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Agenda item 7

**Human rights situation in Palestine and other  
occupied Arab territories**

### **Written statement\* submitted by The Palestinian Return Centre Ltd, a non-governmental organization in special consultative status**

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

[18 August 2017]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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## Israel's colonial domination over Jerusalem

The Palestinian Return Centre (PRC) is extremely concerned about the complicity of the international community with Israel's ongoing military occupation, apartheid regime and settler colonialism.

### The legal status of Jerusalem

1. Jerusalem was the capital of Palestine during the League of Nations Mandate (1922-1948) with the United Kingdom acquiring administrative power over the territory. The 1947 United Nations General Assembly Resolution 181 recommended the internationalization of Jerusalem into a corpus separatum administered by the UN. However, Jerusalem was divided during the ethnic cleansing that created the state of Israel in 1948; Zionist forces expelled nearly 80,000 Palestinians from West Jerusalem, reducing their original size by half.<sup>1</sup> With the 1949 Israel – Jordan General Armistice Agreement East Jerusalem (where the Old city is located) was occupied by Jordan until the Israeli invasion of 1967.

2. Israel's claims to sovereignty over Jerusalem (West and East) are inconsistent with international law.<sup>2</sup> Both Israel's occupation of West Jerusalem in 1948 and of East Jerusalem in 1967 has not been recognised de jure by the international community. Accordingly, there are no states that maintain embassies in Jerusalem. Though, since 1967 Israel has de facto absolute control over the entirety of Jerusalem, as well as all of historic Palestine. Furthermore, in 1980 Security Council Resolution 478 condemned Israel's total annexation of Jerusalem through the enactment of a "basic law" in the Israeli Knesset.<sup>3</sup>

3. In May 2017, UNESCO passed a resolution under item 30 "Occupied Palestine" reaffirming that "all legislative and administrative measures and actions taken by Israel, the occupying Power, which have altered or purport to alter the character and status of the Holy City of Jerusalem, and in particular the "basic law" on Jerusalem, are null and void and must be rescinded forthwith".<sup>4</sup> The same UNESCO resolution condemned Israel's continual "[...]excavations, tunneling, works and projects in East Jerusalem, particularly in and around the Old City of Jerusalem, which are illegal under international law."<sup>5</sup>

### Israel's legislative attack on Jerusalemites

4. In July 2017 a dangerous new amendment to the Jerusalem Basic Law<sup>6</sup> is being advanced by the Government of Israel in the Knesset. The bill states that in order for Jerusalem to be divided in any future peace deal it requires the

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1 Erekat, Noura.(2017)" Making Sense of Jerusalem, Gaza, and Anti-BDS Legislation in the United States", Jadaliyya [Online] <http://quickthoughts.jadaliyya.com/pages/index/26952/making-sense-of-jerusalem-gaza-and-anti-bds-legisl>

2 Cattan, Henry. "The Status of Jerusalem under International Law and United Nations Resolutions." *Journal of Palestine Studies* 10, no. 3 (1981): 3-15. doi:10.2307/2536456.

3 Unispal.un.org. (2017). S/RES/478 (1980) of 20 August 1980. [online] Available at: <https://unispal.un.org/DPA/DPR/unispal.nsf/0/DDE590C6FF232007852560DF0065FDDB> [Accessed 18 Aug. 2017].

4 The Times of Israel. (2017). Full text of May 2017 UNESCO resolution on 'Occupied Palestine'. [online] Available at: <http://www.timesofisrael.com/full-text-of-may-2017-unesco-resolution-on-occupied-palestine/> [Accessed 18 Aug. 2017].

5 The Times of Israel. (2017). Full text of May 2017 UNESCO resolution on 'Occupied Palestine'. [online] Available at: <http://www.timesofisrael.com/full-text-of-may-2017-unesco-resolution-on-occupied-palestine/> [Accessed 18 Aug. 2017].

6 Knesset.gov.il. (2017). [online] Available at: [https://www.knesset.gov.il/laws/special/eng/basic10\\_eng.htm](https://www.knesset.gov.il/laws/special/eng/basic10_eng.htm) [Accessed 18 Aug. 2017].

support of a two-thirds majority in Parliament. Currently, changes to the legal status of Jerusalem require the approval of over 60 Members of Knesset (MKs).<sup>7</sup> The amendment passed the first reading; two more votes are required before it will become law. If the bill passes its third reading, for Israel to end the occupation of East Jerusalem it would necessitate the support of 80 out of 120 MKs. This move seeks to prevent the possibility of East Jerusalem to ever become the capital of a future Palestinian state.

5. In addition, the bill would allow the government to revoke the residency of 140,000 Palestinian Jerusalemites.<sup>8</sup> According to the amendment two Palestinian communities, the Shuafat refugee camp and the neighborhood of Kufr Aqb, will be removed from Jerusalem's municipality. Both areas are already located on the West Bank side of the Apartheid Wall, which is illegal according to the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the legal consequences of the construction of a wall in the Occupied Palestinian Territory. The plan is consistent with Israel's demographic goal to entrench a Jewish majority in the city and diminish the Palestinian population. The removal of the Palestinian communities from Jerusalem would reduce the city's Arab population to 220,000, or 30 percent of city residents compared to almost 40 percent currently.<sup>9</sup> If the bill passes it would also bring Ma'aleh Adumim and other large West Bank Jewish settlements under Jerusalem's municipal jurisdiction.<sup>10</sup>

### Forced Displacement

6. Following Israel's takeover of East Jerusalem in 1967 Palestinians living in the city were given permanent residency status (but not Israeli citizenship) which may be cancelled at the discretion of Israel's Minister of Interior. Since 1967, more than 14,500 residencies were revoked from Palestinian Jerusalemites, denying them the right to live in, or return to, their homes in East Jerusalem.<sup>11</sup>

7. According to Human Rights Watch "residency revocations are part of a range of policies that include unlawful settlement expansion, home demolitions, and restrictions on building in the city that have shifted the demographics in East Jerusalem". Since the 2015 uprising throughout the Occupied Palestinian Territories, the Government of Israel has seized the opportunity to reinstate the policy of punitive home demolitions and to revoke the permanent residency rights of alleged Palestinian assailants from East Jerusalem.<sup>12</sup> The punitive residency revocation was first used against four Hamas members elected to Palestinian Legislative Council in 2006 and it is invoked under the Law of Entry for violation of "minimal obligation of loyalty to the state of Israel".<sup>13</sup>

8. At the beginning of 2017 the Government of Israel announced further expansion of its illegal settlements project inside the Occupied Palestinian Territories. Thousands new Jewish settlements were announced in January 2017, of

7 Newman, M. (2017). Netanyahu backs major expansion of Jerusalem to include nearby settlements. [online] The Times of Israel. Available at: <http://www.timesofisrael.com/netanyahu-backs-major-expansion-of-jerusalem-to-include-nearby-settlements/> [Accessed 18 Aug. 2017].

8 Arab News. (2017). Israel's demographic game in Jerusalem. [online] Available at: <http://www.arabnews.com/node/1141676> [Accessed 18 Aug. 2017].

9 haaretz.com. (2017). Bill would allow parts of Jerusalem to be transferred to a new Israeli local authority. [online] Available at: <http://www.haaretz.com/israel-news/.premium-1.803315> [Accessed 18 Aug. 2017].

10 Middle East Eye. (2017). Israeli MPs vote to add Jewish settlements to Jerusalem. [online] Available at: <http://www.middleeasteye.net/news/israeli-lawmakers-vote-set-high-bar-ceding-parts-jerusalem-1424454939> [Accessed 18 Aug. 2017].

11 <https://www.ochaopt.org/location/east-jerusalem>

12 Community Action Center (2016). Punitive Residency Revocation. East Jerusalem: Al-Quds university's Community Action Center.

13 Human Rights Watch. (2017). Israel: Jerusalem Palestinians Stripped of Status. [online] Available at: <https://www.hrw.org/news/2017/08/08/israel-jerusalem-palestinians-stripped-status> [Accessed 18 Aug. 2017].

which 566 are planned in Occupied East Jerusalem.<sup>14</sup> Deputy Mayor of Jerusalem Meir Turgeman has announced that Israel will proceed with further 152 settler homes in Occupied East Jerusalem and is also planning permits for 11,000 buildings.

