



EU OBLIGATIONS AND DUTY TO END ISRAELI POLICIES OF FORCED TRANSFER, COLONIALISM AND APARTHEID IN OCCUPIED EAST JERUSALEM

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Contents

EU-Israel relations	4
Legal status of East Jerusalem and its Palestinian population	9
Israeli policies in occupied East Jerusalem	12
<i>Ethnic cleansing / forcible transfer of Palestinian people</i>	13
1. Residency rights denial and revocation	13
2. Expropriation and eviction of Palestinian residents	13
3. Housing restrictions and home demolitions	14
4. Harassment of Palestinian people	14
5. Denial of civil and political rights of Palestinian people	15
<i>Israeli colonialism in occupied East Jerusalem</i>	16
6. Separation and annexation of Palestinian territory	16
7. Construction of Israeli settlements and infrastructure	17
8. Transfer of Israeli settlers into occupied East Jerusalem	17
9. Israeli public institutions in East Jerusalem	18
10. Israeli companies based in East Jerusalem	19
11. Proclamation of Jerusalem as capital of Israeli state	20
12. Imposition of education curriculum on Palestinian children	20
13. Colonial tourist policy	21
14. Judaization through archeological excavations	21
15. Restriction of access to holy places	22
<i>Apartheid against Palestinian people</i>	23
16. Apartheid wall and its associated regime	23
17. Segregationist and discriminatory urban planning	24
18. Discriminatory laws and jurisdiction	24
19. Deprivation of adequate education and health public services	25
20. Persecution of Palestinian CSOs	26
Legal obligations and duty of European Union and member states	27
European measures to end Israeli policies	32
<i>Demands to be addressed to EU institutions and member states in Brussels</i>	34
<i>Demands to be addressed to European Heads of Mission in OPT and Israel</i>	35

EU-Israel relations

4 **Israel, a privileged trade partner in the Euromed region**

Among the 10 Mediterranean partners of European Union's Neighbourhood Policy (ENPI), Israel is EU's best commercial partner, with a total volume of trade between both parts amounted to 29.4 billion euros in 2013.

While Israel is EU's 28th trading partner in the world, EU is by far Israel's largest trading partner and its first importer. Trade balance between EU and Israel is positive for EU, with a record of 16.9 billion euros of EU exports compared to 12.3 billion of imports. Trade between EU and Israel has increased 48 % in the last ten years, as in 2003 it amounted to 19.7 billion euros compared to 29,4 billion euros registered in 2013¹.

The main agreements signed between EU and Israel are:

- EU-Israel Association Agreement signed on 20 November 1995, which entered into force on 1st June 2000. It is the main agreement which guides the cooperation and political dialogue between EU and Israel. It includes provisions on regular political dialogue (which includes rule of law and human rights), freedom of establishment and liberalization of services, free movement of capital and competition rules, the strengthening of economic cooperation; instead of cooperation on social matters. Article 2 of the Agreement states that the respect for human rights and democratic principles guides the internal and international policy of both Israel and the EU, and constitutes an essential and positive element of the Agreement on which the relations between the two parts have to be based.

- Agreement concerning reciprocal liberalization measures on agricultural products, processed agricultural products and fish and fishery products, signed on 4 November 2009, which entered into force on 1st January 2010².

- EU-Israel 4th Agreement for Scientific and Technical Cooperation. This agreement signed on 17th July 2007 gave Israeli researchers, universities and companies full access to the EU's Seventh Framework Programme (FP7)³. This agreement has been replaced in 2014 by Horizon 2020 for research and innovation.

- Agreement on Conformity Assessment and Acceptance of industrial products (ACAA)⁴ signed on 6 May 2010, which entered into force on 19th January 2013. Under this agreement, Israel enjoys free access to the European Market for its industrial pharmaceutical products without further certifications under ACAA.

Israel is also an important EU partner in the fields of energy, military, security, intelligence and research. EU investments in Israel and the trade between the two parts are likely to develop significantly in the next years. The main facts that support this prediction are:

- Comprehensive Aviation Agreement signed in June 2013, which will open gradually the air transport market over the next five years, so that by 2018 there will be no restrictions on the number of flights between Israel and the EU⁵.

- In November 2013, Israel's Consumer Council was granted partner status in the European Consumers' Organization (BEUC) and Israel also participates actively in the Product Safety Working Party of the OECD which is led and co-financed by the European Union⁶.

- Israel's signature of the regional Convention on pan-Euro-Mediterranean preferential rules of origin.

- Israel's signature of EU Small Business Act framework.

- Israel's amendment of its intellectual property rights legislation in alignment with European standards.

- EU-Israel cooperation on Global Navigation Satellite System (GNSS).

- EU support to Israeli or regional projects of energy, water, transportation and communications.

EU support to Israeli entities for research and innovation

In the field of research and innovation, under the 7th Program of Scientific and Technical Cooperation, EU has granted 1,536 projects to 1,861 Israeli entities amounting to a total of 782 Million euros contribution. Israel's largest areas of participation were in cutting edge research, where the European Research Council gave grants which represent 47% of funds received by Israel, and in information and communications technology which represents 15.6 % of funds received.

In addition, Israel benefits from the following EU funded regional projects: the Project on Integrated Maritime Policy in the Mediterranean (IMP-MED); Governance for Employability in the Mediterranean (GEMM); Tempus; ERASMUS MUNDUS; Marie Curie Actions; Euromed Youth; EU Partnership for Peace; Episouth Plus project which aims to enhance health security in the

Mediterranean region and South-East Europe; MediPIET, which supports training infrastructure and a regional network of competent field epidemiologists in order to manage cross-border health threats, etc.⁷

This cooperation in research and innovation is likely to develop exponentially in the coming years, as:

- EU and Israel recently adopted EU-Israel Agreement Horizon 2020⁸ which is the largest ever EU research and innovation program, with an allocation of 80 billion euros over seven years for Israeli entities, which was signed on 9th of June 2014.

Other fields of cooperation

Israel is also interested in working on qualifications and quality of educational training to develop its already strong relationship with the EU in these areas, in particular around the European Training Foundation (ETF)⁹. This might increase the exchange of training services between EU and Israel in a near future.

Although cultural cooperation has been blocked by the Israel's refusal to ratify the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, a consultation workshop involving stakeholders in the field of culture was organized with the EU "as part of the consultation process for the Preparatory Action on Culture in EU External Relations".

In the field of security, a project of agreement to promote exchange of information on serious and organised crime within Europol's mandate was also negotiated by EUROPOL and Israeli police in 2013¹⁰.

Negotiations have also been ongoing between EUROJUST and Israel for an agreement on cooperation in criminal matters, although the EU informed that more clarification was required on Israel's data protection rules.

Europe's attitude towards Israel

During the last decades, Europe has dealt with Israel as its strategic partner in the Middle East. In the Barcelona Process launched in the wake of Oslo Peace Negotiations, Israel was expected to become the driving force of EU project of economic integration of the Mediterranean region.

In European societies, many people feel historically guilty for the Holocaust and consider that Europe and Israel have cultural affinity. In addition, Israeli influence on European

politicians, businessmen and Media, fed by the support of European citizens holding Israeli nationality, have promoted the Israeli propagandistic narrative according to which it is a religious and civilizational conflict between a developed and democratic western country and a hostile Muslim terrorist entity which does not recognize Israel.

On the ground of this narrative which is still very much present in our societies, Europe has "adopted" Israel as a "European" country, allowing its participation as mentioned in many EU-programmes, and in a large range of European events in the fields of sport, culture and entertainment (e.g. Euro league, UEFA, Eurovision).

Nonetheless, Israeli crimes against Palestinian people have met with growing criticism among European civil society. UN Human Rights Council, Special Rapporteur for Palestinian Territory, International Court of Justice, western diplomats and parliamentarians, NGOs and churches have clearly condemned Israeli serious breaches of International Humanitarian Law and Human Rights. Israeli accountability is nowadays at the core of many NGOs' demands.

For a long time, EU institutions and Member States refused to adopt sanctions against Israel¹¹. Instead of it, they preferred to up-grade their cooperation and deepen their dialogue with that country as an alleged mean to influence its policies towards Palestinians. But the lack of effectiveness of this "carrot strategy" became evident as Israel continued annexing Palestinian territory and EU was forced to threaten Israel with the stick of excluding from its financing all activities in the illegal settlements.

EU Guidelines on settlements: a first step in the right direction

In July 2013, the European Commission published a notice which was warmly welcomed by solidarity movement, human rights NGOs and Palestinian CSOs: EU Guidelines on the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 for grants, prizes and financial instruments funded by the EU from 2014 onwards (2013/C 205/05).

These Guidelines which apply only to EU policies (not to the Member States) aim at excluding from EU financial support (grant and loans) Israeli entities which are based or have activities in settlements in the OPT. Although EU refrains from talking about sanctions and claimed it was adopted to comply with its legal obligations under international law, the EU guidelines on settlements are a first step in the right direction.

6 **Some moves towards ending EU complicit trade with Israeli settlements**

Regarding trade with settlements, EU published a notice to importers on 25th January 2005 reminding them that products made in Israeli settlements located in the territories brought under Israeli administration since June 1967, are not entitled to benefit from preferential tariff treatment under the EU-Israel Association Agreement.

In July 2013, it renewed this advice through the Notice Imports from Israel into the EU (2012/C 232/03) informing that the up-to-date list of non-eligible locations and their postal codes is from now on available on the Commission's thematic website on the customs union¹².

Another important step was taken on 22th May 2014 when EU delegation in Tel Aviv informed Israel that EU

cannot accept the Israeli Agriculture Ministry's authority to certify products in Israeli settlements which are illegally built in the occupied Palestinian territory, and therefore will not import poultry and eggs from settlements.

This decision to ban the import of poultry and eggs from Israeli settlements in the occupied West Bank, including annexed East Jerusalem is an implementation of the EU's commitment not to recognize Israeli sovereignty over occupied Palestinian territory, which was the motive behind the EU guidelines issued in 2013 on Israel's participation in EU programs¹³. Beside this very encouraging decision, which might apply to other products like organic ones, the EU also announced last year the adoption of Guidelines on Labelling of products from the settlements but this notice has not been published yet.

EU guidelines on the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967¹⁴

These Guidelines exclude from the award of EU grants, prizes and financial instruments Israeli entities based in and/or activities taking place in the territories occupied by Israel since June 1967 (Gaza, West Bank including East Jerusalem and Golan). Their aim is to ensure the respect of EU positions and commitments in conformity with international law on the non-recognition by the EU of Israel's sovereignty over the territories occupied by Israel since June 1967.

They apply:

- a) For grants: to all applicants and beneficiaries, irrespective of their role (sole beneficiary, coordinator or co-beneficiary). This includes entities participating in the action on a no-cost basis and affiliated entities. This does not include contractors or sub-contractors selected by grant beneficiaries in conformity with procurement rules.
- b) For prizes: to all participants and winners in contests.

c) For financial instruments: to dedicated investment vehicles, financial intermediaries and sub-intermediaries and to final recipients.

The criteria of exclusion are the following:

1) place of establishment of Israeli entities: Israeli entities are not eligible which have their place of establishment (the legal address where the entity is registered, as confirmed by a precise postal address corresponding to a concrete physical location, being not allowed the use of a post office box) in Occupied Territories (as defined above).

(a) apply to Israeli regional or local authorities and other public bodies, public or private companies or corporations and other private legal persons, including non-governmental not-for-profit organizations;

(b) do NOT apply to Israeli public authorities at national level (ministries and government agencies or authorities);

(c) do NOT apply to natural persons.

2) place where activities are carried out: Activities and operations of Israel entities carried out in Occupied Territories (as defined above) are not eligible.

(a) In the case of grants and prizes, only the activities of Israeli entities carried out in the framework of EU-funded grants and prizes will be considered not eligible if they take place in Occupied Territories, either partially or entirely;

(b) In the case of financial instruments, Israeli entities will be considered eligible as final recipients if they do not operate in Occupied Territories, either in the framework of EU-funded financial instruments or otherwise.

The exclusion based on the criteria of place where activities are carried out:

(a) applies to Israeli regional or local authorities and other public bodies, public or private companies or corporations and other private legal persons, including non-governmental not-for-profit organizations;

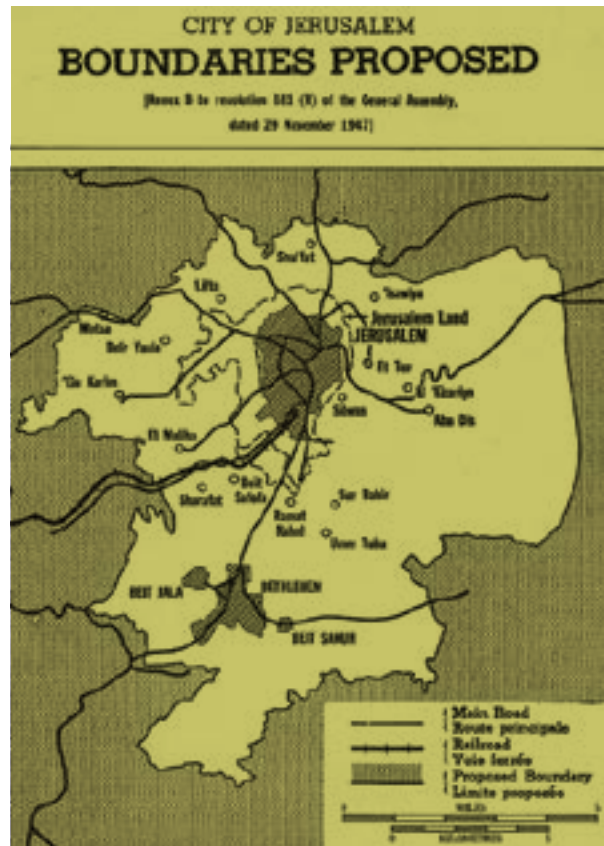
(b) applies to Israeli public authorities at national level (ministries and government agencies or authorities);

(c) does NOT apply to activities under point 12 carried out by natural persons.

Bilateral moves to end private entities' complicity

Interesting developments were also registered at the level of bilateral relations between EU Member States and Israel. Some EU countries like Netherlands and GB have published recommendations to their national companies, investment funds and banks not to benefit from settlement activity or invest in companies active in the settlements.

As a result of CSOs and Trades Union pressure and government assessments, some investment funds and banks have withdrawn from Israeli banks (PGMM with 5 Israeli banks, Danske Bank and Hapoalim) and European companies have dropped contracts in settlements (the Dutch Royal HaskoningDHV with the sewage project in East Jerusalem) or stopped their relations with Israeli companies (the Dutch water company Vitens with Mekorot, Nordea stopped to invest in Cemex, etc.).



Jerusalem Corpus Separatum proposed by the UN in the Plan of partition of 29th November 1947 (annexed to the Resolution 181).

EU documents on EU-Israel relations¹⁵:

- EU-Israel Association Agreement (see Article 2).
- Agreement concerning reciprocal liberalization measures on agricultural products, processed agricultural products and fish and fishery products.
- Agreement on Conformity Assessment and Acceptance of industrial products (ACAA).
- 4th Agreement for Scientific and Technical Cooperation (Seventh Framework Programme - FP7).
- HORIZON 2020 (it includes a human rights clause introduced after pressure by CSOs).
- ENPI Plan of Action.
- ENPI Annual Progress Report 2014

(and earlier): Report on Implementation of the European Neighbourhood Policy in Israel Progress in 2013 and recommendations for action, Brussels, 27.3.2014, SWD(2014) 73 final.

- EU Guidelines on the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 for grants, prizes and financial instruments funded by the EU from 2014 onwards (2013/C 205/05).
- Notice to importers Imports from Israel into the EU (2012/C 232/03).

EU documents that apply to EU-Israel relations:


- EU Guidelines on promoting compliance with International Humanitarian Law (2005/C327/04).

- EU Guidelines on Human Rights Dialogues (Economic and Financial Affairs Council of 13 December 2001).

- EU Guidelines for EU Policy towards Third Countries on Torture and other Cruel, Inhuman or Degrading Punishment or Treatment (General Affairs Council of 9 April 2001).

- EU Guidelines on Children and Armed Conflict (General Affairs Council of 8 December 2003).

- Council Decision 2011/168/CFSP on the International Criminal Court.



