

Mandates of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on the human rights of internally displaced persons and the Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967

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(Please use this reference in your reply)

24 March 2023

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; Special Rapporteur on the human rights of internally displaced persons and Special Rapporteur on the situation of human rights in the Palestinian territory occupied since 1967, pursuant to Human Rights Council resolutions 43/14, 50/6 and 1993/2A.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the imminent risk of forced eviction and arbitrary displacement of Palestinian families from their homes in the Old City of Jerusalem, Sheikh Jarrah and Silwan, including the Ghaith-Sub Laban family, the Salem family, and the Shehade family.**

We note that the risk of forced eviction faced by **the Ghaith-Sub Laban family** was the subject of previous joint urgent appeals by a number of special procedures mandate-holders, sent on 30 April 2015 (UA ISR 1/2015) and 20 November 2015 (UA ISR 8/2015) respectively. While thanking your Excellency's Government for its reply dated 18 January 2016, we regret that we have continued to receive information indicating that the Ghaith-Sub Laban family has been subject to eviction lawsuits over the years and placed under constant threat of forced eviction.

We further draw the attention of your Excellency's Government to a recent urgent appeal sent on 13 February 2023 by the under-signing special procedures mandate-holders (UA ISR 1/2023), regarding the situation of the **Shehade family** and other Palestinian families in Silwan, East Jerusalem, who face imminent risks of forced eviction and arbitrary displacement. While awaiting a reply of your Excellency's Government, we urge that immediate measures be taken to protect them from forced eviction.

According to the information received:

Case of the Ghaith-Sub Laban family

Since 1953, the Ghaith-Sub Laban family has lived in their family apartment located in Aqabat Al-Khalidiyeh in the Muslim Quarter, Old City of Jerusalem. The family rented the apartment under a protected tenancy lease from the Jordanian authorities in 1953. Following Israel's annexation of East Jerusalem in 1967, properties controlled by the Jordanian authorities were

transferred to the Israeli General Custodian. Notwithstanding the transition, the family consistently maintained their status as a protected tenant since 1953, duly paying their rent to the Israeli General Custodian.

Since about 1976, however, the Ghaith-Sub Laban family and other Palestinian families residing in the same building complex became subject to threats of forced eviction on the basis of *Legal and Administrative Matters Law* of 1970 (“the 1970 Law”), which allowed transfers of properties belonging to Jewish persons prior to 1948 to the Israeli General Custodian and enabled the original Jewish owners or their heirs to reclaim their properties through it. The other Palestinian families in the same building were gradually evicted of their homes over the years and the Ghaith-Sub Laban family is currently the only remaining Palestinian family in the building.

Throughout the 1980s and 1990s, the Ghaith-Sub Laban family was subject to eviction lawsuits and acts of harassment aimed at forcing them to leave the house. In 1984, the Jerusalem Municipality ordered Ms. Ghaith to execute structural maintenance work after cracks appeared on the house walls. After the family started the work in 1986, the Israeli General Custodian reportedly issued a stop work order, sealing off the entrance of the house and prohibiting Ms. Ghaith from entering the house. In addition, Israeli settlers reportedly seized a house next to the Ghaith-Sub Laban family’s and blocked off their entrance to prevent them from accessing the house. The Israeli General Custodian then filed an eviction lawsuit against the family, claiming that they had “vacated” the house. The family was able to reopen the entrance and move back into the house only in 1999, after long court proceedings.

In May 2010, the Israeli General Custodian reportedly transferred the title to the apartment to the Galetzia Trust, which has close ties with Atara Leyoshna, a settler organization, on the basis of the 1970 Law. The Galetzia Trust subsequently filed an eviction lawsuit against the Ghaith-Sub Laban family. In September 2014, the Magistrate Court ruled in favor of the settler organization and ordered to evict the family. While the decision was being appealed, settlers and Israeli police officers allegedly attempted to forcibly evict the Ghaith-Sub Laban family from their home on two occasions, on 9 February 2015 and 16 March 2015. The matter eventually reached the Supreme Court and in December 2016, the Court granted a partial “remedy of justice”, whereby the elderly parents of the Ghaith-Sub Laban family were allowed to remain in their home for another 10 years until 2026. However, the Court did not authorize six other members of the family – their sons, daughters and grandchildren - to remain, although the parents suffered from health conditions and required care by them.

