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Human rights situation in Palestine and other occupied Arab territories

Joint written statement* submitted by the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), Indian Movement "Tupaj Amaru", International-Lawyers.Org, Union of Arab Jurists, United Towns Agency for North-South Cooperation, non-governmental organizations in special consultative status, International Educational Development, Inc., World Peace Council, non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[12 February 2019]

* Issued as received, in the language(s) of submission only.



East Jerusalem: The eviction of Palestinians from their land

The Israeli occupation continues to violate the rights of Palestinians and since the decision by United States of America President Trump to relocate his country's embassy to Jerusalem in December 2017 the situation has worsened. Israel, as the Occupation power, continues to perpetrate arbitrary arrests, house demolitions, and attacks on civilians especially in the Al-Aqsa Mosque area. Last December witnessed several cases of such violations in Jerusalem requiring an urgent response.

Arbitrary arrests in East Jerusalem

Several campaigns of arbitrary arrests were carried out by the Israeli forces in December 2018, clearly showing that the aim is to repress the Palestinians in Jerusalem. The arrests of Palestinians are conducted as a tool of punishment and intimidation without any legal or moral justification. Clearly violating the law, the Israeli government subjects some prisoners to administrative detention without any charge or trial.

The campaign of arrest against more than 20 Jerusalemites carried out on 13 December 2018 by the Israeli police is just the latest example of the mentioned policy. After raiding and searching the homes of those people in a late hour of the night, with threats and intimidation, they then arrested and took them to the interrogation centre. The action was justified by the detainees' participation in a wedding party where Hamas flags were raised and songs in support of the movement were played.

Another large-scale arrest campaign took place in the town of Issawiya in Jerusalem on 19 December 2018, where a large number of Israeli officers imposed a security cordon shutting down the town, supported by an helicopter.

To justify the arrests, the Israeli occupation authorities imprison Palestinians under broad charges, such as 'disrupting public order' for merely being present at an allegedly incriminating event.

Racial discrimination between Palestinians and Israelis in the investigation, prosecution and court procedures are a daily life reality. The Israeli police do not even consider the special circumstances of some of the detainees and use administrative detention as a tool to punish Palestinians, not as a means of crime prevention.

These arrests are part of the policy of abuses violating the rights of Jerusalem citizens that the Israeli government continues to exercise.

Administrative detention orders are based on articles 42 and 78 of the Fourth Geneva Convention that allow the occupying power to detain civilians for "imperative reasons of security" or in the case that the security of the occupying power "absolutely" requires such action. The implication is that such form of detention should be exceptional, it should only be resorted to if there are imperative reasons of security or if the security of the Occupying Power absolutely required that. Israel clearly violates the international humanitarian law while using this detention very broadly, to restrict often peaceful political activities and to suppress any opposition to its occupation policies.

Israel also violates international standards that are part of the customary international law while issuing orders without informing the detainee of the reasons of his detention, not relying on a public charge but on a secret charge. It also violates the detainee's right to defence, not allowing the detainee and his lawyers to access the profile of the case claiming the confidentiality of such information. In addition, a person may be held in administrative detention without evidence or trial due to secret intelligence information that he poses a security risk.

The re-arrest of freed prisoners

The re-arrest of Jerusalemite prisoners immediately upon release from jail after the end of their sentence has occurred frequently in November-December 2018. These arrests

perpetrated by the Israeli occupation forces are illegal, since they are not based on a warrant, nor are they based on any real charge against the freed prisoner.

All investigation and trial procedures carried out by the Israeli government against these people are merely formalities. Israel aims at re-arresting these freed prisoners to prevent the establishment of any public manifestation in Jerusalem and in order to impose conditions for releasing them by the court such as house arrest, deportation from the city of Jerusalem, banning ceremonial manifestations, or holding Palestinian flags.

Israel focuses on the prosecution and criminalization of any Palestinian identity expression or popular celebrations in the city of Jerusalem, trying to prevent such national manifestations in the city of Jerusalem by re-arresting prisoners.

Finally, we note that such arrests go beyond being illegal and are even described as inhumane.

Houses demolition policy

The Israeli occupation authorities practice an arbitrary and brutal policy against Palestinians in Jerusalem in relation to house construction. They seek to expel them by denying them building permits and demolishing their homes and shops.

