



Old City Basin: Mass Palestinian Displacement & the Settlement Enterprise

INTRODUCTION

The Old City and the adjacent ring of Palestinian neighborhoods—known as the Old City Basin—is the most contested and politically sensitive part of Jerusalem owing to the concentration of holy sites and religious and historical assets within its confines – most prominently, the Temple Mount/Haram al-Sharif. The population density of the Old City and its environs limits Israel's ability to advance large residential settlements as a means of altering its demographic character. After more than 50 years of Israeli control over East Jerusalem, nearly 100,000 Palestinians 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, settler-initiated, state-backed evictions of Palestinian families and takeovers of their homes are increasingly being used as a strategy to cement Israeli hegemony over the area. These measures are likewise reinforced by a constellation of touristic settlement sites, 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 within a viable two-state framework (*see first map below*).

Given their strategic location as gateways to the Old City and the number of historical and religious sites within their bounds, Sheikh Jarrah to the north of the Old City and Silwan to the south are the two neighborhoods under greatest pressure from ideological Israeli settler groups (*see map below*). **Some 170 families, numbering over 1000 individuals, in these two areas alone are under threat of mass displacement as a result of eviction claims filed by settler organizations.**

UNPRECEDENTED NUMBER OF COURT RULINGS UPHOLDING EVICTION DEMANDS

Since the beginning of 2020 until now, there have been a record number of court decisions upholding eviction claims against Palestinian families in favor of settler groups. Over the past year, the Israeli courts authorized the evictions of some 40 Palestinian families, totaling more than 150 individuals, from their homes in Sheikh Jarrah and Silwan. While the families are in various stages of appeal proceedings, many are beginning to exhaust the relevant legal remedies, which could lead to a devastating wave of evictions in the coming months. Once evicted, these families are left homeless with neither compensation nor alternative housing and an obligation to cover exorbitant legal fees.

A POLITICAL VS. LEGAL MATTER

Although these cases are being argued before the Israeli courts as isolated and individual disputes over land ownership, they are rather part and parcel of a coordinated and concerted systematic campaign of dispossession. Driven by political and ideological motives, these efforts

aim to consolidate Israeli control over these areas by forcibly transferring entire Palestinian communities and supplanting them with Jewish settlers. The eviction demands are being advanced by settler groups who are aided and abetted on all levels of the state and enjoy the complicity of the Israeli judiciary, which carry far-reaching implications on the future of Jerusalem and the conflict. **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 the mass displacement of these Palestinian families is through a government directive that can only be achieved through amplified local and international pressure.**

Mobilization of international action on this issue has been limited because these cases play out in such an incremental way in the court system. Over 1000 Palestinians in Silwan and Sheikh Jarrah under threat of displacement amounts to five times the number of people at risk in Khan al-Ahmar, which international intervention has thus far succeeded in preventing their expulsion. **Immediate intervention is therefore necessary to block these processes of forced dispossession with the same urgency, attention and resolve that is afforded to communities like Khan al-Ahmar.**

DISCRIMINATORY LEGAL MECHANISMS

In both Sheikh Jarrah and Silwan, settler organizations file eviction claims based on the exploitation of the Legal and Administrative Matters Law of 1970 among other problematic Israeli legislation. This discriminatory legal mechanism was created to allow for the seizure of Palestinian property. It affords Jews the right to reclaim assets in East Jerusalem now inhabited by Palestinians via the General Custodian 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. To the contrary, the 1950 Absentee Property Law enshrines that Palestinians who were forced to abandon their homes in Israel due to the war of 1948 cannot retrieve them. Moreover, since Jews who lost assets in East Jerusalem were compensated with alternative properties in West Jerusalem at the time, they are entitled to essentially double compensation under the 1970 law.

Settler organizations aided by state authorities act to secure land ownership rights of previous Jewish residents, owners and/or their heirs through various dubious means in spite of having no familial, communal or professional relation to the original Jewish occupants of these properties. From this position, these groups are able to submit claims to the General Custodian, which releases the assets into their control. This provides them with a legal platform to subsequently initiate mass eviction proceedings against Palestinian families who legally purchased these properties and have been residing there for decades.

SHEIKH JARRAH

Within the past year, the courts ruled to evict 13 families from the Kerem Al'ajoni section (eastern part) of Sheikh Jarrah. Most recently the District Court dismissed the petitions of the aforementioned families in two separate hearings in February and March 2021, ordering the

eviction of four families by May 2 and seven more families by August 1. They are all appealing to the Supreme Court.

