



# ICAHD

The Israeli Committee Against House Demolitions

الحركة الإسرائيلية ضد هدم البيوت

הוועד הישראלי נגד הריסת בתים

**Resisting Apartheid, Building a Shared Democracy**

## **ISRAEL / OCCUPIED PALESTINIAN TERRITORY PARALLEL REPORT TO THE UN COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION (CERD).**

**100TH SESSION, DECEMBER 2019**



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## Resisting Apartheid, Building a Shared Democracy

The Israeli Committee Against House Demolitions (ICAHD) is a human rights and peace organisation established in 1997 to end Israel's occupation over the Palestinians. ICAHD takes as its main focus, as its vehicle for resistance, Israel's policy of demolishing Palestinian homes in the Occupied Palestinian Territory and within Israel proper. ICAHD has several international chapters: in Australia, Finland, Germany, the UK and the USA.

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BM ICAHD UK, London WC1N 3XX  
+44 (0) 203 740 2208  
info@icahduk.org | icahd.org

Compiled by Daphna Baram, Director, ICAHD UK.

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### Introduction

1. The Israeli Committee Against House Demolitions submits the following information for consideration by the United Nations (UN) Committee on the Elimination of Racial Discrimination (the Committee) in advance of its examination of Israel's seventeenth to nineteenth periodic reports, submitted under Article 9 of the Convention on the Elimination of All Forms of Racial Discrimination (the Convention)<sup>1</sup>, the annex to Israel's periodic report<sup>2</sup> and the Israeli common core document<sup>3</sup>. In addition to the content of this report, ICAHD fully endorse the reports to the Committee by Adalah<sup>4</sup>, the joint submission by Al-Haq, BADIL, HIC (Habitat International Coalition) and the Cairo Institute for Human Rights Studies<sup>5</sup> and the joint submission by the Negev Coexistence Forum for Civil Equality (NCF) and Adalah<sup>6</sup>.
2. This report focuses on Israel's failure to comply with the Convention in relation to the Occupation of the Palestinian territory, and its responsibility to respect, protect and fulfil Palestinians human rights, in accordance with international law and standards.
3. Since 1967 Israel has demolished more than 55,000 Palestinian homes, schools and other structures in the Occupied Palestinian Territory (OPT)<sup>7</sup>. The motivation for these demolitions is purely political, and ethnically informed: to either drive the Palestinians out of the country altogether or to confine the five million residents of the West Bank, East Jerusalem and Gaza to small, crowded, impoverished and disconnected enclaves, thus effectively foreclosing any viable Palestinian entity, the realization of Palestinian

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<sup>1</sup> Seventeenth to nineteenth periodic reports of States parties due in 2016 – Israel (CERD/C/ISR/17-19). Date received 2 March 2017

<sup>2</sup> Annex No 1 attached to the 17<sup>th</sup>-19<sup>th</sup> Periodic Report of the State of Israel before The Committee on Elimination of All Forms of Racial Discrimination (2017)

<sup>3</sup> Common core document forming part of the reports of States parties – Israel (HRI/CORE/ISR/2015). Date received 19 January 2015

<sup>4</sup> Adalah – The Legal Center for Arab Minority Rights in Israel (2019). NGO Report to the UN Committee on the Elimination of Racial Discrimination in Advance of its List of Themes for the State of Israel – Violations of the ICERD committed by the State of Israel against Palestinian citizens of Israel. (INT\_CERD\_NGO\_ISR\_37257\_E (12 September 2019)

<sup>5</sup> Al Haq – Law in the Service of Man, BADIL Resource Center for Palestinian Residency and Refugee Rights, Cairo Institute for Human Rights Studies (CIHRS) and Habitat International Coalition (HIC) – Housing and Land Rights Network (HLRN) (2019). Joint Submission to the Committee on the Elimination of Racial Discrimination for the List of Themes on Israel's Seventeenth to Nineteenth Periodic Reports (100<sup>th</sup> Session). (2019). INT\_CERD\_NGO\_ISR\_37259\_E (5 September 2019)

<sup>6</sup> Negev Coexistence Forum of Civil Equality (NCF) and Adalah – The Legal Center for Arab Minority Rights in Israel (2019). Joint NGO Submission to the UN Committee on the Elimination of Racial Discrimination re: List of Themes for the State of Israel: Violation of the ICERD against the Arab Bedouin citizens of Israel living in the Naqab/Negev desert. (INT\_CERD\_NGO\_ISR\_37260\_E (12 September 2019).

<sup>7</sup> Estimate based on UN OCHA data.



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self-determination, and solidifying Israeli domination and illegal settlement expansion and de-facto annexation of the occupied territory<sup>8</sup>.

4. Taken against the background of Israel's systematic destruction of more than 530 Palestinian villages, towns and urban neighbourhoods during the 1948 war<sup>9</sup>, along with its intensifying policy of demolishing the homes and critical infrastructure of Palestinian citizens of Israel in the so-called "unrecognized villages and neighbourhoods" from 1948 to the present day, the picture that emerges is one of institutional racial discrimination, and promulgated ethnic displacement.
5. Such policies violate fundamental human rights and international law, such as the commitments taken by state parties to the International Convention on the Elimination of Racial Discrimination (ICERD) and constitute a major obstacle to achieving justice, peace and reconciliation between the peoples of the region.
6. The following submission, while not exhaustive, highlights the State Party's protracted non-compliance with obligations stemming from ICERD and other human rights instruments. While Israel persistently refuses to provide information on ICERD implementation in the Occupied Palestinian Territory (OPT), this submission provides the Committee with pertinent information on the plight of Palestinians under the effective control of Israel. The Committee had in its 2012 concluding observations negating the Israeli position that the Convention does not apply in the OPT, nor did it accept Israel's assertion that it can legitimately distinguish between Israelis and Palestinians in the OPT on the basis of citizenship. The Committee recommended that the State Party review its approach and interpret its obligations under the Convention in good faith.<sup>10</sup>
7. When examining Israel's policies and practices toward the Palestinian population in East Jerusalem in this report, it must be noted, at the outset, that ICAHD supports the position taken by much of the international community, and specifically by the United Nations, that East Jerusalem is occupied territory; the fact that Israel has annexed this part of the West Bank and has imposed its full jurisdiction on the area does not alter this position. Furthermore, it is ICAHD's position that international human rights law, including ICERD, is applicable to all territory over which a state exercises effective control, including occupied territory, as was expressed by the UN Human Rights Committee in General Comment 31 and the International Court of Justice.

