



Joint Submission for the 4th Cycle of Israel's UPR by:

The Civic Coalition for Palestinian Rights in Jerusalem's (CCPRJ)

NAMES OF JOINING ORGS:

- 1) **Al-Haq Defending Human Rights**
- 2) **Al-Mezan Center for Human Rights.**
- 3) **Addameer Prisoners Support and Human Rights Association.**
- 4) **Women's Center for Legal Aid Counselling (WCLAC)**
- 5) **Palestinian Center for Human Rights (PCHR: Gaza)**
- 6) **The Community Action Center (Al-Quds University).**

Contacts

The Civic Coalition for Palestinian Rights in Jerusalem

E: civiccoalition@gmail.com T: +972 (2)2343930, 972(2) 6287577

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.

Introduction:

1. This report, which is submitted by the Civic Coalition for Palestinian Rights in Jerusalem (“the Coalition”), and endorsed by a number of Palestinian civil society organisations, deals with Israel’s illegal dispossession and forced displacement of Palestinians, for the purposes of constructing, expanding and maintaining Israel’s colonial settlement enterprise. Specifically, the report will focus on Israel’s ‘Greater Jerusalem’ plan, which is designed to substantively change the borders and demographics of Jerusalem and to further annex parts of the occupied West Bank, in violation of international law. Furthermore, the report deals with other major human rights violations since the last Universal Periodic Review (UPR) of Israel in 2018.
2. The particular focus of our report is motivated by (i) the importance of occupied East Jerusalem for the exercise of the right to self-determination by the Palestinian people; (ii) the particularly large scope of Israeli violations in and around occupied Jerusalem; (iii) the serious crisis of human rights and the protection gap, which resulted due to Israel’s colonial settlement enterprise, including its “Greater Jerusalem” plan; and iv) the fact that the dire situation in occupied East Jerusalem was not sufficiently addressed by the 2018 UPR and the Human Rights Council’s Independent Fact-Finding Mission on the Israeli settlements in 2012/13.
3. With this submission to the fourth cycle of Israel’s UPR, the Coalition wishes to encourage all States to:
 - Solicit concrete and explicit answers from the State of Israel to a number of issues pertaining to the violations of the UN Charter and international humanitarian and human rights law, which result from its population transfer and colonial settlements enterprise including its “Greater Jerusalem” plan;
 - Ensure that Israel will provide a clear response by either adopting or rejecting the recommendations from the 2018 UPR, in order to correct the shortcomings of the 2018 UPR outcome document which did not include specific information about which of the more than 78 recommendations Israel was willing to adopt; and
 - Consider what further measures can and should be taken in light of the lack of a good-faith efforts by Israel to implement the recommendations from the 2018 UPR
4. The Coalition believes that the above are vital steps for safeguarding the effectiveness and credibility of the UPR, and to, *inter alia*, ensure Israel’s adherence to its obligations under international law, including to respect, protect and fulfil Palestinian human rights.

Annexation and Transfer of Israeli Civilians into “Greater Jerusalem”

5. Many recommendations from the 2018 UPR dealt with the expansion of the illegal settlements in the context of Israel's prolonged occupation of the West Bank, including East Jerusalem, and the Gaza Strip. Most of these recommendations reiterated the calls of previous UN resolutions, including resolutions of the Security Council,¹ and the Advisory Opinion of the International Court of Justice (ICJ) on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (OPT) of 2004. The latter have clarified that Israel, with its policy of annexation, the settlements and the Wall in the OPT, violates the prohibition on the acquisition of territory by force and the right of the self-determination of the Palestinian people, which are peremptory norms under customary international law and the UN Charter, as well as international humanitarian and human rights law, including the prohibition of forced population transfer (Article 49, Fourth Geneva Convention) and its obligations under Article 47 of the Geneva Convention. The Security Council has called on Israel to rescind its colonial settlement enterprise, and the ICJ opinion has recommended that Israel dismantles the Wall and makes full reparation for affected Palestinians.
6. The Human Rights Council's Independent Fact-Finding Mission on the Israeli settlements has concluded that the illegal Israeli settlements in the occupied West Bank, including East Jerusalem, result in war crimes which fall under the jurisdiction of the International Criminal Court (ICC). It recommended that Israel ceases all settlement activity and withdraw the settlers. Nonetheless, Israel has failed to implement any of the above and rather continues to pursue these unlawful policies, in particular in the so-called "greater Jerusalem" area.
7. **Annexed occupied East Jerusalem:** in June 1967, Israel annexed occupied East Jerusalem by means of two law amendments: the *Municipalities Ordinance (Amendment No. 6) Law* for the enlargement of the area of jurisdiction of the Israeli municipality of Jerusalem and inclusion of the 1967 occupied area defined as "eastern Jerusalem", and the *Legal and Administration Ordinance (Amendment No. 11)* under which Israeli law was extended to the entire area of the enlarged Israeli Jerusalem municipality. In 1980, Israel adopted the *Basic Law: Jerusalem Capital of Israel* which provides that "united Jerusalem" is to be the permanent capital of Israel.
8. The 1967 illegally annexed and occupied East Jerusalem comprises an area of approximately 70,000 dunums (70 km²). Only some 9% (6,000 dunams) of this area were part of Palestinian Jerusalem under Jordanian rule. The remaining 91% belong to 28 Palestinian communities in the occupied West Bank, including the towns of Beit Jala and Bethlehem. Since 1967, Israel has constructed 16 large residential settlements, including the expanded Jewish Quarter in the Old City, and transferred at least 220,000 Jewish Israeli civilians into occupied East Jerusalem, thus altering its demographic composition. Based on widely varying estimates of the size of the Palestinian population, Israeli settlers today constitute around 45% of the population in East Jerusalem.

