



**Analytical Report on Human Rights Violations as  
monitored by the Young Human Rights Defenders  
in 2020-2021**

**Jerusalem, Hebron, and Gaza Strip**

**The Palestinian Initiative for the Promotion of Global Dialogue  
and Democracy- MIFTAH**

**July 2021**

Analytical Report on Human Rights Violations as monitored by the Young Human Rights Defenders in 2020-2021

East Jerusalem, Old City of Hebron, North Gaza, and Khan Younis

“Youth as Human Rights Defenders” Project

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## **Executive Summary**

“Palestinian Youth as Human Rights Defenders” is a European Union-funded project implemented by MIFTAH in three occupied Palestinian areas (Jerusalem, Hebron, and Gaza Strip). This analytical report, which covers the third year of the said project, is based on fact sheets, policy papers, and recommendations set forth by young human rights defenders groups in the three aforementioned areas.

The fact sheets and policy papers related to the Gaza Strip exposed the Israeli violations/policies against Palestinian farmers and fishermen, especially in the Access Restricted Areas (ARA) of Gaza. The different forms of violations against Gaza’s residents were taken into consideration during the documentation process, with special focus on Israel’s spraying of chemical herbicides on Palestinian agricultural lands on an annual basis. This leads to damaging the soil and agricultural crops, whereas these herbicides consist of hazardous substances that have serious implications for the environment and human health. There was also the documentation of Israeli violations against Palestinian fishermen, including the imposed restrictions in fishing areas and endangering the lives of Palestinian fishermen while on duty. This report was supported by facts and figures, as well as recommendations that can be implemented nationally and internationally to confront these flagrant violations.

On the other hand, the policy papers related to Jerusalem discussed the Occupation’s aspirations to Israelize the educational system in East Jerusalem through its Five-Year Plan, in which more than 2.1 billion

Shekels were allocated to Israelize all sectors in Jerusalem (especially the educational system). This includes imposing different Israeli tools, mechanisms, and pressures on Jerusalemite schools to force them to remove the Palestinian curriculum and replace it with the Israeli one. It also encompasses modifying the contents of the Palestinian curriculum (especially in Jerusalem Municipality schools) and opening new institutes to teach the Israeli “Bagrut” curriculum, while restricting the infrastructure of Palestinian schools. Israel also intimidates private schools with the use of public budgets. These policies were culminated with the closure of the Palestinian Ministry of Education office in Jerusalem to eliminate the Palestinian sovereignty and national identity in the capital. These violations were detailed through facts and figures, along with presenting recommendations to counter the Occupation’s plan.

The second policy paper on Jerusalem discusses a major project to Judaize Jerusalem and Israelize it by force, while aiming to expel its Palestinian population. This is known as the “East Jerusalem City Center” project or master plan, which is strongly connected to a number of other settler-colonial projects that seek to Judaize the city, displace its Palestinian population, and change its geographic and demographic character. The Occupation also aims to cripple economic activity in the center of East Jerusalem (Old City and Salah Eddin street and their surroundings) and completely divert business activities towards settlement commercial projects, such as the “East Jerusalem City Center” and “Silicon Wadi” projects. In order to achieve this, Israel aims to demolish the industrial area of Wadi al-Joz [in Jerusalem] and replace it with Israeli high-tech companies, as well as completely changing the infrastructure and traffic in the area surrounding the Old City.

The policy papers on the Old City of Hebron explain the effects of Israeli violations on children's right to education, including the perpetrated attacks against Palestinian schools, students, and teachers. This creates an unsafe environment and affects students' right to education. These actions are committed within the context of forced displacement, whereas Israel aims to minimize the number of Palestinian pupils in Hebron's Old City, leading to a significant decline in the number of students therein.

The second policy paper on Hebron highlights the commercial and touristic situation in Hebron's Old City in light of Israeli violations; deployment of [approximately] 100 military checkpoints; and blocking/isolation of the Old City. It also sheds light on settlers' attacks against Palestinians and foreign solidarity activists, as well as the Israeli military governor's unjust decisions to shut down numerous Old City stores and block main roads (such as al-Shuhada Street). Moreover, it discusses Israel's restriction of people's religious freedom (especially in the Ibrahimi Mosque) and obstruction of access due to barriers. This turned Hebron's Old City (which is supposed to be a prominent touristic site) into a closed military zone, thus disrupting touristic and commercial activities therein. The Occupation also seeks to empty the Old City of its Palestinian residents and international supporters. This was accompanied by Israel's termination of TIPH (Temporary International Presence in Hebron) operations and UNESCO's placing of Hebron's Old City and Ibrahimi Mosque in the "World Heritage in Danger" list.

The aforementioned fact sheets and policy papers were presented during discussions with national and international parties.

This analytical report attempts to link and analyze the results of policy papers prepared by young human rights defenders based on their continuous monitoring and documentation. The report also compares the different types of violations based on their respective geographic location. The results of these papers are communicated in different meetings with relevant international and national bodies within the context of international advocacy and lobbying campaigns organized by MIFTAH.

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## Introduction

Different types of violations are committed by Israeli occupation authorities against the residents of Palestinian cities. These actions are in contravention of the occupying power's obligations stipulated in international law and international humanitarian law. The main forms of these breaches include the violation of the right to life; restriction of freedom; practice of torture; attacks on religious places; deprivation of religious worship and rituals; house demolitions; forced displacement; racial discrimination; and other actions to change historic facts and impose a *fait accompli* policy to eliminate the Palestinian presence.

In light of the ongoing violations, the Palestinian Initiative for the Promotion of Global Dialogue and Democracy (MIFTAH) enhanced the capacity of Palestinian youth groups in the West Bank and Gaza Strip in the second half of 2018. This capacity building was funded by the European Union, through which training programs were provided to strengthen the skills of human rights defenders. This enabled the defenders to monitor and document the Occupation's violations of basic, educational, and religious rights in Jerusalem and the Old City of Hebron, along with monitoring the Israeli breaches of the right to health and right to work in the land and sea buffer zone in the Gaza Strip in 2020-2021.

This report examines the status of rights and freedoms of Palestinians in Jerusalem, Hebron and Gaza Strip (buffer zone). This is done by discussing the most serious human rights abuses in these areas, especially regarding the cultural, educational, health, social, and economic rights of Palestinians. The said violations will mainly be

discussed vis-à-vis the locations covered by the study, in an attempt to provide a proper legal characterization of these practices and violations.

The importance of this report lies in its examination of the possibility to demand reparations from Israel (the occupying power) for its grave violations. This can also pave the way for holding Israel globally accountable before international courts through the available means and remedies. This is particularly crucial after Palestine was given the “non-member observer” status at the United Nations, leading to Palestine’s accession to several international conventions and treaties. The latter are also considered suitable mechanisms to hold the occupying power accountable for its blatant violation of Palestinian rights.

### **Report Preparation Methodology**

In order to achieve the most effective results, the *descriptive-analytical approach* was used in this report, whereas a number of major themes were taken into consideration. This was done by highlighting the violations and policies implemented by the Israeli occupation against Palestinians in the areas covered by the study (i.e., Jerusalem, Hebron, and Gaza Strip), as monitored by the human rights defenders. Other references were also used, along with studying and analyzing the international humanitarian law, international human rights law, and international criminal law. This proved the illegality of the decisions, policies, and measures taken by the Occupation in the areas covered by the study, as well as detailing the Israeli breaches of international humanitarian law, international human rights law, and international criminal law. There was also the classification of Israeli crimes in terms of type of violation, along with specifying the available measures,

instruments, and options for holding the Occupation accountable before competent international authorities.

**Locations Covered by the Report:**

The report examines the Israeli violations perpetrated in East Jerusalem, Old City of Hebron, and Gaza Strip (buffer zone).

**Period Covered by the Report:**

The report primarily highlights the violations monitored during 2020-2021.

**Themes of the Report:**

The report was divided into four main themes: The first theme discusses violations in East Jerusalem; the second one focuses on violations in Hebron; and the third one highlights violations in the Gaza Strip. As for the fourth theme, it examines mechanisms of accountability and recommends possible interventions by relevant local and international parties according to their jurisdiction.

**Section One: Violations in Jerusalem**

Israeli occupation authorities have, for a long time, used various methods and means to forcefully Judaize Jerusalem and tighten their grip over it. This was done by changing the city's borders and demographic composition; isolating the city [through the annexation and expansion wall] from other occupied Palestinian territories; enhancing settlement projects; seizing lands and properties under

different pretexts; and pressuring and stifling Palestinians with numerous methods to push them out of the city. Within this context, Israel perpetrates several violations against Palestinians in East Jerusalem.

Different violations are committed against Palestinian rights and freedoms in Jerusalem on a daily basis. This includes the violation of the right to life; deprivation of liberty; systematic torture and inhuman treatment; violation of the freedom of opinion and expression and right of peaceful assembly; forced displacement; racial discrimination; and violation of economic and social rights. These serious breaches are committed by Israeli authorities and their related institutions to Judaize Jerusalem and ethnically cleanse its native population. Despite the numerous violations witnessed in Jerusalem, this report will mainly focus on the violation of educational, religious, and cultural rights and violation of the right to housing and freedom of movement.

## **First: Legal Status of Jerusalem and Applicability of Geneva Conventions**

In order to enhance the Israeli annexation of Jerusalem, the Knesset [Israeli Parliament] passed the Basic Law titled "*Jerusalem, Capital of Israel*"<sup>1</sup> on July 30, 1980. This showed Israel's clear intent to annex and Judaize the city. This annexation law [also called the "Jerusalem Law"] stipulated that "*Jerusalem, complete and united, is the capital of Israel*",

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<sup>1</sup> Israeli Basic Law: Jerusalem, Capital of Israel, 1980 (*Sefer HaHokim* [Book of Laws], Issue 244, 1985).

and stressed the need to support and strengthen Israeli official institutions in Jerusalem. Despite the different Israeli pretexts to legitimize their annexation of Jerusalem, international law forbids the annexation of territories and regions with the use of force and obliges the occupying power to only act within the limits required for the region's administration, which should only be a temporary administration of an occupied region.

Also, the international community expressed an unequivocal position towards Jerusalem - which is considered an occupied territory - whereas they condemned the *fait accompli* policy pursued by Israel in Jerusalem. In this respect, the United Nations General Assembly and Security Council issued a number of resolutions that confirm that Jerusalem is an occupied territory, and that Israeli sovereignty must not be imposed over it. These resolutions reaffirm the invalidity of administrative and legislative measures and actions taken by Israel to change the legal status of the city of Jerusalem.<sup>2</sup>

Therefore, the actions of Israeli occupation authorities in East Jerusalem must be confined to the limits set forth by international law (especially the international rules governing military occupations). Moreover, any action that runs contrary to these rules must not be legally binding, and constitutes a breach of the international legal status of Jerusalem at the United Nations. This is because belligerent occupation does not give the occupying power the right of sovereignty over an occupied territory, whereas their practiced authority should be confined to ensuring public

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<sup>2</sup> See: United Nations General Assembly Resolution 2253 of 4 July 1967.  
United Nations General Assembly Resolution 2254 of 14 July 1967.  
Security Council Resolution 252 of 21 May 1968.  
Security Council Resolution 250 of 27 April 1968.  
Security Council Resolution 476 of 30 June 1980.  
Security Council Resolution 478 of 20 August 1980.

order and safety during the period of occupation, while it is forbidden to impose any right to sovereignty over that territory.<sup>3</sup>

This affirms that East Jerusalem is an occupied territory according to international law, and that there is no legal basis for Israeli claims of their right to sovereignty over the city. Consequently, the relationship between Israel (the occupying power) and East Jerusalem (with its Palestinian population) must be governed by the rules and provisions of international humanitarian law, especially Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War (1949) [i.e. “Fourth Geneva Convention”] and the Hague Regulations annexed to the Hague Convention of 1907.

With regard to the applicability of the Fourth Geneva Convention<sup>4</sup> in the occupied Palestinian Territories (including East Jerusalem), it should be noted that, although Israel signed this Convention on 8 December 1949 and ratified it on 6 January 1952, it insists on its non-applicability in the occupied territories.<sup>5</sup> According to Israel, this Convention only applies when a legitimate, sovereign state is removed from the occupied territory, and that this was neither the case with the Hashemite Kingdom of Jordan in the West Bank nor with Egypt in the Gaza Strip. Meanwhile,

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<sup>3</sup> Article (43) of the Hague Convention (IV) with Respect to the Laws and Customs of War on Land stipulated that “*The authority of the legitimate power having in fact passed into the hands of the occupant, the latter shall take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country*”.

<sup>4</sup> Geneva Convention (IV), which was adopted in August 1949, is related to protecting civilian persons in time of war. Currently, there are 196 states parties to this Convention, as well as the three other Geneva conventions.

<sup>5</sup> أنجيلا جاف، وهم من الشرعية: تحليل قانوني لإبعاد إسرائيل الجماعي للفلسطينيين في 17 كانون الأول 1992 (رام الله: الحق، 1993)، 22.

the Israeli authorities openly aim to act in accordance with their own “humanitarian provisions” without being obligated to respect them.<sup>6</sup>

It is worth noting that Israel agreed to abide by the Fourth Geneva Convention according to Article (35) of [Israeli] Publication No. (3) of 7 June 1967. However, the Israeli military leadership removed Article (35) of the said publication after four months from its issuance. Hence, Article (35) of Publication No. (3) was canceled by virtue of Military Order (144) of 11 October 1967. Later, (i.e., in 1970), Publication No. (3) was replaced by Military Order (378), which did not contain any reference to the Geneva Convention. Israel justified this decision by claiming that “*the provisions of the Fourth Geneva Convention do not have superiority or precedence over the Israeli law and Military instructions, and Article (35)’s reference to the Fourth Geneva Convention came by mistake, and therefore it was canceled*”.<sup>7</sup>

Israel’s attempt to distinguish between humanitarian and non-humanitarian instructions in the Fourth Geneva Convention contradicts the very essence and aims of this agreement. This is because all of the Convention’s instructions have a humanitarian character and Israel must abide by its various provisions without reservation.

It is also worth noting that the international community - through the United Nations General Assembly and Security Council resolutions - called upon Israel to implement the Geneva Convention in the Occupied Territories. For example, UN Security Council Resolution (237) [S/RES/237] of 1967 called upon Israel to ensure the safety, rights, and welfare of inhabitants of Occupied Territories, in accordance with the

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<sup>6</sup> فيليبستيا لانغر، تنفيذ اتفاقية جنيف الرابعة لضمان حماية الشعب الفلسطيني في الأراضي الفلسطينية، تقرير صادر عن مجلة الدراسات الفلسطينية (فلسطين: مجلة الدراسات الفلسطينية، 1993)، 3.

<sup>7</sup> أنجيلا جاف، وهم من الشرعية، 26.

Fourth Geneva Convention. Also, in UN Security Council Resolution (259) of 27 September 1967, the Security Council deplored Israel's delay in implementing Resolution (237) of 14 June 1967.

On 15 December 1970, the General Assembly urged Israel to fulfill its obligations under Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War. Another important Security Council resolution was issued on 22 March 1979, namely Resolution (466), which reaffirms that Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War is applicable to the Palestinian territories occupied by Israel since 1967, including Jerusalem.<sup>8</sup>

The foregoing points indicate that Israel is an occupying power as per the international law and according to the international community's perspective embodied in Security Council and General Assembly resolutions. Therefore, international humanitarian law (especially the Fourth Geneva Convention) is applicable to the Palestinian territories occupied in 1967 (including East Jerusalem), whereas the provisions of Geneva conventions are binding on Israel.

## **Second: Violation of Religious Rights**

The freedom to practice religious rituals is considered the cornerstone of all democratic societies and among the basic freedoms protected by international humanitarian law and international human rights law. The city of Jerusalem is of utmost importance in this respect, as it is the cradle of the three monotheistic religions (Islam, Christianity, and

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<sup>8</sup> فيليبس لانغر، تنفيذ اتفاقية جنيف الرابعة، 99.



Judaism) and a holy city for their adherents, who strive to freely access their holy sites to perform their religious duties. However, the Israeli authorities have been systematically attacking Muslim and Christian holy sites and preventing worshipers from freely practicing their religious rituals therein. This is done through the Israeli security measures that restrict the freedom of countless Muslim and Christian pilgrims from the West Bank and Gaza Strip to access their holy sites in Jerusalem. The Israeli apartheid wall also played a devastating role in separating the holy sites of Jerusalem from the Palestinian people.<sup>9</sup>

Amidst the restricted access of Muslim and Christian worshipers (especially from the West Bank) to their holy sites in the Old City of Jerusalem (except for certain age groups), Israeli forces allow hundreds of Jews to perform religious rituals near the Western Wall in an open and unconditional manner. This includes extremist religious groups who are permitted to enter and roam in the courtyards of Al-Aqsa Mosque to perform rites and rituals that provoke the feelings of Muslim worshipers.<sup>10</sup>

It should be noted that one of the main recommendations of the Shaw Commission report sent to the League of Nations in 1930 (following the Buraq Uprising of 1929) was that the ownership of the Western Wall of *al-Haram al-Sharif* belongs to Muslims alone and they have the right to keep it as an integral part of the compound since it is owned by the Islamic Waqf [endowment]. The report also mentions that the pavement in front of the Western Wall and Moroccan Quarter is also a Muslim

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<sup>9</sup> الجدار الفاصل بالضفة الغربية وآثاره الإنسانيّة على التجمعات السكانية الفلسطينية، (القدس، الأمم المتحدة، تقرير رقم (7)، 2007)، 37.

<sup>10</sup> [Arabic source] Israel violates the sanctity of holy sites in occupied Jerusalem: <https://bit.ly/3F7t29B> (Accessed on 30 September 2021).

property because it belongs to the Islamic Waqf.<sup>11</sup> In October 2016, the World Heritage Committee of UNESCO (United Nations Educational, Scientific and Cultural Organization) voted in favor of a draft resolution titled “Old City of Jerusalem and its Walls”, which affirms that Al-Aqsa Mosque, including the Western Wall, is a Muslim heritage site. Also, the UNESCO supported the World Heritage Committee’s rejection of Israel’s use of the term “Temple Mount”.<sup>12</sup>

The last decade (2011-2021) saw a dangerous escalation in Israeli violations against the holy Al-Aqsa Mosque. These attacks were planned and carried out systematically by the Israeli government and Jewish extremist groups after explicit calls by the Knesset and other assemblies to partition Al-Aqsa Mosque between Muslims and Jews, as happened in the case of Ibrahimi Mosque in Hebron. Israeli parties also revealed plans to partition Al-Aqsa Mosque and build the alleged temple in some parts of it. This escalation coincided with numerous draft laws and Knesset sessions to adopt proposals that impose a temporal and spatial partition plan between Muslims and Jews [inside Al-Aqsa Mosque]. In fact, there was the adoption of a whole scheme that includes regulations, work mechanisms, and maps to achieve the desired objectives.<sup>13</sup>

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<sup>11</sup> [Arabic source] Palestinian News and Information Agency-WAFA, Buraq Revolution [1929 Palestinian Uprising]: [https://info.wafa.ps/ar\\_page.aspx?id=4126](https://info.wafa.ps/ar_page.aspx?id=4126) (Accessed on 30 September 2021).

