



General Assembly

Distr.: General
24 September 2021

English only

Human Rights Council

Forty-eighth session

13 September–1 October 2021

Agenda item 7

**Human rights situation in Palestine and other
occupied Arab territories**

**Joint written statement* submitted by Al-Haq, Law in the
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consultative status**

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2021]

* Issued as received, in the language(s) of submission only.



Palestinian Dispossession and Displacement: The Pressing Cases of Sheikh Jarrah and Silwan

Since its inception, Israel has developed a set of laws, policies, and practices designated to displace, dominate, and dispossess Palestinians, including through, inter alia, military offensives,¹ home demolitions, forced evictions, destruction of livelihoods, creation of a coercive environment, and facilitation of establishing colonial settlements and outposts,² reinforced by the existence of a discriminatory planning and zoning regime. In so doing, Israel is loudly insisting on the denial of the Palestinian inalienable right to self-determination and right of return, to maintain its overall settler-colonial and apartheid system over the Palestinian people.

While Israel's array of discriminatory laws, including the Absentee's Property Law of 1950, the Legal and Administrative Matters Law of 1970, and the laws in force coupled with a set of Israeli military orders in the occupied West Bank,³ differ in titles, their objective is one – the advancement of the Israeli settlement enterprise in the face of Palestinian contiguity.

For example, in the occupied Jordan Valley, the Occupying Power has repeatedly demolished Palestinian properties of Khirbet Humsa al-Fawqa, whose residents are unable to obtain building permits under the pretext that it is located in a declared 'firing zone' area.⁴ In the Naqab, Israel demolished al-Araqib village for the 190th time,⁵ under the pretext that it trespasses on State-owned land.⁶ Despite the different geographical location and their subjugation to different legal regimes, Palestinians in al-Araqib and Humsa Al-Fawqa endure the same policy of Palestinian dispossession and forced displacement.

Dispossession and Displacement Through Forced Evictions

In East Jerusalem, eight families residing in Karm Al-Ja'ouni area of Sheikh Jarrah neighbourhood, and seven families in Batn Al-Hawa neighbourhood in Silwan are facing imminent threat of displacement. Notably, most of these families are refugees previously displaced during the Nakba of 1948. Prompted by settler organisations, Nahalat Shimon International and Ateret Cohanim, the dispossession in Karm Al-Ja'ouni and Batn Al-Hawa respectively was facilitated by Israel's Legal and Administrative Matters Law, which exclusively allows Jews to pursue claims of ownership to properties allegedly owned by Jews before 1948, while denying Palestinians the same for properties they lost in 1948 Nakba and 1967 Naksa.⁷

¹ For example, 8,200 Palestinians in Gaza remain internally displaced due to the latest May 2021 Israeli military offensive, OCHA, "Response to the escalation in the oPt | Situation Report No. 6 (25 June-1 July 2021)", 2 July 2021, at: <https://www.ochaopt.org/content/response-escalation-opt-situation-report-no-6-25-june-1-july-2021>.

² See Al-Haq's joint written submission submitted to the 48th Regular Session of the Human Rights Council, titled "The Price of Resisting Settlement Expansion: the Case of Jabal Sbeih," 22 August 2021.

³ Examples include: the 1858 Ottoman Land Code; Jordanian Law on Planning of Cities, Villages and Buildings 1966; Military Order Concerning Government Property (No. 59), 1967; Military Order Concerning Abandoned Properties (No. 58), 1967.

⁴ Al-Haq, "Over 550 Organisations call on UN Human Rights Council: "Condemnation is Not Enough – Root Causes Must be Addressed, Israel's Impunity Must be Brought to an End, Justice Must be Achieved"", 18 March 2021, at: <https://www.alhaq.org/advocacy/18044.html>.

⁵ Anadolu Agency, "Israel demolishes al-Araqib village for 190th time", 7 July 2021, at: <https://www.aa.com.tr/en/middle-east/israel-demolishes-al-araqib-village-for-190th-time/2296816>.

