

May XX, 2021

The Honorable Antony Blinken
Secretary of State
U.S. Department of State
Washington, D.C. 20520

Dear Secretary Blinken:

We write to express our deep concern about Israel's imminent plan to forcibly displace nearly 2,000 Palestinians in the Jerusalem neighborhoods of Al-Bustan and Sheikh Jarrah. We call upon the Department of State to exert diplomatic pressure to prevent these acts from taking place.

According to media reports, the Jerusalem municipality is planning to build a biblical theme park--Gan Hamelech--in Al-Bustan neighborhood near the walls of the Old City after it demolishes 100 properties, which are home to almost 1,550 Palestinians, 63 percent of whom are children.¹ In the Jerusalem neighborhood of Sheikh Jarrah, 169 residents, including 46 children, from 12 different families have received eviction notices so that their homes can be occupied illegally by Israeli settlers.² Recent media reports have documented the blatant disregard for Palestinian families.³

From 1967 to 2017, Israel demolished an estimated 5,000 Palestinian homes in East Jerusalem, according to a report by the Land Research Center.⁴ According to B'Tselem: The Israeli Information Center for Human Rights in the Occupied Territories, from 2018 to 2020, Israel demolished another 349 Palestinian homes in East Jerusalem.⁵

East Jerusalem is part of the West Bank, and, under international law, Israel is in military occupation of this territory, notwithstanding its illegal incorporation of East Jerusalem within the Jerusalem municipality and its subsequent illegal de jure annexation of East Jerusalem. As the Occupying Power, Israel is obligated to abide by the terms of the Fourth Geneva Convention, Article 53, which states:

¹ "Palestinians protest Israeli plans to demolish 100 houses in East Jerusalem," *Middle East Eye*, March 19, 2021, available at: <https://www.middleeasteye.net/news/hundreds-palestinian-protest-against-israeli-plan-demolish-100-palestinian-houses-east>

² Aseel Jundi, "Save Sheikh Jarrah: The online campaign giving hope to Palestinian refugees in East Jerusalem," *Middle East Eye*, March 22, 2021, available at: <https://www.middleeasteye.net/news/israel-palestine-save-sheikh-jarrah-campaign>

³ "Video shows Israeli settler trying to take over Palestinian house" Al Jazeera, May 4, 2021, available at: <https://www.aljazeera.com/news/2021/5/4/if-i-dont-steal-your-home-someone-else-will-jewish-settler-says>

⁴ "LRC: Israel demolished 5,000 homes in Jerusalem," Al Jazeera, March 14, 2018, available at: <https://www.aljazeera.com/news/2018/3/14/lrc-israel-demolished-5000-homes-in-jerusalem>

⁵ "Statistics on demolition of houses built without permits in East Jerusalem," B'Tselem: The Israeli Information Center for Human Rights in the Occupied Territories, updated January 3, 2021, available at: https://web.archive.org/web/20210309092014/https://www.btselem.org/planning_and_building/east_jerusalem_statistics

“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 co-operative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations.”

In addition, Article 8 of the Rome Statute of the International Criminal Court (ICC) defines as a war crime the “extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly.”

Israel’s plans to demolish Palestinian homes in Al-Bustan and to evict Palestinians from their homes in Sheikh Jarrah are in clear violation of the Fourth Geneva Convention.

The United States has long opposed Israel’s demolition of Palestinian homes in East Jerusalem. For example, on July 1, 1969, the Nixon administration’s Ambassador to the U.N. Charles Yost told the Security Council:

“The expropriation or confiscation of land, the construction on such land, the demolition or confiscation of buildings, including those having historic or religious significance, and the application of Israeli law to occupied portions of the city are detrimental to our common interests in the city. The United States considers that the part of Jerusalem that came under the control of Israel in the June 1967 war, like other areas occupied by Israel, is occupied territory and hence subject to the provisions of international law governing the rights and obligations of an occupying Power. Among the provisions of international law which bind Israel, as they would bind any occupier, are the provisions that the occupier has no right to make changes in laws or in administration other than those which are temporarily necessitated by his security interests, and that an occupier may not confiscate or destroy private property. The pattern of behavior authorized under the Geneva Convention of 12 August 1949 and international law is clear: the occupier must maintain the occupied area as intact and unaltered as possible, without interfering with the customary life of the area, and any changes must be necessitated by the immediate needs of the occupation. I regret to say that the actions of Israel in the occupied portion of Jerusalem present a different picture, one which gives rise to understandable concern that the eventual disposition of East Jerusalem may be prejudiced, and that the private rights and activities of the population are already being affected and altered.