<sup>12</sup> [Arabic source] Aljazeera, “New decision by UNESCO: Al-Aqsa Mosque is an Islamic Heritage” Site: <https://cutt.us/FjJHn> (Accessed on 30 September 2021).

<sup>13</sup> Explanation of the temporal and spatial partition plan: This plan is divided into two main levels: The first level of partition is a temporal one (i.e., time-related), which requires hourly, daily, and annual divisions between Jews and Muslims, whereas Jews would have special days for them alone inside Al-Aqsa Mosque during their holidays, as well as their own times therein during the week. For example, they would be inside the compound on their own from 7:30 -11:00 a.m. and from 13:30 – 14:30 p.m. The second level of partition is a spatial one (i.e., related to space), whereas this step aims to carve out spaces for the benefit of Jews inside Al-Aqsa Mosque. [Arabic source] Dunya al-Watan Newspaper, *Ideis: More than 254 attacks and raids on Al-Aqsa Mosque and holy places of worship during August*: <https://cutt.us/ohqYL> (Accessed on 30 September 2021).

According to the Jerusalem Islamic Waqf, different violations are witnessed during the repeated incursions into Al-Aqsa Mosque, with the participation of many Israeli government ministers, Knesset members (“MPs”), officials, soldiers, intelligence officers, settlers, Jewish extremist groups, and so-called Temple organizations. These attacks are especially intense during Jewish holidays, such as “Yom Kippur”, “Tisha B’Av”, “Pessach”, and “Israeli Independence Day”. The raids usually start from Dung Gate (Mughrabi Gate), whose keys were seized by Israeli authorities after their occupation of East Jerusalem. Israel supervises the programs of these raids, which are strongly condemned by the Jerusalem Islamic Waqf and are resisted by the *mourabitoun* [defenders] of Al-Aqsa Mosque.<sup>14</sup>

This escalation comes in light of a great siege on Al-Aqsa Mosque and restrictions on the entry of Muslim worshipers into this compound. Israel also carries out countless assaults and prosecutions, as well as investigations, arrests, and bans on hundreds of Palestinians from Jerusalem and 1948 areas.<sup>15</sup> In this respect, it is important to highlight the methods used by Israeli authorities to ban Jerusalemites from entering and praying in Al-Aqsa Mosque. These methods include the following:

i) Military Orders, which are issued by the Central Command of the Israeli Military and are related to certain influential Palestinians in Jerusalem; ii) Decisions of Investigating Officers, issued by officers from the Investigation Department of the [Israeli] Police. These orders

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<sup>14</sup> [Arabic source] Al-Zaytouna Centre for Studies and Consultations, Statistical report on Israeli violations in Jerusalem during 2013: <https://cutt.us/gFJFw> (Accessed on 5 June 2021).

<sup>15</sup> [Arabic source] Al-Aqsa Foundation, “Al-Aqsa Mosque is going through a critical stage that necessitates urgent action from Muslims to save it”, <https://www.alarab.com/Article/631173> (Accessed on 30 September 2021).

are related to detained Palestinians after their release, and have a banning duration of 15 days, provided that the banned person would agree to this condition; iii) Judicial Decisions: If the detainee refuses to sign the banning decision issued against him/her by the investigating officer, or if the investigating officer wants to ban him/her from Al-Aqsa Mosque for more than 15 days, the detainee will be brought before the court to receive a banning decision; iv) Police Commander's Decisions: The Police Commander issues many orders of this type, especially against activists who are daily present at Al-Aqsa Mosque; v) The Black List, which is a secret list prepared by the Israeli Police. Israel uses this list to prevent some persons from entering Al-Aqsa Mosque. However, they deny the existence of this list because it is strictly illegal.<sup>16</sup>

It is also important to mention the “electronic gates” incident in 2017. This violation occurred when Israel closed Al-Aqsa Mosque and prohibited the *adhan* (call for prayer) in it for two full days in July 2017, while attempting to place electronic gates to inspect the persons entering the mosque.<sup>17</sup> This took place after an armed clash erupted on the morning of Friday, 14 July 2017, between three young Palestinians from Umm al-Fahm (1948 areas) and Israeli Police personnel near Lions' Gate. The clash extended to the roof of the Dome of the Rock, leading to the death of the three young Palestinians as well as two Israeli policemen. Subsequently, Israeli forces arrested all Islamic Waqf employees who were present at the site, then they

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<sup>16</sup> [Arabic source] Euro-Mediterranean Human Rights Monitor, Palestinians in Jerusalem...Victims of Israeli Hegemony, <https://cutt.us/zumUU> (Accessed on 30 September 2021).

<sup>17</sup> [Arabic source] Wadi Hilweh Information Center – Silwan, *Serious violations in Al-Aqsa... 20 martyrs in Jerusalem and hundreds of detainees, 2017*: <https://cutt.us/EOMHm> (Accessed on 1 October 2021).

cleared the entire location and prevented entry into it for two days, during which they searched the compound intensively.

On 16 July 2017, the Israeli government decided to reopen Al-Aqsa Mosque on condition that electronic gates would be placed at its entrances to conduct searches and inspections. This was strongly rejected by Palestinian religious figures and residents, who refused to enter Al-Aqsa Mosque through these [humiliating] security gates. Consequently, Muslim prayers started taking place outside the gates of Al-Aqsa, along with organizing daily sit-ins at Lions' Gate and Council Gate (*Bab al-Majlis*). Afterwards, the Israeli government tried to replace the electronic gates with the "smart camera" system and placed railings and an overhead metal bridge in that location, which were also strongly resisted by Palestinians. Protests and sit-ins continued outside Al-Aqsa Mosque for a period of 13 days until Israel removed all of its newly imposed measures.<sup>18</sup>

One of the most serious violations against Al-Aqsa Mosque took place in 2020, when Israel issued a court decision (on 13 July 2020) to close down Bab al-Rahma prayer area.<sup>19</sup> During this period, the number of persons banned from entering Al-Aqsa Mosque (in light of the resulting incidents) exceeded 150 *mourabitoun* and guards.<sup>20</sup>

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<sup>18</sup> Ibid.

<sup>19</sup> [Arabic source] Ma'an News Agency, Israeli court issues a decision to close down Bab al-Rahma prayer area in Al-Aqsa Mosque, <https://cutt.us/1HiBM> (Accessed on 1 October 2021).

<sup>20</sup> [Arabic source] Aljazeera, Banning of many persons from entering Al-Aqsa Mosque since its reopening, <https://cutt.us/RR1MM> (Accessed on 1 October 2021).

Figures related to settlers breaking into Al-Aqsa Mosque, and persons banned from entering this mosque and the Old City,<sup>21</sup> during the covered period of the report were as follows:

<b>Year</b>	<b>Number of settlers breaking into Al-Aqsa Mosque</b>	<b>Number of Waqf employees banned from entering Al-Aqsa Mosque</b>	<b>Number of Jerusalemites banned from entering Al-Aqsa Mosque</b>	<b>Number of persons barred from entry to the Old City</b>
2019 <sup>22</sup>	29,610	60	355	44
First half of 2020	6,701 <sup>23</sup>	7	206	24 <sup>24</sup>

In the first half of 2021, a total of 257 [Israeli] decisions were issued to ban Palestinian residents and Waqf employees from entering Al-Aqsa Mosque. Also, the months of May and June 2021 witnessed seven raids on Al-Aqsa Mosque by Israeli occupation forces. For example, May 2021 witnessed consecutive incursions on Al-Aqsa Mosque during the *Isha* and *Taraweeh prayers* [at night] and after the *Fajr* prayer [at dawn]. Attacks were carried out on Muslim worshipers “with teargas canisters, stun grenades and rubber bullets, as well as pushing them around and beating them with

<sup>21</sup> The banning period is between 1 week to 6 months.

<sup>22</sup> The number of persons banned from entering Al-Aqsa Mosque, Old City, and Jerusalem in 2019 was mentioned by Wadi Hilweh Information Center in a report titled: “Violations committed by Israeli occupation authorities against Jerusalemites in 2019” (Arabic source), See: <https://cutt.us/JtFTY> (Accessed on 1 October 2021).

<sup>23</sup> Figures related to settlers breaking into Al-Aqsa Mosque, and Waqf employees and guards banned from entering it during 2019 and the first half of 2020, were obtained from the Media Department of the Jerusalem Islamic Waqf.

<sup>24</sup> Figures related to persons banned from entering Al-Aqsa Mosque, Old City, and Jerusalem in the first half of 2020 were taken from a report issued by Wadi Hilweh Information Center titled: “First half of 2020... Violations and escalation in Jerusalem in light of Coronavirus” (Arabic source) , See: <https://cutt.us/aepwR> (Accessed on 1 October 2021).

batons". During that period, Israeli forces evacuated most of the worshipers by force within a few days, leading to hundreds of injuries, including serious ones. For example, there was the witnessing of several heavy injuries in the eyes, head, and face.

The beginning of Ramadan (April 2021) saw an unprecedented violation by Israeli occupation forces when they stormed *al-Asbat*, *al-Silsila*, *al-Ghawanima*, and *al-Maghariba* minarets at Al-Aqsa Mosque. Moreover, they cut off the wires of the main speakers of these minarets in conjunction with the *Isha* and *Taraweeh* prayers to safeguard the settlers' celebrations in the Western Wall courtyard. Therefore, the *adhan* (call for prayer) and *Isha* and *Taraweeh* prayers were only conducted with the internal speakers of Al-Aqsa Mosque.<sup>25</sup>

Israeli occupation forces also violate the rights of Christians in the Holy Land. For example, many Christians are not allowed to enter Jerusalem and perform their religious rituals, except for those who obtain a permit during Christmas and Easter holidays. However, even those who have obtained a permit are oftentimes prevented from entering Jerusalem and Church of Holy Sepulcher. During Christian holidays, Israel places heavy restrictions on Christian visitors by means of difficult military barriers at the entrances of Jerusalem. This forces many Christians to perform their prayers and religious ceremonies at churches that are closer to their places of residence.<sup>26</sup>

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<sup>25</sup> [Arabic source] Wadi Hilweh Information Center, "First half of 2021...Palestinian uprisings to defend Jerusalem... hundreds of arrests and banning decisions, as well as continuous demolitions": <https://cutt.ly/UmxCoC8> (Accessed on 1 October 2021).

<sup>26</sup> "الجدار الفاصل بالضفة الغربية وآثاره الإنسانيّة على التجمعات السكانية الفلسطينيّة"، مرجع سابق، 38.

Furthermore, Jewish Policemen and settlers often attack, insult, and curse at Christian clergy and worshipers in the streets of Jerusalem and also in churches. These awful scenes have become quite common during Christian holidays, such as the Easter celebrations of the Syriac and Coptic congregations.

Clashes often erupt between Palestinian Christians and Israeli Police outside the Church of Holy Sepulcher during the Easter Light Ceremony (“Holy Saturday”), when Israeli forces prevent Palestinian Christians from entering their church while allowing only the entry of foreign tourists.<sup>27</sup> The most recent of these violations were the attacks carried out by Israeli Police on dozens of Palestinian Christians during the Holy Saturday prayers in May 2021. During the said holiday, Israeli Police elements obstruct the entry of Christians to the Church of Holy Sepulcher and prevent them from performing their religious rituals. This is due to installing numerous Israeli barriers around the Old City and inside its alleys. There are also records of Police personnel beating peaceful Christian worshipers – including several monks - and arresting a number of them.<sup>28</sup>

Israel's desecration of religious sites in Jerusalem; attacking worshipers; and preventing persons from accessing/praying in their holy sites constitute a flagrant violation of the freedom of worship and right to practice religious rituals, which were guaranteed by international laws and conventions. For example, these practices are

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<sup>27</sup> محسن صالح، معاناة القدس والمقدسات تحت الاحتلال الإسرائيلي (بيروت: مركز الزيتونة للدراسات، 2011)، 117.  
<sup>28</sup> [Arabic source] Palestinian News and Information Agency-WAFA, “The Occupation continues its violations: Attacks on Christians during the Holy Saturday ceremony in Jerusalem, and several injuries resulting from the Israeli suppression of the Kafr Qaddum march”: <https://cutt.us/PWQVi> (Accessed on 1 October 2021).



inconsistent with Article (27) of the Fourth Geneva Convention, which obliges the occupying power to respect the occupied people's right to practice their religious rituals,<sup>29</sup> and this applies to East Jerusalem and its Palestinian population. These actions also contravene Article (53) of Additional Protocol I to the Geneva Convention of 1977, which prohibits the committing of any acts of hostility against places of worship that constitute the cultural or spiritual heritage of peoples.<sup>30</sup> Also, Article 8/2/b of the Rome Statute of the International Criminal Court (1998) stipulates that intentionally directing attacks against buildings dedicated to religion is considered a war crime.<sup>31</sup>

Israel's practices also violate the Universal Declaration of Human Rights, especially Article (18), which calls for respecting everyone's freedom of religion and belief and their right to manifest their religious observance freely.<sup>32</sup>

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<sup>29</sup>Article (27) of the Fourth Geneva Convention of 1949: "*Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity*".

<sup>30</sup> See: Article (53) of Additional Protocol I to the Geneva Convention (1977).

<sup>31</sup> According to Article 8/2/b/(ix) of the Rome Statute of the International Criminal Court (1998): "2. For the purpose of this Statute, "war crimes" means: b) Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts: (ix) Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives".

<sup>32</sup> Article (18) of the Universal Declaration of Human Rights of 1948: "*Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance*".

Moreover, the Hague Convention of 1954 for the Protection of Cultural Property called upon the High Contracting Parties “to respect cultural property situated within their own territory as well as within the territory of other High Contracting Parties, by refraining from any use of the property and its immediate surroundings or of the appliances in use for its protection for purposes which are likely to expose it to destruction or damage”. International jurisprudence also condemned the desecration of houses of worship and their destruction, sabotage, closure, or any other behavior that damages such sites under occupation. It also obligates the occupying power to respect the religious rights and beliefs of occupied civilians, and to refrain from destroying or plundering houses of worship or disrupting religious rites and rituals therein.<sup>33</sup>

Therefore, the different Israeli violations against holy places in Jerusalem, and their repeated attacks on Palestinian Muslims and Christians (including the disruption of their religious rituals), are considered grave crimes punishable under international humanitarian law.

### **Third: Violation of Educational Rights**

Before discussing Israel’s violation of educational rights in Jerusalem, it is important to explain the unique and complex reality of this sector. This is due to different bodies supervising the educational process in Jerusalem, as follows:

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<sup>33</sup> [Arabic source] Ahmad Barrak. “The Crime of Violating the Sanctity of Al-Aqsa Mosque from the International Criminal Law Perspective”. Published on: <https://cutt.ly/kmhZdfi> (Accessed on 2 October 2021).

1) Awqaf schools: which belong to the Palestinian Educational Directorate in Jerusalem and work under the framework of the Palestinian Ministry of Education and Higher Education. These schools adopt the Palestinian curriculum; 2) Private schools: are schools that belong to churches, charitable associations, or non-profit organizations, or those owned by individuals. These schools adopt the Palestinian curriculum and educational programs. However, most of them are subjected to huge Israeli pressures because they receive Israeli allocated payments on a monthly basis; 3) "Ministry and Municipality Schools": are schools that are directly and completely run by the Israeli Ministry of Education and Jerusalem Municipality. Most of these schools apply the distorted Palestinian curriculum, and part of them use the Israeli curriculum; 4) "Contracted Schools": are licensed schools that work in an informal manner. These schools cooperate with the Israeli Ministry of Education and totally adhere to their instructions, in return for opening classrooms in residential buildings and receiving funds from Jerusalem Municipality; 5) UNRWA schools: are schools run by the United Nations Relief and Works Agency for Palestine Refugees in the Near East, and they apply the Palestinian curriculum and educational system.<sup>34</sup>

In general, the educational sector in Jerusalem suffers from deliberate marginalization and neglect by Israeli authorities, although the latter are obligated by international law to provide proper education to occupied civilians. In fact, the Occupation always sought to Israelize the Palestinian Jerusalemites and erase their national memory by targeting the educational sector and

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<sup>34</sup> دائرة شؤون القدس، تقرير القدس جدول وإحصائيات، 11.  
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changing the curricula in their favor. Since 1968, Israel has worked diligently to impose its curricula on Jerusalemite schools, in order to distort the facts mentioned in history, geography, and other schoolbooks. This was done to introduce new educational concepts that promote Zionist thinking and philosophy and change children's national identity and belonging. However, strong resistance by Palestinian Jerusalemites led to thwarting this agenda at the time.<sup>35</sup>

The main violations against Jerusalem's educational sector can be summarized as follows:

### **1. Israelization of Education in Jerusalem:**

Israeli occupation authorities aim to eliminate the Palestinian identity and Judaize Jerusalem with different methods and means, including the Israelization of educational curricula. In 2018, the Israeli government allocated 2 billion Shekels to implement a five-year plan to enhance its control and domination over East Jerusalem. The bulk of this amount was allocated to Israelize the Palestinian educational system and curricula, based on a plan that pressures Palestinian schools to move from the Palestinian educational curriculum to the Israeli one, especially since most students in East Jerusalem study the Palestinian curriculum and sit for the Palestinian high school examinations.

Following the imposition of the Israeli educational plan, several Jerusalemite schools started applying it completely in recent years

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<sup>35</sup> Ibid. p.11.

to enable their students to sit for the *Bagrut* exams.<sup>36</sup> In this respect, the Israeli government allocated 68.7 million Shekels to support schools that teach the Israeli curriculum, in addition to 57.4 million Shekels for developing and maintaining schools that chose this curriculum. Moreover, 67 million Shekels were allocated for renting buildings for these schools, as well as 15 million Shekels for teaching Hebrew. The Israeli government also focused on building new schools dedicated solely for teaching the Israeli curriculum. This was done in light of the great shortage of classrooms and the dire need for new schools to accommodate the growing Palestinian population in East Jerusalem.<sup>37</sup>

Among the methods used by occupation authorities to Israelize the educational sector is their changing of the approved curricula. This took place especially after 2015, when they started obliging Jerusalemite schools to apply the curricula of the Israeli Ministry of Education. The Israeli government also distributed the new curriculum books to several private schools in Jerusalem. They also threatened that, if any schools do not comply with this decision, they will be closed down and have their teachers terminated.<sup>38</sup> It is also worth noting that the Jerusalem Municipality printed out distorted Palestinian books that are taught in “public” schools belonging to the

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<sup>36</sup> With the beginning of Academic Year 2017/2018, the Israeli Municipality of Jerusalem announced that the number of Palestinian pupils studying the Israeli curriculum reached 5,800 students, distributed into 12 schools. This is a 14% increase from the previous year. It is also worth noting that, in the 2019/2020 Academic Year, the number of pupils studying the Israeli curriculum was 8,300 divided into 50 schools (12 schools apply the *Bagrut* system fully, whereas the rest (38) apply it partially).

