



The Civic Coalition to Defend Palestinian Rights in
Jerusalem's Submission to the United Nations
Human Rights Council's
Universal Periodic Review of Israel
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The Civic Coalition to Defend Palestinian Rights in Jerusalem is a nongovernmental nonprofit coalition of institutions, societies, associations and individuals with experience and mandate of working in Jerusalem on human rights issues. CCDPRJ was established in 2005 and currently has a membership of 18 institutions.

Our vision: To ensure the fortitude of Palestinians in Jerusalem and to protect them from Israeli occupation's practices and measures.

Our mission: To mobilize efforts, capacities and resources to protect the political, civil, economic, social and cultural rights of Palestinians in Jerusalem based on international law and human rights law.

ISRAEL

Civic Coalition for Jerusalem

Submission to the UN Universal Periodic Review

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Key Words: Jerusalem; Local Outline Plan Jerusalem 2000; Israeli planning system; home demolition; settlements' cultural, social and political rights; religious freedom

In this submission, the Civic Coalition provides information under Section C, **Promotion and Protection of Human Rights on the Ground: Implementation of international human rights obligations** of the Human Rights Council's Guidelines for the Preparation of Information under UPR.¹

Category: Situation in or in relation to specific regions or territories – Jerusalem

Topic I: The Jerusalem Masterplan

Key issue: *Israel's Local Outline Plan Jerusalem 2000, currently in the process of being approved, promotes expansion of settlements and demolition of Palestinian homes in occupied East Jerusalem contrary to international humanitarian law; and promotes racial segregation and discrimination against Palestinians across East and West Jerusalem contrary to the recommendations of the UN Committee on the Elimination of Racial Discrimination.*

1. Over the last four years, Israel has continued to implement discriminatory urban planning policy in order to change the demographic composition of the whole of Jerusalem. As part of this, Israel has continued to implement measures designed to change occupied East Jerusalem's legal status, demographic composition and geographic nature in violation of numerous United Nations Security Council Resolutionsⁱⁱ and the prohibition in Article 2(4) of the UN Charter prohibiting the acquisition of territory by the threat or use of force. The **Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967** ('the Special Rapporteur on the oPt') as well as the Committee on Economic Social and Cultural Rights and the **Committee on the Elimination of Racial Discrimination** (CERD) have also expressed their concern about Israel's discriminatory planning policies in this regard.

2. In particular, the Civic Coalition draws the HRC's attention to the Local Outline Plan Jerusalem 2000 (2004, 2006) ('the Masterplan') which is currently being approved by the (Israeli) Regional Planning Committee in Jerusalem.ⁱⁱⁱ The plan outlines measures to enact demographic engineering in order to create a 70:30 ratio of Jews to Palestinians within Jerusalem (treating West and occupied East Jerusalem as a single unit). Measures outlined include an increase in the number of settlement housing units in occupied East Jerusalem; and the promotion of 'spatial segregation' of Jewish and Palestinian communities. The Coalition understands that the Masterplan will be given initial approval and referred back to the planner for revisions in October-November 2008.^{iv}

3. The **CERD** has already noted "with deep concern that separate 'sectors' are maintained for Jewish and Arab persons, in particular in the areas of housing and education, and that according to some information, such separation results in unequal treatment and funding."^v As outlined in the BADIL-led

submission to the UPR, Israeli laws provide legal mechanisms to enforce the preferential treatment of Jews in the fields of land and housing within Israel, and since 1967 this regime of racial discrimination has been extended to the oPt including East Jerusalem. The Coalition is concerned that the Masterplan's recommended policy of 'spatial segregation' (Masterplan, p.33) will facilitate further racial discrimination against Palestinians in planning and other sectors, contrary to the recommendations of the **CERD**; and entrench the segregated system which **the Special Rapporteur on the oPt** has compared to apartheid.^{vi}

