



## **International Community must stop the Israeli population transfer policy in occupied Jerusalem**

**13\8\2020**

On August 11<sup>th</sup>, tens of Israeli Occupation Forces and bulldozers stormed Wadi qadoun /Silwan, neighborhood, and imposed a military closure of the whole area, then demolished a building of three apartments, owned by the families of Al Tahan, displacing 22 people including 16 children,. The building has been built since 1992.

Until the end of June 2020, 58 structures were demolished by the Israeli occupation forces, including 44 housing units, of which 10 were self-home demolishing, where owners of the house are forced to demolish their home to avoid paying the cost of demolishing, displacing 163 people including 84 children<sup>1</sup>. During July and August 2020, it has been estimated that 22 structures were demolished including 15 residential units in occupied Jerusalem<sup>2</sup>.

In 2019 had witness the highest number of demolitions where the Israeli occupation forces demolished 265 structures in East Jerusalem, including 169 housing units in occupied East Jerusalem, of which 42 cases were self-home demolition. Leaving 328 Palestinian homeless, 182 of them children<sup>3</sup>.

The Civic Coalition for Palestinian Rights in Jerusalem (CCPRJ) condemned the Israel's escalation of home demolitions in occupied Jerusalem, especially in the neighborhoods of Silwan, Jabal Al Mukaber and Al Issawyah, as a collective punishment against the Palestinian people in occupied Jerusalem.

### **Recent Increase in Home Demolitions**

Israel broke their own record of home demolition in 2019, the recent escalation of demolitions by Israel is raising concern; while 2017 on track was the year with the highest ever number of home demolitions. In April 2017, a new law called "Kaminitz Law" was approved by Israeli government against owners building houses without permits, providing punishment of up to three years in jail, increased fines and reduced power of the courts to postpone the date of demolition.<sup>4</sup>

In the first seven months of 2017 alone, 123 Palestinian houses were demolished. 56 of the demolitions occurred in Occupied Jerusalem, leaving 165 people homeless, including 99 children.<sup>5</sup> When a house is demolished by Israel, the family is forced to pay a fine for building without a permit plus the cost of demolition.

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<sup>1</sup> Betsalem, July 2020

<sup>2</sup> OCHA, primary data July and August 2020

<sup>3</sup> Betsalem 2020

<sup>4</sup> *Times of Israel*, "New legislation ups sanctions for illegal construction", 5<sup>th</sup> of April 2017

<sup>5</sup> OCHA, data on West Bank demolitions 2017

Between 2004 and the end of 2019, the Israeli occupation municipality demolished 978 housing units in Occupied Jerusalem, displacing 3,177 people homeless, including 1,704 children<sup>6</sup>

### **Background on Home Demolitions**

The long-standing issue of unlicensed construction in East Jerusalem - Israel's main justification for demolition - is a direct result of decades of Israeli policies that have systematically denied building permits to Palestinians, which have had devastating consequences on Palestinian families, community and social and economic well-being in East Jerusalem.

Israel uses domestic law and enforces collective punishment against people of Palestinian heritage and descent in Occupied Jerusalem, particularly in the context of their right to adequate housing. Throughout the last 53 years of annexation, Israel has systematically implemented a discriminatory urban planning policy which neglects the social, economic, and housing rights of the Palestinians in Occupied Jerusalem.

Israeli urban planning policies in Jerusalem are politically motivated, enforcing *de jure* inequality and leading to '*de facto* discrimination on the ground'<sup>7</sup> against the Palestinian population: "[Palestinian families] have the choice between immigrating outside the municipal area of Jerusalem (and losing their residency status) or building without the necessary building permit."<sup>8</sup>

Israeli housing procedures deliberately fail to meet the needs of the Palestinian families of Occupied Jerusalem. Due to discriminatory policies, Palestinians are only permitted to build on 12% of their own land and most of the zoned area is already overcrowded. Obtaining a building permit is close to impossible. Palestinians face unreasonably high permit fees (up to 300,000 Shekels or USD \$83,000)<sup>9</sup>, deliberate delays, and onerous administrative requirements. In addition, registering land and proving ownership is particularly difficult for Palestinian Jerusalemites. Israel considers many Palestinians to be 'absentees' in accordance with the Absentee Property Law<sup>10</sup>. The United Nations has estimated that 90,000 Palestinians in East Jerusalem (29%<sup>11</sup>) live in homes without permits<sup>12</sup> and are, therefore, at risk of home demolitions. Many families have no choice but to build without permits due to the lack of building possibilities (impossible procurement of permits, high fees, long delays and lack of space). Without a permit, the home will be classified as an "illegal" structure and slated for demolition.