<sup>37</sup> [Arabic source] General Awqaf Department, Directorate of Education in Jerusalem, Monitoring and Evaluation Report of 2018, p.10. Published on: <https://cutt.ly/JmhKlZW> (Accessed on 2 October 2021).

<sup>38</sup> رهام زهد، تأثير السياسة التعليمية الإسرائيلية على الوعي العام للشباب الفلسطيني في مدارس شرق القدس (جامعة النجاح الوطنية: رسالة ماجستير، 2016)، 24.

Ministry and Municipality. These books are adjusted and modified to suit the Israeli viewpoint<sup>39</sup> by removing everything related to Palestinian identity; rights of Palestinian civilians; and Al-Aqsa Mosque. This is done to Israelize the Palestinian Jerusalemite community and erase their collective memory.<sup>40</sup>

The table below shows the number of Israeli distortions and falsifications of the Palestinian curriculum in Jerusalem:<sup>41</sup>

Subject	Number of Books	Number of Falsifications
Islamic Studies	8	35
Arabic	12	221
Social Studies	6	235
Socialization (Social Upbringing)	4	90
National and Life Education	4	32
Science and Life	10	26

<sup>39</sup> [Arabic source] Reality of Education in Jerusalem: <https://cutt.ly/NmsyzoP> (Accessed on 2 October 2021).

<sup>40</sup> For example, the Israeli Ministry of Education deleted all references to the status of Jerusalem as an occupied city, as well as removing terms like “Nakba”. Meanwhile, they introduced new terms to the curriculum to emphasize the exclusive “Jewishness” of the city and its lands, such as “Wailing Wall” instead of “Buraq Wall” (in Arabic), and “Judea and Samaria” instead of “Palestine”. Moreover, they omitted a poem called “Intifada” in the Arabic language textbook of the sixth grade, as well as erasing “The Battle of Hattin” lesson from the Islamic Education book of the sixth grade. Other examples include the removal of a poem called “Returning” [*Aedoun*] from “Our Beautiful Language” book of seventh grade; removing the Palestinian national anthem; and replacing the Palestinian Authority logo with a sticker that bears the logo of Jerusalem Municipality. See:

[Arabic source] Rami Muhsen, “Towards confronting the Israelization of Education in Occupied Jerusalem”: <https://cutt.us/IGJA4> (Accessed on 2 October 2021).

[Arabic source] Zuheir Dawla, “Israelization of Education in Jerusalem.. thousands of Palestinian students are forced to study the Israeli curriculum”: <https://cutt.us/yfOYY> (Accessed on 2 October 2021).

<sup>41</sup> دائرة الأوقاف العامة، مديرية التربية والتعليم، القدس الشريف- تقرير المتابعة والتقييم للعام 2018-2019. إعداد: قسم التخطيط التربوي.

These practices involve sensitive issues that have serious ramifications. For example, Israel seeks to fill up the minds of Palestinians – especially youth and children – with Israeli propaganda and distorted history, in an attempt to strip the Jerusalemite community of their Palestinian national identity.

Israeli authorities allocated approximately 30 million Shekels to target distinctive Palestinian students and open special classes to attract and integrate them in Israeli higher education institutions. Moreover, they provided 2,000 university scholarships to Palestinian students in Israeli universities, facilitated their admission in these universities, allocated budgets for teaching Hebrew, and opened vocational schools for female students. This was done to integrate Palestinian students in the Israeli society and convince them that obtaining an Israeli university degree will provide them with decent jobs in the future. These tools and budgets were used by the Occupation to control Palestinian students and prevail over Palestinian academic institutions.<sup>42</sup>

The aforementioned practices violate international law. For example, according to the Convention against Discrimination in Education, no person or group of persons should be compelled to receive religious instruction inconsistent with his or their convictions, and it is essential to recognize the right of members of national minorities to

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<sup>42</sup> For more information about this topic, See: [Arabic source] Siwar Abed-Rabbo, Al-Hadath Newspaper, "Palestinian Jerusalemites in Israeli Universities: How and Why?" <https://cutt.us/hmWdW> (Accessed on 4 October 2021).

carry on their own educational activities, including the maintenance of schools and the use or teaching of their own language.<sup>43</sup>

These acts also contravene the Convention on the Rights of the Child because children's education should be directed towards the development of the child's personality, talents, and mental, physical, cultural, and spiritual abilities to their fullest potential, as well as developing respect for the child's parents, his or her own cultural identity, language and values, and preparing the child for responsible life in the society.<sup>44</sup>

It is worth pointing out that Israel is a party to the said Convention, as they signed it in July 1990 and ratified it in August 1991.<sup>45</sup> Thus, Israel is obligated to respect these provisions and must stop breaching them through its problematic practices, especially with regard to Palestinian Jerusalemite children.

## **2. Shortage of Buildings and Classrooms:**

A high percentage of Palestinian Jerusalemite schools – especially Awqaf and private schools – suffer from a shortage of suitable buildings for education. This is due to obstacles placed by Israeli authorities to prevent the opening and renovation of schools and impede their expansion under the pretexts of “licensing” and “non-payment of taxes”. This led to catastrophic effects in Jerusalem's educational sector.<sup>46</sup> For example, 41% of East Jerusalem's schools

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<sup>43</sup> See: Article (5) of the Convention against Discrimination in Education of 1962.

<sup>44</sup> See Article (29) of the Convention on the Rights of the Child of 1990.

<sup>45</sup> [Arabic source] Nabil Hammoudeh, Education in Jerusalem, <https://cutt.ly/NmsyzoP> (Accessed on 4 October 2021).

<sup>46</sup> دائرة الأوقاف العامة، مديرية التربية والتعليم في مدينة القدس، تقرير المتابعة والتقييم للعام 2018، 7.



suffer from a shortage of classrooms, whereas 1,300 new classrooms are needed at this stage. This negatively affects the academic performance of students in light of the terrible classroom congestion and deprivation of many pupils of enrolling in schools due to the lack of vacant seats.<sup>47</sup> School buildings in many Awqaf and private schools lack the minimum standards of human dignity, and many of them open classrooms inside residential buildings and commercial stores at a very high cost to cover the classroom shortage. Consequently, many schools in Jerusalem do not meet the educational, health, and psychological requirements and lack a number of facilities, such as courtyards, arenas, outdoor protective umbrellas, science and computer laboratories, and libraries.<sup>48</sup>

Amidst this tragic reality, Israeli authorities do not easily grant licenses to build new schools, and they often issue orders to prevent school building extensions (such as walls and additional floors). The Occupation also orders the demolition of school buildings and walls that were constructed without a permit/license.<sup>49</sup> Israel also confiscates lands designated for building Palestinian schools in Jerusalem in light of the great difficulty of obtaining suitable lands for school construction. This is especially problematic because many lands in Jerusalem as classified as “green lands” (where construction is prohibited according to Israeli law).<sup>50</sup> Israel also

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<sup>47</sup> [Arabic source] Nadia Saad Aldeen, Al-Ghad Newspaper, “Education in Jerusalem.. the Occupation’s tool to Judaize the city”, <https://cutt.us/IXdy7> (Accessed on 4 October 2021).

<sup>48</sup> زهد، تأثير السياسة التعليمية (مرجع سابق)، 32.

<sup>49</sup> دائرة الأوقاف العامة، مديرية التربية والتعليم في مدينة القدس، تقرير المتابعة والتقييم للعام 2018، 7.

<sup>50</sup> For example, a piece of land that was designated for building a comprehensive school in the Mount of Olives area was confiscated for the benefit of Jewish settlers. Also, school buildings that were constructed in Wadi al-Joz neighbourhood were seized to build a *yeshiva* (Jewish religious school) called “Ateret Cohanim”. See:

[Arabic source] “The Problems of Education in Jerusalem”, <https://cutt.ly/Jmsdcv3> (Accessed on 4 October 2021).

imposes exorbitant taxes on Palestinian Jerusalemite schools and often prosecutes them due to the non-payment of accumulating taxes. An increase was also seen recently in the number of court cases filed against owners of school buildings, whereas these cases involve millions of Shekels of property tax (“*Arnona*”) accumulations. Moreover, Israel requires that, in order for new schools to receive a license, they must abide by the *Bagrut* educational system.<sup>51</sup>

It is worth noting that the Jerusalem Municipality, which is directly responsible for the deteriorating condition of schools not affiliated with it, does not mind providing financial aid to schools that fear closure and suffer from difficult financial conditions. However, these funds/grants are subject to certain requirements, such as teaching the Hebrew language or introducing the Israeli educational curriculum.<sup>52</sup> This aid is considered a tool of pressure and blackmail to reach the desired outcome, i.e., Israelization of education in Jerusalem.

In light of the terrible condition of East Jerusalem’s educational sector, Israeli authorities are constantly establishing new schools and educational centers for “Jews” in the city. For example, they provide different facilitations and financial support to attract “Jewish” students and provide them with the highest standards of education, such as state-of-the-art buildings, classrooms, laboratories, libraries, courtyards, sports arenas, and outdoor [protective] umbrellas.

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<sup>51</sup> دائرة الأوقاف العامة، مديرية التربية والتعليم في مدينة القدس، تقرير المتابعة والتقييم للعام 2018، 7.  
<sup>52</sup> زهد، تأثير السياسة التعليمية (مرجع سابق)، 32.

The Occupation's treatment of Palestinian schools in Jerusalem is the exact opposite of their dealing with Jewish schools.<sup>53</sup> This proves that the Israeli authorities are implementing a policy of racial discrimination in education against Palestinian Jerusalemites. This constitutes a blatant violation of the International Convention on the Elimination of All Forms of Racial Discrimination, which prohibits all forms of racial discrimination, especially vis-à-vis the right to education.<sup>54</sup>

The policies adopted by Israeli authorities include the disruption of education in Jerusalem and blackmailing of Palestinian schools by giving them certain facilitations in return for having them teach the Israeli curricula. Israel also imposes heavy restrictions on these schools in a manner that prevents them from maintaining a suitable educational environment at all levels. These practices run counter to international humanitarian law, especially Article (50) of the Fourth Geneva Convention, which states that the Occupying Power shall facilitate the proper working of all institutions devoted to the care and education of children.<sup>55</sup> The above-mentioned actions also conflict with international human rights law, especially the Universal Declaration of Human Rights, which stipulates that everyone has the

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<sup>53</sup> [Arabic source] Problems of Education in Jerusalem, <https://cutt.us/hxp81> (Accessed on 4 October 2021).

<sup>54</sup> Article (5/e/3) of the International Convention on the Elimination of All Forms of Racial Discrimination of 1969 stipulates that: "*In compliance with the fundamental obligations laid down in Article (2) of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: (e) Economic, social and cultural rights, in particular: (v) The right to education and training*".

<sup>55</sup> See Article (50) of the Fourth Geneva Convention of 1949.

right to education, and that parents have the right to choose the kind of education that shall be given to their children.<sup>56</sup>

#### **Fourth: Forcible Transfer**

The Israeli occupation relentlessly aspires to Judaize Palestinian territories by means of a systematic strategy. This is carried out through carefully planned projects that aim to confiscate Palestinian lands, construct numerous settlements, and transfer Jewish settlers to these occupied territories. Therefore, the Judaization of Jerusalem is one of the main priorities pursued by Israel, as it is considered a decisive element for ethnically cleansing the Arab-Islamic community in the city. In order to achieve this goal, Israeli authorities utilize all available resources to change the city's geographic, historic, demographic, and cultural character. A number of mechanisms are used by Israel to forcibly transfer Palestinian Jerusalemites, including the following:

##### **1. Major Settlement Business Projects**

Israel uses its different agencies and institutions to promote colonialist plans to expel Palestinians from Jerusalem. In recent years, Israel declared a number of megaprojects to Judaize Jerusalem and forcibly displace its indigenous population. These projects include the following:

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<sup>56</sup> See Article (26) of the Universal Declaration of Human Rights.

## **A. East Jerusalem City Center Project**

Since its occupation of East Jerusalem, the Zionist state forcefully imposed its sovereignty and assumed the administration of neighbourhoods, villages, and cities that fell under the clout of Jerusalem Municipality. Due to political considerations, the Jerusalem Municipality hesitated at the time to devise any urban plans for East Jerusalem's center, which is considered the vibrant part of the city's economic and cultural life. After a long period of reluctance regarding this matter, the Jerusalem District Planning and Building Committee (which is part of the Municipality) submitted Project No. (101-0465229), known as "East Jerusalem City Center" project, on 23 October 2020. According to the relevant laws, citizens' objections regarding this project could be received for a period of 60 days (i.e., until 23 December 2020).

This project is set to be implemented on an area of 689 dunums in Jerusalem, especially in *Bab a-Zahara* (Herod's Gate) and Wadi al-Joz areas. It extends from Sultan Suleiman street to the south until Uthman Ibn Affan street to the north, and from Wadi al-Joz street to the east until Road No. 1 (which separates east from west Jerusalem). The Municipality of Jerusalem, which officially proposed this project, mentioned that its goal is to "enhance urban planning and organize building rights in East Jerusalem's city center", as well as "conserving historic buildings".

However, the real but undeclared goal of this project is to change the character of East Jerusalem and minimize the Palestinian demographic growth and population in the city. The "East Jerusalem

City Center” project is part of a larger Israeli scheme to control Jerusalem by imposing a series of projects that aim to link the eastern and western parts of the city under Israeli hegemony.<sup>57</sup>

A detailed review of the “East Jerusalem City Center” project showed that it contains some problematic aspects that lead to the forcible transfer of Palestinian Jerusalemites. These aspects include the following:

- List of detailed instructions, which includes many strict and exaggerated restrictions related to current buildings, under the pretext of “preserving the architectural and historic features of existing buildings”.
- The list of detailed instructions also includes provisions that prohibit any construction above buildings that were classified as “special architectural and historic sites” or as “conservation buildings”. In fact, there are provisions that prevent the issuance of any permit for buildings included in the “East Jerusalem City Center” project, whereas they require submitting detailed plans for these buildings/spaces and are subject to the authority of the Jerusalem District Planning and Building Committee and Committee for the Conservation of Heritage Sites.<sup>58</sup>
- Aggravation of licensing costs and doubling up building costs due to the imposed Israeli restrictions under the pretext of “conserving heritage sites”. This is especially problematic because there are legal provisions that consider that all buildings that were constructed

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<sup>57</sup> [Arabic source] Wissam Muhammad, Israeli urban modernity... a path followed by Jerusalem Municipality to Judaize occupied East Jerusalem, Al-Quds City Website: <https://cutt.ly/LmhVXm9> (Accessed on 6 October 2021).

<sup>58</sup> غياث ناصر، تقرير بعنوان: مخطط تفصيلي ماعر مزراح (101-0465229) القدس الشرقية، مُقدم إلى المؤسسة النرويجية للاجئين، NRC، 2.

before 1967 are considered buildings that are subject to heritage site conservation requirements. Consequently, the submitting of any detailed plan related to such buildings will fall under the authority of the Jerusalem District Planning and Building Committee and Committee for Conserving Heritage Sites.

- The project's documents contain legal provisions that confirm that not more than 76 new housing units will be added for a long period of time within the area of the said project (whereas the related licensing and building requirements are subject to question in the first place). Moreover, the permitted construction in these buildings will not exceed five floors in the best-case scenario.
- There are huge contradictions between the main documents of the project (master plan, detailed instructions, and annexes). This will make it difficult or impossible to issue building permits within the area of this project.<sup>59</sup>
- There is a clear discrimination between building rights granted in the "East Jerusalem City Center" project and those granted in the "West Jerusalem City Center" project. For example, permitted building areas in West Jerusalem's project were six times more than those in East Jerusalem. Furthermore, there are great facilitations given to Jewish residents in dealing with existing buildings, as they receive strong support from the Municipality in carrying out urban renovations by means of demolishing old buildings and constructing new ones.<sup>60</sup>
- East Jerusalem City Center project regulations call for the confiscation of all lands that are classified as "public buildings and

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<sup>59</sup> محمد القيمري، دراسة حول: "المشروع التنظيمي للمركز التجاري في القدس الشرقية، مُقدم إلى المؤسسة النرويجية للاجئين، NRC، 5.8.

<sup>60</sup> [Arabic source] Wissam Muhammad, Israeli urban modernity..., Op. Cit.

institutions”, and they require that the Municipality of Jerusalem would assume these lands’ ownership.<sup>61</sup>

It should be noted that the Norwegian Refugee Council (NRC) submitted a petition at the Central Court on 17 January 2021 to challenge this project and its problematic defects (including the failure to translate project details from Hebrew). The said petition led to putting this project on hold, subject to the time-periods and procedures related to the objection process. However, on 13 June 2021, the Central Court issued a decision to cancel the said petition, and they removed the freeze order and requested from the Central Committee to set a new date for objections. Consequently, the Central Committee notified on 17 June 2021 that the submitting of objections will be possible until 29 July 2021.<sup>62</sup>

## **B. Silicon Wadi Project**

Following the decision of the Jerusalem District Planning and Building Committee on 11 May 2020, Jerusalem Municipality under Mayor Moshe Leon organized an unprecedented media campaign to promote the so-called “Silicon Wadi” project in Wadi al-Joz neighbourhood. This led to some confusion or overlapping with the “East Jerusalem City Center” plan, which is actually a completely different project.

According to Hebrew media reports promoted by Jerusalem Municipality and the Mayor’s website, the “Silicon Wadi” project will extend from the west of Wadi al-Joz main road (where buildings,

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<sup>61</sup> تجمع المؤسسات الحقوقية المقدسية، ورقة حقائق حول مخطط مركز المدينة- القدس الشرقية، 3.  
<sup>62</sup> مقابلة مع زهرة هديب، مستشارة قانونية- برنامج الدعم القانوني، المجلس النرويجي للاجئين.



industrial establishments, and garages are located) until 80 metres north of the intersection between Al-Maqdisi, Wadi al-Joz, and Khaled Ibn al-Waleed streets (towards the boundaries of the Israeli Ministry of Interior building). The project's area has a width of about 150 metres or more towards the west of Wadi al-Joz road.

