



Mr. John Gatt Rutter  
Representative of the European Union

21 January 2012

Dear Mr. Rutter,

1. The Palestinian National Commission for Civil Society in Jerusalem welcomes the European Union's report, released in January of 2012, regarding the dire situation facing Palestinians living in East Jerusalem.
2. In 1967, Israel illegally annexed East Jerusalem. According to international law, East Jerusalem is part of the occupied Palestinian territory (oPt) along with the West Bank and Gaza Strip. Therefore, the laws of war under the Fourth Geneva Convention and Hague Regulations apply, qualifying Palestinians in the oPt as Protected Persons and governing Israel's conduct as an Occupying Power.
3. Israel consistently acts in flagrant violation of its obligations under international humanitarian law. Violations of Palestinian's human rights have become increasingly severe, changing the reality on the ground in Jerusalem and ensuring that it is no longer a viable capital for a future Palestinian state.
4. According to the Israeli Nationality Law of 1952, Palestinians living in Jerusalem are "residents in Israel and not Citizens," making their status extremely vulnerable. Since the beginning of the occupation, Israel has revoked residency rights for over 14,000 Palestinians in Jerusalem.<sup>1</sup>
5. Since 1967, Israel has expropriated 35% of Palestinian land in East Jerusalem for use by an estimated 200,000 illegal settlers. Another 30% is zoned as Unplanned and an additional 22% as Green Areas for Public use. Today, Palestinians were left with only 13% of their own land in East Jerusalem.<sup>2</sup>
6. Palestinian Jerusalemites are also at grave risk of home demolitions. Israeli housing procedures place unreasonably high fees, undue delays and onerous requirements on Palestinians, making it nearly impossible to obtain a building permit, without which the home will be demolished. Israeli authorities have destroyed approximately 2,000 homes

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<sup>1</sup> UN Office for the Coordination of Humanitarian Affairs (OCHA), East Jerusalem: Key Humanitarian Concerns (March 2011), page 12.

<sup>2</sup> OCHA, East Jerusalem: Key Humanitarian Concerns (March 2011), page 29.

- in East Jerusalem.<sup>3</sup> Palestinians have choice but to build without permit. It is Estimated that 40% of the homes in East Jerusalem have been built without a permit.
7. Palestinian children in East Jerusalem face an inadequate and inequitable education system with substandard facilities and shortages of classroom space. Additionally, Israeli authorities now force Palestinian schools to use distorted Palestinian textbooks, denying Palestinian children the right to learn their own history, culture and politics.
  8. Another glaring human rights violation in Jerusalem is the Separation Wall and restriction on freedom of movement. The Wall disconnects urban areas that were once tightly economically intertwined. It also places certain East Jerusalem residents on the West Bank side of the Wall, forcing them to cross checkpoints to access health and education services, and West Bank communities on the Jerusalem side of the Wall, putting them at high risk of displacement.
  9. The international community consistently condemns Israel's actions in East Jerusalem. The UN Security Council has issued five resolutions condemning Israel's attempts to change the character of the city. In its 2004 advisory opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, the International Court of Justice stated that Israel's transfer of its own population into occupied territory was in flagrant violation of the Fourth Geneva Convention. The Rome Statute of the International Criminal Court defines such population transfer as a war crime. The Palestinian Civic Commission in Jerusalem considers the measures described by the EU and the international community to be demonstrative of an ethnic cleansing of the Palestinian population in the oPt.
  10. The EU report clearly demonstrates Israel's violations of Palestinians basic rights in Jerusalem. Lack of commitment to the two-state solution with Jerusalem is the Capital. The report declares, "Without Jerusalem as the future capital of two states, a sustainable peace agreement between Israel and Palestinians will not be possible," and that "over the past few years, Israel's actions in East Jerusalem have run counter to its stated commitment to a sustainable peace with the Palestinians through the two-state solution..."
  11. In spite of all this, the international community and the EU do not take serious action to stop Israeli violations and practices in Jerusalem, neither it provide support to Palestinian presence in East Jerusalem. The EU position should not be limited to statements and reports. It does not put real political pressure on Israel, nor does it provide sufficient funding to Palestinian NGOs in Jerusalem.
  12. The EU gives in to pressure from the Israeli government, in limiting funds for Palestinian NGOs, providing more funding to Israeli and international organizations and making aid to Palestinian NGOs conditional on their cooperation and partnership with Israeli organizations (joint projects).<sup>4</sup>
  13. The Palestinian National Commission for Civil Society in Jerusalem calls upon EU member states to:

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<sup>3</sup> OCHA, East Jerusalem: Key Humanitarian Concerns (March 2011), page 38.

<sup>4</sup> The EU provided 2.5 million Euros to an Israeli individual to establish an NGO in East Jerusalem.

- Fulfill their obligation as High Contracting Parties to ensure respect for the Geneva Conventions, and to make effective use of the European Union Guidelines on promoting compliance with international humanitarian law to ensure Israel compliance under paragraphs 16 (b), (c), and (d).
- Impose sanctions on the Israeli government.
- Participate in a full boycott of all Israeli institutions and products.
- Stop conditionally funding Palestinian organizations based on their cooperation with Israeli institutions.
- Increase funding to Palestinian NGOs in East Jerusalem.

Sincerely,

The Palestinian National Commission for Civil Society in Jerusalem