

The loss of homes and hope

The effects of housing demolitions and forced evictions on the rights of Women in East Jerusalem and an assessment of the applicable legal framework.



Al-Maqdese for Society Development (MSD) is a civic non-profit and non-governmental organization that was established in Jerusalem on February 19th, 2007, by academics, doctors, teachers, and social activists. MSD came as a reaction to Israel's routine violations of Palestinians' human, social, economic, and political rights in Jerusalem.

MSD works to protect and defend Palestinians' rights, ensure respect for the rule of law, and promote the principles of democracy in the Occupied Palestinian Territories. We aim to defend Palestinians' rights in the Jerusalem district both locally and abroad. Additionally, Al-Maqdese works to disclose, document, and publish Israeli violations against Palestinians' rights, and demands that the Israeli authorities stop these violations and respect Palestinians' individual and collective rights according to the provisions and rules of international law.

Vision: That Palestinians in East Jerusalem enjoy all their political, social, and economic rights.

Mission: To maintain the existence of the Palestinian population in Jerusalem by: raising awareness and ensuring protection of their rights; monitoring, documenting, and publicizing the Israeli violations against their rights; and providing advocacy and lobbying tools to protect their rights.

Strategic Goals:

1. To defend and protect Palestinians' human rights in Jerusalem
2. To raise awareness among Palestinians in Jerusalem of their rights under international human rights and humanitarian law
3. To continue improving the organization's abilities to achieve its mission and vision

Vision:

Palestinians in Jerusalem enjoy their full civil, political, social, economic and cultural rights.

Mission:

To maintain the presence and steadfastness of Palestinians in Jerusalem by: raising awareness about their rights; defending these rights; monitoring, documenting, and disseminating details of Israeli violations of these rights; and organising pressure campaigns to protect these rights.

The loss of homes and hope

The effects of housing demolitions and forced evictions on the rights of Women in East Jerusalem and an assessment of the applicable legal framework.

Contributors:

Main supervisor:

Moaz Zadari

Lead Researcher:

Kathy Keary

Research Assistant:

Aseel Al-Atrash

Fieldwork and photography:

Eman Sharabati

Field work and interviews:

Zeinab Kaloti, psychiatrist

Translation to Arabic:

Reem Shraydeh

Data and Figures:

Anas Abdeen, MSD Data Bank

Acknowledgements:

The author would firstly like to thank all the staff at Al-Maqdese for Society Development, Moaz Zadari, Aseel Al-Atrash, Alaa Adileh, Eman Sharabati, Anas Abdeen, Zeinab Kaloti, Reem Shraydeh, Hadil Nasser, and Osama Nabil, without whom this study could never have been written.

More importantly however, I would like to thank the women who welcomed us into their hearts, homes and confidences. It is there strength in the face of almost insurmountable obstacles that make the writing of a report such as this worthwhile.

Table of Contents

1.	Introduction	7
2.	Executive Summary	9
3.	Methodology	11
4.	The city of Jerusalem past and present	13
4.1	Historical context of the occupation of East Jerusalem	13
4.2	The building of settlements and the displacement of Palestinians in East Jerusalem	16
4.3	Housing demolitions and forced evictions in East Jerusalem	19
5.	Situation of women's rights in Palestine	22
5.1	Restrictions on movement	22
5.2	Family unification and residence	24
5.3	Access to healthcare, education and employment	25
5.4	The threat and reality of violence	28
6.	The effects of housing demolitions on the women of East Jerusalem	32
6.1	Threats and actions preceding displacement	32
6.2	Experience of evictions, demolitions, and displacement	34
6.3	Economic ramifications	39
6.4	Effects on family relationships	40
6.5	Effects on education and employment	42
6.6	Effects on mental and physical health	45
6.7	Hope for the future	47
6.8	Case Study: Khadija Al-Sbagh and Nahed Al-Sbagh, Sheikh Jarrah, East Jerusalem	49
7.	The legal framework governing the rights of women vis-a-vis home demolitions and forced displacement	53
7.1	The occupation of Jerusalem under International Law	53
7.2	Application of International Humanitarian Law	55
7.2.1.	Annexation of East Jerusalem	56
7.2.2.	Protection of women under IHL	57
7.2.3.	Population displacement	57
7.2.4.	Acquisition and destruction of private property	58
7.2.5	Protection of health, education, employment and family life	58
7.3	Application of International Human Rights Law	59
7.3.1.	Non-discrimination	59
7.3.2.	Right to housing	62
7.3.3.	Freedom from violence	63
7.3.4.	Freedom of movement and residence	64
7.3.5.	Right to employment, health and education	65
7.4	International Criminal Law	65
7.5	Israeli Law	66
7.6	Legal Conclusions	68
8.	Regional support and collaboration for the advancement of women's rights in Palestine-The EuroMediterranean Partnership	69
9.	Conclusion	71
10.	Recommendations	73
11.	Appendices	75

List of Figures

- Figure 1:** Map of Israeli Wall and Settlements around Occupied East Jerusalem
- Figure 2:** Picture of the Wall dividing the neighbourhood of Abu-Dis from the rest of East Jerusalem
- Figure 3:** Table showing the number of permits issued by Israeli authorities in East Jerusalem from 1967-2010-
- Figure 4:** Table of Palestinian Victimized Households in Jerusalem Governorate Within the Last Year by Type of Criminal Offense and Area, 2005
- Figure 5:** Photograph of the remains of the house of Noufouth Arameen; her house was demolished by Israeli forces in 2008
- Figure 6:** Photograph of activists outside Nadia Hanoun's house before it was taken over by Israeli settlers
- Figure 7:** Photograph of the destruction of the home of Rehab Moustafa Al-Jabri
- Figure 8:** Photograph of the furniture being removed from the house of Dalal Al-Rajbi as Israeli forces look on
- Figure 9:** Photograph of the view of the settlement across the road, from the garden of Noufouth Hammad
- Figure 10:** Photograph of the self demolition of the house of UA
- Figure 11:** Photograph of the remains of the house and garden of Basima Arameen
- Figure 12:** Photograph of Aida Ahmed Al-Resheq and her four daughters in their house in Al-Bustan, Silwan
- Figure 13:** Photograph of Nofouth Hammad and her granddaughters at their home in Sheikh Jarrah
- Figure 14:** Photograph of the Israeli settlement beside the homes of Nahed and Khadija Al-Sbagh
- Figure 15:** Photograph of Khadija Al-Sabag in her house in Sheikh Jarrah

Commonly used Acronyms

ACRI-Association for Civil Rights in Israel

ARIJ-Applied Research Institute Jerusalem

CAT-Convention Against Torture and other cruel, inhuman or degrading treatment or punishment

CEDAW-Convention on the Elimination of all forms of Discrimination Against Women

CERD-Convention on the Elimination of all forms of Racial Discrimination

COHRE-Centre on Housing Rights and Evictions

CRC-Convention on the Rights of the Child

EGEP-EuroMed Gender Equality Programme

EU-European Union

ICC-International Criminal Court

ICCPR-International Covenant on Civil and Political Rights

ICESCR-International Covenant on Economic, Social and Cultural Rights

ICJ-International Court of Justice

IHL-International Humanitarian Law

MSD-Al-Maqdese for Society Development

NGO-Non Governmental Organisation

oPt-occupied Palestinian territories

PCBS-Palestinian Central Bureau of Statistics

PNA-Palestinian National Authority

UNFPA-United Nations Population Fund (formerly United Nations Fund for Population Activity)

UNICEF-United Nations Children's Fund (formerly United Nations International Children's Emergency Fund)

UNOCHA-United Nations Office for the Co-ordination of Humanitarian Affairs

UNRWA-United Nations Relief Works Agency for Palestine Refugees in the Near East

1. Introduction

“I am particularly moved by the plight of ordinary Palestinian families whom I met in the West Bank’s area C and in East Jerusalem. Notably women and children live under the constant threat of harassment, eviction and disruption of their lives. There is an issue of protection. Any action that leads to forced displacement must stop. This issue combined with serious restrictions on access and movement imposed by the occupying power means that most of the people are denied the possibility for economic and social development. They are denied the right to live a life in dignity”. EU Commissioner for International Cooperation, Humanitarian Aid and Crisis Response, Kristalina Georgieva, 15 May 2011¹.

In no country in the world can the realisation of women’s equality be considered to be complete. Women around the globe are consistently being discriminated against solely on the grounds of their gender. The Convention on the Elimination of all forms of Discrimination Against Women provides protection for half the population of the world, yet it has the most reservations filed against it. Palestinian women in East Jerusalem suffer discrimination and racism in many aspects of their daily lives, and their rights are continuously being violated.

One of the most invidious and destructive manifestations of this systematic abuse is the destruction and confiscation of Palestinian houses in East Jerusalem by the Israeli authorities, and the resulting displacement and expulsion of the inhabitants. Men, women, and children are left homeless, mentally scarred, and economically and socially ruined, all because they tried to improve their lives and provide themselves with a place to live. The Palestinian population of Jerusalem are pitted against an Israeli administration, whose policies are inherently and pervasively discriminatory. Indeed it could be said that the very state itself is founded on discrimination and racial segregation.

This report aims to examine the situation of women in Israeli occupied East Jerusalem and outline the violations suffered by them as a direct result of the demolitions and evictions carried out by the Israeli authorities. The destruction and confiscation of homes is not an issue that only affects women but it does affect them more acutely and in a gender specific way. To place the issue within its context it will be useful to briefly examine the Israeli settlement policy in East Jerusalem and the overall framework surrounding the demolition of houses and forced evictions in the city. It will also be illustrative to look at the overall women’s rights issues in Palestinian society as a whole, so that the full ramifications for women of the loss of their homes can be identified and addressed.

To fully understand the real and human implication of this systematic policy of destruction carried out since 1967, and to understand the women’s rights violations taking place, especially rights related to planning, housing, residency, and movement, it was necessary to meet and conduct in depth interviews with the people most severely affected, and closely examine the lasting effects of such violations. The voices of the women of East Jerusalem are used to illustrate the extent of the problem, and the prolonged suffering caused by the ongoing threat of eviction, and destruction of their homes, as well as to further understand the long-term consequences of the violations. The position of the woman as primary carer

1. Occupied Palestinian Territory: EU Commissioner Georgieva calls for an end to evictions and house demolitions, European Commission, EC11-083EN, 15 May 2011.

and guardian of the domestic sphere means she is uniquely affected by the loss of the home. Because the house can be seen as vital for the protection and proper development of the family, its loss affects a broad spectrum of rights. Civil, political, economic, social, and cultural rights are all directly affected by the displacement of the family, and the experience of the demolition and displacement itself can have a lasting effect on the psyche of the individuals concerned.

All of these rights violations are carried out in contravention of the obligations and duties of the Israeli state provided for in international law. The Israeli state as the occupying power in East Jerusalem owes the population a certain duty of care. The final section of this report will look at the tenets of the international legal framework that are most pertinent when addressing the situation in East Jerusalem. The Israeli state has responsibilities to the Arab population of East Jerusalem and just because they do not recognise or adhere to their commitments does not excuse them from them. The international community also has a role to play to ensure Israeli compliance with the law. Signatories of international legal covenants should comply with their obligations and work to realise Palestinian rights. Pressure should be brought to bear on the government of Israel to dramatically adjust and cease forthwith their discriminatory plans and policies. Israel is obliged to comply with the large number of UN resolutions issued by the Security Council and General Assembly, bring an end to the on-going occupation and conform to international legal standards.

One intergovernmental collective, attempting to address the inequalities and abuses affecting women in the region, is the EuroMediterranean Partnership of which both Israel and Palestine are members. These types of ventures, although non-judicial in nature, can be viewed as a potentially useful tool to advocate for the rights of the women of East Jerusalem, as well as in the wider region. The EU as instigator of the programme can, in theory, use its influence and trade relations with the state of Israel to coerce them into recognising their duties. In the absence of effective implementation of international law, these multifaceted (politics, economics, and culture) intergovernmental initiatives could be viewed as another avenue to pressure Israel to acknowledge and adhere to their obligations.

The suffering of the women of East Jerusalem, and their families, due to the violation of their rights and the loss of their homes can no longer be ignored. They, like every other person on the planet, have rights, founded in law and universally recognised. It is imperative that these people now be allowed to realise their rights. The voices of the international community have been heard and disregarded; now it is time to take real and direct action.

2. Executive Summary

Since 1967, the Israeli occupation of East Jerusalem has resulted in, the routine discrimination of the Palestinian population of the city, and an ongoing policy of population displacement, expulsions and home demolitions. These policies have resulted in the alteration of the demographic and geographic make up of the city in furtherance of the greater Zionist plan to Judaize the entire city. Israeli actions with regard to the Arab neighbourhoods of the city must be considered in the greater political context. Regardless of the continued objections of the international community, the state of Israel considers Jerusalem in its entirety to be its capital in direct contravention of international law and to the detriment of the Palestinian Jerusalemite population.

Arab women in East Jerusalem suffer discrimination on two different levels, firstly as Palestinians under the mantle of Israeli occupation, and secondly as women within a traditionally patriarchal society. Women in the region face continuous subjugation in both the public and private spheres, and violence is prevalent. As a result of social and political restrictions and practices the ability of women to move around freely is severely impeded, resulting in difficulties accessing education and health facilities, and engaging in political, economic, social and cultural life. In addition, the requirement that people hold specific permits to access the various checkpoints causes serious problems for women who move to the homes of their husbands after marriage. The experience of violence both publically and domestically are commonplace for the women of Palestine. In addition it is incredibly difficult for them to achieve any level of justice due to societal pressure, the failure of the Palestinian police force to deal with the complaints and the futility of making allegations against the Israeli security forces. These women cannot realise their rights while the status quo remains.

The Israeli practices of home demolitions, forced displacement, and the denial of residency rights, in Jerusalem, occur within this social and political landscape. The system of planning applications in the city makes it extremely difficult for the Palestinian population to construct houses in accordance with Israeli regulations, resulting from the fact that the Israeli authorities have not adequately provided for the natural growth of Palestinian neighbourhoods in their urban planning schemes. As a result, families are forced to build without the required permits, or live in severely cramped conditions. This construction, in the absence of Israeli permission, leaves families vulnerable to the subsequent demolition of their homes. Family members may also be exposed to heavy fines and even prison sentences of up to 3 years, which can also have severe effects on the family unit. The Israeli administration carries out these demolitions in a discriminatory manner; although there is also ongoing construction in Israeli neighbourhoods in contravention of the planning laws, in the vast majority of the cases demolitions occur in the Arab communities. In addition, the ongoing practice of appropriation of homes for the benefit of the settlement agenda also has a serious effect on the population of East Jerusalem. It results, not only in the eviction of families rendering them homeless, but also in ensconcing Israeli settler families in the hearts of Palestinian neighbourhoods, affecting not only the displaced family but the peace and security of the community as a whole.

The women of East Jerusalem are acutely affected by the threat and actual experience

of the destruction of their homes. Their role within the family is centred in the domestic realm, and they carry out the roles of homemakers and primary caregivers. As a result of this, the loss of the family home and the resultant displacement can cause particular mental anguish, and in some cases serious physical illness, for the women concerned. They are forced to relocate their families, often to the houses of their husband's relatives, to live in very cramped and overcrowded conditions, often necessitating the break-up of the family unit. The loss of the home as a secure base for the family disrupts the lives of the individuals in a myriad of ways. Ability to attend and benefit from educational and work opportunities are affected, the economic ramifications are devastating and the experience of the demolition can have a serious and lasting effect on the mental and physical health of the family members and their relationships with each other.

The international political and legal system vehemently condemns the ongoing occupation of the Palestinian territories including East Jerusalem. The organs of the United Nations, and the International Court of Justice, have expressly stated that certain Israeli practices, within the Occupied Territories, are contrary to international law. The Israeli government, as the occupying power, has obligations under International Humanitarian and Human Rights Law, to guarantee the rights of the protected persons under their control. The forced movement of persons, in the absence of military necessity, is contrary to the Fourth Geneva Convention, as is the wanton destruction of civilian property. In addition, there are a whole range of human rights treaties that Israel is a party to, and is obliged to adhere to. The women of East Jerusalem can invoke these instruments to ensure the protection and realisation of their rights. Their rights to housing and residence, sexual and racial equality, and security of person are expressly guaranteed within international conventions, and these rights are cruelly violated by the demolition of their homes and the displacement of their families.

The European Union has been working with both the Israeli and Palestinian authorities to highlight and develop the situation of women in the area. As part of the EuroMediterranean Partnership both governments have committed themselves to the furtherance of women's rights and the pursuit of gender equality throughout their societies. The women of East Jerusalem are caught between the two factions, with the Palestinian authorities denied the effective control to improve their situation, and the unwillingness of the Israeli authorities to end practices that violate their rights.

There is both a moral and legal obligation to address and improve the plight of the women of East Jerusalem. A solution to the Israeli-Palestinian conflict must be agreed upon and the Israeli occupation of the Palestinian territories including East Jerusalem must end. Until this happens the Israeli authorities must cease the destruction of, and end all attempts to confiscate Palestinian homes in East Jerusalem. In addition, they must introduce reformed planning laws that allow for the development and expansion of Palestinian neighbourhoods, and forbid settlement construction and expansion. They must also ensure that the women have adequate support structures in place to empower them to fully realise their rights.

The women of East Jerusalem suffer multi-faceted discrimination in both public and private, and the ongoing and invidious policy of house demolitions further exacerbates their situation and renders them more vulnerable. This practice has to stop; these women must be guaranteed their rights as human beings, as Jerusalemites and as women. Action must be taken; their plight can no longer be ignored.

3. Methodology

Al-Maqdese² is Non Governmental Organisation dedicated to defend and protect the rights of Palestinians in East Jerusalem. Our work is carried out through various programmes and projects, which provide vital social and legal services, document human rights violations occurring in the city, and disseminates this documentation to raise awareness both locally and internationally. The organisation has established an extensive Databank, containing the details of housing demolitions that have occurred in the city from 1967 until the present day. Documents collected include photographic evidence of violations and papers concerning rights violations of women, children, political prisoners and peace activists. The information, which includes testimonies, and interviews with the affected individuals, are collected and filed by a field researcher, and where it is possible followed up by the Al-Maqdese Legal Clinic. As well as legal support, Al-Maqdese also offers psychological counselling for individuals adversely affected by housing demolitions in the city.

The research for this report was carried out through analyses of materials from a variety of different sources. Firstly, we drew upon the experience of the MSD team who deal with the situation on the ground on a daily basis and have an in-depth knowledge of the violations which occur. Secondly, the examination of secondary source materials, including reports compiled by various UN agencies and other NGOs and academic studies, on the issues in question. Thirdly, we carried out a number of face to face interviews with women of East Jerusalem, gathering first-hand accounts of the ways the threat and actuality of home demolitions have adversely impacted their lives. Fourthly, the relevant international legal documents were examined, analysed, and considered in light of the violations occurring in contravention of the housing rights of the women of East Jerusalem.

Carrying out interviews and documenting the testimony of the people of East Jerusalem is considered by Al-Maqdese to be of vital importance. The organisation utilises the information it gathers to advocate on the part of the Palestinians who live in the city. Al-Maqdese aims to keep the situation of the Jerusalemite population at the forefront of international discourse through the publication of reports, lobbying international organisations and co-operating with other Non-Governmental Organisations.

It is also considered vital that these interviews are carried out with due regard and deference to the needs of the interviewees. In the case of this particular report the interviews were carried out with the assistance of a qualified psychologist, a field researcher and a translator who are all permanent members of Al-Maqdese staff. Al-Maqdese carries out regular workshops and counselling sessions with a large number of women affected by the housing demolitions in the city and as such the members of staff possess an in depth understanding of the situation of these women and the issues that most affect them. In addition the MSD team is constantly witnessing, documenting, and reporting the violations occurring in the area.

It was considered vital that the women involved in the research understood what the aim of the project was and that they were comfortable with the entire process. They were given full control over whether or not their testimony was recorded and whether or not their names and details would appear in the report. The testimony of these women is considered

2. www.al-maqdese.org

to be the most important element of this report. It is vitally important to allow these women to speak, to give them a voice and to ensure that they understand that there is someone who is listening to them and is willing to offer support and guidance.

The combination of general background and contextual information with the testimony of these women and the legal framework attempts to put the experiences of these women into perspective. It is considered vital to explicitly state that, however weak in practice, there is in fact an international legal framework that prohibits the violation of these women's rights, and the rights of their families. MSD undertook this project to raise the voices of these women, advocate for their rights, and empower them socially and economically. They are not alone, they are not without support, and they will not be silenced or forgotten.

4. The city of Jerusalem past and present

4.1 Historical context of the occupation of East Jerusalem

As one of the oldest cities in the world the history of Jerusalem is long and complex, spanning thousands of years, with many different factions exercising control over it at different points in time. The control and occupation of Jerusalem by the Israeli authorities as it exists today has its roots in the British control of the region after the collapse of the Ottoman Empire. When the British mandate in Palestine ended, the 1947 UN Partition Plan recommended the creation of an Arab and a Jewish state on the land of Mandate Palestine, and the classification of Jerusalem as a ‘corpus-separatum’ to be administered by the UN for the benefit of all faiths³. There was also a review proposed, to be carried out ten years into the administration, to assess its effectiveness and to allow the residents to express their wishes⁴.

In reality this UN trusteeship over the city never came into effect and was shelved by the declaration of independence made by Israel in 1948, and the subsequent outbreak of war between the newly announced state and a number of its Arab neighbours, including Egypt, Jordan, Syria, Lebanon and Iraq. After the war, Israel occupied West Jerusalem and 73% of the land allocated for the Palestinian State, and Jordan controlled East Jerusalem and the remaining territory of the West Bank. The General Assembly had reaffirmed its position with regard to a UN Trusteeship of the City in 1948⁵ but regardless of this the 1949 armistice agreement concluded between Israel and Jordan resulted in the de facto division of Jerusalem. On 23 January 1950 Israel declared Jerusalem to be its capital.

The situation was altered once again when another Arab-Israeli war broke out in 1967 (Al-Naksa) and resulted in the Israeli capture and control of East Jerusalem and the West Bank as well as other territories in the region. In the immediate aftermath of the war Israel extended its administration and jurisdiction over the 6.5 km² of East Jerusalem, as it existed under Jordanian rule, and a further 64.5 km² of West Bank territory⁶. The territory within the expanded municipal borders was then put under the control of the Municipality of West Jerusalem, resulting in a de-facto annexation of the territory. The Israeli Parliament enacted the Basic Law on Jerusalem on 30 July 1980 which declared “Jerusalem, complete and united, is the capital of Israel”⁷.

