



Civic Coalition for Palestinian Rights in Jerusalem
civiccoalition@gmail.com

Illegal railway construction plan building on occupied Palestinian Territory (oPT) in violation of international law

2 November 2016 - The Civic Coalition for Palestinian Rights in Jerusalem calls for international condemnation of an Israeli plan to expand the railway from Tel Aviv to Jerusalem by including a stop near the Western Wall in occupied East Jerusalem. To connect the settlements to this train network the Jerusalem Light Rail would also have to be expanded. CCPRJ deplors and condemns all building and construction plans that will change the feature of occupied East Jerusalem, amounting to a violation of international law.

At a meeting on Tuesday 1 November with officials from the Transportation and Finance ministries, Israeli Minister of Transport Yisrael Katz announced a new plan to link Tel Aviv all the way to the Western Wall by high-speed train.¹ The plan to extend the Tel Aviv-Jerusalem rail project includes a tunnel around the Old City of two kilometres in length and eighteen meters in depth. With the new plan it would make transportation easier for Israeli citizens to travel from the centre of Israel to the settlements in the West Bank, and from Ben Gurion airport to the Western Wall. The train line would cross through the area of the destroyed village of Bir Mai'n, currently the Israeli settlement of Modi'in. The Tel Aviv-Jerusalem rail project has been in planning since 2001.² With the announced extension, construction will take place on both sides of the green line.³ The Tel Aviv-Jerusalem rail project has been in planning since 2001.⁴ The route of the train first crosses the green line into the occupied West Bank via the Latrun Enclave (an area annexed de facto to the state of Israel by the Annexation Wall). This area was once home to three Palestinian villages, Imwas, Yalu and Beit Nuba, which were destroyed in the 1967 war. The route of the train continues, roughly 250-300 meters north of the green line into occupied territory near the Palestinian villages of Beit Surik and Beit Iksa, and Lifta. The Minister announced his intent to execute the new plan as soon as possible.

To provide access to the train network for the settlers, the Minister announced an expansion of the Light Rail to connect Jerusalem to the West Bank settlements.⁵ The Light Rail project has been subject to criticism from the international community since construction was announced in 2000.⁶ The first line, the only one of eight lines that has been constructed so far, crosses the 1949 Green Line and connects major Jewish settlements in the oPT to the Jerusalem city centre. According to the Minister, four existing lines currently under construction will be extended.⁷ The first line will travel south to Ma'aleh Adumim via French Hill, the second line will lead to Geva Binyamin near a large

¹ Tel Aviv-Jerusalem train will reach Western Wall — report, Times of Israel, 1 November 2016, available at: <http://www.timesofisrael.com/tel-aviv-jerusalem-train-will-reach-western-wall-report/>.

² Ibid.

³ A new plan to extend the speed train from Tel Aviv to the Western Wall, Al Quds daily newspaper (in Arabic), 2 November 2016.

⁴ Ibid.

⁵ Transport minister plans train to West Bank settlements, Times of Israel, 1 November 2016, available at: http://www.timesofisrael.com/liveblog_entry/transport-minister-plans-train-to-west-bank-settlements/

⁶ UNESCO, dec. 39 COM 7A.27 concerning the Old City of Jerusalem and its Walls (2015), par. 7;

⁷ 'No artificial barriers', Arutz Sheva, 1 November 2016, available at: <http://www.israelnationalnews.com/News/News.aspx/219660>.

shopping centre, the third line will go from Atarot to Qalandiya, and the fourth line will go to Givat Ze'ev, north of Jerusalem. An additional one will go to Mevasseret Yerushalayim. The minister was quoted saying that, "there will be those who will come and say we need to make an artificial divider for those residents who live over what was called the Green Line. We obviously don't accept this."⁸

The newly announced plans will further change the demographic makeup of the city, in line with the 2020 Master Plan of the Jerusalem Municipality. The main goal is to facilitate movement of the Israeli settler from the settlements in occupied West Bank to the city of Jerusalem and connecting the settlements with each other's. Israel intends to control the entire area and fragment the Palestinian population. Although Master Plan has not been approved by the Ministry of Interior and therefore it has not been put up for objection, the municipality of Jerusalem has been implementing parts of the plan.

Settlements are illegal under international law and therefore any aspect adding to a possible permanent feature should be opposed. Article 47 of the Fourth Geneva Convention prohibits the deprivation of the rights of the occupied population by changes introduced as the result of the occupation of the territory.⁹ Article 49(6) subsequently states that the occupying power shall not deport or transfer parts of its own civilian population into the territory it occupies.¹⁰ The Rome Statute defines settlement policy as a war crime.¹¹ As a signatory to this Statute, Israel is obliged to refrain from acts which would defeat the object and purpose of the Statute.¹²

Humanitarian Law furthermore prohibits the expropriation and destruction of private property without military necessity. Lastly, as a permanent structure that is not a military imperative, the railway will constitute an alteration to the status quo that will not benefit the local population.¹³

We have long called on the international community to hold Israel, as the Occupying Power, accountable for its violations of international law. Lack of action by the international community and third state parties encourages Israel to continue these violations. The United Nations and members states, therefore, are accountable as well for their complicity of the Israeli violations and crimes and for their failure to recognize and address the systematic violations inherent to the Israeli system of occupation, settler colonialism, and apartheid that has oppressed Palestinians for decades.

We therefore call on the international community, including the High Contracting Parties to the Geneva Conventions of 1949 to:

- Condemn Israel for the current plan to expand the high-speed train and the Light Rail into oPT and recall that Israel's occupation, including its illegal annexation of East Jerusalem, is the root cause of the ongoing situation;
- Condemn Israel's violations of international law, foremost those that rise to the level of war crimes and crimes against humanity; and accordingly
- Call for sanctions against Israel at the UN Security Council.

⁸ Supra note 1.

⁹ 1949 IV Geneva Convention relative to the Protection of Civilian Persons in Time of War (IV Geneva Convention), Geneva, 1949.

¹⁰ Ibid.

¹¹ Rome Statute of the International Criminal Court, Rome, 17 July 1998, Article 8(2)(b)(viii).

¹² Vienna Convention on the Law of Treaties, Vienna, 23 May 1969, Article 18(a)

¹³ Convention (IV) respecting the Laws and Customs of War on Land and its annex: Regulations concerning the Laws and Customs of War on Land, The Hague, 18 October 1907, articles 46 and 55; 1949 IV Geneva Convention, article 53.