

THE INTERNATIONAL JOURNAL OF HUMANITIES & SOCIAL STUDIES

The Position of United Nations on Human Rights Violations in Sheikh Jarrah Neighborhood

Rahaf Ghaleb Almaghareez

Researcher, Prince Al Hussein Bin Abdullah II School of International Studies,
The University of Jordan, Jordan

Dr. Amin Ali Alazzam

Professor, College of Bayt Al-Hekmah for Political Sciences and International Studies,
Al al-Bayt University, Jordan

Abstract:

Israel has committed many serious crimes against Palestinians, in general, and Jerusalemites in the Sheikh Jarrah neighborhood, in particular. Unjustified demolition orders, restrictions on residence permits, discriminatory building regulations, violence, and intimidation by settlers are all examples of Israeli measures that put the residents in East Jerusalem under tremendous pressure. This study aims to clarify the violations of human rights and violations committed by Israel against the residents of the Sheikh Jarrah neighborhood, in Jerusalem, in addition to investigating the role of the United Nations regarding the Israeli violations of human rights in the Sheikh Jarrah area, such as issuing evacuation orders for the Palestinians. Further, the study clarifies the international community's position and its role in stopping or limiting these violations. The researchers hypothesize that Israel violates international law without any sign of deterrence from the international community, represented by the United Nations. This research highlights the positions of international organizations regarding these violations, along with legal texts, press releases, and official publications that show that the UN's position has not gone beyond condemning the Israeli's atrocities against the Palestinian people, calling these actions illegal and a violation to the international conventions. Also, the UN has considered the confiscation of land by Israel as a violation of international humanitarian law because this action contradicts Security Council Resolution No. 2334, which called on Israel to stop settlements in the occupied territories, including East Jerusalem. The study recommends that the United Nations take more serious measures toward the Israeli occupation because of the Israeli's failure to comply with the resolutions issued by the Security Council and the United Nations that required Israel to withdraw from the occupied territories, including East Jerusalem.

Keywords: Jerusalem, UN, human rights, violations, sheikh Jarrah

1. Introduction

After World War II, the concept of human rights evolved through the 1948 Universal Declaration of Human Rights. It was an international human rights document that articulated the fundamental rights and fundamental freedoms of the individual inherent in all human beings, regardless of gender, race, color, nationality, religion, or language. These rights have regulated the lives of individuals in communities and their relations with each other. According to human rights law, no one is allowed to harm other persons or violate their rights. (amnesty.org)

The term 'violation of human rights' describes a situation of violating, or exceeding, one's rights provided by international human rights treaties and conventions, such as the Universal Declaration of Human Rights and the international humanitarian law. (ohchr.org)

(Crimes against humanity) is a term that defines the crimes committed against human beings before or during wartime. Examples of such crimes are: Deliberate killing, extermination, displacement of civilians, or any alike inhumane acts (ibid).

The Palestinian-Israeli conflict started in 1948 when Israel occupied Palestinian territories. Since then, Palestinians have been subject to many violations of their rights by the occupying Israelis in light of the lack of international efforts to stop these violations in all Palestinian territories, including the Sheikh Jarrah area, which sparked the third intifada and one of the causes of Gaza war in 2021. In the Sheikh Jarrah area, several right-wing settler organizations attempted to evict Palestinian families to implement eviction orders issued by the Israeli Supreme Court. As a result of these orders, eight Palestinian families in the Sheikh Jarrah area have become at risk of forced eviction by the settlement associations. (United nations, 1992)

These threats and eviction orders violate both the international human rights law and the international humanitarian law, which Israel claims to abide by. The international humanitarian law prevents the occupying power from transferring the original residents away from their homes. These violations may amount to a war crime.

The incidents that are taking place in the Sheikh Jarrah neighborhood, and in Palestine in general, amount to a crime of apartheid, represented by direct/indirect forced displacement of the neighborhood's residents, among other inhumane acts. With reference to many reports, such as the Human Rights Watch report - issued on April 27, 2021- among other reports, Israel is an occupying state that commits crimes of apartheid and persecution against Palestinian civilians.

1.1. Study Problem

As stipulated, Israel has always made every possible effort to empty the Palestinian lands from their original inhabitants and settle Jews instead. The Israelis destroyed houses, forcibly expelled Palestinian families, destroyed farms and agricultural lands, and many other resentful activities. Also, unjustified demolition orders are being issued, on a daily basis, by the Israeli courts to 'legitimize' the settling activities. The Palestinians living in the Sheikh Jarrah Neighborhood have also been subject to Israeli activities, as 500 residents have been threatened of being expelled to be replaced by Jewish settlers. Israel claims that the houses in Sheikh Jarrah belong to Jewish persons, based on the claim that the Sephardic Committee and the Knesset Committee of Israel (the Ashkenazi Jews Committee) owned the land on which the houses were built in 1885. In fact, there is a fierce legal battle before the Israeli courts between the settler associations and the Palestinian residents about the ownership of the lands and houses in Sheikh Jarrah. However, this battle is far from being a just one. Moreover, contrary to the Jewish settlers, the Palestinians are banned from moving freely inside and outside the Sheikh Jarrah Neighborhood.

1.2. Importance of Study

The importance of the study mainly appears in highlighting the definition of human rights, violations of human rights, and crimes against humanity. Also, the study highlights Israeli crimes and violations against Palestinians in the Sheikh Jarrah neighborhood. Additionally, the study presents the history of the Sheikh Jarrah neighborhood, along with the Israeli settlement activities.

This research presents the position of the UN on the Israeli violations in Palestine in general and in the Sheikh Jarrah neighborhood in particular and the international organization's role in resolving this issue, considering that the UN has the necessary authority and tools to resolve any conflict on the planet.