EU member states statements and recommendations on bilateral relations with Israel:

- UK Guidance Overseas Business Risk – Israel, published on 3 December 2013¹⁶, recommend private companies not to have economic activities including services like tourism in Israeli settlements or benefit from Israeli settlements:

“There are therefore clear risks related to economic and financial activities in the settlements, and we do not encourage or offer support to such activity. Financial transactions, investments, purchases, procurements as well as other economic activities (including in services like tourism) in Israeli settlements or benefiting Israeli settlements, entail legal and economic risks stemming from the fact that the Israeli settlements, according to international law, are built on occupied land and are not recognized as a legitimate part of Israel’s territory. This may result in disputed titles to the land, water, mineral or other natural resources which might be the subject of purchase or investment.

EU citizens and businesses should also be aware of the potential reputational implications of getting involved in economic and financial activities in settlements, as well as possible abuses of the rights of individuals.

Those contemplating any economic or financial involvement in settlements should seek appropriate legal advice”.

- The Dutch government has made public statements advising businesses to avoid business relationships with illegal Israeli settlements. In a written statement to Parliament in May 2013, the Dutch foreign minister Frans Timmermans indicated that the Dutch government discourages financial relationships with illegal Israeli settlements. He said: “Although not prohibited, economic relations between Dutch companies and companies in the settlements in the occupied territories are discouraged by the Dutch government.”

- In March 2013, German Foreign Ministry officials directly informed a representative of one of the major Palestinian civil society organisations that the German government had issued guidance to all German universities discouraging them from having any relations with Ariel University, a colony-college built in the settlement of Ariel in the occupied Palestinian territory.

- These three countries have acted to discourage corporate complicity with Israeli violations of international law related to specific contracts:

- The Dutch government intervened to discourage engineering firm Royal Haskoning DHV from participating in a sewage treatment project with the Israeli municipality in occupied East Jerusalem. The company heeded the Dutch government’s advice and withdrew from the project.

- In February 2011, the German transport minister wrote to Deutsche Bahn to express opposition to its involvement in an Israeli Highway project that cuts through the occupied West Bank. Deutsche Bahn ended its involvement in the project shortly after.

- The UK government has met with representatives of security company G4S to communicate their concern about the company’s role in the detention of Palestinian children in Israeli jails.

- In June 2014, Spain, Italy, France and Portugal adopted Warnings to their national citizens and businesses regarding the possible legal and economic consequences of involvement in financial and economic activities in the settlements or that benefit to the settlements, in the same terms as UK. They highlighted that those transactions may also result in violations of international humanitarian law and human rights law.

Legal status of East Jerusalem and its Palestinian population

Israeli Annexation of Jerusalem

In the Partition Plan attached to its Resolution 181 adopted on 29th November 1947, UN General Assembly declared that the city of Jerusalem should be internationalized as a corpus separatum and placed under a special international regime. In contradiction with the Partition plan, Israel conquered by arms the city of Jerusalem in 1948 and expanded its western boundaries while handing over the control of West Bank and East Jerusalem, including Holy Sites, to Hashemite Kingdom of Jordan in the Armistice Agreement signed in 1949.

International community reacted to this clear attempt to change the status of Jerusalem by calling for immediate and unconditional demilitarization and internationalization of the city but without any effectiveness. West Jerusalem, which covered an area of about 38 km², remained under Israeli control, and East Jerusalem, which contained an area of some 6.5 km², was ruled by Jordan.

In the course of the second Israeli-Arab War of June 1967, the remaining territory of Palestine was conquered by Israel. The fate of East Jerusalem was quite different from that of West Bank and Gaza Strip, as Israel had a special plan for it: the annexation into Israel of East Jerusalem and an added 64 km² of Palestinian land, most of which belonged to 28 villages in the West Bank and another part of which pertained to the Municipalities of Bethlehem and Beit Jala, therefore expanding Israeli municipality eastern boundaries. Following this annexation, the area of West Jerusalem tripled, and Jerusalem became the largest city in Israel.

This annexation came simultaneously with the proclamation of Jerusalem “liberation and reunification” as “capital of Israel”¹⁷. In order to consolidate its new grip on Palestinian territory and “unification” of Jerusalem, Israeli Knesset passed the following laws:

- Law and Administration Ordinance (Amendment No. 11) Law of 1967 which permitted the extension of Israeli laws to the entire area of enlarged Jerusalem municipality including East Jerusalem¹⁸,
- Legal and Administrative Matters Law of 1970 which made applicable to East Jerusalem the Israeli Absentees’ Property Law (1950) which provided rules on how Israeli laws should be implemented in the annexed area and enabled Israel to seize and assume ownership of the land left behind by Palestinian refugees who fled during the war¹⁹.

Since 1967, Israel’s de facto annexation of East Jerusalem

into the State of Jerusalem has been repeatedly rejected by the international community through a series of UN Security Council and General Assembly resolutions that reaffirm that all actions taken by Israel which tend to change the legal status of Jerusalem are invalid and cannot change that status: Resolutions 252 (1968) of 21 May 1968²⁰, Resolution 267 (1969) of 3 July 1969²¹, 471 (1980) of 5th June 1980²², 476 (1980) of 30th June 1980²³. All these resolutions also urged Israel to withdraw from Jerusalem neighbourhoods located on the eastern part of the Armistice Line (Green Line) including the Old city.

Basic Law (1980)

On 5th August 1980, the Occupying Power enforced the de jure annexation of the city through the passing of the Basic Law: Jerusalem, Capital of Israel (1980) which proclaimed Jerusalem as “eternal and indivisible capital of Israel”. The Basic Law on Jerusalem met total objection and condemnation by the international community.

UN Security Council declared in its Resolution 478 (1980) of 20th August 1980, that this enactment “constitutes a violation of international law and does not affect the continued application of the Geneva Convention as it relates to the protection of civilians in times of war”. It declared that “all legislative and administrative measures and actions taken by Israel, the occupying power, which purport to alter the character and status of the holy city of Jerusalem, have no legal validity and constitute a flagrant violation of Geneva Convention relative to the protection of Civilian persons in Time of War”²⁴. UN General Assembly has also reiterated international community position that East Jerusalem is occupied territory and that its annexation is illegal.

The International Court of Justice Advisory Opinion Concerning Legal Consequences of the Construction of a wall in the Occupied Palestinian Territory of 9 July 2004 confirmed that East Jerusalem remains occupied territories and that Israel has the status of occupying Power²⁵. Up to now the international community has maintained its embassies in Tel Aviv despite Israeli Authorities’ efforts to promote international recognition of Jerusalem as the capital of Israel.

Breach of International Law

Any Israeli claim of sovereignty over East Jerusalem and all legal measures taken to consolidate this illegal annexation hinder the right of Palestinian Jerusalemites to self-

determination and hold no validity under international law. Israel, as an occupying power, only has temporary powers of administration, but is not entitled to impose its laws on the Palestinian population of occupied East Jerusalem. The status of East Jerusalem as occupied territory and that of its Palestinian residents of East Jerusalem as protected people have highly relevant consequences under International Humanitarian Law.

In conformity with the Hague Regulation 43, the Occupier “shall take all the measure in his power to restore and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country”, imposing both positive obligations (to ensure public order and safety) and negative obligations (to respect the status quo of the situation prior to the annexation unless absolutely prevented in relation to the occupied population).

In addition, the Fourth Geneva Convention requires the laws of the occupied territory to remain in force, and only allows for legislative and institutional changes in the occupied territory on the grounds of the fulfilment of the obligations under international humanitarian law, the maintenance of the orderly government and the security interests of the Occupying Power, as stipulated in Article 64. All other legislative or institutional changes must be for the exclusive benefit of the protected Palestinian population²⁶.

Although article 49.6 of Fourth Geneva Convention also prohibits Israel as Occupying Power to transfer parts of its own population into occupied East Jerusalem, the Israeli continued attempt to change the status of East Jerusalem was enforced by systematic regulations and policies aimed at reducing the number of Palestinian people in Jerusalem and increasing the Israeli population, in flagrant breach of International Humanitarian Law.



Violations of Palestinians' rights as protected people

Palestinians in East Jerusalem were given the status of permanent residents, instead of citizens of Israel. As such, they are subject to laws and policies which gravely endanger the permanency of their permits and hinder their right to family life.

On one hand, Israeli Executive Order 1813 froze the applications of family reunification for residents of West Bank and Gaza in 2002 and Israeli Authorities deny registration of many children born to Jerusalemite parents. On the other, Palestinians residents of East Jerusalem permits can be revoked:

- based on the Entry into Israel Law (1952) in the following cases: when they live outside the municipality border of East Jerusalem for seven years, when they apply for a granted permanent residency of another country; when they obtain nationality of another country or when they are suspected of posing a national threat to Israel;

- based on the Entry into Israel Regulations (1974) and its "centre of life" policy, when they cannot prove repeatedly that they live and work within the municipality border of East Jerusalem, having to show evidence such as rental agreements, home ownership documents, telephone and water bills, tax receipts, etc.

In seeking to reduce the Palestinian population, Israel also took a set of legal measures and administrative procedures to allow wide scale expropriation of Palestinian properties in East Jerusalem, including in the Old City:

- the transposition of the British Mandate regulation Land Acquisition for Public Purposes Ordinance (1943) which allowed for the confiscation of private land in East Jerusalem;

- the Israeli General Custodian Law (1978) which recognizes the right of Israeli Jewish citizens and residents to reclaim properties allegedly owned in East Jerusalem prior to the creation of Israel in 1948 which were later seized by Jordanian Authority, while Palestinians never were recognized their rights on the properties they owned prior to 1948 in West Jerusalem;

- the extension of the Absentee Law to East Jerusalem and its Amendments adopted in 1973 which resulted in the liquidation of the property rights when the tenant accepts compensation, even if the tenant in question is clearly not the owner or when at least one of the heirs

to a specific piece of land does not reside within the municipal boundaries of Jerusalem²⁷;

- the Building and Planning Law (1965) which provides legal justification for house demolitions of nonconforming building structures, having disproportionate impact on Palestinians and resulting in a high number of home demolitions in East Jerusalem.

In addition to these violations, Israel adopted a set of complementary policies aimed at consolidating its annexation of East Jerusalem and changing the status quo in East Jerusalem: disrupting territorial continuity between East Jerusalem and West Bank, construction of Israeli settlements and transfer of population into Occupied East Jerusalem, building of the Wall in East Jerusalem, closure of Jerusalem for residents of West Bank and Gaza, eviction of Palestinians from their homes and properties, home demolitions and denial of building permits, etc.

All these faits accomplis do not change the status of East Jerusalem as occupied territory under international law, nor modify the status of Palestinian Jerusalemites as civilian population living under occupation entitled to special protection.

Israeli policies in occupied East Jerusalem

Israel annexed East Jerusalem in breach of UN Charter and international law which forbid acquisition of territory by force or threat of force. It has attempted to unlawfully change the status of this occupied territory, denying the right to self-determination of Palestinian people and their control over their land and resources. Since 1967, Israeli Jerusalem Municipality has continued grabbing territory in and around East Jerusalem and tightening its grip over the Palestinian population.

To reach its objective of imposing its control over the city, Israel has adopted a set of on-going and systematic policies which pursue a three-fold objective and possess legally unacceptable characteristics of “colonialism”, “apartheid” and “ethnic cleansing”²⁸:

A- Reducing the Palestinian population of Jerusalem Municipality down to 30 % of the total by means of continued forcible transfer of Palestinian residents of East Jerusalem²⁹;

B- Separation, annexation and colonization of East Jerusalem by the mean of transfer of Jewish settlers into the occupied area, which is characteristic of a system of colonialism;

C- Imposing an Apartheid regime which systematically discriminates, segregates and oppresses Palestinians as a means to maintain and consolidate Jewish-Israeli domination in occupied East Jerusalem, as well as in the entire territory of Israel and Palestine.

These Israeli policies not only deprive Palestinians of their Human Rights in Jerusalem. They also constitute grave violations of International Humanitarian Law, including breaches of the Occupier’s duty to protect the occupied Palestinian population in conformity with the Fourth Geneva Convention.

The International Court of Justice (ICJ) Advisory Opinion on the Wall declared that Israel is violating its obligations under international treaties (Human Rights conventions, Fourth Geneva Convention) and is, in addition, responsible for serious violations of peremptory norms of customary international law.

Finally, several of these policies, such as forcible transfer of population and apartheid also constitute war crimes and crimes against humanity under the Rome Statute of the International Criminal Court (ICC).



FORCIBLE TRANSFER

Ethnic cleansing / forcible transfer of Palestinian people

In 2013, the independent UN Fact finding Mission on settlements found that “in East Jerusalem, multiple factors such as the discriminatory building regulations, high number of demolition orders, residence permit restrictions, the acute housing shortage and violence and intimidation from settlers place enormous pressures on the city’s Palestinian population”³⁰. These pressures can amount to direct and indirect forcible transfer of Palestinian population of Occupied East Jerusalem.

Among the several policies aimed at changing the demographic composition of Jerusalem and ensuring Jewish domination in it, Palestinian people are targeted by residency denial and revocation, land and housing expropriations, building restrictions and home demolitions, harassment and denial of civil and political rights.

Forcible transfers and deportations of protected persons is prohibited by Fourth Geneva Convention (Article 49.1) and Rome Statute of International Criminal Court (Article 8.2 a).

1. Residency rights denial and revocation

Following the Israeli occupation of East Jerusalem in 1967, Israel unilaterally and unlawfully gave Palestinian Jerusalemites the status of “permanent residents”. Unlike Palestinians of West Bank and Gaza who cannot enter Jerusalem Israeli Municipality³¹, Palestinian residents of East Jerusalem hold a blue ID and are allowed to live, travel and work inside Jerusalem and Israel³². Their status is also different from that of Palestinians citizens of Israel internally displaced who live in the territory conquered by Israel during the war of 1948.

In 2013, there were 371,844 Palestinians residents in East Jerusalem, which represent 39% of the total population of the occupying Municipality of Jerusalem. These Palestinians are deprived of both their Palestinian nationality and a secure civil status in Jerusalem, their hometown.

The status of “permanent residents”, which is usually granted to foreigners on long-term stay in Israel, entitles to Israeli social benefits, public services and participation in municipal elections³³, but it is not as permanent as declared. The residency permit of a Palestinian Jerusalemite can indeed be revoked:

- if Israeli Ministry of Interior believes that he or she does not have his or her “centre of life” in Jerusalem,
- if he or she has stayed abroad for 7 years or obtained residency or citizenship of another country,
- on the ground of alleged “disloyalty” to the State of Israel.

Between years 1967 and 2012, 14,628 permits of residency were revoked to Palestinians of East Jerusalem. 39 % (5,710 permits) of those revocations were decreed between 2008 and 2012, showing a considerable rise in the loss of residency status of Palestinian Jerusalemites, mainly on the ground of alleged change in his or her “centre of life” location³⁴.

Those whose residency is revoked fall in a complete limbo, as their legal bond to Israel is severed. They are forced out of the city in which they were born and often into the West Bank or Gaza. If they are detained by Israeli police when trying to enter Jerusalem Occupied Municipality boundaries, they can be arrested and jailed.

This “not so permanent” resident status neither conveys unconditional rights to register children nor unite with relatives in Jerusalem. In 2003, Israel enacted the Nationality and Entry into Israel Law under which Palestinian residents of East Jerusalem can be denied family reunification not only with their spouses but also with their children under absolute discretion of the Ministry of Interior. This has led to a situation where an estimated population of 10,000 unregistered children live in East Jerusalem with restricted access to education, health and social services, in breach of Article 38 (5) of Fourth Geneva Convention³⁵.

2. Expropriation and eviction of Palestinian residents

Land and home expropriation is an on-going Israeli policy which has affected Palestinian inhabitants of Jerusalem since the very beginning of Israeli colonization of Jerusalem³⁶. Israel tried to give an appearance of legitimacy to its arbitrary expropriation of Palestinians’ land and houses in Occupied East Jerusalem, by passing laws and regulations which allow for the confiscation of private properties for the following reasons:

- for public purposes,
- for security reasons,
- by the application of the Absentee Property Law if

the owner was not residing in East Jerusalem when it was annexed in 1967³⁷,

- through the processing in Israeli courts of claims over properties allegedly owned by Jews prior to 1948,
- when at least one of the heirs does not reside within the municipal boundaries of Jerusalem³⁸.

This arbitrary legal framework combined with discriminatory urban planning and biased and discriminatory judicial apparatus have permitted since year 1967, the seizure of a vast surface of land in East Jerusalem and the expropriation of hundreds of Palestinian housing structures and properties for the purpose of their takeover by Israeli Jewish settlers' organizations.

