

Special Focus: Occupied East Jerusalem

Background

Jerusalem has always been and remains the political, administrative and spiritual heart of Palestine. Occupied East Jerusalem is the natural socio-economic and political center for the Palestinian state given its cultural importance, commercial vitality, historical significance, and geographic centrality connecting the northern and southern parts of Palestine. It is an integral part of the Occupied Palestinian Territory (OPT), as recognized by the international community and relevant United Nations (UN) resolutions. Consequently, there can be no viable Palestinian state without East Jerusalem as its capital.

Only weeks after its occupation of the Palestinian Territory in 1967, Israel unilaterally and illegally expanded the municipal borders of Jerusalem, enlarging occupied East Jerusalem ten-fold to 72 square kilometers or 1.3 percent of the occupied West Bank. The new borders were drawn to incorporate Palestinian agricultural lands from other Districts, such as Ramallah and Bethlehem, while excluding main population centers. During the 1970s, Israel illegally confiscated Palestinian land, including developed and agricultural land, to build Israeli settlements in blatant violation of international law.

In 1980, Israel adopted the “Basic Law” on Jerusalem, which ratified the annexation of occupied East Jerusalem to Israel. The international community does not recognize this annexation, in line with UN Security Council Resolution 478. This Resolution rejected the Israeli measure as a violation of the Fourth Geneva Convention and determined that “all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purport to alter the character and the status of the Holy City of Jerusalem, and in particular, the recent ‘basic law’ on Jerusalem, are null and void”.

Most recent Israeli Steps

In its attempt to entrench its illegal annexation of occupied East Jerusalem, Israel, the occupying Power, continues to undertake steps and adopt policies that aim at changing the demographic, social, and cultural composition of the city. This flagrant violation of international law and relevant United Nations resolutions, including Security Council resolution 478, pose a grave danger to the fate of Occupied East Jerusalem and undermine the Palestinian people’s inalienable right to self-determination. Furthermore, recent inflammatory statements and irresponsible proclamations de by senior Israeli officials regarding the holy Al-Aqsa Mosque compound threaten to ignite religious tensions. These Israeli measures and statements must be confronted with the collective will of the international community.

1. Inflammatory Statements on the Holy Al-Aqsa Mosque Compound

On 17 July 2012, Israeli Attorney General declared that the holy Al-Aqsa Mosque Compound was 'an integral part' of Israel and claimed that Israeli authorities must exercise their sovereignty over the compound. This dangerous and inflammatory declaration is illegal and dangerous, threatening the tenets of the international vision for peace in the region as well as undermining the indisputable rights of the Palestinian people to occupied East Jerusalem, our eternal capital.

On the same day, Aryeh Eldad, a member of the Israeli Keenest known for his anti-Muslim positions, tore a copy of the bible in his office and threw it in the garage, inflaming the religious sentiments of Christians in Palestine and around the world. Eldad further declared, “*This abominable book [the New Testament] brought about the murder of millions of Jews in the Inquisition and autos da fé... [t]here is no doubt that this **book and those who sent it belong***

in the garbage can of history.”

On 29 July 2012, and in a clear act of incitement against the holy Al-Aqsa Mosque, the same racist Israeli official advocated for the removal of the Holy Al-Aqsa Compound from its location in order to build the supposed third temple as he claimed. “We will cut it up, and they [Muslims] can take it wherever they want – because that is where the Third Holy Temple should and will stand – speedily in our days!”, the Israeli official was quoted by the media.

This inflammatory statement was neither an isolated incident nor a statement on the fringe of Israeli politics. In the past few days, Eldad has drafted a bill that would legislate opening the holy Al-Aqsa Mosque compound to Jews every day, except for Friday unless it coincides with a Jewish holiday at which time the bill proposes the Israeli Religious Services Ministry would decide who can access the holy compound. According to media reports, Jews would be allowed to worship at the holy Al-Aqsa Compound from 8:00-11:00, 14:00-18:00 and 21:00-23:00 while Muslims could pray at the site from 4:00-7:00, 11:00-14:00 and 18:00-21:00.

2. Obstructing the Right of Muslims to Worship Freely at Occupied East Jerusalem

Israel, the occupying Power, has restricted Palestinians’ basic right to worship freely and access the Al Aqsa Mosque Compound, including during the holy month of Ramadan. This includes barring most Palestinians from accessing the Al Aqsa Mosque Compound and allowing only West Bank resident above 40 years of age to enter East Jerusalem and access the compound. It is important to note that 77.4% of Palestinians in the OPT are under the age of 30.