In addition to changing the geographic and political status of Jerusalem the Israeli Authorities have had a consistent plan to change the demographic composition of the city since they gained control over West Jerusalem in 1948. It has been estimated that approximately 33.69% of West Jerusalem was populated by Arabs when Israel captured it in 1948, and that somewhere in the region of 28,000 Arab residents were

3 . A/Res/181(II), 29 November 1947.

4. Id. Part III (D).

5. A/RES/194 (III), 11 December 1948

6. Applied Research Institute Jerusalem, Evolution of Spatial and Geo-political Settings of Jerusalem, 1947-2010, December 2010, p. 27.

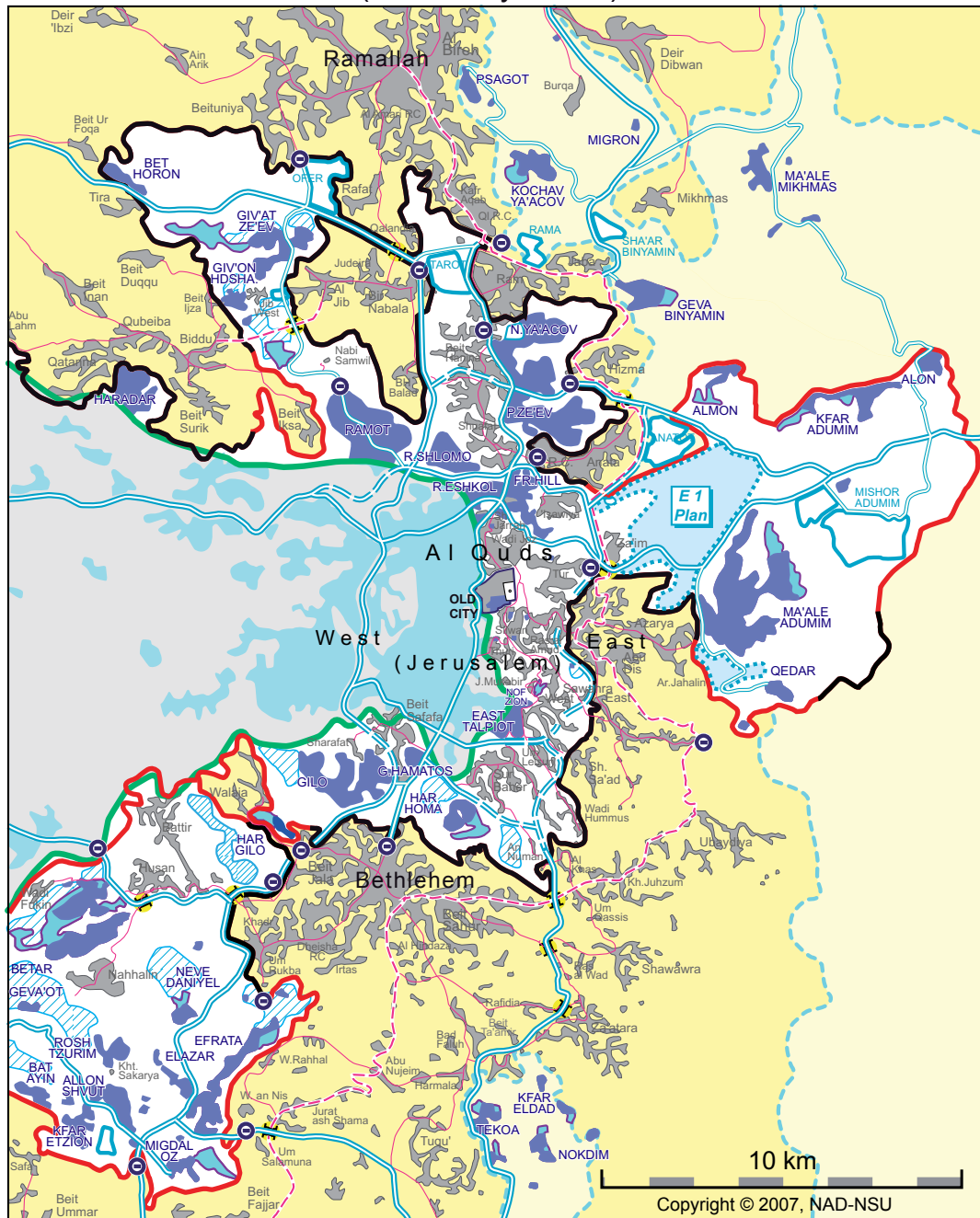
7. Basic Law: Jerusalem, Capital of Israel (unofficial translation), 30 July 1980, at http://www.knesset.gov.il/laws/special/eng/basic10_eng.htm

displaced from the city⁸. This figure does not include the Arab residents of villages in the hinterlands that were later incorporated into the municipality. Immediately after the annexation of East Jerusalem by the Israelis in 1967 they embarked on a plan to effectively Judaize East Jerusalem. One of the first instances of this was the destruction of the Ashraf Quarter in the Old City on 28 June, which resulted in rendering 650 Arab residents of Jerusalem homeless⁹.

8. Nathan Krystall, The De-Arabisation of West Jerusalem 1947-50, *Journal of Palestine Studies*, XXVII, no. 2, Winter 1998, p. 5.

9. Information from Passia.org as quoted in Al-Maqdese, *House Demolitions in Silwan: The Judaisation of East Jerusalem*, July 2010.

ISRAELI WALL AND SETTLEMENTS AROUND OCCUPIED EAST JERUSALEM (February 2007)



- | | | | |
|---|--|--|---|
| 1967 Boundary ("Green Line") | Israeli settlement built-up area | Israeli military base | Israeli-controlled tunnel or underpass for Palestinians |
| Palestinian city, town, village or neighborhood | Israeli settlement area under construction | The Wall
- constructed or under construction
- approved or planned | Local Palestinian road |
| Projected area of future Palestinian control | Planned settlement expansion area | Israeli settler / bypass road
- existing
- planned or under construction | Israeli-proposed "alternative" Palestinian road link |
| Area of Israeli control | | Israeli checkpoint | |

Figure 1. Map of East Jerusalem sourced from the Palestinian Negotiations Affairs Department.

4.2 The building of settlements and the displacement of Palestinians in East Jerusalem

“The revocation of residency permits, home demolitions and evictions, settlement construction, the separation of East Jerusalem from the rest of the West Bank and its annexation to Israel, and other Israeli measures to push Palestinian residents out of the city will cumulatively make the creation of a viable Palestinian state, with its capital as East Jerusalem, impossible”. Richard Faulk, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967¹⁰.

This policy of displacement of the Palestinian population has continued in East Jerusalem ever since the start of the occupation. Israeli actions have included the systematic destruction and confiscation of Palestinian homes, and the building of Israeli settlements in the east of the city, in an attempt to fundamentally alter the geographic and demographic landscape. Since 1967 there have been 18 settlements established within the municipal boundaries housing more than 56,000 residential units¹¹ and a further 18 in the surrounding governorate¹². Of the 70,000 dunums of land in East Jerusalem 35% has been expressly expropriated as land for Jewish settlers, and a meagre 13% is zoned for development by Palestinians which consists mostly of the already built up Palestinian areas¹³. It is difficult to adequately provide for these Arab areas without now demolishing whole areas of settlements and as such it is unlikely to happen while the occupation continues. The remaining 52% is divided into ‘green zones’¹⁴(22%) and land lacking classification (open and public spaces -- 30%), the veiled purpose of which is to hold land in anticipation of future Israeli settlement and prevent Palestinian development and expansion¹⁵.

The most controversial settlements in East Jerusalem currently are primarily in the areas of, the Muslim Quarter of the Old City, Silwan, Ras al-‘Amud, a Tur, Abu Dis, and Sheikh Jarrah; these individuals living in the middle of the Arab communities number about 2,000 individuals, but they are in addition to approximately 200,000 living in previously established settlement neighbourhoods in the territory of East Jerusalem, the largest of which are Pisgat Ze’ev, Ramot Allon, Neve Ya’akov, East Talpiot and Gilo¹⁶. These settlers are in most cases supported by a settler organisation the most prominent and active of which are Ateret Cohanim in the Old City, Elad in Silwan, and in Sheikh Jarrah, Nahlat Shimon. The Israeli Housing Ministry provides these settlers

10. Human Rights Council, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard Falk, A/HRC/16/72, 10 January 2011, 18.e

11. MSD Databank, 2010.

12. Jerusalem Governorate can be divided into two parts. “The first part (J1) includes that part of Jerusalem which was annexed forcefully by Israel following its occupation of the West Bank in 1967. This part includes the following localities: (Beit Hanina, Shu’fat Refugees Camp, Shu’fat, Al’ Isawiya, Sheikh Jarrah, Wadi Al-Joz, Bab Al-Sahira, As Suwwana, At-Tur, Jerusalem “Al-Quds”, Ash-Shayyah, Ras Al-Amud, Silwan, Ath-Thuri, Jabal Al-Mukabbir, As-Sawahira-Gharbiya, Beit Safafa, Sharafat, Sur Bahir, and Um Tuba, Kufir A’qab). The second part (J2) includes the remaining parts of the governorate, namely: Rafat, Mikhmas, Qalandya Refugees Camp, the Bedouin Community-Jaba’, Qalandya, Beit Duqqu, Jaba’, Al-Judeira, Beit Anan, Al-Ram, Dahiat Al-Bareed, Al-Jib, Bir Nabala, Beit Ijza, Al – Qubeiba, Khirbet Um Al-Lahem, Biddu, An-Nabi Samu’eil, Hezma, Beit Hanina Al Tehta, Qatanna, Beit Surik, Beit Iksa, A’nata, The Bedouin Community – Al-Khan Al-Ahmar, Az Za’eem, Al-Eizariya, Al-Sawahreh Al-Sharqiyeh, Ash- Sheikh Sa’d, The Bedouin Community -Al-Eizariya, Abu Deis”. Definition from the Palestinian Central Bureau of Statistics.

13. UNOCHA oPt, East Jerusalem: Key Humanitarian Concerns, Special Focus, March 2011, p. 29.

14. Green Zones are areas set aside by the Israeli authorities as open areas in which no construction is permitted in order to ensure a minimum amount of green space in the city. In the case of East Jerusalem the expression green areas is used strategically to restrict the Palestinian growth and development next to the settlements and consequently restrict Palestinian construction in occupied Jerusalem in order to confiscate land for settlement construction when needed. Two good examples of this are the ‘Abu Ghneim Mountain’ and Har Homeh, and Shu’fat and Ramat Shlomo. In total 44% of Palestinian land has been zoned green of which 6% is for infrastructure and services controlled by the municipality.

15. Applied Research Institute Jerusalem, Evolution of Spatial and Geo-political Settings of Jerusalem, 1947-2010, December 2010, p. 46.

16. For further information see Foundation for Middle East Peace, Settlements in East Jerusalem at http://www.fmep.org/settlement_info/settlement-info-and-tables/stats-data/settlements-in-east-jerusalem, and Ir-Amim, The character of Settlements in east Jerusalem at <http://www.ir-amim.org.il/Eng/?CategoryID=195>

with financial support, amounting to millions of dollars, to protect them and maintain their security. Through a number of different measures, including the absentee property law, and claims of prior Jewish ownership, these organisations, with the support of the municipality, the government, and the judiciary, take over the houses of Palestinian families, rendering them homeless, and hand their homes over to Israeli settler families.

The Klugman Report, commissioned by the new Labour Party Government in 1992, highlighted the relationship between the official government departments and the settler housing associations. The report showed how property and government funds were channelled to these organisations and how they were favoured to administer the properties once they had been expropriated¹⁷. It has been noted that “In a money-laundering-like apparatus, the Jewish National Fund, Ataret Cohanim, the Himanuta and Amidar companies, manipulate the entire system by using very thin tactics, albeit complicated, to confiscate Palestinian properties. At the top of this racist system is a government that has not acted upon the recommendations of the Report, in spite of the fact that public money was involved in these transactions”¹⁸.

The Israeli legal system recognises and upholds claims, by Jewish individuals and organisations, to ownership of the land of East Jerusalem prior to 1948. This policy is implemented in direct contradiction to the Israeli Authorities denial of Palestinian ownership rights prior to 1948. In recent years this policy has been particularly detrimental in the Palestinian area of Sheikh Jarrah in East Jerusalem. In Sheikh Jarrah there are 28 buildings, built in a cooperative effort between UNRWA and the Jordanian government in 1956 to house refugees, directly threatened by the settlers and the Municipality. It is estimated that since 2008 more than 60 people, including 24 children, have already been forcefully evicted from their homes¹⁹.

In a number of ways the municipality of Jerusalem has overtly expressed its desire and intention to Judaise Jerusalem. Some of the most pertinent of these initiatives are the National Outline Scheme # 35 – Comprehensive National Outline Scheme for Building, Development and Conservation, the District Plan of Jerusalem (T.A.M.A.M1 Correction No. 30, submitted 2007 but not yet approved) and the Master Plan of Jerusalem no. 2000²⁰ the timeframe of which has been expanded to run until 2030. These plans reiterate that, united Jerusalem is the Israeli recognised capital city of the state, and that the relevant authorities intend to continue their policies of encouraging settlement expansion in East Jerusalem, to the detriment of the native Palestinian population. The plans also state their goal to maintain the population of the city at 70% Jews and 30% Palestinian²¹. The unwillingness of the Israeli administration to halt settlement construction in East Jerusalem was vehemently stated by Prime Minister Netanyahu in September 2010; he said “Jerusalem is not a settlement—Jerusalem is the capital of the State of Israel. Israel has never restricted itself regarding any kind of building in the city, which is home to some 800,000 people—including during the 10-month construction moratorium in the West Bank”, he then noted “Israel sees no connection between the peace process and the planning and building policy in Jerusalem, something that hasn’t changed for the past 40 years. All Israeli governments have built in all parts of the city in the past 40 years”²².

17. The Klugman Report – Report of the committee to examine buildings in East Jerusalem in Dr. Anis F. Kassim Ed., Vol. IX The Palestine Yearbook of International Law 1996-1997, Kluwer law International, 1998, pp 417-435.

18. Id. p. 417.

19. UNOCHA oPt, East Jerusalem: Key Humanitarian Concerns, Special Focus, March 2011, p. 56.

20. For more information on these plans see Applied Research Institute Jerusalem, Evolution of Spatial and Geo-political Settings of Jerusalem, 1947-2010, December 2010, chapter 5 and <http://home.al-maqdese.org/en/29/?tn=jerusalem2020>

21. Id.

22. Attila Somfalvi, PM responds to Obama: Jerusalem not a settlement, YNet News, 11 September 2010.

As history has proven, all Israeli governments in cooperation with the Jerusalem Municipality have supported and facilitated the development of settlements in East Jerusalem using taxpayers' money, including that of the Palestinians of East Jerusalem, to fund private security companies to protect the settlers, mobilising state security forces to carry out evictions, financially supporting the building of the settlements and allocating control of government assets to the management of settler organisations²³. Accordingly, the taxes paid by Palestinians are used to exploit them instead of funding the development of their communities.

In the summer of 2002 the Israeli authorities took the decision to erect a physical barrier between the West Bank and Israel in the name of security, with the aim of preventing the unauthorised access of Palestinians to Israel, thus maintaining total control over the borders. The construction of the Wall has had serious negative consequences for the freedom of movement of Palestinians. The route of the Wall has been declared illegal by both political and legal international bodies, and indeed in a number of cases by Israeli domestic courts²⁴. This barrier has severed villages from their land, torn families apart, and removed people from their sources of employment, education and other social services. It is important to note that 85% of the 'separation barrier' runs through the land of the West Bank (not along the green line) and when construction is completed it is estimated that 9.5% of the land of the West Bank will be situated on the western side of the wall²⁵.



Figure 2: The Wall dividing the neighbourhood of Abu-Dis from the rest of East Jerusalem.
Source: Al-Maqdese Archive.

23. Human Rights Council, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard Falk, A/HRC/16/72, 10 January 2011, p. 10.

24. International Court of Justice (ICJ), Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I. C. J. Reports, 2004, p. 136, and The High Court of Justice HCJ 7957/04 ruling on the fence surrounding Alfei Menashe, Haaretz, 15 September 2005.

25. UN Office for the Coordination of Humanitarian Affairs (UNOCHA) in the occupied Palestinian territory, Five years after the International Court of Justice Advisory Opinion: A summary of the humanitarian impact of the barrier, July 2009, p. 8.

4.3 Housing demolitions and forced evictions in East Jerusalem

One of the direct results of the draconian, discriminatory and indeed illegal Israeli urban plans for East Jerusalem is the demolition of Palestinian homes deemed to have been built illegally. The practice of housing demolition is not unique to East Jerusalem and is in fact carried out across the occupied Palestinian Territories but for the purposes of this report the focus will be restricted to East Jerusalem. It is estimated that, since 1967, somewhere in the region of 1,509 homes have been demolished in the East Jerusalem area, with 989 of these occurring between 2000 and the end of 2010²⁶. On top of this figure it is also stated that there are 20,000 buildings in East Jerusalem that lack the necessary permits and as such are in danger of demolition, together they house between 180,000 and 270,000 people²⁷. This policy of housing demolitions is inherently discriminatory, evidenced by the fact that in 2004 85% of recorded building violations occurred in West Jerusalem, but 91% of the administrative demolitions carried out occurred in East Jerusalem²⁸. In 2010 alone Al-Maqdese documented the demolition of 74 apartments resulting in the displacement of 140 individuals²⁹.

Housing demolitions in the Palestinian territories can be divided into four different categories; 1. clearing operations which are carried out in the interest of alleged Israeli military necessity, 2. punitive demolitions as retribution for perceived crimes, 3. administrative demolitions where the construction was carried out without the necessary permits or the land is needed for ‘the public benefit’, and 4. judicial orders where the demolitions are sanctioned by the Israeli court system³⁰.

The vast majority of the housing demolitions in East Jerusalem are carried out for administrative purposes. Because of restrictive and inherently discriminatory Israeli planning laws Palestinian residents of East Jerusalem are forced to construct or extend their houses without an approved Israeli building permit. The permits are not only almost impossible to get, but also prohibitively expensive to apply for. The Centre on Housing Rights and Evictions (COHRE) states that the Palestinian neighbourhoods require 1,500 new housing units per year to cater for natural population growth³¹, but figures from the Al-Maqdese Databank show that the Israeli Authorities only issue between 90 and 150 permits per year. In addition, the application process is a long and drawn out affair in many cases taking between 3 and 5 years, but in others taking far longer.

Figure 3: Permits issued by Israeli authorities in East Jerusalem from 1967-2010

Year	No. of Permits issued
1967-2000	3100
2001-2004	444
2005	130
2006	145
2007	132
2008	136
2009	133
2010	89
Total	4309

Source: Al-Maqdese Databank.

26. Al-Maqdese Databank, see Appendix 2.

27. Al-Maqdese, *The Socio-economic and Demographic Effects of House Demolitions in Jerusalem*, March 2011, p. 15.

28. Centre On Housing Rights and Evictions (COHRE), *Second Quarterly Report: Violations of the right to adequate housing in the occupied Palestinian territory*, April-June 2009, p.3.

29. Al-Maqdese Databank, see Appendix 2.

30. Al-Maqdese, *House Demolitions in Silwan: The Judaisation of East Jerusalem*, July 2010, p. 35.

31. COHRE, *Second Quarterly Report: Violations of the right to adequate housing in the occupied Palestinian territory*, April-June 2009, p.3

It has been projected that, “the fees for a permit to construct a small 100 m² building on a 500 m² plot of land will amount to approximately NIS 74,000 (USD 17,620)”³². The construction density and ratio allowed for in Arab neighbourhoods also restricts development, in some cases the number of buildings permitted is only half that allowed in neighbouring Israeli settlements³³. For example, the construction ratio allowed in the area of Al-Essawye is 75% at best, while it is 200% in the settlement of French Hill which was established on the lands of Wadi Al-Joz and Al-Essawye. To obtain a building permit, Palestinians in East Jerusalem face several obstacles including complex land registry procedures (TABU), approval from the Dept. of Absentee Property, payment of a guarantee fee for the municipality, allocation of 40% of the land for ‘public interest’ and/or allocation of 40% of the building for the Municipality.

In addition, the lack of physical infrastructure in East Jerusalem also presents a real barrier to attaining a building permit. The fact that the water, sewerage, and transport facilities in the areas are inadequate, make it extremely difficult to successfully apply for permission to build. The 1965 Israeli Planning and Building Law requires that these facilities are available before building can be allowed to go ahead, even in areas already zoned for Palestinian construction. It is the Jerusalem Municipality who is responsible for the provision of such infrastructure but, because it does not fulfil its obligations, very few resources are invested in the Arab neighbourhoods despite the fact that the residents pay high rates of Arnona tax to the municipality³⁴. While this is a very simple overview of the problems that present themselves in East Jerusalem it is evident that the Israeli authorities have a stranglehold over all aspects of Palestinian land and building rights in East Jerusalem and they have adopted policies to make it extremely difficult for the population to develop and grow.

The Israeli authorities also use a number of policies and draconian pieces of legislation to confiscate land from the Palestinian population of East Jerusalem, denying them their rights to property and development, and rendering the occupants homeless. One of the most important of these laws in recent years has been the Absentee Property Law of 1950³⁵, this law was introduced to allow the state of Israel to administer the land left behind by Palestinian refugees forced out during the war of 1948. It allows for an Absentee Property Custodian to assume control of the land of any Palestinian landowner who left, or was absent from his land, during the war from November 29th 1947 to September 1st 1948, where they were present any enemy state (read Arab countries such as Jordan, Egypt, Syria, Iraq and Lebanon), or indeed any part of the land of Israel that is not part of the state (read Gaza and the West Bank). The implementation of this piece of legislation is intrinsically discriminatory and it has facilitated the transfer of large tracts of Palestinian land to the Israeli authorities, as the Applied Research Institute in Jerusalem has pointed out “application of the Absentee Property Law to East Jerusalem left 3% of the area under the Custodian of the Absentee Property, more than a quarter of the confiscated lands based on the “State Property” pretext is used for erecting more settlements”³⁶. Government bodies such as the Israeli Land Authority work in conjunction with settler groups such as Ateret Cohanim and Elad providing them with land and property at minimal cost³⁷.