In recent years, there was an increase of expropriation orders for the purpose of establishing green areas surrounding the northern and eastern parts of the Old City, such as the "King's Garden Archaeological Park" being built in the Palestinian neighbourhood of Silwan, or the "Slopes of Mount Scopus National Park" planned on Palestinian land in neighbourhoods of Issawiya and At-Tur.

3. Housing restrictions and home demolitions

Israel has imposed acute restrictions on housing for Palestinians and implements a policy of Palestinian home demolitions. In Occupied East Jerusalem, the distribution of land is clearly discriminatory towards Palestinians:

- only 13 % or 9,18 km² is allocated for Palestinian use, most of which is already built-up.
- 35 % has been expropriated for Jewish settlers.
- 22 % is reserved for public use as green areas.
- 30% is not planned.

Due to housing restrictions and home demolitions, there are an estimated number of 42,000 housing units lacking for Palestinian residents in East Jerusalem. On one hand, the prohibitive costs³⁹ and the administrative weight imposed on Palestinian residents have resulted in an estimated rate of at least 33% of all Palestinian homes in occupied East Jerusalem lacking Israeli-issued building permits. More than 94% of all Palestinian permit applications have been rejected in recent years⁴⁰. Restrictions are also imposed on the amount of structures on one plot and of floors within each structure.

This situation potentially places at least 93,100 Palestinian residents at risk of displacement⁴¹ as the Building and

Planning Law (1965) provides legal justification for house demolitions of building structures built without license, having disproportionate impact on Palestinians and resulting in a high number of home demolitions in East Jerusalem. Since 1967, the Israeli authorities have demolished some 2,000 houses in occupied East Jerusalem, in many cases without prior notice.

Between January 2004 and December 2013, Israeli Jerusalem Municipality and Ministry of the Interior demolished 498 residences in East Jerusalem, rendering homeless 1,948 people, including 1,063 minors⁴². Many additional houses have been self-demolished by their owners in order to avoid the demolition fees and the trauma of being evicted by bulldozers and a large number of Israeli police.

House demolitions is a practice in breach of Human Rights Conventions which causes great suffering and serious injury to mental and physical health of Palestinian residents. It can amount to forcible transfer when a family who cannot afford a new demolition is forced to move to West Bank.

Israeli Authorities have also demolished Palestinian's health, religious, cultural or educational structures, in violation of their civil, political, social and cultural rights enshrined in UN Human Rights Covenants.

4. Harassment of Palestinian people

Palestinian Jerusalemites are exposed to multiple forms of harassment and violence, including murder, by Israeli Jewish settlers and Israeli police and Army.

As highlighted by OCHA in December 2012, the settlement activity has led to increased tensions and "the continuous deployment of private security guards and police forces to protect the settlements, particularly in Silwan and Sheikh Jarrah, has also led to frequent clashes, which undermined the physical security of Palestinian residents".

Aggressions by Israeli settlers and extremists, soldiers' brutal home incursions including during the night, Israeli Police's abusive behaviours even in public places, and ill-treatment during detention and interrogation have been reported to target Palestinians of Jerusalem in many occasions.

16 years old Mohammed Abu Khdeir's kidnapping and killing by setting fire to him at the hands of Israeli settlers show how neo-Nazi discourse and feeling has spread among Israeli Jewish population, for whom Palestinian Jerusalemites are an easy target. As well, Mohammed's cousin and US citizen Tariq Abu Kdeir's beating, detention,

house arrest and judicial order to stay away from his family in Shuafat, have evidenced the partiality of Israeli security and judicial systems.

Israeli Police, Army and settlers' lack of accountability for their harassment and aggression of Palestinians is almost complete, as several NGOs⁴³ and the UN Special Rapporteur denounced⁴⁴.

All these forms of harassment are contrary to Fourth Geneva Convention Art.27, which states that "protected persons shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults".

5. Denial of civil and political rights of Palestinian people

In the wake of Israeli unilateral and illegal annexation of East Jerusalem, a status of "permanent residents" was imposed on the Palestinian Jerusalemites, a large number of whom were refugees from West Jerusalem or other parts of the territories conquered by Israel in 1948.

They hold a Jordanian passport but do not have full Jordanian citizenship. They live under Israeli occupation and are illegally subject to Israeli law and authorities but do not have Israeli citizenship. They have Palestinian identity but they do not have a Palestinian passport as those who reside in West Bank and Gaza. They were deprived of citizenship of a state and can be defined as stateless residents of an Occupying State.

The prolonged boycott by Palestinian Jerusalemites of the elections to the Israeli Municipality of Jerusalem (in 2013 less than 1% of this population voted⁴⁵) has to be interpreted as a political statement against the illegal annexation of East Jerusalem. Contrarily, they have demonstrated their genuine will to exercise their political

right to vote for the Palestinian legislative and presidential elections, although they were impeded from doing so by Israeli Authorities.

On the occasion of Palestinian legislative elections in 2006, Israeli Authorities refused to register 123,000 voters in occupied East Jerusalem, allowing only a slight portion of Palestinian residents to cast their votes in the city. As stated by the European Union Electoral Observation Mission, Israel hindered electoral campaigning in Jerusalem and "failed to provide reasonable, equal or proper conditions", in particular, regarding the secrecy of the ballot, the administration staff and the locations adequacy which provoked long queues in the only six post offices opened in East Jerusalem⁴⁶.

The prolonged deprivation of civil and political rights of Palestinian people of Occupied East Jerusalem constitutes another leverage for indirect forcible transfer.

Mosque and medical center demolished in At-Tur, East Jerusalem

Published on 26 March 2014 - Written by Alternative Information Center (AIC)

The municipality of Jerusalem demolished a building that housed a mosque, a medical centre and apartments in the neighbourhood of At-Tur in East Jerusalem on Wednesday. Owner of the building Ghadir Abu Ghaliya said it was demolished "without prior notice" by the authorities.

He added that he and his family had tried for 18 years to obtain construction permits from the Jerusalem municipality.

Abu Ghaliya said the mayor of Jerusalem "approved construction in the area, [but] the Israeli Ministry of Interior opposed construction." After the Israeli Supreme Court ruled to delay the demolition, a hearing on the issue was scheduled for May, Abu Ghaliya told Ma'an News, a Palestinian news agency.



Source: Alternative Information Centre.



COLONIALISM

Israeli colonialism in occupied East Jerusalem

Since 1948, Israel has implemented systematic and deliberate policies of colonization and annexation of Palestinian territory in and around the city of Jerusalem. After the annexation of East Jerusalem and surrounding villages in the wake of the 1967 war, Israel has continued to implement measures designed to change occupied East Jerusalem's legal status, demographic composition and geographic nature in violation of many UN Security Council Resolutions and the prohibition of the acquisition of territory by the threat or use of force, which is illegal under Article 2(4) of the UN Charter.

One of the policies adopted is the gradual transfer of Jewish settlers into Occupied East Jerusalem, which constitutes a violation of Article 49.6 of the Fourth Geneva Convention and may amount to crime against humanity as stated by 8.2.b) of Rome Statute.

The construction of settlements, roads and other infrastructure, the establishment of Israeli institutions and companies in Occupied East Jerusalem, have additionally undermined the right of the Palestinian Jerusalemites to self-determination and self-governance, as well as violated territorial integrity of East Jerusalem and Palestinians' sovereignty over their land, properties and resources.

In order to "legitimize" its grip on Palestinian territory, Israel has imposed a colonial narrative on both Palestinian residents and foreigners on their visits to Jerusalem.

6. Separation and annexation of Palestinian territory

The annexation of Palestinian territory in and around East Jerusalem violates the right of self-determination of Palestinians and hinders their sovereignty over their own resources. The de facto annexation of the 6.5 km² lands of East Jerusalem which had remained under Jordanian rule since 1948 and of an added 64 km² of Palestinian land, most of which belonged to 28 villages in the West Bank, as well as the de jure annexation achieved through Basic Law promulgation were firmly rejected and condemned by international community⁴⁷.

Despite UN Security Council and General Assembly repeatedly urged Israel to withdraw from Jerusalem neighbourhoods located on the eastern part of the Green Line including the Old city, the occupying power continued

with its annexation and separation of East Jerusalem from the rest of the West Bank, through:

- colonialist urban planning⁴⁸
- building of settlements and roads and transfer of Israeli population
- building of Apartheid Wall and its associated regime of gates and military checkpoints.

The “Greater Jerusalem” represents another attempt of colonial expansionism around Jerusalem to the north-west (Giv’at Ze’ev settlement bloc), north-east (Kokhav Ya’akov settlement bloc), east (Ma’aleh Adumim bloc and the E-1 area), and south-east (Gush Etzion settlement bloc)⁴⁹. A network of highways and other transport infrastructure connects them with East and West Jerusalem and annexes them de facto into Israel.

The land annexed on the eastern side by Ma’aleh Adumim settlement and E-1 (area comprised between this vast settlement and East Jerusalem) amounts to more than 60 square km. It cuts West Bank into southern and central clusters, further aggravating isolation of East Jerusalem and separating Palestinians of adjacent West Bank communities from Jerusalem.

The separation of East Jerusalem neighbourhoods from other areas of West Bank seriously undermines their economic development. It violates the freedom of movement of human resources and labour between Jerusalem and other WB areas, prevents and constrains the mobility of goods and services, the process of export and import by the Palestinians and the exchange of economic inputs and outputs.

7. Construction of Israeli settlements and infrastructure

Since 1967, Israel has built 15 settlements in Occupied East Jerusalem. This policy is in clear breach of the Hague Regulation 43, which prohibits changing the status quo of the occupied area unless absolutely necessary and The Hague Regulation 55 which confers on the Occupying Power the role of administrator and usufructuary of public buildings and real estate and obliges it to safeguard the capital of these properties, and administer them in accordance with the rules of usufruct.

During 2013, as highlighted HOMs Report on East Jerusalem 2014, since the beginning of the negotiations lead by John Kerry, following the release of Palestinian prisoners, tenders for a total of 3092 units were announced

only in East Jerusalem, and statutory approval was granted to plans allowing for the construction of 2422 units.

In order to connect Israeli settlements bloc in Greater Jerusalem, Israel has also developed transport infrastructure such as the Jerusalem Light Rail⁵⁰, the Eastern Ring Road⁵¹, the A1 Train⁵² and the extension of the Begin Highway, which is built through the Palestinian occupied area of Beit Safafa.

8. Transfer of Israeli settlers into occupied East Jerusalem

Based on the official doctrine of “demographic balance” formulated by Gafni Committee in 1973⁵³, Israeli Municipality has worked to change its demographic composition to reach the ratio of 30% Palestinians and 70% Jews. One of the main strategies to control Palestinian demographic growth consists in the transfer of Israeli civilians into occupied areas of Jerusalem. As result, East Jerusalem which was populated exclusively by Palestinians in 1967 is nowadays the place of residence for more than 200,000 Jewish settlers, who reside mainly in 15 settlements.

But Israel has also favoured the establishment of Israeli population in the middle of Palestinian neighbourhoods, by promoting the eviction of Palestinian residents and allowing settlers to occupy the houses that Palestinians were forced to abandon. At the beginning of 2012, about 2,000 settlers lived in Palestinian homes in the heart of Palestinian neighbourhoods.

Such settlements are concentrated in the so-called “Holy Basin” area – comprising the Muslim and Christian quarters of the Old City, Silwan, Sheikh Jarrah, At-Tur (Mount of Olives), Wadi Joz, Ras al-‘Amud, and Jabal Al Mukabbir⁵⁴. The alleged biblical references and the strategic aim at encircling the Old City and the Muslim Holy Site of Haram Al Sharif are incentive for fundamentalist Jewish settlers to target those areas.

In the Christian and Arab Quarters of the Old City of Jerusalem (outside the extended Jewish Quarter where at least 5,000 Palestinians were evicted in 1967), a total of 65 buildings were transformed in Jewish settlements between 1967 and 2011, resulting in the eviction of 119 Palestinian families out of their homes (approximately 600 persons), the closure of 21 commercial enterprises including hotels and the dispossession of 4 religious or cultural institutions⁵⁵.

The UN Fact Finding Mission on settlements of 2013

concluded that “settlements are established for the exclusive benefit of Israeli Jews and being maintained and developed through a system of total segregation between the settlers and the rest of the population living in the OPT, which is supported and facilitated by a strict military and law enforcement control to the detriment of the rights of the Palestinian population”⁵⁶.

It also considered that “in relation to the settlements Israel is committing serious breaches of its obligations under the right to self-determination and “certain obligations under international humanitarian law”, including the obligation not to transfer its population into the OPT forbidden by Article 49 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”.

As well, Rome Statute establishes the International Criminal Court’s jurisdiction over the deportation or transfer, directly or indirectly, by the occupying Power of parts of its own population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory”⁵⁷.

9. Israeli public institutions in East Jerusalem

After annexing unlawfully East Jerusalem in 1967, Israel established several public institutions on occupied territory on the eastern side of the Green Line. Major examples of this colonial policy aimed at changing the status of East Jerusalem in breach of Resolution 478 of UN Security Council and Article 64 of Fourth Geneva Convention, are:

- Hebrew University, where a students’ residence was built on land grabbed from Issawia community,
- Israeli Ministry of Justice Headquarters located in the famous Salah Addin street of East Jerusalem⁵⁸.
- Israel Police Headquarters compound located in the area of Sheikh Jarrah where several houses of Palestinian Jerusalemites have been expropriated for the benefit of Israeli settlers⁵⁹.

EU support to Israeli public institutions located in Occupied East Jerusalem or its cooperation with them are inconsistent with its commitment and contrary to its

Beit Safafa community and Begin Highway

Israel’s illegal annexation of Beit Safafa in 1967 and the subsequent systematic and discriminatory Israeli policy of land confiscation and urban planning have resulted in a situation where Beit Safafans have already lost approximately one-third of their land, and the area available for the development of the community has shrunk from 3,057 dunams under the British Mandate in 1947 to 2,354 dunams under Israeli control today. Together with neighbouring Palestinian communities in the OPT, Beit Safafa is affected, for example, by two large-scale Israeli land confiscations undertaken for alleged “public purpose” in 1970 and 1991. Israel has used the expropriated Palestinian land for the development of the Jewish settlements of Gilo (1971) and Givat Hamatos (about to be constructed). Also confiscated from Beit Safafans in the past were the 234 dunams of land for the construction of the Begin Highway extension.

In 2013, Israeli Jerusalem Municipality and the Israeli Ministry of Transport started to complete the construction of a 6 lanes highway called “Begin Highway” that will serve the expansion of Israel’s illegal

settlements in and around the southern part of occupied East Jerusalem and expedite the annexation de facto of the Gush Etzion settlement bloc. Construction of the highway section coincides with increased Israeli settlement activity in the area, including the expansion of the existing settlements of Gilo and Har Homa and the establishment of the new settlement of Givat Hamatos in occupied East Jerusalem, and the ongoing construction of the settlement of Har Gilo in the adjacent occupied West Bank. This highway will cut through the Palestinian community of Beit Safafa in occupied East Jerusalem. The Palestinian population of Beit Safafa will not benefit from this highway, they have not been consulted, and their livelihoods and community are being destroyed.

On Sunday, 26 January 2014, the Israeli Supreme Court sanctioned the legality of this completion without introducing any modification although no detailed plan for this highway section has ever been published and no opportunity has been provided for the affected Palestinian community to present its objections, once more legitimizing the illegitimate and exposing the complicity of Israeli courts in violations of international humanitarian and human rights

law in the Occupied Palestinian Territory. This Supreme Court ruling also marks the end of Beit Safafa’s protracted legal battle to prevent the construction of the highway through their community. The court ruled, however, that a detailed plan will be required to advance work on the 10-lane interchange that will connect the highway to Road 60 (Tunnel Road) leading to the Gush Etzion settlement bloc in the occupied West Bank.

Israeli Authorities demolish houses and properties of protected people under Fourth Geneva Convention to build a highway in occupied territory which will serve exclusively Israeli settlements which are illegal under the same corpus of International Humanitarian Law. Based on the ICJ Advisory Opinion and the UN Fact Finding Mission on the Israeli settlements, therefore, Jerusalem Municipality and Israeli Ministry of transport with Begin Highway extension in Beit Safafa may be found responsible for serious breaches of peremptory norms of international law which trigger the responsibility of all States, and for war crimes which give rise to individual responsibility.

legal duty under international law not to recognize Israeli sovereignty over the territories occupied since June 1967, neither render aid or assistance to its serious breaches of peremptory norms of international law. This support should therefore be severed or prevented.