Additionally, Israeli occupation forces have detained several worshipers in Al Aqsa Mosque Compound, who were exercising their right to I'tikaf (retreat in the mosque) at the place. Hence, these restrictions and detentions have negatively reflected upon the number of worshipers exercising I'tikaf at the Aqsa Mosque compound.

At Easter, Israel’s policies against Jerusalem are also prominent: While Christians from all over the world take part in Easter ceremonies in occupied East Jerusalem, Palestinian Christians, who constitute the oldest Christian community in the world, are prevented from worshipping there having to go through a discriminatory permit’s regime, checkpoints and humiliation to reach their holy places in the occupied city.

The restrictions described above are more severe during the rest of the year.

3. Continued Diggings under the Al Aqsa Mosque Compound

According to recent reports, Israeli occupation authorities persist in endangering the foundations of the Al Aqsa Mosque Compound by continuing the diggings under the Compound. Most recently, Israeli workers dug a patch of earth from the bottom of the Mughrabi Gate of the Al Aqsa Mosque Compound. The devastating effects of these diggings have long damaged the foundations of homes in the Old City. However, in the past days, old trees that have long stood inside the Haram have falled down after the ground in which they were rooted was dug by Israeli workers.

4. Continuing Facilitation of Settler Raids on Al-Aqsa Mosque Compound.

Israeli settlers, protected by Israeli occupation forces, continue to raid the holy compound on a regular basis, including during these holy days of Ramadan. These settlers have been especially encouraged by the Israeli government’s renewed emphasis on its previous illegal decision to consider the approximately 144 acres of squares and open space inside the compound as so-called public spaces. This illegitimate attempt at exercising control over the Haram Al-Sharif while facilitating the entry of settlers to the compound threatens the safety of this holy site.

5. Advocating the Largest act of De-population of East Jerusalem Since 1967

Additionally, the Israeli 'Mayor' of the Israeli-defined and illegitimate so-called Jerusalem municipality has proposed depriving Palestinian Jerusalemites east of the illegal wall of their Jerusalem ID's. If successful, this proposal would affect an estimated 80,000 Palestinians in the neighborhoods of Shuafat Refugee Camp, Ras Khamis, Dahiyat Asalaam, , Kafr Aqab, and Samiramis. If implemented, this plan would be the largest act of deportation and de-population of the City since the beginning of the occupation forty-five years ago. This proposal is highly alarming even though it could require the redrawing of the illegal Israeli-defined Jerusalem boundaries, which would necessitate the approval of two-thirds of the Israeli Keenest. That's because these statements reflect Israel's systematic policy aimed at altering the demographic, social, and cultural reality in occupied Jerusalem, in contravention of international law. Confronting this proposal is very urgent due to its unprecedented scope and far-reaching consequences.

6. Continued Expansion of Illegal Settlements, especially in East Jerusalem

Israel, the occupying Power, has stepped up illegal construction and expansion of settlements across the OPT, especially in occupied East Jerusalem. Recent reports expose new approvals for dozens of new units in the illegal Israeli settlements in occupied East Jerusalem, including the construction of hotels.

These steps, including the direct government funding of illegal settlement expansion by Israel, reflect the true policy of the current Israeli government. This policy was further exposed in the findings of the Israeli commission headed by former Israeli Supreme Court Justice Edmond Levy ("The Levy Commission"). It determined that Israel have the legal right to settle in the occupied West Bank, including East Jerusalem, which the report referred to as "Judea and Samaria", and that Israel's establishment of settlements in the area that the international community recognizes as Occupied Palestinian Territory ("OPT"), in and of itself, is not illegal.

In conjunction with concerted efforts to unravel the prospects of a two-state solution through settlement construction and land expropriation, this report clearly exposes Israel's determination to further entrench the occupation, continue violating its obligations under international law and, in effect, make the current unacceptable status quo of occupation, aggression, and land grab an irreversible reality.

Despite the great weight and depth of international law that stands behind the applicability of the Fourth Geneva Convention in the OPT, including UN Security Council resolutions, including, inter alia, 242 (1967), 338 (1973), 681 (1990), 799 (1992), 1322 (2000), 1397 (2002), 1402 (2002), 1403 (2002), 1405 (2002), 1435 (2002), 1515 (2003), 1544 (2004), and 1850 (2008) and an ICJ advisory opinion, the positions set out in the Commission's report ought to give the international community some pause because the Commission was appointed by the official order of the highest public office holder in the Israeli government—the Prime Minister.