This project is one of the largest Israeli public investments in occupied East Jerusalem since 1967. According to the Jerusalem Municipality, an area of 200,000 square-meters will be designated for high-tech companies, 50,000 for hotels, and another 50,000 square-meters for other commercial enterprises at the completion of this project. The Municipality claims that this project seeks to develop high-tech and other industries that will provide job opportunities for Palestinian Jerusalemites and increase the integration of women into the labor force.<sup>63</sup> However, the Palestinians realize that the project aims to change the demographic balance in the city.<sup>64</sup>

The Silicon Wadi project is still in the initial stages of preparation and its documents and sketches are still not completed at the external level. Also, the Occupation did not discuss it fully at the internal level, neither at the City Planning Department nor in the District Planning and Building Committee. Moreover, no official decisions have been taken thus far regarding this project, neither locally nor at the district level.<sup>65</sup> Nevertheless, the Jerusalem Municipality announced this project and sent notifications to the owners of approximately 200 shops and automobile repair garages to have them close down and evacuate their

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<sup>63</sup> [Arabic source] Aaron Boxerman, Plans for Silicon Wadi project in East Jerusalem – Will the local residents benefit from it? Times of Israel website: <https://cutt.ly/Hmse9Vg> (Accessed on 7 October 2021).

<sup>64</sup> [Arabic source] Firas Lutfi, Silicon Wadi: A huge settlement project in Jerusalem, Sky News website, <https://cutt.ly/WmsrqIM> (Accessed on 7 October 2021).

<sup>65</sup> [Arabic source] Aaron Boxerman. Plans for Silicon Wadi project..., Op. Cit.

places of livelihood by the end of 2020, although the Municipality claims that this project was approved by local residents.<sup>66</sup>

The undeclared goal of the Silicon Wadi project is to Judaize Jerusalem, expel its Palestinian population, and create a demographic imbalance by means of forced displacement.<sup>67</sup> According to the said project, 200 business places owned by Palestinians in Wadi al-Joz will be closed down and demolished in order to build Israeli hotels, high-tech companies, and large commercial centers on their ruins. Also, the project does not mention any plans for building new housing units or legalizing the existing ones. This means that Israel aims to seize the remainder of East Jerusalem lands and destroy their cultural and historic character. It also seeks to surround the Old City by linking this project with the Hebrew University area and Sheikh Jarrah neighbourhood (where Israel constantly aims to seize properties).<sup>68</sup>

Israeli occupation authorities – especially the Jerusalem Municipality – have many times used business-oriented megaprojects to enhance their regulatory control over Jerusalem's real estate and restrict Palestinian construction and building. This reduced the Palestinian demographic growth in some politically sensitive areas which might affect the final status resolution of the Jerusalem issue.<sup>69</sup> These actions strengthen settler-colonial economic activities in Jerusalem by attracting Israeli and foreign investors in the occupied territories and stealing the wealth of the locals.

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<sup>66</sup> [Arabic source] Abdul-Raouf Arnaout, Dozens of Palestinian stores and car repair garages are threatened by demolition in East Jerusalem, Anadolu Agency: <https://cutt.ly/pmsrurH> (Accessed on 7 October 2021).

<sup>67</sup> [Arabic source] Firas Lutfi, Silicon Wadi... Op. Cit.

<sup>68</sup> [Arabic source] Aaron Boxerman. Plans for Silicon Wadi project..., Op. Cit.

<sup>69</sup> [Arabic source] Aseel al-Jundi, A great threat to tradesmen: New Israeli urban projects in vibrant Arab streets in Jerusalem: <https://cutt.ly/DmsrfGI> (Accessed on 7 October 2021).

The imposition of settlement projects in East Jerusalem has negative legal implications. The said practices constitute a violation of international humanitarian law, whereas the Israeli government cooperates with city planning institutions in accordance with the Planning and Building Law of 1965.<sup>70</sup> Within this framework, the government approves settlement projects aimed at forcibly transferring the Palestinians of East Jerusalem, in contravention of Article (43) of the Hague Convention, which obliges Occupation authorities to respect the laws in force in the country, unless absolutely prevented. Israel's adoption of problematic laws (such as the Planning and Building Law of 1965) and implementation of projects that aim to change Jerusalem's character and transfer its local population cannot be justified by any legitimate law whatsoever.

The adoption of settlement projects that aim to Judaize Jerusalem and expel its original inhabitants constitutes an act of forced displacement against Palestinian Jerusalemites, in violation of Article (49) of the Fourth Geneva Convention.<sup>71</sup> This Convention unequivocally prohibits individual or mass forcible transfers, as well as deportations, of protected persons from occupied territory to the territory of the

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<sup>70</sup> This law considers the government as the supreme leader of planning and building institutions. The government is the party that approves all national projects of this sort in Israel. Planning and building institutions under the umbrella of the Israeli government include the following: National Planning and Building Council, National Infrastructure Committee, Jerusalem District Committee, and the Local Building and Planning Committee. See: [Arabic source] Qais Nasser, "Planning and building in Israel: Between the central authority and the Arab minority": <https://cutt.ly/smsrcR8> (Accessed on 7 October 2021).

<sup>71</sup> Convention (IV) relative to the Protection of Civilian Persons in Time of War (of 12 August 1949) was adopted and presented for signature, ratification, and accession through the diplomatic conference for formulating international conventions to protect victims of war (held in Geneva from 21 April until 12 August 1949), which entered into force on 21 October 1950. Also: Article (49) of the Fourth Geneva Convention states that: "*Individual or mass forcible transfers, as well as deportations, of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive. Nevertheless, the Occupying Power may undertake total or partial evacuation of a given area if the security of the population or imperative military reasons so demand...*".

Occupying Power or to that of any other country, occupied or not, regardless of their motive.

The ultimate goal of implementing such settlement projects is to promote two matters: i) Enhance Jewish settlement activity in Jerusalem, and ii) Forcible transfer of Jerusalem's Palestinian residents.

This is considered a war crime according to the Rome Statute of the International Criminal Court. For example, Article (8)/(2)/(b)/(viii) of this Statute states that the transfer by the Occupying Power of parts of its own civilian population into the territory it occupies is considered a war crime because it violates the laws and customs applicable in international armed conflict, within the established framework of international law.

Therefore, Israel's implementation of these settlement projects constitutes a war crime under international criminal law. This means that it is possible to hold Israel accountable before the International Criminal Court (ICC).<sup>72</sup>

These settler-colonial megaprojects lead to the transfer of Palestinians from Jerusalem and are considered a war crime under Article (8)/(2)/(b)/(viii) of the Rome Statute, which also forbids the deportation or transfer of all or parts of the population of the occupied territory

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<sup>72</sup> Article (8) of the Rome Statute of the International Criminal Court of 1998 states the following: "(1) The Court shall have jurisdiction in respect of war crimes, in particular when committed as part of a plan or policy or as part of a large-scale commission of such crimes. 2) For the purpose of this Statute, "war crimes" means: b) Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts: (viii) The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory".

within or outside this territory.<sup>73</sup> Hence, Israel must be adjudicated internationally for its unlawful policies and practices.

## **2. Policy of Residency Revocation**

Since its annexation of East Jerusalem, Israel has been applying a policy of deportation and residency revocation against the local population (such as withdrawing the right of permanent residency). This led to the expulsion of many Palestinians from Jerusalem. Through this policy, Israel aims to maintain “a demographic balance” in the city (i.e., to keep a 70% Jewish majority in Jerusalem). For this reason, the Occupation exerts substantial efforts to increase the number of Israelis in Jerusalem and minimize its Palestinian population.<sup>74</sup>

Palestinians in Jerusalem kept carrying a Jordanian passport and, following a referendum, Israel decided to grant them Israeli I.D. cards (which indicate their “residency” in Israel). This created a peculiar legal status which made the original inhabitants of Jerusalem both Jordanian citizens and “residents of Israel” (according to the Israeli viewpoint).<sup>75</sup>

Israeli authorities attempted to erase the Palestinian identity in Jerusalem by considering Palestinian Jerusalemites as “foreigners” who permanently reside in “the Israeli capital” without being citizens in it. Consequently, Israel neither considers them as civilians under

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<sup>73</sup> Ibid.

<sup>74</sup> [Arabic source] BT'selem, Withdrawal of residency rights in East Jerusalem: <https://cutt.ly/jmsrZ7N> (Accessed on 8 October 2021).

<sup>75</sup> أسامة حليبي، الوضع القانوني لمدينة القدس ومواطنيها العرب (بيروت: مؤسسة الدراسات الفلسطينية، 1997)، 83.

occupation nor as Israeli citizens, whereas the objective is to eliminate the Palestinian presence therein.

Israeli authorities use several methods to withdraw residency rights and expel Palestinians from Jerusalem. From the Israeli standpoint, Palestinian Jerusalemites are seen as holders of permanent residence permits issued according to the “Entry into Israel Law” (which gives the “permanent residency” status to foreign nationals who willingly come to Israel). This shows that Israel deals with the Palestinians of Jerusalem as if they were foreign migrants who stayed in their houses by “favor” and not by right. This allows Israel to deprive them of their basic residency rights despite that their ancestors are from Jerusalem; lived all their lives therein; and do not have a legal status anywhere else in the world. The Israeli Ministry of Interior applies the Entry into Israel Law of 1952 vis-à-vis Palestinian Jerusalemites. Hence, the Israeli government considers the original inhabitants of the city as “permanent residents” according to the Entry into Israel Law.<sup>76</sup> The Israeli Supreme Court also endorsed this position by confirming that the Palestinians of Jerusalem are “permanent residents” who obtained the permission to reside in the country. This was explained during a judge’s interpretation of the Entry into Israel Law of 1952 in a court case held in 1988.<sup>77</sup> Based on this law, a permanent resident will lose

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<sup>76</sup> [Arabic source] BT’salem, Withdrawal of residency rights in East Jerusalem, Op. Cit.

<sup>77</sup> This court case was related to Jerusalem resident Mubarak Awad, who had traveled to the United States for study purposes and obtained U.S. citizenship during that period. He returned to Jerusalem to renew his identity card, but his request was rejected. Awad filed a petition at the court, but the court rejected it and stated that he lost his right to permanent residency in Jerusalem because he obtained the U.S. passport. During the said court decision, some legal aspects were clarified regarding the granting of permanent residency to Palestinians from Arab East Jerusalem. It was also confirmed during that case that the status of East Jerusalem residents was regulated in accordance with the Entry into Israel Law of 1953, which considers the Palestinians of East Jerusalem as “permanent residents” and not citizens.

his/her residency rights in accordance with Article (11) if any of the following cases apply:

- Residing outside the borders of Israel for at least seven years. However, according to the new amendments made by the Israeli Minister of Interior, the period of residing abroad was reduced from seven to three years.
- Obtaining a residence permit in another country.
- Obtaining the citizenship of another country by naturalization.<sup>78</sup>

In 1988, the “center of life” criterion was confirmed by the Israeli High Court of Justice in Case No. (282/1988), without clarifying or elaborating what is exactly meant by “center of life”. According to this decision, the Israeli Minister of Interior is entitled to withdraw identity cards from all Palestinian Jerusalemites whose center of life is outside Jerusalem, even in cases where s/he resides abroad for less than three years. This criterion started being applied more extensively after 1995.<sup>79</sup>

The Israeli Ministry of Interior has been implementing the policy of silent deportation and residency revocation since 1995 by taking the following actions:

1- Withdrawing the residency rights of Palestinian Jerusalemites who reside outside the city’s borders. Within this context, the Ministry of

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<sup>78</sup> أسامة حليبي، الوضع القانوني لمدينة القدس، مرجع سابق، 91.

<sup>79</sup> Proof of one’s center of life means proving his/her residence in Jerusalem through a number of procedures, such as providing a salary slip; telephone, electricity and/or water bills; tax and national insurance documents; or an affidavit from a lawyer who confirms that the person in question is living in Jerusalem.

Interior expelled thousands of Palestinian Jerusalemites from their homes.

2- Ministry of Interior employees frequently ask Palestinian Jerusalemites to provide evidentiary documents that prove that they are still residing in Jerusalem.<sup>80</sup>

Moreover, the Israeli Knesset made an amendment to the Entry into Israel Law in March 2018, which allows the Minister of Interior to revoke the residency of Palestinians as a penalty for “breaching allegiance” to the State of Israel.

In this respect, it is worth noting that forcing occupied civilians to pledge allegiance to the occupying power is prohibited under Article (45) of the Hague Convention.<sup>81</sup> On the contrary, international law legitimizes the occupied people’s right to resist the Occupation to gain liberation and self-determination. Thus, the introduction of this amendment and its problematic provisions is in contravention of international humanitarian law.

The following table shows the number of East Jerusalem residents whose permanent residency was revoked between 1967-2020, according to data issued by the Israeli Ministry of Interior:<sup>82</sup>

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<sup>80</sup> محمد صالح ومحمود أبو غدیر، الطرد الهادئ مستمر، 39.

<sup>81</sup> Article (45) of the Hague Convention of 1907: “*It is forbidden to compel the inhabitants of occupied territory to swear allegiance to the hostile Power.*”

<sup>82</sup> [Arabic source] Data related to the revocation of residency rights in East Jerusalem: <https://cutt.ly/3mstppY> (Accessed on 8 October 2021).



<b>Year</b>	<b>Number of East Jerusalem residents whose permanent residency was revoked</b>
2020	18
2019	40
2018	13
2017	35
2016	95
2015	84
2014	107
2013	106
2012	116
2011	101
2010	191
2009	725
2008	4577
2007	289

2006	1363
2005	222
2004	16
2003	272
2002	Data not available
2001	15
2000	207
1999	411
1998	788
1997	1067
1996	739
1995	91
1994	45
1993	32
1992	41

1991	20
1990	36
1989	32
1988	2
1987	23
1986	84
1985	99
1984	161
1983	616
1982	74
1981	51
1980	158
1979	91
1978	36
1977	35

1976	42
1975	54
1974	45
1973	77
1972	93
1971	126
1970	327
1969	178
1968	395
1967	105
<b>Total</b>	<b>14,643</b>

The above table shows an increase in the number of deportations and residency revocations since 1995, i.e., after the establishment of the Palestinian Authority (PA). This necessitated the finding of an explanation for this direct correlation.

After the PA's establishment, Israel intensified its internal transfer of Palestinian Jerusalemites, as they withdraw people's residency

rights and force them to leave East Jerusalem and settle in the PA territories.

A number of other problems also emanated from applying the Entry into Israel Law and policy of residency revocation, such as the dispersal of families and problems in registering children (including newborn ones).

Several United Nations Security Council (UNSC) resolutions were issued regarding Israel's forced displacement and residency revocation of occupied Palestinian civilians (including in East Jerusalem), whereas these violations were strongly condemned by the international community.

The United Nations Security Council issued a total of nine resolutions regarding these violations. This includes Resolution (636) of 1989,<sup>83</sup> which condemns Israel's forcible transfer of occupied Palestinian civilians since 1967 (including in East Jerusalem) and consider these actions as a violation of international humanitarian law.<sup>84</sup>

This shows that the international community rejects Israel's policy of forced transfer against Palestinian civilians because the said actions constitute a blatant violation of Convention (IV) relative to the Protection of Civilian Persons in Time of War of 1949 ("Fourth Geneva Convention"). This Convention tackled the issue of forced

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<sup>83</sup> This resolution calls upon Israel to ensure the safe and immediate return to the occupied Palestinian territories of those deported [i.e., eight Palestinian civilians on 29 June 1989] and to desist forthwith from deporting any other Palestinian civilians.

<sup>84</sup> [Arabic source] United Nations Security Council resolutions condemn Zionist terrorism: <https://cutt.ly/9mstcWk> (Accessed on 27 June 2021).

transfer in articles (45), (46), and (49),<sup>85</sup> where it prohibits individual or mass forcible transfers, as well as deportations, of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, regardless of their motive.

Article (49) of this Convention also stipulates that, if the Occupying Power undertakes such transfers or evacuations, they must ensure, to the greatest practicable extent, that proper accommodation is provided to receive the protected persons, that the removals are effected in satisfactory conditions of hygiene, health, safety and nutrition, and that members of the same family are not separated.

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<sup>85</sup> Convention (IV) relative to the Protection of Civilian Persons in Time of War (of 12 August 1949) was adopted and presented for signature, ratification, and accession through the diplomatic conference for formulating international conventions to protect victims of war (held in Geneva from 21 April until 12 August 1949), which entered into force on 21 October 1950. See:

Article (45): *“Protected persons shall not be transferred to a Power which is not a party to the Convention. 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. Protected persons may be transferred by the Detaining Power only to a Power which is a party to the present Convention and after the Detaining Power has satisfied itself of the willingness and ability of such transferee Power to apply the present Convention. If protected persons are transferred under such circumstances, responsibility for the application of the present Convention rests on the Power accepting them, while they are in its custody. Nevertheless, if that Power fails to carry out the provisions of the present Convention in any important respect, the Power by which the protected persons were transferred shall, upon being so notified by the Protecting Power, take effective measures to correct the situation or shall request the return of the protected persons. Such request must be complied with. In no circumstances shall a protected person be transferred to a country where he or she may have reason to fear persecution for his or her political opinions or religious beliefs. The provisions of this Article do not constitute an obstacle to the extradition, in pursuance of extradition treaties concluded before the outbreak of hostilities, of protected persons accused of offences against ordinary criminal law”*. Also:

Article (46): *“In so far as they have not been previously withdrawn, restrictive measures taken regarding protected persons shall be cancelled as soon as possible after the close of hostilities. Restrictive measures affecting their property shall be cancelled, in accordance with the law of the Detaining Power, as soon as possible after the close of hostilities”*. Moreover:

Article (49): *“Individual or mass forcible transfers, as well as deportations, of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country, occupied or not, are prohibited, regardless of their motive. Nevertheless, the Occupying Power may undertake total or partial evacuation of a given area if the security of the population or imperative military reasons so demand”*.

The Fourth Geneva Convention did not only prohibit forcible transfers in Article (49) but also tackled this matter in Article (147),<sup>86</sup> whereas it considered forcible transfer a grave breach of the Fourth Geneva Convention due to the great risks resulting from it.

This also falls under the universal jurisdiction of Article (146),<sup>87</sup> which obliges the signatory parties to this Convention to detect and expose the perpetrators of such crimes and prosecute them before local courts.

Therefore, the Fourth Geneva Convention unambiguously prohibits all forms of forcible transfer and considers such acts as a serious violation of this Convention. As an Occupying Power, Israel is obliged to abide by the Fourth Geneva Convention with regard to Palestinian civilians in occupied territories, including East Jerusalem. This confirms the unlawfulness of all transfer decisions and measures taken by Israeli occupation authorities against Palestinians in Jerusalem.

