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Subject: House demolitions and forced displacement in the occupied city of Jerusalem

Since its occupation of East Jerusalem in 1967, the Israeli occupation authorities have applied systematic racist policies against Palestinians in Jerusalem with the aim of tightening its control over the city, and place pressures on its original inhabitants. This is evident in the series of coercive decisions and measures that affect all aspects of the daily life of Jerusalemites, such as the demolition of Palestinian houses and constructions by Israeli occupation authorities. Through implementing multiple obstacles and hurdles for Jerusalemites in terms of obtaining building permits, the aim is to ultimately limit and downsize the Palestinian population in the city. To that end, Israel has established a coercive system that restricts the process of issuing building permits, characterized by stringent bureaucratic layers of procedures requiring years before reaching the final stages.

Other measures include, *inter alia*, the following:

1. Passing several laws to strengthen Israel's control over East Jerusalem, the capital of the state of Palestine.
2. Confiscating lands that constitute the space for urban expansion for Palestinians, shifting them for purposes of colonial settlement building activities, military posts, or designating them as green areas and others for the interest of the occupation.
3. Accelerating demolition processes of Palestinian houses and constructions.
4. Issuing demolition notices for approximately 25,000 Jerusalemites to date.
5. Creating obstacles for renovation or expansion works of existing constructions.
6. Raising licensing fees astronomically in a manner that does not correspond with the living standards of Jerusalemites, noting that the area allocated to them for building and living barely amounts to 13%.
7. Imposing fines on Palestinians under the pretext of building without permits, forcing them to demolish their own homes to avoid being charged with fines should the occupation municipality's bulldozers carry out the demolition.
8. Using the illegal Absentee's Property Law (The main law in a series of laws that regulate the treatment of property belonging to Palestinians who left, were forced to flee, or were deported during the 1948 War)



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aiming to force many Jerusalemites to move out from the city center to the suburbs that fall within the borders of the occupation's municipality.

➤ **Jerusalem's status under international law:**

Since 1967, the UN Security Council and General Assembly passed several resolutions that reaffirm the position of the international community towards Israeli practices in Jerusalem. Among the most important such resolutions are the following:

- Resolution 2334 issued by the UN Security Council in December 2016. The resolution reiterates the legal status of Palestinian territories occupied in 1967, including East Jerusalem, as occupied lands and that Israel is the occupying force. According to the resolution, Israel, the occupying force, should abide scrupulously by its legal obligations and responsibilities under the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 1949. Condemning all measures aimed at altering the demographic composition, character, and status of the Palestinian Territory occupied since 1967, including East Jerusalem, including inter alia, the construction and expansion of settlements, transfer of Israeli settlers, confiscation of land, demolition of homes and displacement of Palestinian civilians, in violation of international humanitarian law and relevant resolutions.
- In addition to several relevant UN Security Council resolutions, namely: 242 (1967), 338 (1973), 446 (1979), 452 (1975), 465 (1980), 478 (1980), 1397 (2002), 1515 (2003), and 1850 (2008). The resolutions stipulate that Israel's measures and practices in the occupied territory, including in East Jerusalem, are invalid, and have no legitimacy, but rather constitute a grave violation under the international law. In a clear warning to Israel, the UN Security Council reiterated that "it will not recognize any changes to the June 4 1967 borders, including in relation to Jerusalem."
- Finally, UN Security Council number 298 issued on September 25, 1971, regarding Jerusalem that confirms " in the clearest possible terms that all legislative and administrative actions taken by Israel to change the status of the City of Jerusalem, including expropriation of land and properties,



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transfer of populations and legislation aimed at the incorporation of the occupied section, are totally invalid and cannot change that status.”

➤ **The right to housing:**

The right to housing is protected by several international and regional human rights conventions as well by the International Covenant on Economic, Social, and Cultural Rights (ICESC), and the Sustainable Development Agenda 2030. Goal 11 of the SDGs “Sustainable cities and communities” stressed the need to ensure access for all to adequate, safe, and affordable housing, prevent forced eviction and transfer of large numbers of people, to achieve dignity and realize the right to life, and enable any country to realized the sustainable development goals.

