Sheikh Jarrah: The Violation of International Law

**Contextualizing Sheikh Jarrah**

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While the American government and other Israeli allies attempt to shift the conversation on Palestine to rhetoric about ceasefires and returns to calm,

it is important not to get bogged down in distractions and forget the broader context of Israel’s crimes. The international community must understand that de-escalating violence and achieving peace is impossible without ending Israel’s military occupation and apartheid system, both of which impose repeated state-sanctioned persecutions, displacements, land seizures, assaults and murders.

While bombing civilians in Gaza for 11 days straight, Israeli forces continued assaulting East Jerusalem, with the aim of expanding settlement blocs and simultaneously isolating East Jerusalem from the West Bank. The Biden administration needs to admit that what we are witnessing today in Jerusalem comes as a result of the dictates imposed by Trump’s “Deal of the Century,” and was encouraged by the past US administration’s recognition of Jerusalem as the capital of the “Jewish State,” ignoring the rights of 300,000 Palestinian residents of Jerusalem. Israeli occupation authorities carry out forced expulsions and attacks against the residents of Sheikh Jarrah in violation of international law, actions which amount to war crimes.

Israeli violations of international law in Sheikh Jarrah include the following:

- Israel violates the Universal Declaration of Human Rights, which states in article 17/2, “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, which stipulates 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, as illegal. Israeli settlers attack unarmed citizens in Sheikh Jarrah with the protection - and outright approval - of the Israeli occupation forces.

The April 27 report released by Human Rights Watch confirms that the Israeli authorities are committing crimes of apartheid and persecution. A full version of the report can be found here.

Israel has been violating international law since 1948 as part of its ongoing settler colonial project. Israel introduced an absentee property law in 1950, which defined any forced refugee as absent and gave ownership of property to the state of Israel. The absentee property law, followed by the Israeli tenants protection law of 1972, are the pricipal tools used to illegally transfer the property of Palestinian refugees without repercussions. Sheikh Jarrah families’ property is guarded by the Jordanian civil law Article 395 and by the agreement that Jordan signed with UNRWA in 1954.

A ceasefire in Gaza is not enough. It is necessary to protect the 500 Palestinians from 28 families in Sheikh Jarrah. Their rights must be preserved and the Palestinian national rights in East Jerusalem must be guaranteed. Above all, the occupation must end, otherwise the crimes we have witnessed throughout Palestine will continue to be committed by Israeli forces and settlers.

**Who is responsible ?**

Israel, as the occupying power, bears full responsibility for the crimes that are committed against Palestinians within the borders of 1948, in the West Bank, in Gaza, and East Jerusalem including the residents of Sheikh Jarrah.

The US administration bears significant responsibility for what is happening, as the settler attacks in Jerusalem are inspired by the recognition of Jerusalem as the capital for the Jews alone, something that the Biden administration has continued from the previous administration. It is also impossible to ignore the $3.8 billion dollars in military aid that the US government sends Israel annually, in addition to subsidized armaments sales and at least $8 billion in loan guarantees. At the UN, successive American administrations have given Israel cover to commit war crimes - most recently, Biden’s ambassador vetoed a UNSC resolution on May 16 for a ceasefire.

The international community, including regional powers, also bears responsibility, with many governments refusing to hold Israel accountable for its crimes. From the UAE to the UK to Canada, government officials didn’t even acknowledge the targeted killing of Palestinians civilians in Gaza, or the seizure of Palestinian residences in Jerusalem.

Palestinians are angry by how the Israeli violations are not met with sanctions or accountability. Across the ‘48 lands and Occupied Palestine, they went on strike on Monday, May 18, bringing the economy to a halt. Palestinians and Palestinian allies in the diaspora also joined in these manifestations, holding rallies in major cities. The global community must realize that this is not a matter of periodic flare ups and ceasefires - this is about the ethnic cleansing of Palestine. Pressuring the Israeli government with sanctions and boycotts surely won’t bring an end to more than 73 years of war crimes and crimes against humanity - but it would be a start.

**References**

* + Aabsentees' Property Law 1950, article 1/b.
  + Statements by the Jordanian Foreign Ministry

<https://petra.gov.jo/Include/InnerPage.jsp?ID=34241&lang=en&name=en_news>

* + Fact sheet: Regarding the Case of Sheikh Jarrah – The Occupied Jerusalem, Law for Palestine, UK, May 2021

<file:///Users/mac/Downloads/Fact-sheet-regarding-the-case-of-Sheikh-Jarrah-references-need-revisiting-Law-for-Palestine%20(3).pdf>

* + Human Rights Watch Report 27/4/2021

<https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution>