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## Human Rights Council

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Agenda item 9

**Racism, racial discrimination, xenophobia and related  
forms of intolerance, follow-up and implementation  
of the Durban Declaration and Programme of Action**

### **Joint written statement\* submitted by Al-Haq, Law in the Service of Man, Al Mezan Centre for Human Rights, non- governmental organizations in special consultative status**

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

[7 February 2022]

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\* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.



## **From Sheikh Jarrah to al-Naqab: Ongoing Israeli Dispossession and Displacement**

Since its inception, Israel has developed a set of laws, and policies, particularly in the domains of land and nationality, designed to ensure the ongoing displacement and dispossession of the Palestinian people, laying the foundations of its apartheid. In maintaining its apartheid, Israel has designed a discriminatory planning and zoning, to ensure further appropriation of Palestinian land, demolition of their homes and property, and the maintenance of a coercive environment to drive the ongoing transfer of Palestinians.

Whether through the employment of discriminatory laws, or under the guise of afforestation plans, the ongoing displacement and dispossession of Palestinians from Sheikh Jarrah in Jerusalem, al-Naqab and elsewhere in historic Palestine, epitomize an ongoing *Nakba*, and embody the continuation of the Zionist settler-colonial project to establish and maintain Jewish supremacy. Despite the different geographical location and their subjugation to different legal status under Israel's systematic fragmentation, Palestinians in their entirety endure the same policies and practices of settler colonialism and apartheid.

### **Judaizing Jerusalem: Dispossession and Displacement through Forced Evictions and Demolitions**

Sheikh Jarrah neighbourhood in eastern Jerusalem was the spark that mobilised the Unity Uprising in May 2021. Under claims of Jewish ownership of properties before 1948, eight families residing in Karm Al-Ja'ouni area of Sheikh Jarrah face imminent threat of displacement.<sup>1</sup> By virtue of the illegally applied Israeli domestic Legal and Administrative Matters Law (1970),<sup>2</sup> that exclusively grants Jews the right to claim ownership over pre-1948 properties, settler organization Nahalat Shimon International managed to obtain eviction orders from Israeli courts against the eight Palestinian families,<sup>3</sup> who in turn appealed against them. The Israeli Supreme Court proposed a 'compromise' that would turn the residents into 'protected tenants' for 15 years in return for their recognition of settlers' ownership of the properties.<sup>4</sup> Palestinian residents rejected the 'compromise', which violates their rights as protected persons against private property appropriation or destruction, and forcible transfer.<sup>5</sup>

While the case of the eight families is still pending, criminal acts of displacement continue to impact other families in Sheikh Jarrah. On 18 January 2022, Israeli authorities demolished two houses and other structures that belong to al-Salhiyeh family under the pretext that the land is zoned to build a school for 'public purposes.'<sup>6</sup>

Despite only receiving evacuation notifications earlier that month, against which al-Salhiyeh family filed an injunction to halt its enforcement before the Jerusalem District Court, Israeli authorities stormed al-Salhiyeh family at freezing dawn hours, violently assaulted and detained family members and others present in solidarity, and then demolished the structures before the Court could even hold a hearing on their injunction.<sup>7</sup> In his testimony to Al-Haq, Mohamoud al-Salhiyeh repeated the words of one Israeli police officer as he was dragging him out of his home: "As promised Mahmoud, I am dragging you out of your home bear feet," demonstrating the inhumane treatment the family endured.<sup>8</sup> The arrested were released two days later on the condition not to enter Sheikh Jarrah for a month.

Notably, the eight families residing in Karm Al-Ja'ouni and Al-Salhiyeh family are refugees since 1948, who continue to be denied their right to return and to reclaim their original properties, that are dispossessed under the 1950 Absentees' Property Law. Under this law, the property of Palestinian refugees and internally displaced persons who were expelled, fled, or had left the country after 29 November 1947, would be confiscated by the State.<sup>9</sup> Palestinians are enduring an ongoing *Nakba*, wherein Israeli laws and policies are designed to ensure Israeli-Jewish domination and ongoing displacement of the Palestinian people.

