



# FORCIBLE TRANSFER

## Israeli policies over occupied East Jerusalem and its Palestinian population

*In 1967, Israel unlawfully annexed East Jerusalem and 28 surrounding villages. UN Security Council and General Assembly condemned this annexation and consider East Jerusalem an integral part of the occupied Palestinian territory. Israel implements several policies of ethnic cleansing/ forcible population transfer, colonialism and Apartheid against Palestinian population of East Jerusalem. These policies constitute violations of Human Rights and serious breaches of peremptory norms of International Humanitarian Law. They also may amount to crime against Humanity, war crime or crime of Apartheid.*

### 1. Residency rights denial and revocation

Palestinian Jerusalemites have the status of “permanent” residents, but their permits can be discretionally canceled by Israeli Ministry of Interior. Since 1967, more than 14,000 Palestinians’ permits were revoked on the ground of alleged change of their center of life or disloyalty to Israel. 40 % of those revocations took place after 2008. Family reunification and registration of spouses and children as residents of Jerusalem municipality have been seriously constrained, leading to the violation of their right to family life. As a result, 10,000 unregistered children live in East Jerusalem with restricted access to education, health and social services.

### 2. Expropriation and eviction of Palestinian residents

Israeli laws allow for confiscation of Palestinians’ private properties for public purposes; security reasons; if the owner was not present in East Jerusalem in 1967 (Absentee Property Law); if property was allegedly owned by Jews prior to 1948; or if heirs do not live within Jerusalem municipality. In the last 10 years, hundreds of Palestinian houses have been expropriated for the use of Israeli settlers (i.e. Sheikh Jarrah, Old City) or for the purpose of establishing green areas surrounding the northern and eastern parts of the Old City (i.e. Silwan, Mount Scopus National Park).

### 3. Housing restrictions and home demolitions

More than 94% of all Palestinian housing permit applications have been rejected in recent years. At least 33% of all Palestinian homes in occupied East Jerusalem lack building permits. Since 1967, Israeli authorities have demolished more than 2,000 houses in occupied East Jerusalem, in many cases without prior notice.

### 4. Harassment of Palestinian people

Palestinian Jerusalemites are targets of attacks by Israeli settlers and extremists, soldiers’ brutal home incursions, Israeli Police’s abusive behaviours and ill-treatment during detention and interrogation. Over 91 % of all investigations into complaints of criminal offences against Palestinian people and properties are closed without indictment being served.

### 5. Denial of civil and political rights of Palestinian people

Palestinian Jerusalemites do not hold Palestinian or Israeli passport. They are residents, not citizens, of an Occupying State. Palestinians can vote in Israeli Jerusalem municipal elections but refuse to legitimize occupation (less than 1% in 2013). Israel deprived 123,000 Jerusalemites from their right to vote for the last Palestinian legislative elections and hindered the all electoral process.



# COLONIALISM

### 6. Separation and annexation of Palestinian territory

Israel has furthered annexation of Palestinian land and separated Palestinian neighborhoods from the rest of West Bank through colonialist urban planning, building of settlements and roads, Apartheid Wall and associated regime of gates and military checkpoints. Isolation of East Jerusalem from the rest of West Bank hinders economic development and access to social services, including health and education. 60 km<sup>2</sup> land annexed by Ma’aleh Adumim settlement and E-1 area cuts West Bank into southern and central clusters, making inviable any future Palestinian state.

### 7. Construction of Israeli settlements and infrastructure

Since 1967, Israel has built 15 settlements in Occupied East Jerusalem. In the 2nd semester of 2013, while allegedly negotiating an agreement under US leadership, Israel published tenders for a total of 3092 units only in East Jerusalem. Plans were approved for 2422 units. To connect Israeli settlements in Greater Jerusalem, Israel has developed transport infrastructure in East Jerusalem (i.e. Jerusalem Light Rail, Eastern Ring Road, A1 Train and extension of the Begin Highway in Beit Safafa).

### 8. Transfer of Israeli settlers

In 1967, East Jerusalem was populated exclusively by Palestinians. Nowadays it is the place of residence for more than 200,000 Jewish settlers. At the beginning of 2012, about 2,000 settlers lived in Palestinian homes in the heart of Palestinian neighborhoods, generally located in the “Holy Basin”.

