

SPECIAL FOCUS

Demolition and Forcible Transfer in Silwan



Photo: Kobi Wolf for Art Forces



AL-HAQ

Date: 6 July 2026

Since January 2026, Al-Haq has documented the demolition by the Israeli Occupying Forces (IOF) of 29 Palestinian homes in Silwan. Israel has destroyed 264 Palestinian homes in Silwan since 2019. These demolitions form part of a broader pattern of displacement and dispossession targeting Palestinian residents of Occupied Palestinian Territory (OPT) including specifically, East Jerusalem. This special focus examines testimonies collected by Al-Haq including from 16 Palestinian families affected by forced displacement in Silwan, with particular attention to incidents documented in March 2026, highlighting an escalating pattern of forced displacement.

Silwan lies within the municipal boundaries of Jerusalem, spread out over 5,640 dunums of land (approximately 1,393 acres), located immediately south of the Old City of Jerusalem in the OPT. Silwan is made up of several neighbourhoods including: Ras Al-Amud, Al-Bustan, Wadi Hilweh, Wadi Al-Rababah, Wadi Qaddum, Ein Al-Lawzah, Batn Al-Hawa, Al-Harah Al-Wusta, and Wadi Yasul. Between 60,000 and 65,000 indigenous Palestinians live in the area alongside approximately 1,000 Jewish Israeli settlers who have been transferred in to colonise the territory under heavy Israeli protection.¹

Since 1948, Israel has entrenched a settler colonial apartheid regime in Palestine, occupying and annexing Palestinian territory and applying discriminatory laws, policies and practices against the Palestinian people on both sides of the Green Line, denying their collective right of self-determination and return.² Since 1967, Israel has forcibly displaced Palestinians from East Jerusalem and transferred in Israeli Jews, in a continuing effort to create an Israeli-Jewish demographic majority in East Jerusalem to colonise Palestine's capital city. Israel's forced displacement of Palestinians from Silwan is carried out through the application of discriminatory legal and administrative framework that regulates land, housing, planning and zoning, creating coercive environments to force displacement. The displacement of Palestinians fragments the Palestinian group preventing the realisation of Palestinian self-determination and return, as Israel violently annexes more Palestinian territory.³

¹ Al-Haq, "Finding David: Unlawful Settlement Tourism in Jerusalem's so-called 'City of David'" (2022), p. 7, https://www.alhaq.org/cached_uploads/download/2022/11/16/city-of-david-interactive-1-page-view-1668594122.pdf

² Al-Haq et al., Israeli Apartheid Tool of Zionist Settler Colonialism (2022), https://www.alhaq.org/cached_uploads/download/2022/12/22/israeli-apartheid-web-final-1-page-view-1671712165.pdf, p. 74; State of Palestine, Negotiations Affairs Department, It Is Apartheid: Palestine Liberation Organization The Reality Of Israel's Colonial Occupation Of Palestine (2021), <https://www.nad.ps/sites/default/files/20201230.pdf>, p. 9; State of Palestine, Recognising Apartheid: A Call for International Action (2024), <https://www.nad.ps/sites/default/files/202309.pdf>, p. 15.

³ Al-Haq, Al-Haq calls for immediate and overdue measures from Third States to prevent Israel's illegal annexation of the Palestinian territory through settlement expansion (8 May 2026), <https://www.alhaq.org/advocacy/27620.html>

1. Discriminatory Property Regimes and Legal Claims

One of the central mechanisms enabling displacement in Silwan is the application of Israeli property laws that facilitate the reclamation of land based on pre-1948 ownership claims. In particular, the Legal and Administrative Matters Law permits Jewish individuals or organizations to claim property in East Jerusalem allegedly owned before 1948.⁴ The law has been used extensively by settler organizations, most notably Ateret Cohanim, to initiate eviction proceedings against Palestinian families in neighbourhoods such as Batn al-Hawa.⁵ Israel's annexationist application of its domestic law to appropriate property in territory it holds under belligerent occupation, breaches the obligation on Israel to maintain the *status quo ante bellum* of the territory intact,⁶ and infringes the sacrosanct protection of private property from confiscation.⁷

