

After Receipt of Eviction Notice, the Shehadeh Family Can be Forcibly Evicted from their Home in Batan al-Hawa, Silwan in 10 Days

24 July 2024

Against the backdrop of the ICJ advisory opinion, the 15-member Shehadeh family is under threat of being forcibly removed from their home in Batan al-Hawa, Silwan in ten days. On July 14, the Shehadeh family received an eviction notice by the Enforcement and Collection Authority, demanding that they vacate their home within 20 days of the notice's receipt. Thereafter, from August 4, the family will be subject to forced removal from their home and can be executed over the course of 14 days.

All legal remedies have been exhausted in this case. Due to the inherent political nature of these measures, the eviction can only be halted through public pressure and state intervention.

The eviction order comes just two months after the conclusion of all court proceedings in the family's case and just two weeks after the District Court ruled to evict 11 more families from the same community. In April, [the Supreme Court rejected the Shehadeh family's leave to appeal](#). In a last-ditch effort, the family filed a petition to the Supreme Court, arguing that Justice Sohlberg, the presiding judge in their leave to appeal, violated protocol in his handling of the case. [The court summarily dismissed their petition on May 26](#), placing the family under imminent threat of eviction.

In parallel to this, on July 16, settlers forcibly entered the Abu Nab family home in the same community and began reportedly renovating the property just days after the District Court rejected the family's appeal against their eviction. This is despite the fact that the court set the eviction date for January 2025, and the family still has the right to file a leave to appeal to the Supreme Court. Since 2015, the Jawad Abu Nab family has been barred access to the home after settlers took control of the only entrance leading to the family's house. The settlers then took advantage of the fact that the property was empty and seized the home following the court's ruling.

The Abu Nab family is among [11 Palestinian families \(66 individuals\) whose appeals were rejected by the District Court two weeks ago](#). While the families will file a request to appeal to the Supreme Court, there is no guarantee they will be granted this right as demonstrated by the decision in the Shehadeh family case.

These families are among some 85 Palestinian families, consisting of over 700 individuals,

who face largescale displacement and settler takeovers of their homes in Batan al-Hawa. This is a result of eviction claims filed by a Jewish trust established in the 19th century, which is now controlled by [the Ateret Cohanim settler group](#) who is exploiting it to take over Palestinian homes for Jewish settlement. *See [here](#) for full details.*

While carried out under a veneer of legitimacy, the proceedings are underpinned by discriminatory domestic laws, political motivations, and a system that is rigged against Palestinians from the outset which deprives them of equal access to justice.

