

# Israel's Illegal Annexation of East Jerusalem

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So says a confidential EU report revealed on March 7 by The London Guardian's Rory McCarthy. It accuses Israel "of using settlement expansion, house demolitions, discriminatory housing policies and the West Bank (Separation) barrier as a way of 'actively pursuing the illegal annexation' of East Jerusalem." More still, including restrictive permits, "closure of Palestinian institutions," and various other ways to "increase Jewish presence in" the city, "impede Palestinian urban development, and separate East Jerusalem from the rest of the West Bank" incrementally to annex it.

It says plans are now accelerated and have undermined the Palestinian Authority's (PA) credibility as well as weakened support for peace. It calls "Israel's actions in and around Jerusalem....one of the most acute challenges to Israeli-Palestinian peace-making (yet) have limited security justifications." In addition, they're illegal.

Israel dismissed the criticisms as "a disinformation campaign" and claimed that "mayor Nir Barkat continues to promote investments in infrastructure, construction and education in East Jerusalem, while at the same time upholding the law throughout West and East Jerusalem equally without bias." Those comments, of course, have no basis in fact nor do any from Israeli officials with regard to Palestinians.

The EU report cites Article 49 of the Fourth Geneva Convention that prohibits "Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory...." Neither shall "The Occupying Power....deport or transfer parts of its own civilian population into the territory it occupies." In addition, numerous UN resolutions established "no legal validity" for settlement building or for East Jerusalem's annexation.

Yet settlement expansions continue at a "rapid pace" – in the past year alone with nearly 5500 new units submitted for public review, 3000 of which have been approved. Through yearend 2008, they number in total around 470,000, including 190,000 in Arab East Jerusalem.

Of particular concern are "settlements inside the Old City, where there were plans (for) 35 housing units in the Muslim quarter, as well as (more) for Silwan, just outside the Old City walls" – the idea being to connect East Jerusalem with Old City settlements, then "sever" them from the West Bank.

The Guardian's McCarthy states:

"There are plans for 3500 housing units, an industrial park, two police stations and other infrastructure in a controversial area known as E1, between East Jerusalem and the West Bank settlement of Ma'ale Adumin, home to 31,000 settlers." The EU report called Israeli E1

measures “one of the most significant challenges to the....peace process.”

Israel responded as expected – that it’s “committed to the continued development of the city for the benefits of all its population,” and that East Jerusalem Palestinians are better off than those in the West Bank,” according to Olmert spokesman, Mark Regev. The EU clearly disagrees. So do human rights activists and Palestinians throughout the Territories living under an oppressive military occupation where international laws are debased so none of their rights are observed.

More from the “EU Heads of Mission Report on East Jerusalem”

No longer confidential, the reports documents numerous abuses in spite of Israeli denials to the contrary. Besides the above:

- in October 2008, a new synagogue was inaugurated “in the immediate vicinity of the Haram Al Sharif/Temple Mount” raising Palestinian concerns about Israel’s plans to take over the sanctuary as extremist settlers are promoting;

- the recent “Mufti’s Grove” confiscation of 29 dunums (around seven acres) for settler development;

- increased settler incursions into the Haram Al Sharif on the Temple Mount, at times protected by Israeli security forces;

- Palestinian properties are being targeted and families evicted from their homes;

- provocative settlement expansions are continuing “in the heart of the Palestinian population;”

- Palestinian urban development is being impeded “by depriving East Jerusalem of most of the still vacant areas available for economic and demographic growth;”

- land is being confiscated for road construction;

- the Separation Wall and “permit regime” cause “serious humanitarian, social and economic impact on Palestinian life;” in addition, 86% of it is on stolen land inside the Green Line; “the Wall in the Jerusalem area de facto annexes 3.9% of the West Bank” and extends Israel’s border illegally; by including “illegal settlements, (the Wall) cuts off 285,000 Palestinians,” including East Jerusalem, from the West Bank creating enormous hardships as a result;

- as more of the Wall is completed, “the checkpoint and permit regime imposed on West Bankers is being tightened;” only around 20% of farmers have permits for their land; the impact on their lives is “serious;” once the Wall is completed, it’s “estimated that 35,000 Palestinians will need permits for their own homes” with no assurance they’ll get them;

- East Jerusalem’s Al Quds University’s Beit Hanina Campus is also affected; it reports a 70% drop in students;

- fewer Palestinian Christians and Muslims have access to religious sites;

- West Bank and East Jerusalem economies have declined with customers cut off from

markets and services;

- East Jerusalem hospitals providing specialist healthcare face “increasing difficulties providing services for (West Bank) patients” who can’t access it without permits;

- East Jerusalemities get miniscule budgets that greatly restrict essential public services – “in sharp contrast to areas where Israelis live both in West Jerusalem and East Jerusalem settlements;”