32. UNOCHA oPt The Planning Crisis in East Jerusalem: Understanding the phenomenon of “illegal” construction, Special Focus, April 2009, p. 8.

33. UNOCHA oPt, East Jerusalem: Key Humanitarian Concerns, Special Focus, March 2011, p. 30.

34. More information on the Arnona tax system and its application in East Jerusalem can be found in the Al-Madese brochure, Know Your Rights, MSD Legal Clinic, July 2008, Section 4.

35. Absentees, Property Law, passed by the Knesset March 14, 1950, and amendments 6.3.51, 14.2.56, 3.19.58, 2.2.65, 8.7.67, 8.8.67 from «Laws of the State of Israel: Authorized Translation from the Hebrew, Volume 4 ». Government Printer, Jerusalem, Israel (1948-1987), p. 68-82 accessed at <http://www.geocities.com/savepalestinenow/israelaws/fulltext/absenteepropertylaw.htm>

36. Applied Research Institute Jerusalem, Evolution of Spatial and Geo-political Settings of Jerusalem, 1947-2010, December 2010, p.65

37. Nir Hasson, ‘Full Haaretz expose / How the state helped right-wing groups settle East Jerusalem’, Haaretz, 07 November 2010.

The use of the Absentee Property Law, in the context of East Jerusalem, has been sporadic over the years. In 1995 the Israeli High Court ordered the government to introduce a procedure that would ensure that illegal expropriation of land in East Jerusalem was prevented in the future; the Israeli government however never complied with this judgement³⁸. In 2004 the ministerial committee on Jerusalem stated that «the Custodian of Absentee Property has powers under section 19 of the Absentee Property Law 5710-1950, including the execution, transfer, sale or leasing of land property in East Jerusalem to the Development Authority»³⁹. The law has been utilised by settler organisations operating in the area, most especially Elad and Ateret Cohanim, to the detriment of the Palestinian population. On 3 August 2009 the Knesset ratified the Israel Land Administration Law⁴⁰ which allows for the privatisation of the lands confiscated from the Palestinian population. According to a position paper by Adalah “this privatization policy will frustrate any future possibility of returning the above lands to their original owners, violating their constitutional right to property, and contravening both Israeli law and IHL”⁴¹.

The Under-Secretary-General of the UN Valerie Amos has stated that «Palestinians must be able to plan and develop their communities...they must be able to access education and healthcare facilities and to conduct their professional and personal lives without restriction »⁴². There are many ways in which the Israeli authorities and the settler organisations abuse the law and the planning process to facilitate the illegal procurement of Palestinian lands. The ongoing Israeli policy of house demolition and land confiscation in furtherance of a Zionist agenda has been well documented and is not generally disputed. The constant fear of demolition and dispossession weighs heavily on the people living in the shadow of such a threat; the effects of this pervasive worry on the day to day lives and indeed the mental health of the population, especially the women is devastating. While these housing demolitions are carried out against men and women alike the destruction of the family home has a particular resonance for women as it is there that they carry out most of their work. This perpetual dread and anxiety occur on top of the already difficult lives of the women living under the daily constraints of both occupation and patriarchal traditions.

38. Ma'an Development Centre, Means of Displacement: Charting Israel's Colonisation of East Jerusalem, report, means of displacement, February 2010, p. 17.

39. Ir-Amim, Absentee Property Law at <http://www.ir-amim.org.il/Eng/?CategoryID=353>

40. Israel Land Administration Law (Amendment No. 7), 5769, 2009

41. Adalah, Critique of the Draft Bill - Israel Land Administration Law (Amendment No. 7), 2009, 21 July at http://www.adalah.org/newsletter/eng/jul09/Position_Paper_on_Land_Reform_Bill_july_2009.pdf

42. Lahav Harkov, Senior UN official slams security fence as «unacceptable», The Jerusalem Post, 15 May 2011.

5. Situation of women's rights in Palestine

The position of women in Palestine is one of subjugation on a number of levels. Not only do the women in the region have to live under the ongoing occupation of their land by the state of Israel, but also they live under the shadow of a traditional patriarchal structure which sees men as the dominant members of society⁴³. The various legal regimes applicable in the area are also in some instances expressly discriminatory. Women are traditionally considered to be the bearers of family honour and as such are expected to behave in a way that preserves and protects the family name. As a result of this situation, women lack equal agency and control in both the public and private spheres of their communities.

Traditionally the role of women in Palestinian society, as in many other societies, centres around their role within the domestic sphere, with their duties focusing on child rearing and work within the home. Within the family unit, women are considered to be the primary caregivers for their immediate, and extended families. The Israeli occupation of Palestine not only exacerbates previously existing obstacles to the realisation of gender equality, but also causes a whole new set of human rights violations. The experience of the occupation, and the resulting infringement of the human rights of the Palestinian population, obviously affects the female population of the region in different ways than the male population, as a result of their socially prescribed gender roles.

The purpose of this report is not to provide an exhaustive list of the human rights abuses perpetrated against women in the occupied Palestinian territories; however in addressing the violations experienced by the women of East Jerusalem, as a result of housing demolitions and displacement, it is important to illustrate the broader political and social landscape in which they occur. In addition to forced displacement and housing demolitions, some of the most important and pertinent human rights issues faced by women in the region are; restriction on movement, access to healthcare, education and employment, and the experience of both administrative and domestic violence.

5.1 Restrictions on movement

One of the most immediately obvious and indeed most destructive policies of the Israeli occupation is the restriction of the movement of the local population. UNOCHA estimates that within the West Bank there are 505 obstacles blocking Palestinian movement and access. These obstructions include 65 permanent checkpoints, 22 sporadically staffed checkpoints and 418 unattended barriers consisting of roadblocks, earth mounds and walls, gates, barriers, and trenches⁴⁴. These checkpoints and obstacles serve to ensure Israeli control over the land and population of the region, and keep the people in a constant state of disadvantage and uncertainty.

Not only do these checkpoints restrict Palestinian access to their land, neighbours, and other parts of the West Bank, they are also a source of intimidation and violence from settlers, and the security companies and occupation forces that staff them. The

43. For a review of the literature on the Hamula (extended family or clan grouping) and the position of women see **Celia E. Rothenberg**, A Review of the Anthropological Literature in English on the Palestinian *Hamula* and the Status of Women, *Journal of Arabic and Islamic Studies*, Vol. 2, 19989-.

44. UNOCHA oPt, West Bank, Movement and Access, Special Focus, June 2010, p. 4.

constant presence of checkpoints and blockades make carrying out basic everyday tasks incredibly difficult if not impossible. Activities such as going to work, school, the shop, the hospital or indeed just to visit family members can involve the long drawn out process of acquiring permits from the Israeli authorities and the threat, if not the experience, of violence and intimidation. Carriers of West Bank identity cards are also forbidden from leaving the West Bank without specific permission from the Israeli Authorities, which cuts family members off from their relatives and friends on the other side of the wall, and restricts access to employment and education opportunities.

The separation Wall also negatively impacts is the free movement of the Palestinian population. The route the barrier has taken has been much debated and has been internationally condemned for the unnecessary suffering it causes to the civilian population⁴⁵. More than 100,000 residents of East Jerusalem found themselves on the east side of the wall when it was constructed⁴⁶, and the wall has cut these residents off from the rest of the city including their access to health care, education and employment. To access the rest of the city these residents must pass through an Israeli checkpoint and experience all the associated abuse, humiliation, and stress, in addition to the demands this process takes on their time and the persistent risk of sporadic closures. There is also the danger that if the Israeli authorities decide to redraw the municipal borders along the route of the wall, then the Jerusalemite population living on the eastern side of the wall are at risk of losing their Jerusalem ID cards, and as a result being denied entry to their own city in contravention of their basic human rights.⁴⁷

The Palestinian population that find themselves on the west side of the barrier have to face the same problems when they want to travel to other parts of the West Bank. Residents of Jerusalem with Israeli permits while allowed to travel to other parts of the West Bank will have to pass through checkpoints on entry and exit. According to UNOCHA figures 35,000 Palestinians with West bank IDs will be situated on the Israeli side of the wall on its completion; they will be able to access the rest of the West Bank only through controlled checkpoints but will not be free to move around Israel or access Jerusalem⁴⁸. A further 151,000 people east of the barrier will find themselves almost entirely surrounded by the Wall with their communities accessible only through military controlled gates or bridges or tunnels⁴⁹.

This curtailment and control of people's movement has a disproportionate and gender specific effect on women. In the majority of cases when women get married they move to the neighbourhood or home of their husbands which can mean considerable distance between themselves and their families. The pervasive use of checkpoints can lead to women being cut off from their extended families and as such their support structures. Women are often prevented by the male members of her family from travelling for work or education through the checkpoints in order to protect them from violence, assault and intimidation⁵⁰.

45. ICJ, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, ICJ Reports, 2004, p. 136

46. Al-Maqdese, Violation Report for May 2010.

47. Al-Haq, The Jerusalem Trap: The Looming Threat Posed by Israel's Annexionist Policies in Occupied East Jerusalem, 2 October 2010.

48. UNOCHA oPt, Five Years after the International Court of Justice Advisory Opinion A Summary of the Humanitarian Impact of the Barrier, July 2009, p. 4.

49. Id. p.9, 28 communities (125,000 people) will be surrounded on three sides and 8 communities (26,000 people) surrounded on all sides with entry and exit possible only by means of a bridge or tunnel.

50. Amnesty International, Conflict, Occupation and Patriarchy: Women carry the burden, AI Index: MDE 15/016/2005, March 2005.

5.2 Family unification and residence

In East Jerusalem restrictions on residence are particularly devastating for the population. After the occupation of East Jerusalem in 1967 the majority of the Palestinian population were registered as being ‘permanent residents’, as defined in the Entry into Israel Law of 1952, and issued with permits that allowed them to reside and work in Jerusalem, and pass over and back through the checkpoints into the West Bank. However ‘permanent residency’ is not in fact permanent; it can and frequently is revoked by the Israeli authorities for a number of reasons including living outside the area for 7 years or more or taking citizenship, nationality and/or residency in another state. From 1995 until 2,000 the government initiated a policy of “quiet deportation” which involved the government changing the criteria for holding a residency permit and making it dependent on continued residence in Jerusalem and proof that the city is their “centre of life”⁵¹. The Minister for the Interior once again readjusted its policies in 2000 reverting to its pre 1995 position, however revocation of permits has continued and indeed in recent years started to once more increase, reaching an unprecedented high in 2008 of 4.672 individuals⁵². This policy has serious implications for Jerusalemite women who are more likely to move to the home of their husband after marriage. If this happens to be outside of the prescribed boundaries of the city the woman is at risk of losing her right of residency.

The other critical issue with regard to residency rights in the city involves family unification, and establishing residency rights for spouses and children of East Jerusalem residents. The family unification procedures have changed over the years and become increasingly more stringent and more difficult. Before the beginning of the 1990s, family members without permanent residency status could live and reside without impediment in East Jerusalem. Once the regulations started to tighten, people began applying for family unification to the Minister of the Interior, and until 1996 permanent residency would be granted. Ever since 1997 the rules have been tightening, initially it was decided that after the application was accepted the individual would be granted a work and residency permit for two years and three months, which would have to be renewed periodically, and which did not entitle the bearer to any social benefits. For the following three years the spouse was issued with a temporary residency permit, which still had to be renewed but allowed them access to the social welfare and health insurance systems. Only after these steps would a spouse be granted full residency rights⁵³. Since 2002, it has been almost impossible to successfully apply for family unification in East Jerusalem. The application process has been cancelled and Jerusalem residents can no longer apply for permits for their spouses from other part of Palestine or from another state⁵⁴. In the last number of years limited provisions have been made for men over 35 and women over 25, and some exceptional humanitarian cases, where military permits are issued. These permits do not allow the bearer access to social benefits and entitlements.

In October 2007 the Israeli Government adopted Decision No. 2492, which allowed individuals with West Bank ID cards, who had resided in Jerusalem consistently since 1987, to apply for renewable military permits before a deadline of April 2008. The burden of proof on the individual was incredibly high and a prohibitive amount of evidence was required. The Human Rights organisation Hamoked has uncovered that of the 817 applications submitted on time, 54% have yet to be processed, 42% have been denied and a meagre 4% have been successful⁵⁵. Even in cases where the

51. B'tselem, Revocation of Residency Rights in East Jerusalem, at http://www.btselem.org/english/Jerusalem/Revocation_of_Residency.asp

52. Al-Maqdese Databank, see appendix 3.

53. B'tselem, Forbidden Families: Family unification and child registration in East Jerusalem, January 2004.

54. Nationality and Entry into Israel Law (Temporary Order) 6753-2003

55. HaMoked receives state response to its petition under the Freedom of Information Act, regarding the Ministry of Interior's implementation

applicant has been successful the military permit issued confines the individual to their neighbourhoods, and denies them the ability to move freely.

The registration of children is similarly complex and manifestly unjust. To register a child born in Jerusalem, to parents only one of whom is a permanent resident of Jerusalem, an application must be sent to the Interior Ministry proving, amongst other things, that the parents were continuously resident in Jerusalem for the preceding two years. The situation is more complicated where a child is born outside of the designated territory of Israel, including in other parts of Palestine. These children can only obtain permanent residency permits that last until they reach the age of 14, then from the age of 14 to 18 they are issued with renewable military permits, which deny them access to their rights and basic services including health care and education⁵⁶.

This complex, overly bureaucratic and almost Kafkaesque system of applications and registration disproportionately affects women in the city because of the traditional practice of women moving to the community of her husband after marriage and her role as primary caregiver to their children. Indeed before 1994 women were not even allowed to apply for residency permits for their husbands. This restriction on the issuance of permits leads to a situation where many women have to live illegally in Jerusalem or be separated from their family. These women live in fear of being discovered and evicted from Jerusalem, also their access to social benefits and public services including public transport are denied or restricted⁵⁷. They are also unable to travel to other parts of the West Bank for fear that they would be denied re-entry to Jerusalem, cutting them off from their extended families. Because of their tentative legal situation these women's movements are often restricted to the immediate vicinity of their houses; for these women the threat of housing demolition and eviction is even more devastating and perilous.

In addition, the National Insurance Institute which provides social services such as unemployment benefit, child allowance and health insurance is provisional on the residence of the individual within the boundaries of the state, including East Jerusalem⁵⁸. Residents are therefore restricted from moving outside of the city into other areas of the West Bank as it would result in the loss of their benefits on the basis of the 'centre of family life' requirement.

5.3 Access to healthcare, education and employment

As a direct result of the restrictions imposed on the movement of the Palestinian population, access to vital services such as health care, education, and sources of employment has been severely curtailed. The right to adequate healthcare and education and to participate in the labour market are guaranteed under international law, but regardless of this the violation of these rights continues under the Israeli occupation.

One of the most significant and pressing problems facing women is the restricted access for pregnant women to adequate care before, during and after the birth of their child. There have been numerous reports describing the devastating impact of the checkpoints on women in labour. In many cases ambulances have been refused admittance to particular areas to access women in labour and women have been denied permission to cross checkpoints to get to hospitals. This has all too often resulted in women giving birth at the checkpoint or in vehicles in transit, in the absence of any medical

of Government Decision No. 2492: According to the decision, Palestinians who have lived in Jerusalem for many years without status will no longer receive permanent residency status, 1 January 2011, at <http://www.hamoked.org/Document.aspx?dID=Updates1082>

56. UNOCHA oPt, East Jerusalem: Key Humanitarian Concerns, Special Focus, March 2011, p. 14.

57. Id. Chapter 1.3

58. <http://www.btl.gov.il/English%20Homepage/Benefits/Pages/default.aspx>

professionals⁵⁹. In particularly harrowing cases this had led to the death of the baby or the mother or both. The Palestinian Ministry of Health has stated that between 2000 and 2007, 68 women gave birth at checkpoints resulting in the death of 35 infants and 5 women⁶⁰.

The practice of restricting pregnant women's access to adequate health care has resulted in these women experiencing needless pervasive anxiety and worry. The birth of a child should be anticipated with excitement instead of being a constant source of worry for the woman and her family. This constant worry about access to the health facilities has led to a shift in the birthing practices of some Palestinian women. A report from Amnesty International has stated that some health care professionals have voiced their concerns that a growing number of Palestinian women are opting for their labours to be induced or caesareans to be carried out so that they can plan ahead and avoid experiencing the abuse, indignity and uncertainty associated with the checkpoints⁶¹. An increasing number of women are also giving birth at home, but with this practice comes the associated worry that if there are complications with the birth they will not be able to access the hospital. The practice of denying women access to necessary medical care at critical times in their pregnancies is one of the most deplorable and despicable practices of the Israeli occupation. This is of particular concern for women who are residents of East Jerusalem but cut off from health care facilities by the wall and women who are living in East Jerusalem without an Israeli residency permit. These women who are denied access to the Israeli health insurance plan are restricted to attending clinics run by NGOs or paying for private healthcare insurance⁶².

The problem of access to health care facilities does not only affect pregnant women but also the wider Palestinian population. Physicians for Human Rights-Israel has pointed out that as a result of the occupation, in Palestine "the ability to receive medical care is greatly hindered - in secondary medical care, tertiary medical care, and emergency medical care"⁶³. This places particular strain on the women of the family as a result of their role as primary care givers not only to their children but in many cases their elderly and dependent relatives also. Obviously this problem is particularly acute when medical emergencies occur and treatment needs to be immediate. Another pertinent issue is the decline of the health care system itself in Palestine under the occupation. For many serious illnesses the treatment for which must be sought outside, either in Israel or in a third state, restriction of movement has serious implications for these patients, and oftentimes the necessary treatment cannot be accessed in time. While the women living in East Jerusalem have better access to health care facilities than women in other parts of the West Bank, the facilities in East Jerusalem are fewer in number, inferior in the services provided, and underfunded compared to those available in West Jerusalem. This discriminatory policy is evidenced by prevalence of the 'Drop of Milk' centres for mother and baby health care, of the 29 clinics in the Jerusalem area only four of them are in East Jerusalem⁶⁴.

It is not only the physical health of the women of Palestine that is at stake but also their mental health and stability. The stress, frustration and anxiety experienced by women as a result of the occupation are a serious concern. In general the experience of housing demolitions on the psyche of women can be particularly damaging. Researchers during the 1982 war in Lebanon "concluded that events related to the ongoing war affected the

59. Amnesty International, Conflict, Occupation and Patriarchy, Women carry the burden, AI Index: MDE 15/016/2005, March 2005, p. 8-9

60. United Nations Population Fund (UNFPA), Checkpoints Compound the Risks of Childbirth for Palestinian Women, 15 May 2007 at <http://www.unfpa.org/public/site/global/News/pid/310>

61. Amnesty International, Conflict, Occupation and Patriarchy, Women carry the burden, AI Index: MDE 15/016/2005, March 2005

62. UNOCHA oPt, East Jerusalem: Key Humanitarian Concerns, Special Focus, March 2011, fn. 205.

63. Physicians for Human Rights-Israel, About the occupied Palestinian territory Department, at <http://www.phr.org.il/default.asp?PageID=106>

64. Nir Hasson, Jerusalem mayor cuts health funds for Arab children, Haaretz, 20 December 2009.

women's mental health only when they impinged on their daily life"⁶⁵. One particular study of the psychological effects of housing destruction "showed that adults who were exposed to house demolition showed a higher level of anxiety, depression, and paranoid symptoms"⁶⁶. Indeed the report concludes that women and children who are victims of housing demolitions suffer most acutely from anxiety, depression, and other psychological problems. However, the destruction also has an effect on the wider community with women and children who bore witness to the demolitions also suffering from psychological trauma. It has been succinctly pointed out that "in traumatic conditions, the women's mental health is especially vulnerable"⁶⁷.

The provision of education for Palestinian children is also not a priority for the Israeli authorities and they blatantly disregard their obligations under International law, in this regard as in so many others. The participation rate of Palestinian children in the education system is impressively high considering the restrictions on movement and there is very little gender disparity in enrolment on any level, primary through to tertiary. Indeed in higher education the participation of women surpasses that of men, but with a higher percentage of men achieving the level of bachelor degree or better⁶⁸. However, a report by the Palestinian Monitoring Group highlights the dangers and difficulties facing children and teachers on a daily basis as they journey to school. The report documents incidents of assault from the security forces and settlers ranging from intimidation and verbal harassment, through to physical assault and even death⁶⁹. Some female students also note their experience of sexual harassment.

There is a substantial problem with regard to access to education in East Jerusalem, many of the school facilities are frighteningly substandard, overcrowding is the norm and there is a shortfall of places to accommodate all the children. As part of an appeal for the provision of school places in 2011, Al-Maqdese pointed out that there are 8,000 students outside of the education system; this is due at least in some part to the shortfall of classrooms. Another report points out that somewhere in the region of 1,000 classrooms are lacking in the East Jerusalem area⁷⁰. In addition the dropout rate is stated to be a striking 50% which is drastically higher than the average figure in both Israel and the rest of the West Bank.⁷¹ This adds further pressure on families who are displaced to attempt to ensure that their children can stay in their current schools.

Female enrolment in third level institutions is higher than that of males but that does not necessarily mean equality and parity of access. Women are often discouraged or indeed forbidden from attending the third level institution of their choice because of its distance from the family home⁷². These distances are not so far in reality but the presence of the checkpoints greatly extends the time it takes to go on even small journeys, this in addition to the prevalent fear as a result of the lack of security, seriously impede women from fully enjoying their right to education. Women are also less likely to be allowed to live away from home to be closer to their universities. The importance of promoting education for women has been pointed out by Kuttab and Barghouti "Supporting female education through financial assistance policies has become a necessity for two reasons,

65. Samir Qouta, Raija-Leena Punamiiki, and Eyad El Sarraj, 'House Demolition and Mental Health: Victims and Witnesses', *Journal of Social Distress and the Homeless*, Vol. 6 No.3, 1997, p. 205.

66. Samir Qouta, Raija-Leena Punamiiki, and Eyad El Sarraj, 'House Demolition and Mental Health: Victims and Witnesses', *Journal of Social Distress and the Homeless*, Vol. 6 No.3, 1997, p. 203.