1.3. Study Objectives

The objectives of the study are to:

- Clarify the violations committed by Israel against the residents of the Sheikh Jarrah neighborhood.
- Clarify the position of the United Nations on the violations in the Sheikh Jarrah neighborhood.
- Highlight the role of the United Nations regarding these violations.
- Clarify the international community's move to force Israel to stop committing violations against the Palestinians.

1.4. Research Questions

This study will answer the following questions:

- What is the position of the United Nations regarding the Israeli violations in the Sheikh Jarrah neighborhood?
- What are Israeli crimes and violations against humanity?
- What are the Israeli violations committed by Israel against the Palestinians in the Sheikh Jarrah neighborhood?
- What is the United Nations' response to Israeli violations?

1.5. Methodology

This study follows the legal approach and the descriptive analytical approach along with a case study of the violations against the residents of the Sheikh Jarrah neighborhood. They are done by: presenting the Israeli violations, stating the positions of international organizations, presenting legal texts, collecting press releases, in addition to official publications.

2. Israeli Violations of International Law in the Sheikh Jarrah Neighborhood

Israel is an occupying state. It occupied Palestine in 1948, and since then, it has assaulted the Palestinian people and violated their rights. The international law considers these violations serious and grave. Israel does not care about the decisions of international law and does not bear its responsibility in implementing the provisions of the Geneva Conventions, as an occupier, regarding the protection of civilians.

The resident families in the Sheikh Jarrah neighborhood, East Jerusalem, are subject to be cleansed ethnically through eviction and displacement orders against them. Israel has been following the same ideology since 1948, as it expelled half of the original inhabitants.

Although more than 50 decades have passed since the issuance of resolution No. 242, it has not been implemented so far. In addition to Resolution 242, Resolution No. 338, issued by the Security Council on October 22, 1973, came to complement the previous resolution and gave it security and political power, which called for the implementation of Resolution No. 242 in all its parts (Security Council).

From that time to the present day, Israel has been violating international law and committing crimes against humanity against the Palestinian people in the occupied territories.

2.1. Israel's Violations of Human Rights in Palestine

Human rights violations are violations of the basic individual's rights that are stipulated in the Universal Declaration of Human Rights and international conventions and charters. Such violations occur when a state fails to fulfill its obligations to enjoy, respect, and protect human rights, as mentioned in the previous chapter in detail. In this section, the researchers explain the Israeli violations of the rights of the Palestinians in the occupied territories.

Israel, the occupying state, violates the basic rights of the Palestinians and practices all kinds of persecution on them. One of the most prominent Israeli violations against the Palestinians is the forced eviction of people from their homes, which is the right to adequate housing and the practice of illegal demolitions of houses. It is the case in the Sheikh Jarrah neighborhood, in which Israel seeks to change its demographic character, according to the Qatari newspaper *Al-Watan* (2021).

Israeli violations of human rights against the Palestinian people take many forms, including: Crimes against humanity, war crimes, forcible transfer and deportation of residents, settlement activities, acts of violence, allowing continuous harassment by settlers (lack of accountability), damaging Palestinians' properties, illegal arrests, torturing, discrimination, restricting the freedom of movement, inadequate provision of health services, poor supply of water and sanitation, imposing restrictions on the freedom of expression and many more

Khalil (2009) mentioned that the Israeli occupation itself was a violation of human rights, particularly the right to self-determination, whether individually or collectively.

In the next chapter, the researchers will show the Israeli violations of the rights of the Palestinians in the West Bank and Gaza Strip; then, she will clarify the Israeli violations in the Sheikh Jarrah neighborhood, in particular.

Israel, as an occupying power, has to fulfill its obligations stated in: the Universal Declaration of Human Rights, the 1907 Hague Convention (Articles 42-57), the Fourth Geneva Convention of 1949 (Articles 27-34 and 47-78), and the First Additional Protocol to the Geneva Conventions; in addition to the obligations mentioned in the 1967 International Covenant on Civil and Political Rights (ICRC, 2014).

Israeli has committed numerous violations of the civil and political rights of the Palestinians in the West Bank and Gaza. Examples of these violations are mentioned below:

2.1.1. Violating the Right to Freedom of Movement, and Imposition of Siege on the Palestinians

Israel has continuously imposed an illegal land, sea, and air blockade on the Gaza Strip for more than 15 years, restricted freedom of persons, and separated families. It has also imposed very severe restrictions on travel between Gaza and the West Bank, even in cases that do not require crossing Israel; by that, Israel has managed to separate the two halves of a geographical unit (Human Rights Watch, 2017). Further, Israel has imposed restrictions on the individuals' access to the right to education and health care, as the people in Gaza Strip suffer from a severe shortage of fuel, resulting in the shortening of the availability hours of electricity (from 4 to 8 hours daily).

This blockade is considered a collective punishment that is prohibited by international humanitarian law and a flagrant violation of the articles of all the legislations concerning human rights (Euro-Mediterranean Human Rights, 2021).

As for the situation in the West Bank, Israel has established at least 593 Israeli roadblocks and checkpoints to impose severe restrictions on Palestinians' movement and access to their rights to health, education, and work. The holders of Palestinian identity cards are consistently prevented from using the roads assigned to Israeli settlers (Amnesty International, 2020).

The separation wall is another restriction imposed by Israel to hinder the movement of Palestinians in the West Bank. This wall isolated a large number of Palestinians from their beloved ones.

2.1.2. Arbitrary Arrest or Detention and Mistreatment of Children

Israel made several incursions into the West Bank and arrested Palestinians without a court order or providing reasons for those arrests. Also, Israel practices administrative detention policies, as there are about 397 administrative detainees held in Israeli prisons (those located in Israel) by January 2019, according to the Israeli Prison Service (Amnesty, 2020).