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<sup>8</sup> World Population Prospects (2019 Revision) (United Nations DESA / Population division)

<sup>9</sup> Morris, B (2004) The Birth of the Palestinian Refugee Problem Revisited. Cambridge University Press p342

<sup>10</sup> Consideration of reports submitted by States parties under article 9 of the Convention: Concluding observations of the Committee on the Elimination of Racial Discrimination - Israel (2012) (CERD/C/ISR/CO/14-16) (issued 3 April 2012)



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8. Israel's Country Report to the Committee on the Elimination of Racial Discrimination (CERD), submitted on 2 March 2017, addresses Jerusalem as a specific issue, including in the area of housing, which will form the focus of this report, but it does not acknowledge the Palestinian East Jerusalemites as protected (or occupied) persons under international law. Furthermore, it does not address racial discrimination against Palestinians in the occupied West Bank as discussed in this report, despite the statement to the contrary in paragraph 4 of the 17<sup>th</sup> to 19<sup>th</sup> periodic reports by Israel.<sup>11</sup>

### Article 2

9. Article 2 sub-articles (1)(a) and (1)(c) deal with States Parties' obligations to ensure that their governments and public authorities and institutions, as well as their laws and policies, both on the local and the national level, do not engage in any practice or act of racial discrimination.
10. Israel's Country Report does not address the planning, building, housing or residency policies applied in East Jerusalem under this Article, but rather exclusively under Article 5. This report will address them in relation to Articles 2, 3 and 5.
11. Since the June 1967 occupation and immediate annexation and incorporation of the area now known as "East Jerusalem" into Israel, the various Jerusalem municipal governments, along with the Ministry of Interior, have applied policies that aim, directly and indirectly, to maintain a Jewish majority in the city of Jerusalem. These demographic motivations have been expressed explicitly by public officials over the past several decades and even the past several years, and they are evidenced by the consistent and overwhelmingly telling results of the policies and practices applied to Palestinian East Jerusalem, which serve to maintain a Jewish majority. Alongside the restrictions placed on Palestinian growth in the city, Jewish population growth is encouraged and enjoys state support, including the continuous expansion of Jewish neighbourhoods – or settlements – in East Jerusalem (which are prohibited in occupied territories under international law).
12. One of the main methods of controlling Palestinian growth in East Jerusalem is via the imposition of restrictions on planning and building in the Palestinian sector. To begin with, only 13 percent of the total land area in East Jerusalem is zoned for Palestinian building (with less than nine percent zoned for housing), ostensibly based on the need to maintain open, "green spaces" (such as parks, nature reserves and agricultural zones), to preserve holy sites and archaeological areas, and for other municipal construction (such as roads and infrastructure).

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<sup>11</sup> Seventeenth to nineteenth periodic reports of States parties due in 2016 – Israel (CERD/C/ISR/17-19). Date received 2 March 2017



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13. However, given the major housing shortage among the Palestinian sector, these restrictions place grave burdens on Palestinians seeking housing whose only option is to build new housing. Based on the aforementioned planning policies and restrictions toward Palestinians in the city, there is an "artificial housing shortage" of over 25,000 housing units in the Palestinian sector. It has been estimated that if the planning and building policies of today vis-à-vis East Jerusalem remain in place, by 2030 there will be a housing shortage that will directly affect 150,000 Palestinians.<sup>12</sup>
14. It should be noted that in Israel's Country Report, the number of housing units available for Palestinians in East Jerusalem includes the number of unauthorized (illegal) buildings – a figure that ICAHD believes to be misleading, as these units cannot be considered a housing solution when they may be demolished at any point.
15. Furthermore, the Israel Country Report boasts an additional 29,000 units to be added in the new city plan – without mentioning that the plan has been stalled in implementation for years primarily for political reasons, including complaints by some political parties that the new plan allows for too much housing in the Palestinian sector.
16. Additionally, Palestinian areas are typically zoned for lower “plot ratios” than in Jewish areas. In other words, the approved building density in the Palestinian sector (the percentage of the total land area on which the building may be constructed, as well as its approved height) allows for fewer housing units than in the Jewish areas of the city, oftentimes even with regard to neighbouring communities.
17. Naturally, proper zoning is a prerequisite for obtaining a permit to build. Additional requirements include adequate infrastructure, proof of land ownership, as well as significant costs and fees. While these requirements are identical for both Jewish and Palestinian building permit applicants, the two communities' respective socio-economic and political realities differ significantly. Firstly, many areas of the Palestinian sector lack adequate infrastructure, mainly due to underinvestment in the Palestinian sector over the years and disproportionate allocation of municipal funds between Palestinian and Jewish areas in the city. Given that installing the necessary infrastructure without municipal support is often either unauthorized or cost-prohibitive, many areas in which Palestinians would wish to build, even when properly zoned for building, do not meet the standards for obtaining building permits.
18. Israel's state report emphasizes the 2015 decision to invest in East Jerusalem. According to Ir Amim's report of 29 June 2019, the government had indeed decided to invest 2.1 billion NIS in the development of East Jerusalem, but it had refrained from divulging any

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<sup>12</sup> The Israeli Committee Against House Demolition. Israel / Occupied Palestinian Territory Parallel Report to the UN Committee on the Elimination of Racial Discrimination (CERD) (80th Session, February 2012)



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information regarding the progress of those plans. Furthermore, while the investment is divided over 6 realms: Education and Higher Education, Economy and Employment, Transport, Improving Services to Residents, Health, and Land Registration – none of it is allocated to investment in housing. This, despite the fact that according to a survey prepared for the Jerusalem Municipality at the end of 2010 by Ehud Tayar Management & Engineering, Ltd., "Survey of Infrastructure East Jerusalem" 1.8 billion (USD \$535 million) NIS is needed in order to complete the necessary infrastructure in East Jerusalem. It is clear that none of Israel's investment targets the acute above mentioned housing shortage for Palestinians in Jerusalem.

19. Secondly, unlike in West Jerusalem where the Property Registry has been maintained, proving land ownership in East Jerusalem is extremely complex. The majority of the area was not registered during the periods of British and Jordanian control prior to 1967, and in that year Israel froze the process of land registration there. In fact, the ownership of over half of the land in East Jerusalem is not registered, thereby rendering it effectively impossible under the current procedures for landowning residents to obtain permits for new construction on their land.
20. Lastly, the building permit process entails high costs and fees. While in the Jewish sector, the costs of construction projects are typically shared by construction companies and home purchasers, Palestinian building endeavours are often carried out by individuals or small groups of individuals – particularly given that Palestinian areas are almost without exception zoned for smaller buildings, rather than apartment complexes and high-rise condominiums. The high costs therefore present an additional obstacle to Palestinians in obtaining building permits in East Jerusalem.
21. The situation is merely worsened by the major population growth experienced by the Palestinian sector in East Jerusalem. As it stands, Israel has not updated the regional urban plan for East Jerusalem since its occupation and annexation in 1967, and no new Palestinian neighbourhood has been created since. Meanwhile, in the more than 50 years that have since passed, the Palestinian population has increased almost five-fold, currently representing just over 60% of the total East Jerusalem population (from 66,000 in 1967 following the war to 327,700 in 2016)<sup>13</sup>. This growth is partly explained by natural population growth (notably at slightly higher rates than the Jewish population), and partly by the current laws and policies regarding residency rights for Palestinians and their family members, which will be addressed below with regard to Article 5. This is contrary to Article 2 sub-article (2) which requires States Parties to ensure the adequate development of racial groups, and the individuals belonging to them, such that their human rights and freedoms may be fully enjoyed by them.

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<sup>13</sup> Jerusalem Institute of Population Research (2018). Population of Jerusalem and Israel's Major Cities, 2016.



