

TIME'S UP: WORLD MUST HOLD ISRAEL ACCOUNTABLE + RESTORE RIGHTS OF PALESTINIANS

*A COMMENT ON THE CURRENT SITUATION IN SHEIKH JARRAH BY THE FORMER UN
SPECIAL RAPPORTEUR ON THE RIGHT TO ADEQUATE HOUSING*

Four Palestinian families living in Sheikh Jarrah in East Jerusalem are facing forced eviction from their homes as a result of a legal challenge launched by Israeli settlers. The neighbourhood of Sheikh Jarrah was created in 1958 through an agreement between the Hashemite Kingdom of Jordan and the United Nations Refugee Works Agency to house and provide permanent residency to Palestinian refugee families who lost their homes in the 1948 war.

According to a 2020 survey by the United Nations Office for the Coordination of Humanitarian Aid, at least 218 Palestinian households in East Jerusalem, including the families in Sheikh Jarrah, have eviction cases filed against them. The majority of these have been initiated by 'settler organizations' with the objective of occupying the neighbourhood, placing 970 people, including 424 children, at risk of displacement.[1]

The Shift strongly underscores that forced eviction is a gross violation of international human rights law, particularly the right to adequate housing.[2] Eviction into homelessness is also a violation of the right to housing.[3] Moreover, the transfer by Israel of its population into occupied East Jerusalem is prohibited under the Fourth Geneva Convention, and as such may amount to a war crime.[4]

Furthermore, housing-related policies have long been at the heart of the Government of Israel's goal to actualize domination over the Occupied Palestinian Territory (OPT). Beyond forced evictions, this includes house demolition, the denial of building permits to Palestinians, and the creation of under-served Palestinian enclaves.

All UN Special Rapporteurs on the right to housing, including myself (2014 - 2020), have warned of the Government of Israel's growing weaponization of housing as a tool in the systemic oppression of Palestinians. International human rights bodies, including Special Procedures, treaty monitoring bodies, and UN political bodies such as the Human Rights Council and the

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General Assembly have reminded the Government that its actions in this regard are contrary to its obligations under international law.

The Security Council has also called on Israel to “immediately and completely cease all settlement activity in the Occupied Palestinian Territory, including East Jerusalem” and to “fully respect all of its legal obligations in this regard.”[5]

Several prominent human rights organizations have recently articulated the ways in which Israel’s actions toward Palestinians in the OPT are grave breaches of international law. B’Tselem, an Israeli human rights organization, has called the forced eviction of Palestinian residents in the West Bank a project of Palestinian displacement premised on Israeli supremacy. [6] A recent Human Rights Watch Report determined Israel’s treatment of Palestinians amounts to the crimes against humanity of apartheid and persecution.[7] Forced evictions were cited as an example.

All of this indicates that the Government of Israel continues to flagrantly violate international law.

Until the Government of Israel assumes its international obligations and begins to hold itself accountable, it is incumbent on the international community to do so in order to secure the human rights of Palestinians. This will require urgent and immediate measures and interventions by the international community to prevent the forced eviction of Palestinians from their homes and to ensure the immediate cessation of all violence. This will require the international community to impose arms embargoes, economic sanctions and use existing accountability mechanisms to uphold international law.

[1] UN High Commissioner for Human Rights, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27067&LangID=E>

[2] UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant), 13 December 1991, E/1992/23, available at: <https://www.refworld.org/docid/47a7079a1.html>

[3] UN Committee on Economic, Social and Cultural Rights (CESCR), General Comment No. 7: The right to adequate housing (Art.11.1): forced evictions, 20 May 1997, E/1998/22, available at: <https://www.refworld.org/docid/47a70799d.html>

[4] Fourth Geneva Convention, Article 49; Article 85(4)(a) of the 1977 Additional Protocol I.

[5] UN Security Council, Security Council resolution 2334 (2016) [on cessation of Israeli settlement activities in the Occupied Palestinian Territory, including East Jerusalem], 23 December 2016, S/RES/2334 (2016), available at: <https://www.refworld.org/docid/587f347a4.html>

[6] B’Tselem and Keren Navot Report, “This Is Ours - And This, Too: Israel’s Settlement Policy in the West Bank” https://www.btselem.org/sites/default/files/publications/202103_this_is_ours_and_this_too_eng.pdf (2021).

[7] Human Rights Watch, “Threshold Crossed” <https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution> (2021).

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