A total of approximately 35 families from this area and an estimated 40 more families in the adjacent Um Haroun section of the neighborhood are at risk of eviction. The eviction demands in the Kerem Al'ajoni section are being filed by Nahalat Shimon, a US-registered company, working on behalf of settlers to establish a major settler enclave in the area. 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 on the basis of the abovementioned 1970 law. After the 1948 War, the Jordanian government assumed management of abandoned Jewish properties in East Jerusalem and thereafter designated land in the Kerem Alja'oni section of Sheikh Jarrah for the resettlement of dozens of Palestinian refugee families, including those mentioned above.

As part of the Jordanian Housing Ministry's refugee rehabilitation project, new homes were built in the 1950's for 30 families in exchange for relinquishing their refugee status. Through invoking the Legal and Administrative Matters Law of 1970, the Nahalat Shimon Company has therefore been advancing dozens of eviction claims against Palestinians, who were legally resettled under Jordanian law in this area of Sheikh Jarrah and now stand to be made refugees for a second time.

LEGAL PETITION AGAINST THE GENERAL CUSTODIAN

In December 2020, [Ir Amim along with Sheikh Jarrah residents filed a petition to the Israeli High Court against the General Custodian](#), the Israeli body responsible for managing properties owned by Jews in East Jerusalem (among other areas) prior to 1948. The petition concerns the General Custodian's absence of procedural regulations regarding the management of assets in East Jerusalem and the manner in which it exercises its authority under the Legal and Administrative Matters Law of 1970. Lack of such regulations significantly diminishes the ability for Palestinian families to prevent their evictions and allows the General Custodian to use aggressive measures in order to take over their homes.

While the petition stresses the unconstitutionality and systemic discrimination created under the auspices of the law, the petition does not necessarily tackle its unconstitutionality, but rather the General Custodian's obligation to operate in a transparent, fair, and ethical manner within the existing framework. The General Custodian is currently managing some 600 files, involving approximately hundreds of Palestinian families and thousands of individuals across East Jerusalem, many of whom have resided in these properties for decades, including before the aforementioned law was even enacted. The families often suffer from harassment and arbitrary treatment both in terms of the General Custodian's ongoing mismanagement of the assets and the eviction lawsuits filed against them due to its operations and collaboration with settler organizations.

In the absence of clear published procedures, the General Custodian can continue to facilitate evictions of Palestinians in favor of settler groups with no accountability, transparency and proper governance, while the rights of Palestinian families, many of whom enjoy protected tenancy status, are severely infringed upon.

The petition therefore challenged the severe misconduct of the General Custodian in its complicity with settler-initiated evictions and called upon the court to instruct the government body to publish ethical regulations concerning property management in East Jerusalem. The state must submit a response to the petition by May 6, 2021.

BATAN AL-HAWA, SILWAN

Over the past year, Israeli courts have ruled in favor of the eviction of 24 Palestinian families from Batan al-Hawa in lawsuits levelled against them by the Ateret Cohanim settler organization. The organization has filed dozens of eviction demands through the [appointment of two of its members by the state as trustees to the Benvenisti Trust](#) -- a Jewish trust which once held title to properties in the area in the late 19th and early 20th centuries. To date, 14 families have already been evicted with over 80 other households facing eviction claims filed by Ateret Cohanim, placing more than 700 individuals of one community at risk of mass displacement (*see second map below*). The cases of eight families (Duweik, Odeh and Shweiki), numbering 45 individuals, have reached the Supreme Court level.

The Israeli courts have consistently authorized these evictions despite the fact that the affected Palestinian families have been living for more than 53 years in homes they built on land which they legally purchased between 1949 and 1967. Due to the aforementioned legislation, the courts do not recognize these transactions and view the properties as if they are still owned by the Jewish trust which built homes in Batan al-Hawa in the 19th century and no longer exist.