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22. Israel is obligated under international human rights law to create and maintain conditions for Palestinians' realization of their rights to self-determination, participation without discrimination in public affairs, and their right, as individuals and as a collective, to develop and advance their respective communities economically, socially, culturally and politically, according to their needs.
23. Additionally, Israel's obligations under international humanitarian law are relevant here, as the occupying power has a paramount duty to maintain public order and safety in the occupied territory, which it cannot be said to uphold when the lack of development either for or by Palestinians in East Jerusalem leads to housing shortages and a general violation of the right to adequate housing, sets the stage for the violation of the right to nationality (residency revocation, which will be discussed below) – and together set in motion a process of ethnic displacement of Palestinians from Jerusalem and the preservation of Jewish demographic control over the city.

### Article 3

24. The normative definition of apartheid, drawn from ICERD, applies to a situation where the following elements exist: (i) that two distinct racial groups can be identified; (ii) that 'inhuman acts' are committed against the subordinate group; and (iii) that such acts are committed systematically in the context of an institutionalized regime of domination by one group over the other.
25. The 1973 Apartheid Convention refers directly to Article 3 of ICERD in its preamble and is intended to complement the requirements of Article 3 of ICERD. The Convention obliges States Parties to adopt legislative measures to suppress, discourage and punish the crime of apartheid and makes the offence an international crime which is subject to universal jurisdiction.
26. The concluding observations on the Israeli 2012 report stressed the need for Israel 'to give full effort to Article 3 and to make every effort to eradicate all forms of segregation between Jewish and non-Jewish communities.' In particular, the Committee was "extremely concerned at the consequences of policies and practices which amount to de facto segregation, such as the implementation by the State Party in the Occupied Palestinian Territory of two entirely separate legal systems and sets of institutions for Jewish communities grouped in illegal settlements on the one hand and Palestinian populations living in Palestinian towns and villages on the other hand."
27. Article 2 of the Apartheid Convention provides a clear definition of what constitutes apartheid for the purposes of international law. It defines apartheid as "inhuman acts committed for the purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them", and goes on to enumerate a list of such inhuman acts. The following analysis addresses the elements of the definition of apartheid: the requirement of two distinct



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racial groups; the commission of acts listed as ‘inhuman acts’ of apartheid; and the institutionalized nature of the domination.

28. ICERD gives a broad edifice to the meaning of the term ‘racial’, with racial discrimination including discrimination based on race, colour, descent, or national or ethnic origin. The meaning of a racial group for the purposes of ICERD is established as a broad and practical one. In essence, it means an identifiable group. The UN Committee on the Elimination of all forms of Racial Discrimination has included groups that would not be considered ‘races’ in a traditional sense, including caste groups in South Asia, non-citizen groups such as migrant workers, and nomadic peoples.
29. Article 2 of the Apartheid Convention refers to inhuman acts that may constitute apartheid when committed in a context of racial domination, while Article 5 of ICERD enumerates a list of rights which must be guaranteed to all humans free from racial discrimination.
30. Palestinians, regardless of current geographic location or constructed legal status, are considered a single people entitled to collective self-determination. While the state of affairs in Israel/Palestine is not defined in terms of traditional conceptions of ‘race’ as it was in apartheid South Africa, ICAHD is clear in this submission that house demolitions, residency revocation and displacement are a form of inhuman and degrading treatment with severe psychological consequences for men, women and children. Palestinian refugees and internally displaced persons, who remain displaced, are also victims of apartheid by virtue of the ongoing denial of their right to return to their homes in safety and dignity.
31. Israeli policy vis-à-vis Palestinians is called “apartheid” or its equivalent in Hebrew: *hafrada*, “separation” or apartheid, which in turn is part and parcel of the declared policy of “Judaizing” the entire country. *Hafrada* is the term used by Israel to describe its policy towards the Palestinians, reflected most graphically in the official name of the Wall: the “separation barrier” (*mikhshol ha-hafrada*). Separation and domination, accompanied by systematic and deliberate ethnic displacement affecting Palestinians in every part of the country, all part of a broad, permanent and systematic process of “Judaization”, is most precisely termed apartheid.
32. The Occupied West Bank is dominated by exclusively Israeli-Jewish settlements and their associated regime of separate roads, security buffer zones, checkpoints and the Separation Wall which interrupts the contiguity of Palestinian territory, and ensures that Palestinian communities are confined to isolated enclaves. Israeli settlers enjoy the protection of the authorities and military, with their own laws and preferential access to resources such as water, to the detriment of the Palestinian population. 40% of the West



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Bank is closed to its Palestinian population<sup>14</sup>. These settlements are linked by roads for the exclusive use of Israeli Jews. Palestinian movement is restricted and access to farmland is controlled by a pervasive permit system. Since 1948 the Israeli authorities have pursued concerted policies of colonization and appropriation of Palestinian land. Israel has through its laws and practices divided the Israeli Jewish and Palestinian populations and allocated them different physical spaces, with varying levels and quality of infrastructure, services and access to resources. The end result is wholesale territorial fragmentation and a series of separate enclaves, with the two groups largely segregated.

33. The Russell Tribunal on Palestine (an International People's Tribunal created by a large group of citizens involved in the promotion of peace and justice in the Middle East) concluded that Israel subjects the Palestinian people to an institutionalized regime of domination amounting to apartheid as defined under international law.
34. This discriminatory regime manifests in varying intensity and forms against different categories of Palestinians depending on their location. The Palestinians living under colonial military rule in the Occupied Palestinian Territory are subject to a particularly aggravated form of apartheid. Palestinian citizens of Israel, while entitled to vote, are not part of the Jewish nation as defined by Israeli law and are therefore excluded from the benefits of Jewish nationality and subject to systematic discrimination across the broad spectrum of recognized human rights. Irrespective of such differences, the Tribunal concludes that Israel's rule over the Palestinian people, wherever they reside, collectively amounts to a single integrated regime of apartheid.
35. Despite this de facto apartheid, the only mention of Article 3 in the Israeli State Report is a paragraph stating that 'apartheid has always been regarded as abhorrent by the [Government of Israel] and society, and continues to be so regarded. Apartheid has never been practiced in Israel. There exists in Israel no restrictions of any kind as to place of residence nor is there any segregation of any kind.'<sup>15</sup>
36. The recent adoption of the Basic Law: Israel as the Nation-State of the Jewish People (2018)<sup>16</sup> on 18 July 2018 represents a disturbing escalation in racial discrimination against the Palestinian people, declaring that 'the fulfillment of the right of national

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<sup>14</sup> The World Bank Social and Economic Development Group - Finance and Private Sector Development - Middle East and North Africa Region. (2008). West Bank and Gaza: The Economic Effects of Restricted Access to Land in the West Bank.

<sup>15</sup> CERD, Seventeenth to nineteenth periodic reports of States parties due in 2016, Israel, 2 March 2017, UN Doc. CERD/C/ISR/17-19, para. 54.

<sup>16</sup> Al-Haq, "Factsheet: Israel's "Jewish Nation-State Law" and the Occupied Palestinian Territory," 23 January 2019, available at: <https://www.alhaq.org/advocacy/6115.html>.



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self-determination in the State of Israel is unique to the Jewish people.’ Please refer to the joint response by Al-Haq, BADIL, Habitat International Coalition (HIC) and the Cairo Institute for Human Rights Studies (CIHRLS) - Housing and Land Rights Network (HLRN) (INT\_CERD\_NGO\_ISR\_37259\_E) for a full discussion.

