

Submitted to

**The United Nations Special Committee to Investigate Israeli Practices Affecting
the Human Rights of the Palestinian People and Other Arabs in the Occupied
Territories**

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Regarding

**Israel's Continuing Violation of the Fundamental Rights of Palestinian Refugees
and Internally Displaced Persons in the 1967 Occupied Palestinian Territories**



Submitted by

**BADIL, Resource Center
For Palestinian Residency and Refugee Rights**

ISRAEL'S CONTINUING VIOLATION OF THE FUNDAMENTAL RIGHTS OF PALESTINIAN REFUGEES AND INTERNALLY DISPLACED PERSONS IN THE 1967 OCCUPIED PALESTINIAN TERRITORY

Sixty years since the first massive displacement of Palestinians in 1948, and 41 years into Israel's occupation of the West Bank and Gaza Strip including eastern Jerusalem, military occupation combined with colonialism and Apartheid, continue to prevent durable solutions for Palestinian refugees and Internally Displaced Persons (IDPs) in/from the OPT and cause new forced displacement of the Palestinian population.

1. Violation of the Rights to Return, Restitution and Compensation

a) Scope and Rights of the Population, Israel's Obligations

At least 40 percent (1,712,033 persons)¹ of the Palestinians residing in the 1967 Occupied Palestinian Territory (OPT) today are 1948 Palestinian refugees, i.e. persons and their descendants who suffered forced displacement from their homes and properties in 1947-1949 (the *Nakba*, i.e. catastrophe) subsequent to the UN-recommended partition, the first Arab-Israeli war and the establishment of the State of Israel in former Palestine.

Approximately 950,000 Palestinians who fled or were expelled during the 1967 war and their descendants are entitled to lawful return and residency in the OPT but remain in forced exile.

1948 Palestinian refugees in the OPT are *protected persons* according to international humanitarian law. Under human rights law and UN resolutions,² they are also entitled to specific rights, protection and durable solutions based on their rights to return to their homes in Israel, restitution and compensation.³ Notwithstanding the occupied non-self-governing status of the OPT, 1967 refugees have the right to return to the homes of origin as guaranteed under international human rights and humanitarian law.⁴

¹ Data for the occupied West Bank and Gaza Strip represent UNRWA-registered refugees at mid-2006 as stated by the UNRWA Headquarters Public Information Office, Gaza, September 2006.

² In this respect, UNGA Resolution 194 and especially UNSC Resolution 237 are relevant. Resolution 237 stipulates that Israel should "facilitate the return of those inhabitants who have fled the areas since the outbreak of hostilities." UNSC, Resolution 237, S/RES/237, 14 June 1967. See also the Universal Declaration of Human Rights (article 9 and article 13), and the International Covenant on Civil and Political Rights (ICCPR, article 12).

³ "Basic Principles and Guidelines on the Right to a Remedy and Reparations for Victims of Violations of International Human Rights and Humanitarian Law," adopted by the Commission on Human Rights of the United Nations Economic and Social Council on January 18, 2000. UN Doc. E/CN.4/2000/62. See also: *Principles on Housing and Property Restitution for Refugees and Displaced Persons (Pinheiro Principles)*, 2005.

⁴ The Fourth Geneva Convention Relative to the Protection of Civilians states in article 45 that this provision: "shall in no way constitute an obstacle to the repatriation of protected persons, or to their return to their country of residence after the cessation of hostilities" [Emphasis added]. UN, Fourth Geneva Convention (IV) Relative to the Protection of Civilians, 12 August 1949, article 45. The Additional Protocol (I) affirms: "...the following shall be regarded as grave breaches of this Protocol if committed willfully and in violation of the Conventions or Protocol: b) unjustifiable delay in the repatriation of prisoners of war or civilians" [Emphasis added]. UN, Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, Article 85 (4)(a). Similarly, the 1990 Turku Declaration declares in Article 7: "Persons or groups thus displaced shall be allowed to return to their homes as soon as the conditions which made their displacement *imperative* have

The international community has recognized Israel's direct responsibility for implementing durable solutions,⁵ and particularly the fundamental right of return of the Palestinian people. Any durable solution to the 1948 and 1967 Palestinian refugees should be premised on the voluntary choice to exercise the right to return to their original homes, or, in the discretion of other states, to integrate in the host country or resettle in a third state.