In January 2019, the Galetzia Trust filed another eviction lawsuit against the family, claiming that they had lost their protected tenancy by having “abandoned” their home. Ms. and Mr. Ghaith-Sub Laban were absent from home for a temporary period, as they both suffered from health problems and regularly needed to access medical services, and they also had to stay with their children living outside the Old City. In March 2022, the lower courts

ruled in favour of the settler organization and ordered the family's eviction. Although the family filed a request to appeal against the eviction order, the Israeli High Court rejected it on 6 February 2023, ordering their eviction by 15 March 2023. Having exhausted all legal recourse to challenge the eviction order, it may be executed at any time and the family is at grave risk of forced eviction and arbitrary displacement.

Case of the Salem family

The Salem family is composed of 11 persons over three generations, including four children. They have lived in their house in Um Haroun, Sheikh Jarrah, for over 70 years under a protected tenancy agreement. Sometime in the 1970s or the 1980s, the heirs of the Jewish family that reportedly owned the Salem family's house before 1948 obtained the title to the house from the Israeli General Custodian, pursuant to the 1970 Law. They subsequently instituted a lawsuit against the Salem family to evict them from their house. In 1988, the Salem family received a court order to vacate their house, but the order was not strictly enforced. They thus continued to live in their house, paying rent to the owners.

In 2021, a member of the Jerusalem City Council reportedly acquired property rights to the Salem family's house from the Jewish owners. On 5 December 2021, he and the Deputy Mayor of Jerusalem, both well-known proponents of Israeli settlements, personally served an eviction notice to the Salem family, demanding that they vacate house within three weeks. On 30 January 2022, the Enforcement and Collections Authority (ECA) authorized their eviction to be carried out sometime between 1 March and 1 April 2022. The Salem family appealed the ECA's decision to the Jerusalem Magistrate's Court, which ruled in favour of the family in April 2022. The Court issued an injunction to temporarily freeze the eviction order and returned the matter to the ECA for further deliberation.

An administrative hearing at the ECA on the Salem family's case, initially scheduled on 9 March 2023, has been postponed and a new date for the hearing is to be determined very soon. There are serious concerns that the ECA may validate its eviction order, exposing the Salem family to the imminent threat of forced eviction and arbitrary displacement within the next few weeks. On 13 March 2023, the Jerusalem municipality reportedly posted a demolition order on an extension to the Salem family's home, augmenting their fear that their property may be seized and they may be forcibly evicted any time soon.

The situations of the Ghaith-Sub Laban family, the Salem family and the Shehade family are not isolated incidents or mere land and property disputes between private individuals. Rather, these cases appear to represent a wide and systematic pattern of violations of the Palestinians' rights to adequate housing, properties, and non-discrimination, perpetrated by the Israeli authorities, settler organizations and settlers. According to OCHA, 218 Palestinian families, comprising 970 people, including 424 children, living in East

Jerusalem, mainly in the neighborhoods of Sheikh Jarrah and Silwan, faced the threat of forced eviction by Israeli authorities as of February 2022. It is estimated that most of them continue to face the risk of forced eviction and arbitrary displacement in East Jerusalem today.

While we do not wish to prejudge the accuracy of these allegations, we express our profound concerns about the Shehade family, the Ghaith-Sub Laban family, the Salem family, and numerous other Palestinian families in East Jerusalem, who face constant risks of forced eviction and arbitrary displacement. We furthermore reiterate our serious concern about the discriminatory housing, property and land regime in East Jerusalem, which effectively facilitates the drive for settlements and deprives the Palestinians of housing, land and property rights, thereby threatening their very existence in East Jerusalem.

At the outset, allow us to reiterate that the establishment and expansion of Israeli settlements in the occupied Palestinian territory have been widely condemned as “a flagrant violation of international law”.¹ It amounts to the transfer by Israel of its own civilian population into the occupied territory, which is strictly prohibited under international humanitarian law and constitutes a war crime. We thus call on Israel and other actors to halt all settlement activities in the occupied Palestinian territory, including East Jerusalem, in accordance with international law. We furthermore underline our position that the vigorous construction and expansion of settlements manifest Israel’s intention of permanently settling the occupied Palestinian territory, which, in our views, renders Israel’s occupation unlawful under international law.