4. In its treatment of occupied East Jerusalem, the Masterplan makes recommendations for further measures that will result in violations of IV Geneva Convention; including transfer of Israeli civilian population into occupied territory through construction of at least 17,000 new illegal settlement housing units^{vii} and demolition of Palestinian homes (as discussed in paragraph 7 of this submission). In the introduction to the Masterplan document, the Director General of the Municipality explicitly links the Masterplan to the Jerusalem Light Rail project,^{viii} which as Al-Haq note in their submission to the UPR is designed to support the settlements. Expansion of settlements and supporting infrastructure in East Jerusalem is ongoing regardless of formal ratification of the Masterplan. In particular we draw the HRC's attention to the announcement on 1 January 2008 of an extension to the East Jerusalem Ring Road which will serve settlements in the south east of the city, and the expansion of Har Homa settlement, where 307 housing units were put out to tender on 2 December 2008.

Topic II: Israel's continued policy of illegal house demolitions in occupied East Jerusalem

Key issue: *Despite the recommendations of the Special Rapporteur on the oPt and the CERD, 44 Palestinian homes were demolished in the first six months of 2008 displacing 269 people including 159 children. The Civic Coalition is concerned that home demolitions will continue and accelerate as the Local Outline Plan Jerusalem 2000 is implemented.*

5. Over the last four years, Israel has continued to demolish Palestinian homes in East Jerusalem. The **Special Rapporteur on the oPt** has noted the illegality under international law of the demolition of Palestinian homes in East Jerusalem^{ix} and the **CERD** has called for a halt to demolitions of Arab properties.^x

6. Specifically, the Civic Coalitions draws the HRC's attention to the fact that between January 1 and June 30 2008, 44 Palestinian homes were demolished in Jerusalem and its environs, displacing 269 people including 156 children.^{xi} This represents an increase of around 110% on second half of 2007, during which 20 homes were demolished. Home demolition is part of a policy of exerting intolerable pressure on Palestinian communities, which over time results in transfer of population, as outlined by Al-Haq in their submission to the UPR. Indirect forcible transfer is one of the methods by which Israel creates 'facts on the ground' in the oPt, including in East Jerusalem.

7. As the HRC is aware, home demolitions are usually carried out because of unlicensed construction, arising from discrimination against Palestinians in the planning system.^{xii} Amir Cheshin, advisor on Arab Affairs to the former Israeli Mayor of Jerusalem Teddy Kollek, notes that since 1967: "Israel's leaders adopted two basic principles in their rule of east Jerusalem. The first was to rapidly increase the Jewish population in east Jerusalem. The second was to hinder growth of the Arab population and to force Arab residents to make their homes elsewhere."^{xiii} As evidenced by the Masterplan this policy continues, and demolition of Palestinian homes is likely to continue and accelerate as the Masterplan is ratified and implemented. For example, in the Atarot / Kalandia planning area, the proposed total 'real capacity' for building housing units for Palestinians is 259: 33 *less* than number of housing units that currently exist; an outcome which would require demolition of at least 33 Palestinian homes; in the Old City the figure is 512 housing units (Masterplan, p.199) and the document states bluntly that "The Old City's population density will be decreased by governmental intervention." (p.148). While acknowledging

that the Masterplan has still not received final approval, the Civic Coalition is concerned about the fate of 15,000 Palestinian housing units which the Masterplan states are ‘unlicensed’, particularly in light of the Masterplan’s recommendation for ‘enforcement of planning laws’ (p. 18).

Topic III: Registration to Jewish-owned properties in the Old City withing the Israeli land registry, and Article 215/5 of the Building and Planning Law

Key issue: *Israel has continued over the last four years to use its planning regime in East Jerusalem to impose measures designed to change the legal, geographic and demographic status of East Jerusalem in violation of United Nations Security Council Resolutions.^{xiv} Recent developments include the registration of Jewish-owned properties in the Old City of Jerusalem within the Israeli land registry, normalising Israeli jurisdiction over East Jerusalem; and racial discrimination arising from use of article 212/5 of the Building and Planning Law (1965) to demolish Palestinian homes in Silwan, occupied East Jerusalem, ‘in the public interest’ as part of a process of ‘Judaization’.*