10. Israeli companies based in East Jerusalem

Many Israeli and international companies, including European enterprises, are located or develop activities in Occupied East Jerusalem, taking benefit from the settlement activity and illegal annexation of East Jerusalem, in contravention of International Humanitarian Law. The highest concentration of Israeli businesses in Occupied East Jerusalem can be found in Atarot industrial Park.

Developed by the Jerusalem Development Authority, illegal Atarot industrial park was established in 1967 in the occupied area of East Jerusalem. Located next to the Annexation Wall and Qalandya Check point entrance point to the West Bank, this industrial park is the largest in the metropolitan area. It has been well connected with the centre of Jerusalem and Tel Aviv by a network of illegal roads which go through occupied East Jerusalem and West Bank (the new Highway 45 which links the park to the nearby express Road 443 to Tel Aviv and Highway 50 or Begin Boulevard to central Jerusalem).

Atarot settlement industrial Park has approximately 1,500 acres, hosts over 180 factories and 4,500 employees. Last February, the new waste transfer station of Jerusalem located

in Atarot industrial park run by an Israeli company started to receive the waste from all over Jerusalem, including its western part. It can handle 600 tonnes of waste daily for now and in about a year, it will take in 1,300 tonnes, the amount produced in and around Jerusalem each day⁶².

As underscored by UN Fact finding mission on settlements, “business enterprises have enabled, facilitated and profited, directly and indirectly, from the construction and growth of the settlements. In addition to the previously mentioned violations of Palestinian workers rights, the Mission identified a number of business activities and related issues that raise particular human rights violations concerns”, including “the use of natural resources, in particular water and land, for business purposes and the pollution, dumping and transfer of waste to Palestinian villages”⁶³.

This independent mission also noted “that Israel labels all its export products as originating from “Israel”, including those wholly or partially produced in settlements. Some companies operating in settlements have been accused of hiding the original place of production of their products, situation that in the mission’s views “poses an issue of traceability of products for other states wishing to align themselves with their international and regional obligations” as well as “an issue in relation to consumers’ right to information”⁶⁴.

Settlers prepare move into key East Jerusalem site

AFP- Published Friday 28/03/2014

Radical Jewish settlers are readying to move into a major property in the commercial heart of occupied East Jerusalem, overlooking the walls of the Old City, officials have told AFP. A large part of the property, which also houses East Jerusalem’s main post office and an Israeli police station, was purchased last year by a radical settler group called Ateret Cohanim, which bought it from Israel’s Bezeq telecoms company.

Located on the corner of Salah al-Din and Sultan Suleiman in the busy centre of East Jerusalem just outside the Old City walls, the property is currently being converted into a Jewish seminary, or yeshiva, an Israeli official and Palestinian workers said. Ateret Cohanim actively works to settle as many

Jews as possible in densely populated Palestinian areas in and around the Old City. The purchase was first reported in Israel’s Haaretz newspaper, which published part of an email in which Ateret Cohanim’s executive director Daniel Luria contacted supporters to announce the acquisition of more than 1,000 square meters in “a very large and strategic building” just outside the Old City.

An Israeli official confirmed the group had bought parts of the property and was currently carrying out renovations in order to have it ready for occupancy before the week-long Passover festival begins in mid-April. “They are now renovating it for the yeshiva and for a school to prepare Orthodox Jews for military service,” he told AFP. “They are trying to set it all up before Passover on April 13.” Contacted by AFP, a spokesman for Bezeq refused to confirm who was behind the purchase. “We will not disclose the

identity of the buyers,” he said. Luria declined to speak to AFP. The building is currently being renovated by Palestinian workers under the supervision of Israeli technicians and engineers. “We work day and night. It is almost ready,” said one worker who refused to give his name.

Local shopkeepers said they had been aware of the plan for several months. “We found out four months ago from the workers that settlers had purchased the property and are turning it into a yeshiva,” said Adel al-Sharbati, who owns a nearby mobile phone shop and spoke of a sense of powerlessness. “They’re the strong ones here -- who should we complain to?” he told AFP, saying it was likely to raise tensions in the area. “The whole area will be affected negatively once they’re here,” he added.

11. Proclamation of Jerusalem as capital of Israeli state

In the wake of the illegal annexation of East Jerusalem and 28 West Bank communities by Israel after June 1967, the Israel Defense Minister Moshe Dayan proclaimed the “liberation” and “reunification” of Jerusalem as “capital of Israel”⁶⁶. On 5th August 1980, the Occupying Power passed the Basic Law: Jerusalem, Capital of Israel (1980) which proclaimed Jerusalem as “eternal and indivisible capital of Israel”.

The Basic Law on Jerusalem met total objection and condemnation by international community and UN Security Council declared, in its Resolution 478 (1980) of 20th August 1980, that “all legislative and administrative measures and actions taken by Israel, the occupying power, which purport to alter the character and status of the holy city of Jerusalem, have no legal validity and constitute a flagrant violation of Geneva Convention relative to the protection of Civilian persons in Time of War”⁶⁷. The Israeli claim to Jerusalem as its “eternal and undivided capital of Israel” is echoed in many articles, in the Wikipedia and international Medias.

Nonetheless, European Union and its members maintained their embassies in Tel Aviv. Still, emphasis should be given

on that aspect in order to prevent any European official delegation or diplomatic representation to acknowledge by action, declaration or omission, Jerusalem’s illegal status as capital of Israel.

12. Imposition of education curriculum on Palestinian children

After annexation of East Jerusalem in 1967, Palestinian schools followed the Jordanian educational system during several decades until the signature of Oslo II agreement, which allowed them to adopt the curriculum developed by Palestinian Authority.

As a recent colonial step, the Jerusalem Education Administration (JEA), a joint body of the Jerusalem Israeli Municipality and the Israeli Ministry of Education, started to impose Israeli curriculum on the Palestinian children of Occupied East Jerusalem, firstly in public schools starting from 2011 and after one year, also in private centres.

All Palestinian schools are now forced to purchase from the Municipality their textbooks which have been heavily censored by the Israeli government and stripped of any reference to Palestinian identity or culture. They contain no information about Islam and silence many aspects of Palestinian geography and history: there is no mention

Hebrew University

The basis for the illegality of the Hebrew University land confiscation deal is that this land is part of East Jerusalem, which is an occupied territory according to international law.

On 1 September 1968, about one year after Israel's military occupation of Gaza and the West Bank (which includes East Jerusalem, according to UN Security Council resolutions), the Israeli authorities confiscated 3345 dunams of Palestinian land. Part of this land was then used to build the Mount Scopus campus of Hebrew University. The decision was published in the official Israeli Gazette, the Hebrew edition, number 1425. It was therefore “legalized” by Israel. This land, for the most part, was (still is) privately owned by Palestinians living in that area.

A large part of the confiscated land was then given to the Hebrew University to expand its campus, mainly its dormitories. The Palestinian landowners refused to leave their lands and homes arguing that the confiscation order of 1968 was illegal. Consequently, the case was taken to the Jerusalem District Court in 1972 (file no. 1531/72). In 1973, as expected, the Israeli court ruled in favour of the University and the state. The court decided that the Palestinian families must evacuate their homes and be offered alternative housing.

Israel's unilateral annexation of occupied East Jerusalem into the State of Israel, and the application of Israeli domestic law to it, are violations of the Fourth Geneva Convention, and have been repeatedly denounced as null and void by the international community, including by the UN Security Council in its Resolution 252 (21 May 1968). By moving

Israelis staff and students to work and live on occupied Palestinian land, the Hebrew University is, therefore, in violation of the Fourth Geneva Convention.

Hebrew University has notwithstanding been involved in several EU funded academic and research projects. It is currently the beneficiary of a 2-year project of 1,100,000 euros called NANOWAT, which includes training courses in Italy and Israel⁶⁸. As well, Martin Schultz, President of the European Parliament went to receive an honorary doctorate awarded by the Hebrew University last February 2014 and the President of the European Commission, José Manuel Durão Barroso signed in it, the new EU - Israel agreement on research and innovation Horizon 2020⁶⁹.

of Israeli occupation and settlements, Naqba, Intifadas or Jerusalem as the capital of Palestine. In addition, Israeli Ministry of education requested that the Israeli “Declaration of Independence” be on display in both public and private schools in East Jerusalem.

Such actions are further attempts by the Israeli government to impose on Palestinian children and youth its Zionist narrative of the conflict, by controlling and disrupting their education. Palestinian children in East Jerusalem are protected by the Fourth Geneva Convention, which states that, “the Occupying Power shall, with the cooperation of the national and local authorities, facilitate the proper working of all institutions devoted to the care and education of children”⁷⁰.

This colonial policy of imposing Israeli curriculum and narrative constitutes also a flagrant violation of Israel’s obligations under Article 13 of the 1966 International Covenant on Economic, Social and Cultural Rights (ICESCR), to “guarantee the individual right to education and to respect parents’ right to choose the education provided to their children”⁷¹.

13. Colonial tourist policy

While Palestinian cultural events are forbidden and threatened to be closed by Israeli Police, the Israeli Ministry of Tourism and the Occupying Municipality of Jerusalem organize many cultural and tourist events with the clear purpose of “judaization” of Jerusalem, which is invariably presented as “eternal and indivisible capital of Israel”.

As informed by EU Heads of Mission in their Report 2014 on East Jerusalem, two tourist sites along the lines of the “City of David” visitors centre have been handed over to the Settlers organization El’Ad:

- the Kedem Compound which provides for the construction of a major multi-purpose structure on the site of the Givati Parking lot, opposite the Old City’s Dung Gate, at the entrance to Wadi Hilweh/Silwan.
- a plan to build a tourist compound above the Spring House (Bet HaMa’ayan) at the bottom of Wadi Hilweh at the northern edge of Silwan.

These tourist developments in the “Holy Basin” constitute a perfect alibi for the eviction of Palestinian presence around the Old City and for the takeover of their homes and properties by radical settlers’ organizations.

They also serve the objective of emphasizing the millenary presence of Jewish people in the city and biblical references

in an effort to give “historic legitimacy” to Israeli colonial prerogatives in Jerusalem, while Christian and Muslim cultural heritage is being silenced⁷².

As most European tour operators work with Israeli agencies which profit from the settlements, European tourists are usually not aware of the legal status of East Jerusalem and surroundings areas.

EU Member States and EU Delegations should therefore redouble efforts to inform European tourists about the situation, prevent their national tour operators from benefitting from Israeli settlements and invest in the promotion of Palestinian tourist sector in East Jerusalem, including the Old City.

14. Judaization through archeological excavations

The UN Fact-finding mission raised attention on the archaeological excavations being conducted by Israel in and around the Old City of Jerusalem and the digging of a network of underground tunnels, some of them connecting settlements in the Palestinian neighbourhood of Silwan with the Old City. “It has been alleged that these archaeological excavations intend to emphasize the Jewish cultural heritage while disregarding – or worse undermining – the rich heritage of other cultures that have contributed to the millenary history of the city”⁷³.

EU Heads of Mission Report 2014 also exposed the political aspect of such excavations: “Archaeology continues to be used as a political and ideological tool in Jerusalem’s Historic Basin, where the Israeli Government has outsourced archaeology to private Israeli pro-settler organizations. These are taking place without any kind of Palestinian involvement or international oversight.”

The archaeological digs include the excavation of tunnels underneath Silwan, the Muslim Quarter and in the immediate vicinity of the Haram al-Sharif/Temple Mount. Moreover, the Jewish Quarter Development Company (JQDC) is currently in the process of handing over to El’Ad the management of the excavation area South and West of the Haram al-Sharif/Temple Mount (the Davidson centre)⁷⁴.

Usually these excavations go parallel to harassment of Palestinian families, their expulsion from their homes, house demolitions as well as installation of Israeli settlers to control and manage the so-called archeological sites.

15. Restriction of access to holy places

Al-Aqsa Mosque and Holy Sepulchre Church are among the most important religious sites for Muslims and Christians all over the world.

Despite being located in Occupied East Jerusalem, they are not accessible for Palestinian people from West Bank and Gaza at any time in the year, except during religious festivals of Easter and Ramadan, when Israel issues permits which are nonetheless denied to all Muslim men under 35 as well as all residents of Gaza.

The emblematic esplanade of Haram al-Sharif (with Al Aqsa mosque and the Dome on the Rock), is administered by Waqf Jordanian Islamic authority, but is de facto under Israeli control. This third holiest place in the world for all Muslims has been increasingly threatened by religious nationalist Jewish groups and Israeli police who often break into the compound to provoke clashes with Muslim worshippers. The status quo has also been undermined by

members of the Knesset willing to extend Israeli sovereignty on Haram-Al-Sharif.

As highlighted by EU Heads of Mission HOMs, some Jewish religious groups have also “called for the destruction of the Al-Aqsa mosque in order to build the Third Jewish Temple” on the spot where Israel claims that it was destroyed in year 70 A.D. under the Roman Empire.

Haram-Al-Sharif holy site is also challenged by the “intensive settler-related activities, emphasizing the Jewish character and history of the Old City and its surroundings at the expense of the Christian and Muslim narratives”.

The denial of access to Christian and Muslim holy sites for Palestinians of the West Bank and Gaza, as well as the permanent threat imposed on them, constitute a violation of Palestinians’ freedom “to worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes”, recognized in the UN Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981)⁷⁵.

Silwan: archaeological excavation for the benefit of settlers’ organization

Silwan is a paradigmatic case of combination of policies of forcible transfer, colonialism (in the facts and in the narrative) and apartheid policies. The central argument is the works of archaeological excavation led by the settlers organization El’Ad, whose founder, David Be’eri was one of the first Israeli settlers to take over a Palestinian house in Silwan in 1991. El’Ad has carried out most of the settlement activity in the area, operating the “City of David Park” and managing the archaeological excavations that started soon after 1967.

Due to its strategic location next to the Old City and the Al-Aqsa Mosque, Silwan has been a priority target of the Israeli settler movement, the municipality and the Israeli government. Collusion between the Israeli Custodian of Absentees’ Property, the Jewish National Fund and the Jewish settler association El’Ad resulted in expropriation of Palestinian property, and evictions of

Palestinian tenants and owners. Today, approximately 400 Jewish settlers live in 54 settlement locations in midst of the Palestinian community of Silwan. Israeli authorities justify the home demolitions in Silwan on historical and religious Jewish grounds and promote development of the so-called Jewish “Holy Basin” in and around the Old City. El’Ad is paying Israeli Antiquities Authority to carry out the excavations and find evidence of the presence of King David in the place which was allegedly King David’s Garden.

After the occupation of Jerusalem in 1967, Israeli archaeologists started excavations in the area. Excavations have intensified since the Israeli Nature and Parks Authority authorized El’Ad to manage them in 2002, with Jewish settlers and Israeli authorities desperately trying to find archaeological evidence that can be used to justify their political and religious claims to the area. Excavations have involved digging tunnels under Silwan, causing damage to Palestinian homes and the Al-Aqsa Mosque. Several

homes and UNRWA school facilities have collapsed. El’Ad-managed excavations are carried out under tight security protection, including monitoring by surveillance cameras. As a result of El’Ad activities, several public areas have been closed for the use of Palestinians and local names of streets have been changed and given Hebrew names.

Deprived of the protections of the Fourth Geneva Convention and fundamental human rights, Palestinian residents of Silwan are at risk of forced displacement, in particular those in Wadi Hilweh and Al-Bustan. Violence by Israeli settlers and security forces, led by El’Ad, has a severe impact on Palestinian children in Silwan. Between November 2009 and October 2010 as many as 81 children were arrested and detained for questioning. Many of them have undergone violent and inhumane treatment. Many homes have been demolished or are at risk.



APARTHEID

Apartheid against Palestinian people

Both the Russell Tribunal on Palestine in its session in Cape Town and the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, have recognized that the Israeli prolonged occupation in East Jerusalem and the rest of Palestinian Occupied Territory possesses legally unacceptable characteristics of apartheid.

Apartheid is a crime which has been defined as “policies and practices of racial segregation and discrimination similar to those practiced in southern Africa, i.e., inhuman acts committed for the purpose of establishing and maintaining domination by one racial group of persons over another racial group of persons and systematically oppressing them” (UN Convention against Apartheid, Article 2) and as “inhumane acts (...) committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime” by Rome Statute (Article 7.2.h).