Israel uses the prisons in Israel so that the families of the detainees are not allowed to visit due to the Israeli policy of not allowing Palestinians to enter Israel. By that, Israel deliberately violates the international law that requires the detention to be in prisons inside the occupied territories. Also, Israel violates the provisions of the Convention on the Rights of the Child, to which Israel is a party, by arresting, detaining, and imprisoning children. Under international law, the detention of children should be the last procedure and for the shortest possible time.

2.1.3. Torture and Other Ill-Treatments

The Israeli security forces beat Palestinian detainees, including children, and practice various methods of torture on them, such as: Beating repeatedly, slapping, painful restraining, Handcuffing, Sleeplessness, Threatening of violence against family members, forcing them to stay in painful conditions, and using prolonged solitary confinement, sometimes for months.

Many of the detainees lost their lives due to the torture and ill-treatment they were subjected to by the Israeli forces.

One of the infamous Israeli violations is depriving some prisoners of getting health care or treatment, even in degrading conditions.

In 1991, Israel ratified the Convention against Torture. However, it was not reflected in its domestic legislation. Israel insists that the Convention against Torture does not apply to the Occupied Palestinian Territory, despite the assertion of the United Nations Committee to the contrary. Thus, Israel can, categorically, deny committing torture crimes (Hawari, 2019).

2.1.4. Illegal Settlement

The practices of the Israeli settlement violate the Fourth Geneva Convention issued in 1949, especially the sixth paragraph in Article 49, which states: 'The occupying power may not deport or transfer part of its civilian population to the lands it occupies.' (Al-Biyari, 2018). The International agreements prohibit settlement and consider it a war crime. It has been confirmed by the United Nations in its dealings with Israeli settlements through General Assembly and Security Council resolutions (Hamani, 2021).

Israel facilitates the transfer of its citizens to the occupied West Bank, including East Jerusalem, applies civil law to the settlers, and provides them with legal protection, rights, and aid. In return, the Palestinians living in the same area are subject to military law (Human Rights Watch, 2022) and are prevented from attaining their rights. The number of settlements is increasing consistently. However, these settlements are considered a violation of international law (France24, 2019). In fact, Israel has legitimized settlement at the level of local Israeli law by enacting laws aiming at acquiring private and public property for Palestinians. In 2017, the Israeli Knesset issued a law legalizing the confiscation of private Palestinian lands in the West Bank, on which settlements were built to settle Israeli settlers (The Center Legal Rights of the Arab Minority in Israel, 2018).

On July 19, 2018, Israel enacted a law providing for the Jewishness of the state. Such a law leads to the abolition of the rights of the Palestinians who live inside the green line (territories occupied in 1948) and paves the way for their expulsion. One of the most dangerous provisions contained in this law is that it considers settlement a national value that the state must encourage and support its continuity and stability (Al-Omari, 2019).

2.1.5. Forced Transfer, Forced Eviction, and Home Demolition

1949 Geneva Convention Article 53 states that: 'It is prohibited for the Occupying Power to destroy any private immovable or immovable property relating to individuals, groups, the State or public authorities.' However, the Israeli violations have affected this article as it obliges Palestinians to evacuate their homes. The Israeli authorities demolished many houses of Palestinians as a collective punishment, which is prohibited under international law. Also, the Israeli authorities have confiscated thousands of Palestinian lands to build settlements. With the support of the Israeli authorities, the Israeli settlement organizations carried out forced evictions of Palestinians from their homes (Human Rights Watch, 2017).

In the same manner, East Jerusalem faces several demolition orders. Since 1967, Israel has refrained from enabling Palestinians to reside in East Jerusalem and performed many demolitions of Palestinian properties on the ground that they were 'illegal', resulting in a housing shortage (OHCHR, 2009). Consequently, there has been a significant rise in the number of refugees displaced from East Jerusalem (UNRWA, 2013).

This is the current situation in East Jerusalem, specifically in the Sheikh Jarrah neighborhood, where families are facing orders to evict their homes. Also, there are other violations against the Palestinians, such as: Restricting freedom of expression, group formation and association, unlawful killings, excessive use of force, unfair discrimination against Palestinians, unfair trials, the rights of refugees and asylum seekers, and gender-based violence against Palestinian women.

2.2. History of the Sheikh Jarrah Neighborhood

Sheikh Jarrah neighborhood, with a population of 2,800, is a Palestinian residential area located to the north of the Old City in occupied East Jerusalem. With an area of about 808,000 square metres, this neighborhood includes many diplomatic missions and well-known landmarks, such as: The Orient House, the American Colony Hotel, and the Palestinian National Theatre (The Palestinian Academic Society for the Study of International Affairs, 2017).

Also, several consulates and diplomatic representatives are located in Sheikh Jarrah and nearby areas, including: Britain, Turkey, Belgium, Spain, France, Italy, and Sweden.

They can also be located in the offices of The United Nations Office for the Coordination of Humanitarian Affairs (OCHA), The World Health Organization (WHO), The European Union, The organization UNAIS, and The Red Cross (Chambial, 2021).

To control the population in Jerusalem, Israel has granted a 'permanent residence' to 358,800 Palestinians living in Jerusalem (peace now, 2022). Under this status, these Palestinians can live and work in Israel without the need for special permits. They are entitled to social security, health insurance, and participation in municipal elections (BTESLEM, 2021).

Sheikh Jarrah neighborhood is named after Prince Hussam al-Din bin Sharaf al-Din Issa al-Jarrahi, the doctor of Salah al-Din al-Ayyubi, the Kurdish Muslim leader. The neighborhood of Sheikh Jarrah is known to the Jews as Shimon HaTzaddik (Simon the Just), a Jewish priest (Reiter & Lehrs, 2010).