8. The Civic Coalition is concerned that in March 2008, the Israeli authorities started to bring 1,300 properties in the Old City, East Jerusalem, into the Israeli land registry. The properties were seized by Israel in 1967, and include 585 apartments, 146 shops and a more than 60 public institutions. This is the first time that the properties will have been officially registered within the Israeli land registry, and is part of a creeping ‘normalisation’ of Israeli jurisdiction over East Jerusalem.^{xv}

9. The Civic Coalition is concerned by the Israeli government’s use of section 212/5 of the Israeli Building and Planning Law (1965) to demolish homes ‘in the public interest’, as a tool to promote the ‘Judaization’ of Jerusalem, a phenomomen noted by the Special Rapporteur on the oPt.^{xvi} Demolition of Palestinian homes is usually carried out under section 205 of the planning law, which allows for demolition on the basis of unlicensed construction. Section 212/5 is usually employed where the person responsible for construction cannot be found, for example if they have died. In November 2004, an engineer acting on behalf of the Jerusalem municipality designated the al-Bustan Valley area of Silwan in occupied East Jerusalem as a ‘national park’ on the basis of the engineer’s assertion that the area has historic significance to the Jewish people. 88 Palestinian homes in the Bustan area of Silwan were served with demolition orders, a number of which were issued under section 212/5 and referred to “the historical and archaeological significance of the region to the Jewish people.” As of March 2008, seven of the 88 homes in Silwan had been demolished and 40 are in various stages of court proceedings.

10. In creating the ‘national park’ in Silwan, the Municipality is cooperating extensively with ultra-nationalist settler organisations. In 2005, the project was allocated a budget of 50 million NIS (\$13m) per year for a period of 8 years, with a large proportion allocated to the Elad settler organization. In May 2008, the Israeli Municipality of Jerusalem began the process of approving a plan submitted by Elad for a new settlement complex in Silwan, including a synagogue, 10 apartments, kindergarten classrooms, a library and a carpark. It is clear that in the context of ‘Judaization’, the ‘public interest’ refers to national Jewish interest, at the expense of Palestinians.

Topic IV: The Wall in Jerusalem

Key issue: *Violations of Israel’s obligations under international law that result from construction of the Wall have been extensively covered by the Human Rights Council and othe UN bodies. Israel continues with the ilegal project; according to local sources the Wall in the Dahiat al-Barid area of occupied East Jerusalem will completed by September 2008.*

11. The **Special Rapporteur on the oPt** noted in August 2007 that the Wall in Jerusalem is almost complete and that it is “an exercise in social engineering, designed to achieve the Judaization of Jerusalem

by reducing the number of Palestinians in the city.”^{xvii} Construction of the Wall in Jerusalem continues, and is now completed in Dahiat al-Barid, except for a small gap for vehicular traffic. Other crossings that had been used by school children and workers to cross the Wall, including a 30cm gap in a steel door in the Wall, and a sewer running underneath it, have been closed. Local schools have been informed by the Israeli authorities that the gap used by vehicles will be closed before the start of the new school year in September 2008.^{xviii} Final closure will lead to further fragmentation of Palestinian social, cultural and economic life in Jerusalem. To take one example, in April 2008 a Coalition member, the Jerusalem Arab Chamber of Commerce, was forced to open a new branch in Arram on the eastern side of the Wall in anticipation of the closure in order to continue providing services to the private sector.

Category: Freedom of religion and belief, expression, and right to participate in public and political life

Topic I: Repression of Palestinian cultural, social and political activity

Key issue: *Arab and Palestinian social, cultural and political organization are being repressed by the Israeli authorities within Jerusalem; part of the ongoing program of ‘Judaization’ highlighted by the Special Rapporteur on the oPt. There have been numerous instances of such repression in the first six months of 2008 including the extension of an administrative order closing 80 Palestinian civil society organisations.*

12. Repression of cultural and social life in the oPt has not attracted as much attention as other rights issues. Severe restrictions on Palestinian cultural activity in Jerusalem are imposed by the Israeli occupying authorities with the effect of preventing expression of Palestinian cultural, social and political identity. The HRC is already aware of the forcible closure of the opening ceremony at the al-Hakawati Theatre of the Jerusalem – Capital of Arab Culture initiative during March 2008^{xix} which was carried out on the orders of the Israeli Minister of Internal Security Avi Dichter, on grounds of alleged Palestinian Authority involvement.