67. *Id.* p. 209.

68. Palestinian Central Bureau of Statistics, *Women and Men in Palestine Issues and Statistics 2005*, December 2005

69. Palestinian Monitoring Group, *Trend Analysis: Education Under Occupation*, 30 October 2005 <http://right2edu.birzeit.edu/downloads/pdfs/PMGReport.pdf>

70. Association for Civil Rights in Israel (ACRI), *Human Rights in East Jerusalem: Facts and Figures*, May 2010, p. 48.

71. *Id.* ACRI and United Nations Children's Fund (UNICEF), *Education Statistics: Palestine*, May 2008 at http://www.childinfo.org/files/MENA_Palestine.pdf

72. Amnesty International, *Conflict, Occupation and Patriarchy, Women carry the burden*, AI Index: MDE 15/016/2005, March 2005, p. 15

to stop the phenomenon of female drop-outs from school or universities and to empower women in order to strategically affect women's position in the society. It is important to tie practical needs of women to their strategic needs that can have an impact on women's status in the future Palestinian state⁷³.

Although women have a very strong representation in the third level institutions in Palestine this is not reflected in the workforce of the country. The occupied territories suffer from very high rates of unemployment with less than 70% of men of working age and a paltry 17% of women participating in the labour force⁷⁴. This is the result of the traditional role of women being in the home, carrying out domestic duties and looking after children and elderly relatives, with the male fulfilling the role of primary bread winner. Over 83% of women over the age of 15 are either studying or working in the home⁷⁵. The figures for Jerusalem appear even lower, PCBS figures for 2009 state that in the Jerusalem district, 88.6% of women over the age of 15 are not part of the civilian labour force, and housekeeping is named as the primary reason people situate themselves outside the labour force, followed by study and age⁷⁶. The policies of the occupying powers have put a stranglehold on the economy of the occupied territories with trade and economic development seriously hampered by the draconian restrictions on movement.

4.5 The threat and reality of violence

In the Palestinian territories women experience violence on a number of different levels and it manifests itself in a number of different ways. On the one hand, as a result of the occupation, women are frequently subjected to violence from the Israeli security forces and settlers living in close proximity to them. This violence can occur in a whole range of ways varying from intimidation, to actual physical assault leading to serious injury and even death. As well as experiencing violence in the public sphere, women also experience violence within their own homes from their husbands or close family members.

Figure 4: Percentage of Palestinian Victimized Households in Jerusalem Governorate Within the Last Year by Type of Criminal Offense and Area, 2005

Type of Criminal Offense	J2 منطقة Area J2	J1 منطقة Area J1	محافظة القدس Jerusalem Governorate
Property Theft	5.1	2.4	3.4
Vehicle or Part of it Theft	2.2	4.0	3.4
Property Damage	1.6	0.8	1.1
Robbery or Theft Attempt	1.8	2.2	2.1
Confiscation/Demolished All or Part of an Estate	6.1	0.2	2.3
Assault of Israeli Soldiers or Settlers	5.2	5.6	5.5
Threat/Assault	2.5	0.6	1.3
Total	18.5	13.2	15.1

Sourced from PCBS⁷⁷

73. Eileen Kuttab and Riham Barghouti, The Impact of Armed Conflict on Palestinian Women, Executive Summary, April 2002, P. 6

74. Figures from 2008 statistics issued by the Palestinian Central Bureau of Statistics (PCBS) at http://www.pcbs.gov.ps/Portals/_PCBS/Documents/ca29d7c1-a87f-4d17-a4f5163-a4ae10cea.htm

75. Id.

76. PCBS, Jerusalem Statistical Yearbook No.12, June 2010, pp 202-203.

77. PCBS, Jerusalem Statistical Yearbook No.12, June 2010, p 380.

Israeli border police and Israeli soldiers frequently and routinely encroach on the rights of Palestinian women, by carrying out or threatening violent attacks against them including physically violent acts and acts of a sexual nature. Women, in many cases, feel powerless in the presence of Israeli military because their lives in so many ways are at the discretion of the soldiers, for example passage through checkpoints on their way to work or school. This lack of control over their daily lives can lead to a feeling of helplessness and a loss of agency because of the absence of an effective means of resistance. If these women do react in defence of themselves or others they risk further harassment or perhaps imprisonment. The checkpoint guards also carry out degrading and humiliating practices such as requiring women to remove their niqab (face covering) or lift up their jilbab (long coat) for the inspection of male soldiers⁷⁸. This violence from the soldiers does not only occur at checkpoints but also within the towns and villages of the Occupied Territories and frequently within the home, invading the private domestic sphere where women should feel safest. This invasion of the inner sanctum of the family serves to unsettle communities as a whole by disrupting and violating them at the most fundamental level. It evidences the extent of the control exerted by the Israelis over the lives of the Palestinian population.

Due to the neglect of complaints, a lack of accurate reporting and the complexities of the situation it is difficult to accurately state the number of Palestinians killed by violence perpetrated by settlers. One report suggests that between 2000 and 2005, 54 Palestinian civilians were killed by Israeli settlers⁷⁹ and another suggests that between 2000 and 2011, 50 Palestinians were killed by Israeli civilians⁸⁰. One particular case included a 14 year old girl being shot and killed when settlers rioted in Hebron and B'tselem lists in total, nine children under the age of 18 who were killed by Israelis civilians in the occupied territories between September 2000 and February 2011⁸¹. In any case, the figures on fatal attacks are not necessarily illustrative of the ongoing violence and intimidation directed at Palestinians by their settler neighbours. It has been well documented that in many regions where settlements have been built alongside existing Palestinian towns or neighbourhoods that friction and conflicts have erupted. Settlements also bring with them private security forces who are in many cases funded by the Israeli Housing Ministry and whose sole purpose is to 'protect' the settlers. It has been repeatedly reported that security forces, including the IDF themselves, have in some cases aided and supported settler harassment of Palestinians and in many other cases they have simply stood idly by while allowing the attacks to occur⁸².

By way of example in the East Jerusalem neighbourhood of Silwan, where illegal settlements housing 500 Israeli settlers have been constructed in a community of 60,000 Palestinians, tension and violence have become commonplace. There are regular conflicts, and attacks are carried out by private security firms, Israeli police, and the settlers themselves on the one hand and the Palestinian residents on the other⁸³. This has led to serious injury and even deaths in the area. In 2010 there were 4 Arab residents shot, one of them fatally and in another particularly heinous act of violence David Bexeri, head of the settler organisation Elad ran down two Arab children with his car⁸⁴.

Children are frequently caught up in this violence and their arrest is a common occurrence.

78. Geneva Centre for the Democratic Control of Armed Forces, *Palestinian Women and Security: why Palestinian women and girls do not feel secure*, 2010, p. 20.

79. Women's Centre for Legal Aid and Counselling (WCLAC) et. al. *Alternative Report for Consideration Regarding Israel's Fifth Periodic Report to the United Nations Committee on the Elimination of Discrimination Against Women*, 17 January-4 February 2011, December 2010, p. 3.

80. B'tselem, *Statistics*, at <http://www.btselem.org/english/Statistics/Casualties.asp> also includes a list of names and particulars of the deaths.

81. B'tselem, *Statistics: Casualties*, at <http://www.btselem.org/english/Statistics/Casualties.asp>

82. Geneva Centre for the Democratic Control of Armed Forces, *Palestinian Women and Security: why Palestinian women and girls do not feel secure*, 2010, p. 20.

83. Ongoing monthly reports on the violence and arrests in the area can be viewed at www.silwanic.net.

84. Nir Hasson and Jonathan Lis, 'Life in Silwan: Unbearable for Jews and Palestinians alike', *Haaretz*, 12 October 2010.

As a result of the lack of recreational amenities in East Jerusalem children are forced to play in the street which leaves them vulnerable to altercations with settlers. A report by ACRI describes the repeated interrogation of children as young as ten⁸⁵. As of May 2011, there are 211 children detained in Israeli prisons, 38 of these are between the ages of 12 and 15⁸⁶. This widespread arrest and incarceration of children causes intense anxiety for the parents of these children, especially the mothers who have to choose between allowing children out into a potentially dangerous public space and keeping them shut up in the house. Dr. Riyad Mansour, the Permanent Observer of Palestine to the United Nations stated, in a letter to both the UN General Assembly and the Security Council in January of this year, that “recent illegal Israeli actions and measures are once again raising tensions on the ground, threatening to further destabilize the situation, particularly in the Holy City, and further harming the efforts to achieve the two-State solution for peace”⁸⁷.

Both the settlers and the military personnel act with impunity in the Occupied Territories, and there are very rarely any repercussions for the abuse of the local Palestinian population. The soldiers and security workers who are supposed to be serving and protecting, in reality are only concerned with ensuring the safety of the settlers, and indeed as mentioned are often instrumental in carrying out or facilitating the violence. Many settler enclaves hire private security firms who also appear to receive a *carte blanche* to deal with the Arab residents. One Israeli police chief working in the West Bank has been quoted as saying publicly “sometimes cops also avoid acting against Jews. There are also instances where police have looked the other way in order to say ‘I didn’t see anything’.”⁸⁸

But violence does not only come from the outside as a result of the occupation. Domestic violence and violence within the home is also a very real and serious problem for women in the Occupied Territories. This can be seen in many ways to be a result of the traditional patriarchal structure but also a consequence to male relatives experiencing increased frustration due to lack of employment, agency, and control over their lives and surroundings. Yakin Ertürk, the Special Rapporteur on Violence against Women, stated in a report, outlining her findings after a mission to Palestine in 2004; “Women with husbands explained that the dire economic situation and the pressures of the occupation have made men more violent because they have lost their ability to provide and protect - two essential elements of manhood in a traditional patriarchal society. As men become stripped of their manhood, women become the shock absorbers of the crises as targets of domestic violence”⁸⁹. In addition, the obstacles placed in front of Palestinians trying to build their own homes, and the Israeli policies of home demolition and forced evictions, have led to many Palestinians sharing houses with their extended families, with wives often sharing the house of her husband’s parents along with other family members. These cramped living conditions can lead to heightened tensions in the house and bring women increasingly into contact with male extended family members, increasing her risk of violence in the home.

Society in Palestine in general tends to have a tacit acceptance of domestic violence and abuse, be it emotional, physical, or sexual. A survey of domestic violence carried out by the Palestinian National Authority found that 61.7% of ever married women in Palestine had experiences psychological abuse in 2005, 23.3% had experienced physical violence

85. Association for Civil Rights in Israel, *Unsafe Space: The Israeli Authorities’ Failure to Protect Human Rights amid Settlements in East Jerusalem*, September 2010, p. 15

86. Defence for Children International-Palestine Section at <http://www.dci-palestine.org/content/child-detainees>

87. Dr. Riyad Mansour, Permanent Observer of Palestine, *Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory*, A/ES-10509/, S/2011/9, 12 January 2011.

88. Uri Blau, *Behind closed doors, police admit ‘turning a blind eye’ to settler violence*, Haaretz, 15 August 2008.

89. Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk *Integration of the Human Rights of Women and the Gender Perspective: Violence Against Women, Mission to Occupied Palestinian Territories*, E/CN.4/2005/72/Add.4, 2 February 2005, p 8.

and 10.5% sexual violence⁹⁰. Women very rarely complain about the various types of ill treatment suffered in the private sphere because of the stigma attached to discussing such issues outside of the family. Of the women who reported suffering from violence, less than 7% of them made enquiries or complaints through official channels, with most of them preferring to sort it out through dialogue with their husbands and the assistance of close family members⁹¹.

Reporting these actions to institutions or organisations official or otherwise is thought to bring shame and dishonour on the family name. In addition the mechanisms the police have in place to deal with cases of domestic abuse are in most instances inefficient and archaic. It has been noted that in many cases the police simply encourage the women to go home to their families and resolve their problems in private⁹². Women are also afraid to report the violence, or indeed leave the abusive situation, because of a lack of alternative options and the fear of losing access to their children. The fact that so few women work outside the home, that they usually move to the neighbourhoods of their husbands, the restrictions imposed on movement within the territory, and the traditional patriarchal nature of the society in general, make it incredibly difficult for a woman to leave her husband. Divorce is generally frowned upon and occurs rarely in Palestine. In regions such as East Jerusalem, where the Israeli authorities are in control, women are even less likely to report incidences of domestic violence to the security forces representing the occupation⁹³.

In very extreme cases women who have been deemed to have brought dishonour on their families have been killed to re-establish the status of the family. These murders have come to be known as honour killings. In most cases a male member of the family executes a female member who is thought to have behaved inappropriately in some way, bringing shame and disgrace on the family and their death is deemed to be the only way to restore the honour of the family. It is unclear how prevalent this practice is in Palestine because of the secrecy and privacy surrounding the act. The laws in place also do very little to defend the rights of the woman, in many cases where the crime does actually go to trial the perpetrator receives a reduced sentence. Jordanian law which is still in force in the West Bank allows a man to murder his female relatives if they are caught committing adultery, it also allows for reduced penalties for crimes of passion⁹⁴. In May 2011 as a direct result of the case of Ayah Barad'iyya, a 20 year old student murdered by her uncle, President Mahmoud Abbas ordered "a legal amendment to end leniency in courts for men who kill to protect 'family honor'"⁹⁵.

This section was not intended to be an exhaustive or in depth study of women's rights in Palestine, but rather an overview of the situation. The lives of the women in East Jerusalem are set against the backdrop of a number of different struggles. Because of their own personal circumstances, obviously the demolition of their houses and the forced displacement of their families, affects different women in different ways. It is vitally important to listen to what they have to say, learn how they view themselves within their own society and community and document the abuses suffered by them. Through empowerment and giving them a voice these women can come to reassert their agency.

90. Palestinian Central Bureau of Statistics, Press Conference on the Preliminary Results: Domestic Violence Survey -2005, February 2006, at http://www.pcbs.gov.ps/Portals/_pcbs/PressRelease/Domestic_e.pdf

91. Id. (Palestinian Central Bureau of Statistics, Press Conference on the Preliminary Results: Domestic Violence Survey -2005, February 2006, at http://www.pcbs.gov.ps/Portals/_pcbs/PressRelease/Domestic_e.pdf)

92. Human Rights Watch, A Question of Security: Violence against Palestinian women and girls, Vol. 18 No. 7 (E), November 2006, pp. 57-62

93. Id. (Human Rights Watch), p. 35

94. Id. (Human rights Watch), p. 51

95. Muhammad Oweiweih, 'Abbas orders amendment to <honor killing> law', Ma'an News Agency, 14 May 2011.

6. The effects of housing demolitions on the women of East Jerusalem

Now that we have considered the context and social spheres in which the women of East Jerusalem find themselves, we will turn our attention to the particular effects of housing demolitions and forced displacement on their daily lives. These women live in fear of the arrival of demolition and eviction notices, or in worse cases, soldiers and the machinery of destruction. Their lives are uncertain, their situation always precarious, their mental state perpetually anxious. This process of eviction and displacement also has serious long-term implications for the economic stability of the family unit. Building houses costs money, legal fees cost money, paying fines costs money, relocating costs money; in so many cases once these costs are paid there is very little left over for other essentials. The disruption caused by the threat and experience of displacement also has serious effects on education and employment opportunities; finding a new place to live can mean relocation away from schools and workplaces. There is also the perpetual fear of the impending demolition, which discourages people from going out to work or school. All this stress and anxiety obviously has negative ramifications for family relationships and the general health of the population. No-one should have to live their life in fear of losing their most basic possessions but this is a common occurrence for the women of East Jerusalem.

6.1 Threats and actions preceding displacement

Housing demolitions are so much more than the destruction of walls and property, in the same way that a home is not just bricks and a roof that provide shelter. A home is the place where the family unit is supposed to feel safe, the place where the family goes to escape the stress and dangers of the outside world. This can be seen to be even more important in a situation of occupation, where the public sphere is controlled by authorities that do not prioritise your safety or your rights. As of June 2011 the Al-Maqdese Databank has collected the documentation for 5,662 people resident in East Jerusalem who have demolition orders hanging over them, 1,294 of these are women and 2,562 are children⁹⁶. These families live in constant fear that they will be evicted from their homes and/or their homes destroyed. During this agonising waiting period many of these families experience threats and intimidation from Israeli security forces and settlers.

In so many ways the days, months, and in some cases years, leading up to the eventual forced eviction or demolition, can almost be as destructive as the occasion itself. The women we spoke to consistently referred back to the effects that the ongoing anxiety and fear has on them and the rest of their families.

Nofouth Arameen lives in Wadi Joz, her house was destroyed in 2008 and her current house also has a demolition order on it. She states:

Still we are not safe and there is no security in the situation. I am always afraid and whenever I hear a car around I think something might be happening. I always lock everything...The worst thing I can imagine is having a day when I don't know where to go with my children. We are used to this area and to the people. Our neighbours have had their houses destroyed three times. My brother's house as well was destroyed⁹⁷.

96. Al Maqdesi Databank

97. Interview carried out by Al-Maqdese staff on 5 June 2011.



Figure 5: Remains of the house of Noufouth Arameen; her house was demolished by Israeli forces in 2008./ Source: Al-Maqdese Archive, taken by Iman Sharabati.

In so many instances the legal proceedings to prevent the eviction/demolition can go on for long periods of time, taking up months and even years. During this time the families are living in a constant state of uncertainty and fear. The process is an ongoing cycle of court dates, demolition/eviction postponement, and fines. Many of the women we spoke to describe a long and drawn out engagement with the courts.

Basima Arameen lives in Wadi Joz with her husband and three sons. Since the demolition the family live with her mother-in-law. They have had an ongoing battle with the courts which culminated in the self demolition of their house at the end of May 2011. Their first fine was 60,000 NIS, their second fine 40,000 NIS and the last time they went before the judge they were told that if they did not demolish their house by the end of May (2011) they would receive a huge fine, the husband would be jailed for six months and they would have to pay the cost of the demolition which they estimated at 40,000 NIS⁹⁸.

Of the women we have spoken to, all of them have been affected by decisions of the courts in one way or another. Ongoing payment of fines provides them only with a temporary reprieve until the next court date, and the day, ever present on the horizon, when they will be forced to leave their homes. The court process itself is alienating for the Palestinians of East Jerusalem; one woman Noufouth Arameen, stated that the fact that the case were conducted through Hebrew meant that she could not follow her case and understand the proceedings⁹⁹.

The period of time preceding the evictions of the families and/or the destruction of their homes is often fraught with violence and harassment from Israeli occupation forces and civilian settlers. The day to day lives of the women and their families are restricted by their experience of this violence and it exacerbates the fear and anxiety that permeates their lives.

98. Interview carried out by Al-Maqdese staff on 5 June 2011.

99. Interview carried out by Al-Maqdese staff 5 June 2011.

Aida Ahmad Al-Resheq lives in the Al-Bustan neighbourhood of Silwan with her husband who suffers from health problems and her seven children aged between 1 and 11. There is currently a demolition order on her house. She described how employees of the municipality accompanied by armed security forced their way into her house:

In February 2008 the Israeli police came with the Municipality employees. It was 8 in the morning and it was raining. My husband spoke to them but they entered the house violently. There were more than 15 people, one was measuring the doors outside. All of them were armed and pointing their guns at us. We were just waking up. The children were hiding...After they entered the [front of the] house they tried to go into the rest of the home but my husband stopped them. The children were crying because it was very frightening for them. He said there was no reason for them to enter the house, they could just talk to him. They took the information from him and they said that we had built our house on Israeli land¹⁰⁰.

Groups of settlers living in the heart of Palestinian neighbourhoods in East Jerusalem also make daily life very difficult for the women living in their vicinity. For example in the neighbourhood of Sheikh Jarrah, settler organisations are trying to claim land rights and confiscate homes. This is happening despite the fact that the houses were built for refugees in the 1950s by UNRWA, in cooperation with the Jordanian government, and there is no proof to support the settler's claims. Some buildings have already been evacuated and the remaining residents describe ongoing harassment from the settlers who have taken over their houses. They describe such actions as physical assault of both their persons and property. Khadija Al-Sbagh described how she was struck on the head by settlers who had taken over her neighbour's house¹⁰¹.

Nofouth Hammad lives with 15 other members of her extended family in her house in Sheikh Jarrah. Settlers have already forcefully evicted her neighbours and confiscated the house across the road from her and the house beside her. She stated:

Our house is very near to the cave that the Israelis come to to pray, so for a very long time they have tried to take the house; they have jumped on our walls and many times have tried to enter our house¹⁰².

6.2 Experience of evictions, demolitions, and displacement

The actual eviction process itself is obviously incredibly distressing for the families concerned. This destruction of their lives is carried out with brutality and aggression, with no regard for the humanity and suffering of the people. The evictions and demolitions are attended by Israeli police and military personnel. In some cases altercations between the security forces and the residents occurs, which can inevitably lead to the injury and/or arrest of individuals. The families in some instances are removed from their houses by force. The demolitions are carried out using heavy equipment including bulldozers to ensure that there is no way to rebuild the house. This destruction destroys not only the house but also the family's possessions, and the people are rarely given enough if any time to remove even the most important items before the devastation begins.

100. Interview carried out by Al-Maqdese staff 5 June 2011.

101. See the case study of Khadija Al-Sbagh and Nahed Al-Sbagh at the end of this section.

102. Interview carried out by Al-Maqdese staff on 25 May 2011.

Nadia Hanoun, along with her husband, her three children and 12 members of her extended family, was evicted from her house in Sheikh Jarrah in 2002 and again in 2009 by Israeli forces. Here she describes the eviction in 2009:

The day of the evacuation was a horrible day. Between 2002 and 2009 our children got older, we talked to them, we told them how things would happen and how we would be evicted from the house. On the day, I had a feeling that this would be the day we would have to leave the house. I told the children to be alert because I thought something would happen. At that time we had a tent at the door of the house, a protest tent for all the people who wanted to say no to the situation. The Israeli and foreign supporters were around us 24 hours a day.

On that day we went to sleep at 3am, the children were still awake on the street just watching. At 5am the children were screaming asking us to wake up. They came into the house and closed the doors and then we heard glass breaking; the soldiers entered the house from the windows. The first child they evicted from the house was my daughter who was 13 years old...My other child she was 16 years old when we were evicted. She was being even stronger than her mother, she was telling all the soldiers, 'leave my mother, don't hurt my mother'. They took my son Rami and they threw him outside.