2.2.1. The History of Settlement in the Sheikh Jarrah Neighborhood

In 1876, a Jewish man arrived in Jerusalem, fleeing the persecution of the Jews in Europe. One of the residents of the Sheikh Jarrah neighborhood helped him. He rented a piece of land annually for over 90 years. According to the Ottoman laws and regulations, it was forbidden to sell lands to the Jews (Arnaout, 2011).

The settlement project in Shaykh Jarrah began when the chairmen of the Sephardi and Ashkenazi councils in Jerusalem formed a coalition in 1876 to buy/rent Shimon HaTzadik cave and the one next to it, known as the Minor Sanhedrin, adding to the surrounding Karm al-Ja'uni (around 17,500m²). They secured a long lease contract for sixteen thousand francs. The contract was registered in the Ottoman records under the name of Rabbi Avraham Ashkenazi on behalf of the Sephardi community, and Meir Auerbach, on behalf of the Ashkenazi community (Jubeh, 2021).

In 1880, a settlement was established to house poor Jews, and in 1891, a new settlement was established, called Nahalat Shamoun, known among locals as 'Kubaniyat Umm Harun.' The land was rented or bought by a Jewish settlement investment agency which divided the land into plots and distributed them to Jewish families coming from Yemen, Aleppo, and Georgia (Reiter & Lehrs, 2010).

In 1948, after the war, the settlement was evacuated from settlers by the Haganah and the British police, moving them to the western part of the city (Jubeh, 2021). During the 1948 war, Israel tried to occupy this neighborhood because of its strategic location, which linked the east part to the west part of Jerusalem, and its proximity to the Green Line. The 1948 war ended with Israel controlling 78% of Palestine, including the western part of Jerusalem that contained some of the pre-1948 Arab neighborhoods. (ibid)

In 1956, the Jordanian Ministry of Building and Construction signed an agreement with UNRWA to build twenty-eight residential units for Palestinian refugees (from west Jerusalem, Jaffa, and Haifa) in Sheikh Jarrah (Muhammad, 2021). The Jordanian government would provide the land needed for construction, while UNRWA would fund the construction work. The ministry signed contracts with twenty-eight Palestinian families to build houses for them on that land without waiving their rights of return, compensation, and without giving up their legal status as refugees; in return, the refugees were only asked to waive the 'ration card' provided by UNRWA (Jubeh, 2021). The Jordanian Ministry pledged, under the agreements, that the ownership of housing units be delegated and registered to the residents' names. However, Jordan had never transferred the land titles to the Palestinian residents in Sheikh Jarrah before the 1967 war (Ostrovsky, 2021).

In the 1967 (the Six Day) War, Israeli forces took control of the eastern part of Jerusalem and the West Bank, seized the Jordanian records of the Custodian of Enemy Property, and handed them over to the general Custodian of Absentee Property in the Israeli Ministry of Justice (Jubeh, 2021).

In 1970, the Israeli parliament (Knesset) approved a law alleging the existence of land and real estate for Jews in the Sheikh Jarrah. It claimed that the Jews owned these properties before the establishment of Israel (Aljazeera, 2021).

Furthermore, Israel passed a law granting the Jews, whose properties were seized by Jordan in 1948, the ability to reclaim their assets if they could prove ownership. The two Jewish groups that originally bought land in Sheikh Jarrah were able to prove their ownership because Jordan never transferred the properties to the Palestinian residents (Reiter & Lehrs, 2010).

On September 13, 1972, settler groups (Ashkenazi and Sephardi) went to register the land of Karam al-Jaouni (Jordanian land) in the Israeli Land Registrar Department. The Israeli courts accepted the request based on official papers written in the ancient Ottoman language, stating that they were the land owners. According to the Israeli claim, the two endowments together purchased this plot of land in 1876 for 16,000 francs (Qawasmi & Odeh Allah, 2021). Then, the Jewish groups filed the first lawsuit, between 1974-1975, against four families living in the neighborhood, demanding them to vacate the houses. The Israeli Magistrate's Court rejected the lawsuit, considering the Palestinian residents protected tenants (Qawasmi & Odeh Allah, 2021).

In 1982, the Jewish groups sued the families living on their alleged property, demanding the evacuation of the families from their homes (Chambial, 2021). So, the residents of Sheikh Jarrah hired the Israeli lawyer, Yitzhak Tosia-Cohen. This lawyer signed a settlement in 1989, without the knowledge of the families (Jubeh, 2021), acknowledging that the Jewish groups were the legal owners, in exchange for the families remaining in their homes as 'protected tenants' and paying rent (Reiter & Lehrs, 2010). Later, the families objected to this agreement, and the residents refused to pay rent to the settlers.

UN special rapporteurs said: 'It appears that at no point did the families give consent to or were consulted on the settlement negotiated by the lawyer, who did not represent all Palestinian families living in Sheikh Jarrah' (BBC, 2021).

In 2002, the first official eviction decision against two Palestinian families was issued. In 2003, the organization Nachalat Shimon International purchased the land rights from the Sephardic Community Council and began its own legal proceedings (Reiter & Lehrs, 2010).

In November 2008, the al-Kurd family was evicted from their home. Then, the Hanoun and al-Ghawi families were evicted in August 2009 (Arnaout, 2021). In 2009, after they went to Ankara, lawyers for the Palestinian families could obtain the Ottoman documents that denied the allegations of the Sephardic Jews Committee and the validity of the Jewish documents. The documents proved the ownership of the lands to the Palestinians and confirmed that the Sephardic Jews merely rented those houses, not bought them. However, the court refused to accept these documents on the grounds that 'they arrived late' (Imran, 2021).