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<sup>86</sup> Article (147) of the Fourth Geneva Convention: “*Grave breaches to which the preceding Article relates shall be those involving any of the following acts, if committed against persons or property protected by the present Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, compelling a protected person to serve in the forces of a hostile Power, or wilfully depriving a protected person of the rights of fair and regular trial prescribed in the present Convention, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly*”.

<sup>87</sup> Article (146) of the Fourth Geneva Convention: “*The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article. Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a prima facie case. Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article. In all circumstances, the accused persons shall benefit by safeguards of proper trial and defence, which shall not be less favourable than those provided by Article (105) and those following of the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949.*”

### **3. House Demolition Policy**

Israeli occupation authorities commit house demolitions under several pretexts. This is one of Israel's methods to punish Palestinians accused of carrying out attacks against Israeli soldiers and settlers. However, Israel also punishes these persons' relatives to discourage Palestinians from implementing such operations.<sup>88</sup>

The Occupation also carries out house demolitions during the absence of building permits. This is a general policy followed by the Jerusalem Municipality vis-à-vis planning and building in Jerusalem, whereas they impose extremely complex procedures and obstacles before Palestinian Jerusalemites to prevent them from obtaining building permits. This obliges many Palestinians to build without a permit to meet their growing needs for housing. For example, more than 2,000 additional residential buildings are needed every year to provide shelter for Palestinian Jerusalemite families. Building without a permit also takes place to avoid the exorbitant costs and fees of obtaining building permits in East Jerusalem, in light of the low levels

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<sup>88</sup> These actions violate the well-established principle of Personal Punishment and contravene international humanitarian law, especially Article (33) of the Fourth Geneva Convention, which stipulates that “*no protected person may be punished for an offence he or she has not personally committed*”. Hence, it is unfair to punish persons who were neither accused nor adjudicated, and to have them suffer for something that another person has committed, assuming that resistance is a crime and demolishing homes is the punishment. It should also be noted that resisting the Occupation is the legitimate right of occupied peoples in their quest to rightfully achieve their self-determination. Therefore, demolishing the homes of Palestinian families in a retaliatory manner is considered a form of collective punishment and is prohibited under international humanitarian law. For more information about this matter, see the following reference: حسام هندراوي وأحمد محمد، الوضع القانوني لمدينة القدس: دراسة تطبيقية لواقع الاحتلال الإسرائيلي في ضوء أحكام القانون الدولي (القاهرة: دار النهضة، (د.ت)، 205.



of income, high tax rates, and the Municipality's cruel decisions and strict procedures.<sup>89</sup>

Buildings that do not have a permit are often destroyed by Jerusalem Municipality bulldozers and personnel, accompanied by large numbers of Police and security elements. Israeli authorities also force people to pay them the costs and fees of demolishing their homes.

In many cases, Palestinian Jerusalemites are compelled to demolish their homes by themselves under the threat of imprisonment and substantial fines and penalties. Between the years 2009-2019, a total of 260 buildings were demolished by their owners in East Jerusalem.<sup>90</sup> However, it is difficult to precisely calculate the number of self-demolitions because many citizens do not report these cases to human rights and civil society organizations.

From 1967 until the end of June 2021, Israeli occupation authorities demolished approximately 2,350 homes, leading to the displacement of 10,085 persons, including many children.<sup>91</sup>

The following table shows figures related to demolished homes in East Jerusalem from 2004 until 30 June 2021:<sup>92</sup>

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<sup>89</sup> يعقوب عودة، القيود المفروضة على البناء الفلسطيني في القدس "الهدم مشروع والبناء ممنوع" (القدس: الائتلاف الأهلي للدفاع عن حقوق الفلسطينيين بالقدس، 2009)، 79.

<sup>90</sup> United Nations Office for the Coordination of Humanitarian Affairs (OCHA), Record number of demolitions, including self-demolitions, in East Jerusalem in April 2019: <https://www.ochaopt.org/content/record-number-demolitions-including-self-demolitions-east-jerusalem-april-2019>

<sup>91</sup> [Arabic source] Palestinian News and Information Agency-WAFA, House demolitions in Jerusalem Governorate from 1967 until 2020: <https://cutt.ly/Nmzb2xZ> (Accessed on 11 October 2021).

<sup>92</sup> [Arabic source] Data related to house demolitions in Jerusalem based on statistical information from BT'selem, Report of 2021: <https://cutt.ly/kmstKMt> (Accessed on 27 June 2021).

<b>Year</b>	<b>Number of demolished homes</b>	<b>Number of persons who lost their homes</b>	<b>Number of minors who lost their homes</b>
2004	53	194	110
2005	70	140	78
2006	44	98	18
2007	63	219	149
2008	78	340	188
2009	46	254	145
2010	23	181	91
2011	23	114	56
2012	28	107	52
2013	73	301	176
2014	54	156	75
2015	45	114	71
2016	89	295	160

2017	62	115	86
2018	59	155	63
2019	169	328	182
2020	121	379	194
2021	83	232	117
<b>Total</b>	<b>1183</b>	<b>3722</b>	<b>2011</b>

House demolitions perpetrated by Occupation authorities have far-reaching psychological, social, and economic ramifications for Palestinian Jerusalemites. For example, the financial losses incurred by Palestinian Jerusalemites due to the demolition process can reach millions of Israeli Shekels. This is because the cost of construction in the Jerusalem area is extremely high, as a square meter of a built area usually costs between 1,500-1,800 Shekels. Therefore, the construction of a building with an area of 100 square meters can cost between 150,000-200,000 Shekels. Also, the cost of building permits is usually multiple times higher than the construction cost itself, and these permits are quite hard to obtain [for Palestinians]. In fact, the percentage of permits granted by Jerusalem Municipality to Palestinian Jerusalemites does not exceed 10%. This forces many residents to build houses without a permit, thus suffering from heavy fines and penalties (reaching hundreds of thousands of Shekels) imposed by Jerusalem

Municipality, in addition to paying lawyers' fees for the aim of postponing demolitions.<sup>93</sup>

The Israeli policy of house demolitions against Palestinian Jerusalemites is a blatant violation of international law, especially international humanitarian law and international human rights law.

For example, Israel's practice of house demolitions is in breach of Article (53) of the Fourth Geneva Convention, which prohibits any destruction by the Occupying Power of real or personal property, except where such destruction is rendered absolutely necessary by military operations.<sup>94</sup> It is quite clear that Israel's destruction of Palestinian Jerusalemite homes was never rendered absolutely necessary from the military perspective, and was merely a method used by Israel to destroy the lives of Palestinians and Judaize Jerusalem and expel its original inhabitants. The said actions also contravene Article (46) of the Hague Convention, which highlights the duty to respect private property and not to confiscate it.<sup>95</sup>

These practices also violate people's right to housing, which was guaranteed by the Universal Declaration of Human Rights. For example, Article (17) of the said Declaration asserts that everyone has the right to own property, and that no one shall be arbitrarily

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<sup>93</sup> مؤسسة المقدسي، تقرير هدم المنازل بالقدس الشرقية للعام 2017، 8.

<sup>94</sup> Article (53) of the Fourth Geneva Convention of 1949: "*Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations*".

<sup>95</sup> Article (46) of the Hague Convention of 1907: "*Family honour and rights, the lives of persons, and private property, as well as religious convictions and practice, must be respected. Private property cannot be confiscated*".

deprived of his/her property.<sup>96</sup> Moreover, Article (25) of the Universal Declaration of Human Rights states that everyone has the right to a standard of living adequate for the health and well-being of himself/herself and of his/her family, including housing.<sup>97</sup>

Also, Article 11/1 of the International Covenant on Economic, Social and Cultural Rights stresses the importance of recognizing everyone's right to an adequate standard of living for himself/herself and his/her family, including adequate housing.<sup>98</sup>

The Israeli policy of house demolitions is in contravention of Article (147) of the Fourth Geneva Convention, which states that grave breaches include the destruction and appropriation of property if they are not justified by military necessity and are carried out unlawfully and wantonly.<sup>99</sup> These wide-scale demolitions lead to the displacement of hundreds of Palestinian Jerusalemites annually. Such crimes are being committed under pretexts and "justifications" that have nothing to do with military necessity but come as part of a systematic policy to Judaize Jerusalem, with total disregard towards the Fourth Geneva Convention. Moreover, Israel's plan to demolish

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<sup>96</sup> Article (17) of the Universal Declaration of Human Rights of 1948: "1. Everyone has the right to own property alone as well as in association with others. 2. No one shall be arbitrarily deprived of his property".

<sup>97</sup> Article (25) of the Universal Declaration of Human Rights: "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

<sup>98</sup> Article 11/1 of the International Covenant on Economic, Social and Cultural Rights of 1976: "The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent".

<sup>99</sup> Article (147) of the Fourth Geneva Convention: "Grave breaches to which the preceding Article [Link] relates shall be those involving any of the following acts, if committed against persons or property protected by the present Convention: wilful killing, torture or inhuman treatment, including biological experiments, wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, compelling a protected person to serve in the forces of a hostile Power, or wilfully depriving a protected person of the rights of fair and regular trial prescribed in the present Convention, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly".

an entire neighbourhood in Silwan (i.e., Al-Bustan neighbourhood, comprised of 88 houses), along with displacing 1,000 civilians, is also a “grave breach” according to the above-mentioned definition. This necessitates the activation of international jurisdiction, pursuant to Article (146) of the Fourth Geneva Convention.<sup>100</sup>

The strict procedures imposed on Palestinian Jerusalemites – such as placing hurdles in obtaining building permits and the policy of house demolitions – are based on a discriminatory policy aimed at Judaizing Jerusalem and expelling its indigenous population. This approach is based on a political decision taken by the Israeli government in the early 1970s, which states that Palestinians must not exceed 28% of Jerusalem’s population. While placing heavy burdens on Palestinians Jerusalemites in terms of building permits and house demolitions, Israeli authorities provide substantial facilitations for “Jewish” settlers. This includes easily granting them building permits and constructing special residences for them in East Jerusalem, while turning a blind eye to the illegal homes built by settlers within Jerusalem Municipal borders and beyond.<sup>101</sup> For example, the maximum construction level in Palestinian

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<sup>100</sup> Article (146) of the Fourth Geneva Convention: “*The High Contracting Parties undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article [Link]. Each High Contracting Party shall be under the obligation to search for persons alleged to have committed, or to have ordered to be committed, such grave breaches, and shall bring such persons, regardless of their nationality, before its own courts. It may also, if it prefers, and in accordance with the provisions of its own legislation, hand such persons over for trial to another High Contracting Party concerned, provided such High Contracting Party has made out a 'prima facie' case. Each High Contracting Party shall take measures necessary for the suppression of all acts contrary to the provisions of the present Convention other than the grave breaches defined in the following Article [Link]*”.

<sup>101</sup> موسى الدويك، القدس والقانون الدولي (القدس، (د.ن)، 2002)، 44.

neighbourhoods ranges between 25-50%, whereas this rate is approximately 75-125% in Jewish neighbourhoods.<sup>102</sup>

Israel's discrimination between Palestinian Jerusalemites and Jewish settlers in terms of house demolitions violates the right to equality and contravenes international humanitarian law and international human rights law. This discrimination also disregards the International Convention on the Elimination of All Forms of Racial Discrimination, which prohibits racial discrimination in all its forms, especially with regard to the right to housing.<sup>103</sup>

Since a major consequence of house demolitions in Jerusalem is the forcible transfer of its Palestinian population, these actions are considered a crime against humanity according to Article (7)(1)(d) of the Rome Statute,<sup>104</sup> as well as being a war crime pursuant to Article (8)(2)(b)(viii) of the said Statute. For example, the latter article states that the deportation or transfer of parts of the population of the occupied territory within or outside this territory is considered a war crime. These practices also disregard the laws and customs applicable in international armed conflict, within the established framework of international law. **Therefore, Israel's policy of forcible transfer through the systematic perpetration of house demolitions is considered a major crime under international**

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<sup>102</sup> [Arabic source] Association for Civil Rights in Israel, East Jerusalem in Figures 2014: <https://cutt.ly/vmst44S> (Accessed on 12 October 2021).

<sup>103</sup> Article (5)(e)(iii) of the International Convention on the Elimination of All Forms of Racial Discrimination of 1969: "*In compliance with the fundamental obligations laid down in Article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: (e) Economic, social and cultural rights, in particular: (iii) The right to housing*".

<sup>104</sup> See Article (7)(1)(d) of the Rome Statute of the International Criminal Court of 1998.

**criminal law.** Hence, it is possible to hold Israel accountable for this crime before the International Criminal Court (ICC), which has international jurisdiction over these matters.<sup>105</sup>

## **Section Two: Violations in Hebron**

Despite the numerous human rights violations in different West Bank areas, this section mainly focuses on Israeli violations in the Hebron governorate. Hebron is considered the second city after Jerusalem in terms of Israeli settler aspirations due to its historic and religious significance. However, we will mainly highlight the violations taking place in the Old City of Hebron, especially the Israeli restrictions on people's freedom of movement and the violation of human dignity, right to education, and freedom of worship.

### **The Complicated Legal Status of Hebron's Old City:**

The current administrative borders of Hebron (following the establishment of the Palestinian Authority) have an area of 997 km., with a population of 743,000. Half of Hebron district lands (approximately 54%) are under Israeli control, which are called Areas "C" and fall under Israeli administrative and security control.<sup>106</sup>

Following the Oslo Accords, a special agreement called "Hebron Protocol" was concluded between the Palestine Liberation Organization (PLO) and Israel. This protocol divided Hebron city into two areas: "H1"

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<sup>105</sup> See Article (8)(2)(b)(viii) of the Rome Statute.

<sup>106</sup> [Arabic source] Hamza Al-Halaybeh, The Wall and Settlement in Hebron Governorate, Wall and Settlement Series, Vision Center for Political Development, 2020, p.4. Published on: <https://cutt.us/TleWN> (Accessed on 12 October 2021).



and “H2”, respectively. The Palestinian Authority (PA) controls the “H1” area, which comprises approximately 80% of Hebron city, whereas the Israeli occupation controls “H2”, which constitutes 20% of the said area (estimated at 26 km). The “H2” area includes the Old City of Hebron (such as the Ibrahimi Mosque and Old Market), as well as settlement outposts in the heart of the city. The Palestinian population in “H2” area is estimated at 34,000, whereas 700 Jewish extremists live therein under extensive military protection.<sup>107</sup>

It is worth noting that, in July 2017, the United Nations Educational, Scientific and Cultural Organization (UNESCO) declared Hebron’s Old City and Ibrahimi Mosque (south of the West Bank) as a protected world heritage site.<sup>108</sup>

### **Restrictions on the Freedom of Movement and Multiple Violations resulting from that:**

Israel has established an Apartheid regime against Palestinians in the “H2” area of Hebron in a way that systematically restricts people’s freedom of movement. This area has more than 100 physical barriers, including 20 permanently staffed checkpoints and 14 partial checkpoints separating settlements from the rest of the city.

In 2012, Israel built an iron fence and security gate around al-Salaimeh neighbourhood in “H2” area, leading to the segregation of about 1,800 Palestinians from other parts of the city. Later, in 2017, Israel constructed a barb wire fence surrounding the neighbourhoods of al-

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<sup>107</sup> Ibid. p.12-13.

<sup>108</sup> [Arabic source] UNESCO includes the Old City of Hebron/AI-Khalil and W-Arly-Pendjari Complex in the World Heritage List: <https://cutt.us/VDA5j> (Accessed on 13 October 2021).

Salameh and Ghaith. This fence has a length of 50 meters and height of 1.5 meters, and it was built on cement sections. The related gates are arbitrarily closed by Israeli authorities without any prior notification. In late 2015, Israel declared the settlements of “H2” area as a “closed military zone”, leading to the isolation of about 800 Palestinians and restricting their movement by requiring them to perform ongoing registration.

On the other hand, the settlers of “Kiryat Arba” freely use the main road behind the fence to reach the Ibrahimi Mosque by car or on foot, whereas Palestinian vehicles are forbidden from accessing that road.<sup>109</sup>

Israel runs an Apartheid settler-colonial regime in the heart of Hebron, and the Old City is undergoing extremely difficult conditions. For example, several roads in this area are designated solely and exclusively for settlers’ use, while Palestinians are prohibited from accessing them. There are also streets where Palestinian pedestrians are allowed to walk on but not to drive therein, and in other streets Palestinians are allowed to drive their vehicles but are prohibited from walking. Some residents are also not allowed to enter from their house door, thus they transform their windows into doors or open new doors for their homes. Others cannot access their homes except by walking on the roofs of neighbouring houses. Moreover, there are neighbourhoods in Hebron where Palestinians are not allowed to enter except if they reside in that neighbourhood. In several neighbourhoods, people are not allowed entry except through physical inspection gates and checkpoints. These arbitrary arrangements and measures were imposed to facilitate

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<sup>109</sup> [Arabic source] Amal Manasra and Mohammad Al-Tayyeb, Fact Sheet on Israeli restrictions on Palestinian movement in the “H2” area of Hebron: <https://cutt.us/fMYCb> (Accessed on 13 October 2021).

and secure the lives of a few hundred Israeli settlers who live inside and around the Old City of Hebron.<sup>110</sup>

Due to the said limitations and measures, the residents of [approximately] one-third of the 1,105 housing units in the access restricted area of Hebron abandoned their homes by 2018. The Israeli authorities also closed down about 500 establishments in this area through military orders, and at least 1,100 other establishments were closed by their owners due to the severe restrictions.<sup>111</sup>

The liberty of movement is one of the main types of personal liberty and may not be violated or restricted without a strong reason to do so. This means that every individual has the right to move freely from one place to another and to enter or leave his/her own country. For example, Article (13) of the Universal Declaration of Human Rights stipulates the following:

*“1. Everyone has the right to freedom of movement and residence within the borders of each state. 2. Everyone has the right to leave any country, including his own, and to return to his country”.*

Therefore, the State should guarantee people’s liberty of movement and must not impose restrictions on them, except for their benefit.

It is also worth noting that the Israeli Apartheid regime, characterized by numerous checkpoints and security gates that affect the liberty of movement in Hebron, is considered a form of collective punishment against protected persons, in violation of international conventions. For example, Article (33) of the Fourth Geneva Convention prohibits

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<sup>110</sup> [Arabic source] Hamza Al-Halaybeh, The Wall and Settlement..., Op. Cit., p.13.