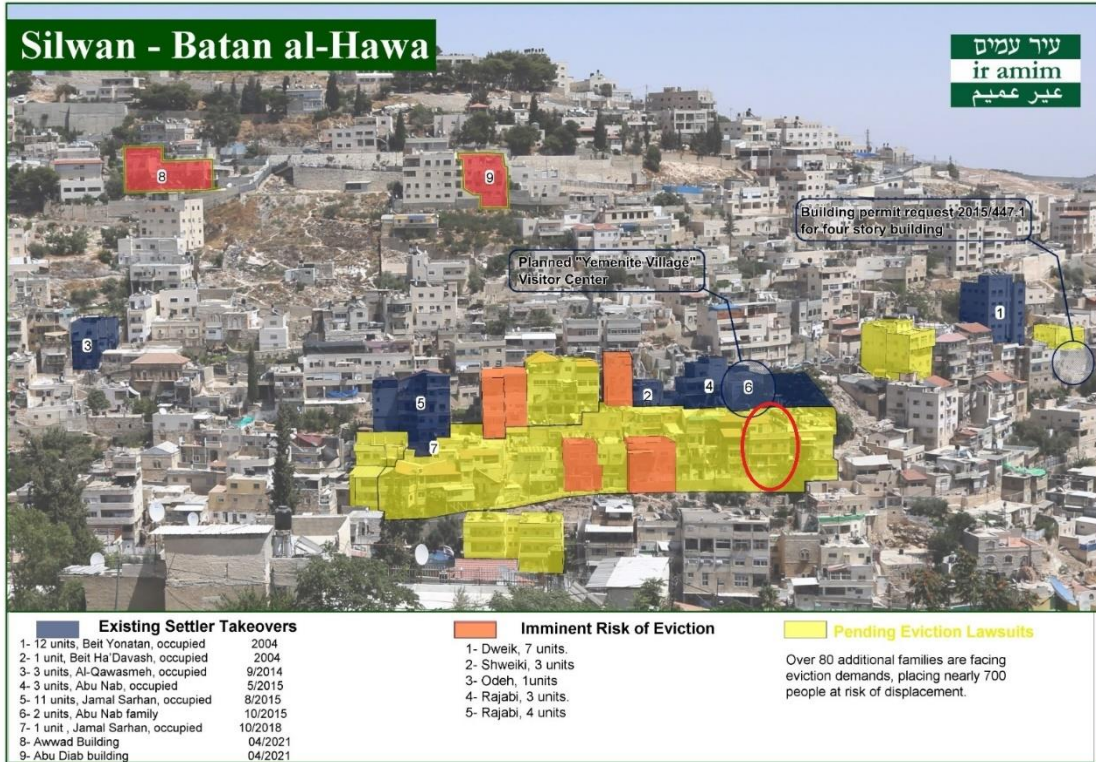
As affirmed by the International Court of Justice last week, forced evictions and the transfer of settlers into occupied territory is in contravention of international law. The former constitutes a breach of the prohibition on forcible transfer and the latter, a violation of the prohibition on transferring the occupying power's civilian population into the territory, both enshrined in the Fourth Geneva Convention. According to the ICJ's advisory opinion, Israel bears the obligation, among other legal consequences, to repeal all legislation and measures that discriminate against Palestinians and aim to alter the demographic composition of the territory while providing reparations for the damage incurred. Israel likewise remains obligated to respect the right of the Palestinian people to self-determination.

All efforts must thus be made to compel Israel to comply with these provisions. In the short-term, Israel must immediately halt the impending evictions and safeguard the families' rights to their homes, communities, and city.

How the State Can Halt the Evictions

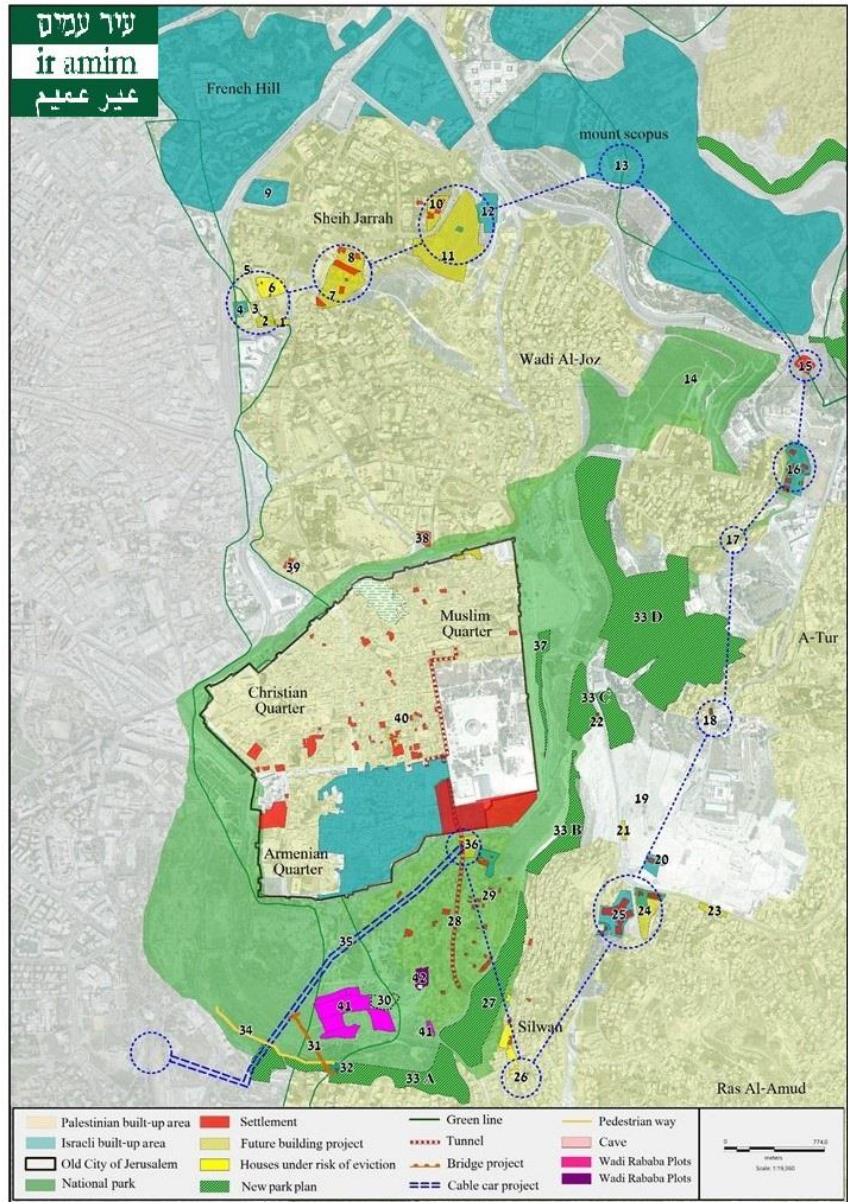
1. Refrain from dispatching police to carry out the evictions due to security and political constraints. Evictions cannot be executed without heavy police and paramilitary force escort.
2. Expropriate the respective properties for public purposes and the benefit of the local population to allow the families to remain in their homes. Since 1967, Israel has expropriated approximately 1/3 of the land in East Jerusalem (over 20,000 dunams), the majority of which was owned by Palestinians, to build Israeli settlements.
3. Change government policy and cease application of the discriminatory law which enables the evictions and/or take steps to amend the problematic elements in the law or repeal it entirely.
4. Issue a legal opinion via the Attorney General which grants rights to the residents to continue to reside in their homes. The court has asked the Attorney General to weigh-in on several eviction cases in Batan al-Hawa already.

