

Joint statement by CIDSE and ACT Alliance EU

Call for action to halt the evictions of Palestinian Families in East Jerusalem

11 May 2021

CIDSE and ACT Alliance EU are deeply concerned about the escalation of violence in East Jerusalem and in Gaza, as well as the evictions of families in the Sheikh Jarrah and Silwan neighborhoods. We call for an immediate cessation of all violence and urge the EU and member states to protect the Palestinian families of East-Jerusalem at risk of imminent eviction and demand the Israeli government to immediately halt the evictions.

Early 2021, Israel's District court of Jerusalem ruled in favor of the settler company Nahalat Shimon International, issuing eviction orders to 8 Palestinian families from the Karm Al Ja'ouni area in Sheikh Jarrah. Due to the current violence the Supreme court has postponed the hearing that would decide the fate of four families who are likely to be evicted in May.ⁱ Around 87 people including 28 children, are at risk of losing their family home, this during the continued global Covid-19 pandemic and the holy month of Ramadan.ⁱⁱ

Similarly, 18 households are at risk of eviction in the Batan Al-Hawa neighborhood in Silwan following Israeli court's ruling in favor of settler organization Ateret Cohanim. As a result, 108 Palestinians are facing the imminent threat of eviction and more than 430 people risk being displaced from the neighborhood by Israeli settlers in the longer run.ⁱⁱⁱ

Evictions - putting in total 970 people at risk of displacement in East Jerusalem^{iv} - are part of what UN OCHA has described as a "coercive environment" creating tremendous pressure on Palestinian residents.^v Evictions, together with home demolitions, arrests and discriminatory zoning, schooling and housing policies are making Palestinian life in East Jerusalem increasingly impossible.^{vi} Consequently, evictions can result in people being effectively coerced to move to a different part of the occupied territory, at risk of losing their East Jerusalem residency and being separated from their family and community. Policies such as these further entrench both Palestinians and Israelis into a situation of structural discrimination and inequality.

Forcible eviction and displacement contradict relevant IHL provisions binding on the occupying power, such as the prohibition of destruction of property and institutions dedicated to education^{vii}, and need to stop immediately. Evictions also contradict the UN Charter and UN Security Council Resolutions 478 and 2334 according to which East Jerusalem remains territory that is illegally annexed by Israel and considered under occupation.

It is particularly alarming that evictions facilitate the transfer of the Palestinian population in favor of Israeli settlers, paving the way for the violation of Article 49(6) of the Fourth Geneva Convention that prohibits an occupying power from transferring its population to the occupied territory. In addition, the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory is among the war crimes listed in the Rome Statute of the ICC (Art 8(2)(b)(viii)).^{viii}

Michael Lynk, the UN special rapporteur on the situation of human rights in the Palestinian Territory occupied since 1967, pointed out that "the eviction orders are not random but appear to be strategically

focused on an area in East Jerusalem known as the Historic Basin. They seem to be aimed at clearing the way for the establishment of more illegal Israeli settlements in the area and physically segregating and fragmenting East Jerusalem from the rest of the West Bank.”^{ix} This fragmentation is accelerated by the recent advancement of construction and planning of new illegal settlements in Givat Hamatos and Har Homa E.

The EU’s Foreign Ministers highlighted East Jerusalem demolitions and evictions as one of the particularly alarming developments on the ground which threaten to make the two-state solution impossible.^x In this context, CIDSE and ACT Alliance EU urge the EU and Member States to:

1. Call upon the Israeli government to immediately halt the evictions.
2. Take immediate steps to protect Palestinians in East Jerusalem at risk of mass forcible transfer in violation of international humanitarian law.
3. Request that the Israeli authorities, as per UN Secretary General’s recommendation, review the application of planning laws and policies to ensure that they are in accordance with Israel’s obligations under international humanitarian law and international human rights law.^{xi}
4. Follow up on recommendations made in EU Heads of Missions reports on East Jerusalem.
5. Call upon the Israeli government to immediately halt the expansion of illegal settlements in the OPT.
6. Actively support accountability for violations of international law by all parties, including protecting the work and independence of the International Criminal Court (ICC).

ⁱ These are the Al-Sabbagh, Al-Kurd, Skafi, Al-Qasim, AlJa’ouni, Hammad, Dajani, and Daoudi families.

ⁱⁱ For more detailed background on the current situation facing the Palestinian residents of Sheikh Jarrah, see Al-Haq and others, ‘Joint Urgent Appeal to the United Nations Special Procedures on Forced Evictions in East Jerusalem’ (10 March 2021);

ⁱⁱⁱ Ibid, p. 13-14.

^{iv} Spokesperson for the UN High Commissioner for Human Rights: Rupert Colville (May 2021) (<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27067&LangID=E>)

^v OCHA, Humanitarian Impact of settlements in Palestinian neighborhoods of East Jerusalem: the coercive environment (10 July 2018) (www.ochaopt.org/content/humanitarian-impact-settlements-palestinian-neighborhoods-east-jerusalem-coercive)

^{vi} See for example B’tselem, East Jerusalem, (<https://www.btselem.org/jerusalem>); Ir Amim, Education Report: Fifty Years of Neglect (2017) (https://www.ir-amim.org.il/sites/default/files/Education_Report_2017-Fifty_Years_of_Neglect.pdf.)

^{vii} Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories. Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan, Report of the Secretary-General, 1 October 2020 (https://ohchr.org/Documents/Countries/PS/A_75_376_AUV.pdf.)

^{viii} This also states that the transfer by the occupying force of parts of its own civilian population into the territory it occupies amounts to a war crime.

^{ix} The Office of the United Nations High Commissioner for Human Rights, ‘UN expert calls for reversal of Israel’s eviction order against 16 Palestinian families’ (11 January 2021)

(<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26648&LangID=E>)

^x Council conclusions on the MEPP, 3443th Foreign Affairs Council meeting, Brussels (18/01/2016) (www.consilium.europa.eu/en/press/press-releases/2016/01/18/fac-conclusions-mepp/); Council conclusions on the MEPP, 2985th Foreign Affairs Council meeting

Brussels, (8/12/2009) (https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/foraff/111829.pdf accessed 19 April 2021) and Council conclusions on the MEPP, 3209th Foreign Affairs Council meeting

Brussels, (10/12/2012) (https://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/134152.pdf.)

^{xi} Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories. Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan, Report of the Secretary-General, 1 October 2020 (https://ohchr.org/Documents/Countries/PS/A_75_376_AUV.pdf.)