The discriminatory application of Israel's domestic law to purportedly annexed East Jerusalem, not only breaches international humanitarian law protecting against the confiscation of private property in occupied territory,⁸ it entrenches Israel's segregationist and fragmentary apartheid regime. Exclusive rights of property reclamation are accorded to Israeli Jews, forcing indigenous Palestinian displacement and their replacement with Israeli Jews. At the same time, Palestinian refugees who have been forcibly displaced and exiled since the 1948 Nakba, are systematically denied their right to return and reclaim their property under Israel's apartheid laws.⁹

Testimonies collected by Al-Haq from affected residents indicate that these legal claims are not merely historical disputes but function as active tools of forced displacement. Families such as the Al-Rajabi, Basbous, Ghaith and Abu Subeih households have faced prolonged legal battles, often spanning over a decade, culminating in eviction orders issued by Israeli courts. Despite presenting ownership documents or evidence of long-term residence, including continuous habitation since before 1967, residents have been unable to secure protection from eviction.

⁴ United Nations Human Rights Council, *Joint written statement submitted by Al-Haq, Law in the Service of Man, Al Mezan Centre for Human Rights, Palestinian Centre for Human Rights*, UN Doc A/HRC/46/NGO/130 (23 February 2021)

⁵ Al-Haq, *House Demolitions and Forced Eviction in Silwan: Israel's Transfer of Palestinians from Jerusalem* (2020), p. 48, https://www.alhaq.org/cached_uploads/download/2021/08/17/silwan-webversion-1-page-view-1629184473.pdf

⁶ Article 43, Hague Regulations (1907); Article 64, Fourth Geneva Convention (1949).

⁷ Article 46, Hague Regulations (1907).

⁸ Article 46, Hague Regulations (1907) "Private property cannot be confiscated".

⁹ Al-Haq et al., *Israeli Apartheid Tool of Zionist Settler Colonialism* (2022), https://www.alhaq.org/cached_uploads/download/2022/12/22/israeli-apartheid-web-final-1-page-view-1671712165.pdf, p. 8, 15.

1.1 The March 2026 Displacements in Silwan: Al-Rajbi and Basbous Families

Israel's displacement of the Al-Rajbi and Basbous families from the Batan al-Hawa neighbourhood underscores the discriminatory nature of the 1970 Legal and Administrative Matters Law. This statute allows Jewish individuals or historic trusts to claim land in East Jerusalem owned prior to 1948, a legal right strictly denied to Palestinians whose property was appropriated in West Jerusalem during the same historical period. In this instance, control of the late-19th-century Benvenisti Trust was acquired by members of the settler organization Ateret Cohanim, who subsequently initiated eviction lawsuits against the resident Palestinian families, classifying them as unlawful trespassers.¹⁰ The families rigorously contested these actions in the Israeli Magistrate's Court, presenting evidence of good-faith property purchases and decades of uninterrupted occupancy. However, the court prioritized the absolute ownership rights of the trust over the residents' reliance interests. Following the systematic rejection of subsequent appeals by both the District Court and the Supreme Court, final eviction orders were executed, culminating in the families' forced displacement by Israeli Occupying Forces accompanied by settler organisations.

The Al-Rajabi family were originally from the Hebron area, where they were displaced in 1948 and took refuge in the Jewish Quarter of the Old City of Jerusalem. They were displaced once again in 1967 from the Jewish Quarter to the Silwan neighbourhood. During that period, their grandfather, Abdul Majid al-Rajabi, purchased the aforementioned land and built houses on it. Now, once again, the third generation of the family has been displaced from their home; this marking the family's third forced displacement since 1948,¹¹ and their replacement with illegally transferred in Israeli Jewish settlers. Nidal Al-Rajabi describes the psychological shock of the process: *"We were given only five minutes to leave the house... We did not resist, not because we accept this injustice, but because any reaction could endanger our lives."*¹² He adds that settlers later entered the home, singing and dancing as furniture was removed, describing it as *"a celebration of displacement."*¹³

On 25 March 2026, the Al-Rajabi and Basbous families were amongst sixteen families living in fifteen residential apartments in the Batn al Hawa neighbourhood who were forcibly evicted and displaced from their homes in Silwan, Jerusalem. The evictions resulted in the displacement of 75 Palestinians from their homes, including 34 children, 16 women, and elderly people.¹⁴ The evictions were carried out by Israeli Occupation Forces (IOF) with the participation of settlers

¹⁰ "Benvenisti Trust," in *Jerusalem Story: A Lexicon of Jerusalem*, <https://www.jerusalemstory.com/en/lexicon/benvenisti-trust>

¹¹ Al-Haq, Field Researcher's Report on the Eviction of Palestinians from Their Homes in the Batn al-Hawa Neighbourhood – Silwan (March 2026) on file with Al-Haq.