Israel's discriminatory policies aim to change the demographic composition of Jerusalem by forcibly transferring Palestinians – including through home demolitions, residency revocation, (flying) checkpoints, the separation Wall, sealing of villages, restrictions on freedom of expression and religion, random collection of taxes, withholding of deceased bodies of Palestinians, arbitrary detentions, and raids at night.

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<sup>6</sup> Ibid.

<sup>7</sup> EU Heads of Mission Report on East Jerusalem (2011), paragraph 26.

<sup>8</sup> EU Head of Mission Report on East Jerusalem (2011), paragraph 28.

<sup>9</sup> Applied Research Institute Jerusalem (ARIJ), reported by Man News, "Israeli forces demolish Palestinian building in occupied East Jerusalem", 15,08,2017

<sup>10</sup> Absentee Property Law gives Israel the "custody" of the properties of Palestinians who were considered absentees at the end of the 1948.

<sup>11</sup> <http://www.btselem.org/jerusalem>, 3 April 2017.

<sup>12</sup> HRW, "Jerusalem Home Demolitions Harm Children", 21,05,2017

Israel continues to seek changes demographic and geography to the landscape of Jerusalem, aiming to change its status and turn it into a city exclusively for Jews in a process of cleansing and colonization. Its ongoing policy of demolition, land confiscation and forced evictions is a clear attempt to cleanse Jerusalem of its Palestinian residents, heritage and history. This is demonstrated in Israeli settlement plans for Sheikh Jarrah, similar to those in Silwan, Mount of Olives, Ras Al Amoud, Al Issawiyah and other neighborhoods in East Jerusalem, which seek to achieve a ring of settlements around Jerusalem, severing the Old City from the rest of occupied East Jerusalem and the West Bank, while disregarding the rights of Palestinians to live in East Jerusalem, safely and peacefully.

### **International Law**

On the basis of international humanitarian law, the destruction of private property not justified by military necessity is explicitly prohibited during the administration of territory when under belligerent occupation. The destruction of any house within East Jerusalem and in absence of military necessity is a clear violation of Article 53 of the Fourth Geneva Convention and violates the prohibition on the expropriation of private property without military necessity under, Hague Regulation 46, and Fourth Geneva Convention Article 47. The Israeli plans to demolish and evict several neighborhood in occupied Jerusalem, Silwan /Al Bustan,/, Wadi Yasoul, Ein Alouseh, Sheik Jarah, for the sake of building settlements and other cases are violation of Article 49(6) of the Fourth Geneva Convention which states that, "the Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies".

Changing the demographic composition of an occupied territory by transferring the colonizer's own population into occupied territories and the occupied population out of the territories is a crime under international law and constitutive of a war crime according to Article 8 of the Rome Statute (ICC). Israel's deliberate, widespread and systematic policies of population transfer are constitutive of a crime against humanity according to Article 7 of the Rome Statute (1998). Deportation or forcible transfer of civilians has been treated as a war crime and as a crime against humanity under customary law since the Nuremburg Tribunal (1945).

The continuing demolition and policies of displacement in occupied Jerusalem are part and parcel of a larger Israeli silent ethnic cleansing policy.

Palestinian Jerusalemites must be accorded their full housing rights as guaranteed to them under international law. The blatant discrimination in the handling of their permit applications must halt immediately.

**Therefore, the CCPRJ condemns Israeli measures, which aim to forcibly transfer civilians and calls upon the international community to give a protective response by:**

- Israel must immediately halt the demolition of homes and the forced eviction of Palestinians in the occupied Jerusalem, and recognize international law.
- The international community must take action against the unacceptable situation in Occupied East Jerusalem, where an occupying power is ignoring international law and illegally imposing its own laws onto the indigenous Palestinian population.

- Call upon the international Community, States, the EU and the United Nations to take responsibility to uphold their obligations towards the protected persons under occupation in Jerusalem.
- Holding Israel accountable for its population transferee policies in occupied Jerusalem.
- Stopping Israeli policy of force displacement in occupied Jerusalem.
- Not limiting its response to statements of condemnation but take appropriate and effective action instead by **calling for sanctions against Israel**

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