We left the house in our pyjamas, walking on broken glass in our bare feet. They tried to take my husband to a certain corner of the house so they can evacuate the house, I wouldn't leave the house without my husband. During the time when he was in jail they tried to push us in many ways, they gave us many fines and told us to evacuate the house or they would keep him in jail, that's why we were afraid they would take him again.

In 15 minutes the house was empty. They took all of the furniture and put it in the playing yard in front of the UN agency. We looked at this as a challenge for the UN itself. They took all our phones from us so that we couldn't call any organisation that could help us. They made us walk along the street away from the house. The soldiers took all the food from the fridges and were making fun of us, they also took the toys of the children and started playing with them. One hour after the eviction, buses of settlers came to the area. They opened the houses and entered the houses. We decided to stay under the olive tree that is in front of the house...We spent six months under the tree¹⁰³.



Figure 6: Activists outside Nadia Hanoun's house before it was taken over by Israeli settlers
Source: Al-Maqdese Archive

103. Interview carried out by Al Maqdese staff on 25 May 2011.

Rehab Moustafa Al-Jabri has had her house in Beit Hanina destroyed three times by the Israeli administration. She is the mother of five children whom she raised on her own. She shared the house with her son and his family and her daughter and her family. Each time the house was rebuilt with the assistance of NGOs and individual supporters. She remembers: *I cannot forget how they got my son out of his house, they dragged him like a dog!*



Figure 7: The destruction of the home of Rehab Moustafa Al-Jabri./ Source: Al-Maqdese Archive.

Dalal Ibrahim Al Rajibi, lives in Beit Hanina with her husband and three children. Five months ago her husband received a permit to live in Jerusalem but before that he lived in Hebron and the family were only able to see him on weekends. Her house has been destroyed twice, first in 2008 and again in 2010.

I was away from my house when the Israelis came to demolish it. I got a call from my relatives telling me the Israelis were destroying my house. Usually the Israelis give a formal letter saying that they are going to demolish the house but in my case they didn't. They took some of the furniture out of the house and gave my family 15 minutes to remove some more of our things... Me and my children were crying all the time. The Israelis refused to let us in the house. The children were searching for their things. It was an awful day, I don't wish anybody to face a day like this. I hope that god will not let any other family face this situation¹⁰⁴.



Figure 8: Furniture is removed from the house of Dalal Al-Rajbi as the Israeli forces watch
Source: Al-Maqdese Archive.

Enam Al-Tawil lived in her home in Jabalil Al-Mukaber for 14 years until it was destroyed by the Israeli authorities. The house of her son and his family which was built beside hers was destroyed at the same time.

They demolished the house at around three in the afternoon. Me and my son's wives were visiting relatives. The Israelis tried to beat my children. When I got there I calmed my sons down and I told them to stop and not to deal with them. I didn't let my sons fight with them; I was afraid they would be beaten by the Israelis.

They demolished the house with the furniture inside, we couldn't get it out. They also took my sons car which was parked beside the house and threw it up on top of the rubble. Six houses were demolished in the neighbourhood on this day¹⁰⁵.

104. Interview carried out by Al-Maqdese staff on 9 June 2011.

105. Interview carried out by Al-Maqdese staff on 9 June 2011.

In some cases, individuals are forced to destroy their own houses to avoid having to pay the costs of destruction to the Israeli authority. This in some ways can be considered to be equally, if not more, distressing and psychologically damaging, because the atrocity is occurring at your own hands.

Basima Arameen describes how she felt when her husband was demolishing their home:

The time he was demolishing the house I couldn't be around, I was hiding in a way.

I couldn't watch or hear what was happening. I started to have pains in my legs and in my stomach. I had an appointment with the doctor but I didn't go. I couldn't do anything. The whole story happened a week ago and I still can't go and look at the house.

6.3 Economic ramifications

The decimation of the financial resources of families affected by housing demolitions and forced evictions is devastating in both the short and the long term. The amounts of money involved in the construction or purchase of a home together, with the cost of furnishing and setting up your life within that space, are obviously immense. In most cases, a couple will have spent many years saving their income, and living with other family members, to enable them to build their own home. In some cases, money is borrowed from family members to finance the build.

In addition to this, there are frequently ongoing legal fees and fines imposed by the Israeli administration, that have to be paid in the attempt to temporarily save their homes from destruction, and prevent family members from going to jail. The women described situations in which they are unable to pay their taxes, were forced to take their children out of education and in some instances could not even afford to feed their families. Sima Muhaisen, who lived with her husband, his parents, and their four children in Alisawiyeh, described how the Israeli forces demolished their house, destroyed their farm, and left the family 50,000 NIS in debt to the Israeli authorities¹⁰⁶.

Enam Al-Tawil described how difficult it was to get the money to build her house in the first place, and the devastating effects it had on her family. Before building the house the family rented 35 different houses.

My husband was working in a cafe and his salary was only 50 NIS (\$17) a day. He was the only one who was working at the time but I also had the child benefit from the Israelis. I was spending all of this allowance buying the land and building the home. I also sold all of my jewellery...

Two of my sons left the school while we were building the house and they helped the workers build our home.

I gave every single shekel I had to build that house. Sometimes I didn't even buy myself a sandwich to save the money¹⁰⁷.

The ongoing threat of eviction also has negative effects on the ability of the residents to earn a living. Fear of the impending eviction can lead to the bread winners of the house, in most cases the men, to remain at home in the attempt to protect their wives and their children¹⁰⁸.

The constant presence of settlers in the area, and the violence that results from their being there, can have a negative impact on the population's ability to earn a living.

Nofouth Hammad describes the effects the settler presence in her neighbourhood has had on her son's employment.

For the past four months neither of them [her husband and her son] have been working, my son used to work as a driver but the settlers used to attack his car, so the company took the car from him and he lost his job. The same thing happened again when he got a job driving for a factory in Hebron. He would drive the car from Hebron to Jerusalem but when he stopped the car in front of the house they [the settlers] would attack his car, so the company fired him. It happened again with the third organisation he worked for¹⁰⁹.

106. Interview carried out by Al-Maqdesse staff on 7 May and 9 June 2011.

107. Interview carried out by Al-Maqdesse staff on 9 June 2011.

108. See section 6.5.

109. Interview carried out by Al-Maqdesse staff on 25 May 2011.



Figure 9: The view of the settlement across the road, from the garden of Noufouth Hammad./ Source: Al-Maqdese Archive, taken by Iman Sharabati.

Once the displacement, dispossession, and destruction has occurred the family obviously has to have money to relocate and re-establish a home, which in many cases they can't afford. All of the possessions lost in the destruction of the home need to be replaced, and in some particularly perverse cases the families are actually required to pay the costs of the demolition. The disruption and relocation of the families, obviously can have a negative impact on the ability of family members to access education and employment. The relocation of the family may include having to move further away from their schools and places of employment, and require the bread winners to take time off from their work to attend to the needs of the family. All in all, the economic ramifications of demolitions and forced evictions are devastating on affected families.

6.4 Effects on family relationships

The upheaval and distress caused by the destruction of the family home is obviously considerable. The day to day routine of the family is destroyed and the family needs to re-establish itself. Both the women and the men are affected by their inability to preserve their home, she as primary care giver and caretaker of the domestic sphere, and he as the protector and provider.

U.A. from Wadi Joz was given custody of her grandchildren (the children of her divorced son) by the courts, and subsequently built an extension on to the house to accommodate them properly. They were forced to demolish the structure themselves to avoid paying fees to the Israeli authorities. She describes how her family were split up in the wake of the demolition. *Everyone of us is living isolated from the other. My son went to the hospital as a result of what happened with him. My grandchildren are now with their mother, we sent them to live there with her, but they visited us at the weekend. Yesterday when the children came they were shocked because they didn't find their house¹¹⁰.*

110. Interview carried out by Al-Maqdese staff on 7 May 2011.



Figure 10: The self demolition of the house of UA / Source: Al-Maqdese Archive.

The house represents the history and security of the families displaced. It is more than just a structure; it is vessel for the families' memories and provides refuge from the outside world.

Basima Arameen, recalls her home which was self-demolished the previous week:

The most beautiful days were spent in that house. My three children were raised there, the boys childhoods were there, the most beautiful days of my marriage were there. We had a garden behind the house where the children used to play and we used to sit. We don't have the same space now for the children because this is not our house¹¹¹.



Figure 11: The remains of the house and garden of Basima Arameen./ Source: Al-Maqdese Archive, taken by Iman Sharabati.

111. Interview carried out by Al-Maqdese staff on 5 June 2011.

Children can experience a sense of insecurity compounded by the fact that their parents were unable to protect them and the family home. The feelings of frustration and helplessness caused by the eviction process can often be vented on close family members, especially by husbands and other male family members, and agency is reclaimed through the control of the family unit. In the interview Sima Muhaisen explained to us that she now has very serious problems with her husband and that they are continuously fighting¹¹².

Nadia Hanoun describes the break-up of her extended family after their eviction and its effect on her daughters:

Leaving the house affected the girls more than anyone else; they saw how the family was separated. They used to play with the rest of the family, they used to live together. Now we only see each other every few months. Each father wants to start his life from the beginning because everything we had has been lost¹¹³.

Basima Arameen describes the effects her husband's demolition of her house had on her child:

Suhaib the youngest was the worst affected. When he heard the machines building a house for other people he asked why they were building when they will have to demolish their house the same as happened to us. He has all these questions. He has the demolition in his memory.

Displacement can also have consequences for the wider family unit. Families whose houses have been demolished will often seek refuge in the homes of other family members. Overcrowding and a lack of space can lead to strain, this is especially difficult for the women who are unable to exert any control or influence in the domestic sphere.

6.5 Effects on education and employment

The upheaval involved in the destruction of the home, and the consequential homelessness of the families concerned, obviously has an acute affect on the ability of the individuals to access work and education. The members of the house-hold who are in employment, in the majority of cases the men, are often forced to take leave from work, to initially protect and support their families with regard to the eviction process itself, and subsequently aid their families in re-establishing themselves in the aftermath of the displacement and dispossession. This can have serious repercussions for breadwinners, not only in financial terms, but also with regard to their ability to remain in the workforce.

Nadia Hanoun describes how their families' displacement affected her husband's ability to remain in employment.

Our husbands lost their jobs because many times before the evacuation they had to stay at home to protect the houses, or at least to make sure the evacuation wouldn't happen while they were outside the house. Many of them had to leave their jobs to stay in the house. My husband's company couldn't give him all these days off, so they told him to leave the job¹¹⁴.

The participation of affected children in the education system can also be severely disrupted by the turmoil associated with the violent loss of their homes; not only can the relocation of the family impede their access to educational facilities, but also their ability to concentrate and complete their studies can be negatively affected by the trauma involved in their families dispossession. A number of the women interviewed stated that

112 . Interview carried out by Al-Maqdese staff on 7 May 2011.

113. Interview carried out by Al-Maqdese staff on 25 May 2011.

114. Interview carried out by Al-Maqdese staff on 25 May 2011.

their children had been forced to miss out on days of school as a result of the displacement. In other cases the economic situation resulted in them being unable to continue sending their children to school or university.

In a particularly devastating case Nadia Hanoun explained how her family spent six months living under a tree outside their house after they had been evicted:

In 2010 my child was going to have her 'dawjehi' (final exams in High School) and she spent her first semester living in the street. Another girl from the family was in the same situation where she had to study for her exams in the street¹¹⁵.

Dalal Ibrahim Al-Rajbi notes:

My children suffered a lot from the demolition. I'm sure that they have psychological problems now which affects them in school and in particular their concentration. My daughter is afraid of everything now¹¹⁶.

6.6 Effects on mental and physical health

The severe stress caused by the loss of the family home, and indeed the threat of its destruction, can have not just immediate, but long lasting effects on the health of individual family members. Many women testify that not just her mental health but also her physical health has deteriorated as a result of the ongoing stress, fear, and anxiety associated with housing evictions, and the resultant displacement.

All the women we spoke to, to some extent, described the ongoing mental anxiety that results from the threat and experience, of the loss of her home. Depression, anxiety, fear, and a lack of hope for the future were all common themes running through the interviews.

115. Interview carried out by Al-Maqdese staff on 25 May 2011.

116. Interview carried out by Al-Maqdese staff on 9 June 2011.

Aida Ahmad Al-Resheq stated:

It's very hard not to feel safe even in your house. We can't even support our children by giving them the feeling of security because we can't feel it ourselves... We don't sleep, we don't feel comfortable continuously being worried about what is going to happen. I'm afraid for my children and for my husband and I am afraid the house will be demolished. We shouldn't let our house be lost because it holds all our dreams and hopes; we should do everything to keep it... We share the same problems with our neighbours so when we talk about our situation we feel even worse, because it's like we remind ourselves of what is happening. We can't forget our problems, we try to but it's hard. Once you live in this situation you can't forget it, you eat the problems, and you breathe the problems, and there is always fear.¹¹⁷



Figure 12: Aida Ahmed Al-Resheq and her four daughters in their house in Al-Bustan, Silwan.
Source: Al-Maqdese Archive, taken by Iman Sharabati.

In addition to the mental anguish, many of the women described physical illness which they associated with the displacement. High blood pressure was a common problem, in addition to women stating they had lost hair, developed tumours, and experienced physical manifestations of the pain of the loss. Aida Ahmad Al-Resheq's husband had a heart attack after the Israeli forces came to their house¹¹⁸.

Enam Al Tawil described how the demolition of her house had a serious effect on her mental state. The experience of the demolition had such a serious effect on her nerves that she was rendered incapacitated, hospitalised and medicated¹¹⁹.

When asked about the effects of the demolitions on her health Rehab Moustafa Al-Jabri stated:

I have some problems with my eyes, diabetes, and problems with my nerves and blood pressure¹²⁰.

Many of the women stated that their children were most affected by the trauma of the displacement, and indeed the threat of it.

117. Interview carried out by Al-Maqdese staff on 5 June 2011.

118. Interview carried out by Al-Maqdese staff on 25 May 2011.

119. Interview carried out by Al-Maqdese staff on 9 June 2011.

120. Interview carried out by Al-Maqdese staff on 9 June 2011.

Noufouth Hammad tells of how her young grandchildren are affected:

My granddaughter dreams about the Israelis coming to take our house...One day, if it happens, and we have to leave our house it will make me very sad and angry. The children have seen what has happened to their friends who have been evicted; they say the Israelis will take their food and their toys. The child is very afraid, we keep on praying and asking god for help¹²¹



Figure 13: Nofouth Hammad and her granddaughters at their home in Sheikh Jarrah./ Source: Al-Maqdese Archive, taken by Iman Sharabati

Nadia Hanoun describes the ongoing effects on one of her daughters as such:

For the second year now I am having problems with my daughter, she has psychological effects and she is having problems in school¹²².

121. Interview carried out by Al-Maqdese staff on 25 May 2011.

122. Interview carried out by Al-Maqdese staff on 25 May 2011.

Al-Maqdese Psychologist Zeinab Kaloti says:

“Throughout my work I have worked with women suffering from the mental and physical effects of their home demolitions, some of them have been diagnosed with mental illness. Some suffered from Post-traumatic Stress Disorder (PTSD) showing symptoms such as anxiety, fainting, severe sweating and forgetfulness. Others suffered from Phobias, which presented themselves as extreme and abnormal fear when mentioning or seeing an Israeli soldier or member of the police force, this type of phobia is known as a ‘simple phobia’. Two women whom I met for treatment suffered from involuntary urination and one from Schizophrenia. One woman I treated suffered from Paranoid Schizophrenia which included the symptoms of suspicion, and auditory hallucinations while still others suffered from severe depression and anxiety.

Psychological treatment for these women was conducted through individual and collective sessions. The treatment enabled them to express their feelings, problems, and depression. It also focused on the idea of self-esteem and development of personal abilities. Cognitive therapy was also used with these women in an attempt to change the way they view themselves and others. Behavioural treatment including desensitization was also used. In cases of depression and anxiety expressive treatment through drama and paint was used.

In some cases the treatment I offered was not enough and there was a need for further medical treatment. In these cases I remained in contact with the psychiatrist to monitor the progress of the patient.”

6.7 Hope for the future

Many of the women we spoke to expressed fear about what the future will hold, and a justified distrust in the Israeli legal system to deal with their problems. They believe that the Israeli legal system is unjust and discriminatory, aiming to achieve political goals. They proclaim that they will stay in their houses no matter what happens, but there is also a tacit understanding that the administration they are fighting is discriminating against them, and is intent on removing them from their homes and land.

In the words of Aida Ahmad Al-Resheq:

No-one can really help us; it's only a matter of time. They have their own plan and they don't care about us, they don't ask about our loss because they don't really care. They want to demolish a neighbourhood of 1,500 people and 88 houses, 70% are women and children, these people won't be able to live¹²³.

The displacement of family members in 1948 was frequently recalled, and a determination that this loss of land and homes not be repeated. The case study of the Al-Sbagh family of Sheikh Jarrah clearly illustrates this feeling¹²⁴. In addition Hajar Arameen, the mother in law of Basima Arameen declared: *Whatever happens we will stay; it will not be like '48¹²⁵*.

Some of the women we spoke to also noted their futile engagement with international organisations and high profile individuals. The fact that even these organisations and people could do nothing to stop the Israeli authorities confiscating or demolishing their houses left them dejected.

Aida Ahmad Al-Resheq describes a meeting she had with Ex-US President Jimmy Carter.

We don't rely on any organisation because we know that Israel has broken all the laws and standards and they refuse to listen to any organisation. We complain to many people and international organisations, even people from the American Congress. I spoke to Jimmy Carter and he told me very clearly 'I don't promise you that I will be able to do anything but I promise that I will deliver your voice'. If he is telling me this I don't expect anyone else will be able to help me.

When he came, I met him in the morning, a few months ago, he also had a meeting with the head of the Municipality. They recorded my interview and when Jimmy Carter met the head of the Municipality he told him my story; we thought maybe they will have a different decision for us. After they met I got a threatening letter from the Municipality. Then I got a call from them; they said: 'Your message was delivered through Jimmy Carter and your crocodile tears that you cried, we don't believe them. Having your child sit on his lap won't make us change our decision'. At this point I got emotional and started crying and my husband took the phone. They told my husband: 'I promise you that we won't only demolish your house, we will make you build houses for us'. That week we had a surprise court session saying we should immediately demolish our house¹²⁶.

The engagement of the women and their family members with international organisations and their representatives has rendered them in many instances lacking faith in the international system, and the ability of any organisation or individual to help them. However some women stated their commitment to continue to build on their own land and not to give up.

123. Interview carried out by Al-Maqdese staff on 5 June 2011.

124. See Case Study at the end of the section.

125. Interview carried out by Al-Maqdese staff on 5 June 2011.

126. Interview carried out by Al-Maqdese staff on 5 June 2011.

Rehab Moustafa Al-Jabri declared her desire to rebuild her house even though it had already been demolished three times.

If they want to get us out of our grave we will resist that and fight them, we won't leave our houses or land... I wish that God will send some money; believe me I will build the house again. I wish the peace movement would build the house for me again. This time if they build it for me I won't get out of the house unless they kill me.

6.8 Case Study: Khadija Al-Sbagh and Nahed Al-Sbagh, Sheikh Jarrah, East Jerusalem¹²⁷

Sisters-in-law (their husbands are brothers) Khadija and Nahed Al-Sbagh live with their husbands and families in Sheikh Jarrah. Khadija lives with her husband, her married daughter and her three children, her two sons who are in university and two other daughters, altogether they are 10 in their house. Nahed lives with her husband and their 5 children in an adjacent house which is part of the same building, the oldest of their children is 22 and has just graduated from university, and the youngest is 9. The building they all live in was one of the buildings built by UNRWA in conjunction with the Jordanian government in the 1950s to accommodate refugees after the war of 1948. Since the 1970s there have been ongoing court cases in the area of Sheikh Jarrah with an Israeli organisation, the Sefardiem Jerusalem Society, claiming ownership of the land from before 1948 and demanding rent for the land on which the houses are built. The families refuse to pay the rent on the grounds that if they do they are admitting that the land does not belong to them. Khadija stated: *We are refusing to pay the rent because if we do we are telling them 'ok it is your land'. We understand that they want to take the whole land, as much as they can.*

In addition to the Israeli organisations claims of ownership and rent, the families also have building permit issues. The second story of Khadija's house and the entirety of Nahed's house lack Israeli planning permission. Nahed has so far escaped a fine but Khadija and her family are paying 90,000 NIS (\$26,000 or 700 NIS/\$200 per month) in fines in the hope of being able to keep their house intact. Khadija stated *Even if we pay this 700 shekels every month it is not clear whether we will be able to keep the house. We have to wait until the court decides, we have tried to apply for the license but still of course we don't get it. We applied for the license three years ago but they didn't give us any answer until now.*

These fines are crippling for families already on a low income. Khadija's husband works in the Israeli market but his work is not regular. She notes *every month they take 700 shekels from my husband's salary and then we have to pay the bills - the water, the electricity. This year we couldn't pay the Arnona because we didn't have enough money, we have other payments to make.* These financial problems have knock-on effects on the rest of the family: *one son in university had to miss a semester because we didn't have enough money to pay for him.* Further detailing the severity of their financial situation she states: *sometimes we eat but sometimes we don't. We try to do our best.* Both women stress the importance they place on the education of their children and their desire to be able to adequately provide for them.

These women and their families live adjacent to the house of Um Kamel Al-Kurd whose house was partly taken over by settlers in 1999, and the family evicted from the rest of their house in 2008. The families were witnesses to this horrific eviction of their neighbours and now live in extremely close proximity to five settler families who have taken over their neighbour's homes. Nahed recalled: *It happened in front of us. We saw how they evacuated the house at four in the morning. Umm Kamel Al Kurd, they evicted her from her house and we were all hoping that they won't do this. Since that day we are afraid that this might happen to us at any time and without any court order.*

The presence of the settlers causes ongoing stress and violence for the women and their families. Khadija states; *Now the children are not allowed to play around outside, they have to stay at home because it is not safe.* Nahed recalls an incident that occurred when

127. Interviews carried out by Al-Maqdese staff on 25 May 2011.

one of her children was very young *When my child was four she got in a fight with a settler child, the guard said he was going to arrest the child and take her to prison.*

The presence of armed guards further exacerbated the intimidation of the families. These guards however do nothing to protect the Palestinian families from the violence of the settlers. The women experience ongoing violence from the settlers including setting fires outside their doors and knocking on their doors in the middle of the night. In one instance Khadija was struck on the head by a settler and had to be brought to hospital. In the hospital she explained that she had been assaulted by a settler but no official report was filed. The attack occurred two years ago and Khadija still experiences fainting as a result of it.