¹² Affidavit of Nidal Al Rajabi, taken on March 2026, in Silwan on file with Al Haq

¹³ Affidavit of Nidal Al Rajabi, taken on March 2026, in Silwan on file with Al Haq

¹⁴ Al-Haq, Field Researcher's Report on the Eviction of Palestinians from Their Homes in the Batn al-Hawa Neighbourhood – Silwan (March 2026) on file with Al-Haq.

affiliated with the “Ateret Cohanim” settler organisation. Large numbers of forces stormed the area and sealed off its entrances, then raided the apartments and forcibly removed the Palestinian residents without allowing them to take their belongings. Raed Youssef Muhammad Basbous, a teacher who was among the displaced recalled to Al-Haq:

“Our ordeal began in earnest between March 20 and 22, 2026, when occupation forces stormed the Batn al-Hawa neighbourhood and deployed a heavy military presence, in preparation for enforcing eviction orders issued by Israeli courts. During those days, which coincided with Eid al-Fitr, two apartments belonging to our family were forcibly evicted; we were forced to leave, and the apartments were sealed with iron locks under the protection of the occupation forces, who assaulted residents who tried to object and used tear gas and pepper spray, causing cases of suffocation. We remained in two other apartments. Then, at dawn on March 25, 2026, large numbers of occupation forces, accompanied by settlers, stormed the neighbourhood, completely sealed off its entrances, and then violently raided the building”.¹⁵

A large portion of the furniture and belongings were destroyed, and cash and gold jewellery were lost, while the police prevented the Palestinian families from retrieving or handling their possessions; they also denied children, women, and the elderly sufficient time to leave their homes.

Raed Basbous, explained to Al-Haq:

“We were forcibly removed from our homes without being allowed to take our belongings or even gather our basic necessities, even though the legal eviction deadline had not yet expired. During the eviction, crews from the Israeli occupation’s Enforcement Department, with the participation of settlers, emptied the apartments of their contents. Furniture was broken and vandalized during the move by settlers—whom the authorities claim are moving workers—and many of our belongings were deliberately destroyed; some items were also confiscated.

We were informed that we would not be able to recover some of our belongings until after paying storage and transportation fees. A young man from our family, Anas Ra’fat Muhammad Basbous, was also physically assaulted and arrested during the operation; he was later released. As soon as we were removed from our homes, the settlers entered them immediately, raised Israeli flags, and began installing surveillance cameras and moving their belongings into the apartments, while we were prevented from returning or even approaching the area”.¹⁶

¹⁵ Affidavit of Raed Basbous, taken 25 March 2026 in Silwan, on file with Al Haq.

¹⁶ Affidavit of Raed Basbous, taken 25 March 2026 in Silwan, on file with Al Haq.

Yosef Basbous stated:

“Our family was expelled in 1948 and dispersed in refugee camps in the West Bank. I arrived in Silwan with my parents more than 60 years ago, I built this house stone by stone, brick by brick, nail by nail. Today they come to us and expel us again. They claim that the land belonged to a Yemeni waqf and that the custodian sold the land to settlers. The police say they are implementing the court’s decisions, according to the law. But what kind of law is this that can expel me, who have been here for more than 60 years”.¹⁷

1.2 Forced Eviction of Ghaith Family (Batan al-Hawa)

The eviction of the Ghaith families further illustrates the systemic impact of the 1970 Legal and Administrative Matters Law when leveraged by ideological organizations. Similar to the Al-Rajbi case, these families were targeted by Ateret Cohanim after the organization assumed management of an archaic, pre-1948 Jewish trust registered to the land parcel beneath their homes. In their defence before the Jerusalem Magistrate's Court, the Abu Sbeih and Ghaith families challenged the continuous legal validity of a 19th-century trust within modern international and domestic legal frameworks. The court, operating strictly within the parameters of Israel’s domestic property law, rejected these arguments, validated the trust's ancestral claims, and dismissed the families' subsequent appeals, thereby formalizing their displacement in Jerusalem— in territory that Israel unlawfully occupies and has *de jure* annexed.