- severe municipality restrictions impede “the building of Palestinian housing in East Jerusalem;” very few permits are issued for it;

- “since Israel annexed East Jerusalem, more than 35% of its territory has been expropriated (more than 24 sq. km);” of the remainder, much is unzoned and off limits for construction; even in zoned areas, “development has been artificially ‘capped,’ leaving only 12% of East Jerusalem (mostly originally Palestinian owned land) for Palestinian residential purposes;”

- building anywhere without permits means likely demolition, but getting one is onerous; authorities issue fewer than 200 a year, and “even these require a wait of several years and are usually a costly affair;”

- various other obstacles and restrictions make life for East Jerusalem Palestinians difficult to impossible, yet Israel finds new ways of imposing them.

Bricup’s “Report on East Jerusalem”

Bricup is the British Committee for the Universities of Palestine, “an organisation set up in response to the Palestinian Call for Academic Boycott” – with twin missions:

- “to support Palestinian universities, staff and students,” and

- “to oppose the continued illegal Israeli occupation of Palestinian lands with its concomitant breaches of international conventions of human rights, its refusal to accept UN resolutions or rulings of the International Court (ICJ), and its persistent suppression of Palestinian academic freedom.”

Undated but likely from mid to late 2005, its report calls “East Jerusalem....of central importance to the Palestinians in political, economic, social and religious terms. Several inter-linked Israeli policies are reducing the possibility of reaching a final status agreement on Jerusalem,” and show Israel’s clear intent to make its East Jerusalem annexation “a concrete fact” by:

- completing the Separation Wall to encircle the city;

- continuing illegal settlement expansions;

- annexing East Jerusalem one demolished home at a time;

- strictly enforcing rules separating East Jerusalem Palestinians from those in the West Bank, including by a reduced number of work permits; and

— the Jerusalem municipality’s discriminatory taxation, expenditure, and building permit policies.

Along with continued home demolitions, expanding the Ma’aleh Adumin settlement into area E1 threatens to completely encircle the city with Jewish settlements and split the West Bank in two. Once the Separation Wall is completed, East Jerusalem will be isolated physically, politically, commercially and socially. With justification, Palestinians fear that Israel will “get away with it,” seriously erode any chance for peace, and radicalize “the hitherto relatively quiescent ” East Jerusalem population.

Jerusalem remains one of the thorniest issues in reaching an equitable resolution to the Israeli – Palestinian conflict, yet Tel Aviv appears determined to make it harder. EU policy is based (if not enforced) on the provisions of UN Security Council Resolution 242 (November 1967) that calls for “Withdrawal of Israeli armed forces from territories occupied in the recent conflict.” As a result, EU member states (nominally at least) reject East Jerusalem’s annexation or any measures to change its status. Nonetheless, Israel continues to violate international laws, and as a result, creates huge humanitarian and political fallout, so far with impunity.

Bricup wants but hasn’t gotten clear EU and Quartet statements for Israel to desist from all illegal and disruptive policies or face political consequences if it refuses. As long as that persists, resolution to the long-running conflict remains stymied with Israel in command and Palestinians faced with the continued loss of their rights and land.

#### Historical Background and Basic Information on Occupied Palestine and Jerusalem

In November 1947, six months before Israel became a state, the General Assembly Partition Plan (Resolution 181) gave Jews 56% of historic Palestine, Palestinians 42%, with 2% kept under internationalized trusteeship, including Jerusalem. Israel’s 1948 War of Independence seized 78%. Then in December, UN Resolution 194 mandated free access to Jerusalem, other holy places, and granted Palestinians the right of return.

In May 1949, UN Resolution 273 gave Israel UN membership conditional on it accepting resolutions 181 and 194 and “unreservedly (agreeing to honor) the obligations of the United Nations Charter.” However, earlier in June 1948, the Israeli cabinet (with no formal vote) barred Palestinian refugees from returning and adopted “Israelification” and “De-Arabization” as policy, especially with regard to Jerusalem. The same policy holds today to preserve Israel’s “Jewish character” and confine Palestinians to isolation, confinement, and continued oppression under military occupation.

From May 1948 until June 1967, Israel controlled West Jerusalem’s 38 square kilometers while Jordan governed East Jerusalem’s six square km area. After the 1967 Six-Day War, Israel annexed 70 square West Bank km, including East Jerusalem, 28 Palestinian villages, and parts of Bethlehem and Beit Jala’s municipalities to make Jerusalem Israel’s largest city. Also its most controversial by creating a Jewish majority to solidify Israeli sovereignty over the city henceforth.

Palestinian villages were divided to exclude heavily-populated areas, and much of their land was expropriated for Jews. Remaining Palestinians became “permanent residents:”

— unwanted on their own land;

- treated like foreign immigrants;
- denied most citizenship rights, even for native Jerusalemites with roots going back generations or longer; and
- targeted by Israel for removal – one home demolition at a time to make way for new Jewish settlements.