¹ The ICJ refers, inter alia, to UNSCR 298 (1971), 446 (1979), 452 (1979), 465 (1980) and 478 (1980).

The Construction and Expansion of Illegal Settlements (“Greater Jerusalem”)

9. During the year 2020 and 2021, the Israeli planning committees and the municipality of Jerusalem approved the construction of near 6500 settlement units for Jewish people,² and approved the construction of “Givaat Hamatous” in the north of Jerusalem, separating Jerusalem from the South of the West Bank (Bethlehem). 2,610 housing unit Approved the construction of 1100 unit “E1 settlement” In East Jerusalem: 3,500 unit Approved the construction Atarot settlement in the north of Jerusalem: 9,000 housing unit: The expansion of “Ramat Shlomo”, the expansion of Abu Ghneim settlement.
10. Israel has expanded not only its illegal settlements but also the transport infrastructure, for the purposes of fulfilling its “greater Jerusalem” plan. These transport infrastructures include the Jerusalem Light Rail,³ the Eastern Ring Road,⁴ the A1 Train,⁵ and the extension of the Begin Highway. The new section of the Begin Highway, which is under construction since 2012, and is destroying the Palestinian community of Beit Safafa in occupied East Jerusalem, will create one continuous highway for Israeli traffic from the Gush Etzion settlement bloc in the southern West Bank (Road 60), through West and East Jerusalem (Begin Highway), to the Ma’ale Adumim settlement bloc and the E1 area in the east (Road 1), and to the Givat Ze’ev settlement bloc near Ramallah and onward to Tel Aviv (Road 443).⁶
11. More recently, other plans have been submitted to achieve the Israeli vision of ‘one and undivided Jerusalem as the capital 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.
12. In contradiction with numerous warnings by the international community, Israel’s policies on Jerusalem promotes its aim of establishing an ‘undivided Jerusalem’, implemented through urban planning to quietly and illegally transfer the Palestinian population out of the city.

² Toufkji Khalil: Settlement report 2021

³ <http://www.civiccoalition-jerusalem.org/human-rights-resources/publications/reports/jerusalem-light-rail-train-consequences-and-effects>

⁴ <http://adalah.org/Public/files/English/News/Briefing%20Paper%20on%20the%20Eastern%20Ring%20Road.pdf>

⁵ <http://www.whoprofits.org/sites/default/files/Train%20A1.pdf>

⁶ <http://www.civiccoalition-jerusalem.org/human-rights-resources/publications/submissions/urgent-appeal-action-0>

Israeli Policy of Land and property Settlements and Entitlement (Registration):

13. In March 2018, Ayelet Shaked, the then Minister of Justice, announced the intension of the Israeli government to start property settlement and registration in occupied East Jerusalem as “a step toward promoting Israeli sovereignty and control over the city”. *She added:*

“[t]he day before the strengthening of Jerusalem through the transfer of the American embassy to Jerusalem, and after decades of Israeli sovereignty in eastern Jerusalem, we are strengthening the city and actually applying sovereignty through the program of land regulation in East Jerusalem”.
14. On 18 November 2020, the Israeli Minister of Jerusalem and Heritage, Rafi Peretz, stated as well:

“the plan of registration is a confirmation of the fact that East Jerusalem is part of the “United Jerusalem.”⁷
15. It is important to note that proving the claim of ownership of certain land in the area of annexed Jerusalem is very complicated due to historical and political reasons. Crucially, the inability to prove the ownership of a certain land will automatically convert it into a “state property” owned by the occupying power of Israel.
16. Furthermore, the opening of the land registration process will allow the occupying power to implement and activate the Absentee Property Law, which permits the State of Israel to seize, manage, lease, transform and sell the properties of Palestinians who are declared “absentees.”
17. Palestinians have to pay huge taxes for land and property registration, since 1967.