b) Israel's continued violation of the right of return of Palestinian refugees in/from the OPT

Israel has failed to respect the right of return in all political peace negotiations, including the negotiations of the Madrid-Oslo peace process which have been at a standstill since 2001. The right of return, i.e. the basis for durable solutions for refugees worldwide, has therefore been denied to the 1967 Palestinian refugees from the OPT for 41 years, and to the 1948 Palestinians for 60 years.

b-1) Legislation impeding the exercise of the right of return

Israeli law affords preferential treatment to Jews in accordance with Israel's status as a "Jewish state".⁶ All Jewish people, regardless of their national origin or citizenship, have the right to residency and citizenship in Israel and the OPT under Israel's *Law of Return* (1950). Israel thereby discriminates against Palestinians, and violates its obligation to facilitate repatriation and restitution for the 1948 and 1967 Palestinian refugees, as well as those who have since been displaced. Israel's laws are designed to exclude the Palestinian refugees and IDPs from the right of return, citizenship/residency rights, and the right to housing and property restitution.

In the OPT, military law is applied only to the Palestinian population and not the population of the Jewish colonies (settlements) there, and who fall under Israeli civil law.

More than 1.7 million 1948 Palestinian refugees have remained in the OPT as refugees, as they were *de facto* denationalized by the *Citizenship and Entry into Israel Law* (1952). While perhaps beyond the scope of the Special Committee, it is important to note that this law effectively denationalizes all 1948 Palestinian refugees contrary to Israel's obligations under the Law of State Succession and UNGA 181.

On 1 January 2001, the Knesset passed the *Ensuring Rejection of the Right of Return*

ceased" [Emphasis Added]. Turku Declaration, Declaration of Minimum Humanitarian Standards, UN Doc. E/CN.4/Sub.2/1991/55, December 2, 1990 in Sassoli, Marco and A.Bouvier, Antoine. *How Does Law Protect in War?*, International Committee of the Red Cross, Geneva, 1999, p. 519.

⁵ See for example, UNGA Resolution 3236 (XXIX), 22 November 1974 which stipulates the right to self-determination, national independence, return to their homes and property of the Palestinian people. See also UNGA Resolution 51/129 which recalls "resolution 394 (V) of 14 December 1950, in which it directed the Conciliation Commission, in consultation with the parties concerned, to prescribe measures for the protection of the rights, property and interests of the Palestine Arab refugees" and "call once more upon Israel to render all facilities and assistance to the Secretary-General in the implementation of the present resolution."

⁶ The Jewish character of the state is defined by three inter-related components: (1) that Jews form the majority of the state; (2) that Jews are entitled to certain preferential treatment (for example, the Law of Return); and (3) that a reciprocal relationship exists between the state and Jews outside of Israel. *Ben Shalom vs. Central Election Committee*, 43 P.D. IV 221 (1988), in 25 *Israel Law Review* 219 (1991); *Legal Violations of Arab Minority Rights in Israel*, Shafr Amr: Adalah – The Legal Center for Arab Minority Rights in Israel, 1998, pp. 44–45.

Law⁷ which prevents refugees, defined as “a person who left the borders of the State of Israel at the time of war and is not a national of the State of Israel, including the persons displaced in 1967 and refugees of 1948 or a member of his family” to return “to the territory of the State of Israel [OPT included/Badil] except with the approval of a majority of members of Knesset.” This law is discriminatory as it specifically targets a national, religious, ethnic and political group.

b-2) Legislation impeding exercise of the right to family reunification

The *Citizenship Law* (1952) does not entitle Palestinian citizens of Israel to family reunification with foreign spouses and children. Family reunification is seen as a humanitarian issue which is largely within the discretion of the Israeli Minister of Interior affairs. In 2003, the Israeli Knesset enacted the *Citizenship and Entry to Israel Act (Temporary Law) (2003)* which provides that permission for family reunification can be granted to Palestinian residents of the OPT only if applicants are aged 25 or above (women) or 35 and above (men). Such persons may be eligible for temporary visit permits to Israel. They are, however, not entitled to apply for permanent residency or citizenship. Palestinian residents of the OPT, refugees and non-refugees alike are affected by the restrictive and discriminatory legislation. Although this law is temporary in nature, its validity was extended a number of times. In May 2006, the Israeli Supreme Court found this law to be constitutional, mainly because of its temporary nature. Nevertheless, the Knesset, in *The Citizenship and Entry to Israel Act (Temporary Law)(Amendment Number 2) (2007)* extended its validity and added new amendments to it to make the restrictions on the family reunifications broader. This law is valid until 31 July 2008, but as in the past, the Israeli government and Knesset are expected to extend the validity to a longer period of time.⁸