The ongoing fear and anxiety has a serious effect on the wellbeing of the family. When asked about the health effects of the continuous stress Khadija mentions that she has high blood pressure and that she has had to have a tumour removed. Nahed describes how the family live in fear of the Israeli forces and settlers coming in the middle of the night, *When we hear noises in the middle of the night we think something is about to happen. They will bring the forces and do something scary. We don't sleep until 3 or 4 in the morning because we know that that is the time of the evacuations and this is why we don't really sleep. We don't turn off the lights at night. Our children don't like us to turn off the tv for example because they like the sounds of the voices, it's comforting. With all the Israeli guards and forces around us we leave the lights on to feel safer.* She also stresses the importance of her role as mother in holding the family together and protecting them, *the mother has to take care of everything and not transfer her fears to her family. She always has to show that she is stronger.*

In terms of a resolution to the situation the women are willing to fight but understand the discrimination inherent in the system. Khadija recalls the displacement of their parents and resolves to not end up in the same situation, *Whatever they do it won't stop us from staying here. We will face all of the problems and the troubles that we are having here but nothing will make us change our minds. Especially after what we saw when we were children, our parents had lost their homes, we will not be the same as them...They came to take the land, but it was us that were here before. Nahed points out, If there is going to be a decision on the land in Sheikh Jarrah the Judge shouldn't be Israeli, they won't give an objective decision; he will be of course helping his people. If we are actually forced out of our homes we don't have any alternative options. My children refuse to live behind the wall or in the West Bank, they want to stay in Jerusalem.*



Figure 14: The Israeli settlement beside the homes of Nahed and Khadija Al-Sbagh./ Source: Al-Maqdese Archive, taken by Iman Sharabati.



Figure 15: Khadija Al-Sabag in her house in Sheikh Jarrah./ Source: Al-Maqdese Archive, taken by Iman Sharabati

The women of East Jerusalem opened their hearts and homes to us to tell us their stories. In general, their stories were filled with frustration and anxiety, and a desire to find someone who would be able to assist them in defending their rights and by extension their homes. For these women the loss of the home is clearly about more than losing brick and mortar, it is about feeling secure and providing that sense of security for their children. It is about knowing that no matter what is happening outside they have somewhere to go to gather together and be a family. It is about having a place to create and keep safe memories. It is no surprise that these women are still wondering who is going to be able to help them; so many organisations talk about assistance and human rights and international law, but what good is such talk when your family still end up on the streets? These women deserve security for themselves and their families, as members of the human race they are imbued with rights and they deserve to be able to realise these rights. They want no more than they deserve; they want justice.

7. The legal framework governing the rights of women vis-a-vis home demolitions and forced displacement

The international community, including political, legal, and civil society institutions, has consistently condemned the Israeli administrations ongoing and relentless denial and violation of the rights of the Palestinian population, living under the shadow of their occupation, including in East Jerusalem. The abuses have been well documented, and the international legal framework is clear; however, the Israeli authorities' treatment of the Palestinian population, as second class citizens in their own land, has persisted unabated. In general, the Israeli administration has simply ignored demands from the various international actors to abide by their obligations; only occasionally arguing their position or even attempting to defend their actions in the occupied territories. The dispossessed and displaced women of East Jerusalem have rights, and are protected by the international legal framework. These regulations bind Israel and oblige the government to ensure adherence to the conventions¹²⁸. Through the use of these international legal documents the women of East Jerusalem can lobby the authorities to cease their illegal actions, and uphold their responsibilities.

7.1 The occupation of East Jerusalem under International Law

According to the UN Charter, the founding document of UN, which must be considered to be the most influential and powerful organisation in terms of international relations, members are obliged to refrain from carrying out acts of aggression, and are obliged to promote and uphold international security and peaceful relations between states. In particular, it declares that states "shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations"¹²⁹.

The UN has consistently denounced the Israeli occupation and annexation of East Jerusalem. The General Assembly, the Security Council, the Economic and Social Council, the Human Rights Council and the Commission on the Status of Women have continuously and vehemently decried Israeli persistence with the occupation, and their treatment of the population under their control. They have issued hundreds of resolutions, commissioned a huge number of reports and continuously demanded the cessation of the occupation and settlement activity in East Jerusalem, but to no avail¹³⁰. By way of example, in the immediate aftermath of June 1967 war, the United Nations General Assembly issued a resolution renouncing Israel's actions in East Jerusalem and demanding that they "rescind all measures already taken and to desist forthwith from taking any action which would alter the status of Jerusalem"¹³¹. Also, in August of 1980, in reaction to Israel's adoption of the Jerusalem Law, the Security Council issued a resolution stating that the law was

128. Israel is a party to the Geneva Conventions, signed 8 December 1949 and ratified 6 July 1951, the International Covenant on Civil and Political Rights, signed 19 December 1966 and ratified 3 October 1991, the International Covenant on Economic Social and Cultural Rights, signed 19 December 1966 and ratified 3 October 1991, the International Convention on the Elimination of all forms of Racial Discrimination, signed 7 March 1966 and ratified 3 January 1979, the International Convention on the Elimination of all forms of Discrimination Against Women, signed 17 July 1980 and ratified 3 October 1991, and the Convention on the Rights of the Child, signed 3 July 1990 and ratified 3 October 1991.

129. UN Charter, Chapter 1, Article 2

130. For a list of the UN documents dealing with Israeli actions in Jerusalem see <http://domino.un.org/unispal.nsf/res.htm>

131. A/RES/2253 (ES-V), 4 July 1967

illegal, Israel's attempted annexation of the territory was illegal and furthermore that any state that had established a diplomatic mission in the city should withdraw it¹³². Most recently, the General Assembly reasserted its stance on 30 November 2010, reaffirming its position on the issue of East Jerusalem, condemning the policy of housing demolitions, displacement and continued settlement and stating that "any actions taken by Israel, the occupying Power, to impose its laws, jurisdiction and administration on the Holy City of Jerusalem are illegal and therefore null and void and have no validity whatsoever and calls upon Israel to immediately cease all such illegal and unilateral measures"¹³³.

In general then it can be said that the international community, does not recognise united Jerusalem as the capital of Israel, views the annexation of East Jerusalem as illegal and as a result defines Israeli presence in the territory as one of belligerent occupation. It should be noted, that occupation is defined in the Hague Regulations¹³⁴ as such: "Territory is considered occupied when it is actually placed under the authority of the hostile army. The occupation extends only to the territory where such authority has been established and can be exercised"¹³⁵. Occupation is not inherently illegal, and can be considered as a natural consequence of war in some cases, but the way in which the occupied territory is administered and the treatment of the population is strictly regulated. Occupation was never envisaged as a permanent state of affairs, and was only supposed to occur until such time as a treaty was agreed between the opposing sides; the drafters of the Hague Regulations probably never envisaged a situation where an occupation would last for over 40 years, as is the case in Palestine.

In July 2004, the International Court of Justice issued the Advisory Opinion on the Wall¹³⁶, at the request of the General Assembly, to determine whether or not the construction of the Wall, separating the West Bank from Israel, violated international law. The court concluded that Israel was indeed an occupying power in the West Bank territory including East Jerusalem; it also expressly stated that Israel was obliged to apply the relevant and applicable tenets of International Human Rights and Humanitarian Law within the region. The International Court of Justice is considered one of the most authoritative judicial bodies in the world, and as such its interpretation of international law should be viewed with appropriate deference, however an Advisory Opinion such as this is not legally enforceable except at the discretion of the UN member states. The Court called on the UN and its member states to ensure implementation and adherence to the judgement and to take whatever action deemed necessary in accordance with the law. However, the construction of the Wall continues to this day, and as with other requests, judgements, demands, orders and pleas made to Israel, the Advisory Opinion has had very little actual impact in reality.

It is widely acknowledged that Israel is responsible for ensuring implementation of both the human rights treaties that they have acceded to and the applicable tenets of International Humanitarian Law, in the occupied Palestinian territories. It is therefore important to analyse what the relevant international legal documents say about the protection of the rights of women, what protections they should be afforded in situations of armed conflict and occupation and by extension what these legal provisions can do to improve the lives of the women affected by housing demolitions and forced displacement in East Jerusalem. If studied and understood correctly these legal tools can be utilised to highlight the plight of the women of Jerusalem and advocate for positive change; demands should be made of both the Israeli administration and of the international community as a whole. A study of the international legal framework evidences the disregard with which Israel views its legal obligations to the population of East Jerusalem and the women in particular.

132. S/RES/478, 20 August 1980.

133. A/RES/6530, 17/ November 2010.

134. Regulations Respecting the Laws and Customs of War on Land annexed to the Convention with respect to the Laws and Customs of War on Land (Hague IV) adopted 18 October 1907, entered into force 26 January 1910, (Hereinafter the Hague Regulations).

135. Hague Regulations, Article 42.

136. International Court of Justice, Legal Consequences of the Construction of a wall in the Occupied Palestinian Territories, Advisory Opinion, ICJ Reports 2004, p. 136.

7.2 Application of International Humanitarian Law

The most important documents of International Humanitarian Law, concerning Israeli occupation of East Jerusalem and the effects of its policy of housing demolitions on women, are the Hague Regulations the Fourth Geneva Convention¹³⁷ and the first Additional Protocol to the Geneva Conventions¹³⁸. While Israel is not a signatory of the Hague Regulations, it is widely considered that they form part of customary international law; this was stated at the Nuremberg trials and has been upheld in Israeli courts.¹³⁹ The Fourth Geneva Convention, on the other hand, was signed by Israel in 1949 and ratified in 1951, so they are bound by it through their own accession regardless of whether or not it is considered part of customary international law.

It is controversial in some circles, but the International Court of Justice has stated in reference to both the Hague Regulations and the Geneva Conventions that, “these fundamental rules are to be observed by all States whether or not they have ratified the conventions that contain them, because they constitute intransgressible principles of international customary law”¹⁴⁰. In reaction to this position Israel has espoused a number of arguments, including the ‘missing reversioner’¹⁴¹ theory, as to why the Fourth Geneva Convention is not applicable to their occupation of the land of Palestine. In a nutshell, the proposed hypothesis of this theory is that because there was no sovereign state of Palestine when the occupation occurred and Palestine was not a state party to the Geneva Conventions, that there is no ruling power for the administration to ‘revert’ to¹⁴². These arguments by the Israeli administration, to shirk their duties with regard to the territories, are generally disregarded and discredited in international legal circles.

The First Additional Protocol expands the protections afforded to victims of international armed conflicts, but requires the parties to the conflict to have ratified it which neither Israel nor Palestine have; however, some articles, such as Art. 75 which deals with fundamental guarantees, are recognised as being part of customary law and as such must be adhered to regardless of signatory. In the absence of any other protection, this article establishes the minimum standards to be adhered to in International armed conflicts¹⁴³, if it is agreed that it is part of customary international law then it could be argued that the minimum standards should be applied as the basic rules in any situation of conflict.

137. The Geneva Convention Relative to the Protection of Civilian Persons in Time of War, adopted 12 August 1949, entered into force 21 October 1950.

138. Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977.

139. See Lara Liebman, From Nuremberg to Bosnia: Consistent Application of International Law, *Cleveland State Law Review*, (42), 1994 and Human Sciences Research Council, *Occupation, Colonialism, Apartheid? A re-assessment of Israel's practices in the occupied Palestinian territories under international law*, Middle East Project of the Democracy and Governance Programme, May 2009.

140. International Court of Justice, *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion, ICJ Reports, 1996, p. 226, ¶ 79

141. Yutaka Arai-Takahashi, *The Law of Occupation, Continuity and Change of International Humanitarian Law, and its Interaction with International Human Rights Law*, Martinus Hijhoff Publishers, 2009, p. 49

142. *Id.* p. 47.

143. Jean S. Pictet, *The Geneva Conventions of 12 August 1949, Commentary*, International Committee of the Red Cross, 1958, ¶ 3001.

7.2.1 Annexation of East Jerusalem

The status of East Jerusalem under International Humanitarian Law is the same as the rest of Palestine, but the arguments used by Israel to refute it are somewhat different. Israel asserts that because of the passing of laws to annex the territory, such as Amendment 11 to the Law and Administrative Ordinance of 1948, which entered into force in 1967 and allows Israel to exercise control over Jerusalem; and the Basic Law of 1980, establishing “Jerusalem, complete and united, is the capital of Israel”, that the laws of occupation no longer apply to the city. The commentaries of the Fourth Geneva Convention expressly state that “an Occupying Power continues to be bound to apply the Convention as a whole even when, in disregard of the rules of international law, it claims during a conflict to have annexed all or part of an occupied territory”¹⁴⁴. Ostensibly, the occupation of the territory can appear to be part of the sovereign territory of the occupying power, but this is not the case and the occupying power has no right to dispose of the property of the occupied territory.

This type of conquest of territory is prohibited under international law according to Art. 2 (4) of the United Nations Charter, The Declaration on the Granting of Independence to Colonial Countries and Peoples¹⁴⁵, and the Declaration on Principles of International Law concerning friendly relations and co-operation among states¹⁴⁶.

In summary, it has been established that, contrary to Israeli protestations, the Fourth Geneva Convention, the Hague Regulations and some of the provisions in the First Additional Protocol apply to the ongoing occupation of the Palestinian territories. There are a large number of articles in each of these documents that deal directly and indirectly with the treatment of women and the protection of the property of protected persons. The women of East Jerusalem have rights under these treaties, and the Israeli authorities have legal obligations towards them.

The relevant law can be considered in terms of the particular areas of women’s lives affected by housing demolitions and displacement in East Jerusalem; namely, personal safety; displacement and housing rights; access to livelihood, education and healthcare; and the maintenance of family links. The general rule as stated in the Hague Regulations is that “Family honour and rights, the lives of persons and private property, as well as religious convictions and practice, must be respected” and the occupying power must “ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented the laws in force in the country”¹⁴⁷. This is to ensure that the lives of the civilian population are not disrupted more than is absolutely necessary, in anticipation of the end of the occupation, and a return to normal peacetime activity. It is clearly evidenced by Israeli actions in East Jerusalem that they never had any intention of adhering to these regulations, or of ceasing the occupation of East Jerusalem. The rights of the population have been routinely abused since the beginning of the occupation, and the legal status of the region was fundamentally altered by the Israeli annexation and expansion plan.

144. Jean S. Pictet, *The Geneva Conventions of 12 August 1949, Commentary*, International Committee of the Red Cross, 1958, p. 276.

145. The Declaration states that «the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights, is contrary to the United Nations Charter, and is an impediment to the promotion of world peace and cooperation» and that “Immediate steps shall be taken, in Trust and Non-Self-Governing Territories or all other territories to which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom» A/RES/1514 (XV), of 14 December 1960.

146. “Every State has the duty to refrain in its international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations. Such a threat or use of force constitutes a violation of international law and the Charter of United Nations shall never be employed as a means of settling international issues” A/RES/42/22 of 18 November 1987.

147. The Hague Regulations, Article 46 and Article 43 respectively.

7.2.2 Protection of women under IHL

Women are explicitly safeguarded in the Geneva Conventions. Pregnant women and the mothers of very small children are seen to be particularly vulnerable, and as such are specifically mentioned as the beneficiaries of an increased level of protection¹⁴⁸. For all protected people the minimum standard to be adhered to is set out in common Art.3 of the Geneva Conventions and Art. 75 of the First Additional Protocol. They provide that any person, not taking part in active combat, will in all instances be treated humanely and will not be discriminated against on the grounds of race, colour, religion, gender, wealth or any other similar criteria. These articles further state that some actions are prohibited in all circumstances including “(a) violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture, (b) taking of hostages, (c) outrages upon personal dignity, in particular humiliating and degrading treatment, (d) the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples”¹⁴⁹.

In recognition of their particular vulnerability in situations of war and occupation, specific protection for women is provided for in Art. 27 which states that “women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault”. In general civilian populations living under occupation are to be protected from any “measures of brutality whether applied by civilian or military agents”¹⁵⁰, this provides protection for the population of East Jerusalem not only from attacks from the security forces of the Israeli state but also from attacks from the settlers in the area and their private security firms.

7.2.3 Population displacement

The Fourth Geneva Convention also expressly prohibits the displacement of the local population. The forced movement of persons either into or out of the area under occupation is forbidden by Article 49 of the Convention. The article provides that the forced transfer of civilians, either within occupied territory or outside of it, to another state is prohibited, except in cases where it is necessary for the security of the population, or vital military reasons require it. It can be noted from the wording of the provision that this kind of displacement of the population is only to occur when absolutely necessary, and not arbitrarily to serve the interests of the occupying power. It is quite clear that since 1967 there has been no military imperative to move the men, women and children of East Jerusalem from their homes, and it certainly cannot be argued that the agents of the state would have to remove families in the interest of their own safety. In addition to moving protected persons from their homes and land, this article also prohibits the transfer of its own civilian population into occupied territory. As the Commentary on the Convention states, the purpose of this paragraph was to prevent the occupying powers from transferring “portions of their own population to occupied territory for political and racial reasons or in order...to colonize those territories”¹⁵¹. This is exactly the reasoning behind Israeli settlement activities; seize the land to establish Israeli facts on the ground and by doing so strengthen their claim to the territory. The Commentaries also point out the threat presented, by such population transfers, to the economic situation within the territory under occupation, and the damage that it can do to the social balance¹⁵².

148. For example pregnant women are specifically mentioned in the Fourth Geneva Convention, Articles 14, 16, 23, 38, 50, 89, and 132.

149. Common Article 3 see also Additional Protocol I, Article 75

150. Fourth Geneva Convention, Article 42.

151. Jean S. Pictet, *The Geneva Conventions of 12 August 1949*, Commentary, International Committee of the Red Cross, 1958, p. 283.

152. *Id.* Article 49, 6

7.2.4 Acquisition or destruction of private property

According to the law, it is also prohibited to confiscate or destroy the private property of the population suffering under the occupation. Art. 46 of the Hague Regulations simply states “Private property cannot be confiscated” while Art. 53 of the Fourth Geneva Convention expressly prohibits “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... except where such destruction is rendered absolutely necessary by military operations”. The ongoing and routine destruction of houses in East Jerusalem is well documented and cannot be denied. As evidenced in the previous sections, the Israeli authorities have systematically implemented a policy of housing demolitions and seizures in the neighbourhoods of East Jerusalem. This practice is in direct contravention of their commitments under the law.

Indeed, the Fourth Geneva Convention lists the “extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly” as a grave breach, and as such other States Parties to the convention are obliged to act to punish such acts and hold to account those responsible¹⁵³. As the Commentary points out there are “three essential obligations laid upon each Contracting Party with regard to prosecuting grave breaches of the convention: to enact special legislation; to search for persons alleged to have committed breaches of the Convention; to bring such persons before its own courts or, if it prefers, to hand them over for trial to another High Contracting Party concerned”¹⁵⁴. This in practice means that not only are State parties to the convention enabled to prosecute abuses, but in fact they are duty bound to do so when they are aware that grave breaches are occurring or have occurred.

7.2.5 Protection of health, education, employment and family life

The health of the civilian population is considered of paramount importance and is given extensive protection under IHL. There are a whole range of articles in the Fourth Geneva Convention that protect the various institutions and personnel considered vital for treating the medical needs of the civilian population of occupied territory¹⁵⁵. It is not such a stretch to state that, when you combine the prohibition on violence against civilians, with the multitude of provisions on healthcare, that it is clear that any actions, such as housing demolitions, that negatively impact the health of the civilian population, are prohibited. Article 16 states that “the wounded and sick, as well as the infirm and expectant mothers, shall be the object of particular protection and respect”.

IHL also provides protection for other aspects of women’s lives negatively affected by housing demolitions and displacement. Access to education¹⁵⁶ and employment¹⁵⁷ should be recognised as being vital for the maintenance of social order and the status quo of the area under occupation. These opportunities should not be tampered with by parties to the conflict or occupation, and to reiterate the general ethos of the Convention, the daily lives of the civilian population should be disturbed as little as possible. This also applies in terms of family relations; there is a whole range of provisions whose aim is to ensure that families are not unnecessarily separated, and that correspondences can be maintained and facilitated. These directives even regulate for protected persons who have been interned¹⁵⁸. Collectively, these articles illustrate the importance placed by the

153. GCIV, Article 147

154. Jean S. Pictet, *The Geneva Conventions of 12 August 1949, Commentary*, International Committee of the Red Cross, 1958, Article 146

155. GCIV Articles 16-23, 50, 55, 56, 59.

156. GCIV, Articles 24 and 50

157. GCIV, Articles 39 and 52

158. GCIV, Articles 106, 107, 128

drafters of the convention on the maintenance of family structures and bonds. By way of example, Article 25 states that, “all persons in the territory of a Party to the conflict, or in a territory occupied by it, shall be enabled to give news of a strictly personal nature to members of their families, wherever they may be and to receive news from them”. The forced displacement of families in East Jerusalem, in many instances, can be seriously damaging to the preservation of these relationships, especially in situations where families are forced to move out of their neighbourhoods to find alternative accommodation.

In summary, International Humanitarian Law vehemently prohibits interference with the property of the civilian population except in exceptional circumstances, where military necessity or public order requires some form of intervention. Women caught in conflict, or under the control of an occupying power, should be afforded special protection, especially where she is either pregnant or caring for small children; these women are recognised as being particularly vulnerable. Other basic rights affected by housing demolitions and the ensuing displacement, for example access to education, employment and family members are also protected by the Fourth Geneva Convention. The Israeli authorities have routinely neglected and disregarded their obligations under International Humanitarian Law.