9. According to the Office for Coordination of Humanitarian Affairs in the Occupied Palestinian Territories, the overwhelming majority of home demolitions conducted in 2017 happened in East Jerusalem. Since the beginning of 2017 Israeli occupation forces demolished 102 homes in East Jerusalem, forcibly displacing 174 people, of which 103 were children.<sup>15</sup>

### **Israel escalates violence against peaceful protests**

10. On July 14 2017, three Palestinians from Umm Il Fahem were killed by Israeli authorities after allegedly opening fire and killing two Israeli police officers in the Haram Al Sharif compound. According to Adalah,

“The men allegedly shot and killed two police officers in the Old City before fleeing into the Al-Aqsa mosque compound. Israeli police said officers pursued the suspects into the mosque compound and shot them dead. However, video filmed inside the compound appears to indicate that, when Israeli police officers opened fire on Mohammed Ahmed Mfadi Jabareen, he posed no serious immediate danger that would have justified the use of intensive and fatal gunfire.”<sup>16</sup>

11. Subsequently, following an Adalah petition, the Israeli Supreme Court “rules police must return bodies of three Al Aqsa shooting suspects, Palestinian citizens of Israel, to families for burial within 30 hours; says no law permits police to hold bodies.”<sup>17</sup>

12. Israel responded to the incident by canceling Friday prayers and installed CCTV cameras, turnstiles, and metal detectors. Palestinian protests emerged in the form of mass prayer outside the religious compound as well as in demonstrations in the surrounding Jerusalem suburbs.<sup>18</sup> The Palestinian popular protests were violently repressed by the Israeli authorities. Amnesty International documented the violent raids of Israeli forces at the East Jerusalem al-Makassed Hospital in search of wounded protesters suffering from tear gas inhalation, beatings or those who had been injured by rubber bullets.<sup>19</sup> Amnesty International also accused Israel of violently repressing peaceful Palestinian protests.<sup>20</sup> Since the beginning of the incidents four Palestinian civilians have been killed and more than 1090 injured

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14([www.dw.com](http://www.dw.com)), D. (2017). Israel approves 566 new homes in east Jerusalem settlements | Middle East | DW | 22.01.2017. [online] DW.COM. Available at: <http://www.dw.com/en/israel-approves-566-new-homes-in-east-jerusalem-settlements/a-37229751> [Accessed 18 Aug. 2017].

15 <http://data.ochaopt.org/dbs/demolition/demolition/index.aspx>

16 Adalah.org. (2017). Adalah calls for immediate probe of police killings of Al Aqsa Mosque shooting suspects - Adalah. [online] Available at: <https://www.adalah.org/en/content/view/9154> [Accessed 18 Aug. 2017].

17 Adalah.org. (2017). Precedent-setting Israeli Supreme Court ruling on Adalah petition: Israeli police not allowed to - Adalah. [online] Available at: <https://www.adalah.org/en/content/view/9172> [Accessed 18 Aug. 2017].

18 Erekat, Noura.(2017)” Making Sense of Jerusalem, Gaza, and Anti-BDS Legislation in the United States”, Jadaliyya [Online] <http://quickthoughts.jadaliyya.com/pages/index/26952/making-sense-of-jerusalem-gaza-and-anti-bds-legisl>

19 Amnesty.org. (2017). Israeli forces carry out violent hospital raids in ruthless display of force. [online] Available at: [https://www.amnesty.org/en/latest/news/2017/07/israeli-forces-carry-out-violent-hospital-raids-in-ruthless-display-of-force/?utm\\_source=TWITTER-IS&utm\\_medium=social&utm\\_content=997956021&utm\\_campaign=Amnesty](https://www.amnesty.org/en/latest/news/2017/07/israeli-forces-carry-out-violent-hospital-raids-in-ruthless-display-of-force/?utm_source=TWITTER-IS&utm_medium=social&utm_content=997956021&utm_campaign=Amnesty) [Accessed 18 Aug. 2017].

20 Amnesty.org. (2017). Israeli forces attack peaceful crowds at Jerusalem holy site. [online] Available at: <https://www.amnesty.org/en/latest/news/2017/07/israeli-forces-attack-peaceful-crowds-at-jerusalem-holy-site/> [Accessed 18 Aug. 2017].

by Israeli forces during protests and clashes in the West Bank including Jerusalem, according to Amnesty International figures.

The Palestinian Return Centre calls on Mr. President and the Distinguished Members of the Council to:

- Take strong measures to bring to an end the Israeli system of domination and colonization of Palestinian territories, which is the root cause of the ongoing Israeli human rights violations;
  - Accountability must be pursued for all crimes committed by the Israeli Government, including attacks on medical personnel and infrastructure;
  - Ensure that Human Rights Council Resolution 31/36, which called to produce a database of all business enterprises involved in Israeli settlements related activities, is implemented without further delays;
  - Recall that Israel was accepted into the United Nations on condition that it accepts the Right of Return of the Palestinian refugees. Admission of Israel to membership in the United Nations (General Assembly Resolution 273 of May 11, 1949) requires Israel to comply with General Assembly Resolution 194 of December 11, 1948.
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