## **Green Colonisation of al-Naqab: Forced Displacement of Palestinian Bedouins**

Palestinian Bedouin citizens of Israel in al-Naqab have long suffered from Israel's discriminatory planning and zoning laws, including the 1965 Planning and Building law, which excluded Bedouin villages from its original plans, rendering them 'unrecognized' communities, illegal, and under threat of demolition.<sup>10</sup> Between 2013 and 2019, Israeli authorities demolished more than 10,000 Bedouin homes in al-Naqab,<sup>11</sup> the Palestinian Bedouin village of Al-Araqib alone was demolished 196 times thus far,<sup>12</sup> forcing Palestinians to live in a coercive environment to drive their transfer.

In 2019, Israel announced plans for mass forced transfer of Bedouin citizens in al-Naqab, to make way for Jewish settlement and "development."<sup>13</sup> Israel zoned large parts of Palestinian towns and villages for "agricultural" use or as "green" areas, where construction is prohibited.<sup>14</sup> Afforestation and creation of nature reserves on both sides of the Green Line, including in al-Naqab, is a long-sustained Israeli tactic to appropriate land and sever Bedouin Palestinian ties to their land.<sup>15</sup> During the afforestation campaign of al-Araqib village in al-Naqab, then Prime Minister Netanyahu stated that allowing for a region without a Jewish majority in al-Naqab would pose "a palpable threat" to Israel.<sup>16</sup> Afforestation is carried out by the Jewish National Fund (JNF), which owns 13 percent of Israeli land, allocated to it by the Israel Land Authority (ILA) that controls 93 percent of the land in Israel.<sup>17</sup> JNF is mandated to develop and lease land for Jews only "for the purpose of settling Jews on such lands and properties."<sup>18</sup>

In January 2022, Israel continued its policy of dispossession and displacement of Palestinian Bedouins targeting the lands of al-Atrash tribe in the Bedouin village of Sa'wa, which has been cultivating their lands for decades as their source of income and livelihood. Under the guise of preserving state-owned lands from 'trespassers', the JNF, under heavy police and special forces protection, restarted its afforestation in Sa'wa on lands allocated to it by the ILA despite registered claims of ownership and agricultural use by Palestinian residents.<sup>19</sup> Protests against the afforestation were met with excessive force by Israeli police, including mass arrests and detention of protesting residents and activists, use of live ammunition and tear gas dropped from drones.<sup>20</sup> Israeli police also installed roadblocks, impeding residents from reaching their homes and schools.<sup>21</sup> According to Adalah, the police have arrested around 150 protesters, 40 percent of whom are minors; 38 protestors remain in detention as of 31 January 2022.<sup>22</sup> Israeli courts have extended many of the arrests several times even though police haven't conducted any investigative activities, rendering them illegal arrests.<sup>23</sup>

## **Recommendations**

We call on the Council and Member States to:

- Recognise that the discriminatory laws of dispossession and displacement are part of apartheid policies and practices applied by Israel to the entirety of the Palestinian people;
- Call on Israel to cease the application of its domestic laws to annexed Jerusalem, immediately cease legal proceedings and revoke eviction orders issued against Palestinians in Jerusalem, and ensure the return of those evicted and/or the compensation of those whose properties were demolished where restitution is not possible;
- Call on Israel to immediately repeal all laws it has enacted to further the Israeli policy of population transfer and appropriation of property, including the 1950 Absentees' Property Law;
- Call on Israel to recognise all the villages that are unrecognised in al-Naqab; to repeal its discriminatory zoning and planning laws that serve to dispossess and displace Palestinians, and recognise Bedouin ownership over their lands, which they have owned and lived on since before the creation of Israel;

- Ensure the fulfilment of various UN resolutions in relation to the inalienable right of Palestinian refugees to return to their homes and to restitution and compensation of their properties; and
- Cooperate to bring to an end Israel's institutionalized racial domination and oppression and the prolonged denial of the right to self-determination of the Palestinian people, including through sanctions, activating universal jurisdiction mechanisms and supporting a comprehensive investigation by the ICC into the Situation in Palestine.

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  16. Badil, n.10, 46.
  17. HRW, n.11.
  18. HRW, n.11.
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