



Forced Evictions as a Lever of Palestinian Displacement in East Jerusalem

INTRODUCTION

The Old City and the adjacent ring of Palestinian neighborhoods—known as the Old City Basin—is the most religiously and politically sensitive part of Jerusalem owing to the concentration of historical assets and holy sites within its confines – most notably, the Temple Mount/Haram al-Sharif. The population density of the Old City and its environs limits the Israeli government's ability to advance large residential settlements as a means of increasing its territorial hold over the area and altering its demographic character. After more than 57 years of Israeli control over East Jerusalem, nearly 100,000 Palestinians still live in the Old City Basin, alongside some 6,000 Israelis, 3,000 of whom live in the Old City's Jewish Quarter and the rest in small settler enclaves inside Palestinian neighborhoods in and around the Old City. In grappling with this demographic reality and the symbolic and political value of the space, evictions of Palestinian families and settler takeovers of their homes have increasingly been used as a strategy to cement Israeli hegemony over the area. These measures are reinforced by a constellation of tourist and archeological sites operated by settler groups, which together forge a ring of Israeli control around the Old City Basin with the aim of thwarting any future agreed political resolution on Jerusalem.

Given their strategic location as gateways to the Old City and the number of historical and religious assets within their bounds—Sheikh Jarrah to the north of the Old City and Silwan to the south—are two Palestinian neighborhoods under greatest pressure from the state and settler groups. **Over 150 families, numbering more than 1000 individuals, in these two areas alone are under threat of displacement as a result of eviction claims filed by settler organizations.**

A POLITICAL VS. LEGAL MATTER

Although the Israeli government often characterize these cases as private real estate disputes, they are rather part and parcel of a coordinated and systematic campaign to expand Jewish settlement in the heart of Palestinian neighborhoods. Driven by political and ideological motives, these efforts aim to consolidate Israeli control over these areas by forcibly uprooting Palestinians and supplanting them with Jewish settlers. The eviction demands are advanced by settler groups who are aided and abetted on all levels of the state, which carry far-reaching implications on the future of Jerusalem and the conflict as a whole. **Since the eviction claims are based on inherently discriminatory laws (see more below), the legal recourse is limited. Due to the political nature of these measures, the only effective means of preventing wide-scale displacement is through government intervention as a result of local and international pressure.**

DISCRIMINATORY LEGAL MECHANISMS

The eviction lawsuits are filed on the basis of discriminatory Israeli laws, namely the [1950 Absentee Property law](#) and the [1970 Legal and Administrative Matters Law](#). The 1970 law exclusively affords Jews the right to reclaim assets in East Jerusalem now inhabited by

Palestinians based on the claim that they were once owned by Jews prior to 1948. No parallel legal provision exists for Palestinians to recover lost properties in West Jerusalem or from other areas on the Israeli side of the Green Line. To the contrary, the 1950 Absentee Property Law enshrines that Palestinians who were forced to abandon their homes in what became Israel due to the war of 1948 cannot retrieve them. Moreover, some Jews who lost assets in East Jerusalem were reportedly compensated with alternative properties in West Jerusalem at the time, and therefore essentially entitled to double compensation under the 1970 law.

Settler organizations aided by state authorities act to secure land ownership rights of these properties despite having no relation to the previous alleged Jewish owners. From this position, these groups submit claims to the General Custodian, which transfers the assets into their control. A department within the Ministry of Justice, the General Custodian is the Israeli body responsible for managing abandoned properties, including pre-1948 Jewish assets in East Jerusalem. Acquiring such assets from the General Custodian provides settler groups with a legal platform to initiate eviction proceedings against Palestinian families. Many of these families are Palestinian refugees who lost homes on the Israeli side of the Green Line in 1948 and now stand to be displaced for a second time.

Sheikh Jarrah

Um Haroun (western side of Sheikh Jarrah)

In the Um Haroun section of Sheikh Jarrah, there are roughly 40 families under threat of eviction. Among these families, [the Salem family](#), comprised of 11 individuals, including four children, is under the most imminent threat of eviction from their home of over 70 years.

After the family filed an appeal to the Magistrate's Court against the Enforcement and Collection Authority's (ECA) decision to authorize their eviction, [the judge ruled in April 2022 to accept the family's appeal](#). He likewise ordered the case returned to the ECA for more comprehensive deliberations on the family's core legal arguments. A hearing at the ECA had been scheduled for November 2023, but was postponed. **An injunction on the family's eviction currently remains in place.**

Nevertheless, the family's legal recourse is still extremely limited, and therefore the only effective means of preventing the family's displacement is through state intervention.

Brief Background

Before 1948, there was a small Jewish community residing in Um Haroun, comprised of approximately 40 families, who were instructed to evacuate the neighborhood in the 1948 War. Having been forced to abandon their homes in the neighborhood, many of the families resettled in West Jerusalem, some of whom were reportedly compensated by the Israeli government with alternative properties (*formerly belonging to Palestinian refugees*). During the same war, hundreds of thousands of Palestinians were displaced and lost their homes on the Israeli side of the Green Line—a very few of whom were resettled by the Jordanian government in East Jerusalem, including in Sheikh Jarrah. After the 1948 War, the Jordanian government assumed management of all abandoned Jewish properties in East Jerusalem and utilized some of them for

the rehabilitation and resettlement of Palestinian refugees who reside on these properties today and are now under threat of displacement.