Education

18. 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, due to Israel’s discriminatory policies in this regard. 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 enrol in school,⁸ with a total of 23,500 Palestinian children not registered at a known educational institution.⁹
19. The shortage of classrooms is one of the most pressing issues, with a lack of 2,000 classrooms.¹⁰ Many Palestinian children 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

⁷ CCPRJ, Land settlements and registration 21,8/2021

⁸ ACRI, Failed Grade, the education system in East Jerusalem, 2010

⁹ Ir Amim, Education Report: Between the Hammer and the Anvil, 2016

¹⁰ Id.

overcrowded.

20. On 28 July 2022, the Israeli Minister of Education Yifat Shasha-Biton revoked the permanent operating licenses of six Palestinian schools in East Jerusalem, under the pretext that their curricula contain alleged “incitement against Israel and the Israeli army”.¹¹ The six schools include Ibrahimieh College and five schools run by the Al-Eman Schools organization. Together, the schools have around 2,000 male and female pupils.¹²
21. Critically, this attack needs to be understood within Israel’s broader plan to erase the Palestinian collective history, narrative and identity. In March 2011, the Israeli occupying 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.

Residency Status

22. Following Israel’s 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 Jerusalem¹³ 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 living seven years abroad. Therefore, Jerusalemites who move abroad, or even outside the city of Jerusalem, risk permanently losing their status as residents. Therefore, they have to continuously prove their centre of life in the city of Jerusalem.
23. In March 2018, The Israeli Knesset passed an amendment to the Entry into Israel Law which authorizes the Israeli Minister of Interior to revoke the permanent residency status of Palestinian Jerusalemites, under the allegation of the involvement in alleged “terrorism” or have committed acts that constitute “breach of loyalty”, in violation of international law. This law has been amended 30 times since it was enacted, and each amendment seeks to remove more Palestinians out of annexed Jerusalem¹⁴
24. 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 a Palestinian who allegedly carried out an attack had their residency revoked, making wider the scope of punitive revocation. Permanent residency is not a permanent status and has been

¹¹ Times of Israel, “Education minister revokes licenses of 6 East Jerusalem schools for incitement”, 28 July 2022, available at: <https://www.timesofisrael.com/education-minister-revokes-licenses-of-6-east-jerusalem-schools-for-incitement/>.

¹² Al Monitor newsletter, August 12, 2022, Read more: <https://www.al-monitor.com/originals/2022/08/israel-revokes-licenses-six-schools-east-jerusalem#ixzz7hFNG2JDm>

¹³ CCPRJ, From Diversity to Racial Segregation and Domination Palestinians in Jerusalem, 2014

¹⁴ MK Esawi Frej stated during the debate over the amendment of the law in the Knesset. Read more at: http://knesset.gov.il/spokesman/eng/PR_eng.asp?PRID=13803

targeted through collective punishment, in violation of international law.

25. 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.
26. Permanent residency is neither automatically transferred through marriage: non-permanent resident spouses, or children of Palestinian Jerusalemites, who 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.
27. Family unifications involving residents of other parts of the OPT 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.
28. Additionally, Palestinian residency is threatened by the Annexation Wall. Over 140,000 Jerusalemites live on the other side of the Wall¹⁵ in order to reside with their spouses who hold West Bank IDs or to live in more affordable housing. Therefore, these Palestinians live in real fear that Israel will redraw the municipal borders and revoke their residency accordingly.

Housing Rights and Home demolitions

29. 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 Committee on the Elimination of Racial Discrimination (CERD) has called for a halt to demolitions of Palestinian properties.¹⁶
30. According to the documentation of the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), the Israeli occupying authorities demolished 175 structures in East Jerusalem, displacing 391 Palestinians in 2020, whereas in 2021, Israeli occupying authorities demolished 181 structures in East Jerusalem, displacing 350 Palestinians in 2021.¹⁷ Between the start of 2022 and 4 October, the

¹⁵ Haaretz, A Decade Behind the Separation Wall: Jerusalem's 100,000 Outcasts, april 2015

¹⁶ CERD, 'Concluding observations on the combined seventeenth to nineteenth reports of Israel', 12 December 2019, UN Doc CERD/C/ISR/CO/17-19.