LEGAL PETITION AGAINST THE REGISTRAR OF TRUSTS/MINISTRY OF JUSTICE

In June 2020, [Ir Amim in conjunction with Batan al-Hawa residents filed a legal petition to the Jerusalem District Court against the Israeli Registrar of Trusts](#) which sits within the Ministry of Justice, arguing that it had facilitated Ateret Cohanim's acquisition of the Benvenisti Trust. Citing allegations of gross misuse and a conflict of interest on the part of the trustees, the petition called for the revocation of Ateret Cohanim members' appointment to the trust's management. Likewise, as stated in official organizational documents, the settler group's mission is to expand Jewish settlement through seizure of Palestinian properties in the area, which is not in accord with the trust's original charter and mandate. According to the charter, the trust was established to specifically assist impoverished Jewish residents of Jerusalem as well as other indigent Jerusalem residents regardless of their nationality and religion. Rather than providing assistance to the poor of the city, the appointed trustees are now utilizing the trust to advance settlements through evictions of Palestinian families (many of whom are in fact poor), which directly contradicts the trust's original mission.

Following the petition's submission, the Registrar of Trusts decided to conduct an in-depth investigation into the management and actions of the trust and its trustees. While the petition is no longer active, Ir Amim will be able to re-submit it depending upon the investigation's results. However, given the longstanding collusion between state authorities and settler organizations, there is little confidence that the investigation will ultimately lead to the necessary revocation of the settlers' appointment as trustees.

WADI HILWEH, SILWAN

[Wadi Hilweh has been the locus of the Elad settler organization's operations](#) for the past three decades, where it manages the City of David National Park along with other touristic attractions and archeological excavations and taken over roughly 75 Palestinian homes.

In the past year, one family was forcibly evicted from their home in Wadi Hilweh after a lengthy legal battle. The property was then transferred into the hands of ELAD and settled by a Jewish settler family. In tandem, the Jewish National Fund (JNF Israel) in collusion with ELAD has been advancing aggressive legal measures over the past three decades to take over the home of the [Sumarin family](#) based on an exploitative application of the [Absentee Property Law of 1950](#). For years, Israeli Attorney Generals have warned against the use of the 1950 law in East Jerusalem. Despite this, the state continues to exploit this law to convey Palestinian property over to settler organizations with the aim of entrenching Israeli control of the Old City Basin.

PLATFORM FOR INTERNATIONAL INTERVENTION - COURT REQUESTS OPINION OF ATTORNEY GENERAL OF ISRAEL

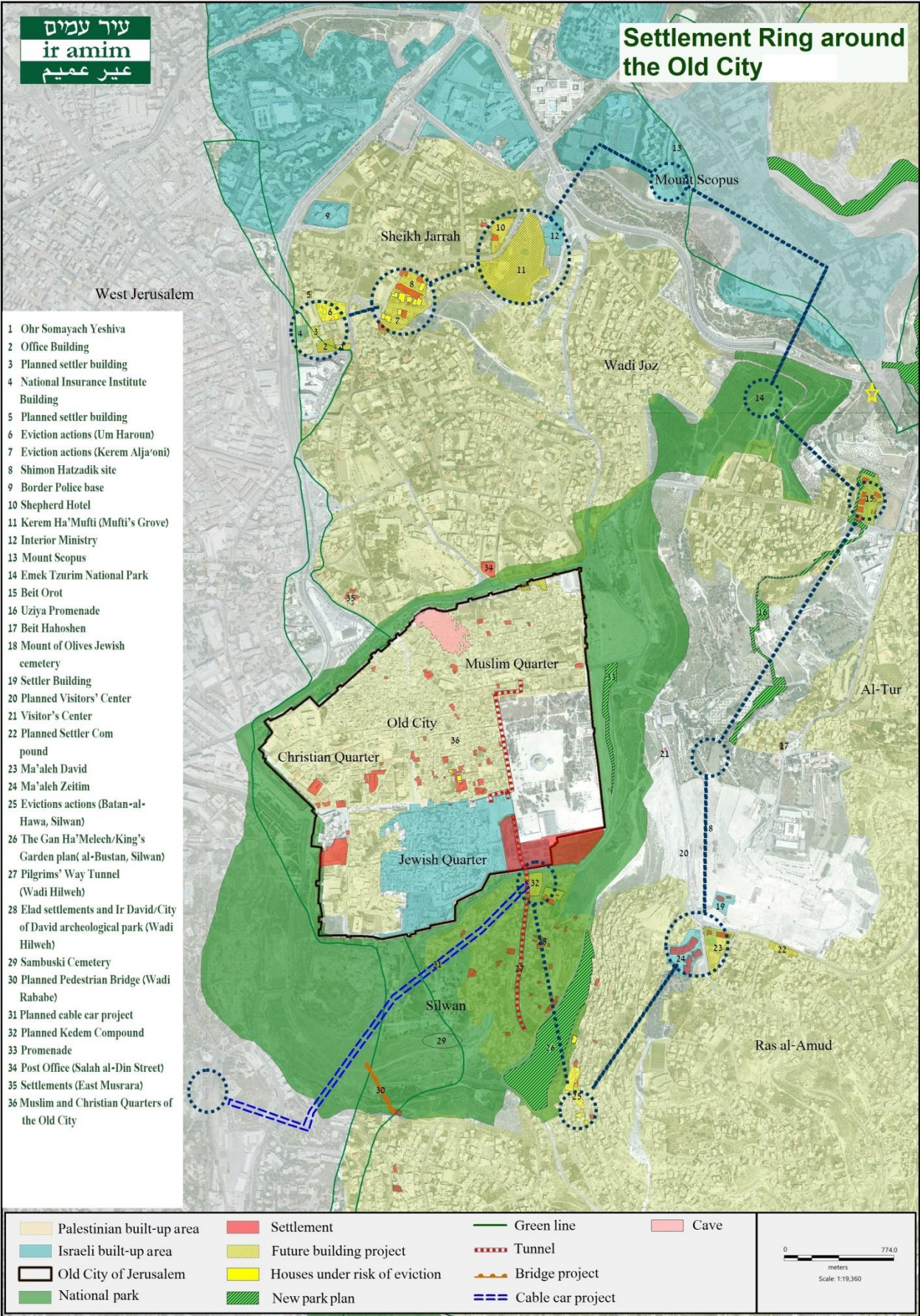
In an unusual move, the Supreme Court recently requested the opinion and position of the Attorney General of Israel pertaining to both the Sumarin family case and the aforementioned eight families from Batan al-Hawa whose cases have reached the Supreme Court level. **In the cases of the eight families, the court has given the Attorney General until May 31 to respond and until June 12 in the case of the Sumarin family.**