37. ICAHD concurs with the conclusions of this report, namely that Israel has instituted a regime of racial domination and oppression to which it subjects the whole Palestinian people, as part of a systematic and extensive state policy which amounts to the very crime of apartheid. It should be noted that the Office of the Prosecutor of the International Criminal Court (ICC) reported in December 2017 that, in the context of its ongoing preliminary examination into the situation in Palestine since 13 June 2014, it has “received information regarding the purported establishment of an institutionalised regime of systematic discrimination that allegedly deprives Palestinians of a number of their fundamental human rights.”<sup>17</sup> The report by the ICC’s Prosecutor Office came after a landmark report which was published in March 2017 by the UN Economic and Social Commission for Western Asia (ESCWA), looking into Israeli practices towards the Palestinian people and the issue of apartheid. The 2017 ESCWA report stated that Israel has established an apartheid regime that dominates the whole Palestinian people.<sup>18</sup> It importantly highlighted the strategic fragmentation of the Palestinian people into four domains since 1967, including Palestinian citizens of Israel subject to Israeli civil law; Palestinians in occupied East Jerusalem with permanent residency status; Palestinians in the West Bank and the Gaza Strip who are subjected to Israeli military law; and Palestinian living outside of territory under Israel’s control as refugees and exiles, whose right of return to their homes and property is continuously denied and rejected by Israel.<sup>19</sup>
38. The ESCWA report provides a compelling analysis of Israeli apartheid over the entirety of the Palestinian people and proposes key recommendations on Israel and third party States to comply with their obligations in order to bring the illegal situation to an end and to ensure international justice and accountability, including effective remedies for Palestinian victims.

### East Jerusalem

39. East Jerusalem is currently home to approximately 350,000 Palestinians. They experience ethnic discrimination in many spheres of life, from education to cultural development to housing, and, as will be discussed further, are the subjects of a process

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<sup>17</sup> ICC, Report on Preliminary Examination Activities 2017, 4 December 2017, para. 63.

<sup>18</sup> ESCWA, Israeli Practices towards the Palestinian People and the Question of Apartheid Palestine and the Israeli Occupation, Issue No. 1, 2017, UN Doc. E/ESCWA/ECRI/2017/1.

<sup>19</sup> *Ibid.*, p. 4.



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of ethnic displacement that is the cumulative result of the policies and practices applied to them, particularly those pertaining to housing and legal status.

40. Israel's policies and practices vis-à-vis the Palestinian sector in Jerusalem constitute institutionalized discrimination and domination of one population over the other with the intent to perpetuate this domination through strengthening the numbers and socio-economic well-being of one population at the expense of another.
41. Since obtaining building permits in the Jewish sector is a virtual non-issue, and infractions are penalized disproportionately in the Palestinian sector both in frequency, size and measures taken – combined with the fact that in many cases permits are granted for Jewish homes and community buildings on plots formerly held by Palestinians, and the fact that Jewish-Israeli illegal building can often be redeemed by paying fines retroactively rather than face demolitions – the result is a clear situation of illegal discrimination, in violation of international human rights law.
42. The maintenance of a demographic balance based on ethnicity or nationality constitutes, prima facie, an illegal and unacceptable practice of discrimination that is reminiscent of the motivation behind policies of racial segregation and apartheid. What is more, the results of these policies are already tangible.
43. Israel's discriminatory planning and housing policies and practices in East Jerusalem, including administrative home demolitions and discriminatory residency policies (particularly since the start of the Second Intifada), have set in motion a process of "ethnic displacement" of parts of the Palestinian population of East Jerusalem. Should the status quo of policies and practices remain – or worsen – this process of ethnic displacement will only intensify.

### Article 5

44. House demolitions and forced evictions are among Israel's most heinous practices in the Occupied Palestinian Territory (OPT). From the beginning of 2012 until the end of September 2019, 4,867 Palestinian structures were demolished by the Israeli authorities of which 1,375 (28%) were family homes, the remainder being livelihood-related (including water storage and agricultural structures), resulting in 7,205 people being displaced.
45. For a viable Palestinian state to be established, the Jordan Valley represents an essential land reserve, agricultural hinterland and strategic economic infrastructure. During the reporting period, 1,752 Palestinian structures in the Jordan Valley were demolished including 525 homes, resulting in 2,419 people being displaced and an estimated 7,093 affected. The Jordan Valley provides any potential Palestinian state's sole land entrance. However, since 1967, Israel has coveted the Jordan Valley both for its economic potential



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and its strategic importance in forestalling the creation of a viable Palestinian state. Israel justifies its presence in the area as necessary for security. For example, in his May 2011 address to the US Congress, Israeli PM Netanyahu asserted that "Israel will never cede the Jordan Valley. Israel would never agree to withdraw from the Jordan Valley under any peace agreement signed with the Palestinians. And it's vital – absolutely vital – that Israel maintain a long-term military presence along the Jordan River." Running the length of the West Bank, the Jordan Valley covers 29% of the West Bank, with a total area of 1,600 square kilometres. Prior to the 1967 occupation, some 320,000 Palestinians lived there, but according to a recent survey by the Palestinian Central Bureau of Statistics, fewer than 65,000 remain today. At present, Israel controls approximately 90% of the Jordan Valley and has "Judaized" it with 46 illegal settlements housing 24,400 settlers<sup>20</sup>; 318 km<sup>2</sup> (20%) comprise 26 declared nature reserves (only 4 are open to the public); and 736 km<sup>2</sup> (46%) are closed military zones.

46. On 10 September 2019, Israeli PM Netanyahu stated that the Israeli Government would annex the Jordan Valley by applying 'Israeli sovereignty over the Jordan Valley and northern Dead Sea' should he continue as Israeli PM after the recent state election. Netanyahu's main contender for the premiership, Benny Gantz, stated repeatedly that the Jordan Valley "will be a part of Israel in any future settlement", hence clarifying that replacing Netanyahu's government will not alter this policy.
47. The civilian population in the OPT, including East Jerusalem, continues to endure violence, displacement, dispossession and deprivation as a result of prolonged Israeli military occupation and on-going conflict, in violation of their rights under IHR and IHL. In the West Bank, including East Jerusalem, demolitions are a major cause of the destruction of property, including residential and livelihoods-related structures.
48. Demolitions target vulnerable communities including Bedouin and herder communities, who have often been displaced several times since 1948. Between 2012 and 2019, 43% of the total structures demolished were in herding Bedouin communities; these residents represent 54% of the total people displaced.<sup>21</sup>
49. The Palestinian-Bedouin communities living in the hills to the east of Jerusalem are at an increasing risk of forced ethnic displacement, the plight of Bedouin communities being highlighted by the Committee in paragraph 20 of their concluding

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<sup>20</sup> 12,000 in 24 settlements in the Valley of Springs area and 12,400 in 22 settlements in the Emek HaYarden region.

<sup>21</sup> 2,106 structures were demolished in herding/Bedouin communities between 2012 and 2019 out of a total of 4,897 in the OPT on the West Bank and East Jerusalem. 3,912 people from these communities were displaced during this period out of a total of 7,259 (source: United Nations Office for the Coordination of Humanitarian Affairs, OCHA).