This legal framework operates in a racially discriminatory manner when viewed in parallel with laws governing Palestinian property claims. The Absentees’ Property Law places property belonging to Palestinians who were expelled, fled, or who left the country after 29 November 1947 under Israeli control through the Custodian for Absentees’ Property which systematically denies repossession of the property. This asymmetry contributes to the dual legal system created and maintained by Israel in which Israeli Jews are granted the right to claim property while Palestinians are systematically denied similar recourse to their own land. As a result, the law functions not as a neutral arbiter of property rights but as a structural mechanism for annexation by facilitating the transfer of property from Palestinian residents to illegally transferred in settlers.

Palestinian homeowner Salem Abdul-Mughni Abdul-Samie Ghaith, 69 recalled to Al-Haq:

“I purchased my house in Batn al-Hawa in Silwan around 1979. The house was built in 1962; it is located in the center of the aforementioned plot of land and consists of two stories, each containing one apartment. My son lived on the first floor with his family of eight, including five children. My wife and I live on the second floor. I purchased the

¹⁷ Peace Now, 15 Silwan Families Evicted from Homes and Settlers Move In (25 March 2026), <https://peacenow.org.il/en/eviction-batan-al-hawa-250326>

house from the late Ibrahim Abd al-Fattah al-Rajabi in that year. We have a title deed proving our purchase of the house. Around 2012, we received calls from the settler organization Ateret Cohanim, offering to buy the house for large sums of money, but I refused. Then, in 2015, I found papers posted on the door of the house containing a summons to court regarding the house. The occupation authorities claim that the land on which the building stands belonged to Yemeni Jews prior to 1948”.¹⁸

Despite having ownership of the home, Salem Ghaith was subjected to drawn out legal proceedings, with the Israeli Supreme Court eventually ruling against the family. Ghaith recalled to Al-Haq:

“In 2015, we—the entire neighbourhood—made an offer to the settler organization Ateret Cohanim through the courts, proposing to pay them the price of the land in exchange for being allowed to remain in our homes and on our land; the organization rejected the offer. I also received many offers to sell the house, but I refused to sell it. We filed numerous appeals until our case reached the Central Court in September 2024, which issued an eviction order for the house. We then appealed to the Supreme Court, but the appeal was rejected, and a final eviction order was issued”.¹⁹

Following the Court ruling, and despite being granted a grace leave to stay in the house until 10 December 2024, by 4 December 2024, the family received constant threats from the Israeli authorities pressurising them to leave.

“Since December 4, 2024, we have received daily threats and constant pressure from the Israeli occupation police, warning that if we did not vacate the house, they would forcibly evict us and we would be fined. We did indeed vacate the house out of fear of paying exorbitant fines on December 10, 2024. I am still looking for a house to rent after being forcibly evicted and displaced. We were completely stripped of the home where we spent most of our lives and where all our memories were made”.²⁰

Salem Ghaith, another resident of Batn al-Hawa, explains the coercive pressure leading to his eviction: “We were notified of the final eviction order and threatened with heavy fines. We were forced to leave the house in which we had spent most of our lives.”²¹

2. Coercive Environments to Force Displacement around the so-called ‘City of David’

Israel has established a tourist site on Palestinian lands in Silwan, claiming it as the so-called “City of David”— the authenticity of which has been strenuously rejected by archaeologists.²²

¹⁸ 2024-12-119-JE-F-A1-IL-NTG.

¹⁹ 2024-12-119-JE-F-A1-IL-NTG.

²⁰ 2024-12-119-JE-F-A1-IL-NTG.

