



Policy Proposal

## **An Analysis of the Evictions in Sheikh Jarrah**

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## **Executive Summary**

This briefing note examines the evictions of the Sheikh Jarrah residents in occupied East Jerusalem and the dangers posed by the threatened evictions. It also reviews the history of this issue and puts forward the recommended course of action for the Canadian government.

According to the [United Nations](#), international humanitarian law applies in occupied East Jerusalem and Israel's actions to evict and dispossess Palestinians in Sheikh Jarrah could be considered war crimes. The threatened evictions have caused heightened tensions in the city. The storming of the Al-Aqsa Mosque in the final nights of Ramadan has exacerbated the issue.

The appropriate response would be for the Canadian government to give due consideration to the warnings of the United Nations about the gravity of the situation. The forced evictions in Occupied East Jerusalem are inconsistent with a two-state solution, which is the solution to the conflict which Canada, along with the international community, supports. A Canadian response to these events should focus on condemning the Israeli policies that have led to the current wave of violence.

## **Historical Overview**

In October of 2020, an [Israeli court](#) affirmed the legality of the forcible removal of twelve Palestinian families from the East Jerusalem neighborhood of Sheikh Jarrah. Upon eviction, the properties were to be handed to Israeli settlers. The residents threatened with eviction have lived in their respective homes for generations. The residents of Sheikh Jarrah have been fighting this court decision. Some families only have until next month to evacuate their homes. As a result, over 550 Palestinians face the threat of dispossession. The court also ruled that each evicted refugee family must pay \$20,000 to cover settlers' legal expenses.

Sheikh Jarrah is a neighborhood North of Jerusalem's Old City. It's home to 28 Palestinian refugee families who were expelled from their towns and villages in 1948 in what is labelled by Palestinians as the Nakba ("the catastrophe"). Close to 800,000 Palestinians were expelled from their homes that year.

Under an agreement between Jordan & the United Nations Relief and Works Agency (UNRWA) in 1956, the families that moved to East Jerusalem were promised housing and land in Sheikh Jarrah. The families were meant to receive ownership titles after 3 years, but this never happened as Israel conquered East Jerusalem before these titles materialized. Israel's occupation, and subsequent annexation, of East Jerusalem is illegal under international law. The international community does not recognize the legitimacy of Israeli sovereignty over that territory.

The United Nations reaffirmed that international humanitarian law applies in occupied East Jerusalem and that Israel's actions to evict and dispossess Palestinians in Sheikh Jarrah could be considered war crimes. The UN's human rights office [stated](#):

"In practice, the implementation of these laws facilitates the transfer by Israel of its population into occupied East Jerusalem. The transfer of parts of an occupying

Power's civilian population into the territory that it occupies is prohibited under international humanitarian law and may amount to a war crime”

However, according to Israeli law, this is legal. Laws like the [1950 Absentees' Property Law](#) allow forced evictions & land confiscation. While Palestinians families are technically allowed to file appeals to Israeli courts, the courts usually refuse to validate Palestinians' ownership documents.

Many of these Palestinian families have been living in their homes since the 1950s, decades before settler organizations laid claim to the land. The systematic complicity of all these institutions - courts, military, police, settler organizations, the government - is part of a policy that aims to forcibly change the demographics of Jerusalem at the expense of its native inhabitants. This was explicitly [admitted](#) by the Deputy Mayor of Jerusalem.

### **The Current Situation**

The threatened evictions in Sheikh Jarrah caused heightened tensions in the Holy City. In the final nights of Ramadan, Israeli forces stormed the Al-Aqsa Compound as worshippers were praying, injuring over 200 Palestinians. The Al-Aqsa Mosque was besieged and worshippers were forced to leave. In response, Palestinian factions in Gaza fired rockets towards Jerusalem and southern Israel in a purported attempt to pressure Israel to end its policies in Sheikh Jarrah and Al-Aqsa. The vast majority of rockets failed to produce any damage or casualties. Israel has carried out airstrikes in Gaza, killing close to thirty people, nine of whom are children.

### **Recommended Course of Action**

The UN and all reputable human rights organizations, both inside and outside of Israel, are in agreement that Israel's policies in Sheikh Jarrah are an affront to human rights. The Canadian government would be placing itself in an isolated position by not clearly and unequivocally releasing statements of condemnation regarding the policies of forced evictions as well as the unwarranted violence used by Israeli forces against worshippers in Al-Aqsa. These policies are inconsistent with the two-state solution which Canada has long held as the only solution to this conflict. A two-state solution is not possible in light of forced demographic change and violence in holy sites. A consistent policy and commitment to a two-state solution requires that the Israeli policies that have led to the current tensions be condemned. The Canadian government should leverage its relationship with Israel to bring an end to these policies. Such a position would be consistent with the statements coming from the US as well as other Western states. Canada should renew international efforts to pursue a two-state solution and unequivocally reject actions that undermine these efforts such as forced evictions and expansion of illegal settlements.