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remarks on the 2012 Israeli state submission. The communities have been informed by the Israeli authorities that they have no option but to leave the area (as part of a larger plan to relocate Bedouin communities living in Area C). The forced displacement of the Bedouin would also be detrimental to their semi-nomadic way of life. In May 2019, following mounting international pressure, Israel suspended its intention to completely demolish the whole village of Khan Al Ahmar, in that area. However, the demolition orders have not been cancelled, and the village could be subjected to it at any time. Prime Minister Netanyahu publicly stated in May 2019 that the village is to be demolished “very soon,” despite the delay.<sup>22</sup>

50. Paragraph 34 of Israel's State report states that since 2015 Arab citizens receive information in Arabic regarding housing schemes aimed at them. However, it neglects to mention that since 2016 with the legislation of Israel Basic Law: Nationality Law (Article 4), Arabic is no longer an official state language in Israel. The new legislation makes it discretionary, rather than obligatory, to address its Palestinian citizens in their language. Israel's State Comptroller and Ombudsman report in May 2019 criticised the fact that information regarding land bidding and other housing issues is not being translated and distributed in Arabic.
51. Also, Israel's Comptroller and Ombudsman report of May 2019, states that Israel had failed to solve the housing shortage problem among its Palestinian citizens: "since 2008 this shortage is increased by 4,000-5,000 housing units annually". The report notes that Minister of Housing Yoav Galant had personally intervened to stop a plan for the construction of 5000 flats in the Arab town of Tamra, because the road leading to it was to pass near the tiny village Mitzpe Aviv, where 230 Jewish families dwell.<sup>23</sup>
52. Displacement has a particularly overwhelming effect on women and children especially because of the disruption of primary education, resulting in post-traumatic stress disorder, depression, and anxiety. Between 2012 and the end of September 2019, 3,730 children under the age of 18 (51% of total people displaced) were displaced.

### West Bank (including East Jerusalem) Displacement Trends

53. The demolition of Palestinian homes is politically motivated and racially informed. The goal is to confine the five million residents of the West Bank, East Jerusalem, and Gaza to small enclaves, thus effectively foreclosing any viable Palestinian state and ensuring Israeli control, and to allow for the expropriation of land, the ethnic displacement of Palestinians, and the “Judaization” of the Occupied West Bank.

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<sup>22</sup> "Deliberately Planned: A Policy to Thwart Planning in the Palestinian Neighborhoods of Jerusalem Deliberately Planned: A Policy to Thwart Planning in the Palestinian Neighborhoods of Jerusalem", A report by Ir Amin & Bimkom, 1 February 2017.

<sup>23</sup> Israel's Comptroller and Ombudsman Report, May 2019



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54. In the cantonization plan pursued by the current and previous Israeli governments, Israel would annex the settlement blocs containing 80% of the settlers in addition to “greater Jerusalem” and the Jordan Valley. It would “Judaize” approximately 85% of the West Bank and East Jerusalem, leaving the Palestinians with disconnected enclaves on only 15% of the land. Israel would control all the borders, all the sea- and airports, Palestinian airspace, the electro-magnetic sphere (communications), and West Bank seam zones. In this version of the two-state solution, the Palestinians would be deprived of meaningful national self-determination. The Palestinian “state” would have only limited sovereignty and no viable economy. While it would be expected to absorb all the refugees who wish to return, it would have no economic potential for development and could offer no prospect for its future generations.
55. As stated in the ICAHD parallel report in 2011, we are continuing to witness a process of Ethnic Displacement and “Judaization”, institutionalized policies designed to alter the ethnic, religious and racial composition of an affected population – Palestinian residing in Area C of the Occupied West Bank – that has led to a situation in which many members of that population leave the area to Areas A and B, which are under Palestinian Authority control, not necessarily by choice, but due to the lack of alternatives or, in other words, because they are made to leave. Israel’s policies also create a situation not only of displacement but also of de facto forced deportation, which may rise to the level of a war crime. In cases in which Palestinians have been physically deported from their communities and/or denied return, Israel has indeed committed the war crime of forced deportation. Additionally, Israel’s policies and practices in the West Bank may comprise what are defined as “inhuman acts” in Article 7(1)(d) of the Rome Statute of the International Criminal Court as well as constitute a violation of the UN Convention on the Suppression and Punishment of the Crime of Apartheid of 1973.
56. While Palestinian families are forced to witness the destruction of their homes and livelihoods, Israeli settlements which remain illegal under international law have continued to expand, seizing more land and natural resources. Restrictive zoning and planning regimes often result in demolitions. Lack of respect for international human rights and humanitarian law and impunity for violations continue to drive and compound protection concerns. Recognizing this, initiatives addressing accountability for violations and promoting access to justice continue to be key elements of the Protection response.
57. In order to build homes in East Jerusalem and Area C (62% of the Occupied West Bank controlled by Israel), Palestinians must apply for a permit from those who control these areas – the Israeli authorities. The vast majority of demolition orders are issued because a home or structure has been built without an Israeli permit.



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58. Under Israeli zoning policy, Palestinians can build in just 13% of East Jerusalem and in just 1% of Area C<sup>24</sup>. In both cases these areas are already heavily built up. Between 2010 and 2014, only 1.5% of Palestinian permit applications were approved, the situation then becoming even worse with only one permit issued between 2014 and 2016.<sup>25</sup> This means that when a family expands or a community wants to build infrastructure to meet its basic needs, the choice faced is between building without a permit and not building at all. Many end up building to meet their immediate needs in the hope that they will be able to avoid demolition. Unfortunately, the number of people affected by demolition continues to grow steadily.
59. Israel's practices in the OPT violate the right to adequate housing enshrined in several bodies of international human rights law. Specifically, the human right to adequate housing is contained, inter alia, in the Universal Declaration of Human Rights of 1948 (Art. 25(1)); the International Covenant on Economic, Social and Cultural Rights of 1966 (Art. 11); the International Covenant on Civil and Political Rights of 1966 (Art. 17); the International Convention on the Elimination of All Forms of Racial Discrimination of 1969 (Art. 5(e)(iii)); the Convention on the Rights of the Child of 1990 (Arts. 16, 27); and General Comments 4 (1991) and 7 (1997) of the UN Committee on Economic, Social and Cultural Rights.
60. The right to adequate housing is an essential component of the right to a decent standard of living. When guaranteed, it provides a foundation for the realization of other rights, including the rights to family, work, education and, ultimately, national self-determination. Israel is party to, and bound by, the International Covenant on Economic, Social and Cultural Rights (ICESCR) which explicitly guarantees the right to adequate housing (Article 11.1): "The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions." The UN Committee on Economic, Social and Cultural Rights interpreted the content of human rights provisions in the Covenant (General Comment 4 – The right to adequate housing), such that the "right to housing should not be interpreted in a narrow or restrictive sense which equates it with, for example, the shelter provided by merely having a roof over one's head or views shelter exclusively as a commodity. Rather it should be seen as the right to live somewhere in security, peace and dignity." That includes security of tenure, availability of services, and cultural adequacy. The Committee has also determined in its General Comment 7 (The right to adequate housing

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<sup>24</sup> Hass, Amira (2014). EU diplomats warn of regional conflagration over Temple Mount. Haaretz, issued 28 March 2014

<sup>25</sup> United Nations Office for the Coordination of Humanitarian Affairs (2015). Under Threat: Demolition Orders in Area C of the West Bank (issued 3 September 2015)



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– forced evictions) that forced evictions are prima facie incompatible with the requirements of the Covenant, and that appropriate procedural protection and due process, and adequate alternative housing, resettlement, or access to productive land must be guaranteed by a State Party to the Covenant, as is Israel. Israel's claim that the Covenant does not apply in the Occupied Palestinian Territory has been dismissed by all the UN human rights treaty bodies that oversee compliance with treaties.

