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Statement by the Office of the High Commissioner for Human Rights in the occupied Palestinian territory

The office of the UN High Commissioner for Human Rights in the occupied Palestinian territory (OHCHR-oPt) on Friday called for an immediate halt to the recent wave of eviction orders and demolitions of Palestinian houses in the occupied territory, adding that the demolitions and forced evictions, as practiced in the oPt, are in violation of the International Covenant on Economic, Social and Cultural Rights. This phenomenon is of particular concern in East Jerusalem, where hundreds of people are threatened with forcible eviction, house demolition and displacement, OHCHR said.

The recently published OCHA report “The Planning Crisis in East Jerusalem: Understanding the Phenomenon of ‘illegal’ construction” provides timely and thoroughly researched factual data on the complex and inter-twined issues of land ownership, building permits, “illegal” residential construction, eviction orders and demolitions in the oPt, focusing on East Jerusalem and Area C of the West Bank. It thus brings to light the plight of hundreds of Palestinians affected by demolition orders and those already displaced. OHCHR-OPT fully shares this concern.

Many Palestinian buildings are located in areas zoned as “green areas” by the Jerusalem municipality. For example, in the Silwan area of East Jerusalem, where the city municipality plans to demolish 88 Palestinian residential buildings to make way for an archeological park, known to Israelis as the King’s Valley and to Palestinians as al-Bustan. Consequently, the planned demolition would forcibly displace well over 1000 persons. This, unfortunately, is but one example of the numerous demolition orders and forced evictions in East Jerusalem that are well documented in the OCHA report.

Although the Israeli Government has indicated that the houses being demolished did not have the necessary building permits, the fact is that Palestinians lack meaningful access to such permits. As reported by OCHA, only 13 % of the annexed East Jerusalem land area is currently zoned by the Israeli authorities for Palestinian construction. The majority of that 13% is already overcrowded with construction. Palestinians applying for building permits, moreover, face overly rigid requirements to prove land ownership, a burdensome process and great expenses.

Thus acquiring a building permit in East Jerusalem and Area C is not possible for many Palestinian families who need accommodation. Meanwhile, the growth in the number of new structures in Israeli settlements and outposts in the West Bank increased by 69 percent in 2008, compared to 2007, according to the Israeli NGO Peace Now.

- In this context, OHCHR-OPT notes that both East Jerusalem and Area C were occupied in 1967 and remain under occupation. Therefore, international human rights and international humanitarian law are applicable to these areas.
- Israel, as the occupying power, is under a number of obligations vis-à-vis the population of the oPt, including the obligation not to forcibly displace the civilian population and not to destroy private and public property.
- OHCHR-OPT recalls that the Committee on the Elimination of Racial Discrimination in 2007 “noted with concern the application in the Occupied Palestinian Territories of different laws, policies and practices applied to Palestinians on the one hand, and to Israelis on the other hand. It is concerned, in particular, (...) about the disproportionate targeting of Palestinians in house demolitions.” The Committee then called for “a halt to the demolition of Arab properties, particularly in East Jerusalem, and for respect for property rights irrespective of the ethnic or national origin of the owner”.
- Against this background, OHCHR-OPT notes that Israeli practice of home demolitions in the occupied Palestinian territory amounts to forced evictions (i.e., the removal of individuals, families or communities from their homes, land or neighborhoods, against their will, directly or indirectly attributable to the State) and is in violation of the right to adequate housing of the affected Palestinians, articulated in Article 11(1) of the International Covenant on Economic, Social and Cultural Rights.

In Conclusion, the housing situation in East Jerusalem needs to be addressed not only from the urban planning perspective, but also in relation to human rights of all those residing there. Viable zoning plans and a less cumbersome process for issuing building permits need to be developed and made accessible to all Jerusalemites in an effective and non discriminatory manner. Until such time, OHCHR-OPT joins a recent call by the UN Special Coordinator for the Middle East Peace Process, Robert Serry, as well as OCHA and a number of Israeli and Palestinian human rights organizations for an urgent halt to demolitions.

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