c) Israel's Continued violation of the right to restitution and compensation

c-1) Legislation impeding housing and property restitution

More than 1.7 million 1948 Palestinian refugees in the OPT remain barred from access to and enjoyment of their lands and properties in Israel, which were transferred to the *Custodian of Absentees' Property* and are now managed by the *Israel Lands Authority* (ILA). Palestinians displaced in 1948 are considered “absentees” under Israeli law with regard to property owned or used before 1948, and cannot repossess such property. Since 1948, Israel has legislated and amended a series of land laws,⁹ in

⁷ Sefer Hahukim (Laws of Israel), Booklet 1172 (10 January 2001), p.116 in Sultany, Nimer, *Citizens Without Citizenship*, Mada's First Annual Political Monitoring Report: Israel and The Palestinian Minority, 2000-2002, Israel, 2003, p. 19

⁸ See for example: Amos Schocken, 'Citizenship Law Makes Israel an Apartheid State,' Ha'aretz, 27 July 2008: <http://www.haaretz.com/hasen/pages/996697.html>

⁹ Land (Acquisition for Public Purposes) Ordinance (1943); Defense (Emergency) Regulations (1945); Abandoned Areas Ordinance (1948); Emergency Regulations Concerning Absentee Property (1948); Emergency Regulations (Security Zones) (1949); Emergency Regulations (Cultivation of Waste [Uncultivated] Lands) (1949); Absentees' Property Law (1950); Development Authority (Transfer of Property) Law (1950); Absentees' Property (Amendment) Law (1956); State Property Law (1951); Prescription Law (No. 38) (1958); Absentees' Property (Amendment No. 3) (Release and Use of Endowment Property) Law (1965); Absentees' Property (Compensation) (Amendment) Law (1976); and Negev Land Acquisition (Peace Treaty with Egypt) Law (1980).

order to facilitate the confiscation and transfer of immovable property owned by Palestinians and preempt restitution. Property now held by the state, the *World Zionist Organization* (WZO) and the *Jewish National Fund* (JNF) is administered by the ILA and may not be transferred by sale or in any other manner. Thirteen percent of this land, most of it belonging to Palestinian refugees, is held and developed by the JNF for the exclusive benefit of the Jewish people under its statute.¹⁰ It is important to note that the JNF holds charitable status in many UN member states, facilitating its fundraising activities and constituting a *de facto* subsidy for the organization.

Following Israel's domestic laws, Israeli military regulations in the OPT also prevent legal claims for property restitution by the Palestinian population occupied or displaced since 1967.

Israel's Jewish citizens do not usually own private land, and Jews may repossess property managed by the Custodian.

c-2) Recent legislation affecting the right to compensation

The Israeli *Civil Wrongs (Liability of the State) Law* was amended by legislation passed at the end of July 2005, which stipulates that "residents of a conflict area" and "subjects of enemy states" (including Palestinians), are not allowed to sue or claim compensation from the Israeli government for damages caused by 'combatant activity'. Combatant activity is defined as "*...any action of combating terror, hostile actions, or insurrection, and action intended to prevent terror and hostile acts and insurrection committed in circumstances of danger of life or limb.*"

On 12 December 2006, Israel's Supreme Court decided that the State of Israel cannot exempt itself from paying compensation to Palestinians in the OPT who have been harmed by the military. However, the Court left intact the provision of the Law which provides that no compensation is payable for damages caused in military operations since September 2000 to «*a citizen of an Enemy State and an activist or member of a Terrorist Organization*»¹¹ (emphasis added). Pending interpretation of these terms, this decision means that many Palestinians in the OPT will remain barred from legal redress for the wrongdoings of Israeli soldiers, such as death or injury of civilians, abuse and degrading treatment or physical violence as well as damages and loss of properties. It also means that incidents of physical and psychological violence amounting to torture cannot be prosecuted. Moreover, this law is discriminatory as it is exclusively based on the national identity of the claimant and not on the merits of the claim. The Israeli Knesset is trying to reenact the parts of the Law that were invalidated by the Supreme Court by introducing cosmetic changes that would essentially achieve the same results.¹²