¹⁷ OCHA, 'Data on Demolition and Displacement in the West Bank', accessed 11 October 2022, available at: <https://www.ochaopt.org/data/demolition>.

Israeli occupying authorities demolished 109 structures, displacing 263 Palestinian.¹⁸

31. 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.
32. Home demolitions are usually carried out under the pretext of ‘unlicensed construction’, arising from Israel’s discriminatory planning and urban regime. 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”.¹⁹ Demolition of Palestinian homes is accelerated by the Master plan.
33. For the last 55 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.
34. 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.²⁰

Restrictions of Movement and Religious Freedoms:

35. The Israeli occupying authorities’ restrictions on Muslim and Christian Palestinians performing their religious rights in occupied Palestinian lands is at a legally and ethically unacceptable level.
36. During the Easter celebration on 23 April 2022, 2021 Orthodox Christians celebrated the Holy Fire ceremony at the Church of the Holy Sepulchre in occupied East Jerusalem, against a backdrop of rising tensions with Israel, which imposed new restrictions on attendance this year in an attempt to alter a ceremony that has been held for centuries.
37. Similar to what Palestinian Muslims face in their worship at Al-Aqsa Mosque, Palestinian Christians in the West Bank and the Gaza Strip are denied their basic religious freedoms and are routinely prohibited from traveling to worship in one of the most holy sites in Christianity, the Church of the Holy Sepulchre.

¹⁸ Ibid.

¹⁹ Amir Cheshin, Advisor on Arab Affairs to the former mayor of Jerusalem

²⁰ ACRI, facts and figures, May 2017

38. 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”.
39. The UNESCO Jerusalem Resolution has affirmed earlier this year the need for respect of holy places in Jerusalem. The Human Rights Council is already aware of the Israeli occupying 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”.

Compliance to Human rights and application of Humanitarian law Conventions

Population Transfer

40. 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.
41. 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.
42. 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.

Racial Discrimination

43. Israel has severely violated the prohibition of apartheid enshrined in Article 3 of the Convention, by designing and applying a regime of discriminatory laws, policies, and practices with the aim of preserving racial domination of one group (Israeli-Jews) over another (the Palestinian people).
44. Israel has imposed its racial discrimination over the Palestinian people as a whole, as described in a compelling report published in March 2017 by the UN Economic and

Social Commission for Western Asia (ESCWA).²¹ The report analyses how Israel has strategically divided the Palestinian people into four different domains, covering Palestinians holding Israeli citizenship; Palestinians in East Jerusalem holding permanent residency status; Palestinians under military law in the West Bank and the Gaza Strip; and Palestinian refugees living in exile, denied their right of return as a matter of State policy.

45. The Committee reiterates its concern (CERD/C/ISR/CO/14-16, para. 13) that no general provision for equality and the prohibition of racial discrimination has been included in the Basic Law: Human Dignity and Liberty (1992), which serves as the State party's bill of rights.
46. The Committee is concerned about the discriminatory effect of the Basic Law: Israel – The Nation-State of the Jewish People (2018) on non-Jewish people in the State party, as it stipulates that the right to exercise self-determination in Israel is “unique to the Jewish people” and establishes Hebrew as Israel's official language, downgrading Arabic to a “special status”. Furthermore, while Israeli settlements in the Occupied Palestinian Territory are not only illegal under international law but also an obstacle to the enjoyment of human rights by the whole population, the Basic Law constitutionally elevates them to the status of “a national value”.
47. The Committee remains concerned at the maintenance of several laws that discriminate against Arab citizens of Israel and Palestinians in the Occupied Palestinian Territory, and that create differences among them, as regards their civil status, legal protection, and access to social and economic benefits²².

48. ACRI report stated:

- Already in 2017, **75%** of all Palestinian families in Jerusalem lived below the poverty line, compared to 22% of Jewish families; and **86%** of Palestinian children in Jerusalem lived below the poverty line, as opposed to 33% of Jewish children. It is safe to assume that following the coronavirus pandemic, the situation has only intensified.
- Only roughly **15%** of the territory of East Jerusalem (which is 8.5% of the entire territory of Jerusalem) is intended for Palestinian residents' housing.
- Merely **2.6%** of all land in East Jerusalem is designated for public buildings for the city's Palestinian population.
- Residential density in the Palestinian neighborhoods of East Jerusalem stands at an average of about 1.8 people per room – **nearly twice** the density of Jewish neighborhoods in the west of the city, which stands at one person per room.
- As of 2018, only approximately **44%** of East Jerusalem residents were connected to the water network in a regulated and legal fashion.
- In East Jerusalem, there is a shortage of roughly **1,670** classrooms. **About 30%** of Palestinian children in East Jerusalem (43,760 in total) are either not enrolled in a formal schooling framework, or it is unclear to which schooling framework they

²¹ ESCWA, Israeli Practices towards the Palestinian People and the Question of Apartheid Palestine and the Israeli

Occupation, Issue No. 1, 2017, UN Doc. E/ESCWA/ECRI/2017/1.

belong.