In 2009, an evacuation attempt was made, but it caused huge protests and received international attention. Consequently, Israel had to stop evacuation operations (Hurst, 2021). Peace Now says that, since the beginning of 2020, the Israeli courts have allowed the eviction of 36 Palestinian families (consisting of 165 members, most of them were

children) from their homes in Batn al-Hawa, Silwan, and Sheikh Jarrah for the benefit of settlers. Peace Now added that many were at risk of becoming homeless without compensation or alternative housing and incurring exorbitant legal fees.

The residents of the Israeli settlements in the West Bank, including East Jerusalem, were more than doubled in population from 1993 to 2021. The population rose from 270,000 to almost 660,000 settlers (Goldstein, 2021).

In May 2021, the Central Court issued a decision to expel families from Sheikh Jarrah. As a result of this decision, there were violent confrontations between the Israeli forces and the Palestinians. This is because dozens of Palestinians organized events during the month of Ramadan in the Sheikh Jarrah neighborhood to warn of 'ethnic cleansing' and the expulsion of families from their homes in the neighborhood.

Israel continued the construction of housing units in Sheikh Jarrah on January 10, 2022. The Jerusalem Planning Committee submitted a plan, pending housing, about 800 units snapshot of the 182 existing units in the settlement of Gilo in East Jerusalem. On January 17, 2022, the Jerusalem Planning Plan submitted a plan to build about 1,200 housing units near Kibbutz Ramat Rachel in the south of Jerusalem (UN, 2022).

The Israeli Supreme Court suspended the evictions of 4 Palestinian families from the Sheikh Jarrah neighborhood, where the ruling was passed by 3 judges. Judge Yitzhak Amit wrote: 'the families will be recognized as protected tenants and will pay a group of Jewish settlers a symbolic annual rent of 2,400 shekels (about \$740),' until 'Decision on the issue of property and rights' (Sky News Arabia, 2022).

The Arab residents in East Jerusalem live under a constant threat of the policy of Judaizing the city by filling the area with Jewish settlers. Since its occupation of the area in 1967, the Israeli authorities have been trying to reduce the Palestinian presence in Jerusalem to less than 30% (La Cimade, 2015).

Attempts to settle in the Sheikh Jarrah neighborhood are still ongoing. In May 2021, attempts were made to evict the Palestinian families from the Sheikh Jarrah neighborhood after the Supreme Court had issued eviction orders on the pretext that the ownership of the lands under question belonged to the Sephardic Jewish Settlement Committee.

East Jerusalem has turned into an Israeli city through a series of measures targeting the population (International Labor Office, 2008), eviction orders, demolition orders, and building settlements. Such measures aim to surround the old city with settlements and prevent the connection among the old neighborhoods. (UN, 2010)

The Israeli violations have affected the Palestinians in the Sheikh Jarrah neighborhood, as is the case in the rest of the occupied territories. In the next section, the researchers will explain the violations of international law in the Sheikh Jarrah neighborhood.

2.3. Israeli Violations of International Law in Sheikh Jarrah

The Israeli violations affect the Palestinians living in the Sheikh Jarrah neighborhood, as is the case in the occupied territories as a whole. In chapter two of the present study, the concept of human rights violations was elaborated in detail. Also, the Israeli violations against the Palestinians were mentioned in the second section of this chapter. This section explains the Israeli violations of international law in the Sheikh Jarrah neighborhood.

Israeli violations of international law in Sheikh Jarrah include: Israel violates the Universal Declaration of Human Rights, as article 17/2 states: 'No one shall be deprived of his property.' Israel violates the International Convention on the Elimination of all Forms of Racial Discrimination, which prohibits all discriminatory acts. Israel violates article 46 of the 1907 Hague charter, which honors the right to private property. Israel violates the Fourth Geneva Conventions of 1949 regarding human and property rights. Israel violates international legitimacy and Security Council Resolution 198 of 1971, stipulating that the seizure of the lands via force and military conquest is illegal. Israel violates UNSC Res. 2334 of 2016, which demands an end to Israeli settlements and considers all settlements built on the 1967 borders, including those in East Jerusalem, illegal. Israeli settlers attack unarmed citizens in Sheikh Jarrah with the protection - and outright approval - of the Israeli occupation forces.

Also, Israel's violations of international law in Sheikh Jarrah are represented in: Illegal evictions and annexations, demolitions, forced displacement of Palestinians from their homes, land confiscation, imposition of emergency laws, restricting work opportunities, and the illegal closure of the neighborhood.

Israel has been violating international law since 1948 through its settlement projects in the occupied territories. Sheikh Jarrah is an example of settlement projects carried out by Jewish groups with the help of the Israeli government in an attempt to Judaize the city of Jerusalem and distribute settlement outposts between villages and neighborhoods (Iriqat, 2021).

Eight Palestinian refugee families – the Al-Kurd, Al-Daoudi, Abdurey, Dajani, Hammad, Iskafi, Al-Qassim, Al-Jauni, and Al-Sabagh – face a risk of eviction from their homes in the Sheikh Jarrah neighborhood, due to a legal challenge by the Nahalat Shimon settler organization. If ordered and implemented, the evictions would violate Israel's obligations under international law (ohchr, 2021).

In 2021, the Spokesperson for the UN High Commissioner for Human Rights, Rupert Colville, said that Israel applied the Property Law for Absentees and the Legal and Administrative Matters Law according to the nationality or origin of the owner.

The study will explain two of these violations against the residents of the Sheikh Jarrah neighborhood:

2.3.1. Violation of the Right to Adequate Housing

The right to adequate housing is the right to live in a place of safety, security, and dignity. This right includes protecting the individuals from: Forced evictions, destruction, and demolition.