⁶ Al-Haq, "Joint Parallel Report to the United Nations Committee on the Elimination of Racial Discrimination on Israel's Seventeenth to Nineteenth Periodic Reports", 10 November 2019, para. 102.

⁷ Al-Haq, "14 Palestinian and Regional Organisations Send Joint Urgent Appeal to UN Special Procedures on Forced Evictions in East Jerusalem", 16 March 2021, at: <https://www.alhaq.org/advocacy/17999.html>.

Ruling in favour of evicting the 15 families,⁸ the Israeli courts confirm that Jews enjoy “right of return”, but disregards the same right for Palestinians, and exemplify, yet again, the complicity of the judicial echelon in Israel’s systematic denial of Palestinians’ rights of return and property restitution.

As of time of writing, the appealed eviction orders against seven Sheikh Jarrah families are pending.⁹ The Israeli Supreme Court proposed a “compromise” to four families that would allow them to continue living in their houses upon their recognition of settlers’ ownership of the properties in question. Rejecting this “compromise,” which violates the rights of protected persons against appropriation or destruction of private property, and forcible transfer, Palestinian residents continue to endure the lengthy and expensive legal battles.¹⁰

Similarly, in 2002, Ateret Cohanim targeted 81 Palestinian families in Batn al-Hawa with eviction lawsuits,¹¹ among which seven families were issued eviction orders.¹² The inherently unjust judicial system further infringes on Palestinians’ due process rights. For example, Nitham Abu Rammouz, one of the seven family members, was not informed about the eviction order issued against him and his 12-member family until almost five years after its issuance; he was never summoned to attend court sessions nor did he receive a judicial notice of the eviction order, which was issued in absentia, and by default was not appealed.¹³

Alarming, at least 993 Palestinians, including 432 children, residing in East Jerusalem are at risk of displacement due to ‘eviction cases’ filed against them.¹⁴ Over the past four years, around 15 households of 62 Palestinians were evicted from their homes in the Old City, Silwan and Sheikh Jarrah.¹⁵

Dispossession and Displacement through Home Demolitions

Shortly after occupying East Jerusalem in 1967, Israel had cancelled Jordanian building plans in al-Bustan, designating it as “green area”, where construction is prohibited, to build a touristic park.¹⁶ To meet the needs of their natural population increase, Palestinians have been building without permits, which are impossible to obtain, due to Israel’s aggressive planning and zoning policies. Against this backdrop, in 2005, the Jerusalem Municipality delivered a collective demolition order for 88 Palestinian houses of more than 1,500 Palestinians.¹⁷

The residents have been successfully filing for extensions to delay the execution of demolition orders. Nevertheless, on 17 March 2021, the court refused to extend 16 demolition cases based on the discriminatory ‘Kaminitz’ law or Amendment 116,¹⁸ which reinforces planning and construction laws through increased penalisation of building breaches that intrude on public land in Israel, particularly in the Arab communities,¹⁹ while completely

⁸ OCHA, “Palestinian family evicted from its home in East Jerusalem”, 10 December 2020, at: <https://www.ochaopt.org/content/palestinian-family-evicted-its-home-east-jerusalem>.

⁹ The Israeli Supreme Court decided to freeze the eviction order against three Sheikh Jarrah families until the exhaustion of proceeding (Al-Dajani et al. vs Nahalat Shomron International, Supreme Court 2841/21, 15 August 2021).

¹⁰ FMEP, “Court Proposes Settler-friendly “Compromise” to Avoid Substantive Ruling on Sheikh Jarrah Dispossession Cases”, 6 August 2021, at: <https://fmep.org/blog/resourcetag/sheikh-jarrah/>.

¹¹ Al-Haq, “House Demolitions and Forced Evictions in Silwan”, 2020, p.48, at: <https://www.alhaq.org/cached>

[_uploads/download/2021/08/17/silwan-webversion-1-page-view-1629184473.pdf](https://www.alhaq.org/cached_downloads/download/2021/08/17/silwan-webversion-1-page-view-1629184473.pdf).