We recall that forced displacement and evictions of protected persons in the occupied territory may amount to forcible transfer, prohibited under articles 49 of the Fourth Geneva Convention, which, as the occupying Power, Israel is obliged to respect. Article 49 permits the occupying Power to carry out total or partial evacuation of protected persons under very narrow circumstances, where “...the security of the population or imperative military reasons so demand”. Based on the above information, the sole motivation for the planned eviction appears to be illegal settlement activities and none of the permitted grounds has been met. We wish to further recall that article 53 of the said Convention also prohibits “[a]ny destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations” except “where such destruction is rendered absolutely necessary by military operations”.

We also reiterate that forced evictions constitute a gross violation of the right to adequate housing, guaranteed under article 11 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), and may also lead to violations of other human rights, such as the right to life, the right to security of the person, the right to non-interference with privacy, family and home and the right to the peaceful enjoyment of possessions. As highlighted by the Committee on Economic, Social and Cultural Rights in its general comment no. 7, evictions can take place only in exceptional circumstances, and after procedural protections, including, among others,

¹ Security Council Resolution 2334 (2016).

genuine consultation, adequate and reasonable notice, alternative accommodation made available in a reasonable time, and provision of legal remedies and legal aid. Under no circumstances, evictions should result in homelessness, and the State party must take all appropriate measures to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available to affected individuals, where they are unable to provide for themselves.

We would also like to alert your Excellency's Government that these planned forced evictions follow a larger pattern of forced evictions and housing demolitions in the occupied Palestinian territory as highlighted in recent thematic reports by the Special Rapporteur on the right to adequate housing (A/HRC/49/48 and A/77/190). Such systematic or widespread forced evictions and arbitrary housing demolitions should, in the view of the Special Rapporteur on the right to adequate housing, be considered as acts amounting to "domicide" (A/77/190) and may thus as well incur international criminal responsibility.

We also remind your Excellency's Government the Guiding Principles on Internal Displacement, which recognize, inter alia, the right of everyone "to be protected against being arbitrarily displaced from his or her home or place of habitual residence". Guiding principle 7(1) establishes that "Prior to any decision requiring the displacement of persons, the authorities concerned shall ensure that all feasible alternatives are explored in order to avoid displacement altogether". Guiding principle 7(2) also stipulates that "The authorities undertaking such displacement shall ensure to the greatest practicable extent, that proper accommodation is provided to the displaced persons, that such displacements are effected in satisfactory conditions of safety, nutrition, health and hygiene, and that members of the same family are not separated"; and guiding principle 7(3) states that "(b) Adequate measures shall be taken to guarantee to those to be displaced full information on the reasons and procedures for their displacement and, where applicable, on compensation and relocation; (c) The free and informed consent of those to be displaced shall be sought; (d) The authorities concerned shall endeavor to involve those affected, particularly women in the planning and management of their relocation; (f) The right to an effective remedy, including the review of such decisions by appropriate judicial authorities shall be respected". Guiding principle 9 further provides that "States are under a particular obligation to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands." This is particularly relevant, given the status of Palestinians as protected persons under the Israeli occupation.

Finally, we wish to reiterate our concerns about discriminatory laws and practices that undermine the housing, land and property rights of Palestinians in East Jerusalem. A number of us have repeatedly raised concerns about Israel's discriminatory zoning and planning regime in East Jerusalem, including in our previous communication of 31 March 2022 (AL ISR 2/2022). We regret that no reply from your Excellency's Government was ever received.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned persons in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please explain the legal and factual basis on which the eviction order against the Ghaith-Sub Laban family has been justified, and what evidence was taken into account in granting the petition by the Galetzia Trust.
3. Please provide information on measures undertaken to ensure that the Shehade family, Ghaith-Sub Laban family, the Salem family and other families at risk of forced eviction and arbitrary displacement in East Jerusalem are offered alternatives to eviction, and what remedies are available to them should the evictions be executed.
4. Please provide information on measures taken to ensure compliance with the Guiding Principles on Internal Displacement and the prohibition of arbitrary displacement of any individual.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) after 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

Please accept, Excellency, the assurances of our highest consideration.

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