This Law clearly violates Israel's legal obligations under human rights law for actions

¹⁰ The Jewish National Fund (JNF) was established by the fifth Zionist Congress (1901) to purchase land in Palestine and Syria for Jewish colonization. The JNF was incorporated as an Israeli company and parastatal institution in 1953. According to its Memorandum of Association, the JNF is forbidden to sell national land to non-Jews. For further discussion, see Lehn, Walter, *The Jewish National Fund*. London: Kegan, Paul, 1988. No land classified as "Israel Lands" under the 1960 Basic Law: Israel Lands (Section 1) may be transferred either by sale or in any other manner.

¹¹ Adalah News Update, 12 December 2006.

¹² Bill :Civil Wrongs (Liability of the State) (Amendment Number 8) (2008), which passed its first reading in June 2008.

committed by its nationals or agents, including responsibility for damages incurred to Palestinian life and property during the second *intifada*. The Law may also pre-empt restitution and compensation owed to the Palestinian victims of Israel's Wall in the OPT as stipulated by the 9 July, 2004 ICJ *Advisory Opinion* and subsequent UN General Assembly resolutions. Indeed, under all human rights and humanitarian law, treaties, and particularly, the Universal Declaration for Human Rights,¹³ the International Covenant for Civil and Political Rights,¹⁴ the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,¹⁵ Geneva Convention Relative to the Protection of Civilians in Time of War,¹⁶ states are responsible for the treatment accorded by its agents to persons under its jurisdiction.

2. Ongoing Internal Forcible Displacement

a) Overview

More than 115,000 people are estimated as having been internally displaced during the last four decades in the OPT.¹⁷ In the Gaza Strip, Israeli military operations from 2000 to 2004 have caused the temporary displacement of over 50,000 persons and the destruction of over 4,000 houses.¹⁸ Over 18,000 houses in the OPT have been demolished between 1967 and 2006.¹⁹

In the first quarter of 2008 alone, over 120 Palestinian-owned structures were demolished in the Jordan Valley and South Hebron. Sixty-one of the demolished structures were residential and led to the displacement of 435 Palestinians. Between January 2000 and September 2007, more than 1,600 Palestinian buildings were demolished in Area C, whereas over 3,000 houses are at risk of demolition.²⁰ In addition, several hundreds were displaced in the occupied Gaza Strip, including the buffer zone, with thousands more at risk of displacement. In occupied eastern Jerusalem, construction of the Wall continues to have wide ramifications on entire neighbourhoods causing displacements.

¹³ Article 8 of the Universal Declaration for Human Rights (UDHR) stipulates: "Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law." UN, UDHR, 10 December 1948.

¹⁴ Article 2(3)(a) of the International Covenant on Civil and Political Rights (ICCPR) states: "Each party to the present Covenant undertakes: (a) to ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity." UN, ICCPR, 16 December 1966.

¹⁵ Article 4 of the Convention Against Torture (CAT) mentions: "1. Each State Party shall ensure that all acts of torture are offences under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture. 2. Each State Party shall make these offences punishable by appropriate penalties which take into account their grave nature." UN, CAT, 10 December 1984.

¹⁶ Article 29 of the Fourth Geneva Convention affirms: "The Party to the conflict in whose hands protected persons may be is responsible for the treatment accorded to them by its agents, irrespective of any individual responsibility which may be incurred." UN, Geneva Convention Relative to the Protection of Civilians, 12 August 1949.

¹⁷ BADIL Resource Centre for Palestinian Residency and Refugee Rights, [Survey of Palestinian Refugees and Internally Displaced Persons 2006-2007](#), September 2007

¹⁸ Human Rights Watch, [Razing Rafah: Mass House Demolitions in the Gaza Strip](#), October 2004.

¹⁹ Israeli Committee Against House Demolitions, [18,000 Houses Destroyed](#), December 2006.