¹² See supra note 8.

¹³ Al-Haq Affidavit 15A/2021 of 5 January 2021.

¹⁴ Data obtained from OCHA and Al-Haq’s documentation.

¹⁵ See supra note 8.

¹⁶ Al-Haq, “House Demolition and Forced Evictions in Silwan”, 2020, p.33.

¹⁷ Al-Haq, “88 Palestinian Houses to be demolished for Israeli Park”, 11 February 2012, at: <https://www.alhaq.org/monitoring-documentation/6931.html>.

¹⁸ NRC, “Case Summary Al Bustan – Silwan, East Jerusalem”, August 2021.

¹⁹ Ir-Amim, “Amendment 116 to the Planning and Building Law and the Palestinian Neighbourhoods in East Jerusalem”, July 2019, pp. 6-7.

disregarding the Palestinian housing needs. Among the 16 cases, the butcher shop of Mr. Harbi al-Rajabi was demolished on 29 June 2021, thereby destroying his livelihood.²⁰

On 7 June 2021, Fakhri Abu Diab, a resident of Al-Bustan neighbourhood, received a demolition order, stating: “these orders are issued according to the Kaminitz Law, which means we cannot object to it or request to freeze its enforcement, we are only given the option to self-demolish the structure within 21 days from receipt of order, or for municipality personnel to demolish it and thus incur demolition expenses, which could amount to at least NIS60,000 [approximately USD18,500].”²¹

Conclusion and Recommendations

Israeli instituted discriminatory laws and policies against Palestinians deprive them of their rights to freedom of movement and residence, adequate housing, and their land and natural resources.²² Forced evictions and home demolitions may amount to the war crimes of forcible transfer, destruction and appropriation of property not justified by military necessity, and the crimes against humanity of deportation or forcible transfer, persecution, and apartheid.²³

Accordingly, we call on Member States of the Human Rights Council to:

- i. Recognise that Israel’s discriminatory laws of dispossession and displacement are part of an apartheid system applied to the entirety of the Palestinian people;
- ii. Call on Israel to cease the application of its domestic laws to annexed East Jerusalem, and consequently, immediately cease legal proceedings and revoke eviction and demolition orders issued against Palestinians facing imminent threat of forcible transfer in Sheikh Jarrah, Batn Al-Hawa, and Al-Bustan neighbourhoods, and ensure the return of those evicted and/or the compensation of those whose properties were demolished where restitution is not possible; and
- iii. Pursue international justice and accountability for Israel’s systematic human rights violations against the Palestinian people, including the crime of apartheid, by activating universal jurisdiction mechanisms and supporting a full, thorough, and comprehensive investigation by the International Criminal Court into the Situation in Palestine.

Palestinian NGOs Network Addameer Prisoner Support and Human Rights Association DCI - Defense for Children International – Palestine Jerusalem Legal Aid and Human Rights Center Aldameer Association for Human Rights Ramallah Center for Human Rights Studies – Hurrayat Center for Defense of Liberties and Civil Rights The Independent Commission for Human Rights (Ombudsman Office) Muwatin Institute for Democracy and Human Rights The Civic Coalition for Palestinian Rights in Jerusalem Community Action Center/Al-Quds University, NGO(s) without consultative status, also share the views expressed in this statement.

²⁰ NRC, “Israeli authorities demolish shop in Silwan, 15 families at imminent risk”, 29 June 2021, at: <https://www.nrc.no/news/2021/june/israeli-authorities-demolish-shop-in-silwan-15-families-at-imminent-risk/>.

²¹ Al-Haq Affidavit 332A/2021 of 17 June 2021.

²² Article 1(2), ICESCR and ICCPR.

²³ Articles 8(2)(b)(viii), 8(2)(a)(iv), 7(1)(d), 7(1)(h), and 7(1)(j) of the Rome Statute of the ICC.