13. There have been numerous such closures since the start of 2008. On 2 April a social event for Palestinian Prisoners Day, also at al-Hakawati Theater, was forcibly closed. On 1 May Israeli forces shut down the opening ceremony of the Samed Association for Social Education in the Aqabat al-Khalidyay quarter of Old City on orders of Israeli Internal Security Minister Avi Dichter. The Turkish ambassador Organ Ozer, who was attending the ceremony was ejected, the Palestinian organizers were removed for interrogation. Samed is an independent association, registered with the Palestinian Interior Ministry, which works on social issues. On Friday 23 May 2008 Israeli police and special forces raided the Palace Hotel in Jerusalem, where the Islamic Waqf Education Department was holding its central ceremony of 2008. The Civic Coalition documented 11 instances in which Palestinian institutions were closed and cultural and political representatives were detained between 1 January and 31 May 2008.

14. Repression of cultural identity extends to events organized for children. Over the summer months, Palestinian community groups organize camps for children, which as well as being social events bringing children together over the long summer break usually have a cultural and educational focus. During July 2007, there were numerous instances in which these summer camps were targeted by the Israeli administration on spurious grounds. On Tuesday 3 July 2007 Israeli forces prevented hundreds of children attending summer camps in Jerusalem were prevented from entering the Al-Aqsa Mosque compound and held them at the gates. On 17 July 2007 a summer camp organized by the Wadi Joze Association in the Refugee Girls’ School in Jerusalem was raided and shut down by Israeli forces. The official reason given for the raid was that ‘Palestinian slogans’ were being promoted at the event. The organizers were arrested and removed for interrogation. Many of the children were traumatized by the raid and subsequently received counselling. On the same day, Israeli police stationed inside the Al Aqsa compound harassed

parties of children from other summer camps, detaining of hundreds outside the gates of the Mosque. Israeli police claimed children were singing religious songs, and stated that they had decided to ban such religious activities on the compound ground. On 18 July a party of children from a summer camp organized by the Nidal Center of the Health Work Committees was detained as they tried to enter the courtyard of Al Aqsa Mosque. Police and border guards held the party up to check IDs and the registration details of the organizers of the trip.

15. In mid-February 2008, the Israeli authorities extended an administrative order closing 80 Palestinian civil society organizations in Jerusalem, the eighth such extension to have been issued. The order was issued on grounds of ‘public safety’; a somewhat bizarre pretext given the nature of the affected organizations, including the Jerusalem Arab Chambers of Commerce and the Mapping and GIS Department of the Arab Studies Society, who are members of the Civic Coalition, which has also been officially closed. The Israeli authorities are doubtless aware that these organizations continue to function in a limited capacity: providing services to small businesses, advising on housing and planning procedures, and in the case of the Civic Coalition providing free legal advice and advocacy. They are no doubt also aware that being unable to function officially creates a climate of fear and a reluctance to do anything that might ‘draw attention’ and result in complete closure of the organizations and detention and interrogation of staff.

16. By these means, Palestinian civil society and political activity in East Jerusalem has been largely incapacitated by the permanent threat of closure. Just as the policy of limiting the size of the Palestinian population requires the placing of obstacles in the way of Palestinian construction and home demolition, so repression of Palestinian social, political and cultural identity in Jerusalem necessarily involves closure of institutions and systematic infringements of Palestinian’s social and cultural rights.