16. Apartheid wall and its associated regime

Ten year ago, on 9th July 2004, the International Court of Justice ruled that the construction of the wall being built by Israel, in the Occupied Palestinian Territory and its associated regime, were contrary to international law and should therefore be dismantled. Instead of implementing the Advisory Opinion, Israel has completed its construction in and around East Jerusalem.

The Apartheid Wall follows a two-fold objective:

- the separation and segregation of Palestinian people, by excluding densely populated Palestinian neighbourhoods of East Jerusalem like Shuafat refugee camp, al-Ezzariyeh, Abu Dis or Ar-Ram.
- the annexation of Palestinian territory for Israeli settlements expansion, including 12 already existing settlements in and around East Jerusalem, with a population of more than 176,000 Jewish settlers (settlements blocks of Gush Etzion in the south, Giv'at Ze'ev in the north and Ma'ale Adumim to the east, all comprising a total of 164 square km of land in the West Bank).

As a result of its construction, more than one hundred houses were demolished, many building permits were cancelled, large areas of East Jerusalem have been cut off and approximately 60,000 Palestinian residents of East Jerusalem have been physically separated from the urban centre. They now have to cross crowded checkpoints run by Israeli military where they are victims of bullying, humiliations and ill-treatment, in order to reach their places of work, markets, schools, hospitals and families. They are also often arbitrarily prevented from entering the city by Israeli soldiers.

Although those Palestinian residents continue paying high municipal taxes to Jerusalem Municipality under the risk of losing their residency status, they have restricted access to health, education and other services to which they are entitled.

The enclaves outside the wall fall under the responsibility of the Israeli-run Jerusalem municipality which neglects them, and they receive little to no basic services. They are not served either by the Palestinian Authority which cannot enter these areas based on Oslo Agreement. Consequently, no municipal services are provided and the environment is not healthy or secure.

17. Segregationist and discriminatory urban planning

In the hands of Israeli Jerusalem Municipality, urban planning is a tool to colonize Palestinian land and enforce ethnic cleansing of Palestinian residents.

Aimed at ensuring Jewish domination over the city, Jerusalem Master Plan seeks to reach a demographic composition of 30% Palestinians and 70% Jews in the city of Jerusalem⁷⁷. It divides Occupied East Jerusalem between Palestinian neighbourhoods and Israeli settlements, and segregates and discriminates against the Palestinian population.

Jerusalem Municipality “Master Plan 2000” ensures the integration of settlements scattered all over occupied East Jerusalem into the bigger Israeli Jerusalem Municipality, while the Israeli Regional Urban Plan TMM1⁷⁸ treats East Jerusalem as an empty space available only for the use of the settlers⁷⁹.

Urban planning only allocates 13 % of East Jerusalem land to Palestinians, compared to 35 % for Jewish settlers. Since 1967, Israeli Authorities have built over 60,000 units throughout occupied East Jerusalem but only 600 hundred units were for Palestinian residents⁸⁰.

Widespread discrimination is also blatant in the issue of building permits, which has resulted in only 200 building permits being issued per year although 1,500 housing units are needed annually to cover Palestinian’s housing needs⁸¹. In addition to this, highway roads designed to connect Israeli settlements cut into Palestinian neighbourhoods.

Urban planning allows all the other forms of discrimination to take place, all of them inducing Jewish domination and Palestinians’ oppression and vulnerability to forced transfer.

18. Discriminatory laws and jurisdiction

Several Israeli laws and regulations have turned out to be indirectly discriminatory towards Palestinians, violating their fundamental right to equality and no discrimination.

Clear examples of discriminatory laws are:

- the Citizenship and Entry into Israel Law which violates the right of Palestinian residents and citizens of Israel under the age of 35 for men and under 25 for women to marry someone from West Bank or Gaza. This law was denounced by the UN Committee on the Elimination of Racial Discrimination⁸².
- the Absentee Property Law which clearly endangers property and housing rights of Palestinians Jerusalemites.

As part of its efforts to annex East Jerusalem, Israel imposed its legislation on Palestinian residents, but they receive a different treatment from Israeli citizens. They are often detained and interrogated under military orders; they can be victims of physical and psychological abuse and ill-treatment and are submitted to longer periods of detention with little or no effective judicial oversight⁸³.

After this period of interrogation, Palestinian Jerusalemites are transferred to the Israeli civilian judicial system for trial, a move that permits prosecutors to ask for higher sentences based on the principle that security offences require a harsher penalty.

Palestinians of East Jerusalem are usually transferred to prisons in Israel, in violation of the Fourth Geneva Convention (art. 76). The Israeli penal system is also discriminating against Palestinian prisoners who are denied the rights afforded to Israeli criminal prisoners⁸⁴.

In addition, many Palestinian Jerusalemites are arrested and held under administrative detention. Administrative detention is a procedure that allows the Israeli military to

hold prisoners indefinitely on secret information without charging them or allowing them to stand trial.

Although Israeli citizens and foreign nationals can also be held as administrative detainees by Israel, only 9 Israeli settlers have been held in administrative detention over the years, while there were thousands of Palestinians administrative detainees for periods ranging from one month to as much as six years⁸⁵.

This policy of administrative detention has been denounced by many human rights organizations as a violation of detainees' rights to a fair trial as guaranteed by Article 14 of the International Covenant on Civil and Political Rights (ICCPR).

19. Deprivation of adequate education and health public services

Jerusalem Israeli Municipality deprives Palestinian children of an adequate public education system. According to Jerusalem Municipality education budget for the year 2008-2009, an average of 2,372 NIS is spent on each child in the Jewish elementary school system, compared to 577 NIS on each child in the Arab elementary system, showing the clear discrimination in budget allocation between

Jewish and Palestinian schools⁸⁶.

As a result of this discrimination, there is an estimated shortage of 1000 classrooms in East Jerusalem. While only 50,6% of all Palestinian students entitled to public education are enrolled in public schools, the remaining 49,4% are compelled to attend religious schools or pay high fees in private institutions.

East Jerusalem schools suffer from a systematic lack of resources and facilities, which negatively influence the desire and motivation of Palestinian students to complete their studies. Moreover, due mainly to the denial of family reunification for Palestinians, about 9,000 children who live in East Jerusalem do not attend school at all, in breach of children's right to education enshrined in article 28 of the United Nations Convention on the Rights of the Child.

The health system is also very deficient in East Jerusalem. For East-Jerusalemite "residents" who are affiliated to Israeli health insurance, the level of primary health care is much lower than in West-Jerusalem, and medical specialties such as mental or social health are practically non-existent.

Palestinians from West Bank and Gaza⁸⁷ as well as Jerusalemites residing on the "West Bank side" of the separation barrier face difficulties in accessing health care



in Jerusalem, and may consequently find themselves in life-threatening emergency situations. In 2013, direct access of Palestinian ambulances to Jerusalem was denied by Israeli authorities in 90% of emergency cases.

Another acute problem of the health system is the heavy dependence of the 6 hospitals of East Jerusalem on the income owed by the Palestinian Authority for the services provided to patients for West Bank and Gaza. Access restrictions to East Jerusalem imposed by Israeli authorities and PA's financial crisis are increasingly putting their sustainability at risk. Furthermore their staff's problems of access are also hindering the adequate functioning of these hospitals.

The deprivation of adequate education and health services violates Palestinian people's social rights and is challenging in the medium term the full development of Palestinian residents of East Jerusalem, as well as breaching Article 38 (5) of Fourth Geneva Convention which stipulates that "children under fifteen years, pregnant women and mothers of children under seven years shall benefit by any preferential treatment to the same extent as the nationals of the State concerned"⁸⁸.

Such a systematic and deliberate policy amounts to racial discrimination, especially when public services to Palestinians are compared to those available in West Jerusalem.

20. Persecution of Palestinian CSOs

Palestinian Civil Society Organizations (CSOs) are targeted by Israeli Authorities, especially those who raise criticism against Israeli occupation and apartheid policies.

Israeli forces shut down conference on civil service in East Jerusalem

Among the many violations of freedom of association and meeting that they suffer, Palestinian human rights NGOs and civil society organizations face daily obstacles to implement their activities, which are often supported by European donors.

As an example of this ban on Palestinian CSOs activities, Israel shut down on 23th March 2014 a conference about the violations of international law and human rights entailed in the new Israel policy of extending civil and military service respectively to Palestinian residents and Christian citizens.

The conference, which was organized by Jerusalem Legal Aid and Human Rights Center, St. Yves, Kanaan Project and in cooperation with the Baladna organization's Haifa branch, aimed at raising awareness in the Arab community of Jerusalem about "civil service," a form of service in the Israeli army that the Israeli state has increasingly enjoined Palestinian youth to enlist in.

The conference, which was funded by the Basque government, had to be cancelled after Israeli special forces and police stormed the headquarters of the Yabous Cultural Center immediately prior to the beginning of the conference and shut down the building for the whole day.

Since 2001, more than 30 Palestinian institutions and Community based organizations have been closed in East Jerusalem under the pretext of security or affiliation with the Palestinian Authority.

Cultural and social centres have been closed by judicial orders on the ground of alleged reasons of security and their beneficiaries deprived of the services they provided, sometimes during several years⁸⁹. In East Jerusalem, social activities are frequently banned and public meetings suspended by the Israeli Police. In this context, many Community Palestinian institutions and associations have relocated from East Jerusalem to Ramallah, due to the fear of Israeli persecution.

The persecution of Palestinian CSOs in East Jerusalem constitutes a violation of fundamental rights and can amount to the crime of Apartheid, as defined in the UN Convention against Apartheid under Article II. f), as "persecution of organizations and persons, by depriving them of fundamental rights and freedoms, because they oppose apartheid".

As they constitute the few remaining spaces for social and political participation for many Palestinian Jerusalemites, there is an urgent need to report these systematic violations of the freedoms of meeting, association and expression and to give diplomatic protection to Palestinian NGOs and community based organizations under persecution.

Israeli policy of closure of social and cultural centres and activities in order to silence any dissident voice from Palestinian NGOs is in flagrant breach of the International Covenant on Civil and Political Rights, and can amount to the crime of Apartheid, as it targets organizations which are critical of Israeli colonial and Apartheid regime.

Legal obligations and duty of European Union and Member States

In the described context of forcible population transfer, colonialism and Apartheid in Occupied East Jerusalem, EU and Member States have to pursue Israeli accountability for its serious violations of IHL and IHRL, as well as for its alleged war crimes, crimes against humanity and crime of Apartheid.

For the EU it is not only a question of legal obligation and duty. The consistency of EU Foreign and Security Policy with its own law and principles is also at stake. In order to advocate EU in an assertive manner, civil society organizations have to appeal to legal arguments under international law, European principles and guidelines, as well as its legal duty to prevent European citizens from perpetrating serious breaches of peremptory norms of international law.

The following legal obligations and duties should be addressed:

- EU and Member States obligation to put an end to Israeli serious violations of peremptory norms of International Law and not to recognize neither render aid or assistance to unlawful situation created, as confirmed by ICJ Advisory Opinion.
- EU and Member States obligation to observe strict and full compliance with principle of non-recognition of Israel's sovereignty over Occupied East Jerusalem adopted in EU Guidelines on settlements, with respect to their grants, prizes and loans.
- EU duty to base its partnership with Israel on respect of Human Rights and to mainstream promotion of human rights and international law in its Common Foreign and Security Policy.
- EU and member States duty to prevent European businesses, institutions and individuals from responsibility for war crimes, crimes against Humanity or crimes of Apartheid and for gross Human Rights violations.

In order to assist this advocacy work, the following EU and UN instruments have to be referred to:

- UN Charter (1945)
- Fourth Geneva Convention (1949).
- Draft Articles on Responsibility of States for Internationally Wrongful Acts of UN International Law Commission (2001).
- Draft articles on the responsibility of international organizations of UN International Law Commission (2011).

- ICJ Advisory Opinion on the Wall built by Israel (2004).

- Rome Statute (1998).

- EU Guidelines on promoting compliance with international humanitarian law (2005).

- Council Decision 2011/168/CFSP on the International Criminal Court and repealing Common Position 2003/444/CFSP(2011)

- EU Guidelines on the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 for grants, prizes and financial instruments funded by the EU (2013).

- Treaty of the European Union (Articles 2, 3 and 21)

- Treaty on the Functioning of the European Union (Article 205).

- Article 2 of EU-Israel Association Agreement.

- EU Guidelines on Human Rights (2001).

- EU Guidelines in Children and Armed conflicts (2008).

- UN Guiding Principles on Business and Human Rights, Special Rapporteur's Report of 19th September 2012 (2012).

- Report of the independent international fact-finding mission on Israeli settlements (2013).

A1 EU and Member States obligation not to recognize neither render aid or assistance to the unlawful situation created by Israeli serious violations of peremptory norms of international law and to cooperate to put an end to them, as confirmed by ICJ advisory opinion.

EU Member States have legal obligations under International Humanitarian Law as third states to a conflict. They are Parties to the Geneva Conventions and their Additional Protocols. They should therefore fulfil their obligations under Article 1, "to respect and ensure respect for the provisions of the Fourth Geneva Convention" by Israel⁹⁰.

The International Court of Justice in its Advisory Opinion on the Wall of 9th July 2004 reaffirmed the obligation of all State parties to the Fourth Convention to ensure, while respecting the United Nations Charter and international law, Israel's compliance with International Humanitarian Law as embodied in that Convention.

In addition, ICJ concluded to all third States' legal obligation not to recognize the illegal situation resulting from the construction of the wall in the Occupied Palestinian Territory including in East Jerusalem, neither render aid nor assistance in maintaining the situation created. The Hague Court also declared that they should bring an end to any impediment to the exercise by the Palestinian people of its right to self-determination⁹¹.

Based on Paragraph 159 of ICJ ruling and Article 41 of International Law Commission Draft Articles on Responsibility of States for Internationally Wrongful Acts, EU Member States have the legal obligation under international law:

- to cooperate to bring to an end through lawful means Israel's serious breaches of peremptory norms of International Law (i.e. annexation of East Jerusalem, acquisition of territory by force, forcible transfer of population, construction of settlements, home demolitions, etc.).
- not to recognize as lawful the situation created by Israel's serious breaches of peremptory norms of International Law, nor render aid or assistance in maintaining that situation.

As stated in Article 48 of the Draft Articles, in a situation of serious breach of a peremptory norm, all States are presumed injured or affected and, therefore, entitled to claim cessation of the breach, as well as reparation for the injured State and/or the victims⁹². Similar legal obligations arise for international organizations, i.e. European Institutions, from the Draft articles on the responsibility of international organizations (2011).

Among the means of action to promote compliance of international humanitarian law by third countries, EU has highlighted the possibility to adopt sanctions. EU Guidelines on promoting compliance with international humanitarian law (IHL) (2005/C/327/04) provide for this option, by affirming that "restrictive measures/sanctions may be an effective means to promote compliance with IHL and should therefore be considered against state and non-state parties to a conflict, as well as individuals, when they are appropriate and in accordance with international law"⁹³. Taking into consideration the inefficiency of the upgrading of EU-Israel privileged partnership to put an end to Israel continued violations of IHL, the adoption of restrictive measures deems to be the only remaining effective means available to enforce Israel compliance with international law.

Civil society organizations have repeatedly denounced and documented that products from illegal settlements are

fraudulently labelled as "made in Israel" and exported to Europe⁹⁴. The Independent Fact Finding Mission on the Israeli settlements has also exposed this practice which "poses an issue of traceability of products for other states wishing to align themselves with their international and regional obligations" as well as "an issue in relation to consumers' right to information"⁹⁵.

This fraud, which is especially difficult to identify when it comes to products from Israeli settlements in Occupied East Jerusalem, evidences that a labelling system relying on Israeli importers and Israeli mechanisms of verification is fundamentally flawed because of the confluence of interest between all stakeholders involved.

Furthermore, by allowing trading and importation of goods from Israeli settlements, it has been legally argued that EU and member States undeniably contribute to the economic prosperity of Israeli settlements and thereby provide "aid or assistance" in maintaining the illegal situation created by Israel's settlement policy. Stemming from this legal interpretation, third states have an obligation to launch a ban on importation of Israeli settlements products⁹⁶.