This right also consists of facilitating access to basic facilities without discrimination and the right of the individuals not to be subject to arbitrary interference with their homes and private lives (Office of the Commissioner High Commissioner for Human Rights, 2010).

Israel has consistently violated this right through forced evictions of residents of the Sheikh Jarrah neighborhood and the demolition of the homes of Jerusalemites without deterrence from the international community.

In February 2017, the Knesset passed a law allowing authorities to retroactively expropriate Private Palestinian land on which settlements had been built. However, In June 2020, the Supreme Court struck it down as unconstitutional (Shezaf, 2020).

Israel has seized land and imposed restrictions to prevent the Palestinians from recovering their seized properties or benefitting from their lands, amounting to the inhumane act of 'expropriation of landed property' under the Apartheid Convention. Through such decisions, Israel directly violates the Palestinians' right to adequate housing through expelling Palestinians from their homes, demolishing their houses, and Imposing restrictions on them, particularly in the Sheikh Jarrah neighborhood.

Between 2009 and 2020, the Israeli authorities demolished 7,118 structures in East Jerusalem and Area C, displacing 10,493 people, according to OCHA (2022). It also violated the right to adequate housing for the Palestinians. In return, Israel has not offered resettlement options or compensation to families whose homes were demolished.

On October 8, 2020, the Jerusalem Magistrate Court granted a petition requested by the Nahalat Shimon International Company to evict four Palestinian families in Sheik Jarrah. The Nahalat Shimon International Company initiated the eviction lawsuits sometime between September 2009 and December 2010. The ruling was delivered on 28 October 2020 to the families' lawyers, ordering the Al Kurd, Iskafi, and Al-Qassim families to vacate their properties within 30 days and the Al-Jauni family by 1 January 2021. The four families consisted of at least 27 people, including 11 children. The Court also ordered each family to pay 70,000 INS (around 21,000 USD) to Nahalat Shimon International in compensation for incurred legal expenses. The Court ordered the Police to support the enforcement of the ruling if the families did not vacate the properties within the prescribed deadlines. (Ohchr, 2020)

Also, on September 4, 2020, the Israeli Magistrate Court issued an eviction order against three other families in Sheik Jarrah, the Al-Daoudi, Abdurey Dajani, and Hammad. The Court directed at least 24 people to leave their homes by 1 August 2021. The Court also obliged each family to pay 30,000 INS (around 9,000 USD) for incurring legal expenses. (reliefweb, 2020)

On January 17, 2022, Israeli forces, consisting of police and Border Police, demolished a building in the neighborhood for a family of seven and demolished a 600-square-meter compound (B'Tselem, 2022).

Israel's coercive policies in East Jerusalem and the West Bank amount to intentional forcible transfer of civilians within an occupied territory are defined as 'the movement of individuals under duress from where they reside to a place that is not of their choosing' (NALETILIC and MARTINOVIC, 2003).

Some of the Israeli policies in violating this right are: Denying building permits for houses, schools, clinics, and infrastructure, and adding to demolishing homes and entire areas.

The evictions aim to consolidate Israel's ownership and gain control over the so-called 'historic basin' of East Jerusalem, which would eliminate contact with the West Bank, with a view to breaking up Palestinian cities and cutting off the connection between them.

The previous and next forced evictions of Palestinian families in Sheikh Jarrah led to the displacement of persons protected under Article 4 of the Fourth Geneva Convention, which is a violation under Article 49 of the Fourth Geneva Convention, which Israel, as the occupying power, is obliged to respect.

Demolitions and evictions are carried out against Palestinian families to build settlements for settlers despite the affirmation of the General Assembly, in its resolution 70/89, of the illegality of Israeli settlements in the occupied Palestinian territories, including East Jerusalem (Report of the United Nations High Commissioner for Human Rights, 2016).

The plan to evacuate the Palestinian population received significant criticism from the United Nations, the United States of America, and the European Union, considering these evictions illegal under international humanitarian law.

2.3.2. Violation of the Right to Expression and Assembly

Freedom of expression is the origin of all freedoms related to expressing opinions freely by all means. The freedom of expression includes freedom of the press, freedom of the media, freedom of information circulation, the right to strike, and the right to assembly (demonstration, sit-in) (Ezzat, 2012).

The right of peaceful assembly enables citizens to hold peaceful meetings at any time and place to express their opinions (Al-Haq Foundation, 1995). Restricting this right is considered a violation of the right to freedom of expression, as the international community guarantees freedom of expression and assembly to every person through international conventions and charters, which obligate the states to take the necessary measures in their constitutions and internal laws. The freedom of expression is guaranteed by Article 19 of the Universal Declaration of Human Rights.

As the Palestinians are forbidden to organize demonstrations to protest the eviction of Sheikh Jarrah, Israel violates the Palestinians' right to expression and assembly on a daily basis. In case of protest, the Israeli forces are free to fire teargas, stun grenades, and rubber-coated steel bullets, in any region, including Al-Aqsa Mosque, injuring hundreds of Palestinians, according to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA). Due to the Palestinians' protest against Israel's policies and clashes between the Palestinians and the Israelis, in May 2021, 735 Palestinians and 32 Israeli officers were injured, according to figures cited by OCHA (Shakir, 2021). The Israeli authorities

have long used excessive force to quell Palestinians' protests, causing serious injuries to the protesters and, sometimes, loss of Palestinian lives.

Colville (spokesperson for the United Nations High Commissioner for Human Rights) said: 'As we call Israel to respect freedom of expression and assembly, including those protesting against evictions, and to exercise maximum restraint in the use of force while ensuring safety and security in East Jerusalem' (United Nations, 2021).