Topic II: Religious freedoms and respect for the sanctity of holy places

Key issue: *The Israeli authorities continue to restrict access to Al-Aqsa Mosque and to restrict access to it contrary to the recommendations of the CERD and Special Rapporteur on the oPt, continue to carry out actions including tunnelling under the Mosque with little regard for its preservation, and are interfering with the internal affairs of the Mosque on an ongoing basis.*

17. The HRC is already aware that access to Al Aqsa Mosque is severely curtailed by the ongoing closure of Jerusalem to residents of the West Bank and Gaza, and by other restrictions including a general ban on Palestinians under the age of 45 from entering the mosque. The **CERD** stresses that “Al-Aqsa Mosque is an important cultural and religious site for people living in the Occupied Palestinian Territories” and urges Israel “to ensure that the excavations in no way endanger the mosque and impede access to it.”^{xx} The **UN General Assembly** has affirmed the need for respect for holy places in Jerusalem.^{xxi} The HRC is already aware of the Israeli authorities’ failure to take positive action to ensure the preservation of archaeological and historical sites and objects in East Jerusalem and areas of the West Bank under Israeli administrative jurisdiction, and the **CERD** has raised its concerns about “excavations beneath and around Al-Aqsa Mosque and the possible irreparable damage these may cause to the mosque. (Articles 5 (d) (vii) and (e) (vi), and 7 of the Convention).”^{xxii}

18. The Coalition draws the HRC’s attention to the fact that the excavation works are still ongoing, and that the works are part of a wider pattern of active damage to Palestinian, Arab and Islamic cultural heritage. In one example among many, on Wednesday 3 October 2007 Israeli occupation forces destroyed a wall adjacent to "Suleiman's Fountain" outside Hebron gate in the Old City. The Coalition draws the HRC’s attention to the fact that restrictions on access to the Mosque are ongoing; and further, that the Israeli authorities continue to interfere with the internal affairs of Al Aqsa and carry out provocative actions. On Saturday, 9 December 2007 Israeli police surrounded hundreds of volunteers who came from

Jerusalem and areas in Israel to assist with tiling works of Al-Aqsa mosque yards, and there was further disruption on 4 March 2008. On Monday 28 April 2008 the Israeli occupation authorities issued an order banning Nasser Abdul Hakeem Abu Qwader (37), head of Al-Aqsa Mosque's Morning Watch unit (who guard the compound) from coming within 150m of the area. On Thursday 12 December 2007 Israeli police prevented the celebration of an Iftar meal marking the first 9 days of the month of Thee Al-Hijjah (the twelfth month in the Islamic calendar) from taking place in Al-Aqsa mosque, by refusing to allow fasting Palestinians from Israel to enter. Apparently arbitrary interventions by the Israeli administration targetted at summer camps for Palestinian children as noted in paragraph 15 of this submission constitute further provocative intrusion into the affairs of the mosque.

Recommended Questions to Israel:

Category: Situation in or in relation to specific regions or territories – Jerusalem

1. What steps will Israel take to ensure that the final version of the Local Outline Plan Jerusalem 2000 does not promote the expansion of settlements and demolition of Palestinian homes in occupied East Jerusalem contrary to international humanitarian law; and racial segregation and discrimination against Palestinians contrary to the recommendations of the CERD?