Last but not least, all EU Member States are Parties of the Rome Statute and therefore have to cooperate with the ICC and promote its functioning. With the objective of supporting the effective functioning of the Court and to advance universal support for it, EU Council also adopted the Decision 2011/168/CFSP on the International Criminal Court. According to this Decision, EU and Member States shall raise the issue of the widest possible ratification, acceptance, approval or accession to the Rome Statute and the implementation of the Rome Statute in negotiations, including negotiations of agreements, or political dialogues with third States (Article 2).

Among preconditions of ICC jurisdiction, it is required that the State on the territory of which the conduct in question occurred (or the State of registration of that vessel or aircraft if the crime was committed on board a vessel or aircraft) or the State of which the person accused of the crime is a national, is party of the Rome Statute. Therefore, in order to guarantee remedy for alleged war crimes, crimes against humanity and crime of Apartheid, EU and Member States shall encourage and support Rome Statute ratification by Palestine and put pressure, as well, on Israel to accept its jurisdiction.

A2 EU and Member States obligation to observe strict and full compliance with principle of non-recognition of Israel's sovereignty over occupied East Jerusalem adopted in EU guidelines on settlements, with respect to their grants, prizes and loans.

The EU Guidelines on the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 for grants, prizes and financial instruments funded by the EU from 2014 onwards (2013/C 205/05) represent an encouraging effort of the EU to comply with its legal obligation under International Humanitarian Law and ICJ Advisory Opinion not to recognize Israel sovereignty over occupied territory neither render aid or assistance in maintaining that situation.

Some limitations and inconsistencies arise from the EU Guidelines, which may seriously undermine their efficiency. On one hand, EU aid or assistance to an Israeli entity located in Occupied East Jerusalem, whether national or not, is inconsistent with the principle of non-recognition by the EU of Israel's sovereignty over the territories occupied by Israel since June 1967.

Therefore, EU guidelines should exclude individuals as well as all public authorities on the ground of the criteria of place of establishment, and not only private entities and public authorities who are not national. In other words, by considering Israeli national public authorities based in occupied territory eligible for EU grants, the guidelines artificially protect those authorities, a policy which might be found discriminatory against public local institutions and private entities which are under the same illegal situation under international law as the former.

Furthermore, as the fulfilment of criteria of eligibility of activities will be certified by the applicants themselves, on the ground of the observation of extended fraud among Israeli entities in labelling products made in the settlements, it is deemed unrealistic that European funds will not be used partially or totally in occupied East Jerusalem and

EU AND MEMBER STATES LEGAL OBLIGATIONS AND DUTIES	UN / EU MAIN LEGAL INSTRUMENTS
A.1. EU and Member States obligation not to recognize neither render aid or assistance to the unlawful situation created by Israeli serious violations of peremptory norms of International Law and to cooperate to put an end to them, as confirmed by ICJ Advisory Opinion.	<ul style="list-style-type: none"> - UN Charter (1945). - Fourth Geneva Convention (1949). - Draft Articles on Responsibility of States for Internationally Wrongful Acts of UN International Law Commission (2001) - Draft articles on the responsibility of international organizations of UN International Law Commission (2011). - ICJ Advisory Opinion on the Wall built by Israel (2004) - EU Guidelines on promoting compliance with international humanitarian law (2005). - Council Decision 2011/168/CFSP on the International Criminal Court.
A.2. EU and Member States obligation to observe strict and full compliance with principle of non-recognition of Israel's sovereignty over Occupied East Jerusalem adopted in EU Guidelines on settlements, with respect to their grants, prizes and loans.	<ul style="list-style-type: none"> - EU Guidelines on the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 for grants, prizes and financial instruments funded by the EU (2013).
A.3. EU duty to base its partnership with Israel on respect of Human Rights and to enforce respect for Human Rights and International Law through its Common Foreign and Security Policy.	<ul style="list-style-type: none"> - Articles 2, 3 and 21 of the Treaty of the European Union. - Article 205 of the Treaty on the Functioning of the European Union (TFEU). - Article 2 of EU-Israel Association Agreement. - EU Guidelines on Human Rights (2001). - Council Decision 2011/168/CFSP on the International Criminal Court.
A.4. EU and member States duty to prevent European businesses, institutions and individuals from responsibility or complicity for war crimes, crimes against Humanity or crimes of Apartheid and for gross Human Rights violations.	<ul style="list-style-type: none"> - UN Guiding Principles on Business and Human Rights. - Special Rapporteur's Report of 19th September 2012. - Report of the independent international fact- finding mission on Israeli settlements (2013). - Rome Statute (1998).

settlements in the Palestinian Territory, if measures are not adopted to ensure further strict and systematic control of the Guidelines implementation.

As the efficiency of this measure depends on the unity of EU external Action, similar guidelines or regulations shall be endorsed at national level by all EU Member States.

A3 EU duty to base its partnership with Israel on respect of Human Rights and to enforce respect for Human Rights and International Law through its Common Foreign and Security Policy.

The respect of Human Rights is one of the founding value of the EU (Article 2 of the Treaty of the European Union) and one of its objectives in its relations with the wider world (Article 3 TEU). While the universality and indivisibility of human rights and fundamental freedoms and the respect for human dignity are among EU principles inspiring the Union's external action (Article 21 TEU), Article 205 of the Treaty on the Functioning of the European Union states that the EU's international actions are to be guided by the principles laid down in Article 21 TEU. The EU seeks to mainstream human rights concerns in all its policies and programmes, and it has different human rights policy instruments for specific actions — including financing specific projects through the EU financial instruments.

While Israel has benefitted from an increased privileged relation with the EU, as demonstrated by the signature of several agreements like EU-Israel Association Agreement, 4th Agreement for Scientific and Technical Cooperation, ACAA, Comprehensive Aviation Agreement, Global Navigation Satellite System (GNSS) and Horizon 2020, Palestinian people from OPT as well as those holding Israeli citizenship have suffered continuous deliberate gross violations of Human Rights by Israel, including their right to self-determination.

As required by Article 2 of EU-Israel Association Agreement, the relationships between the EU and Israel, as well as all the provisions of the Agreement itself, shall be based on “respect for human rights and democratic principles, which guides their internal and international policy and constitutes an essential element of this Agreement”. A non-execution clause introduced by Article 79 of the Agreement complements Article 2 and provides the legal mechanisms through which either party can take “appropriate measures”, i.e. suspension of the agreement, in case of the violation of democratic principles or human rights.

Moreover, EU adopted Guidelines on promoting

compliance with international humanitarian law (IHL) (2005/C 327/04). Among the means of action at the disposal of the EU in its relations with third countries in order to promote respect and compliance of IHL, these Guidelines recommend the adoption of restrictive measures/sanctions when appropriate and in accordance with international law, against state and non-state parties to a conflict, as well as individuals, as effective mean to promote compliance with IHL⁹⁷.

Although Articles 2 and 79 of EU-Israel Agreement and Article 16 d) of Guidelines on promoting compliance with international humanitarian law (IHL) allow for adoption of sanctions in response to Israel's violations of human rights, EU has favoured over the last decade a so-called more “incentive-based” approach to the promotion of human rights in its relations with Israel. But this “carrot policy” has not been effective. In a context of gross and serious violations of IHL and IHRL peremptory norms, EU is totally justified in suspending the Association Agreement with Israel⁹⁸.

According to the EU Guidelines on Human Rights Dialogues (Economic and Financial Affairs Council of 13 December 2001)⁹⁹, the European Union has to ensure that the issue of human rights, democracy and the rule of law is incorporated into all meetings and discussions it has with third countries, at every level, including political dialogue and, if necessary, at the highest level.

Nevertheless, ENPI Israel Strategy Paper 2007-2013 completely ignores gross Israeli violations of Palestinians' Human Rights and breaches of International Humanitarian Law. It doesn't mention unlawful Israeli policies of annexation, population transfer, administrative detention, torture, etc. and reproduces the very biased narrative of the Israeli Authority instead of framing its analyses on IHL and IHRL standards, UN declarations, UN Special Rapporteur and UN independent missions' reports and International Court of Justice Advisory Opinion¹⁰⁰.

Although ENPI Progress Reports have introduced information about some Human Rights violations committed by Israel in East Jerusalem and the rest of Palestinian Occupied Territory, it was not under the Chapter of “Political Dialogue and Reform” (where is the balance of Human Rights issues), and the report still presents biased soft-wording language towards Israeli policies in OPT.

In its human rights dialogue with Israeli Authorities, EU cannot ignore or underestimate Israeli gross violations of Human Rights and the breaches of IHL against Palestinians from Jerusalem and the rest of the OPT. The complete

silence that EU is keeping in the ENPI progress report on Israel alleged war crimes, crimes against humanity and crime of Apartheid which fall under ICC jurisdiction, is deemed at odds with EU commitment to raise the issue of the widest possible ratification, acceptance, approval or accession to the Rome Statute and the implementation of the Rome Statute in negotiations, including negotiations of agreements, or political dialogues with third States enshrined in the Council Decision 2011/168/CFSP on the International Criminal Court (Article 2).

For all these reasons, there is an urgent need to include Palestinian CSOs based in East Jerusalem in the assessment of the human rights dialogue between EU and Israel, as well as to establish an official Human Rights sub-committee instead of the current informal working group.

A4 EU and Member States duty to prevent European businesses, institutions and individuals from responsibility for war crimes, crimes against humanity or crimes of Apartheid and for gross Human Rights violations.

Many European companies provide products and services that facilitate the existence of Israeli settlements, import and sell products built in illegal settlements or invest in companies based in settlements or settlements activities. In this way, they play a major role in funding, facilitating and supporting Israeli violations of international law and illegal Israeli settlements, and could therefore be found guilty of breaches of International Humanitarian Law, war crimes or crimes against humanity. As well, their support or assistance to any other unlawful occupation policy additional to the settlements might also be considered a breach of international law.

The UN Guiding Principles on Business and Human Rights urge states to provide information to help businesses avoid contributing to human rights abuses arising from conflict and to provide “adequate assistance to business enterprises to assess and address the heightened risks of abuses” in conflict areas. The Principles also urge states to withdraw support and not procure services from companies that persistently violate human rights. In dialogue with Richard Falk, the EEAS stated that “The EU believes that the Guiding Principles on business and human rights need to be applied globally and calls on European companies to implement the Guiding Principles in all circumstances, including in Israel and occupied Palestinian territory.”

On 19th September 2012, the UN General Assembly adopted the Report of the Special Rapporteur on the situation of human rights in the Palestinian territories

occupied since 1967 prepared by Richard Falk, which focuses particular attention on the legal responsibility of business enterprises, corporations and non-State actors involved in activities relating to Israel’s settlements in the occupied Palestinian territory¹⁰¹. The report urges States to “transparently investigate the business activities of companies registered in their own respective countries, especially those highlighted in this report, that profit from Israel’s settlements, and take appropriate action to end such practices and ensure appropriate reparation for affected Palestinians” and “to consider requesting an advisory opinion from the International Court of Justice regarding the responsibility of businesses in relation to economic activities of settlements that are established in violation of article 49 of the Fourth Geneva Convention”.

On 7th March 2013, UN Human Rights Council adopted the Report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem¹⁰². This Independent Fact finding mission affirmed that involvement in settlement activities falls under the jurisdiction of the ICC and may result in criminal responsibility. Concluding that businesses have “enabled, facilitated and profited from the construction and growth of the settlements,” the Mission urges states to take “appropriate measures” to prevent businesses contributing to human rights abuses related to the illegal Israeli settlements.

While the recent EU Guidelines which prohibit public EU funds from being allocated to projects and entities in Israeli settlements should be welcomed and fully implemented, these guidelines are being severely undermined by the large scale of economic relations existing between European businesses benefiting from EU funding and Israeli settlements.

The 2012 EU Heads of Mission report on East Jerusalem urged the EU and member states to “prevent, discourage and raise awareness about problematic implications of financial transactions, including foreign direct investments, from within the EU in support of settlement activities, infrastructure and services”.

Related to their obligation to ensure respect for peremptory norms of International Humanitarian Law and to put an end to its violations including to Palestinians’ right to self-determination, EU and Member States have the duty to dissuade business companies from carrying out activities that violate these principles¹⁰³.

European measures to end Israeli policies in occupied East Jerusalem

32

In order to enforce EU and Member States obligation not to recognize neither render aid or assistance to the unlawful situation created by Israeli serious violations of peremptory norms of International Law and to cooperate to put an end to them, WE REQUEST:

1. EU and Member States to adopt a systematic policy of no official visits with Israeli representatives or under the Israeli protocol in Occupied East Jerusalem including Israel Police Headquarters, Israeli Ministry of Justice, Hebrew University¹⁰⁴ or Tzipi Livni's office.
2. EU and Member States to sever or refrain from giving aid or assistance, including through Horizon 2020, to any Israeli public or private institution established in Occupied East Jerusalem, including Israel Police Headquarters or Israeli Ministry of Justice or Hebrew University¹⁰⁵.
3. EU and Member States to sever or refrain from giving aid or assistance, including through Horizon 2020, to any public institution or private company responsible for other serious breaches of IHL and peremptory norms of International Law in Occupied East Jerusalem, like construction or maintenance of the Wall (like Elbit and IAI), building of roads, tramways and settlements in Occupied East Jerusalem (like Veolia), home demolitions and eviction of Palestinian people (like Israeli Antiquity Authority and Jerusalem Development Agency).
4. EU and Member States to encourage and fully support Palestinian Authority accession to the Rome Statute, as well as the filing of complaints for alleged crimes against humanity and war crimes to the International Criminal Court and to cooperate with this Court in its efforts to end impunity.
5. EU HOMs to establish a permanent observatory to monitor persecution and harassment of Palestinian CSOs and Human Rights defenders in Occupied East Jerusalem by Israeli Authorities, Israeli police, settlers organizations or radical nationalist groups, to give them diplomatic protection and legal assistance, as well as to raise this issue in its Human Rights dialogue with Israel.
6. EU and Member States to impose an effective ban on importation of settlements products, including those partial or totally produced in Occupied East Jerusalem, as recommended by the UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967.

In order to enforce EU and Member States compliance with their obligation to observe strict and full compliance with principle of non-recognition of Israel's sovereignty over occupied East Jerusalem, with respect to their grants, prizes and loans, WE REQUEST:

7. EU to strictly implement and control correct implementation by Israeli beneficiaries and applicants of the EU Guidelines on the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 for grants, prizes and financial instruments funded by the EU.
 8. EU to exclude from EU funding Israeli national public institutions and individuals located in Occupied East Jerusalem in order to ensure that EU won't render aid or assistance to Israeli settlements in Occupied East Jerusalem.
 9. Member States to adopt all legislative, administrative, diplomatic and logistical measures to ensure strict and full compliance of the principle of not rendering aid or assistance to the settlements in Occupied East Jerusalem by Israeli applicants and beneficiaries of national grants, prizes and financial instruments.
- In order to enforce EU duty to base its partnership with Israel on respect of Human Rights and to enforce respect for Human Rights and International Law through its Common Foreign and Security Policy, WE REQUEST:
10. EU to suspend the EU- Israel Association Agreement on the grounds of:
 - the systematic and deliberate gross violations of Palestinian Jerusalemites' Human Rights internationally recognized in the Human Rights Treaties, as allowed by articles 2 and 79 of the Agreement¹⁰⁶, and
 - the serious violations of peremptory norms of International Law, as recommended restrictive measure in the EU Guidelines on promoting compliance with international humanitarian law.

11. EU and Member States and their embassies in Tel Aviv to urge systematically and in every kind of dialogue and cooperation meeting or agreement (including trade, defence, research, telecommunications, etc.) that Israel ends its systematic and continuous gross violations of Human Rights of Palestinian people in East Jerusalem and in the rest of Palestinian Occupied Territory.

12. EU Delegation in Tel Aviv to include Palestinian Human Rights Organizations, civil society organizations and NGOs coalitions who defend Palestinian Jerusalemites' Human Rights, within the ENPI consultation process as

well as in the assessment on Human Rights situation prior to Human rights dialogue meetings.

13. EU Heads of mission in the OPT to establish a permanent dialogue with Palestinian Human Rights Organizations, civil society organizations and NGOs coalitions who defend Palestinian Jerusalemites' Human Rights, especially before the drafting of HOMs Report on East Jerusalem.