7.3 Application of International Human Rights Law

The continued relevance and application of Human Rights Law in areas of conflict and occupation is now almost universally recognised, subject only to derogation provisions as specifically mentioned in the treaties themselves¹⁵⁹. While there has been some disagreement on whether or not International Humanitarian Law replaces Human Rights Law in situations of occupation, it is now generally accepted that both legal frameworks apply, and in situations where they are at variance preference is given to the provisions of IHL, as the *lex specialis*¹⁶⁰. The international human rights framework recognises a right to housing, vehemently denounces discrimination, and consistently upholds the equality of women. In general it is stated that “no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation” and that “everyone has the right to the protection of the law against such interference or attacks”¹⁶¹. Indeed the family is recognised as being the fundamental unit of the state, and as such deserves special recognition and protection¹⁶². A home is considered vital for the development and protection of the family, and for their realisation of the whole spectrum of their rights as individuals and as an interrelated unit. The Israeli state, as a signatory of the covenants, has a duty to the people under its control to respect, promote, protect and fulfil their rights.

7.3.1 Non-discrimination

One of the most basic principles underlying the entire Human Rights Law framework is that of non-discrimination. Generally this discrimination is described in terms of “race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”¹⁶³. This condemnation and prohibition of discrimination are expanded on and developed in other treaties with a more specific focus, namely the International Convention on the Elimination of all forms of Racial Discrimination (CERD), and the International Convention on the Elimination of all

159. for example Article 4 of the International Covenant on Civil and Political Rights.

160. This simply means that a law that governs a specific issue will overrule a law that only deals with that issue generally.

161. ICCPR, Article 17

162. UN Declaration on Human Rights, Article 16.

163. ICCPR Article 2.1, ICESCR Article 2.2, CRC Article 2.1

forms of Discrimination Against Women (CEDAW). These two conventions taken together vehemently proscribe the abuses perpetrated in East Jerusalem.

The women in East Jerusalem experience discrimination on two different levels, firstly as Palestinians and secondly as women. As previously stated, the municipality controlling the occupation of Jerusalem has a clearly evident policy of systematic and routine discrimination against the Palestinian population, in furtherance of their settlement agenda. This has a disproportionate effect on women, as the home is considered to be the centre of their social sphere and the place where their work is carried out. The discriminatory nature of the Israeli policies in East Jerusalem are evidenced by the lack of vital urban plans to facilitate the natural growth of Palestinian areas, the chronic lack of infrastructure and social services in the area, the lack of available funding for municipal projects, the continuing expansion of settlements, and most seriously the routine practice of destroying homes and displacing the population.

It has been estimated that 85% of the building violations occurring in Jerusalem are carried out by Israeli citizens in the west of the city but 91% of the administrative demolitions carried out by the authorities are carried out in the East¹⁶⁴. These statistics paired with the fact that 67% of Palestinians in Jerusalem live below the poverty line in comparison with only 23% of Jewish families¹⁶⁵, illustrates that through direct and indirect actions on the part of the authorities a policy of discrimination is clearly visible in the administrative procedures of the Jerusalem Municipality. The discrimination is also evidenced by the lack of resources invested in the local infrastructure, one example of this is that “90 percent of the sewage pipes, roads, and sidewalks are found in West Jerusalem” and entire Palestinian neighbourhoods are left without adequate sanitation facilities¹⁶⁶. The construction of public facilities such as schools, community centres, health clinics etc. by the Municipality in the Palestinian areas has also been negligible.

The Human Rights Committee has directed, in its concluding comments on the third Israeli periodic report, that they are “concerned at frequent administrative demolition of property, homes and schools in the West Bank and East Jerusalem owing to the absence of construction permits, their issuance being frequently denied to Palestinians. Furthermore, it is concerned at discriminatory municipal planning systems, in particular in “area C” of the West Bank and in East Jerusalem, disproportionately favouring the Jewish population of these areas”¹⁶⁷. Zoning plans, the building permit application system and indeed the lack of infrastructural development all conspire to ensure that Palestinian neighbourhoods cannot flourish in East Jerusalem. States parties to CERD have a positive obligation on them to ensure that policies and legislation, enforced by the state, do not result in discrimination against any particular group; there is also an onus on them to ensure that racial inequality and prejudice are not perpetrated by individuals, groups, or organisations within the state¹⁶⁸.

164. 2004 data from Centre On Housing Rights and Evictions, Second Quarterly Report: Violations of the right to adequate housing in the occupied Palestinian territory, April-June 2009, p.3.

165. Jerusalem Institute for Israel Studies, Statistical Yearbook 2007/08, Standard of Living and Welfare, Table 2. Extent of Poverty in Jerusalem by Religion and Family Characteristic, at http://jiis.org/upload/yearbook/2007_8/shnaton%20F0206.pdf

166. B'Tselem, East Jerusalem, Neglect of infrastructure and services in Palestinian neighbourhood, at http://www.btselem.org/english/jerusalem/infrastructure_and_services.asp

167. Human Rights Committee, Concluding Observations-Israel, Geneva, 12–30 July 2010, Ninety-ninth session, CCPR/C/ISR/CO/3, 3 September 2010.

168. ICERD Article 2

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:

- (a) The right to **equal treatment before the tribunals and all other organs administering justice;**
- (b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution;
- (c) Political rights, in particular the right to participate in elections-to vote and to stand for election-on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;
- (d) Other civil rights, in particular:
 - (i) The right to **freedom of movement and residence** within the border of the State;
 - (ii) The right to leave any country, including one's own, and to return to one's country;
 - (iii) The right to nationality;
 - (iv) The right to marriage and choice of spouse;
 - (v) The right to **own property** alone as well as in association with others;
 - (vi) The right to **inherit;**
 - (vii) The right to freedom of thought, conscience and religion;
 - (viii) The right to freedom of opinion and expression;
 - (ix) The right to freedom of peaceful assembly and association;
- (e) Economic, social and cultural rights, in particular:
 - (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;
 - (ii) The right to form and join trade unions;
 - (iii) The right to **housing;**
 - (iv) The right to public health, medical care, social security and social services;
 - (v) The right to education and training;
 - (vi) The right to equal participation in cultural activities;
- (f) The right of access to any place or service intended for use by the general public, such as transport hotels, restaurants, cafes, theatres and parks.

Article 5 of CERD (above) is a useful tool to highlight the extent of the illegality of Israeli actions in East Jerusalem. All of the rights listed are to some extent denied to the beleaguered Palestinian population of Jerusalem. The equal treatment before organs administering justice is clearly disregarded by the different judicial and governmental committees that sanction the destruction of the houses in Jerusalem; in the overwhelming majority of cases these orders are issued against Palestinian residents of East Jerusalem. The right to freedom of movement and residence is contravened by the difficulties involved in both receiving a building permit, and attaining residence permits for spouses and children of Jerusalemites. The ownership and residence rights of the Jerusalemites are denied to them through the illegal and discriminatory policies implemented by the Israeli administration.

7.3.2 Right to housing

The right to housing is most expressly mentioned in the International Covenant on Economic Social and Cultural Rights in Art. 11. This article states “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”. The UN Committee on Economic, Social and Cultural Rights has issued two General Comments, to expand on this article, and clarify the extent of the protections provided for. The Committee recognises that the right to housing is intimately connected to the enjoyment of all other economic, social and cultural rights. It is pointed out that this provision is not simply providing for basic shelter for people; emphasis needs to be put on the term adequate and it is stated that “it should be seen as the right to live somewhere in security, peace and dignity”¹⁶⁹. Adequacy also embodies such concepts as legal security of tenure; availability of services, materials, facilities and infrastructure; affordability; habitability; accessibility; location; and cultural adequacy¹⁷⁰. States have an onus on them to implement comprehensive housing strategies and ensure, in so far as it is possible, that housing is accessible for all residents in their countries. The general comment also dictates that states must ensure the existence of appropriate legal remedies for violation of the right, as of fundamental importance, in particular for instances of forced eviction, house demolition, and allegations of discriminatory policies.

The Committee has also issued a general comment dealing specifically with forced evictions. General comment no. 7 defines forced evictions as “the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision of, and access to, appropriate forms of legal or other protection”¹⁷¹. The state is required not only to refrain from itself carrying out arbitrary evictions, but is also directed to prevent third parties from participating in such actions. The signatories of the convention are also under an obligation to ensure that there is an adequate legal framework to safeguard the people, under their protection, from forced evictions. The evictions and demolitions in East Jerusalem are carried out with the express direction of the legal system, and they are sanctioned by the Israeli administrative organs. This means that there is no adequate recourse to justice for the victims because the system is inherently biased against them.

169. Committee on Economic Social and Cultural Rights, General Comment 4: the right to adequate housing, E/1992/23, 13 December 1991, 7.

170. Id.

171. Committee on Economic Social and Cultural Rights, General Comment 7: the right to adequate housing, forced evictions, E/1998/22/annex IV, 20 May 1997, 3.

Women are identified as being particularly vulnerable, and as such more affected by the execution of forced evictions. The Committee has stated “Women in all groups are especially vulnerable given the extent of statutory and other forms of discrimination which often apply in relation to property rights (including home ownership) or rights of access to property or accommodation, and their particular vulnerability to acts of violence and sexual abuse when they are rendered homeless”¹⁷². As such particular attention and protection must be afforded to women in these situations.

In addition, the Special Rapporteur on Adequate Housing has issued a number of reports and recommendations on the specific effects of the lack of adequate housing on women¹⁷³. He again highlights the particular vulnerability of women with regard to housing and land rights, and denounces the continued existence of *de jure* and *de facto* discrimination. In addition to the previously mentioned criteria outlined in General Comment 4 the Special Rapporteur recognises the importance of “access to land, water and other natural resources; freedom from dispossession, damage and destruction; access to information; participation; resettlement, restitution, compensation, non-refoulement and return; privacy and security; access to remedies; education and empowerment and freedom from violence against women”¹⁷⁴.

7.3.3 Freedom from violence

House demolitions are often preceded by, and accompanied with, the occurrence of violence and intimidation, both on the part of Israeli security forces, including both police and military personnel, and in some cases Israeli citizens. The UN Declaration states that every person “has the right to life, liberty and security of person”¹⁷⁵. This protection from violence is reiterated in the ICCPR in Article 9 and although the Israeli state has a declared state of emergency (since 1948) and as a result has derogated from this article they can only do so “to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination”¹⁷⁶.

The Committee of CEDAW has issued two general recommendations dealing with the problem of violence against women¹⁷⁷. The Committee defines gender based violence as being violence that, “is directed against a woman because she is a woman or that affects women disproportionately”¹⁷⁸. It includes but is not exclusive to, “acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty”¹⁷⁹. Women can be seen to be particularly vulnerable to the violence associated with housing demolitions and forced evictions, because of the fact that they are frequently home alone in the house during the day, and because their daily lives and familial duties generally centre around the home. The mental and physical suffering and anguish experienced by these women as a result of the loss of their homes qualifies as violence perpetrated against them, and the Israeli authorities have an onus on them to put an end to it.

172. *Id.* (General Comment 7) 10

173. Economic and Social Council, Women and adequate housing: Reports by the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination, Miloon Kothari, E/CN.4/2006/118; E/CN.4/2005/55; and E/CN.4/2003/55

174. *Id.* E/CN.4/2006/118, 27 February 2006, 11

175. Article 3

176. Article 4 ICCPR

177. Committee of CEDAW, General Recommendation 12-Violence Against Women, Eighth Session, 1989, and General Recommendation 19-Violence Against Women, Eleventh Session, 1992

178. Committee of CEDAW, General Recommendation 19-Violence Against Women

179. *Id.*

In 2005 the Special Rapporteur on Violence Against Women issued a country specific report on the occupied Palestinian Territories. In it she details the most pertinent issues affecting women in the area, resulting from both the occupation and the societal structure and norms¹⁸⁰. She cites house demolitions as one of the most destructive actions taken by the Israeli authorities, and one of the policies most affecting women. She notes: “Women are particularly burdened in having to adjust to new conditions when their homes are destroyed”¹⁸¹.

7.3.4 Freedom of movement and residence

The Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights establish the right to freedom of movement¹⁸². They state that everyone, legally present within a state, has the right to move freely and choose their residence. The article does allow for instances where the right can be curtailed, but as with other provisions of International Human Rights Law they can only occur in exceptional circumstances and the derogations are subject to regulation¹⁸³. The Human Rights Committee has stated that people cannot be forbidden from living or be forced to live in any part of the states territory and that there cannot be disproportionate administrative processes involved in changing residence¹⁸⁴. It has also pointed out the importance of the recognition and fulfilment of these rights with regard to women¹⁸⁵.

Any restriction on the movement of the population must be proportionate and indiscriminate. The committee has stated that the restrictions “must be the least intrusive instrument amongst those which might achieve the desired result; and they must be proportionate to the interest to be protected”¹⁸⁶. This means that any actions taken by the authorities that negatively affect the movement or residency rights of any person lawfully present on the territory must be in the interest of serious security, health, or morality concerns or to protect the fundamental rights of the wider population.

Israel has made it exceedingly difficult for Palestinians to exercise their right of residence in East Jerusalem. Legally Jerusalem is considered part of the occupied Palestinian territories, but the Israeli purported annexation of the territory has meant that it is necessary for any Palestinian, wishing to live in East Jerusalem, to have a particular type of ID, available only from the Israeli authorities. Israeli control over who can reside in East Jerusalem makes it difficult for people with a Jerusalem residency permit to relocate somewhere else for fear that they will lose it in their absence. The denial of housing permits, and the resulting demolition of structures that are deemed to have been constructed illegally, are evidence of the ways in which the Israeli authorities are trying to prevent Palestinians from residing in Jerusalem. This policy is in direct contravention of the statements of the Human Rights Committee.

180. Integration of the Human Rights of Women and the Gender Perspective: Violence Against Women, Report of the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk, Addendum: Mission to Occupied Palestinian Territory, E/CN.4/2005/72/Add.4, 2 February 2005.

181. Id. p. 10.

182. Article 13 UDHR and Article 12 ICCPR

183. Article 12 (3) ICCPR

184. Human Rights Committee, General Comment No. 27-Freedom of Movement, CCPR/C/21/Rev.1/Add.9, 2 November 1999, para. 7 and para. 17

185. Id. 6

186. Id. 14

7.3.5 Right to employment, health and education

Whole spectrums of other rights, outlined in the international conventions, are negatively affected by the destruction of houses and the displacement of families in East Jerusalem. Rights are interconnected and interrelated, and the violation and infringement of one right can have a knock on effect on a large number of others. The rights of women to access employment¹⁸⁷, and education¹⁸⁸, and to experience good physical and mental health¹⁸⁹, amongst other things, are severely affected by the disruption, displacement and chronic emotional stress caused by housing demolitions and forced displacement. Article 10 of the International Covenant on Economic Social and Cultural Rights provides that in general “the widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children”. The home as the natural base for the family, essential for the development of the rights of the family, should then be considered sacrosanct and afforded protection by the state. As previously pointed out, the destruction of the home causes upheaval in the lives of the family, causing them to miss out on work and educational opportunities, and seriously damaging the health of the family members.

The international human rights framework provides recognition and legal protection for the rights of people around the world. While states are obliged to promote protect and fulfil the rights set out in the conventions, there is no international enforcement agency to ensure that they do so. States submit reports to the various committees, and the committees and the Special Rapporteurs carry out country and issue specific investigations; General Comments are published and recommendations are made to the states concerned, which the governments are expected to abide by and implement. All of these measures have been taken with regard to East Jerusalem, and the ongoing destruction of property and displacement of people, but the abuse of the fundamental rights of Arab residents of East Jerusalem continues. A large number of UN agencies and INGOs have issued reports outlining violations, and expressed their criticism of Israeli practices, but in the absence of any real practical action the reports are in fact just rhetoric. This is not to say that the continued use of the international legal framework is futile, just that more states need to recognise the reality on the ground and bring political pressure to bear in a more real and substantive way.

7.4 International Criminal Law

The International Criminal Law system allows for individual criminal responsibility for serious breaches of international law; namely genocide, war crimes, crimes against humanity and the crime of aggression¹⁹⁰. The Rome Statute of the International Criminal Court, in Article 8(2)(a)(iv) lists the “extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly” as a war crime and as such the court has the ability to prosecute individuals for carrying out acts in contravention of it. It is important to point out that Israel is not a party to the ICC, but it serves to illustrate that this type of policy of destruction and displacement is considered by the international legal community to be one of the most serious to be carried out in situations of war and occupation, and as such warrants prosecution¹⁹¹.

187. Article 6 ICESCR,

188. Article 13, ICESCR,

189. Article 12 ICESCR,

190. As of yet the crime of aggression has yet to be legally defined.

191. Entered into force on 1 July 2002. Article 8(2)(a)(iv) lists “Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly” as a war crime. Article 13 of the statute allows the Security Council to refer cases to the court that otherwise do not fall under its jurisdiction. If a case is referred to the ICC by the Security Council all UN states are required to

On 22 January 2009, the Palestinian National Authority submitted a statement to the Registrar of the Rome Statute under Article 12(3) in which they recognised the jurisdiction of the International Criminal Court in the Palestinian Territories. This declaration has incited intense debate amongst international jurists, and the Office of the Prosecutor has yet to release their finding and position on the issue¹⁹².

It can be argued that the Israeli policy of intimidating and expelling the population of East Jerusalem through the destruction of their homes, displacing them and rescinding their residency permits can be referred to as ethnic cleansing. This concept, while it lacks any legal definition, was described by a Commission of Experts in a report to the UN Security Council as such “rendering an area ethnically homogenous by using force or intimidation to remove persons of given groups from the area. ‘Ethnic cleansing’ is contrary to international law”¹⁹³. A recent report from Richard Falk the Special Rapporteur on the situation of human rights in the Palestinian territories, occupied since 1967, states “[t]here is no question that, with its policy of Palestinian expulsion and dispossession in Jerusalem, Israel continues to be responsible for a gradual, incremental, yet cumulatively devastating policy designed to achieve the ethnic cleansing of Palestinians”¹⁹⁴. While ethnic cleansing is not specifically recognised as an international crime, the practices integral to achieving its purpose, i.e. large scale population transfer under particular circumstances does constitute a war crime.

Article 13 of the ICC statute allows the Security Council to refer cases to the court that otherwise do not fall under its jurisdiction. If a case is referred to the ICC by the Security Council all UN states are required to cooperate with the court. This has recently happened in the case of Libya, when the Security Council unanimously voted to refer the case to the Office of the Prosecutor¹⁹⁵. This is unlikely to happen in the case of Israel because of their strong political ties to the United States, who has a permanent seat on the Security Council complete with the accompanying power of veto.

Israeli actions in East Jerusalem, and the greater area of Palestine, are contrary to International Criminal Law, and as such justice would dictate that the individuals most responsible for the planning and carrying out of such policies should be held to account. However, in the absence of any concerted effort on the part of the international community, this is not possible. The Israeli government is not going to accede to the International Criminal Court because it understands the risk posed to high level politicians, especially in light of the ongoing condemnation of their actions by the international community, in theory if not actually in practice.

7.5 Israeli Law

While the occupation, annexation and administration of East Jerusalem by the Israeli state is illegal under international law, the facts on the ground are such that Israeli law is applicable in the area. Palestinian residents might be reticent about invoking the law of the Israeli state on the basis that such recognition of the law lends some form of legitimacy to the occupation; however, this should not necessarily be the case. Israeli control of East Jerusalem has been denounced as illegal, but until such time as the situation is rectified the Palestinian population can use the states own laws to realise

cooperate with the court. This is unlikely to happen in the case of Israel because of their strong political ties to the United States, who have a permanent seat on the Security Council and an accompanying power of veto.

192. International Criminal Court, Office of the Prosecutor, Palestine at <http://www.icc-cpi.int/Menu/ICC/Structure+of+the+Court/Office+of+the+Prosecutor/Comm+and+Ref/Palastine/>

193. Final Report of the Commission of Experts, Established Pursuant to Security Council Resolution 780 (1992), S/199427 ,674/ May 1994.

194. Human Rights Council, Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967, Richard Falk, A/HRC/16/72, 10 January 2011, 19.

195. S/RES/1970 (2011).

their rights and fight the discrimination inherent in the occupation. In many cases the Palestinian population attempt to invoke Israeli law to protect their homes and defend their housing rights, but with limited positive results due to discriminatory policies and treatment.

The declaration of the state of Israel provided that the new state would “ensure complete equality of social and political rights to all its inhabitants irrespective of religion, race or sex; it will guarantee freedom of religion, conscience, language, education and culture; it will safeguard the Holy Places of all religions; and it will be faithful to the principles of the Charter of the United Nations”¹⁹⁶. However the Israeli Supreme Court has ruled that the Declaration cannot be utilised to affect or coerce the law making activities of the Knesset; the Declaration is not legally enforceable and has only persuasive authority in a court of law; it outlines the basic principles of the state at its time of inception but cannot be relied on¹⁹⁷.

In the absence of a written constitution the Israeli state has attempted to legislate to include normative human rights values into their domestic legal system with the Basic Laws adopted in 1992. The Basic Law on Human Dignity and Liberty seems, on the face of it, to preserve the property rights of all people within the state; for example section 3 provides that “there shall be no violation of the property of a person”, and 7(b) states “there shall be no entry into the private premises of a person who has not consented thereto”. However this law while prima facie upholding international human rights norms, includes the idea of Israel as a Jewish and democratic state, and in addition does not apply to legislation already in force when the law was passed.

The housing demolitions in East Jerusalem are carried out with the veneer of legality according to Israeli law. The use of pieces of legislation such as the Absentee Property Law, discriminatory planning policies, and administrative and judicial demolition orders (as mentioned in Section 4), to legitimise the destruction of houses in East Jerusalem mean that the access to redress and protection from the illegal activities of the authorities is impossible. The Israeli courts, as a fundamental organ of the occupation authority, will serve the state which it represents, in the vast majority of cases. As Al-Haq have stated in a recent report “Instead of applying established international legal standards and embodying the role of an independent and impartial judiciary, the court has consistently chosen to support the political motivations of the Israeli government”¹⁹⁸.

While any demolition order can be appealed through the Israeli courts, the process is prohibitively expensive and may take years. In reality, the most the homeowner can hope for is that the demolition order will be delayed or put on hold, subject to payment of a fine to the municipality. No order has ever been overturned at the courts direction¹⁹⁹.