As of year end 2005, Jerusalem's population was 723,700, according to B'Tselem – 482,000 Jews (67%) and 241,000 Palestinians (33%). The Jewish Virtual Library's numbers are even more one-sided at 582,700 Jews (69%), 240,900 Palestinians (29%), and 15,700 Christians (2%) for an 839,300 total.

Israel constrains a faster-growing Palestinian population by:

- expropriating Palestinian land, by individual seizures and the Separation Wall;
- physically isolating East Jerusalem from the rest of the West Bank;
- employing discriminatory policies, including land expropriation, home demolitions, building restrictions including denial of permits, and other restrictive measures;
- revoking residency and other benefits of Palestinians who stay abroad for seven years or who can't prove that Jerusalem is their home; and
- providing East Jerusalem few services to cause severe deprivation and encourage its residents to leave; sanitation facilities are sorely lacking; sewage and drainage infrastructure is grossly inadequate; infrastructure overall is in disrepair; trash goes uncollected and piles up in streets; the postal service barely functions; few neighborhoods get fresh water; educational facilities are few and deplorable, and much more;
- raising poverty to outlandish levels; in 2003, Central Bureau of Statistics data showed the damage – 64% of East Jerusalem Palestinians lived in poverty; for children, it was 76%; today the numbers are likely higher; and
- using police and security force harshness to exacerbate conditions through harassment, violence, terror, and killings.

East Jerusalem remains illegally annexed and occupied. In addition, all the above infringements violate Fourth Geneva law that requires an occupying power to provide essential goods and services and do nothing to restrict them. It also prohibits “violence to life and person (including) murder, mutilation, cruel treatment, torture (and) outrages upon personal dignity.” It designates everyone under occupation as “protected persons” fully covered by law. It bans “Individual or mass forcible transfers, as well as deportations of protected persons (anywhere) or transfer (of) parts of its own population into the territory it occupies.” Israel is in violation on all counts, and consider others as well below.

#### Obstacles to Palestinian Family Unification

Until May 2002, Israeli citizens, including Arabs, married to Palestinians in the Territories could live with their spouses in Israel, after completing a lengthy Ministry of Interior process to OK it. No longer after the government froze the application process and on July 31, 2003

passed the Nationality and Entry into Israel (Temporary Order) Law, 5763 – 2003. Thereafter, it was renewed.

The statute henceforth prohibits Israelis from bringing their Territory spouses into Israel, and children as well are harmed. Those residing in East Jerusalem who were born in the Territories are barred from residency in Israel.

As a result, tens of thousands are affected. Couples violating the law risk serious recriminations if caught, even in East Jerusalem, the West Bank or Gaza. Without a special permit, Israelis are forbidden to enter Gaza or Area A in the West Bank. However, couples who married before the law's enactment, in cases where Territory spouses hadn't yet received permanent Israeli status, may live together provided the Civil Administration issues a permit, something extremely hard to get and often cancelled.

Israel's "demographic bomb" is the problem – meaning the time when a faster-growing Palestinian population becomes a majority and threatens the Jewish State's character. Israel's solution is repressive laws and violent ethnic cleansing to prevent it, in Israel and the Territories.

The Association for Civil Rights in Israel, the Adalah Legal Center for Arab Minority Rights in Israel, some Knesset members, and couples harmed by the law petitioned the Supreme Court to void it. However, on May 14, 2006, Israel's High Court of Justice upheld it in spite of several UN agencies (UNHRC, UNCERD, and UNCEDAW) and human rights organizations calling for its revocation.

Its opponents call it discriminatory, racist, and in violation of international law for infringing on family life, privacy, dignity, and equality by treating Jews one way and Palestinians another. Various international conventions to which Israel is a signatory prohibit the practice, including the International Convention on the Elimination of Racial Discrimination (ICERD), International Covenant of Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, and the Convention for the Rights of the Child. Nonetheless, so far it stands.

#### Annexation Through One Home Demolition at A Time

The Israeli Committee Against House Demolitions (ICAHD) helps rebuild homes. It also resists "land expropriation, settlement expansion, by-pass road construction, policies of 'closure' and 'separation,' " destruction of agricultural land and crops, and the repressive effects of occupation, but its original mission was to oppose and resist house demolitions in the Occupied Territories.