<sup>111</sup> [Arabic source] Amal Manasra and Mohammad Al-Tayyeb, Fact Sheet..., Op. Cit., p.2.

collective penalties by the Occupying Power.<sup>112</sup> Furthermore, Article (12) of the International Covenant on Civil and Political Rights guarantees the right to liberty of movement.<sup>113</sup>

Additionally, the United Nations Commission on Human Rights<sup>114</sup> stated that “*the permissible limitations which may be imposed on the rights protected under Article (12) must not nullify the principle of liberty of movement*”.

The different actions of the Israeli occupation restrict people’s liberty of movement in the Old City of Hebron, leading to several violations related to education and freedom of worship, along with undermining the right to equality and human dignity. These actions include the following:

### **1. Violation of the Right to Education:**

International humanitarian law is based on a number of established principles for protecting civilians. Among these principles is the protection of civilian objects, such as schools. The practices of the Israeli occupation in the Old City of Hebron (especially “H2” area) clearly violate these principles. For example, Israeli soldiers search Palestinian

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<sup>112</sup> Article (33) of the Fourth Geneva Convention of 1949: “*No protected person may be punished for an offence he or she has not personally committed. Collective penalties and likewise all measures of intimidation or of terrorism are prohibited. Pillage is prohibited. Reprisals against protected persons and their property are prohibited.*”

<sup>113</sup> International Covenant on Civil and Political Rights (1966), Article (12): “*1. Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence. 2 Everyone shall be free to leave any country, including his own. 3. The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant. 4. No one shall be arbitrarily deprived of the right to enter his own country*”.

<sup>114</sup> This Commission is comprised of experts and has the duty of monitoring the fulfillment of State obligations vis-à-vis the International Covenant on Civil and Political Rights.

students and children on a daily basis in a humiliating manner. Moreover, they conduct raids on Palestinian schools and detain students and teachers, leading to great panic and the lack of mental focus and academic attainment. Many Palestinian students also suffer from harassment, intimidation, and delays in school attendance as a result of Israeli actions. Therefore, parents are increasingly worried about their children's safety at school and on their way to/from it. Israeli soldiers also use teargas canisters and rubber-coated bullets against schoolchildren. Furthermore, extremist Jewish settlers often frighten and provoke Palestinian students at military checkpoints.<sup>115</sup>

In 2019, the Palestinian Ministry of Education documented 218 violations against students and employees in the aforementioned schools, during which 5,960 pupils were subjected to physical harm and 18,391 pupils underwent psychological harm.<sup>116</sup> As for 2020, the number of violations was 53, during which 263 pupils were subjected to physical harm and 3,623 pupils underwent psychological harm.<sup>117</sup> It is worth noting that the decrease in the number of violations was due to the intermittent school attendance (for several months) as a result of the COVID-19 pandemic.

The perpetrated Israeli violations were categorized as follows:

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<sup>115</sup> [Arabic source] Al-Ayyam Newspaper, Schools in Hebron's Old City undergo countless attacks by the Israeli occupation forces and settlers: [HTTPS://CUTT.US/DILZH](https://cutt.us/dilzh) (Accessed on 28 June 2021).

<sup>116</sup> وزارة التربية والتعليم الفلسطينية، تقرير الانتهاكات بحق المدارس حسب نوع الضرر 2019.

<sup>117</sup> وزارة التربية والتعليم الفلسطينية، تقرير الانتهاكات بحق المدارس حسب نوع الضرر 2020.

Violation Year	Stopping pupils at checkpoints and searching them intensively	Throwing gas and stun grenades	Harassing pupils	Running over or trying to run over pupils	Raiding schools	Denying the passage of pupils or teachers	Physical harm	Nuisance without direct contact	Injury	Arrest	Material/ financial damages
<b>2019</b>	66	96	23	8	14	18	20	20	4	13	4
<b>2020</b>	19	5	7	2	3	3	4	10	2	6	0

It is worth noting that, in 2019, a total of 2,382 pupils (both male and female) were denied safe access to their schools in the Old City of Hebron and its surroundings.<sup>118</sup> The schools of these areas are also subjected to other kinds of harassment, such as preventing restorations, denying the entry of renovation equipment, and prohibiting all changes to school structures/buildings.<sup>119</sup>

The lack of safe access to education has serious implications for children, such as lowering their level of school attendance, increasing school dropout rates, displacement of families, separation of family members to guarantee their children's access to school in other locations, etc. Concrete evidence<sup>120</sup> shows that these actions lead to school dropout, especially among young girls and children with disabilities. In light of these barriers to education, thousands of Palestinian students lack the minimal sense of safety at school and on their way to/from it. Moreover, parents are increasingly becoming worried about sending their children to school.

Such practices, especially those that directly target students, constitute a grave violation of the Convention on the Rights of the Child, which was ratified by the State of Israel. For example, Article (2) of this Convention prohibits discrimination between children on

<sup>118</sup> وزارة التربية والتعليم الفلسطينية، التقرير السنوي للانتهاكات الإسرائيلية المرصودة بحق العملية التعليمية 2019.

<sup>119</sup> Interview with Hasan Ibrahim A'mer, Principal of the Ibrahim Basic School for Boys.

<sup>120</sup> Young Human Rights Defenders group, interviews with young students' parents [in Arabic].

the basis of their parents' religion, ethnic origin, or political opinion, and that States Parties must take all appropriate measures to ensure that children are protected against all forms of discrimination or punishment on the basis of the status of the child's parents.<sup>121</sup>

Moreover, Article (28)(e) of the same Convention stipulates that States Parties should take adequate measures to encourage regular attendance at schools and reduce dropout rates.<sup>122</sup> In violation of these required practices, Israel imposes penalties<sup>123</sup> on children just because they are Palestinian, while providing all forms of security and comfort for the children of Jewish settlers in the same neighbourhood. These practices are also among the main causes of school dropout.<sup>124</sup>

## **2. Violation of the Freedom of Worship at the Ibrahimi Mosque:**

The 1954 Hague Convention for the Protection of Cultural Property states that “the High Contracting Parties must respect cultural property situated within their own territory as well as within the territory of other High Contracting Parties, by refraining from any use of the property and its immediate surroundings or of the appliances in use for its protection for purposes which are likely to expose it to destruction or damage”. In fact, international jurisprudence unequivocally condemns violating the sanctity of houses of worship

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<sup>121</sup> See Article (2) of the Convention on the Rights of the Child of 1990.

<sup>122</sup> Article (28)(e) of the Convention on the Rights of the Child.

<sup>123</sup> These penalties have different forms, such as physical abuse, detention, and inhumane treatment, in contravention of international humanitarian law and international criminal law. The legal viewpoint related to the crime of inhumane treatment will be discussed more elaborately later in this section.

<sup>124</sup> For more details about this subject, see: [Arabic source] Palestinian News and Information Agency-WAFA, “Hebron’s students and schools in the line of fire and under the grip of fear”: <https://cutt.us/xXr8i> (Accessed on 14 October 2021).

and their destruction, looting, closure, and other actions that affect holy places under occupation. Israeli authorities are obliged to respect the religious rights and beliefs of civilians in the occupied territories, and to refrain from attacking places of worship or disrupting the practice of religious rights and rituals.<sup>125</sup>

The Ibrahimi Mosque is surrounded by 12 military checkpoints, 2 Israeli Police stations, as well as border guards.<sup>126</sup> In 2019, Israeli occupation authorities prevented the call to prayer (“*adhan*”) from Ibrahimi Mosque minarets 621 times, not to mention the repeated incursions by the Israeli Prime Minister, Minister of Defense, and settlers. Israel also conducts military drills inside the Ibrahimi Mosque compound, along with other serious violations. It is also worth noting that, in 2020, the call to prayer from Ibrahimi Mosque minarets was prevented 602 times.<sup>127</sup>

Among the most severe violations perpetrated by Israeli authorities at the Ibrahimi Mosque is obstructing the passage of Palestinians on their way to the Friday prayer due to the numerous military checkpoints at the entrance of Hebron’s Old City. This greatly disrupts their entry into the mosque in different periods of time, under weak security pretexts. Moreover, settlers hold loud parties for long periods of time in the gardens and squares of the Ibrahimi Mosque, as well as installing Talmudic menorahs (candelabra) in its roof and courtyards. The purpose of the said actions is to forcefully Judaize this site. There were also cases in which the Ibrahimi Mosque was

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<sup>125</sup> [Arabic source] Ahmad Barrak. The Crime of Violating the Sanctity of Al-Aqsa Mosque..., Op. Cit.

<sup>126</sup> MIFTAH, First Quarterly Report on the Violations in Hebron in 2019. See: <https://bit.ly/3BJriBA> (Accessed on 14 October 2021).

<sup>127</sup> [Arabic source] Palestinian News and Information Agency-WAFA, Israeli attacks on Ibrahimi Mosque in 2020: <https://cutt.us/07We7> (Accessed on 14 October 2021).



totally closed for Muslim worshipers and only open for Jewish settlers. Large military ceremonies are also conducted in various parts of the Ibrahimi Mosque, in addition to other violations that aim to occupy this location.<sup>128</sup>

The aforementioned practices constitute a flagrant violation of the freedom of worship and right to practice religious rituals, which were guaranteed by international laws and conventions. For example, they are inconsistent with Article (27) of the Fourth Geneva Convention, which obliges the Occupying Power to respect the occupied people's right to practice their religious rituals.<sup>129</sup> This certainly applies to Hebron's "H2" area and its Palestinian residents. Israeli measures also disregard Article (53) of Additional Protocol I to the Geneva Convention (1977), which prohibits the committing of any acts of hostility against places of worship that constitute the cultural or spiritual heritage of peoples.<sup>130</sup> Moreover, Article (8) of the Rome Statute of the International Criminal Court stipulates that intentionally directing attacks against buildings dedicated to religion is considered a war crime.<sup>131</sup>

Furthermore, the Nuremberg trials following World War II (in 1945) asserted that attacks by Occupation authorities on religious sites, as

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<sup>128</sup> Ibid.

<sup>129</sup> Article (27) of the Fourth Geneva Convention of 1949: "*Protected persons are entitled, in all circumstances, to respect for their persons, their honour, their family rights, their religious convictions and practices, and their manners and customs. They shall at all times be humanely treated, and shall be protected especially against all acts of violence or threats thereof and against insults and public curiosity*".

<sup>130</sup> See Article (53) of Additional Protocol I to the Geneva Convention of 1977.

<sup>131</sup> Article (8)(2)(b)(ix) of the Rome Statute of the International Criminal Court (1998): "*2. For the purpose of this Statute, "war crimes" means: b) Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts: ix) Intentionally directing attacks against buildings dedicated to religion, education, art, science or charitable purposes, historic monuments, hospitals and places where the sick and wounded are collected, provided they are not military objectives*".

well as obstructing religious rituals in occupied territories, are considered “war crimes” punishable by the laws and customs of war and international conventions and principles recognized by civilized states.<sup>132</sup>

Within this context, it is worth noting again that, in July 2017, the United Nations Educational, Scientific and Cultural Organization (UNESCO) included Hebron’s Ibrahimi Mosque in the world heritage list of protected sites.

### **3. Violation of Human Dignity and Right to Equality:**

The actions of Israeli authorities in the Old City of Hebron greatly undermine human dignity. For example, the isolation of Hebron’s Old City neighbourhoods from adjacent areas, and surrounding them with checkpoints and security gates, made Hebron a large prison for its inhabitants, who live in a state of permanent siege. Moreover, the daily searching of Old City residents at military checkpoints in a humiliating manner - especially children on their way to or from school - is a fierce blow to their human dignity. Furthermore, the closure of house doors of many Palestinian families and preventing their relatives from visiting them also affect people’s right to live with dignity.

The said practices against “H2” area residents constitute a flagrant violation of Article (3)(1)(c) of the Fourth Geneva Convention, which

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<sup>132</sup> [Arabic source] Palestinian News and Information Agency-WAFA, Hanna Issa, “Legal Analysis: International law protects holy and ancient sites while Israel keeps violating it”: <https://cutt.us/3Gm0Z> (Accessed on 15 October 2021).

prohibits all attacks on people's personal dignity at any time and in any place, in particular humiliating and degrading treatment.<sup>133</sup>

Israeli occupation authorities also implement a policy of racial discrimination between the Palestinian residents of "H2" area and the Jewish settlers therein. While providing all means of comfort, safety and stability for Jewish settlers, Israel systematically disrupts the lives of Palestinians and commits different violations against them, such as obstructing their freedom of movement, right to education, and right to perform religious rituals. Physical attacks and arrests are also carried out by Israel in order to transfer the indigenous inhabitants of this area.

The aforementioned practices strengthen the Israeli Apartheid regime and affect people's right to equality, in contravention of international humanitarian law and international human rights law. For example, they are inconsistent with Article (27) of the Fourth Geneva Convention (which prohibits racial discrimination and calls for protecting the right to equality)<sup>134</sup> and Article (2) of the Universal Declaration of Human Rights (which combats racial distinction and emphasizes the right to equality).<sup>135</sup> Israel's actions also violate the International Convention on the Elimination of All Forms of Racial

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<sup>133</sup> See Article (3)(1)(c) of the Fourth Geneva Convention of 1949.

<sup>134</sup> Article (27) of the Fourth Geneva Convention of 1949: "*Without prejudice to the provisions relating to their state of health, age and sex, all protected persons shall be treated with the same consideration by the Party to the conflict in whose power they are, without any adverse distinction based, in particular, on race, religion or political opinion. However, the Parties to the conflict may take such measures of control and security in regard to protected persons as may be necessary as a result of the war*".

<sup>135</sup> Article (2) of the Universal Declaration of Human Rights of 1948: "*Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty*".

Discrimination (signed by Israel on 7 March 1966 and ratified by them on 3 December 1979), which includes important provisions to combat all forms of racial discrimination. However, Israel's measures against Palestinians in "H2" area clearly contravene this Convention.

The above-mentioned violations perpetrated by Israel are aimed at deporting the Palestinian residents of "H2" area in the Old City of Hebron. The illegal measures taken by Israeli authorities and settlers in the Old City of Hebron also exacerbated the economic situation therein. For example, most shops in the Old City are currently closed (approximately 1,800 stores, 530 of which were closed down due to Israeli military orders). This is because of the threefold increase in the distance, cost, and required time for reaching these stores as a result of closing key roads (especially Al-Shuhada and Al-Shallala streets), which made it difficult for clients and suppliers to access them.<sup>136</sup>

Following the closure of Al-Shuhada street and old markets, the Israeli Military and settler groups forced approximately 1,400 Palestinian families to leave their homes and other properties in fear for their lives. Therefore, 1,014 properties are currently abandoned in the Old City of Hebron. It is also worth noting that 659 of these properties (i.e., 65% of real estate properties in this area) are currently empty and were abandoned at gunpoint in fear of settlers' attacks during the Second Intifada. Property owners are also

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<sup>136</sup> [Arabic source] Awad Al-Rjoob, "The Occupation in Palestine stifles the Old City of Hebron while Ramadan revives it", Anadolu Agency: <https://cutt.ly/pmsTv3O> (Accessed on 15 October 2021).

prevented from returning to their properties due to Israeli security pretexts.<sup>137</sup>

Israel is outrightly implementing a policy of forcible transfer in the Old City of Hebron with total disregard to the Fourth Geneva Convention. For example, Article (49) of this Convention prohibits forcible transfers and considers such acts as grave violations (as explained earlier in our discussion of forcible transfer in Jerusalem).

Israel's policy of forcible transfer in Hebron also violates international criminal law and is considered a "crime against humanity" according to Article (7)(1)(c) of the Rome Statute.<sup>138</sup> This policy is also considered a "war crime" according to Article (8)(2)(b)(viii) of the said Statute. Hence, the transfer or deportation by the Occupying Power of all or part of the population of the occupied territory within or outside this territory is considered a war crime and a crime against humanity. This is because such practices violate the laws and customs applicable in international armed conflict, within the established framework of international law. Therefore, it is possible to try Israel in the International Criminal Court (ICC) to hold them accountable for their perpetrated crimes.<sup>139</sup>

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<sup>137</sup> [Arabic source] Mahmoud Majadleh, "Old City of Hebron: Siege or Deportation", Arab48 Website: <https://cutt.ly/TmsULC5> (Accessed on 15 October 2021).

<sup>138</sup> See Article (7)(1)(c) of the Rome Statute of the International Criminal Court of 1998.

<sup>139</sup> See Article (8)(2)(b)(viii) of the Rome Statute (Op. Cit.).

## **Section Three: Violation of the Right to Work and Right to Health in the Gaza Strip**

This section highlights the violations committed by Israel in the Gaza Strip. Despite the numerous human rights violations in the occupied Palestinian territories, this section mainly focuses on the violation of the right to work and right to health and the multiple violations arising from them. During the period because 1/1/2020 – 30/6/2021, the Young Human Rights Defenders group monitored approximately 505 violations against Palestinian farmers (such as spraying chemical herbicides, bulldozing agricultural lands, and the shooting of fire on farmers) and 137 violations against Palestinian fishermen. Moreover, 418 violations of the right to health were monitored and documented.

### **1. Violation of the right to work and its related violations:**

Israeli occupation authorities perpetrate different violations on Palestinian civilians and their properties, especially against agricultural and industrial workers near the separation fence in the Gaza Strip. These crimes are executed in a systematic, recurrent, and concurrent manner. Moreover, Israel commits various attacks against Palestinian fishermen while performing their work offshore. These violations can be summarized as follows:

#### **a. Attacks against Palestinian agricultural and industrial workers in the buffer zone:**

The term “buffer zone” is used to refer to the area along the eastern fence of the Gaza Strip, with a depth of up to 1,500 meters within the

lands of Gaza Strip. These areas are commonly called “Access Restricted Areas” or “ARA”.<sup>140</sup>

The access restricted areas were introduced after Israel implemented its unilateral disengagement plan on 12 September 2005 and redeployed its forces around the Gaza Strip. The borders were demarcated in accordance with the Israeli publications thrown from planes, whereas the buffer zone extends to an area of 300 meters along the northern and eastern borders of the Gaza Strip.<sup>141</sup>

The land buffer zone in the Gaza Strip includes the best agricultural lands therein. This area is estimated at 27,000 dunums, i.e., around 35% of the total area of agricultural lands in the Gaza Strip. The area is also distinguished by its abundant livestock, especially poultry and cow barns. The land buffer zone also includes the largest groundwater reservoir (for drinking and agricultural use) in the Gaza Strip. Therefore, the denial of access to these areas greatly curtails farmers’ ability to cultivate numerous crops.<sup>142</sup>

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<sup>140</sup> The Gaza Strip fence was demarcated in its current form according to the armistice line following the occupation of Palestine in 1948. This was done during the cease-fire discussions that took place in Rhodes between some Arab states and Israel. This fence separates the territories of the Gaza Strip from the occupied Palestinian lands towards the north and east. The separation fence has several names, the most famous of which are “security fence”, “wire”, and “borders”. This fence consists of three parallel layers of barbed wire that run irregularly and are separated from each other by a few meters. One of these three layers is connected to an electric current. The fence has a concrete wall attached to it in the areas of Beit Lahia and Beit Hanoun. See:

[Arabic source]: Al Mezan Center for Human Rights, “Access denied: Statistical report on Israeli violations in Access Restricted Areas by land in 2018”, January 2019. Published on: <https://cutt.ly/JmfcfCl> (Accessed on 16 October 2021).