²⁰ UN Office for the Coordination of Humanitarian Affairs (OCHA), "Lack of Permit" Demolitions and Resultant Displacement in Area C, May 2008.

Displacement coincides with the application of an extensive closure regime throughout the OPT including the siege against the people in the Gaza Strip for the last 11 months. Since Annapolis, the West Bank witnessed particularly rapid settlement growth. Construction has taken place in over 100 settlements and 58 outposts including 16 new outposts, with plans for the construction of over 940 housing units. In eastern Jerusalem, while settlement construction continues, tenders for construction of 745 housing units have been issued since December 2007, and further plans for the construction of over 3,600 housing units submitted for review.²¹

There is also clear evidence of internal displacement as a result of lack of access to essential services because of the 'closure regime', which is making the situation of Palestinians, especially those in enclaves, untenable. Freedom of movement is systematically denied through an elaborate regime of checkpoints and obstacles (678 as of 12 April 2008) – and bypass roads and infrastructure dividing the OPT.

Internal displacement also results from military incursions, home demolition, settler violence and human rights violations. The patterns of displacement mentioned, in their severity and consistency attest to a plan and policy of population transfer for the purpose of acquiring land, redefining demographic boundaries, and depriving Palestinians of their fundamental rights guaranteed under international law, including the right to self determination, equality, return and reparation.

Communities at imminent risk live in eastern Jerusalem, the closed areas between the Wall and the Green Line, in enclaves east of the Wall, Area C, and in the Jordan Valley and South Hebron, western Bethlehem, H2 and the buffer zone in the Gaza Strip. So far, an *ad hoc* and limited international response has been developed to prevent and respond to the ongoing forced displacement of Palestinians, including the search for a durable solution based on their right of return, restitution and compensation.

b) *New forced displacement of Palestinians as a result of the Wall*

On 30 April 2006 the Israeli cabinet revised the route of the West Bank Wall and published a map on the Ministry of Defense's website. The previous map was released on 20 February 2005. Based on this revised map, the total length of the Wall will be 703 km long, compared to the prior length of 670 km. The most recent route of the Wall annexes 10.17 percent of the West Bank to Israel. The total amount of land in the occupied West Bank *de facto* confiscated by the Wall and Jewish colonies is 45.5%.²² When the Wall is completed, and depending on whether it will be built along the Jordan Valley, up to 38 percent of the land of the West Bank could be located outside it, according to official Palestinian estimates.²³

There is no comprehensive data on the overall impact of the Wall on refugee communities and new internally displaced. UNRWA estimates that as a result of the construction of the first phase²⁴ of the Wall, 220,000 people are affected to some

²¹ Peace Now, The Death of the Settlement Freeze – 4 Months since Annapolis, March 2008.

²² OCHA, West Bank Barrier Route Projections: Preliminary Overview, Jerusalem, July 2006 and PLO Negotiations Affairs Department, *Barrier to Peace: Assessment of Israel's Revised Wall Route*, February 2007.

²³ PLO Negotiations Affairs Department, *Map of Israel's Wall and Settlements (Colonies)*, February 2007.

²⁴ The course of the first phase starts at Salem checkpoint in Jenin and runs through Tulkarem and

degree, including 15,291 refugee families, or 76,455 individuals.²⁵ Overall, UNRWA estimates that of the total number of Palestinians affected by the first phase of the Wall, one-third are refugees. In addition, as a result of the first phase of the Wall, 138,593 Palestinians, including 67,250 refugees will reside in enclaves, cut off from the rest of the West Bank.²⁶

According to a survey made by the Palestinian Central Bureau of Statistics (PCBS), by 2005, an estimated 15,000 persons had been forcibly displaced from 145 localities as a result of the Wall and its regime. Both refugees and non-refugees are affected by the Wall, indicating both repeated and first-time displacement.²⁷ In July 2004, 11,461 persons had already been displaced as a direct result of the construction of the Wall, of which approximately 4,000 are refugees and 8,000 are persons displaced for the first time.²⁸ Initial statistics from PCBS also indicate that 85 houses and 574 commercial properties have been destroyed or partially demolished as a direct result of the construction of the Wall while 925 businesses have been closed for an indeterminate period.²⁹

According to statistical data, we can estimate that in villages which are affected by phase IV (from Bethlehem southwards to Hebron), most have substantial refugee populations³⁰ while others have a population of more than 2,000 refugees.³¹ For the families expelled and forced to leave their homes, the construction of the Wall recalls events not unlike the 1948 and 1967 expulsions of Palestinians.