➤ **Israeli racist policies against Palestinians:**

Israeli occupation authorities continuously carry out demolitions of homes and structures against Palestinians in Jerusalem as part of a systematic policy seeking to displace Palestinians to consolidate the Israeli annexation plan, change the demographic character of the occupied city, and continue the implementation of racial discrimination policies. At a time when Israel places so many obstacles and restrictions that prevent Palestinians from obtaining building permits, it uses lack of permits as an excuse to carry out increasing demolitions aiming at displacing Palestinians in return for authorizing the construction of hundreds of settlement units, providing support and budgets for their construction.

The Israeli occupation authorities classified home demolitions under the following four types:

- 1- **Military demolition:** the demolition of homes by the Israeli occupation army for military reasons (on the pretext of protecting soldiers and settlements), even if the majority of residents in these houses are innocent, yet Israel justifies its actions as “legal military targets”. This type of demolition is not just applied in Jerusalem, but is prevalent throughout the West Bank and area C.
- 2- **Punitive demolition:** the demolition of Palestinian homes by the Israeli occupation army on the pretext of attacks carried out by members of the families against the “Israeli state”. This type of



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demolition has no military objectives or necessity. Referring back to the Fourth Geneva Convention, article 33 stipulates the following “No protected person may be punished for an offence he or she has not personally committed.” Thus, “punitive demolition” violates the basic premise of this Convention, as well as article 50 of the Hague regulations.

- 3- **Administrative demolition:** the most common type of demolition. The demolition carried out under the pretext of building without a permit, or the pretext of public interest (as in some cases at Al Bustan neighborhood). The process for issuing the administrative decision for demolition is easy as it is enough for the municipality engineers to report such cases and the mayor signs the decision. However, “building without permits” is a common practice within Israeli settlements.
- 4- **Judicial demolition:** this is a judicial order issued by Israeli courts, including the Court of Local Affairs, the Central Court, and the Supreme Court. The judicial demolition order comes usually after completion of administrative procedures and decisions by the Jerusalem municipality. According to the main principle of the Law on judicial demolition, it is prohibited to punish any individual for an offence he or she has not personally committed. (Additionally, there is no provision in the Israeli penal code that authorizes Israeli authorities to punish individuals for offences committed by others in line with the principle that underline the individual nature of punishment.

Statistics indicate that the number of demolished homes in the Jerusalem Governorate (from 1967-2021) was as follows:

- Four thousand- five hundred house demolitions, leaving 14,000 Jerusalemites without shelter.
- 20,000 houses at risk of demolition
- Five hundred cases of home demolitions where carried out by self demolition (When owner demolishes their own property in order to avoid hefty municipal fines)

Based on the above, we see an urgent need **to strengthen existing mechanisms** used to protect the Palestinian presence in Jerusalem. It is vital to mitigate the risks of the ongoing policy of forced displacement, the increasing demolitions and evictions processes that are executed by the occupation’s



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municipality. It is clear that Israel's public systematic policies have the aim of reducing the Palestinian demographic presence in the city, colonizing the Holy City, changing its historic identity, as well as introducing radical changes to its demographic composition. **Accordingly, and in light of the aforementioned data, we present the following recommendations:**

1. For all municipalities around the world that believe in justice, freedom, and the right of people under occupation to self-determination, to suspend twinning agreements with any Israeli municipality until the ending of the occupation of the Palestinian territory and the establishment of the independent Palestinian state on the 1967 borders with its capital East Jerusalem.
2. For all municipalities of free countries that support peace, tolerance, and call for the renunciation of violence, to boycott the Israeli Jerusalem municipality, refrain from engaging in any projects or activities with it, in protect against the municipality's actions to create facts on the ground and force Palestinians to demolish their homes themselves, as well as imposing racist fines against them in order to force them out of their land and, emptying East Jerusalem from its historic population, paving the way towards Judaizing it.
3. For all municipalities around the world to recognize the Palestinian right to East Jerusalem as stipulated by international law, demanding the Israeli Jerusalem municipality to cease from imposing racist planning and construction laws against the city and its residents. According to international conventions, East Jerusalem is not subject to Israeli sovereignty but is rather an occupied Palestinian land and the occupation should allow its residents to live in it with dignity, and grant them their right to build in line with the population natural growth requirements.