### 9. Israeli public institutions in East Jerusalem

In order to change the status of East Jerusalem in breach of Resolution 478 of UN Security Council and Article 64 of Fourth Geneva Convention, Israeli public institutions settled on the eastern side of the Green Line. Examples of this colonial policy are the Hebrew University students residence, Israeli Ministry of Justice Headquarters located in Salah Addin street and Israeli Police compound located in the area of Sheikh Jarrah.

### 10. Israeli companies in settlements

Hundreds of Israeli companies are located or have activities in East Jerusalem, taking benefit from its illegal annexation and the settlements.

Most of Israeli companies label their products as originating from “Israel”, including those wholly or partially produced in settlements. Atarot settlement industrial Park is built on approximately 1,500 acres of East Jerusalem. It hosts over 180 factories (including the new waste transfer station of Jerusalem) and 4,500 employees.

### 11. Proclamation of Jerusalem as capital of Israeli state

In an attempt to change the status of the city, Israel proclaimed Jerusalem as indivisible and eternal capital of Israel (Israeli Basic Law, 1980). Although international community does not recognize Jerusalem as the capital of Israel, many European representatives visit East Jerusalem under Israeli protocol.

### 12. Imposition of Israeli education curriculum on Palestinian children

Jerusalem Education Administration (JEA) recently substituted Palestinian Authority school books with Israeli curriculum, which has been censored of all references to Palestinian national history and Muslim or Christian identity. Imposition of Israeli curriculum and narrative on Palestinian children contravenes Art. 50 of Fourth Geneva Convention, Art. 13 of the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child.

### 13. Colonial tourist policy

Israeli Ministry of Tourism and Municipality of Jerusalem developed Israeli touristic projects in East Jerusalem seeking the Judaization of all city. Tourist sites in East Jerusalem along the lines of the “City of David” visitors’ center have been handed over to the extremist settlers’ organization called E’Ad.

### 14. Judaization through archeology

Archaeological excavations are aimed at emphasizing the Jewish cultural heritage while disregarding or undermining the rich heritage of other millenary cultures. Excavation of tunnels underneath Silwan, the Muslim Quarter and in the immediate vicinity of the Haram al-Sharif/Temple Mount endanger historic and religious compound.

### 15. Restriction of access to holy places

Israel restricts Palestinians’ access to Christian and Muslim holy sites in the Old City of Jerusalem, which is located on the eastern side of the Green Line, in violation of their religious rights.



# APARTHEID



### 16. Apartheid wall and its associated regime

Approximately 60,000 Palestinian residents of East Jerusalem have been physically separated from the urban center and services. The wall segregates between Palestinians and Israelis. It excludes densely populated Palestinian neighborhoods of East Jerusalem and annexes territory for Israeli settlements expansion in and around East Jerusalem.

### 17. Segregationist and discriminatory urban planning

Although Palestinians represent 65% of the population settled in East Jerusalem, only 13 % of the land is allocated for Palestinian use (most of which is already built-up), while 35 % has been expropriated 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 residents.

### 18. Discriminatory laws and jurisdiction

Israeli laws like turn out to be discriminatory for Palestinian Jerusalemites (i.e. Citizenship and En-

try into Israel Law or Absentee Property Law). Palestinians are detained and interrogated under military orders and hold prisoners under administrative detention. They are often victims of physical and psychological abuse and ill-treatment.

### 19. Deprivation of adequate education and health public services

The amount spent by Jerusalem Municipality for each Jewish child in the elementary school is 4 times higher than its budget for a Palestinian child. There is an estimated shortage of 1000 classrooms in East Jerusalem, resulting in 49 % of Palestinian children compelled to attend religious or private schools. Israeli closure and financial cut off endanger the sustainability of hospitals in East Jerusalem.

### 20. Persecution of Palestinian CSOs

Social activities organized by Palestinian CSOs are frequently banned and public meetings suspended by the Israeli Police, especially when they can be critical about Israeli policies. Since 2001, more than 30 Palestinian institutions and Community based organizations have been closed by Israel in East Jerusalem.