<sup>141</sup> [Arabic source] Al Mezan Center for Human Rights, Situation of Palestinian farmers in the access restricted areas (by land) in 2018-2020, p.4. Published on: <https://cutt.ly/mmfQzkk> (Accessed on 16 October 2021).

<sup>142</sup> [Arabic source] Palestinian Centre for Human Rights, Report on Israeli attacks in the land and sea buffer zone in the Gaza Strip, 2017, p.8. Published on: <https://cutt.ly/6mfQF1j> (Accessed on 16 October 2021).

Israel imposed an access restricted area that extends as far as 1,500 meters within some areas along Gaza's separation fence. Moreover, they bulldozed agricultural lands in this area and destroyed all residential, agricultural and industrial establishments within a range of 500 meters from the fence. Israel also destroyed 75% of the lands and buildings located within 1,000 meters from the fence. The Occupation also disrupts the movement of Palestinians in these areas and sabotages their property.<sup>143</sup> Furthermore, Israeli soldiers attack agricultural and industrial workers near the separation fence; especially farmers, bird hunters, shepherds, and firewood and scrap material collectors. This is done by using different types of machine guns and heavy weaponry, including artillery and rocket propelled grenades, as well as shooting from watchtowers and military vehicles. This led to substantial human and financial losses among defenceless Palestinian workers, who are also many times prevented from completing their work, leading to the loss of livelihood.<sup>144</sup>

The following are some figures related to Israeli violations in the access restricted areas (by land) in 2020:<sup>145</sup>

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<sup>143</sup> [Arabic source] Al Mezan Center for Human Rights, Situation of Palestinian farmers in the access restricted areas (by land), Op. Cit., p.5.

<sup>144</sup> [Arabic source]: Al Mezan Center for Human Rights, Access denied..., Op. Cit, p.5.

<sup>145</sup> Ibid., p.7.



Type of Violation	Number of Incidents
Shooting on farmers and bombardment of agricultural lands	612
Attacks on Bird hunters	6
Attacks on Shepherds	39
Arrests	15
Shelling of vacant lands	25

Since 2014, Israel has been regularly spraying toxic chemical herbicides on agricultural lands in Gaza's access restricted areas. Israel claims that these operations are done for security purposes and for removing the "harmful weeds" in the areas adjacent to the separation fence to enable the monitoring of all movement in these areas.

The Israeli Military sprays a combination of three herbicides: Glyphosate, Oxyfluorfen (Oxygal) and Diuron (Diurex). These chemicals have severe effects on agricultural crops, the environment, and the health of citizens. For example, they led to the spoiling of many agricultural crops and a change in their colour, as testified by dozens of farmers. Furthermore, these substances cause cancer/tumors and other chronic diseases.<sup>146</sup>

<sup>146</sup> نور أبو عيشة، موقع الأناضول، تقرير: إسرائيل ترش الأراضي الزراعية "الحدودية" لغزة بالمبيدات الخطيرة. الرجاء الدخول أيضاً للموقع التالي: <https://cutt.us/fnPgK>، (تم الدخول إلى الموقع بتاريخ 2021/10/16).

The herbicides sprayed by Israel have long-lasting and harmful effects on crops, health, the environment, soil quality, and biota in the said areas. It is also worth noting that dry soil easily absorbs these harmful substances that change its composition and affect its future productivity.<sup>147</sup> This means that the access restricted areas are not only prohibited areas but are also prone to becoming places where it would be impossible to grow any crops in the future.<sup>148</sup> In 2020, there were 10 incidents of spraying toxic chemical herbicides in this area, leading to damages in 323,216.7 square meters of agricultural lands. Chemical spraying operations also resulted in financial losses estimated at tens of millions of Shekels annually.<sup>149</sup>

### **Violations related to the use of chemical herbicides:**

The spraying of toxic chemical herbicides leads to several violations against Palestinians in the buffer zone of the Gaza Strip, as follows:

#### **- Violation of the Right to Life:**

Chemical herbicides used by Israeli occupation authorities threaten the lives of Palestinian civilians because they cause severe cancerous diseases. The right to life is considered among the most sacred rights and freedoms guaranteed by international humanitarian law, international human rights law, and international

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<sup>147</sup> It is worth noting that the spraying carried out by Israeli planes in the Gaza Strip extends to about 1,200 meters, leading to significant losses incurred by farmers. The Oxygal and Glyphosate substances can stay inside the soil for 70-80 days as they take a long time to decompose. These substances also affect the quality of soil and weaken its fertility, as well as preventing farmers from re-cultivating the land. See: [Arabic source] Statement by the Ministry of Agriculture, Website of the Ministry of Agriculture in the Gaza Strip: <https://cutt.us/aTFoZ> (Accessed on 16 July 2021).

<sup>148</sup> [Arabic source] Al Mezan Center for Human Rights, Situation of Palestinian farmers in the access restricted areas (by land), Op. Cit., p.9.

<sup>149</sup> [Arabic source]: Al Mezan Center for Human Rights, Access denied..., Op. Cit, p.7.

criminal law, as elaborated later this section. Therefore, it is possible to try Israel in international courts for using these harmful herbicides, given that this act is considered a violation of people's right to life, in contravention of the Fourth Geneva Convention. This violation is also considered a crime against humanity and a war crime.

**- Violation of the Right to Health:**

Israel's spraying of chemical herbicides threatens the health of Palestinians living within the buffer zone. This is because it leads to chronic diseases (such as cancer/tumors), in violation of international human rights law, which recognizes the right of everyone to the enjoyment of the highest attainable standard of physical health.<sup>150</sup>

**- Violation of the right to a healthy environment:**

The spraying of toxic chemical herbicides has catastrophic environmental effects on soil and agricultural crops. This is because the said chemicals contain dangerous substances that cause long-lasting damages to crops, the environment, health, and soil quality. This is considered a violation of international human rights law, especially Article (12) of the International Covenant on Economic, Social and Cultural Rights, which stipulates that States Parties must taken serious steps to improve all aspects of environmental and industrial hygiene.<sup>151</sup>

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<sup>150</sup> See: Article (12) of the International Covenant on Economic, Social and Cultural Rights of 1976.

<sup>151</sup> Article (12/b) of the said Covenant.

## **- Violation of the Right to Work:**

Israel's spraying of poisonous chemical herbicides violates the right to work because it limits job opportunities, thus increasing the unemployment rate among Palestinians. This is because the sprayed chemicals cause long-term damages to the soil and its production capacity, hence decreasing employment opportunities for agricultural workers.<sup>152</sup> These actions are in breach of international law, especially international human rights law. For example, Article (23) of the Universal Declaration of Human Rights stipulates that "*everyone has the right to work, to free choice of employment, to just and favourable conditions of work*".<sup>153</sup> These practices also contravene Articles (6) and (7) of the International Covenant on Economic, Social and Cultural Rights, which calls for respecting the right to work and providing just and favourable conditions of work.<sup>154</sup>

### **b. Attacks against Palestinian fishermen:**

The fishing sector is among the most vital economic sectors in Palestine. This sector significantly contributes to the Palestinian Gross National Product (GNP) by employing large numbers of

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<sup>152</sup> The different violations related to the spraying of toxic chemical herbicides (such as the violation of the right to life and right to work) will be further elaborated later in this section, within the context of addressing Israeli violations against agricultural, industrial, and fishing sector workers.

<sup>153</sup> See: Article (23) of the Universal Declaration of Human Rights of 1948.

<sup>154</sup> See: Articles (6) and (7) of the International Covenant on Economic, Social and Cultural Rights of 1976.

fishermen. For example, in 2019, the number of fishing sector workers was 5,606, including 3,606 fishermen.<sup>155</sup>

Also, Article (3) of the United Nations Convention on the Law of the Sea stipulates that every State has the right to establish the breadth of its territorial sea up to a limit not exceeding 12 nautical miles. Moreover, Article (57) of the same Convention sets forth that the exclusive economic zone shall not extend beyond 200 nautical miles, whereas States have sovereign rights for exploring and exploiting natural resources [see Article (56) of the said Convention]. It is worth noting that the legal status of Gaza's coast was regulated under the Oslo Accords signed by the Palestine Liberation Organization (PLO) and Israel. Under this agreement, the fishermen of Gaza are allowed to access fishing areas up to 20 nautical miles from the coast of Gaza. Despite the unfavourable terms of this agreement vis-à-vis the Palestinians, Israeli forces do not even abide by them. For example, on 22 March 1996, Israel reduced the fishing area allowed for Palestinians to only 12 nautical miles. This was followed by preventing Palestinian fishermen from working in approximately 85% of the allowed fishing area [for Palestinians] in the Oslo Accords. Israel went even farther by recurrently limiting the permitted fishing area for Palestinians to only 3 to 9 nautical miles from the coast. There are also cases in which the Occupation forces completely closed down sea access for Palestinian fishermen and prevented them from working there.<sup>156</sup>

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<sup>155</sup> [Arabic source] Al Mezan Center for Human Rights, "The danger of approaching the Gaza Sea: Special report on the violations of Israeli occupation forces in the access restricted area (by sea) in 2020", p.2. Published on: <https://cutt.ly/MmgUf3W> (Accessed on 18 October 2021).

<sup>156</sup> [Arabic source] Al Mezan Center for Human Rights, "The danger of approaching the Gaza Sea..", Op. Cit., p.3.

In 2020, Israeli occupation forces reduced the permitted fishing areas for Palestinian fishermen to only 6 nautical miles in the governorates of Gaza and Northern Gaza and around 9-15 nautical miles in the governorates of Al-Wusta, Khan Younis, and Rafah (south of Gaza Strip). In other cases, maritime activity was completely prohibited for Palestinians, thus depriving fishermen of accessing fishing locations where different types of fish can be found.<sup>157</sup>

In addition to the aforementioned restrictions, Israeli forces perpetrate numerous attacks on Palestinian fishermen. This includes killings, arrests, torture, and confiscating and sabotaging fishing boats and equipment. These actions have become quite common and are being implemented as part of a general policy against Palestinian fishermen with the aim of disrupting their livelihoods.<sup>158</sup>

The following figures are related to Israeli violations against fishermen in the Gaza Strip during 2020:<sup>159</sup>

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<sup>157</sup> Ibid., p.5.

<sup>158</sup> Ibid., p.3.

<sup>159</sup> MIFTAH, Fact Sheet: Violation of Palestinian Fisherman's Rights by the Israeli Occupation in the Gaza Strip: <https://bit.ly/30r1DQ7> (Accessed on 18 October 2021).

Type of Violation	Number of Violations in 2020
Cases of gunfire shooting	308
Number of detainees	10
Number of injuries	12
Number of confiscated boats	4
Number of cases of sabotaging fishing equipment/boats	12

**Implications of violating fishermen’s rights in the Gaza Strip:**

Israel’s illegal curtailment of permitted fishing areas and denying the entry of fishing tools and equipment have serious implications for the Gaza Strip. For example, the number of Palestinian fishermen plummeted by 73% in a 20-year period,<sup>160</sup> leading to an increase in Gaza’s unemployment rate. Moreover, Israel’s policy of closures and denial of entry of fishing equipment (including spare parts for fishing boats) caused a drastic reduction in the number of fishing boats in Gaza. These violations also led to lower economic returns due to smaller quantities of fish that are caught in the confined fishing areas. This forced many fishermen to use certain types of smaller nets to increase the quantities of fish that are caught in the permitted

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<sup>160</sup> Ibid.

areas, leading to negative effects on the maritime environment.<sup>161</sup> The said actions also led to fishermen's loss of livelihood and disruption of their work, as well as their impoverishment. The Occupation's policy of seizing local resources weakens Palestine's fishing sector and leads to substantial economic damages.<sup>162</sup>

### **Legal viewpoint concerning Israeli violations against agricultural, industrial, and fishing sector workers**

Israel perpetrates several types of violations against agricultural, industrial, and fishing sector workers, as follows:

#### **- Violation of the right to life:<sup>163</sup>**

International humanitarian law guarantees the protection of civilians and their right to life. This law clearly and explicitly states that "civilians"<sup>164</sup> deserve protection and that they must not be targeted, except if they have been directly involved in hostile acts.<sup>165</sup> Therefore, the Occupying Power (Israel) must respect Palestinians' right to life (since they are protected civilians) and to ensure that this right is not violated, in compliance with international humanitarian

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<sup>161</sup> [Arabic source] Palestinian News and Information Agency-WAFA, Fisheries in the Gaza Strip: <https://cutt.ly/Tmg1VgQ> (Accessed on 18 October 2021).

<sup>162</sup> [Arabic source] Al Mezan Center for Human Rights, "The danger of approaching the Gaza Sea...", Op. Cit., p.10-12.

<sup>163</sup> The right to life is considered the most vital right of protected persons, and it must be respected and guaranteed for all individuals. The right to life is an inherent and inalienable right and its protection is a precondition for the enjoyment of all other human rights. This is because the other recognized human rights primarily depend on the existence of life itself. See the following reference (in Arabic):

محمد علوان، ومحمد الموسى، القانون الدولي لحقوق الإنسان: الحقوق المحمية (عمان: دار الثقافة، 2014)، ص.148.

<sup>164</sup> "Civilians" can be defined as persons who are not part of the armed forces or their affiliated bodies, and those who do not participate directly in military operations and do not contribute to combat activities at first hand. See the following reference (in Arabic):

نوال أحمد بسج، القانون الدولي الإنساني وحماية المدنيين والأعيان المدنية في زمن النزاعات المسلحة (بيروت، منشورات الحلبي الحقوقية، (د.س)، 65.

<sup>165</sup> See: Article (48) of Additional Protocol I (1977) to the Geneva Convention of 12 August 1949, which is related to protecting the victims of international armed conflicts.



law and international human rights law. It should also be noted that the application of international humanitarian law does not preclude the applicability of international human rights law, which stipulates that the right to life is a fundamental right that should not be violated. However, for a long time of period, Israeli authorities have been threatening the lives of Palestinian residents in the buffer zone, as well as targeting and/or killing fishermen at sea, under unreasonable security pretexts. Israel also sprays plants with toxic chemical herbicides, which endanger the lives of individuals because they contain lethal carcinogenic substances (as explained in the section related to violations against agricultural, industrial, and fishing sector workers). This is considered a flagrant violation of international humanitarian law and international human rights law.<sup>166</sup>

Also, the systematic perpetration of wilful killing violates international criminal law and is considered a crime against humanity according to Article (7)(1)(a) of the Rome Statute<sup>167</sup>, and a war crime according to Article (8)(2)(a)(i) of this Statute.<sup>168</sup> According to Article (7)(1)(a), if murder is committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack, then it is considered a crime against humanity. On the other hand, Article (8)(2)(a)(i) stipulates that wilful killing against persons protected under the provisions of the relevant Geneva Convention is considered a war crime. Hence, systematic attacks that threaten the lives of Palestinians in the buffer zone are considered a crime according to international criminal law. Therefore, it is possible to

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<sup>166</sup> See: Article (3) of the Universal Declaration of Human Rights of 1948.

<sup>167</sup> See: Article (7)(1)(a) of the Rome Statute of the International Criminal Court of 1998.

<sup>168</sup> Article (8)(2)(a)(i) of the said Statute.

hold Israel accountable for this crime before the International Criminal Court (ICC) since it falls under the latter's *jurisdiction ratione materiae* (i.e., "subject-matter jurisdiction").<sup>169</sup>

**- Violation of the right to liberty and the practice of torture:**

The right to liberty<sup>170</sup> is considered one of the most sacred rights emphasized by international human rights covenants. Nevertheless, Israel constantly arrests Palestinian residents at the buffer zone and subjects them to torture.

Israel's policy of torture against Palestinian residents in the buffer zone (especially farmers and fishermen) is a blatant violation of international law, especially international human rights law, which focuses on States' duties towards every person under their control. For example, Israel's actions violate the International Covenant on Civil and Political Rights, especially Article (7),<sup>171</sup> as well as contravening the Convention against Torture.<sup>172</sup>

The said practices also violate international humanitarian law, which is concerned with the duties of the Occupying Power vis-à-vis the occupied population. In this respect, the above-mentioned actions

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<sup>169</sup> See: Article (8)(2)(b)(viii) of the said Statute.

<sup>170</sup> The right to liberty aims to protect natural persons from being arbitrarily arrested or detained. Recognizing this right is a prominent feature in the history of legal thinking related to human rights. This right was recognized long ago (1215 A.D.) through the *Magna Carta* charter of rights. See the following reference: (in Arabic)

علوان وموسى، القانون الدولي لحقوق الإنسان، مرجع سابق، 208.

<sup>171</sup> Article (7) of the International Covenant on Civil and Political Rights of 1966: "*No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation*".

<sup>172</sup> See: Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984.

violate the Fourth Geneva Convention, especially Article (3)(1)(a).<sup>173</sup>

It is also worth noting that Article (147) of the said Convention considers torture among the grave breaches that require the activation of universal jurisdiction as mentioned in Article (146).<sup>174</sup>

Israeli also violates the provisions of the Rome Statute. For example, Article (7) of this Statute (under the title “Crimes against Humanity”) states that: “1. For the purpose of this Statute, “crime against humanity” means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: (a) murder”.<sup>175</sup> The provisions of this article clearly show that Israel’s policy of systematic torture against Palestinians in the buffer zone (especially farmers and fishermen) is a serious breach of the Rome Statute of the International Criminal Court. Therefore, the State of Palestine must use its “non-member observer state” status at the United Nations to resort to the International Criminal Court (ICC) to adjudicate Israel for its policy of systematic torture against Palestinians. This can be done by using all available procedures, means, and options to hold Israel accountable before the ICC.

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<sup>173</sup> Article (3)(1)(a) of Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War (1949): “The following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons: (a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture”.

<sup>174</sup> See: Article (146) and (147) of the same Convention.

<sup>175</sup> See: Rome Statute of the International Criminal Court, which was adopted on 17 July 1998.