Most families affected by the Wall have already lost land due to the delimitation of the 1949 Armistice Line and Israeli colonization since 1967.³² More alarming is the consistency of statements by Israeli military and political officials calling for increased land confiscation and population transfer of Palestinians. Indeed, in exchange for title to their land, Palestinians whose land has been seized for the construction of the Wall are offered alternative land in the West Bank--'alternative land' that had previously been confiscated from Palestinian owners. This new policy confirms Israel's intention to *de facto* annex the territory confiscated during the construction of the Wall, in breach of international law and Palestinians' right to self-

Qalqilya to the Masha village in Salfit.

²⁵ UNRWA, *The Impact of the First Phase of Barrier on UNRWA-Registered Refugees*, Summer 2004.

²⁶ UNRWA, *The Impact of the First Phase of Barrier on UNRWA-Registered Refugees*, Summer 2004.

²⁷ Compilation of data from the Survey on the "Impact of the Annexation and Expansion Wall on the Socio-economic Conditions of Palestinian Localities which the Wall Passes Through", Ramallah: Palestinian Central Bureau of Statistics (PCBS), 2003–2005

²⁸ This number has been deducted from the Palestinian Central Bureau of Statistics, which estimates that 12,000 persons have been displaced as a result of the construction of the wall, of which one-third are 1948 refugees according to UNRWA. This data is a general estimate as comprehensive data on new forced displacement as a result of the construction of the wall is still unavailable. Palestinian Central Bureau of Statistics (PCBS), *Survey on the Impact of the Expansion and Annexation Wall on the Palestinian Localities that the Wall Passed Through*, March 2004, p.6

²⁹ Palestinian Central Bureau of Statistics, *Survey on the Impact of the Expansion and Annexation Wall on the Palestinian Localities that the Wall Passed Through*, March 2004, p.6

³⁰ This includes Battir, Wadi Fukin, Husan, Nahalin, 'Arab al-Fureijatt, ar-Ramadin, Deir al-Asal, al-Tahta.

³¹ Such as Beit 'Awwa, Surif, and al-'Azariya according to the Palestinian Central Bureau of Statistics (PCBS) 1997 Population Census.

³² Rempel, Terry, "Are They New Refugees? The Hidden Reality Behind the Wall," *Al Majdal*, Issue No.23, Bethlehem, September 2004, p. 29.

determination.

The UN Register of Damage Caused by the Construction of the Wall (UNROD) was approved by the General Assembly in December 2006,³³ and its three-member Board submitted its first report on 14 June 2007.³⁴ Israel has denied UNROD field presence in the OPT. Local and international human rights and humanitarian organizations in the OPT, including BADIL, remain concerned about the fact that Palestinian victims in the OPT are still unable to register damages caused to them, that important evidence will be lost with the passage of time, and that lack of UNROD field presence may seriously hamper comprehensive registration of all types of damages incurred.

Civil society organizations, moreover, deplore the unwillingness of states and the United Nations to provide for a mechanism that would not only register damages but also offer effective redress, and to take further action to bring the State of Israel in compliance with its obligations under the 2004 ICJ *Advisory Opinion* and subsequent UN Resolutions.

b) *Ongoing Internal forcible displacement in Occupied Eastern Jerusalem*

The Wall and its associated regime are generating forced displacement in occupied eastern Jerusalem: 17.3% of all Palestinians in Jerusalem who have changed their previous place of residence since 2002 have done so as a direct result of the construction of the Wall. The number of those currently considering changing their place of residence is also increasing (63.8% compared to 52.2% in the past). Out of an estimated Palestinian population of 250,000³⁵ in eastern Jerusalem, around 70,000 ID holders may lose their residency rights and as a result, lose access to health care, education, and housing in Jerusalem.³⁶ In 2005, it was estimated that some 55,000 Palestinian Jerusalemites will be transferred to the West Bank, while an additional 60-80,000 Palestinian Jerusalem ID card holders – unable to afford the housing prices in Jerusalem – already live outside the Jerusalem municipal boundary, and will be cut off from the city.³⁷ Among those who are likely to lose their Jerusalem IDs and become displaced by the Wall are approximately 11,000 refugees from the Shu'fat refugee camp who, despite the camp's location within the municipal boundaries of Jerusalem, will be completely cut off and separated from Jerusalem.