Annex: Notes on the text and further detailed information

- ⁱ UN. Doc. A/HRC/6/L.24. 24 September 2007
- ⁱⁱ Including UN Security Council Resolutions 252 (1968) and 446 (1979) and numerous subsequent resolutions.
- ⁱⁱⁱ Planning Administration City Engineer, City Planning Department, *Local Outline Plan Jerusalem 2000, Report No. 4 - The Proposed Plan and the Main Planning Policies Prepared for Jerusalem Municipality*. Available in Hebrew from the Jerusalem Municipality website, www.jerusalem.muni.il. An unofficial English translation is available from the Civic Coalition from the website www.ccdprj.ps/en. All references in this submission are to our translation. The 2004 version has been superseded by a revised draft published in 2006 and unfortunately we do not have a translation of this more recent document. Further, during the approval process which is currently ongoing, the [Israeli] Regional Planning Committee have recommended changes to the plan including to Palestinian areas. However, the key policy objective remains of demographic engineering with the aim of achieving a 70:30 balance of Jews to Palestinians in line with Israeli government decisions.
- ^{iv} According to information from the Center for Planning & Urban Studies in Haifa, Wednesday 16 July 2008. The Center is currently developing a detailed study on the Masterplan for the Civic Coalition.
- ^v Concluding Observations Of The Committee On The Elimination Of Racial Discrimination, Para. 35 (CERD/C/ISR/CO/13, 14 June 2007), para. 22
- ^{vi} UN Special Rapporteur, Prof. John Dugard, *Human Rights Situation in Palestine and other Occupied Arab Territories* (A/HRC/7/17, January 2008).
- ^{vii} Figure aggregated from projected construction in settlement planning areas (Masterplan pp. 195-198). As already noted, this is the most recent figure available to us. The approval process currently underway includes revisions to the detail of the plan, but the principle of settlement expansion in Jerusalem remains an essential part of Israeli policy.
- ^{viii} The Director General states: “I particularly felt the need for a Master Plan when I was placed at the head of the project for a light railway for Jerusalem. The lack of planning cried out to the skies. A light railway is above all a comprehensive urban instrument and as such it was necessary to identify development patterns of the city so as to give an adequate solution to the needs of the citizens, both for the present and the future to come.” (Masterplan, p. 5)
- ^{ix} UN Special Rapporteur, Prof. John Dugard, *Human Rights Situation in Palestine and other Occupied Arab Territories* (A/HRC/7/17, January 2008).
- ^x Concluding Observations Of The Committee On The Elimination Of Racial Discrimination, (CERD/C/ISR/CO/13, 14 June 2007), para. 35
- ^{xi} Land Research Center, *هدم المنازل في القدس خلال الخمسة أشهر الأولى من عام 2008 ملخص إحصائي* (‘House demolitions in Jerusalem during the first five months in 2008: Statistical summary’) (Arabic only, available from the Civic Coalition on request) and aggregated data from The Civic Coalition human rights bulletin January – June 2008, available from the Civic Coalition website www.ccpri.ps Note that our figures on home demolition in Jerusalem are considerably higher than those supplied by the UN Office for the Coordination of Humanitarian Affairs (OCHA). Every home demolition documented by the Land Research Center is documented with affidavits and where possible photographs and we are confident of our figures. We raised the issue with OCHA in early July 2008 and are currently discussing it with them.
- ^{xii} UN Special Rapporteur, Prof. John Dugard, *Human Rights Situation in Palestine and other Occupied Arab Territories* (A/HRC/7/17, January 2008).
- ^{xiii} Amir Cheshin, *Separate and Unequal: The Inside Story of Israeli Rule in East Jerusalem* (Cambridge: Harvard University Press, 1999, pp. 31-32):
- ^{xiv} Including UN Security Council Resolutions 252 (1968) and 446 (1979) and numerous subsequent resolutions.
- ^{xv} Civic Coalition for Jerusalem and Mapping and GIS Department of the Arab Studies Society, *New measures to consolidate Israeli control of East Jerusalem during March 2008* (March 2008) available from the Civic Coalition website, www.ccdprj.ps
- ^{xvi} UN Special Rapporteur, Prof. John Dugard, *Human Rights Situation in Palestine and other Occupied Arab Territories* (A/HRC/7/17, January 2008).
- ^{xvii} Situation of human rights in the Palestinian territories occupied since 1967 A/62/275 (17 August 2007)

^{xviii} According to unconfirmed reports given to members of the Civic Coalition by teachers at local schools around Arram.

^{xix} Religious and cultural rights in the Occupied Palestinian Territory, including East Jerusalem (A/HRC/8/18, 10 June 2008), para. 52

^{xx} Religious and cultural rights in the Occupied Palestinian Territory, including East Jerusalem (A/HRC/8/18, 10 June 2008)

^{xxi} UN General Assembly Resolution 1322 (2000), “Reaffirms the need for full respect by all of Holy Places of Jerusalem and condemns any behaviour to the contrary” and “Deplores the provocation carried out at Al-Haram Al-Sharif in Jerusalem”

^{xxii} Concluding Observations of the Committee on the Elimination of Racial Discrimination, (CERD/C/ISR/CO/13, 14 June 2007), para. 36