It should be noted that the eviction lawsuits in Um Haroun are also being carried out alongside [formal settlement of land title procedures](#) (land registration), which the Israeli government recently initiated in East Jerusalem for the first time since 1967 and largely spearheaded by the General Custodian. The General Custodian has been one of the leading state bodies collaborating with settler groups to facilitate evictions of Palestinians and settle takeovers of their properties in East Jerusalem. In 2021, [the Israeli government completed settlement of land title in Um Haroun](#), formally registering the title of properties to alleged Jewish owners without the Palestinian residents' knowledge – a move which can further ease settler takeovers of these assets. These processes were conducted within the framework of [Government Decision No. 3790](#), a five-year plan, which aimed to ostensibly reduce socio-economic disparities and promote economic development in East Jerusalem. Although depicted as a measure to theoretically aid Palestinian residents, the settlement of land title procedures are rather being exploited to expand state and settler control over more territory in East Jerusalem, while further dispossessing Palestinians of their lands.

Kerem al-Jaouni (eastern side of Sheikh Jarrah)

In the Kerem al-Jaouni section of Sheikh Jarrah, there are some 30 Palestinian families facing eviction due to lawsuits filed by Nahalat Shimon, a private US company working at the behest of settlers to seize the families' homes for the expansion of Jewish settlement. The settler group allegedly acquired the land from two Jewish associations who claim to have purchased the properties at the end of the 19th century and assert ownership rights based on the abovementioned 1970 law. As noted above, after the 1948 War, the Jordanian government assumed management of abandoned Jewish properties in East Jerusalem and thereafter designated land in the Kerem al-Jaouni section for the resettlement of Palestinian refugee families. As part of the Jordanian Housing Ministry's refugee rehabilitation project, new homes were built by UNRWA in the 1950's for 28 families in exchange for relinquishing their refugee status. These are the families now facing eviction claims.

The cases of [four of these families reached the Supreme Court in 2021](#), which garnered global attention and contributed to nation-wide unrest and the flare-up with Hamas of that year. Following a Supreme Court hearing in October 2021, the justices proposed a settlement between the families and the settler group, which was rejected by both sides. **In March 2022, the Supreme Court issued a verdict, accepting a portion of the families' appeal, which has for now frozen their eviction and afforded** them with the opportunity to prove property rights in the framework of formal settlement of land title proceedings. The cases of three additional families went before the Supreme Court in March 2024. A decision is still pending. While the legal circumstances of these cases are similar, the March 2022 verdict is not binding on the current appeal, and therefore the outcome is uncertain.

BATAN AL-HAWA, SILWAN

In Batan al-Hawa, Silwan, there are approximately 85 families, numbering over 700 Palestinians, who stand to be displaced due to pending eviction lawsuits. The eviction claims were filed by the [Ateret Cohanim settler organization via its co-optation of the Benvenisti Trust](#) – a Jewish trust who claims to have owned property in the area in the late 19th century. Following the state's appointment of two Ateret Cohanim members as trustees to the trust in 2001, the organization has initiated dozens of eviction demands based on the aforementioned 1970 discriminatory law. To date, 15 families have already been evicted.

Among the 85 families, the Shehadeh family (5 households – 35 people) case reached the District Court in November 2022. The court ruled in favor of Ateret Cohanim and ordered the family's eviction. A leave to appeal was filed to the Supreme Court in early 2023, and, in April 2024, Supreme Court Justice Noam Sohlberg formally dismissed the family's leave to appeal. [Although the family then appealed the Court's decision on the grounds of a violation of protocol by the judge, the Court summarily rejected their petition. On August 15th, 2024, after the family had exhausted all legal recourse, settlers broke into their home and took over it.](#)

Apart from this case, [several additional families in the neighborhood have received eviction rulings in recent months](#). One of them, [the Ghaith family, filed a request to appeal to the Supreme Court, but it was rejected \(again by Judge Sohlberg\) on September 10th, 2024](#). The family could now be evicted at any moment.

SEVERE IMPLICATIONS

Beyond further cementing Israeli sovereignty over the Old City Basin which undermines conditions for any future resolution on Jerusalem, these actions constitute a violation of basic human rights and carry an acute humanitarian impact on the families who are uprooted from their homes and communities.

Appendix

Related Alerts

[Update on the Imminent Eviction of the Ghaith-Sub Laban Family from Jerusalem's Muslim Quarter](#)

[Decisive Hearing on Salem Family Eviction Case from Sheikh Jarrah Scheduled for November 14](#)

[Multiple Palestinian Families Face Impending Evictions in March ahead of Ramadan](#)

[With the Support of the State, Settler Groups Advance New Settlement Projects in Sheikh Jarrah](#)

[Palestinians Now Face Eviction from Land Covertly Transferred To State](#)

[Ir Amim Initiates Further Legal Action Following Reversal of Freeze on Heritage Center in Silwan](#)

[Israeli Authorities Forcibly Evict the Salahiya Family from Sheikh Jarrah](#)

[Update: Israel High Court of Justice Dismisses Ir Amim Petition against General Custodian](#)
[Supreme Court Hearing Next Week on Legal Petition Filed by Ir Amim against the General Custodian](#)