Violations of the right to an adequate standard of living, as a result of restrictions on movement and access to services and basic goods, are the major factors leading to forced displacement as a result of the Wall and its regime in eastern Jerusalem. The Wall is thus not only a way to annex land, and an obvious method of population transfer aiming to de-Palestinize Jerusalem.

³³ A/ES-10/L.20/Rev. 1. 15

³⁴ General Assembly, A/ES-10/389, 22 June 2007.

³⁵ According to PASSIA, there are no precise figures for the number of Palestinian in eastern Jerusalem. These numbers vary between 225,400 (33.58%) from the Israeli CBS data to 240, 721 (34.3%) from the Population Registry Bureau of the Interior Ministry to 252, 948 by the Palestinian Central Bureau of Statistics. See PASSIA, *Jerusalem Facts and Figures*, The Palestinian Academic Society for the Studies of International Affairs, Jerusalem.

³⁶ Villages particularly affected are Al Ram, Dahiet Al Barid, Bir Nabala, Kufr Aqab, Sameer Amis, Kaf Al Hawa. See Sub Laban, Ahmad, "Jerusalem residents scramble to fight wall", *Palestine report*, 22 May 2005.

³⁷ Ministry of State for Jerusalem Affairs, *Out of Gaza, Into Jerusalem: Israel's Threat to the Two-State Solution*, Aug. 2005.

Moreover, ICAHD reports that Israeli forces demolished 94 Palestinian homes in the city in 2005, and 40 as of November 2006. According to ICAHD, there are over 10,000 outstanding demolition orders pending against Palestinian structures in occupied eastern Jerusalem, which can be enforced at any time without warning. Since 1967, 2,500 Palestinian homes in the city have been destroyed.³⁸ Israel's policies of forced displacement and transfer of population through coercive acts in violation of international law, and intentional and severe deprivation of fundamental rights contrary to international law, amount to crimes against humanity and war crimes.

³⁸ See PASSIA, *Jerusalem Facts and Figures*, The Palestinian Academic Society for the Studies of International Affairs, Jerusalem.

3. Recommendations

We call upon the Special Committee:

- a. To urge the General Assembly to adopt a resolution based on Resolution ES/10/15, which specifies further measures to be taken by states, including sanctions and boycotts, in order to ensure Israel's respect of its obligations under the ICJ *Advisory Opinion*, UN resolutions and international law.

Such a resolution is necessary and urgent in light of Israel's ongoing practices of forced displacement and population transfer of Palestinians in/from the OPT, in particular from the occupied West Bank, including East Jerusalem, through colonization and construction of the Wall. Additional urgent measures are immediately necessary to require Israel to comply with its international legal obligations, including under UNGA 194 (1948) and UNSC 237 (1967), to facilitate the return to their homes and property restitution to those Palestinians already displaced from 1948 onwards.

- b. To call for immediate intervention and re-activation of the UN system, its mechanisms and resources, to re-examine the obstacles to the return, restitution and compensation of all displaced Palestinians, in particular those displaced in/from the OPT since 1967 and those forced to live as refugees in the OPT since 1948.
- c. To urge the General Assembly to closely monitor the progress of the UN Register of Damages caused by Israel's Wall in the OPT under Resolution A/ES-10/L.20/Rev.1 of December 2006, and urge the Register's Board to ensure that meaningful and comprehensive registration of damages becomes available for Palestinian victims in the OPT at the earliest possible date, in order to prevent destruction of valuable evidence over time.
- a. To urge the General Assembly to address the question of internal forcible displacement in the OPT and Israel by urging Israel to revoke and annul its discriminatory laws, policies and practices which are the root cause of the forced displacement, and to facilitate the return of and just reparation to the displaced and/or dispossessed persons, including restitution and compensation; and to encourage international agencies to provide effective protection to Palestinians in the OPT within the framework of the UN Collaborative Response to Internal Displacement.
- e. To bring the issues of revocation of residency rights, property demolition and ethnic cleansing in eastern Jerusalem to the urgent attention of the General Assembly.