²¹ Affidavit of Salem Ghaith, taken on December 2024, in Silwan on file with Al Haq

The Israeli authorities have shown a specific eagerness to entrench their settler colonial control over Silwan, with Naftali Bennet stating in 2014 that “[t]here is now a Jewish majority in the City of David – formerly known as Silwan. That means the City of David will always remain in Israel. This is a historic event”.²³ Speaking from the so-called ‘City of David’ in 2025, Prime Minister Netanyahu stressed, “This is forever our city. It will never be divided again, and there will never be a Palestinian state. Any unilateral action will be met with unilateral action”.²⁴ Israel’s rapidly expanding colonisation of Silwan, and displacement of entire neighbourhoods, is linked to its plans to expand the City of David, and settle Silwan as a Jewish majority area.²⁵ Israel settler organisation Elad, who runs the City of David site considers the ‘City of David’ as ‘an epicentre’, and a ‘national birthplace’ for the Jewish people.²⁶ This is a settler colonial attempt to forge the concept of continuity to ancient Jerusalem and present archaeological findings as proof of an ownership of the past and a claim to the present. In 1998, Elad spokesperson Yigal Kaufman outlined: “Our aim is to Judaize East Jerusalem... The City of David is the most ancient core of Jerusalem, and we want it to become a Jewish neighbourhood”.²⁷

The development of the illegal ‘City of David’ settlement disrupts the Palestinians daily lives in Silwan in many ways, including by fragmenting Silwan. Some of the archaeological excavations conducted at the ‘City of David’ are underground, in networks of tunnels running beneath Palestinian homes. Approval for excavations are not sought from Palestinian homeowners and Palestinian residents are often not even prewarned about the digging— in, around and under their homes.²⁸ For over a decade, residents of the neighbourhood, in particular families living along Wadi Hilweh’s main street, have reported damage to their houses.²⁹ Buildings show cracks and fissures in the walls and floors, and the stability of the buildings is affected.³⁰ During winter

²² Al-Haq, Finding David: Unlawful Settlement Tourism in Jerusalem’s so-called ‘City of David’ (2022), p. 81, https://www.alhaq.org/cached_uploads/download/2022/11/16/city-of-david-interactive-1-page-view-1668594122.pdf

²³ ‘There is now a Jewish majority in the City of David – formerly known as Silwan. That means the City of David will always remain in Israel. This is a historic event.’ (Israel’s Minister for the Economy, Naftali Bennet, 2014). Nir Hasson, ‘Hidden Links Unearthed Between State, Settler Group at Israel’s Most Controversial Dig’ Haaretz (17 November 2014), <https://www.haaretz.com/2014-11-17/ty-article/.premium/links-between-state-and-settler-group-at-city-of-david-dig/0000017f-f6e6-ddde-abff-fee7a60c0000>

²⁴ IsraeliPM, Prime Minister Benjamin Netanyahu's remarks at an event in the City of David in Jerusalem (16 September 2025) <https://www.youtube.com/watch?v=JS57teV8Ocs>

²⁵ Al-Haq, Finding David, p. 41, https://www.alhaq.org/cached_uploads/download/2022/11/16/city-of-david-interactive-1-page-view-1668594122.pdf

²⁶ Al-Haq, Finding David, p. 14, https://www.alhaq.org/cached_uploads/download/2022/11/16/city-of-david-interactive-1-page-view-1668594122.pdf

²⁷ Joel Greenberg, ‘Settlers Move into Four Homes in East Jerusalem’ New York Times (9 June 1998).

²⁸ Emek Shaveh, ‘Information for Visitors to the City of David National Park’ (2019) 5 ; Mustafa Abu Sneh and Lubna Masarwa, ‘Silwan, a Palestinian Community Torn Apart by Israel’s Dig to Find “Lost City”’ Middle East Eye (23 February 2018)

²⁹ Emek Shaveh, ‘Fissures and Cracks, Damage to Homes in the Wadi Hilweh Neighborhood of Silwan’ (2020), 3, <https://emekshaveh.org/en/fissures-and-cracks/>

³⁰ Emek Shaveh, ‘Information for Visitors’, 5.

rainfall, a period locally dubbed the 'season of collapses', the underlying soil shifts drastically, triggering severe foundational fissures, wall warping, and sudden room cave-ins that render these multi-generational properties entirely uninhabitable.³¹ The Jerusalem Municipality systematically denies permits to Palestinians to repair their homes, creating coercive environments to force displacement, further entrenching apartheid.³²

2.1 Displacement of Abu Subeih family

In January 2026, three adjoining Palestinian homes in the vicinity of the so-called 'City of David' partially collapsed in Silwan in the due to structural cracks by works undertaken by the 'City of David' and the prevention of repairs. Palestinian homeowner Shahada Abd al-Qadir Shahada Abu Subeih explained to Al-Haq that his house was constructed in the 1960s, and is located in the Al-'Ain al-Fawqa area between the neighbourhoods of 'Ain al-Hilweh and al-Bustan in the town of Silwan. For years the area has been subject to intensive and ongoing Israeli archaeological excavations linked to large-scale settlement projects, particularly those surrounding the 'City of David' settlement, which is located just a few meters from his home. Abu Subeih recalled:

