

## The Impending Eviction of the Salem Family from Sheikh Jarrah

On January 30, 2022, the Enforcement and Collection Authority's registrar issued its decision authorizing the eviction of the Salem family from Sheikh Jarrah. The registrar approved the request submitted by the police and the settler who claims ownership of the home for an eviction order with a flexible implementation date. Such eviction orders are used to retain an element of surprise to reduce anticipated resistance and ensure the eviction is carried out without disruption. [According to the decision, the eviction could have been carried out anytime between March 1 and April 1, 2022.](#) However, on February 17, the family's attorney filed an urgent appeal to the Jerusalem Magistrate's Court and requested an injunction to freeze the order. By February 22, the court agreed to issue an injunction on condition the family posted a 25,000 NIS bond, while instructing the plaintiffs (the settlers) to submit a response to the appeal within 15 days. **As a result, the family's eviction has been provisionally frozen. A hearing on the appeal is now scheduled for April 25.**

The Salem family, comprised of 11 individuals, including four children have been under imminent threat of eviction from their home in the western section of Sheikh Jarrah (Um Haroun) after receiving an eviction order in early December 2021. While formally issued by the Enforcement and Collection Authority, the eviction notice [was delivered to the family by two key settler activists and Jerusalem City Council members, Jonathan Yosef and Deputy Mayor Aryeh King.](#) Yosef claims to have purchased at least part of the home from Jews who allegedly owned the property prior to 1948. That eviction order had since expired, and as mentioned above, in its place, the Enforcement and Collection Authority approved the request for a new eviction order with a flexible implementation date.

### Background

In the Um Haroun section of Sheikh Jarrah, there was a small Jewish community, comprised of approximately 40 families, who were instructed to evacuate the neighborhood in the 1948 War. Having been forced to abandon their homes in Sheikh Jarrah, 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. Members of the Salem family were displaced from the village of Qalunya, which once stood on the outskirts of West Jerusalem along the Jerusalem-Jaffa highway. According to the Salem family, they took up residence in their home in Sheikh Jarrah in 1951, paying rent to the Jordanian government under a protected tenancy agreement.

### **One-Way Land Restitution via Discriminatory Laws**

Following Israel's annexation of East Jerusalem in 1967, the aforementioned assets, including the Salem family's home, were transferred into the management of the Israeli General Custodian, a department within the Ministry of Justice, who continued to lease the properties to their Palestinian occupants. However, in 1970, Israel enacted the Legal and Administrative Matters Law, which affords Israeli Jews the exclusive right to reclaim assets once owned by Jews in East Jerusalem prior to 1948 despite many of these properties now being inhabited by Palestinian refugees. No parallel legal mechanism exists for Palestinians to recover properties on the Israeli side of the Green Line, which they owned before 1948. On the contrary, the 1950 Absentee Property Law enshrines that Palestinians who lost their homes in Israel due to the 1948 War cannot retrieve them. As such, Jewish Israelis are essentially entitled to double compensation under the 1970 law since many of those who lost homes in East Jerusalem were given alternative housing in West Jerusalem at the time.

### **Settler Exploitation**

Over the years, settler groups working in collusion with state bodies, including the General Custodian, have exploited the 1970 law to file eviction lawsuits against Palestinian families to seize their homes for Jewish settlement despite having no connection to the previous Jewish owners or occupants of the properties. These groups act to secure land ownership rights through various means, which provide them with a legal platform to initiate eviction proceedings against Palestinian families who have been residing in the homes for decades. **As a result of these eviction claims, more than 150 Palestinian families, numbering over 1000 individuals, in both Sheikh Jarrah and Silwan on the opposite side of the Old City Basin stand to be displaced—many for a second time.**

### **The Salem Family's Case**

The Salem family's case dates back to a 1988 court ruling which ordered their eviction in favor of the heirs of the property's alleged Jewish owners. For reasons unknown to Ir Amim, the verdict was never enforced, and the family continued to reside on the property. The court file has since been incinerated, and therefore it is difficult to ascertain the details of the ruling in its entirety. In more recent years, however, settlers, including City Councilman Jonathan Yosef, acquired the rights to at least a portion of the Salem family's home and now demanding their eviction based on the 1988 ruling.

Although there is currently an injunction in place, which has temporarily frozen the eviction order, the Salem family's legal representation has underscored that the legal remedies are severely limited. Therefore, the only real effective means of preventing the family's impending displacement is through state intervention. Continued public pressure and concerted engagement with the Israeli government on this matter is hence vital.