14. EU to include in ENPI Progress Reports on Israel a complete report of IHRL and IHL violations committed by Israel on Palestinian people in East Jerusalem and in the rest of Palestinian Occupied Territory, which should be based on UN fact finding missions, Special Rapporteur for OPT and Human Rights Palestinian NGOs reports, and to replace the existing informal group on Human Rights, which is completely improper, by a formal sub-committee on Human Rights with Israel.

15. EU and Member States to urge Israel to ratify the Rome Statute and additional protocols of UN Human Rights Treaties and Conventions and lift all reservations, including reservations on articles 20 and 30 of Convention against Torture¹⁰⁷ and article 22 of International Convention on the Elimination of All Forms of Racial Discrimination¹⁰⁸.

16. EU to adopt the same policy as in Area C and fund building of homes or shelters for Palestinian families of East Jerusalem whose houses were demolished or who did not receive permits, and to demand compensation from Israel if EU funded projects are demolished.

In order to enforce EU and member States' duty to prevent European businesses, institutions and individuals from responsibility or complicity for war crimes, crimes against Humanity or crimes of Apartheid and for gross Human Rights violations, WE REQUEST:

17. EU and Member States to comprehensively investigate the business activities of companies and financial institutions registered in their own respective countries, which profit from Israeli settlements in East Jerusalem and the rest of Occupied Palestinian Territory and from other unlawful Israeli policies, and take all effective measures to end such practices and ensure appropriate reparation for affected Palestinians.

18. EU and Member States to effectively prevent all European private companies and public entities including tourist agencies, banks and Universities, from profiting from the settlement activity in Occupied East Jerusalem, by the mean for example of Guidelines or recommendations published on official Journals and websites.

19. EU HOMs to comprehensively investigate, publish and up-date on a permanent basis, the list of Israeli companies established or with activity in Israeli settlements of Occupied East Jerusalem in order to ensure that European companies, importers and investors are informed about the risks of cooperation, trading or investment involving those entities.

20. EU member States to strip or not to grant JNF-KKL charitable status neither tax exemptions on the ground of its policies of forcible population transfer, colonialism and apartheid in East Jerusalem and to effectively prevent European citizens from transferring funds to settlers organizations which are responsible for the "judaization" of Jerusalem, eviction of Palestinian's people from their homes and attacks on Palestinian people, like El'Ad, who might be found guilty of war crimes or crimes against humanity.



Demands to be addressed to EU institutions and member states in Brussels:

- EU to suspend the EU- Israel Association Agreement on the grounds of the systematic and deliberate gross violations of Palestinian Jerusalemites' Human Rights internationally recognized in the Human Rights Treaties, as allowed by articles 2 and 79 of the Agreement, and the serious violations of peremptory norms of International Law, as recommended restrictive measure in the EU Guidelines on promoting compliance with international humanitarian law.

- EU and Member States to adopt a systematic policy of no official visits with Israeli representatives or under the Israeli protocol in Occupied East Jerusalem including Israel Police Headquarters, Israeli Ministry of Justice, Hebrew University (partially built on occupied land) or Tzipi Livni's office.

- EU and Member States to sever or refrain from giving aid or assistance, including through Horizon 2020, to any Israeli public or private institution established in Occupied East Jerusalem, including Israel Police Headquarters or Israeli Ministry of Justice or Hebrew University (partially built on occupied land).

- EU and Member States to sever or refrain from giving aid or assistance, including through Horizon 2020, to any public institution or private company responsible for other serious breaches of IHL and peremptory norms of International Law in Occupied East Jerusalem, like construction or maintenance of the Wall (like Elbit and IAI), building of roads, tramways and settlements in Occupied East Jerusalem (like Veolia), home demolitions and eviction of Palestinian people (like Israeli Antiquity Authority and Jerusalem Development Agency).

- EU to exclude from EU funding Israeli national public institutions and individuals located in Occupied East Jerusalem in order to ensure that EU won't render aid or assistance to Israeli settlements in Occupied East Jerusalem.

- EU Member States to adopt all legislative, administrative, diplomatic and logistical measures to ensure strict and full compliance of the principle of not rendering aid or assistance to the settlements in Occupied East Jerusalem by Israeli applicants and beneficiaries of national grants, prizes and financial instruments.

- EU and Member States to encourage and fully support Palestinian Authority accession to the Rome Statute, as well as the filing of complaints for alleged crimes against humanity and war crimes to the International Criminal Court and to cooperate with this Court in its efforts to end impunity.

- EU and Member States to impose an effective ban on importation of settlements products, including those partial or totally produced in Occupied East Jerusalem, as recommended by the UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967.

- EU and Member States to comprehensively investigate the business activities of companies and financial institutions registered in their own respective countries, which profit from Israeli settlements in East Jerusalem and the rest of Occupied Palestinian Territory and from other unlawful Israeli policies, and take all effective measures to end such practices and ensure appropriate reparation for affected Palestinians.

- EU and Member States to effectively prevent all European private companies and public entities including tourist agencies, banks and Universities, from profiting from the settlement activity in Occupied East Jerusalem, by the mean for example of Guidelines or recommendations published on official Journals and websites.

- EU member States to strip or not to grant JNF-KKL charitable status neither tax exemptions on the ground of its policies of forcible population transfer, colonialism and apartheid in East Jerusalem and to effectively prevent European citizens from transferring funds to settlers organizations which are responsible for the "judaization" of Jerusalem, eviction of Palestinian's people from their homes and attacks on Palestinian people, like El'Ad, who might be found guilty of war crimes or crimes against humanity.

Demands to be addressed to European Heads of Mission in OPT and Israel:

- EU and Member States and their embassies in Tel Aviv to urge systematically and in every kind of dialogue and cooperation meeting or agreement (including trade, defence, research, telecommunications, etc.) that Israel ends its systematic and continuous gross violations of Human Rights of Palestinian people in East Jerusalem and in the rest of Palestinian Occupied Territory.
- EU Delegation in Tel Aviv to include Palestinian Human Rights Organizations, civil society organizations and NGOs coalitions who defend Palestinian Jerusalemites' Human Rights, within the ENPI consultation process as well as in the assessment on Human Rights situation prior to Human rights dialogue meetings.
- EU Heads of mission in the OPT to establish a permanent dialogue with Palestinian Human Rights Organizations, civil society organizations and NGOs coalitions who defend Palestinian Jerusalemites' Human Rights, especially before the drafting of HOMs Report on East Jerusalem.
- EU to include in ENPI Progress Reports on Israel a complete report of IHRL and IHL violations committed by Israel on Palestinian people in East Jerusalem and in the rest of Palestinian Occupied Territory, which should be based on UN fact finding missions, Special Rapporteur for OPT and Human Rights Palestinian NGOs reports, and to replace the existing informal group on Human Rights, which is completely improper, by a formal sub-committee on Human Rights with Israel.
- EU and Member States to urge Israel to ratify the Rome Statute and additional protocols of UN Human Rights Treaties and Conventions and lift all reservations, including reservations on articles 20 and 30 of Convention against Torture and article 22 of International Convention on the Elimination of All Forms of Racial Discrimination.
- EU HOMs to establish a permanent observatory to monitor persecution and harassment of Palestinian CSOs and Human Rights defenders in Occupied East Jerusalem by Israeli Authorities, Israeli police, settlers organizations or radical nationalist groups, to give them diplomatic protection and legal assistance, as well as to raise this issue in its Human Rights dialogue with Israel.
- EU to adopt the same policy as in Area C and fund building of homes or shelters for Palestinian families of East Jerusalem whose houses were demolished or who did not receive permits, and to demand compensation from Israel if EU funded projects are demolished.
- EU to strictly implement and control correct implementation by Israeli beneficiaries and applicants of the EU Guidelines on the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 for grants, prizes and financial instruments funded by the EU.
- EU and Member States to comprehensively investigate the business activities of companies and financial institutions registered in their own respective countries, which profit from Israeli settlements in East Jerusalem and the rest of Occupied Palestinian Territory and from other unlawful Israeli policies, and take all effective measures to end such practices and ensure appropriate reparation for affected Palestinians.
- EU and Member States to effectively prevent all European private companies and public entities including tourist agencies, banks and Universities, from profiting from the settlement activity in Occupied East Jerusalem, by the mean for example of Guidelines or recommendations published on official Journals and websites.
- EU HOMs to comprehensively investigate, publish and up-date on a permanent basis, the list of Israeli companies established or with activity in Israeli settlements of Occupied East Jerusalem in order to ensure that European companies, importers and investors are informed about the risks of cooperation, trading or investment involving those entities.

EU AND MEMBER STATES LEGAL OBLIGATIONS AND DUTIES	UN / EU MAIN LEGAL INSTRUMENTS
<p>A.1. EU and Member States obligation not to recognize neither render aid nor assistance to the unlawful situation created by Israeli serious violations of peremptory norms of International Law and to cooperate to put an end to them, as confirmed by ICJ Advisory Opinion.</p>	<ul style="list-style-type: none"> - UN Charter (1945). - Fourth Geneva Convention (1949). - Draft Articles on Responsibility of States for Internationally Wrongful Acts of UN International Law Commission (2001) - Draft articles on the responsibility of international organizations of UN International Law Commission (2011). - ICJ Advisory Opinion on the Wall built by Israel (2004) - EU Guidelines on promoting compliance with international humanitarian law (2005). - Council Decision 2011/168/CFSP on the International Criminal Court.
<p>A.2. EU and Member States obligation to observe strict and full compliance with principle of non-recognition of Israel's sovereignty over Occupied East Jerusalem adopted in EU Guidelines on settlements, with respect to their grants, prizes and loans.</p>	<ul style="list-style-type: none"> - EU Guidelines on the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 for grants, prizes and financial instruments funded by the EU (2013).
<p>A.3. EU duty to base its partnership with Israel on respect of Human Rights and to enforce respect for Human Rights and International Law through its Common Foreign and Security Policy.</p>	<ul style="list-style-type: none"> - Articles 2, 3 and 21 of the Treaty of the European Union. - Article 205 of the Treaty on the Functioning of the European Union (TFEU). - Article 2 of EU-Israel Association Agreement. - EU Guidelines on Human Rights (2001). - Council Decision 2011/168/CFSP on the International Criminal Court.
<p>A.4. EU and member States duty to prevent European businesses, institutions and individuals from responsibility or complicity for war crimes, crimes against Humanity or crimes of Apartheid and for gross Human Rights violations.</p>	<ul style="list-style-type: none"> - UN Guiding Principles on Business and Human Rights. - Special Rapporteur's Report of 19th September 2012. - Report of the independent international fact-finding mission on Israeli settlements (2013). - Rome Statute (1998). - UN Guiding Principles on Business and Human Rights. - Special Rapporteur's Report of 19th September 2012. - Report of the independent international fact-finding mission on Israeli settlements (2013). - Rome Statute (1998).

20 DEMANDS TO EU / EU MEMBER STATES

<p>1. EU and Member States to adopt a systematic policy of no official visits with Israeli representatives or under the Israeli protocol in Occupied East Jerusalem including Israel Police Headquarters, Israeli Ministry of Justice, Hebrew University (partially built on occupied land) or Tzipi Livni's office.</p> <p>2. EU and Member States to sever or refrain from giving aid or assistance, including through Horizon 2020, to any Israeli public or private institution established in Occupied East Jerusalem, including Israel Police Headquarters or Israeli Ministry of Justice or Hebrew University (partially built on occupied land).</p> <p>3. EU and Member States to sever or refrain from giving aid or assistance, including through Horizon 2020, to any public institution or private company responsible for other serious breaches of IHL and peremptory norms of International Law in Occupied East Jerusalem, like construction or maintenance of the Wall (like Elbit and IAI), building of roads, tramways and settlements in Occupied East Jerusalem (like Veolia), home demolitions and eviction of Palestinian people (like Israeli Antiquity Authority and Jerusalem Development Agency).</p>	<p>4. EU and Member States to encourage and fully support Palestinian Authority accession to the Rome Statute, as well as the filing of complaints for alleged crimes against humanity and war crimes to the International Criminal Court and to cooperate with this Court in its efforts to end impunity.</p> <p>5. EU HOMs to establish a permanent observatory to monitor persecution and harassment of Palestinian CSOs and Human Rights defenders in Occupied East Jerusalem by Israeli Authorities, Israeli police, settlers organizations or radical nationalist groups, to give them diplomatic protection and legal assistance, as well as to raise this issue in its Human Rights dialogue with Israel.</p> <p>6. EU and Member States to impose an effective ban on importation of settlements products, including those partial or totally produced in Occupied East Jerusalem, as recommended by the UN Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967.</p>
<p>7. EU to strictly implement and control correct implementation by Israeli beneficiaries and applicants of the EU Guidelines on the eligibility of Israeli entities and their activities in the territories occupied by Israel since June 1967 for grants, prizes and financial instruments funded by the EU.</p> <p>8. EU to exclude from EU funding Israeli national public institutions and individuals located in Occupied East Jerusalem in order to ensure that</p>	<p>EU won't render aid or assistance to Israeli settlements in Occupied East Jerusalem.</p> <p>9. Member States to adopt all legislative, administrative, diplomatic and logistical measures to ensure strict and full compliance of the principle of not rendering aid or assistance to the settlements in Occupied East Jerusalem by Israeli applicants and beneficiaries of national grants, prizes and financial instruments</p>
<p>10. EU to suspend the EU- Israel Association Agreement on the grounds of:</p> <ul style="list-style-type: none"> • the systematic and deliberate gross violations of Palestinian Jerusalemites' Human Rights internationally recognized in the Human Rights Treaties, as allowed by articles 2 and 79 of the Agreement, and • the serious violations of peremptory norms of International Law, as recommended restrictive measure in the EU Guidelines on promoting compliance with international humanitarian law. <p>11. EU and Member States and their embassies in Tel Aviv to urge systematically and in every kind of dialogue and cooperation meeting or agreement (including trade, defence, research, telecommunications, etc.) that Israel ends its systematic and continuous gross violations of Human Rights of Palestinian people in East Jerusalem and in the rest of Palestinian Occupied Territory.</p> <p>12. EU Delegation in Tel Aviv to include Palestinian Human Rights Organizations, civil society organizations and NGOs coalitions who defend Palestinian Jerusalemites' Human Rights, within the ENPI consultation process as well as in the assessment on Human Rights situation prior to Human rights dialogue meetings.</p>	<p>13. EU Heads of mission in the OPT to establish a permanent dialogue with Palestinian Human Rights Organizations, civil society organizations and NGOs coalitions who defend Palestinian Jerusalemites' Human Rights, especially before the drafting of HOMs Report on East Jerusalem.</p> <p>14. EU to include in ENPI Progress Reports on Israel a complete report of IHRL and IHL violations committed by Israel on Palestinian people in East Jerusalem and in the rest of Palestinian Occupied Territory, which should be based on UN fact finding missions, Special Rapporteur for OPT and Human Rights Palestinian NGOs reports, and to replace the existing informal group on Human Rights, which is completely improper, by a formal sub-committee on Human Rights with Israel.</p> <p>15. EU and Member States to urge Israel to ratify the Rome Statute and additional protocols of UN Human Rights Treaties and Conventions and lift all reservations, including reservations on articles 20 and 30 of Convention against Torture and article 22 of International Convention on the Elimination of All Forms of Racial Discrimination.</p> <p>16. EU to adopt the same policy as in Area C and fund building of homes or shelters for Palestinian families of East Jerusalem whose houses were demolished or who did not receive permits, and to demand compensation from Israel if EU funded projects are demolished.</p>
<p>17. EU and Member States to comprehensively investigate the business activities of companies and financial institutions registered in their own respective countries, which profit from Israeli settlements in East Jerusalem and the rest of Occupied Palestinian Territory and from other unlawful Israeli policies, and take all effective measures to end such practices and ensure appropriate reparation for affected Palestinians.</p> <p>18. EU and Member States to effectively prevent all European private companies and public entities including tourist agencies, banks and Universities, from profiting from the settlement activity in Occupied East Jerusalem, by the mean for example of Guidelines or recommendations published on official Journals and websites.</p> <p>19. EU HOMs to comprehensively investigate, publish and up-date</p>	<p>on a permanent basis, the list of Israeli companies established or with activity in Israeli settlements of Occupied East Jerusalem in order to ensure that European companies, importers and investors are informed about the risks of cooperation, trading or investment involving those entities.</p> <p>20. EU member States to strip or not to grant JNF-KKL charitable status neither tax exemptions on the ground of its policies of forcible population transfer, colonialism and apartheid in East Jerusalem and to effectively prevent European citizens from transferring funds to settlers organizations which are responsible for the "judaization" of Jerusalem, eviction of Palestinian's people from their homes and attacks on Palestinian people, like El'Ad, who might be found guilty of war crimes or crimes against humanity.</p>