So much of the law itself, and the legal institutions and processes of the Israeli state, can be viewed as being inherently discriminatory because of the policies to further Zionism and the Jewish cause, which form the basis of the Israeli State. This pervasive racism in the system makes it incredibly difficult, if not somewhat futile, for the Palestinian natives of East Jerusalem to attempt to realise and defend their housing rights through the Israeli court system.

196. The Declaration Of The Establishment Of The State Of Israel, May 14 1948.

197. Dr. Yvonne Schmidt, *Foundations of Civil and Political Rights in Israel and the Occupied Territories*, GRIN Verlag, 2001, Chapter 3.

198. John Reynolds, *Legitimising the Illegitimate: The Israeli High Court of Justice and the Occupied Palestinian Territory*, Al-Haq, 2010, p. 24.

199. ICAHD, *East Jerusalem Demolitions*, at http://www.icahd.org/?page_id=5374

7.6 Legal Conclusions

In summary, the international legal framework applicable in East Jerusalem, and the obligations of the Israeli authorities with regard to the Palestinian population, can be considered predominantly in terms of both International Humanitarian Law and Human Rights Law. The systematic destruction and seizure of the property of the Jerusalemite Arab population runs contrary to the provisions of IHL, which recognises the increased vulnerability, and therefore the additional protection, that should be afforded to women in situations of conflict and occupation. The ongoing and systematic violation of the property rights of the Arab residents of East Jerusalem is a grave breach of the Geneva Conventions, and as such the international community are compelled to act to end the abuses.

The human rights of the women of Jerusalem, as laid out in the international conventions signed and ratified by Israel, are also grossly violated by the Israeli practice of housing demolitions and forced displacement. The Israeli authorities need to be consistently reminded of the illegality, both of their presence as an occupying power in East Jerusalem, and the treatment of the Palestinian residents under their care. Just because they don't recognise their own obligations does not absolve them of their duties.

Although the Palestinians of East Jerusalem are subject to the laws and control of the Israeli state its legal system does little to recognise and protect their rights. The international community have a duty in turn to ensure that Israel adheres to the relevant legal provisions; this could be done through the International Criminal Court with a (albeit unlikely) reference from the Security Council.

8. Regional support and collaboration for the advancement of women's rights in Palestine-The EuroMediterranean Partnership.

In recent years there have been efforts made by the Palestinian National Authority, in conjunction with the European Union, and other international organisations to promote and protect the rights of women in the territories. Obviously in this regard, as in so many others, the actions of the Palestinian Authorities are restricted by their lack of control and power. The women of East Jerusalem are at a further disadvantage because the Palestinian National Authority cannot legislate for them, even if it was so disposed it can offer them no protection. They are entirely at the mercy of the Israeli administrative bodies and their discriminatory policies.

One such intergovernmental agreement is the Euro-Mediterranean partnership, of which both Israel and the Occupied Palestinian Territories are members. The aim of the partnership is to forge ties between the EU and Mediterranean countries in North Africa and the Middle East, in a variety of different fields, one of which is the improvement of the status of women in the region. Recommendations on the issue of women's rights were included as part of the Five Year Work Plan, which resulted from the Barcelona Summit in November 2005; this summit was held on the 10th anniversary of the Barcelona Declaration of 1995. Subsequently there were two conferences held; the First Ministerial Conference on Strengthening the Role of Women in Society, in November 2006 in Istanbul, and the Second Ministerial Conference, held in November 2009 in Marrakesh. The recommendations and conclusions issued as a result of these conventions recognise the importance of realising the rights of women in the region, and reiterate the responsibilities of the partner states to fulfil their obligations under the international legal framework.

The publications of the cooperative highlight the essential nature of all facets of women's rights and their interdependency. The Five Year Work Programme adopted after the Barcelona Summit in 2005 provides that "Euro-Mediterranean Partners will take measures to achieve gender equality, preventing all forms of discrimination and ensuring the protection of the rights of women"²⁰⁰, in pursuance of this the partner states are directed to introduce "strengthened social protection systems to ensure a basic standard of living for the most vulnerable"²⁰¹. Particular areas of significance were identified as, inter alia, access to education and employment, protection from violence, adequate health care, and participation in political decision making processes on all levels. The overall objective of the EuroMediterranean partnership, as outlined in the Barcelona Declaration, is for mutual peace and prosperity in the region and it is understood that "this goal, based inter alia on democracy, respect for human rights and sustainable development, can only be achieved by guaranteeing all women full enjoyment of rights"²⁰².

In pursuit of the realisation of gender equality all partner states are directed to mainstream and incorporate women's rights and gender equality into all areas of society. To be effective the policies must permeate all strata of society and politics. One of the important

200. EuroMediterranean Partnership, Five Year Work Programme, Euromed Summit, Barcelona 27-28 November 2005, Section 4(E).

201. Id. Section 7(E)

202. Ministerial Conclusions on 'Strengthening the Role of Women in Society', EuroMediterranean Ministerial Conference, Istanbul, 14-15 November, 2006, Section 4.

areas to be addressed in attaining this goal is guaranteeing adequate access to judicial remedies for violations of women's rights, and as a direct corollary of this making certain that the legislative framework provides the necessary protection²⁰³. The participants in the conference also recognised the import of "family friendly policies" if women are going to be able to adequately participate in the public sphere²⁰⁴.

The Ministers at the Istanbul Conference drew up a Framework of Action, to run from 2006-2011, and as part of the follow-up the EuroMed Gender Equality Programme (EGEP) was adopted to operate from 2008-2011. In fulfilment of its role, the EGEP has drawn up National Situational Analysis Reports for a number of the states in the region, to provide an overview of the pertinent issues, and establish a base line from which to move forward; Israel and the occupied Palestinian territories are two of those assessed. However the problem of housing demolitions, and their effects on the women in East Jerusalem, is not mentioned in either report. The Israeli report makes hardly any mention of the discrimination against Arab women in the state at all, and makes no reference whatsoever to the problems in Jerusalem. The report on the occupied Palestinian territories, on the other hand, recognises the fact that East Jerusalem is part of the territory, but fails to address in any real way the problems that this presents. The report points out the progress being made, in a variety of different fields, with regard to women's rights in the Occupied Territories, but fails to state that in the absence of any control over the territory these policies and practices mean nothing for the women there. The Conclusions of the Marrakesh conference specifically points out the vulnerability of women who are "victims of armed conflicts, and situations of foreign occupation".

Part of the partnership between the Palestinian territories and the EU is the provision of funding from the EU for development. It has been noted that the EU provides the greatest amount of aid for development projects; between 1994 and 2009, the EU contributed somewhere in the region of €4.26 billion to Palestine, through a number of different geographical and thematic instruments²⁰⁵. The state of Israel also benefits economically from agreements with the EU, and it is perhaps through this relationship that pressure could be brought to bear on Israel to recognise the commitments it has made, both in terms of the EuroMed Partnerships and the International Human Rights treaties. It appears that the EU is committed to the improvement of the situation of women's rights in the EuroMediterranean region, and this pursuit must be recognised as vital and worthwhile. However, if the partner states are serious about achieving their goal, then more attention needs to be drawn to Israeli obligations, with regard to the situation of Arab women under their control, and the duties the state has to ensure their rights. These women are particularly vulnerable, suffering discrimination not only on the basis of their sex but also in terms of their ethnicity.

203. Ministerial Conclusions on 'Strengthening the Role of Women in Society', EuroMediterranean Ministerial Conference, Istanbul, 14-15 November, 2006, Section 10.

204. Id. 11(d)

205. European Commission, EuropeAid, Occupied Palestinian Territory, at http://ec.europa.eu/europeaid/where/neighbourhood/country-cooperation/occupied_palestinian_territory/occupied-palestinian-territory_en.htm

9. Conclusion

The narrative of women in Palestine, and East Jerusalem in particular, is one of multi-faceted and layered discrimination. The patriarchal structure of Palestinian society and their view of the position of women within the society are based on a historical tradition of segregated gender roles and discrimination against women. In so many ways women are controlled by their male relatives in the private sphere, and on a wider scale the male dominated public and political arenas. In addition to this, the discrimination which is an integral part of the Israeli occupation means that women are fighting oppression on two fronts: as Palestinians in the greater struggle for self determination, and as women within Palestinian society.

The women of East Jerusalem face oppression, discrimination, and violence in many ways in their day to day lives, and their basic human rights are routinely disregarded and denied to them. Within this greater scheme, the practice of home demolitions and forced displacement must be viewed as one of the most heinous and disturbing manifestations of the government's Zionist settler agenda. The policy to Judaize East Jerusalem involves, denying the Arab population the ability to naturally expand and grow and denying them basic social services; squeezing the inhabitants until life becomes unbearable, and they are forced to leave their city.

The effects of the demolitions and displacements are devastating for the family unit, and have serious implications for the wider community. Women in East Jerusalem carry out the roles of primary nurtures, care givers, and homemakers, and as a result are specifically affected by the loss of the family home. In all societies the home provides a protective shield that allows the members of the family unit to grow and develop, and provides a sense of privacy and security. In a situation where the public sphere is rife with violence and discrimination, as in East Jerusalem, the safety of the home can be viewed as being of particular importance. The knock-on effects of housing demolitions and confiscations, on all areas of the families' lives, are immediately evident and gravely serious. Employment, education, health, privacy, and family relationships are all negatively impacted by demolitions and displacement.

The international political and judicial communities recognise the illegality of Israel's occupation of East Jerusalem and the rest of the Palestinian Territories. They have also persistently condemned their treatment of the Palestinians to whom they owe a duty of care. Women in situations of armed conflict and occupation have been identified as being particularly vulnerable, and as such should be subject to additional protection. For the past 44 years consecutive governments of Israel have consistently scorned and ignored the demands from international organisations and other states that they show due deference to the law, and act in accordance and within the international legal framework. The lack of an effective enforcement mechanism, to ensure adherence to the tenets of International Human Rights Law, allows the Israeli government, it appears, to act with impunity with regard to their duties assumed through ratification of the covenants. Other State parties and international organisations have been reluctant to take any concrete steps to hold the Israeli authorities to account for their actions. No one has been prosecuted for grave breaches of the Geneva Conventions committed by Israel, and no referral to the International Criminal Court seems possible. The veto held by the US in the UN Security Council also hinders

Palestinian progress, it has been invoked 37 times in support of the Israeli occupation. This policy of rhetoric instead of positive action has shown no substantive results for the besieged Palestinian women of East Jerusalem, and has provided little protection for their homes. A new way forward must be conceived and implemented. This will take a commitment and concerted effort on the part of both the Israeli and Palestinian administrations, States who are party to the international covenants, International Organisations, and regional and grassroots organisations. While the political wrangling over Jerusalem continues women are losing their homes and their security, while striving to hold their families together and protect them from the reality.

10. Recommendations

In response to the ongoing and systematic practice of home demolition and forced displacement in East Jerusalem, while recognising the illegality not only of the Israeli presence but also their administrative policies, and the devastating effects these actions have on the Arab population of the city, Al-Maqdese recommends that:

Israel as the occupying power

1. Ultimately end the occupation of East Jerusalem, and come to an agreement that will ensure the sovereign rights of both Israel and Palestine, thereby freeing the people of Jerusalem from the oppression of occupation.
2. Until such time as the occupation ends, recognise their obligations to the Palestinian population of the city under international law, and ensure the realisation of their rights.
3. Cease immediately the practice of home demolitions in East Jerusalem.
4. Draw up a fair and non-discriminatory planning policy in conjunction with representatives of the area, which will serve to facilitate Arab construction and expansion in the city, and will provide retroactive legal permits for houses currently threatened with demolition.
5. End the settlement construction and expansion policies in East Jerusalem and instantly remove settlers from Arab neighbourhoods.
6. Halt forced evictions of families, and reinstate families that have previously been rendered homeless.
7. Provide necessary protection for the population of East Jerusalem, and ensure the availability of adequate legal remedies for intimidation and violence perpetrated against them by the settlers and the security forces of the Israeli state.

The Palestinian Authority

1. To continue to strive for a lasting and peaceful end to the occupation.
2. To recognise the vulnerable position of the Palestinians of Jerusalem, and provide legal and financial aid enabling them to continue to fight for their rights.
3. In cases where house demolitions are carried out, provide financial support and social assistance to families rendered homeless.
4. To maintain the survival of the Palestinian neighbourhoods of East Jerusalem by supporting the education sector as well as economic and social projects.

The International Community

1. Governments and heads of state must openly and vociferously denounce the continued occupation of East Jerusalem and the rest of the Palestinian territories.

2. Recognise and act on their duties outlined in the Geneva Conventions and other Humanitarian Law documents, including prosecuting individuals for Grave Breaches.
3. Impose political and economic sanctions on the state of Israel until such time that they make a concerted effort to end settlement building and discrimination against the Palestinian population, and commit to constructive peace talks with their Palestinian counterparts.
4. Ensure that the situation in East Jerusalem, and the greater Palestinian question, remains at the forefront of discussions in international organisations such as the UN.

The United Nations

1. To continue to press Israel to recognise their obligations with regard to East Jerusalem and the wider occupied Palestinian territories.
2. To recognise the Palestinian State within the 1967 borders.
3. To take legal action against the state of Israel for their actions in East Jerusalem. Such action could involve organs of the UN, such as the General Assembly and the Security Council, referring the situation to the International Court of Justice for an Advisory Opinion, and to the office of the prosecutor of the International Criminal Court for consideration.
4. To invoke chapter VII of the UN Charter against the Israel to force them to cease the ongoing violation of Palestinian rights.

The European Union

1. To utilise their relationship with Israel, particularly with regard to the EuroMediterranean Partnership and their strong trade ties, to exert pressure on Israel to fulfil their international legal obligations.
2. To impose sanctions on Israel until they conform to international legal standards.
3. To increase financial aid to Palestinian organisations concerned with defending human rights and achieving sustainable social and economic development.

International and Regional Non-Governmental Organisations

1. Ensure that both remedial and preventative care is available for the women affected by demolitions and displacement.
2. Provide ongoing training to women's groups to ensure they are fully aware of their rights under international law.
3. Provide legal consultation and support to assist women threatened with displacement and home demolition.
4. Establish social, financial, and legal support for those who have had their homes destroyed, to include assistance with being re-housed and trauma counselling.
5. Continuously lobby international organisations and individual states to take action on the deteriorating conditions in East Jerusalem.
6. Submit information on an ongoing basis to the various UN institutions and organs, to ensure that they are informed and the issue remains on the agenda.

Appendix 1



المركز الفلسطيني للتطوير المجتمعي
Al-Maqdese for Society Development (MSD)

Date:30/05/2011

Eng:Gestad elakrami

Al-Maqdese for Society Development-MSD- 2011 Number of people displaced due to demolitions from 2000-2010 -MSD Data Bank- Jerusalem.

Number of people displaced in East Jerusalem due to demolitions from 2000-2010

Al-Maqdese (DB)

Location	2000		2001		2002		2003		2004		2005		2006		2007		2008		2009		2010	
	Women	child	Women	child	Women	child	Women	child	Women	child	Women	child	Women	child	Women	child	Women	child	Women	child	Women	child
Old City	6	4	10	10	0	0	2	5	7	1	3	4	0	0	0	0	0	0	0	0	24	28
Athort	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	9	13	
Al-awabreh	0	0	0	0	0	0	0	0	0	0	0	3	3	6	0	0	0	0	0	0	0	
Al-Shikh Jarrah	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Al-Suneh	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Al-Tur	0	0	0	0	0	0	0	0	7	11	18	9	10	19	1	6	7	1	3	4	10	
Al Esawiyeh	30	69	99	9	28	37	7	58	65	12	18	30	0	0	0	7	13	20	11	4	15	
East Jerusalem	0	0	0	1	4	5	0	0	0	0	0	0	9	14	23	7	22	29	10	6	16	
Al-Waljeha	1	4	5	0	0	0	0	0	0	0	0	0	0	0	1	6	7	5	5	10	0	
Om Lison	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Baait Hanina Al-Rahid	0	0	0	22	53	75	11	43	54	67	101	168	10	21	31	16	42	58	25	29	54	
Baait Safafa	0	0	0	0	0	0	0	0	0	24	89	113	18	44	62	0	0	0	0	0	0	
Tabat Al-Makaber	0	10	10	0	0	0	4	10	14	10	25	35	5	11	16	10	19	29	3	21	24	
Ras Al-amoud	7	4	11	2	7	9	0	0	0	5	6	11	3	2	5	18	24	42	0	0	0	
Ras Kametee	0	0	0	0	0	0	0	0	0	0	0	0	4	14	18	0	0	0	0	0	0	
Silvan	11	19	30	4	15	19	13	24	37	6	9	15	24	33	57	9	17	26	7	7	14	
Shivat	18	38	56	1	5	6	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
SurBaher	0	0	0	0	0	0	17	44	61	19	35	54	1	2	3	3	3	6	7	7	14	
Qalandia	0	0	0	1	7	8	0	0	0	0	0	0	1	6	7	0	0	0	0	0	0	
Kufer Aqanb	0	0	0	0	0	0	0	0	0	0	0	0	4	14	18	3	6	9	2	3	5	
Shifat RC	0	0	0	0	0	0	0	0	0	1	5	6	4	11	15	2	4	6	6	8	0	
Wadi Al-joz	0	0	0	0	0	0	0	0	0	0	0	0	1	3	4	0	0	0	0	0	0	
Total	73	148	221	40	119	139	54	184	238	128	213	341	102	233	335	97	207	304	78	90	168	

Appendix 2



Al-Maqdese for Society Development (MSD)

House Demolitions in East Jerusalem (1967 - 2010)

Date: 02/06/2011

Data Bank

Year	no. of Apartments	People displaced	Year	no. of Apartments	People displaced
1967	138	660	1989	12	58
1968	1	8	1990	36	187
1969	8	51	1991	18	105
1970	1	0	1992	26	127
1971	1	9	1993	14	64
1972	2	10	1994	20	87
1973	1	12	1995	26	175
1974	6	20	1996	27	134
1975	0	0	1997	41	342
1976	4	7	1998	36	243
1977	1	6	1999	28	252
1978	2	11	2000	37	211
1979	3	18	2001	81	567
1980	10	37	2002	50	281
1981	2	0	2003	83	429
1982	4	10	2004	180	797
1983	5	36	2005	111	567
1984	8	23	2006	84	264
1985	6	25	2007	79	378
1986	1	4	2008	98	402
1987	4	18	2009	112	555
1988	28	150	2010	74	140

Number of apartments (1967 – 2010) 1509

Number of People displaced 7480

Appendix 3



Al-Maqdese for Society Development (MSD)

Number of Palestinian residency cards withdrawn by Israel since 1967

Date: 14/02/2011

Al-Maqdese (DB)

Year	No. of persons whose IDs were withdrawn
1967	105
1968	395
1969	178
1970	327
1971	126
1972	93
1973	77
1974	45
1975	54
1976	42
1977	35
1978	36
1979	91
1980	158
1981	51
1982	74
1983	616
1984	161
1985	99
1986	84
1987	35
1988	2
1989	32
1990	36
1991	20
1992	41
1993	32
1994	45
1995	91
1996	739
1997	1,067
1998	788
1999	414
2000	307
2001	150
2002	120
2003	273
2004	32
2005	220
2006	1,362
2007	289
2008	4,672
2009	721
2010	191
Total	14,526

Appendix 4

Translated Israeli demolition notice.



Jerusalem Municipality
 עיריית ירושלים
 המחלקה לפיקוח על הבניה
Building Inspectors department

بلدية اورشليم القدس
 قسم التطوير للتفتيش على البناء

תאריך: 5/1/15
 מס': 49/413
 رقم:

עיריית ירושלים
 המחלקה לפיקוח על הבניה

לכבוד: חצרה: to:
בעל הבית או המשתמשים
 House owner or the house user

Warning התראה אזהרה

בהתאם לחוק התכנון והבניה תשכ"ח-1965
 بموجب قانون التخطيط والبناء لعام 1965
According to planning and building law 1965

Administrative Demolition Order
 بعد إجراء التفتيش

הנך משתמש במקרקעין בלא היתר / במסוויה מהיתר / מתכנית.
 تقوم باستعمال العقار بدون رخصة / مخالف للرخصة / للخارطة.
You are using the land (real estate) without license/ violating the license/ building plan

הנך מבצע עבודה / שימוש הטעונים היתר ע"פ תקנות התכנון והבניה.
 تقوم بتنفيذ عمل / استعمال يتوجب الحصول على رخصة بموجب
planning and building rules.

אתה חייב להפסיק מיד את כל הבניה/ שימוש המקרקעין כפי שהיה לפני.
 You have to stop immediately all the building constructions / using, and get the situation as it was before.

אתה חייב להופיע מיד לפני המפקח להסביר את הבעיה בנוגע הבניה/ שימוש המקרקעין.
You have to show up immediately in front of the inspector to explain the issue about construction / using the place

אם לא תעשה זאת תהיה חייב להפסיק את כל הבניה/ שימוש המקרקעין.
 If you do not follow up this warning, we will think to take legal/administrative actions against you


 inspector שם המפקח اسم المفتش
 Information: המפקח / The inspector
 המפקח / The inspector
 כתובת: ספרא 1, קומה 4, 91007
 Address: Sifra Sifra 1, 4th Floor* 4, 91007
כל מתי אלינו נא לציין את מספר תיק הטיפול וכן שלוש פרטים לשיחות עם הסיבה:
 קבלת קהל ביום כל בשעות 14:00 - 16:00, בתאום מראש בלבד.
 ניתן לתאם מתישה בכל מועד אחר, בתאום מראש בלבד.
 שלפונים קל יחדות החלונות בנושא עבירות בניה: 02-6297351, 02-6296747, מס: 02-6296039
 סיביר ספרא 1 קומה 4, ירושלים, סיקוד: 91007, טלפון: 02 - 6297646, מס: 02 - 6296039

Each time you refer to us, you should bring the file number, and a phone number that we can get back to you.



This project is funded by
the EU

Head Office, Jerusalem:

Wadi Al-Joz, Al-Maqdese St., 59
P. O. Box: 20735
Tel: +972 2 628 5918 or + 972 2 627 8997
Fax: +972 2 628 92 84

AL-Ram Office:

Main St. , Al-Joulani Bldg., First floor
Phone: +970 2 234 7077 or +970 2 234 0116
Free Toll: 1700-709-717
Fax : +970 2 234 9149
info@al-maqdese.org



Human Rights First ©