61. The UN Committee on Economic, Social and Cultural Rights, a body of independent experts that monitors implementation of the Covenant, in its 2011 concluding observations (which constitute the decision of the Committee regarding the status of the Covenant vis-à-vis a given State Party) called on Israel to stop forthwith house demolitions, forced evictions, and residency revocation in the Occupied Palestinian Territory and East Jerusalem. After considering the state report by Israel on compliance with the International Covenant on Economic, Social and Cultural Rights, and the ICAHD parallel report, the Committee recommended that Israel review and reform its policies to align with recommendations made by ICAHD and partner human rights and peace organizations. ICAHD, a UN Economic-Social Council Special Consultative Status organization, submitted a parallel report to the United Nations Committee on the Elimination of Racial Discrimination in February 2012, further highlighting the trends of ethnic displacement and Israeli racial discrimination policies and practices.

"The Committee is deeply concerned about home demolitions and forced evictions in the West Bank, in particular Area C, as well as in East Jerusalem, by Israeli authorities, military personnel and settlers. The Committee urges the State party to stop forthwith home demolitions. The Committee also recommends that the State party review and reform its housing policy and the issuance of construction permits, in order to prevent demolitions and forced evictions and ensure the legality of construction in those areas."  
*United Nations Committee on Economic, Social and Cultural Rights, December 2011*

62. The Committee on the Elimination of Racial Discrimination recommended in its 2012 concluding observations (CERD/C/ISR/CO/14-16) that Israel ensures that Palestinians enjoy full rights under the Convention without discrimination based on citizenship and national origin. The Committee noted with concern the application in the Occupied Palestinian Territory of different laws, policies and practices applied to Palestinians on the one hand, and to Israeli Jews on the other hand. It was concerned, in particular, by information about unequal distribution of water resources to the detriment of Palestinians, and about the targeting of Palestinians in house demolitions. The Committee called for a halt to the demolition of Palestinian properties, and for respect for property rights irrespective of the ethnic or national origin of the owner.
63. As the Occupying Power, Israel is obligated to safeguard the homes of the protected persons (Palestinians) under international humanitarian law (namely the Hague Regulations and the Fourth Geneva Convention). Israel is bound by the Fourth Geneva



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Convention relative to the Protection of Civilian Persons in Time of War, to which Israel is a signatory. Article 53 prohibits destruction of property that is not justified by military necessity. The Fourth Geneva Convention also prohibits the transfer of an occupying power's civilian population into the territory it is occupying and the transfer of an occupied civilian population out of its territory. Article 49 stipulates: "Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive." Israel's claim that the Fourth Geneva Convention does not apply to the Occupied Palestinian Territory has been rejected by the international community, including the UN Security Council and the International Court of Justice (ICJ). Further, the Hague Convention of 1907 calls on state parties to respect, protect, and fulfil family honour and rights, the lives of persons, and private property, as well as religious convictions and practices.

64. According to the Israeli-Palestinian Interim Agreement of 1995, powers and responsibilities related to zoning and planning in Area C should have been transferred to Palestinian control within 18 months. However, that has not happened in the 24 years since its signing, and Israel continues to displace the Palestinian inhabitants of the West Bank, in contravention of international law and bi-lateral agreements.
65. The illegal Israeli practice of demolishing homes, basic infrastructure and sources of livelihood continues to shatter Palestinian communities in East Jerusalem and Area C. Demolitions lead to a significant deterioration in living conditions for entire communities. Large numbers of Palestinians face increased poverty and long-term instability as well as limited access to basic services, such as education, health care, water, and sanitation as a result of these practices.

### Area C

66. Following the 1995 Interim Agreement on the West Bank and the Gaza Strip and the subsequent agreed division of the Occupied West Bank, Area C - consisting of 60% of the West Bank - remained under full Israeli security and civil control, an arrangement that has remained following the halt in negotiations. This partition severely fragments Palestinian communities as well as isolating a great expanse of rural land in Area C, while enclosing heavily built-up enclaves in Areas A and B. This cramps the natural expansion of Palestinian communities in the West Bank required to maintain an adequate standard of living. Thus, while at least 180,000 Palestinians reside in Area C, the remaining 2.3 million are squeezed into Areas A and B, 40% of the territory.
67. Even in the remaining 40% of the West Bank which are in Areas A and B, Israel restricts Palestinian construction by seldom approving requests for building permits, whether for housing, for agricultural or public uses, or for laying infrastructure. The Civil Administration refuses to prepare outline plans for the vast majority of Palestinian communities there. As of November 2017, the Civil Administration had drafted and



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approved plans for only 16 of the 180 communities which lie in their entirety in Area C. The plans cover a total of 17,673 dunams (1 dunam = 1,000 square meters), less than 1% of Area C, most of which are already built-up. The plans were drawn up without consulting the communities and do not meet international planning standards. Their boundaries run close to the built-up areas of the villages, leaving out land for farming, grazing flocks and future development. Since 2011, seeing that the Civil Administration did not draft plans as it is obliged to do, dozens of Palestinian communities – with the help of Palestinian and international organizations and in coordination with the PA – drafted their own plans. Some of the plans covered communities or villages located in full in Area C and others covered places only partly in Area C. As of September 2018, 102 plans had been submitted to the Civil Administration’s planning bodies, but by the end of 2018, a mere five plans – covering an area of about 1,00 dunams (or about 0.03% of Area C) – had received approval.<sup>26</sup>

68. Due to the discriminatory planning and zoning policies that Israel currently administers in an area which already lacks basic public infrastructure, as highlighted in paragraph 25 of the Committee’s concluding report in 2012<sup>27</sup>, families are struggling to meet their basic needs. This has triggered a growing trend of displacement from Area C to both Areas A and B and within Area C, threatening the very existence of these communities and, coupled with Israeli settlement activity, setting the ground for the “Judaization” of the West Bank.
69. Despite Israel’s commitment in the ICERD to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the rights to housing, Israel’s housing policy in Area C makes enjoying this basic right nearly impossible. In practice, construction is currently permitted in less than 1% of the area. The overwhelming majority of Area C is allocated to Israeli settlements and military installations, thus denying Palestinians building permits in 70% of the land.
70. Allocating land for military training is not confined to unpopulated areas but can occur in the heart of Palestinian residential communities. In the remaining 30% of the land, intended construction is conditional on complementarity with a plan endorsed by the Israeli Civil Administration, of which less than 1% satisfies this requirement. Thus Palestinians are faced with the choice of building irregularly or leaving their communities. This policy is violently enforced with the demolition of homes and other infrastructure, such as schools and health clinics, being a regular occurrence. In the

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<sup>26</sup> Paragraph extracted from [www.btselem.org/planning\\_and\\_building](http://www.btselem.org/planning_and_building) - Planning Policy in the West Bank (11 November 2017)

<sup>27</sup> Committee on the Elimination of Racial Discrimination Eightieth Session. Consideration of reports submitted by States parties under article 9 of the Convention - Concluding observations of the Committee on the Elimination of Racial Discrimination - Israel (2012). Paragraph 25 (issued 3 April 2012)



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meantime, the expansion of illegal Israeli settlements in Area C flourishes under detailed plans approved by the Israeli Civil Administration which incorporate expansion areas nine times the size of the current built-up areas.