"Over the course of more than ten years, visible cracks began to appear in the walls and ceilings of the three houses, gradually widening over time. During this period, we heard the sounds of deep excavation almost daily and felt strong ground vibrations reaching inside our homes, which caused us constant concern for our safety and that of our children, and created a continuous state of fear and anxiety".³³

The Jerusalem Municipality explicitly prevented the Palestinian homeowners them from carrying out any restoration or reinforcement work and refused to issue the necessary permits to repair the damage. The families were forced to live in cracked homes threatened with collapse, unable to repair them or take preventive measures, and without being provided any alternative housing. The subsequent collapse was not a sudden event but rather the result of gradual deterioration. Abu Subeih recalled to Al-Haq:

"One of the walls began to crumble, with stones falling one by one, and then the building's outer wall collapsed entirely. As the danger escalated, on January 14, 2026, we again submitted an urgent report to the Jerusalem Municipality, warning of an imminent disaster if immediate action was not taken. Despite this, the municipality took

³¹ Wadi Hilweh Information Center, 'Dangerous Collapses Due to Excavations Force the Evacuation of Three Apartments Belonging to the Abu Sbeih Family in Silwan', <https://www.silwanic.net/article/news/79896/dangerous-collapses-due-to-excavations-force-the-evacuation-of-three-apartments-belonging-to-the-abu-sbeih-family-in-silwan>

³² Al-Haq, *House Demolitions and Forced Eviction in Silwan: Israel's Transfer of Palestinians from Jerusalem* (2020), p. 21, https://www.alhaq.org/cached_uploads/download/2021/08/17/silwan-webversion-1-page-view-1629184473.pdf

³³ 2026-01-038-JE-D-T1-IL-DIS

no action and insisted on preventing us from carrying out any repairs, even temporary ones. On January 17, 2026, amid severe weather conditions, the building completely collapsed, with approximately 50 square meters of the structure—constructed of concrete blocks and a roof of insulated metal sheets—coming down.

The collapse completely destroyed the living room and bathroom in my home, as well as parts of two rooms in my brothers' home. The collapse at my younger brother Muhammad's home also caused the main entrance to collapse entirely, making it impossible to enter the house and depriving the family of access to their belongings or the ability to live there. The third residential unit also sustained severe damage, rendering all three homes permanently uninhabitable. As a result of the extreme danger now threatening our lives, the three families were forced to evacuate their homes without being provided with any alternative housing or shelter, which has caused us significant material losses and deep psychological trauma, and has left us in a state of instability and constant fear".³⁴

Such practices engage core protections under the Universal Declaration on Human Rights (UDHR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR), particularly the right to adequate housing.³⁵ This right encompasses not only access to shelter but also security of tenure, habitability, and protection from forced eviction. The systematic denial of building and repair permits directly undermines these protections and contributes to conditions in which Palestinians are forcibly displaced from their homes.

2.2 Israeli Harassment of Palestinian Property Owners Creating Coercive Environments

Field testimonies indicate that these designations are often accompanied by restrictions on land use, interference with agricultural activities, and, in some cases, the effective transfer of control over the land to state authorities or settlers. Landowners have reported instances in which crops were uprooted, alternative vegetation was planted, and access to the land was restricted or conditioned upon prior coordination.³⁶ In one case, despite the existence of documented ownership, including an Ottoman-era title deed, authorities contested the legitimacy of ownership claims and proceeded with actions that limited the owner's ability to use or benefit from the land. Judicial decisions further reinforced these restrictions by allowing state authorities to manage the land while imposing financial penalties on the Palestinian owner.

In Wadi al-Rababa, in August 2020, Shadi Samreen described a long process of land restriction despite possessing Ottoman-era title deeds, and a land registration certificate, which he inherited from his grandfather, proving his ownership in the land:

³⁴ 2026-01-038-JE-D-T1-IL-DIS

³⁵ Art 25(1) and Art 11(1), respectively.