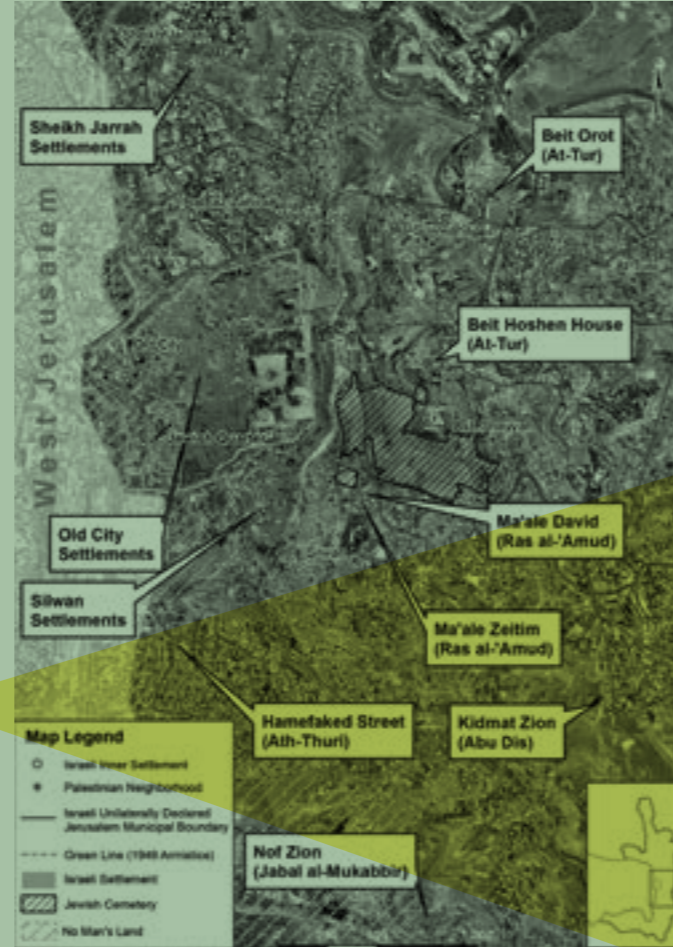


## Civil society demands to European Heads of Mission in oPt and Israel

*As third States, European Union and its Member States have the political and moral DUTY, but also the legal OBLIGATION to put an end to Israeli policies of forcible population transfer, colonialism and Apartheid. In order to enforce their alignment with their duty and obligation, European Coordination of Committees and Associations for Palestine DEMANDS:*

- 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, defense, 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 based 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.



East Jerusalem: settlements in Palestinian residential areas. Source: United Nations OCHA oPt

This Fact sheet is a summary of the Advocacy Report Enforcing EU obligations and duty to end Israeli policies of Forcible Transfer, Colonialism and Apartheid in Occupied East Jerusalem, and has been developed as an activity of the program "Strengthening social and political participation of the Palestinian people in East Jerusalem" funded by the Basque Government.

The local partners NGOs are Alternative Information Centre, Bisan Centre for Research and Development, Defense the Children International Land Research Centre, Health Work Committees and Union of Palestinian Women Committees. It has been developed with the support of these organizations and Civic Coalition for Palestinian Rights in Jerusalem, the Coalition for Jerusalem, Jerusalem Legal Aid and Human Rights Center, Al Haq and Boycott National Committee.



**Mundubat** - "one world" in the Basque language - is a non-governmental organization that since 1988 collaborates with men and women, communities, associations and social movements in a common fight for the transformation of the current world order. Our solidarity goes to support socio-political processes of the popular organizations to contribute to the defense, promotion and protection of Human Rights and to a sustainable human development.

**RESCOP** is the Spanish Network of Solidarity against Occupation of Palestine. It is formed by more than 40 organizations and committees from all over Spain. It is a member of ECCP. <http://www.causapalestina.net>.

**The European Coordination of Committees and Associations for Palestine (ECCP)** is a network of 50 European committees, organizations, NGOs and international solidarity movements from 20 European countries, dedicated to the struggle of the Palestinian people for freedom, justice and equality. <http://www.eccpalestine.org>



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

Civil society demands to EU Heads of Mission in oPt and Israel

Brussels, Belgium (September 2014)  
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