- There are only **six** welfare offices in operation in East Jerusalem, compared to 18 in the rest of the city. There are an average of **5,664** clients at welfare offices in East Jerusalem, as opposed to 3,079 in the rest of the city²³.
49. **Amnesty Report Israeli** practice denial of nationality, residence and family life disruption of family life restriction of movement dispossession of land and property discriminatory zoning and planning policy. Superionic of Palestinian human development²⁴.

Compliance to International Obligations

50. 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, 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.
51. 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.
52. Application of domestic law in occupied territory: 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.
53. Destruction of civilian property: Article 46 of the Hague Regulations of 1907 guarantees protection of private property, stating that it cannot be “confiscated.” Article 53 of the Fourth Geneva Convention of 1949 prohibits, in clear terms, the “destruction” of property unless it is “absolutely necessary” for military operations.
54. Population transfer: The Fourth Geneva Convention of 1949 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. 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

²³ CERD/C/ISR/17-19: Concluding observations on the combined seventeenth to nineteenth reports of Israel, 12 December 2019.

²⁴ ACRI: Association for Civil Rights in Israel “East Jerusalem- Situation report”, May 2022.

Convention.

55. Such displacement is also in clear violation of Article 49(1) of the aforementioned 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.”
56. Israel’s practice of constructing and expanding Jewish settlements is in clear violation of the same Article of the Fourth Geneva 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.
57. Adequate housing: The right to adequate housing is an essential component of the right to a decent standard of living. It is a foundation for the realization of other rights, including the right to family, work, education and ultimately, national self-determination. Israel is signatory to, and is bound by, the International Covenant on Economic, Social and Cultural Rights (ICESCR), which explicitly states in Article 11(1) “The State Parties to the present Covenant recognise the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions.” The State party’s claim that the Covenant does not apply to the OPT has been dismissed by all UN human rights treaty bodies.

Conclusion and Recommendations

58. Palestinian residents of Jerusalem exist under exceptionally difficult living conditions. This harsh reality – in which their rights to housing, residency, movement and education are attacked on a daily basis – exists as part of Israel’s demographic objective which openly seeks to create a Jewish majority, while minimizing and curtailing the Palestinian presence in East Jerusalem.
59. Despite what Israel claims, East Jerusalem remains occupied territory and is therefore governed by the laws of armed conflict relating to occupation. Under these laws, Israel, as an occupying power, is prohibited from altering the ‘facts on the ground’ and imposing demographic and geographic restrictions through land confiscations, settlement construction, the ban on family unification and the refusal to grant building permits to Palestinians.
60. In defiance of the stated will of the international community and the inalienable right of the Palestinian people to self-determination, settlement development continues unabated throughout occupied East Jerusalem.
61. The United Nations and international community have yet to take serious action to support a Palestinian presence in East Jerusalem. As the largest and most influential actor in global politics, the UN is obligated to uphold the international humanitarian and human right law it espouses. Its position cannot be limited to statements of

objection. Rather, it must include strong political and diplomatic action. All High Contracting Parties to the Geneva Convention of 1949 must fulfil their obligations under Common Article 1 to respect and ensure respect for the provisions of the Convention under all circumstances by taking appropriate measures to compel the State party to abide by its obligations under international humanitarian and human rights law, and holding Israel accountable for its annexation policy.

62. In light of the above, States must ask Israel to:
- i. refrain from directly or indirectly recognizing, or assisting Israel's practices of unlawful annexation of Jerusalem;
 - ii. take effective steps to end Israel's annexation of Jerusalem and occupation of East Jerusalem and the rest of the OPT, in line with their obligations as third states;
 - iii. demand that the international community fulfil its obligations under international law to ensure that Israel respects international humanitarian law in the occupied Palestinian territory, notably under Common Article 1 to the Geneva Conventions, and take measures to end all forms of collective punishment, including punitive house demolitions, imposed on the protected Palestinian population therein; and
 - iv. Intervene immediately to prevent Israel from applying the announced 'land settlement of title and registration policy', which will result in the permanent appropriation of Palestinian land by Israel in flagrant violation of international law.