Although the legal premise of the Sumarin family case differs from the families in Batan al-Hawa, the court's request appears to indicate recognition of the gravity of these cases and potentially implies acknowledgement of parallels between the lawsuits. Likewise, it communicates an understanding that these cases are more than a private civil matter involving a legal dispute over property ownership and could very well have legal precedent on the numerous other eviction cases in the area.

The government is now being compelled to take an explicit position on these measures; a rare opportunity has been given to the Attorney General to address the exploitative nature and unethical basis of these eviction proceedings. If the state's position, however, ultimately expresses support for the evictions, the Israeli government would hence become a direct party to these mass measures of displacement, amounting to a form of forcible transfer. **While state bodies have long been active in these processes, the court's request for a response from the Attorney General unequivocally involves the Israeli government in this issue, providing the international community with a tangible entry point and platform for intervention and pressure.**

SEVERE IMPLICATIONS

Beyond further cementing Israeli control over the Old City Basin through Palestinian evictions and Jewish settlement as a means to undermine any future resolution on Jerusalem, these actions constitute a violation of basic human rights, which carry an acute humanitarian impact on the families who are uprooted from their homes and communities. Immediate intervention is therefore necessary to block these processes of forced displacement and dispossession.



Batan al-Hawa is #25, Wadi Hilweh is #28 and Sheikh Jarrah is #6 and #7 on the map.

Silwan - Batan al-Hawa

עיר עמים
ir amim
عير عميم



Existing Settler Takeovers		Imminent Risk of Eviction	Pending Eviction Lawsuits
1- 12 units, Beit Yonatan, occupied	2004	1- Dweik, 7 units.	Over 80 additional families are facing eviction demands, placing nearly 700 people at risk of displacement.
2- 1 unit, Beit Ha'Davash, occupied	2004	2- Shweiki, 3 units	
3- 3 units, Al-Qawasmeh, occupied	9/2014	3- Odeh, 1units	
4- 3 units, Abu Nab, occupied	5/2015	4- Rajabi, 3 units.	
5- 11 units, Jamal Sarhan, occupied	8/2015	5- Rajabi, 4 units	
6- 2 units, Abu Nab family	10/2015		
7- 1 unit, Jamal Sarhan, occupied	10/2018		
8- Awwad Building	04/2021		
9- Abu Diab building	04/2021		

