall apply the provisions of the IV<sup>th</sup> Geneva Convention in Jerusalem and cooperate with Human Rights bodies.**