My Government regrets and deplores this pattern of activity, and it has so informed the Government of Israel on numerous occasions since June 1967. We have consistently refused to recognize those measures as having anything but a provisional character and do not accept them as affecting the ultimate status of Jerusalem.”⁶

We would also like to recall to your attention that Members of Congress have expressed recent concern as well about Israel’s home demolitions in East Jerusalem. On March 16, 2020, 64

⁶ Security Council Official Records, 24th year, 1483rd meeting, 1 July 1969, New York, p. 13, available at: https://digitallibrary.un.org/record/580302/files/S_PV-1483-EN.pdf

members of Congress sent the State Department a letter expressing “concerns over the ongoing home demolitions and forcible transfer of Palestinian civilians in the West Bank, including the recent demolitions in Wadi al-Hummus and other communities in East Jerusalem. We urge you to press the Israeli government to prevent more families from being forcibly transferred and having their homes destroyed.”

The letter also noted that “in light of the long-standing use of U.S.-origin and supplied equipment by Israeli security forces, we specifically request an examination of Israeli compliance with the requirements applied to recipients of U.S.-origin defense articles pursuant to the Arms Export Control Act of 1976 (AECA) as amended [22 U.S.C. 2751, et. seq.]. We also request a determination as to whether a report to Congress on this issue is required by section 3(c)(2) of AECA [22 U.S.C. 2753].”⁷

We also note that on March 12, 2021, 12 members of Congress sent you a letter stating: “We remain concerned about Israel’s policy of demolishing Palestinian homes in the occupied West Bank, including East Jerusalem. We request that the State Department undertake an investigation into Israel’s possible use of U.S. equipment in these home demolitions and determine whether these materials have been used in violation of the Arms Export Control Act or any U.S.-Israeli end use agreements. We believe the State Department should condemn Israel’s home demolitions in unequivocal terms and take diplomatic action to end this policy.”⁸

We appreciate that the Biden administration has committed itself to ensuring that human rights and international law undergird our country’s foreign policy. Accordingly, we are calling upon you to:

1. Immediately send the strongest possible diplomatic message to Israel to desist from its plans to demolish Palestinian homes in Al-Bustan and evict Palestinians from their homes in Sheikh Jarrah.
2. Publicly reiterate that Ambassador Yost’s statement on Israel’s demolition of Palestinian homes in East Jerusalem is still official U.S. policy.
3. Undertake an expeditious review of previous Congressional requests that the State Department investigate whether Israel’s demolition of Palestinian homes with U.S. weapons violates the Arms Export Control Act (AECA).
4. If Israel proceeds with its plans to demolish Palestinian homes in Al-Bustan and evict Palestinian residents from their homes in Sheikh Jarrah, then the U.S. Embassy to Israel should send observers to document Israel’s forced displacement of Palestinians, including details on the military units involved in these operations and the usage of any U.S. weapons for purposes of oversight and accountability regarding Leahy Law and AECA violations.

⁷ “Release: Khanna, Cohe, Eshoo lead letter urging administration to oppose the displacement of Palestinian families and ensure U.S. equipment is not used in West Bank home demolitions,” March 16, 2020, available at:

<https://khanna.house.gov/media/press-releases/release-khanna-cohen-eshoo-lead-letter-urgingadministration-oppose>

⁸ Available at: <https://tlaib.house.gov/sites/tlaib.house.gov/files/Palestine%20State%20Dept.%20Letter.pdf>

We appreciate your urgent attention to the dire situation in the West Bank. We look forward to your earliest possible reply and working with you to uphold the dignity and human rights of all peoples around the world.

Sincerely,

Marie Newman
Member of Congress

Member of Congress