References

- 1 <http://trade.ec.europa.eu/doclib/html/113402.htm>
- 2 Usually referred as "2010 Agreement".
- 3 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:22007A0825%2801%29:EN:HTML>
- 4 The Agreement contains an annex on good manufacturing practices for pharmaceutical products which will allow for EU-certified pharmaceuticals to be placed on Israel's market and vice-versa, without additional certification.
- 5 http://europa.eu/rapid/press-release_IP-12-307_en.htm
- 6 <http://www.beuc.eu/beuc-network/our-partners>
- 7 More information can be found in the Report on Implementation of the European Neighborhood Policy in Israel Progress in 2013 and recommendations for action, Brussels, 27.3.2014, SWD(2014) 73 final.
- 8 The EU Framework Programme for Research and Innovation.
- 9 See EU- Israel ENPI Progress Report 2013.
- 10 <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=P-2013-006429&language=EN>.
- 11 The only real sanction adopted by the EU was the suspension of the Agreement for Scientific and Technical Cooperation in 2002 on the ground of the closures imposed on Palestinian Territories, which made impossible for Palestinian children and youth to reach schools and universities during several months.
- 12 The list is available on http://ec.europa.eu/taxation_customs/customs/technical-arrangement_postal-codes.pdf, and many postal codes are located in East Jerusalem.
- 13 <http://www.eubusiness.com/news-eu/israel-settler.w52>
- 14 See more at: <http://unispal.un.org/UNISPAL.NSF/0/88584262A0A0E3E485257BAD00441464#st-hash.wgVJGMQg.w4fQq9N7.dpuf>
- 15 A complete list of agreements and treaties can be found in <http://ec.europa.eu/world/agreements/searchByCountry-AndContinent.do?countryId=2135&countryName=Israel>
- 16 <https://www.gov.uk/government/publications/overseas-business-risk-israel/overseas-business-risk-israel>.
- 17 Statement by Defense Minister Moshe Dayan, 7 June 1967. Cited by Civic Coalition, Disposition and Eviction in East Jerusalem".
- 18 Legal and Administration Ordinance (Amendment n°11) Law, 5727-1967.
- 19 Legal and Administrative Matters (Regulation) Law (Consolidated Version) of 1970.
- 20 <http://unispal.un.org/UNISPAL.NSF/5ba47a5c-6cef541b802563e000493b8c/46f2803d78a0488e-852560c3006023a8?OpenDocument>
- 21 [http://unispal.un.org/UNISPAL.NSF/5ba47a5c-6cef541b802563e000493b8c/5932ecf53ff36a04852560c300656122?OpenDocument](http://unispal.un.org/UNISPAL.NSF/5ba47a5c6cef541b802563e000493b8c/5932ecf53ff36a04852560c300656122?OpenDocument)
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- 24 <http://unispal.un.org/UNISPAL.NSF/0/DDE590C6FF232007852560DF0065FDDB>
- 25 Advisory Opinion Concerning Legal Consequences of the Construction of a wall in the Occupied Palestinian Territory, para. 78.
- 26 Article 64 of Fourth Geneva Convention.
- 27 Civic Coalition for Defending the Palestinian Rights in East Jerusalem, fact sheet "Denial of housing rights in East Jerusalem".
- 28 In his report published on 13th January 2014, the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 Richard Falk, exposed that the prolonged occupation of Palestine, aggravated by prohibited transfers of large numbers of persons from the occupying Power and the imposition of a dual and discriminatory administrative and legal system in the West Bank, including East Jerusalem, possesses legally unacceptable characteristics of "colonialism", "apartheid" and "ethnic cleansing".
- 29 According to the population registry of Jerusalem Municipality, there are 371,844 Palestinians, comprising 39% of Jerusalem's total population.
- 30 UN Fact Finding mission (2013). para. 68
- 31 Unless they are granted a temporary (normally one-day) permit for extraordinary reasons like health treatment.
- 32 They should not neither be confused with Palestinians citizens of Israel who live in the territories conquered by Israel in the 1948 war.
- 33 But not to run for mayor.
- 34 Another argument on the ground of which Israel revokes residency right is "disloyalty to the state of Israel".
- 35 "Children under fifteen years, pregnant women and mothers of children under seven years shall benefit by any preferential treatment to the same extent as the nationals of the State concerned".
- 36 All Palestinian Jerusalemites who were expelled from West Jerusalem in 1948 lost their homes and properties, being relocated in East Jerusalem, Shuafat Refugee camp and other places in West Bank and abroad.
- 37 See interesting analysis of the Amendment of 1970 to the Absentee Law and its discriminatory impact on Palestinians owners who residing in West Bank in 1967, compared to Jewish owners in Absentees against Their Will, Property Expropriation in East Jerusalem under

- the Absentee Property Law, Dir Amin, July 2010
- 38 Civic Coalition for Defending the Palestinian Rights in East Jerusalem, fact sheet "Denial of housing rights in East Jerusalem".
- 39 It can reach 30,000 USD by permit.
- 40 <http://www.icahd.org/node/478#sthash.TqIHRRQ2.dpuf>
- 41 See OCHA, East Jerusalem: key humanitarian concerns, update December 2012.
- 42 http://www.btselem.org/photoblog/20140209_jerusalem_demolitions.
- 43 "According to the Israeli NGO Yesh Din, which has monitored 869 cases between 2005 and 2012, over 91 per cent of all concluded investigations into complaints of criminal offences against Palestinian persons and property in the OPT are closed without an indictment being served, mostly due to investigative failures. This is despite the fact that attacks and intimidation by settlers against Palestinians often are carried out in daytime and in the presence of Israeli army or police personnel, who frequently do not stop the violence or are ineffective" UN Fact-finding mission on settlements, para. 42.
- 44 See article 27 of UN Special Rapporteur, art. 27.
- 45 http://www.huffingtonpost.com/daoud-kuttab/palestinians-boycott-isra_b_4159235.html
- 46 STATEMENT OF PRELIMINARY CONCLUSIONS AND FINDINGS, 26 January 2006 in <http://domino.un.org/UNISPAL.NSF/db942872b9eae454852560f6005a76fb/236f02cf539aa9418525710600587785>
- 47 UN Security Council Resolutions 252 (1968) of 21 May 1968, Resolution 267 (1969) of 3 July 1969, 471 (1980) of 5th June 1980, 476 (1980) of 30th June 1980 and 478 (1980) of 20th August.
- 48 See Civic Coalition, Fact Sheet "Urban Planning in Jerusalem".
- 49 "By 2011, Israel had transferred at least 152,000 of its own civilians into the four "greater Jerusalem" settlement blocs, most of them since the start of the peace process in the early 1990s. Israel has, thus, changed the demographic composition of the Palestinian districts of Bethlehem and Jerusalem in the occupied West Bank (outside of East Jerusalem), where these Israeli settlers now constitute at least 30.4% of the population. The entire Israeli settler population of "greater Jerusalem" (occupied East Jerusalem and the four settlement blocs) increased from 246,600 in 2002 to at least 352,000 in 2011, accounting for most of the growth of the Israeli settler population in the Occupied Palestinian Territory (OPT) in this period."
- 50 <http://www.civiccoalition-jerusalem.org/human-rights-resources/publications/reports/jerusalem-light-rail-train-consequences-and-effects>
- 51 <http://adalah.org/Public/files/English/News/Briefing%20Paper%20on%20the%20Eastern%20Ring%20Road.pdf>
- 52 <http://www.whoprofits.org/sites/default/files/Train%20A1.pdf>
- 53 Officially called Inter-ministerial Committee to Examine the Rate of Development for Jerusalem.
- 54 OCHA, Fact Sheet "Settlements in Palestinian Residential Areas in East Jerusalem", February 2012.
- 55 The Civic Coalition for Palestinian Rights in East Jerusalem, "Israeli colonization and forced population transfer in the Old City of Jerusalem and their impact on the human rights of the Palestinian people", 31 October 2012.
- 56 "Report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem", para. 103.
- 57 *Idem*, para. 104.
- 58 Israeli police located in East Jerusalem <http://electronicintifada.net/blogs/david-cronin/eu-stepping-police-cooperation-israel>
- 59 Ministry of Justice, based in Salah Eddin: <http://www.mfa.gov.il/mfa/mfa-archive/1999/pages/ministry%20of%20justice.aspx> .
- 60 <http://www.civiccoalition-jerusalem.org/human-rights-resources/publications/submissions/urgent-appeal-action-0>
- 61 <http://stopthewall.org/2014/02/02/israeli-court-rules-allow-settlement-highway-through-beit-safafa>
- 62 <http://www.recyclingportal.eu/artikel/32215.shtml>
- 63 Un Fact Finding mission, para. 96.
- 64 Un Fact Finding mission, para. 96.
- 65 <http://www.maannnews.net/eng/View-Details.aspx?ID=685451>
- 66 Cited by Civic Coalition, Dispossession and Eviction in East Jerusalem".
- 67 <http://unispal.un.org/UNISPAL.NSF/0/DDE590C6FF232007852560DF0065FDDB>
- 68 In partnership with University of Basilicata - Department of Agriculture, Forestry and Environment (Italy, Basilicata), Centre National de la Recherche Scientifique, Hydrosociences Montpellier (France, Languedoc-Roussillon), Spanish National Research Council, Institute for Natural Resources and Agrobiology (Spain, Andalucía). See: <http://www.enpi-info.eu/medportal/news/latest/34031/CBCMed-project-to-hold-training-course-on-water-purification-technologies>
- 69 http://europa.eu/rapid/press-release_SPEECH-14-436_en.htm
- 70 Article 50 of Fourth Geneva Convention.

- 71 <http://civiccoalition-jerusalem.org/jerusalem-news/forced-israeli-curriculum-violates-palestinians-education-rights#sthash.hX7Stlxc.dpuf>
- 72 "Both plans are part of an apparent wider strategy to consolidate Israeli control over the Historic Basin by creating an exclusively Jewish tourism trail along and around the Old City, detaching it from its Palestinian surroundings and advocating a singular Jewish narrative", HOM Report on East Jerusalem, para. 19.
- 73 UN Fact Finding mission o settlements, para. 59.
- 74 HOM Report on East Jerusalem 2014, para. 18.
- 75 A/RES/36/55, Article 6.
- 76 <http://www.civiccoalition-jerusalem.org/human-rights-resources/publications/fact-sheets/destruction-palestinian-homes-and-heritage-occupied>
- 77 This rate was adopted after Gafni Commission (1973).
- 78 Better known as Plan Number 30 approved by the Israeli cabinet in October 2010.
- 79 See Civic Coalition, fact sheet on Urban Planning.
- 80 Urban planning in Jerusalem, Civic Coalition fact sheet.
- 81 Civic Coalition, Request for urgent action to UN Special Rapporteur on the deteriorating situation of housing rights of Palestinians in East Jerusalem, January 2012, para. 46.
- 82 <http://electronicintifada.net/content/un-committee-elimination-racial-discrimination-calls-israel-revoke-nationality-and-entry>.
- 83 "Under the Israeli military judicial system, individuals (including children as young as 12) may be detained without being brought before a judge for up to eight days and without access to legal counsel for up to 90 days. In total, detainees in the military system may be held without charge for up to 188 days. By comparison, individuals in Israel who are accused of security offences within the Israeli civil system may be detained for a maximum of 4 days before going before a judge, can be denied access to legal counsel for up to 21 days and may be held in custody without being charged for up to 64 days" Addameer, <http://www.addameer.org/etemplate.php?id=346>.
- 84 "Israeli criminal prisoners are entitled to earn money inside the prison system, receive family visits without the imposing presence of a glass divider, have as many books or other items they want in their cell, and long-term prisoners are allowed to take occasional visits outside the prison; privileges which a Palestinian prisoner is denied", Addameer, *idem*.
- 85 See: Addameer website and "Administrative Detention in the Occupied Palestinian Territory, Between Law and Practice", Addameer Prisoner Support and Human Rights Association, December 2010.
- 86 Civic Coalition, Fact Sheet "Education under occupation, The case of Jerusalem".
- 87 Palestinians of WB and Gaza are often denied permits to access to health technology which is not available in their places of residence because of the alleged "security" restrictions imposed by Israel to the Palestinian health system (radiotherapy not allowed).
- 88 "Children under fifteen years, pregnant women and mothers of children under seven years shall benefit by any preferential treatment to the same extent as the nationals of the State concerned".
- 89 Like Nidal Centre.
- 90 including Article 49.1 and 49.6 which prohibit forcible transfer of Palestinian population and transfer of parts of Israeli civilian population into occupied territory, Article 27 which entitle protected persons to respect for their persons, their honor, their family rights, their religious convictions and practices, and their manners and customs and protects them against inhumane treatment and against all acts of violence or threats thereof and against insults and public curiosity and Article 38.5 which states that children under fifteen, pregnant women and mothers of children under seven shall benefit by preferential treatment to the same extent as the nationals of the State concerned.
- 91 ICJ Advisory Opinion, para. 159.
- 92 See "State Responsibility in Connection with Israel's Illegal Settlement Enterprise in the Occupied Palestinian Territory", Al-Haq, prepared by Ingrid Jaradat.
- 93 Guidelines on promoting compliance with international humanitarian law (IHL) (2005/C/327/04), para. 16.
- 94 See: Palestinian farming and civil society organizations: "Farming Injustice, International trade with Israeli agricultural companies and the destruction of Palestinian farming" (2013), Who profits: "Made in Israel, Agricultural exports form Occupied Territories" <http://www.whoprofits.org/content/made-israel-agricultural-export-occupied-territories>, Corporate Watch: <http://corporatewatch.org/publications/2009/profitting-occupation>, <http://electronicintifada.net/blogs/michael-deas/uk-supermarket-sells-fruit-illegal-settlement-made-israel>.
- 95 UN Fact finding mission on settlements, para. 99.
- 96 See The international obligations of the European Union and its member states with regard to economic relations with Israeli settlements, François Dubuisson, February 2014, 11.11.11, FIDH and Centre de Droit International, February 2014, p.41.
- 97 European Union Guidelines on promoting compliance with international humanitarian law (IHL), (2005/C 327/04), para 16 d) http://europa.eu/legislation_summaries/human_rights/human_rights_in_third_countries/ah0004_en.htm
- 98 It has indeed adopted restrictive measures towards other partner countries which breaches of IHL and IHRL are far from Israel's record of systematic, massive and continuous violations.

99 http://europa.eu/legislation_summaries/human_rights/human_rights_in_third_countries/r10115_en.htm

100 For example on the Wall: "Israel is constructing a separation barrier whose purpose, according to the government, is to protect the Israeli population against terrorist attacks. The route of the barrier has been criticized by the EU, as it is built partially on occupied Palestinian land; Israel has made some adjustments to the route of the barrier in response to the High Court ruling that the barrier should take into account humanitarian needs of the Palestinians, the impact of which on the humanitarian situation has been limited", p.4, no mention to ICJ Advisory Opinion.

101 A/67/379, 19th September 2012, General Assembly, Sixty-seventh session Item 70 (c) of the provisional agenda, Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives, <http://unispal.un.org/Unispal.Nsf/a39191b210be1d6085256da90053dee5/4b-2de5243ebce35685257aa200487927?OpenDocument>

102 <http://unispal.un.org/UNISPAL.NSF/5ba47a5c-6cef541b802563e000493b8c/0aed277dcbb2b-cf585257b0400568621?OpenDocument>

103 The international obligations of the European Union and its member states with regard to economic relations with Israeli settlements, François Dubuisson, February 2014, 11.11.11, FIDH ad Centre de Droit International, February 2014, p.58.

104 Partially built on occupied Palestinian land.

105 Idem.

106 Specially International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, International Convention on the Elimination of All Forms of Racial Discrimination and Convention on the Rights of Child)

107 Preventing the Committee against Torture from launching an inquiry on the basis of reliable information which appears to it to contain well-founded indications that torture is being systematically practiced in the territory. See also Guidelines for EU Policy towards Third Countries on Torture and other Cruel, Inhuman or Degrading Punishment or Treatment (General Affairs Council of 9 April 2001).

108 Which allows referral to the International Court of Justice of conflicts between States Parties with respect to the interpretation or application of this Convention.