³⁶ Affidavit of Shadi Samreen, taken on October 2024, in Silwan on file with Al Haq

“We were accused of damaging the crops and preventing the work of the Nature Authority, even though we are the legal owners of the land”.³⁷

The land is located in the Wadi al-Rababa area south of Silwan, approximately 200 meters as the crow flies from the so-called ‘City of David’ settlement. The land covers an area of approximately 21 dunams and is planted with olive trees; the family also cultivated vegetables there depending on the season. The testimony of Shadi Samreen regarding the Wadi al-Rababa neighbourhood of Silwan is a prominent example of how Israel’s state planning, zoning, and environmental laws are used to restrict Palestinian land ownership. The targeting and systemic restriction of the Wadi al-Rababa lands escalated in 2018, when the Israeli Nature and Parks Authority (INPA), alongside the settler organization Elad, intensified efforts to seize Palestinian agricultural lands under the guise of creating a ‘National Park’ outside the ‘City of David’ and establishing tourism infrastructure (such as a suspension bridge and biblical gardens).

Shadi Samreen and other members of the Samreen family, who possess legally binding Ottoman-era title deeds (Tabu) for these agricultural plots, were physically barred from tending to their olive trees and lands. Following a claim from the INPA, that there were archaeological remains on the land, the Israeli authorities ordered the land to be cleared of wild vegetation. A claim brought by Samreen before the Israeli courts to protect his land was unsuccessful. The Court found that the INPA could continue to carry out agricultural activities on the land while allowing Samreen to harvest olives from the trees in coordination with the INPA. Samreen was fined 40,000 shekels, for allegedly obstructing the INPA’s work. Samreen recalled to Al-Haq, repeated harrassments by the INPA, including the uprooting of crops and installation of surveillance cameras. He also recounts the arrest of his 16-year-old son and the eventual court ruling limiting his rights to coordinated access to the land:

“We were allowed to harvest olives only in coordination with the Nature Authority, while settlers later came and harvested the land under police protection.”³⁸

Following Israel’s genocidal onslaught on the Gaza Strip in 2023, the harassment against Sameen accelerated, with the Nature Authority exploiting and pillaging Samreen’s land in conjunction with Israeli settlers. Samreen recalled to Al-Haq:

“In 2023, after the outbreak of the war and the Israeli aggression against the Gaza Strip, during the olive season at the end of October, we noticed announcements – an invitation from the Nature Authority directed at settlers, calling on them to harvest olives in the Wadi al-Rababa area. We immediately went to the land and harvested the olives before the settlers arrived.

³⁷ Affidavit of Shadi Samreen, taken in October 2024, in Silwan on file with Al Haq.

³⁸ Affidavit of Shadi Samreen, taken in October 2024, in Silwan on file with Al Haq.

*In 2024, during the current olive harvest season, on September 31, 2024, we were surprised to find a large number of settlers, accompanied by the Nature Authority and protected by Israeli occupation police forces, harvesting the olives on our land. Two young men from our family tried to confront the settlers, but they were unable to do so because the Israeli occupation police stopped and prevented them. **We lost this year's olive harvest, and the settlers stole it.** We are still afraid they will return to the land again".³⁹*

As Shadi Samreen notes, landowners who attempted to harvest their olives or maintain their soil were systematically confronted by armed border police and INPA inspectors. They were accused of "damaging nature/crops" or "interfering with state work" on their own inherited lands, leading to a series of arrests, physical assaults, and land confiscations. This illustrates just one of the various grounds upon which Israel bases its illegal claim to convert privately owned Palestinian land into State land or the private property of illegal settlers.

In all cases, homes were immediately transferred to illegal settlers following eviction.

3. Legal Analysis

The patterns documented in Silwan, encompassing evictions, home demolitions, land-use restrictions, and coercive administrative practices reveal the array of means through which the forcible displacement of Palestinians and the annexation of their homeland is accomplished. Despite differing methods, the outcomes are the same: loss of housing, dispossession, psychological trauma, and the erasure of the Palestinian people from Palestine.

The overlapping legal, administrative, and physical mechanisms outlined in the testimonies included above, featuring judicially enforced evictions backed by discriminatory property laws; environmental and archaeological designations restricting land use; structural neglect combined with the denial of repair permits, must be assessed within the framework of customary international law, international humanitarian law (IHL), international human rights law (IHRL), and relevant norms of international criminal law.