## **- Violation of the Right to Work:**

In June 2021, the unemployment rate in the Gaza Strip reached 48%. This was due to Israel's policy of collective and individual punishment; tightening the blockade/closure over the Gaza Strip; and regularly spraying toxic chemical herbicides on plants and agricultural lands. Moreover, the poverty rate in Gaza rose to 53%. A surge was also seen in the food insecurity rate, which increased to 68.2% among the Gazan population. Furthermore, 70% of families in the Gaza Strip currently depend on aid.<sup>176</sup>

Israel's violations against Palestinians in the buffer zone (such as local farmers) undermine their right to work. These illicit measures include imposing restrictions on farmers' access to agricultural lands; spraying toxic chemical herbicides that destroy crops; and bulldozing agricultural lands adjacent to the separation wire. Fishermen's right to work is also violated, as they are subjected to killing, arrests, torture, and confiscation and sabotaging of fishing boats and equipment. This led to a steady increase in unemployment rates. For example, in June 2021, the unemployment rate in the Gaza Strip was approximately 48%, poverty rate was 53%, food insecurity rate was 68.2%, and 70% of Gaza's families are dependent on aid.<sup>177</sup>

These actions infringe upon international law, especially international human rights law. For example, Article (23) of the Universal Declaration of Human Rights states that everyone has the right to work, to free choice of employment, and to just and

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<sup>176</sup> [Arabic source] Al Mezan Center for Human Rights, Fact Sheet on: "Effects of the tightened Israeli blockade on economic and humanitarian conditions in the Gaza Strip", 2021: <https://cutt.us/Wwx2H> (Accessed on 19 October 2021).

<sup>177</sup> Ibid.

favourable conditions of work.<sup>178</sup> Israel's measures also violate Article (25) of the said Declaration, which recognizes every person's right to a standard of living adequate for the health and well-being of himself/herself and of his/her family.<sup>179</sup> Moreover, Articles (6) and (7) of the International Covenant on Economic, Social and Cultural Rights recognize everyone's right to work and right to enjoy just and favourable conditions of work.<sup>180</sup>

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<sup>178</sup> Article (23) of the Universal Declaration of Human Rights of 1948: "1- Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. 2- Everyone, without any discrimination, has the right to equal pay for equal work. 3- Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection".

<sup>179</sup> Article (25) of the Universal Declaration of Human Rights: "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control".

<sup>180</sup> Article (6) of the International Covenant on Economic, Social and Cultural Rights of 1976: "1. The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right.

2. The steps to be taken by a State Party to the present Covenant to achieve the full realization of this right shall include technical and vocational guidance and training programmes, policies and techniques to achieve steady economic, social and cultural development and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual". Also,

Article (7): "The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular: (a) Remuneration which provides all workers, as a minimum, with:

(i) Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work;

(ii) A decent living for themselves and their families in accordance with the provisions of the present Covenant;

(b) Safe and healthy working conditions;

(c) Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence;

(d) Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays".

## **2. Violation of the Right to Health:**

Patients in the Gaza Strip are suffering from severe restrictions imposed by Israel. For example, the complicated permit system implemented by Israel prevents Gaza's patients from accessing hospitals abroad to receive treatment. The suffering of Gaza's patients is further aggravated by the great shortage of medicines and medical supplies due to the Israeli blockade on the Gaza Strip. For example, Gaza's Ministry of Health was unable to repair 350 medical devices because they were not allowed to import spare parts for medical devices. These limitations exacerbate people's health conditions and put their lives at risk.<sup>181</sup>

It is also worth noting that the World Health Organization had warned (prior to organizing the marches of return) that Gaza's health sector is on the verge of collapse in light of the great shortage of fuel, essential medicines, and medical equipment.<sup>182</sup>

In addition to the Israeli blockade and restrictions on the entry of medicines and medical supplies into the Gaza Strip, the Occupation deliberately targets the Palestinian health sector, in clear violation of international humanitarian law. For example, Israel attacks and bombards hospitals, medical personnel, healthcare centers, and ambulances, leading to the health sector's deterioration and failure to accommodate patients (especially those in dire need for special

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<sup>181</sup> [Arabic source] Al Mezan Center for Human Rights, "Chronic Impunity: Gaza's Health Sector under Repeated Attack", p.1: <https://cutt.ly/zmhpzAW> (Accessed on 20 October 2021). The document is also available in English through the following link: <https://reliefweb.int/report/occupied-palestinian-territory/chronic-impunity-gaza-s-health-sector-under-repeated-attack>

<sup>182</sup> Ibid., p.10 (of the Arabic version).

care).<sup>183</sup> In 2020, MIFTAH monitored a total of 418 Israeli violations of the right to health.

The Occupation's actions are in contravention of international law, especially international human rights law. For example, Article (25) of the Universal Declaration of Human Rights stipulates the right of everyone to receive medical care in the event of sickness.<sup>184</sup> The said measures are also inconsistent with Article (12) of the International Covenant on Economic, Social and Cultural Rights, which stresses the right to enjoy the highest attainable standard of physical health, and obliges States Parties to create conditions which would assure to all medical services and medical attention in the event of sickness.<sup>185</sup>

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<sup>183</sup> [Arabic source] Al Mezan Center for Human Rights, "Taking revenge on patients: Fact Sheet on Israeli authorities' denial of access of Gaza's patients to hospitals during May 2021", p.3. Published on: <https://cutt.ly/zmhdq6K> (Accessed on 20 October 2021).

<sup>184</sup> Article (25) of the Universal Declaration of Human Rights of 1948: "1- *Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.* 2- *Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection*".

<sup>185</sup> Article (12) of the International Covenant on Economic, Social and Cultural Rights of 1976.

## **Section Four: Mechanisms of Accountability and Recommendations for Practical Interventions by Relevant Local and International Parties**

In light of the above-mentioned acts perpetrated by Israel against the Palestinian people in Jerusalem, Hebron, and Gaza Strip (in violation of international humanitarian law, international human rights law, and international criminal law), this section briefly discusses the mechanisms for adjudicating and holding Israel accountable for its systematic crimes. We will also discuss the main steps that the State of Palestine can take at the international and local levels to put an end to these violations.

### **1. Mechanisms for Holding Israel Accountable for their Crimes**

There are several mechanisms for holding the Occupation accountable for their crimes and violations against Palestinians. These can be summarized as follows:

#### **a. Activation of Universal Jurisdiction**

The principle of universal jurisdiction is one of the most effective tools to prevent actions that contravene international humanitarian law, as well as punishing those who commit these crimes by imposing penal sanctions. The Geneva Conventions of 1949 stipulate that each High Contracting Party is under the obligation to search for persons suspected to have committed grave breaches such as war crimes, and to bring such persons, regardless of their nationality and the place of the alleged crime, before its own courts or to hand such persons over for trial to another High Contracting Party. It is also worth noting that Additional Protocol I of 1977 extends the scope of this obligation to include the grave breaches defined therein.



These breaches include the serious violations mentioned in Common Article (3) of the four Geneva Conventions of 1949 and Additional Protocol II of 1977, as well as other war crimes, such as those listed in Article (8) of the Rome Statute of the International Criminal Court of 1998. States have the primary responsibility for investigating allegations and prosecuting alleged perpetrators of serious violations of international humanitarian law. Therefore, the exercise of universal jurisdiction by other States can serve as an effective mechanism to ensure accountability and limit impunity.<sup>186</sup>

According to Article (147) of the Fourth Geneva Convention, the following acts are considered grave breaches: wilful killing, torture or inhuman treatment, wilfully causing great suffering or serious injury to body or health, unlawful deportation or transfer or unlawful confinement of a protected person, compelling a protected person to serve in the forces of a hostile Power, or wilfully depriving a protected person of the rights of fair and regular trial prescribed in this Convention, taking of hostages and extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.<sup>187</sup>

Israel commits several violations that are considered grave breaches according to the Fourth Geneva Convention, including Article (43). Grave breaches committed by Israel in the occupied Palestinian territory (oPt) include forcible transfer, appropriation of property, and inhuman treatment in Jerusalem; forcible transfer, inhuman treatment, wilful killing, and appropriation of property in Hebron; and wilful killing, torture,

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<sup>186</sup> International Committee of the Red Cross (ICRC), "The scope and application of the principle of universal jurisdiction": <https://www.icrc.org/en/document/scope-and-application-principle-universal-jurisdiction-icrc-statement-united-nations-unga-2017>

<sup>187</sup> See: Article (147) of the Fourth Geneva Convention.

and inhuman treatment in the Gaza Strip. It is possible to hold Israel accountable for these crimes by the exercise of universal jurisdiction and filing penal lawsuits against Israeli officials who took part in these heinous crimes.

#### **b. Adjudicating Israeli authorities before the International Criminal Court (ICC):**

Palestine's accession to the International Criminal Court (ICC) on 1 January 2015 was an important event in the history of international criminal justice and at the international community level as a whole.<sup>188</sup> This enhanced the political and legal leverage of the Palestinian cause. For example, Palestine's accession to the ICC made it possible to prosecute Israeli officials involved in crimes against Palestinians, regardless of whether Israel ratified the Rome Statute or not.<sup>189</sup>

It should be noted that the Rome Statute limited the ICC's *jurisdiction ratione materiae* [subject-matter jurisdiction] to the most serious crimes mentioned in Article (5) of this Statute, namely the crime of genocide, crimes against humanity, war crimes, and the crime of aggression. It is also important to highlight the ICC's *ratione temporis* [i.e., temporal scope], and to assert that the crimes within the jurisdiction of the ICC are not subject to any statute of limitations.<sup>190</sup> And although the ICC's jurisdiction is over crimes that were committed after the effectuation of the Rome Statute (based on Article (11) of that Statute), this court has

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<sup>188</sup> Palestine officially became a State Party to the Rome Statute on 1 April 2015.

<sup>189</sup> It is worth noting that, similar to the United States, the State of Israel signed the Rome Statute in the last moments before closing the chance for signatures. However, both countries refrained from ratifying this Statute.

<sup>190</sup> Article (29) of the Rome Statute states that "the crimes within the jurisdiction of the Court shall not be subject to any statute of limitations".

jurisdiction over continuing crimes<sup>191</sup> even if they were committed before the effectuation of this Statute (due to their continuous nature).<sup>192</sup> A good example of this is the Israeli apartheid wall, which is still in place and continuously violates the Palestinian people's freedom of movement, and is also considered a method of forcible transfer.

The Israeli violations mentioned in this report fall under the ICC's *jurisdiction ratione materiae*. As mentioned previously, these violations include forcible transfer, appropriation of property, and inhuman treatment in Jerusalem; forcible transfer, inhuman treatment, wilful killing, and appropriation of property in Hebron; and wilful killing, torture, and inhuman treatment in the Gaza Strip. These acts fall under the categories of "crimes against humanity" and "war crimes", both of which are subject to the ICC's jurisdiction. For example, according to Article (7) of the Rome Statute, the ICC has jurisdiction over crimes against humanity at times of peace and war<sup>193</sup> if these acts are committed as part of a widespread or systematic attack<sup>194</sup> against one or more persons. It is possible to infer that an attack is a "widespread" one through the number of victims and scope of that attack, as deduced by

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<sup>191</sup> Alan Nissel, "Continuing Crimes in the Rome Statute". Michigan Journal of International Law, 2004, p 45.

<sup>192</sup> In the court case of Charles Taylor at the Sierra Leone court, it was seen that the acts committed by the defendant had a continuing nature since they were directly targeted against civilians in a continuous manner. Also, as long as the perpetrator can restore the situation to its previous condition, their crime would be of a continuing nature. See:

Prosecutor v. See: Charles Ghankay Taylor, SCSL-03-1-A, Special Court for Sierra Leone, 26 September 2013, Para. 260.

<sup>193</sup> See Para. 127-129 of the "Rozindana" [sic] case of the International Criminal Tribunal for Rwanda, issued on 21 May 1999. In this regard, also see Para. 581 of the "Acaiso" [sic] case, issued on 2 September 1998, as well as Para. 327 of the "Simanza" case, issued on 15 May 2003.

<sup>194</sup> This is considered a precondition for distinguishing between national and international crimes, as stated in Article (7)(1) of the Rome Statute, as well as in Article (3) of the Statute of the International Criminal Tribunal for Rwanda and Statute of the International Criminal Tribunal for Former Yugoslavia.

the International Criminal Tribunal for Rwanda in the “Sirumba” case.<sup>195</sup> Meanwhile, a “systematic” attack means that the hostile action is carried out in an organized and non-random manner through a certain pattern, and this applies to Israel’s crimes against humanity (such as wilful killing, torture, forcible transfer, and inhuman treatment) in the occupied Palestinian territory (oPt). Since the beginning of the occupation, Israel never ceased to commit the above-mentioned crimes in a systematic and continuous manner.

The International Criminal Court (ICC) also has jurisdiction over the war crimes mentioned in Article (8) of the Rome Statute, in particular when committed as part of a plan or policy or within a large-scale commission of such crimes. This applies to the crimes of wilful killing, torture, forcible transfer, and inhuman treatment in the occupied Palestinian territory (oPt). In fact, such acts have been continuously and systematically perpetrated by Israel since the beginning of its occupation of Palestine. Therefore, it is possible to resort to the International Criminal Court (ICC) to hold Israel accountable for its grave crimes against the Palestinian people.

### **c. Civil Compensation**

The mechanisms for holding Israel accountable extend beyond criminal responsibility and include demanding financial and civil compensation for their crimes against Palestinians in Jerusalem, Hebron, and Gaza Strip. Among these crimes are house demolitions, land appropriation, and the apartheid wall (which led to the forcible transfer of families).

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<sup>195</sup> See Para. 340 of the “Nchamibigo” case of the International Criminal Tribunal for Rwanda, issued on 2 November 2008.

Israel also bulldozes agricultural lands and sabotages crops by spraying toxic chemical herbicides. The Occupation's actions also deprive farmers and fishermen of their right to work in the Gaza Strip and inflict substantial financial losses on them. Moreover, Israel's practice of torture leads to physical and psychological damages, not to mention the other grave violations. Hence, it is possible to demand financial compensations from Israel for its commission of these crimes.

## **2. Mobilizations at the National and International Levels to End Israeli Violations and Mitigate their Consequences**

A number of steps must be taken by the State of Palestine to eliminate Israeli violations and mitigate their consequences in Jerusalem, Hebron, and the Gaza Strip:

### **a. Concerning Jerusalem:**

- The State of Palestine must provide significant and tangible support for Jerusalem by implementing a strategic assistance plan. This plan should utilize legal tools and financial budgets to support the steadfastness of Palestinian Jerusalemites and hold Israel accountable for their crimes against them. The assistance plan should also have a schedule/time frame to ensure the achievement of the desired objectives.
- Take suitable political decisions to adjudicate Israel through the mechanisms of international accountability. These should include the exercise of universal jurisdiction by States Parties to the Fourth Geneva Convention, and the prosecution of Israel before the International Criminal Court (ICC) for their violations against Jerusalem's

Palestinians. This can be facilitated by Palestine's "Non-member Observer State" status at the United Nations and other available mechanisms towards holding Israel accountable within the international arena.

- Provide financial aid to Palestinian Jerusalemites to strengthen their resilience in the face of Israeli settlement plans. For example, it would be helpful to compensate those affected by house demolitions and to create new housing projects that will enable the youth to survive in Jerusalem amidst the surge in rental prices. The rising cost of housing has forced many Jerusalemites to move to the West Bank, thus making them vulnerable to residency revocation.

- Call upon the United Nations Educational, Scientific and Cultural Organization (UNESCO) to preserve and protect Palestinian historic and religious sites from Israeli violations, especially in Jerusalem's Al-Aqsa Mosque and the Ibrahimi Mosque in Hebron.

- Formulate a strategic plan to confront the Israelization of education in Jerusalem and to boost financial aid for Jerusalem's educational sector. This can be achieved by allocating higher budgets for schools and launching a campaign to de-Israelize Palestinian Jerusalemite schools and curricula. The role of parents' committees can also be enhanced to strengthen their relationship with civil society organizations to work jointly towards achieving this aim.

- Prepare audiovisual and written brochures and hold workshops to raise the awareness of Palestinian Jerusalemites vis-à-vis the dangers of major settlement projects (such as the "City Center" and "Silicon Wadi" projects) and their threats to Jerusalem and its residents. It is also important to provide legal advice and counseling for residents, including

assistance in legal objection mechanisms and other available means to confront the said projects.

**b. Concerning Hebron:**

- Adopt an integrated strategic plan to assist the residents of the Old City of Hebron and rejuvenate the area. This should include providing financial aid to commercial stores therein to prevent their closure, as well as supporting the Palestinian presence in Hebron's Old City markets to confront Judaization plans. It is also vital to rehabilitate homes in the Old City of Hebron.

- Create a special database that classifies school students in Hebron's Old City in terms of numbers and types of violations committed against them. It is crucial to document the crimes perpetrated by Israeli forces and settlers against Palestinian students and teachers in Hebron, as this would help in analyzing the types of violations and finding ways to confront them. It is also important to do interventions with school committees to tackle their daily struggles and develop creative solutions to the challenges facing the educational sector. There is also a need to provide psychological support to households in these areas. Enhancing communication between the Hebron Governorate, Directorate of Education, and relevant organizations and parties is also important so as to coordinate and unify their respective efforts.

- Introduce additional projects to revive and support the tourism sector in the Old City of Hebron. This includes renovating historic and archaeological buildings and attracting tourists to these sites.

- Adopt appropriate political resolutions to hold the Israeli authorities and settlers accountable for their numerous crimes against civilians in the Old City of Hebron.

**c. Concerning the Gaza Strip:**

- End the Palestinian internal division to unify the support for buffer zone residents as well as fishermen.

- Adopt all available measures to end the blockade over the Gaza Strip and ensure the punishment of human rights violators.

- Cooperate with specialized international committees to investigate Israel's ongoing spraying attacks on agricultural lands. This can accurately determine the hazardous effects of these chemicals on the soil, environment, and people's health, as well as highlighting their breach of international law.

- Form a special committee comprised of international experts and United Nations (UN) organizations to prepare an assessment study on the health and environmental impact of Israel's spraying of toxic chemical herbicides in access-restricted areas. This can help mitigate the risks of these chemicals on human health and the environment.

- Support the Palestinian ministries of health and agriculture by establishing scientific laboratories for examining the sprayed chemical substances and their effects on human health and the environment.

- Protect the agricultural sector from military operations and activities and enhance farmers' access to their agricultural lands in the border areas of the Gaza Strip.



- Internationalize the struggles of Gaza's fishermen and farmers (especially those in the buffer zone) and attract international projects from donor states to enhance support for the fishing and farming sectors.
- Augment international efforts aimed at exposing Israeli violations against the health sector (e.g., attacks on hospitals, medical personnel, ambulances, etc.). This can pressure Israel to respect international law, including the provisions for protecting medical personnel and health care centers.

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