Even in electronic demonstrations through social media platforms, there has been a restriction on Palestinian protesters from publishing content. Further, 'Facebook', 'Instagram' and 'Twitter' have worked on silencing the demonstrations of the Palestinian people and deleted the content of the forced eviction that the people of Sheikh Jarrah are subjected to. The three social networks have deleted all the posts and blocked many accounts that documented and condemned the Israeli violations. Actually, the arbitrary and opaque decisions of the platforms constitute a serious violation of Palestinians' fundamental rights, namely: The right to freedom of expression and the freedom of assembly and demonstration over the digital space.

Facebook, Twitter, and Instagram have always pledged to respect this in line with the UN Guiding Principles on Business and Human Rights (access now, 2021).

The Israeli manipulation of social media platforms has affected Palestinian, Arab, and foreign activists worldwide who use social media to spread awareness about the seriousness of the situation in the Sheikh Jarrah neighborhood.

The demolition and eviction orders are still ongoing and without deterrence, as this is what makes people wonder about the effectiveness of international law that Israel is violating in length and breadth.

In turn, international institutions, such as the UN, work on limiting the violations of international laws. For instance, the UN's motto is to impose security and peace worldwide.

3. Conclusion

The research in hand has sought to investigate the position of the United Nations regarding the Israeli violations, as the UN is an international organization that seeks to impose security and peace and promote and encourage respect the human rights.

So, it is of utmost importance to know its position regarding the Israeli violations against the Palestinians.

It has been found that the United Nations has been merely concerned about the brutal Israeli operations against the Palestinians for over 74 years. In fact, the UN has only adopted decisions that do not deter Israel, which has encouraged Israel to continue violating international law and international humanitarian law. Moreover, Israel has increased its violations in the occupied Palestinian territories, such as: Confiscating Palestinians' lands to construct housing units for settlers and expanding settlements, taking ethnic cleansing measures of house demolitions and illegal measures in Jerusalem, taking collective punishment measures, including roadblocks and closures, and exploiting and controlling natural resources.

In May 2021, the Central Court issued a decision to expel families from Sheikh Jarrah. It resulted in violent confrontations in the neighborhood between the Israeli forces and the Palestinians. By taking such decisions, Israel aims to inform the world that Jerusalem is one unified city, no East or West, and it is the capital of Israel.

Also, it aims to destroy any possibility of making Jerusalem, or any part of it, the capital of a potential Palestinian state.

However, these measures that have changed the features of Jerusalem city and its geographical, demographic, and historical status are 'invalid measures', according to international entities, including the UN.

The UN General Assembly has expressed its concern about Israel's construction and expansion of settlements in East Jerusalem, as Israel's goal is to isolate the occupied East Jerusalem by linking together all the illegal settlements built around it.

Israel's failure to comply with international laws and refusal to respect Palestinian rights has resulted in the intensification of violence that Israel is currently practicing against the residents of the neighborhood. Israel justifies such actions to the international community as self-defense.

All this violence leads to Israel behaving like an apartheid state. This fact is supported by several international reports that consider Israel's practices of persecution and apartheid as crimes punishable by international law.

4. References

- i. Access now (May 7, 2021). Sheikh Jarrah: Facebook and Twitter systematically silencing protests, deleting evidence. Retrieved from <https://www.accessnow.org/sheikh-jarrah-facebook-and-twitter-systematically-silencing-protests-deleting-evidence>
- ii. Al-Biyari, Islam Rasem, (2018). 'The crime of Israeli settlement in international humanitarian law.' Magazine Gill for in-depth legal research, Issue 29
- iii. Al-Haq Foundation, (1995). The Right to Freedom of Assembly, Ramallah, Non-Circular Bulletin, No. 12
- iv. Al-Jazeera, (June 7, 2021), what does the decision of the occupation government not to object to the ruling of the Supreme Court regarding the displacement of the residents of Sheikh Jarrah neighborhood mean? Retrieved from <https://www.aljazeera.net/news/2021/6/7>
- v. Al-Omari, Hakim, (2019). Israeli Settlement in the Occupied Territories from the Perspective of International Law. Journal of Legal Studies, (Volume 5, Issue 2)
- vi. Al-Watan, (2021). 'رفض دولي لانتهاكات إسرائيل ب«حي الشيخ جراح»'. retrieved from <https://www.al-watan.com/article/263853/Out>

