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## **East Jerusalem Remains Occupied Territory Under International Law**

### **Al-Haq**

On 28 June 1967, Israel implemented legislation that established de facto the illegal annexation of East Jerusalem to the State of Israel. Al-Haq takes the opportunity of this anniversary to forcefully emphasize that, despite the claims of successive Israeli governments; Palestinian East Jerusalem remains occupied territory under international humanitarian law. Accordingly, any measures, legislative or otherwise, aimed at altering the status of the city and depriving the Palestinian civilian population of the protections afforded by international humanitarian law, have no validity.

The illegal annexation of Jerusalem was first brought about by an amendment to the Law and Administrative Ordinance 1948, passed on 27 June 1967, which held, "the law, jurisdiction and administration of the state shall extend to any area of Eretz [Land] Israel designated by the government by order." On 28 June 1967 the Israeli authorities used this amendment to designate 30,000 denims of East Jerusalem, its Old City and the West Bank under Israeli judicial and administrative control. On the same day, and using another amended law, the Israeli Municipality of West Jerusalem extended its borders over those same 30,000 denims. The Jordanian East Jerusalem Municipality was ordered to cease operations the next day, and Israel completed its illegal annexation under the banner of "integration of services." These measures met with strong international condemnation expressed in a series of UN General Assembly and Security Council resolutions.

Security Council Resolution 252 (1968) reaffirmed the longstanding legal principle that the acquisition of territory by military conquest was inadmissible, and considered, that all legislative and administrative measures and actions taken by Israel, including expropriation of land and properties thereon, which tend to change the legal status of Jerusalem are invalid and cannot change that status; The resolution further called on Israel to rescind all such measures and desist from any activity that would tend to change the status of East Jerusalem. Israel did not heed these resolutions and has to this day persisted in policies aimed not only at illegally securing a demographic superiority of the Jewish population in East Jerusalem, but also at isolating East Jerusalem from the rest of the West Bank with which it is territorially, politically, socially and historically contiguous. In recent years, the Israeli authorities have pursued these illegal policies through the continued expansion of settlements in occupied East Jerusalem, and the construction of the Annexation Wall, the route of which encloses and dissects Palestinian communities, while incorporating illegal Israeli settlements on its western side.

These measures are irreconcilable with the Fourth Geneva Convention, which the International Court of Justice has confirmed is applicable to occupied East Jerusalem. Article 47 of the Convention holds, Protected persons who are in occupied territory shall not be deprived, in any case or in any manner whatsoever, of the benefits of the present Convention by any change introduced, as the result of the occupation of a territory, into the institutions or government of the said territory, nor by any agreement concluded between the authorities of the occupied territories and the Occupying Power, nor by any annexation by the latter of the whole or part of the occupied territory.

The construction of the Wall destroys vast tracts of Palestinian land in contravention of Article 53 of the Fourth Geneva Convention, while Article 49 prohibits the transfer of by the Occupying Power of its civilians from its territory to the territory it occupies. Clearly, Israeli actions in East Jerusalem are in breach of the Fourth Geneva Convention, which the High Contracting Parties thereto reiterated were applicable to the Occupied Palestinian Territories as recently as November 2001. Despite the clarity of international law and the position of the international community on Israel's illegal occupation of East Jerusalem, the High Contracting Parties to the Geneva Conventions are conspicuously failing to uphold their obligations under Article 1 of the Fourth Geneva Convention to ensure respect thereof. This failure serves only to encourage Israel's illegal practices in East Jerusalem. Al-Haq therefore calls upon the international community to actively engage the Israeli authorities to comply with international law, and affirm the status of east Jerusalem as occupied territory.

*Source: AL-HAQ, 28 June. 2005*