### **Settlement of Land Title Procedures as Tool for Israeli Settlement Expansion**

It should be noted that these eviction lawsuits are being carried out alongside formal settlement of land title procedures, which the Israeli government has initiated in East Jerusalem for the first time since 1967 and largely spearheaded by the General Custodian. In April 2021, [Ir Amim uncovered that the Israeli government had initiated these procedures in Um Haroun](#), Sheikh

Jarrah, formally registering the title of properties to alleged Jewish owners without the Palestinian residents' knowledge, which can further ease settler takeovers of these assets. These processes are being conducted within the framework of 2018 [Government Decision No. 3790](#), a five-year plan, which aims 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 title procedures rather serves as a tool to further confiscate Palestinian properties, leading to the expansion of Israeli settlement and widespread Palestinian dispossession in the city. Indeed, as recently revealed, the General Custodian appears to not only be facilitating settler takeovers of Palestinian properties, but now in an [unprecedented manner also advancing plans for new Israeli settlements in East Jerusalem – i.e. Givat HaShaked](#).

### **Severe Ramifications**

Beyond further undermining any future resolution on Jerusalem and prospect for peace, these actions constitute a violation of human rights and carry an acute humanitarian impact on the families. **Amplified engagement with the Israeli government is therefore necessary to block these processes of forced displacement.**

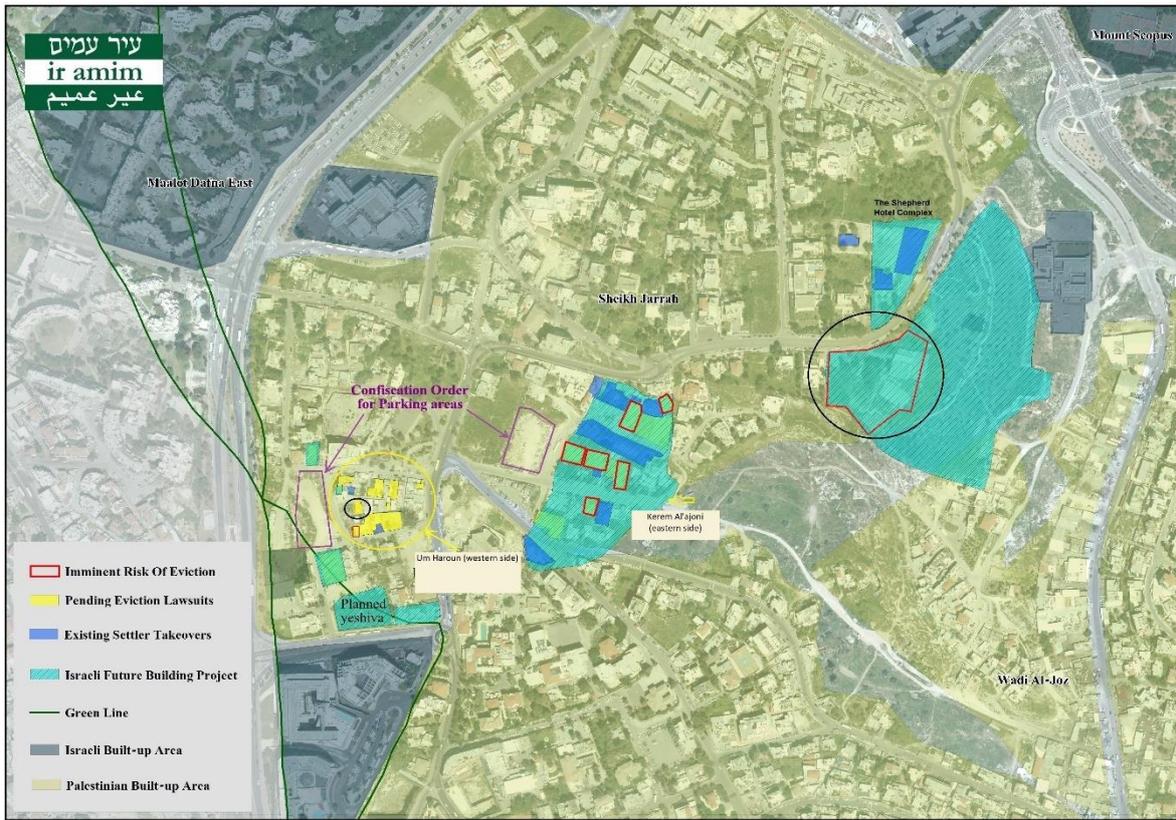
### **How the Israeli Government Can Intervene**

1. Short-term: Refrain from dispatching police forces to execute the evictions due to security and political constraints. Evictions cannot be carried out without heavy police and paramilitary force escort.
2. Long-term: Expropriate the respective properties for public purposes to allow the families to remain in their homes and compensate the settler groups/landowners. Since 1967, Israel has confiscated approximately 1/3 of the land in East Jerusalem (over 20,000 dunams), the majority of it privately owned by Palestinians, to build Israeli settlements.

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**\*\*\* See map below**



The Salem family home is marked in red within the large yellow circle on the left side of the map.

[Link here for higher resolution map.](#)