See previous alert for detailed background information on the discriminatory legislation, Ateret Cohanim's co-optation of the 19th century Jewish trust, and the state's involvement in expanding private settlement in Silwan.



The Shehedah family home is marked by the red circle.

- 1 Planned Ohr Somayach Yeshiva
- 2 Planned Office Building
- 3 Planned settler building
- 4 National Insurance Institute Building
- 5 Planned settler building
- 6 Eviction actions (Um Haroun)
- 7 Eviction actions (Kerem Alja'oni/Shimon Hatzadik)
- 8 Shimon Hatzadik Site
- 9 Border Police base
- 10 Shepherd Hotel
- 11 Kerem Ha'Mufti (Mufti's Grove)
- 12 The Interior Ministry
- 13 Mount Scopus
- 14 Emek Tzurim National Park
- 15 Temple Mount Dirt Sifting Compound
- 16 Beit Orot
- 17 Uziya Promenade
- 18 Beit Hahoshen
- 19 Mount of Olives Jewish cemetery
- 20 Settler Building
- 21 Planned Visitors' Center
- 22 Visitors Center
- 23 Planned Settler Compound
- 24 Ma'aleh David
- 25 Ma'aleh Zeitim
- 26 Evictions actions (Batan-al-Hawa, Silwan)
- 27 The Gan Ha'Melech/King's Garden plan (al-Bustan, Silwan)
- 28 The Pilgrims' Way Tunnel (Wadi Hilweh)
- 29 Elad settlements and Ir David/City of David archeological park (Wadi Hilweh)
- 30 Sambuski Cemetery
- 31 Planned Pedestrian Bridge (Wadi Rababe)
- 32 "House in the Valley" – ELAD Activity Center
- 34 Promenade from Cinematheque
- 33A - Planned Expansion of National Park
- 33D
- 35 Planned Cable Car Project
- 36 Planned Kedem Compound
- 37 Promenade
- 38 Post Office (Salah al-Din Street)
- 39 Settlements (East Musrara)
- 40 Muslim and Christian Quarters of the Old City
- 41 Land taken by the Custodian for Absentee Property and Given to the Israeli Nature and Parks Authority
- 42 Land Seized by the General Custodian



A map illustrating the growing ring of Israeli settlement and control around the Old City Basin marked by evictions of Palestinians, settler enclaves, touristic settlement sites, green space, and national parks.