Israel is demographically re-engineering and permanently altering the character of the OPT, in violation of the law of occupation, and in continuing breach of *jus cogens* norms of international law, prohibiting the acquisition of territory through use of force, and denial of self-determination.

The discriminatory nature of Israel's laws, policies and practices governing land in the unlawfully occupied West Bank, including East Jerusalem, violates the fundamental principle of non-discrimination enshrined in Article 2 of the UDHR and ICESCR, and Article 26 of the

³⁹ Affidavit of Shadi Samreen, taken in October 2024, in Silwan on file with Al Haq.

International Covenant on Civil and Political Rights (ICCPR). Through its acts, Israel is also in breach of the right of the Palestinian people in Silwan to adequate housing. This right includes security of tenure, habitability, and protection from forced eviction.⁴⁰ The systematic denial of permits, prohibition on repairs, and forced evictions represent clear violations of these protections.

In unlawfully occupied East Jerusalem, the applicable legal framework is primarily governed by the laws of occupation enshrined in the Hague Regulations and Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War 1949 (Fourth Geneva Convention). Under Article 49, GCIV the forcible transfer or deportation of protected persons is strictly prohibited, regardless of the motive. This prohibition extends beyond physical force to include coercive environments that leave Palestinians with no genuine choice but to leave their homes.⁴¹

The cumulative practices and policies implemented in Silwan, and across the Occupied Palestinian Territory, particularly land confiscation through environmental and archaeological designations and eviction orders and denial of building and repair permits on the basis of discriminatory laws that form part an integral part of Israel's settler-colonial apartheid regime, constitute proof of the creation and maintenance of a coercive environment amounting to the war crime of unlawful deportation or transfer, as provided under Article 8(2)(a)(vii) of the Rome Statute of the International Criminal Court.

Article 53 of the Fourth Geneva Convention prohibits the destruction of property unless absolutely required by military necessity.⁴² The demolitions and structural neglect described in Silwan, particularly where linked to administrative or planning grounds, fail to meet this threshold and therefore constitute the war crime of extensive destruction and appropriation of property listed in Article 8(2)(a)(iv) of the Rome Statute.

In addition to constituting war crimes, the forcible displacement of Palestinians in Silwan, as in other areas across the unlawfully occupied West Bank, is carried out in a systematic and widespread manner against the civilian population in pursuit of Israel's state policy of annexation and Palestinian erasure. On this basis, both the material and contextual elements of the crime against humanity of forcible transfer – contained in Article 7(1)(d) of the Rome Statute – are satisfied.

The displacement of the Palestinian people in Silwan further constitutes acts of apartheid, as listed in Article 7(1)(j) of the Rome Statute, on account of the incidents outlined above being

⁴⁰ UDHR, Art 25(1); ICESCR, Art 11(1)

⁴¹ International Committee of the Red Cross, *Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War* (adopted 12 August 1949), Art 49

⁴² *Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War* (adopted 12 August 1949), Art 53

committed with the clear intent of maintaining Israel's institutionalised regime of systematic oppression and domination of the Palestinian people.

Finally, the forcible displacement of Palestinians in Silwan and the serious, lasting mental harm sustained, is carried out with the intent to destroy the Palestinian people and consequently amounts to an act of genocide, as outlined in Article 6(b) of the Rome Statute and Article III (b) of the Convention on the Prevention and Punishment of the Crime of Genocide 1948.

These ongoing international crimes and grave human rights violations, which are only increasing in scale and intensity, must be brought to an immediate end. The Palestinian people have an inalienable right to self-determination and sovereignty over unlawfully occupied Palestine, which will not be relinquished by Israel's manifestly unlawful conduct. As Raed Basbous stated to Al-Haq:

*"We may be forced to leave today, but we have not abandoned our rights or our belonging. **We will return, because this is our home.**"*

To ensure this, the international community must act in accordance with their legal obligations as outlined in the International Court of Justice's Advisory Opinion on *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem*; fulfil their binding duties under the Fourth Geneva Convention and the Genocide Convention, including by imposing a full arms embargo, cutting diplomatic and trade relations, imposing comprehensive sanctions, and pursuing accountability; and increasing support for a protective presence, legal aid, and humanitarian assistance for affected communities in Silwan.