71. Furthermore, the fact that some of the officials staffing the Israeli Civil Administration and influencing planning and zoning policy are themselves settlers is extremely worrying as it highlights an almost inevitable conflict of interest.
72. A considerable contributing factor to the displacement of Palestinians in Area C is the restriction on movement and access to water, land and basic services. This is particularly severe in the herding communities such as the Bedouin and the sedentary villages which are often located in remote areas. Due to the barrier, settler expansion and violence, and the isolation of land as closed military zones, access to land to graze livestock, collect hay and water, and cultivate agriculture is severely restricted. Communities are now forced to purchase such necessities at a premium. This has resulted in a dramatic decrease in herd sizes and increase in debt.
73. The principal impact of Israel's policies in Area C is an ethnic displacement of the Palestinians from their rural communities with thousands more at risk and the foreseeable obliteration of entire communities. This in turn has emotional and socio-economic effects on the displaced families especially considering a large proportion of the community have the added vulnerability of a history of displacement, being made refugees in 1948. Symptoms range from dependency on humanitarian aid to a deep psychological trauma especially in children, including anxiety, depression and post-traumatic stress disorder. The severity of this impact is exacerbated by Israel's interference with the aid provided by the humanitarian community as is evidenced by the recurring demolitions of tents provided following house demolitions.
74. Israel's practices in Area C violate the right to adequate housing enshrined in several bodies of international human rights law. Specifically, the human right to adequate housing is contained, inter alia, the International Convention on the Elimination of All Forms of Racial Discrimination of 1969 (Art. 5(e)(iii)), and in the Universal Declaration on Human Rights of 1948 (Art. 25(1); the International Covenant on Economic, Social and Cultural Rights of 1966 (Art. 11); the International Covenant on Civil and Political Rights of 1966 (Art. 17); the Convention on the Rights of the Child of 1990 (Arts. 16, 27); and General Comments 4 (1991) and 7 (1997) of the UN Committee on Economic, Social and Cultural Rights.
75. Additionally, Israel's policies and practices in Area C may very well constitute "inhuman acts" under Article 7(1)(d) of the Rome Statute of the International Criminal Court, as well as a violation of the UN Convention on the Suppression and Punishment of the Crime of Apartheid of 1973.



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### East Jerusalem

76. Sub-articles 5(d)(ii)-(iii) deal with the individual right to leave and return to one's country and to have a nationality, as well as the right to non-discrimination in acquiring and maintaining nationality. Palestinian East Jerusalemites are eligible for permanent residency in Israel, but that status is conditional upon many criteria that often pose challenges for Palestinians who work, travel and live in other parts of the world (including the West Bank and Gaza), in order to be with family or for various other reasons. Naturalization is allowed under strict circumstances; most Palestinians in East Jerusalem choose for political reasons not to obtain citizenship, and under international humanitarian law, the occupied population may not be required to pledge allegiance to the occupying power in order to obtain citizenship, as is the case here.
77. Israel's policy toward Palestinian permanent residents is the same as that of all foreigners with permanent residency, where the status is revocable if the holder cannot show presence for the past seven years. Even presence in the West Bank, the area contiguous (physically and culturally) to East Jerusalem, and under international humanitarian law an extension of the same occupied territory, is grounds for residency revocation. The policies and practices applied to East Jerusalem leave many Palestinians with little choice but to either remain in the area, build illegally and risk demolition of their homes and displacement, or to leave the area and risk losing their residency rights – and in most cases their right to return to Israel (and East Jerusalem).
78. This places many Palestinians at risk of becoming stateless (or "residency-less," as many already lack citizenship in any state). Even in cases in which a Palestinian former East Jerusalem resident has not been rendered stateless (or "residency-less") by her exclusion from Israel (as she has successfully obtained residency or citizenship elsewhere), she has been barred from returning to her place of habitual residence – and in most cases, her homeland. Additionally, Palestinian East Jerusalemites' inability to access, travel between and live in any part of the occupied territory (East Jerusalem, the West Bank and the Gaza Strip) violates several basic provisions of international humanitarian law, and the general right to freedom of movement.
79. According to Human Rights Watch, permanent residency status was revoked from 14,595 Palestinian East Jerusalemites between 1967 and 2017<sup>28</sup>, and revocations have increased over the past decade. Some 6,500 revocations took place between 2006 and 2008. In 2008 alone, 4,577 East Jerusalem residents lost their status, amongst which 99 were children under the age of 18. As opposed to when applied to foreign citizens and immigrants, this policy is wholly inappropriate when applied to a population that is native to the place and that lived there prior to Israeli rule. This issue was not addressed in Israel's Country Report.

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<sup>28</sup> Human Rights Watch Report, 8 August 2017



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80. A different, but related phenomenon is that of lack of family unification. Article 5, sub-article (d)(iv) relates to the right to marriage and choice of spouse. Unlike Jewish Israeli citizens, Palestinian permanent residents and citizens alike do not have the right to obtain residency or citizenship for their non-citizen, non-resident spouses who wish to join them in Israel or East Jerusalem through family unification – if the latter are Palestinian residents of the West Bank or Gaza. While in the past there were obstacles to obtaining residency for Palestinian spouses, since 2003 the Israeli government has imposed a wholesale freeze on the family unification process between Palestinian non-citizens and non-residents wishing to live with their permanent resident spouses inside Israel and East Jerusalem.
81. Given the geographical, cultural, linguistic and political contiguity between East Jerusalem and the West Bank, separated merely by an artificial border Israel created in 1967, many East Jerusalem residents naturally find their spouses in the West Bank, and vice versa. These couples are then faced with the harsh choice between living in the OPT and risking the loss of one spouse's permanent resident status and accompanying benefits, and living in East Jerusalem while one spouse risks deportation. Given that the employment opportunities and social benefits are typically preferable in East Jerusalem than under the occupied Palestinian Authority, and entail far fewer restrictions on the freedom of movement, at least within Jerusalem, such families often prefer to remain illegally in East Jerusalem and build illegally there, if need be. Alternatively, these families will leave East Jerusalem, and the resident spouse, along with any children, may well lose her residency and thus her right to return to her home, or place of habitual residence.
82. Article 5, sub-article (e)(iii) deals with the right to housing. As was discussed above under Article 2, the cumulative effect of Israel's policies and practices in East Jerusalem is to leave many Palestinians with no option other than to build illegally or leave the area, in most cases the place of their birth. Many Palestinians choose to build illegally in order to remain in the area for the reasons described above, and thus to risk the demolition of their homes. Needless to say, this is not an adequate housing solution and it does not fulfill the right to obtain housing free of discrimination.
83. While not all unauthorized homes have been issued demolition orders, there are approximately 1,500 demolition orders in East Jerusalem pending enforcement. According to figures published by the European Union, as of the end of 2009, more than 60,000 Palestinians in East Jerusalem (20 percent of the Palestinian population in the city) were at risk of their homes being demolished due to unauthorized building. An additional consequence of the planning and building reality in East Jerusalem is severe housing density and overcrowding, where the average density in East Jerusalem is nearly twice that of West Jerusalem.