In 2018, Israeli occupation authorities demolished 68 residential homes and 178 commercial facilities. Moreover, they threatened to demolish more than 125 houses and commercial facilities in Jerusalem. Furthermore, the number of demolished houses by orders of the Israeli municipality and courts reached about 57, ten of which were self-demolished by their owners. Subsequently, more than 144 people were evicted from their homes due to the demolitions.

The municipality is imposing huge fines on Jerusalemites when they demolish their houses, forcing them to demolish their houses to avoid imposing such expenses on them.

It can be said that the measures taken by Israeli and its Jerusalem municipality are a flagrant violation of international law, including the right of Jerusalemites' to a life of dignity, and is a form of racial discrimination against them.

According to several UN Resolutions East Jerusalem is an occupied territory, and the presence of the Israeli authorities there is illegal. In accordance with the Fourth Geneva Convention it is the duty of the occupying power to manage the areas under its control, dictated by the interests of the population under occupation. It is certain that preventing Palestinians from building new homes for themselves and their children and forcing them to emigrate over the past decades conflicts with their interests, and is arbitrary because it is accompanied by allowing and encouraging Israelis to build in the Holy City.

The Israeli authorities also violate Palestinians' rights to their land by depriving them of building new homes, thus forcing them to emigrate. It also represents an arbitrary act of discrimination and encouraging building settlements prohibited under international humanitarian law.

Moreover, Israel's Jerusalem Municipality has not yet issued a general organizational plan to regulate construction in East Jerusalem, and thus allowing residents to obtain building permits. Although the demographic increase in population clearly necessitates regulating housing for present and future, the Jerusalem Municipality intentionally refrains from issuing detailed building plans to regulate and meet the legal housing needs of the living generations in East Jerusalem.

Assaults by Israel against Palestinians in East Jerusalem

Attacks against Palestinians in East Jerusalem are a serious issue. These attacks are perpetrated by settlers with clear racist motives, as they seek revenge, intimidation and eviction of Palestinians living near illegal Jewish settlements. Although those types of attacks have been perpetrated since several years, we noticed a serious increase, both in the numbers and intensity of the violence, after the relocation of the US embassy.

We also note that the policies of discrimination and procrastination by the occupation authorities, relating to protection of these settlers, necessarily lead to continued suffering of Palestinians.

Recommendations

- We call on all the concerned UN bodies to implement the UN General Assembly Resolution 181 concerning the status of Jerusalem and pressure the government of Israel to take responsibility for the protection of Jerusalem and its Palestinian population as residents of an occupied territory.
- We call on the international community to put pressure on the Israeli occupation forces to stop the incitement of the Israeli media against Palestinian activists and young men, to stop the policy of house raids and searches at night, including the intimidation of women and children.
- We call on the Human Rights Council to put pressure on Israel to stop the policy of racial discrimination against Palestinians in interrogation, prosecution and trial procedures.
- We call on the international community to press for the abolition of the policy of administrative detention in general and to stop issuing administrative detention orders against Palestinians in Jerusalem in specific.
- We call upon the United Nations and its different bodies as well as the European Union to condemn the cruel acts and violations documented in this report, including arbitrary arrests, house demolitions, beatings and abuse, and racial discrimination against Palestinians in Jerusalem.
- We also call upon the international community and all countries that respect the Charter of the United Nations to dissuade the American administration from its arbitrary decision to relocate its embassy to Jerusalem.
- We finally call on all States to refrain from relocating their own embassy to Jerusalem, which would give the occupation a green light to increase violations in the Holy City.

Geneva International Centre for Justice (GICJ), Euro-Mediterranean Human Rights Monitor, The Arab Lawyers Association-UK, Association Maonah for Human Rights and Immigration, Human Rights Defenders (HRD), The Brussels Tribunal, The Iraqi Commission for Human Rights (ICHR), Association of Humanitarian Lawyers (AHL), Association of Human Rights Defenders in Iraq (AHRD), General Federation of Iraqi Women (GFIW), Organisation for Justice & Democracy in Iraq (OJDI), Iraq Solidarity Association in Stockholm, NGO(s) without consultative status, also share the views expressed in this statement.