The Commission's claim that Israel does not violate the Fourth Geneva Convention by transferring its population into the occupied West Bank must alarm all members of the international community. This false proclamation flies in the face of Article 49(6) of that Convention, in addition to Article 8(2.b.viii) of the Rome Statute, which prohibit the deportation or transfer of parts of an occupying power's own civilian population into the territory it occupies. Furthermore, it challenges the Advisory Opinion of the International Court of Justice on the Wall in the Occupied Palestinian Territory, rendered on 9 July 2004, which was endorsed by the United Nations General Assembly in resolution ES-10/15.

Of equal significance, ongoing Israeli actions and policy proclamations constitute a test of the international community's will and commitment to peace in the region, based on the two-state solution and applicable international law. They also pose a challenge to the international responsibility towards the Palestinian people's inalienable right to self-determination, which the ICJ Advisory Opinion reaffirmed was of an "erga omnes" nature.

7. Renewal of the Closure of Jerusalem Institutions

In violation of its international commitments, Israel has renewed, for the eleventh year, the closure order against several Palestinian institutions in Occupied East Jerusalem, including the Orient House, former PLO headquarters, and the Jerusalem Chamber of Commerce.

The Road Map of 2002, which was endorsed in Security Council resolution 1515, stipulates Israel's obligation to reopen these institutions. However, Israel has repeatedly renewed the closure order for these institutions, which used to provide legal, economic, cultural and political support for the Palestinian population in Occupied East Jerusalem.

Background

Unilateral Israeli Policies in Occupied East Jerusalem

Fact Box

- Due to discriminatory Israeli restrictions on land use, Palestinians in occupied East Jerusalem live and build on only 14% of the occupied City. This number has remained static since 1967, even though the Palestinian population in the City has quadrupled.
- As of 2011, Palestinian population reached 361,000 or 38.67% of the total population in Jerusalem.
- The Israeli military has destroyed over 3,300 Palestinian homes in occupied East Jerusalem since 1967.
- Because of Israeli restrictions, at least 160,000 Palestinians in occupied East Jerusalem have no suitable or legal connection to water networks.
- Despite numerically accounting for only approximately 20 percent of the building infractions, more than 70 percent of demolitions in occupied East Jerusalem are carried out against Palestinian buildings.
- Approximately 35% of the Palestinian economy is dependent upon Metropolitan East Jerusalem, which extends from Ramallah to Bethlehem.
- The international community unanimously rejects Israel's claim of sovereignty over occupied East Jerusalem.

Israel, the occupying Power, has worked systematically to ensure exclusive Israeli control over the occupied City with callous disregard to the rights of the indigenous Palestinian Christian and Muslim population. These actions and policies are rooted in a 1973 report by the "inter-ministerial Committee to Examine the Rate of Development for Jerusalem". The report recommended that the "demographic balance of Jews and Arabs must be maintained as it was at the end of 1972", which at the time was 73.5% Israeli Jewish and 26.5% Palestinian Christian and Muslim. However, the current system of preserving a Jewish majority has not worked. Population growth figures in 2011 indicate that the Palestinian population is outpacing the Jewish population by 3.4% a year to 1.2% a year respectively. As of 2011, Palestinian population reached 361,000 or 38.67% of the total population in Jerusalem. Israeli policy to constraint Palestinian growth in East Jerusalem has been unanimously condemned by the international community, including relevant United Nations bodies, as racist and illegal. Most recently, the United Nations Committee on the Elimination of Racial Discrimination voiced concern that this policy constitutes a violation of the International Convention on the Elimination of All Forms of Racial Discrimination¹.

Establishing Settlements

Israel unilaterally and unlawfully annexed occupied East Jerusalem and has been constructing illegal settlements within and along its unlawfully expanded borders. Not only has Palestinian land been appropriated to construct these settlements, they now form a ring around the occupied City, sealing it off from the rest of the occupied West

Bank. Today, around 210,000 of the over 505,000 settlers in the OPT live in settlements located in the Israeli-defined “Jerusalem Municipal borders”, including areas annexed from the Palestinian towns of Hizma, Beit Hanina, Shuafat, Beit Jala, Beit Sahour and Bethlehem.