- vii. Amnesty International, July 2020, 'Israel/Occupied Palestinian Territories: The illegal 'annexation' plan entrenches the 'law of the jungle' and must be stopped,' (accessed date: April 10, 2022) <https://bit.ly/3fHaYHG>.
- viii. BBC, (2021). Sheikh Jarrah: Why could Palestinians lose their homes in Jerusalem? Retrieved from <https://www.bbc.com/news/57239690>
- ix. BTSELEM, January, 12, 2021. A regime of Jewish supremacy from the Jordan river to the Mediterranean Sea: This is Apartheid, Retrieved from https://www.btselem.org/publications/fulltext/202101_this_is_apartheid
- x. Chambial, S. (2021). The Sheikh Jarrah Dispute: Through an Israeli Perspective. Available at SSRN 3898712
- xi. Ezzat, Ahmed, (April, 2012). Freedoms of Expression and the New Constitution, Foundation for Freedom of Thought and Expression
- xii. france24, (2019). The United Nations Confirms Israeli Settlements Violation of International Law in Response to the US Position, Retrieved from <https://www.france24.com/ar/20191119>
- xiii. Goldstein, Eric, April 27, 2021. Say Israel is Committing Apartheid? It's Not a Decision We Reached Lightly. Human Rights Watch, Retrieved from <https://www.hrw.org/news/2021/04/27/say-israel-committing-apartheid-its-not-decision-we-reached-lightly>
- xiv. Hamani, Al-Arabi, (2021). The International Criminal Court and the Obstacles to Limiting Israeli Settlement in the Occupied Palestinian Territories. Al Jazeera Center for Strategic Studies, No. 11
- xv. Hawari, Yara (2019). The Systematic Torture of Palestinians in Israeli Detention. Alshabaka Network, Retrieved from al-shabaka.org/briefs/the-systematic-torture-of-palestinians-in-israeli-detention
- xvi. Human Rights Watch, (2022), Europe: Ban Trade with Illegal Settlements, retrieved from <https://www.hrw.org/ar/news/2022/02/21/381205>
- xvii. Human Rights Watch,(2017), Unwilling or unable, Israeli restrictions on human rights defenders' entry and exit from Gaza, Retrieved from <https://www.hrw.org/ar/report/2017/04/03/301672>
- xviii. Imran, Hassan, (2021). A legal look at the crime of occupation in the Sheikh Jarrah neighborhood. TRT Arabi, retrieved from <https://www.trtarabi.com/opinion>
- xix. International Committee of the Red Cross,(2014), The Geneva Conventions of 1949 and their Additional Protocols, Retrieved from <https://www.icrc.org/en/document/geneva-conventions-1949-additional-protocols>
- xx. International Labor Office, (2008). The Status of Workers of the Occupied Arab Territories. First Edition, International Labor Conference, Geneva, 97th Session, ISSN 0252-7022
- xxi. Iriqat, Dalal, (2021). Sheikh Jarrah: The Violation of International Law. The Institute for Palestine Studies, retrieved from <https://www.palestine-studies.org/en/node/1651316>
- xxii. Jubeh, Nazmi, (2021). JERUSALEM NEIGHBORHOODS Shaykh Jarrah A Struggle for Survival. Research Gate, Retrieved from https://www.researchgate.net/publication/354389065_JERUSALEM_NEIGHBORHOODS_A_Struggle_for_Survival
- xxiii. Khalil, Assem, (2009). The Palestinians and 'Human Rights: Impossible Neutrality.' Mawarid Magazine, published by Amnesty International
- xxiv. Legal Center for Arab Minority Rights in Israel, February 4, 2018. 'The Law of Legalizing Settlements: Principles of Israeli Sovereignty in the Occupied Territories,' Retrieved from <https://bit.ly/2RwByv7>
- xxv. OCHA,2022, Data on demolition and displacement in the West Bank, retrieved from <https://www.ochaopt.org/data/demolition> accessed (March 31, 2022)
- xxvi. OHCHR, (7 May, 2021). Press briefing notes on Occupied Palestinian Territory. Geneva, retrieved from <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=27067&LangID=E>
- xxvii. OHCHR, (2011), International legal protection of human rights in armed conflict. United Nations publications
- xxviii. Ostrovsky, Arsen, May 10, 2021, 'Sheikh Jarrah: A legal background,' JNS, at <https://www.jns.org/sheikh-jarrah-a-legal-background/>
- xxix. Qawasmi, Hanadi and Aouda Allah, Asmaa, (2021). Sheikh Jarrah neighborhood. How many times does a Palestinian have to be expelled? Mitras, retrieved from <https://metras.co/>
- xxx. Reiter Yitzhak and Lehrs Lior, 2010, The Sheikh Jarrah Affair, Jerusalem Institute, Retrieved from www.jerusalemstitute.org.il/wp-content/uploads/2019/06/PUB_sheikhjarrah_eng.pdf
- xxxi. Shakir, Omar, (May 11, 2021). Jerusalem to Gaza, Israeli Authorities Reassert Domination. Human Rights Watch, Retrieved from <https://www.hrw.org/news/2021/05/11/jerusalem-gaza-israeli-authorities-reassert-domination>
- xxxii. Shezaf, Hager, (June 9, 2020). Israel's High Court Strikes Down West Bank Land-grab Law as 'Unconstitutional. Haartzet, retrieved from <https://www.haaretz.com/israel-news/.premium-israel-s-high-court-strikes-down-west-bank-land-grab-law-as-unconstitutional-1.8908929> (accessed March 27, 2022)
- xxxiii. Sky News Arabia, (March 1, 2022), Israeli court freezes evictions of Palestinian families, Sheikh Jarrah, retrieved from www.skynewsarabia.com/middle-east/1505295
- xxxiv. Suffocation and Isolation 15 years of Israeli Blockade on Gaza,(2021), Euro-Mediterranean Human Rights Monitor, Retrieved from <https://euromedmonitor.org/en/gaza>
- xxxv. UN Treaty Collection, (2022), Status of Treaties, Rome Statute, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-10&chapter=18&clang=en (accessed March 23, 2022)
- xxxvi. United Nations,(2022), United Nations Charter: Preamble, <https://www.un.org/en/about-us/un-charter/preamble>

- xxxvii. United Nations, (1992). The QUESTION OF PALESTINE. Retrieved from <https://www.un.org/unispal/document/auto-insert-199200>
- xxxviii. United Nations, Human Rights Council, (May 27, 2021). Human Rights Council Opens Special Session on 'the Grave Human Rights Situation in the Occupied Palestinian Territory, including East Jerusalem', Speakers urge it to establish an International Commission of Inquiry. retrieved from <https://www.ohchr.org/en/press-releases/2021/05/human-rights-council-opens-special-session-grave-human-rights-situation?LangID=E&NewsID=27117>
- xxxix. UNRWA, (2013). Forced displacement of Palestine refugees: demolitions. Retrieved from www.unrwa.org
- xl. Watad, Muhammad, (2021). Sheikh Jarrah. The full story of a Palestinian neighborhood fighting Judaization and settlement. Al-Jazeera, retrieved from www.aljazeera.net/events-Palestine/2021/5/31/Sheikh-Jarrah-History-Facing-Judaization-And-Milestones