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84. Enforcement of building and planning laws, including demolition and the levying of fines, is executed in a discriminatory manner. While Jews represent approximately 64 percent of the population in Jerusalem, demolitions of their buildings represented only 28 percent of the demolitions carried out during that period. Overall, more than 70 percent of demolitions in Jerusalem are carried out against Palestinian buildings, but Palestinians are accountable for only approximately 20 percent of the unauthorized building in the city. What is more, given the zoning and planning situation in Jerusalem, Palestinians are more likely to engage in more serious building infractions than Jews who face far fewer obstacles in obtaining permits. As the municipality ostensibly prioritizes more serious infractions, entire Palestinian homes and structures are more likely to be demolished than Jewish homes and structures.
85. Additionally, and contrary to the claim made in Israel's Country Report, based on practices on the ground, Palestinians in Jerusalem are more likely than Jews to experience expedited demolitions and evictions with limited opportunities to defend against them. As opposed to the types of orders more likely served on Jewish structures, the majority of demolition orders served on Palestinian structures are administrative orders. These orders may be executed beginning 24 hours after their delivery, putting the owners on extremely short notice to launch a legal challenge to the demolition. Lastly, the more serious the offence the greater the fine that may be levied on the offender, and thus Palestinians pay a disproportionately higher amount of the fines to the Jerusalem Municipality and Ministry of Interior for building infractions.
86. An additional, related phenomenon present in East Jerusalem is forced (or court-ordered) evictions. Over recent years forced evictions have taken place in several neighbourhoods in East Jerusalem, evicting over 200 Palestinians from their homes in order to allow Jewish building, typically based on claims of Jewish land ownership from prior to 1948 or based on the historical, religious or archaeological importance of an area. These evictions also increase the demand for housing, the motivation to build illegally, and indirectly, the number of demolitions, and naturally cause further displacement of Palestinians.
87. According to OCHA figures, as of October 2019 over 86 Palestinians had lost their homes in the Sheikh Jarrah neighbourhood alone, and an additional 500 stood to lose their homes in ongoing proceedings launched by the various settler groups active in the area; since late 2008 the Israeli authorities have evicted over 60 Palestinians from their homes in the Karm Al Ja'ouni neighbourhood (or the "Tomb Quarter"), and current plans for the area threaten to evict an additional 300 Palestinians. The United Nations High Commissioner for Human Rights report of March 2011 reported that according to new development plans in the Al-Bustan area of Silwan, over 40 Palestinian homes in the neighbourhood are scheduled to be demolished, which would evict some 500 residents. These are among the more egregious cases of state- and municipality-sanctioned evictions of Palestinians in East Jerusalem in order to make way for Israeli settler



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development, and are an additional cause of displacement of Palestinians and the increasing demand for housing in decreasing spaces in East Jerusalem.

88. On 22 July 2019, the Israeli military demolished seventy homes in Sur Baher. Having no legal basis to oppose this construction, the Israeli army issued a military order banning construction within 250 meters of the Wall — without informing the residents. Even that was an illegal act, since the Wall itself is built on Palestinian land and has been deemed as “contrary to international law” by the International Court of Justice in The Hague. Nonetheless, whenever it comes to “security,” the Supreme Court gives in to the army, claiming that security is “beyond its competence.” No legal barriers exist to Israel violating international law with impunity, and no legal protections at all exist for the Palestinians, either inside Israel or in the Occupied Territory. The implications of this ruling are severe. It means that Israel can demolish hundreds, if not thousands, of Palestinian homes within 250 meters of the 750 km long barrier. Since 1967 Israel has demolished almost 60,000 Palestinian homes.
89. This act of ethnic cleansing, illegal, immoral and gratuitously cruel in a hundred ways, gives the lie to the notion of Israel as a normal democracy seeking peace. It reveals Israel for what is is: a settler colonial enterprise that aims to expand and take over all of Palestine. Only decolonization, and the rise of a democratic state of equal rights for all between the Mediterranean and the Jordan River, will end the injustice of home demolitions, land grabbing and ethnic cleansing.

### Recommendations

1. ICAHD calls on the state of Israel to dismantle its system of apartheid over the Palestinian people forthwith, to repeal all discriminatory laws and practices, not to pass any further discriminatory legislation, and to cease forthwith acts of persecution against Palestinians in the Occupied Palestinian Territory and in Israel proper. ICAHD calls on the Committee to address the issue of apartheid in its review of Israel periodic report and to indicate its position on Israeli apartheid practices in the concluding observations.
2. ICAHD calls for an end to the Occupation of the Palestinian Territory, and a prompt realization of Palestinians’ right to national self-determination, and an immediate cessation of the demolition of Palestinian houses, schools, and infrastructure, which causes displacement and dispossession. ICAHD calls for the transfer of powers and responsibilities related to planning and zoning in the West Bank, including Area C, to Palestinian jurisdiction in accordance with international law and bi-lateral agreements, to allow for a planning system to include community participation at all levels of the planning process.
3. ICAHD calls for all refugees and internally displaced persons, who have been forcibly displaced, to be allowed to repatriate, return to their homes in safety and dignity, and



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be given compensation for any harm they have suffered, including the destruction of land, homes and property.

4. ICAHD calls all states, intergovernmental organizations and civil society to cooperate to bring to an end the illegal situation arising from Israel's practices of apartheid and persecution. In light of the obligation not to render aid or assistance, all states and NGOs must consider appropriate measures to exert sufficient pressure on Israel, including the imposition of sanctions and the severing of diplomatic relations. Further to that ICAHD calls for the suspension of the EU-Israel Association Agreement, and the US-Israel Free Trade Agreement, until Israel complies with international law, and ends its illegal policy of house demolitions, forced evictions and colonization.
5. ICAHD calls on the UN General Assembly to request an advisory opinion from the International Court of Justice on the nature of Israel's prolonged occupation and apartheid.
6. ICAHD calls on the UN General Assembly to request an advisory opinion from the International Court of Justice on the legality of Israeli settlements, and any other actions that change the demographic composition of the Occupied Palestinian Territory, in particular in Area C of the West Bank, and East Jerusalem, noting that these are an obstacle to the enjoyment of human rights by the whole Palestinian population.
7. ICAHD calls on the United Nations Committee on the Elimination of Racial Discrimination to adopt the abovementioned recommendations and register them in the CERD concluding observations on the implementation of the Convention. ICAHD calls on the Committee to reiterate its position that Israeli settlements, and any other actions that change the demographic composition of the Occupied Palestinian Territory, in particular in Area C of the West Bank, and East Jerusalem, are not only illegal under international law but are an obstacle to the enjoyment of human rights by the whole Palestinian population
8. ICAHD calls on Israel to assure equality in the right to return to one's country and in the possession of property.
9. ICAHD calls on Israel to halt demolition of Palestinian properties, particularly in Area C and East Jerusalem, forthwith, and to respect property rights irrespective of the ethnic or national origin of the owner.