Israel, the occupying Power, has also built an inner ring of settlements to separate the Old City from the rest of occupied East Jerusalem. These settlements are placed in highly populated Palestinian areas, affecting the areas of Silwan, Ras Al Amoud, Mount of Olives, Issawiya and Sheikh Jarrah.

Building Restrictions and Home Demolitions

In addition to preventing Palestinian urban growth using the illegal policies of land confiscation and the construction of illegal settlements, Israel has adopted a series of discriminatory zoning policies intended to make it difficult for Palestinians to build new structures or expand existing ones. As a result, Palestinians are only allowed to build and live on 14% of occupied East Jerusalem. This proportion has remained unchanged since 1967 even though the population quadrupled in the meantime.

Because of this Israeli policy, the housing density per room for Palestinians is twice as that among Israeli settlers in occupied East Jerusalem. In 2011, approximately 210,000 Israeli settlers lived in 57,000 housing units, while nearly 361,000 Palestinians live in only 50,000 housing units. The latest 2011 studies indicate a lack of at least 60,000 housing units.

Further, permits to build within those areas are prohibitively expensive and nearly impossible to obtain due to Israel's restrictive and discriminatory measures and policies.

“[t]he new...settlements in...the West Bank and inside Palestinian neighborhoods in East Jerusalem - are the new frontiers of dispossession of the traditional inhabitants, and the implementation of a strategy of Judaisation and control of the territory.”²
UNSpecial Rapporteur on adequate housing as a component of the right to an adequate standard of living, Ms. Raquel Rolnik (February 2012).

Estimates indicate that since 1967, Israel demolished more than 3,300 homes and other structures in occupied East Jerusalem, including several historic and religious sites, such as the historic Moroccan Quarter in the Old City of Jerusalem. According to the Palestinian Central Bureau of Statistics, Israeli authorities demolished 94 Palestinian homes in 2005, 83 in 2006, 78 in 2007, 87 in 2008, 103 in 2009, 54 in 2010 and 53 in 2011. These policies effectively force many Palestinians from their land, as the difficulty and expense of building or rebuilding proves too great. Furthermore, Israel has also demolished about 100 livelihood structures such as shops, small factories, animal shelters and other structures important for Palestinian economy in occupied East Jerusalem.

Revoking Residency Rights and Denying Family Reunification

After the 1967 occupation of East Jerusalem, indigenous Palestinian inhabitants of the city were given the status of “permanent resident”. In effect, Israel treats the Palestinians in occupied East Jerusalem as aliens with a residence permit that can be revoked if they leave the city to live elsewhere, including other parts of the OPT. Israel has the power to strip Jerusalemites of their residency solely at its discretion and habitually refuses to grant Palestinian spouses of non-Jerusalemites residency status, thereby denying family unification. In implementing its so-called “demographic balance” policy, Israel has prohibited thousands of Palestinians from residing in the city of their birth by revoking their residency rights.

Since 1967, Israel revoked the “residency rights” of at least 14,084 Palestinian Jerusalemites, directly impacting more than 20% of Palestinian families in occupied East Jerusalem. In the past ten years, this illegal practice increased significantly. According to the Israeli human rights organization Hamoked, between 2006 and 2008, Israel

revoked 4,577 Palestinian Jerusalemites of their identification cards, thus effectively banishing them from their city and severing their ties with their families and livelihood.

Constructing the Illegal Wall

The route of the illegal Wall in and around occupied East Jerusalem splits the West Bank into two distinct areas and completely isolates occupied East Jerusalem from the rest of the West Bank. The Advisory Opinion of the International Court of Justice on the Legal Consequences of the Construction of the Wall in the Occupied Palestinian Territory, rendered on 9 July 2004, deemed the Wall illegal and stated that the Wall, along with the illegal settlement regime, amounted to de facto annexation of Palestinian territory, thus breaching international law.

Israel's illegal Wall regime isolates Palestinian Christian and Muslims from the rest of the OPT and their holy places in Occupied East Jerusalem. It also limits the last available space for much needed Palestinian growth, while facilitating the construction and expansion of illegal settlements. Furthermore, it severs the national transportation axis that connects the rest of the occupied West Bank with East Jerusalem and has resulted in an influx of Palestinian Jerusalemites to the center of the city, thus exacerbating the problem of land for the Palestinian people.

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