From 1967 through December 2008, ICAHD estimates that 23,535 Palestinian homes overall have been destroyed from information gotten from the Israeli Ministry of Interior, the Jerusalem Municipality, the Civil Administration, the UN Office for the Coordination of Humanitarian Affairs(OCHA), other UN sources, Palestinian human rights groups, Amnesty International (AI), Human Rights Watch (HRW), and other sources. It classifies types of demolitions as:

- punitive as punishment for actions associated with the houses (around 8.7%);
- administrative for lack of a building permit (around 26.7%);



- land-clearing and by the military to clear land for any reason, achieve an IDF goal, or accompany extrajudicial assassinations (about 64.5%); and
- other reasons so far undefined.

Below is an account of one for lack of a permit – a clear testimony to the harshness of the practice.

On July 28, 2008, Hiba al-Almi gave this account about her family's dream to buy a home. In 2002, her father spent \$200,000 for an apartment, "all his savings. The contractor showed him the building permit he had received" to reassure him. In June 2006, "we moved in. The next day, policemen and Jerusalem Municipality officials came and handed us a demolition order." The building permit apparently wasn't valid.

On October 18, 2006, final demolition orders were posted on the building, "and we began to remove our furniture." With legal help, the order was postponed, and by November her family moved back. In July 2008, "teams of inspectors and Border Police forces came to the house a few times." They photographed the building without explanation.

On July 27 at around 11:30AM, "my parents were abroad and I was home alone. The bell rang and when I opened the door, I saw three Jerusalem Municipality inspectors and a Border Police officer with high ranking insignias on his shoulder." They entered and inspected room to room.

Hiba slept that night at her aunt's house as she didn't want to be at home alone. At around 1AM, a neighbor called, said police might return that night, so "Around 2, I returned home with my aunt....Around 3:30AM, I heard" stun gun grenades exploding, then banging on the door. "When I opened (it), a few policemen burst in with black masks on their faces," accompanied by "five huge dogs...."

She and her aunt were ordered out of the building "immediately," not allowed to get dressed, sworn at, slapped, hit in the back, threatened by one of the dogs, then grabbed by the hair, thrown to the ground, and kicked. A policeman then pushed her out of the apartment and down the stairs. Other police were in the stairway, and they hit and punched her as well. She begged them to let her go back to retrieve valuables and a school project on her computer. They refused and said everything would be brought out with the furniture.

Her father returned the next day at 11:30AM but was prevented from entering the building. At around 6:30PM, there was a loud explosion after which the "whole building collapsed, and my life was buried with it. All my mementos and pictures of the family were buried in the ruins." All the furniture and much other property and valuables were lost. The family now lives in a rented house, deeply scarred by the incident, that's repeated many times throughout the West Bank and in East Jerusalem.

#### Denial of Social Rights to East Jerusalem Palestinians

To receive them, including health coverage, individuals must be an "Israeli resident." East Jerusalem Palestinians are not so are lawfully excluded from entitlements. Especially suspect are East Jerusalemites married to non-resident Palestinians so nearly always allotment request investigations are conducted to check their validity – to verify if applicants live in Jerusalem lawfully. They take months and are often denied in violation of residents' rights. When resident parents want to register children, additional investigations are begun

that again take months so that thousands of resident minors end up denied services.

The idea is to toughen policies against East Jerusalem Palestinians and make their lives as harsh as possible toward the goal of reducing their numbers to provide more areas for Jews.

#### A Final Comment

Early in its history, Zionists chose confrontation over conciliation and used violence to achieve political aims. Thereafter came wars, state-sponsored terrorism, military occupation, ethnic cleansing, land theft, police state justice, and slow motion genocide to rid “Greater Israel” of Arabs and solidify its character as a Jewish state – most of all in Jerusalem, a “sacred city” for Zionists with lots of biblical nonsense and myths for support.

Ever since, Palestinians have suffered grievously for over six decades and under occupation since 1967. Sabbah Haitham’s blog says it well:

“YOU take my water, burn my olive trees, destroy my house, take my job, steal my land, imprison my father, kill my mother, bomb my country, starve us all, humiliate us all....BUT....I am to blame: I shot a rocket back.”

Nothing on the horizon promises Sabbah relief because world leaders, above all in America, exempt Israel from international law and give its government license to plunder, oppress, and terrorize defenseless Palestinians with impunity, separate them in isolated cantons, keep them under military occupation, starve them to death in Gaza under siege and ruthless bombings, and purge them relentlessly from the “sacred city” of Jerusalem.

That’s where things stand today under new leadership in Tel Aviv, Washington, and a complicit West Bank coup d’etat Palestinian government serving Israel as its enforcer and in the process betraying its own people.

When will it end? When people everywhere say enough is enough and join the Global BDS (boycott, divestment, and sanctions) Movement to punish Israel until it complies with international law, recognizes Palestinian self-determination, ends its illegal occupation, disbands its settlements, demolishes the Separation Wall, grants Israeli Arabs equal rights as Jews, recognizes the right of return, and gives Palestinians their legal claim to Jerusalem for their capital. Global grassroots movements are determined to make it happen.

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