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## High Court Petition Questions General Custodian's Authority to Release Assets to Settlers in Batan al-Hawa

1 message

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Yesterday, Attorney Yazid Qa'war et al., on behalf of approximately 100 Palestinian residents (some 70 families) of [Batan al-Hawa](#), [Silwan](#), petitioned the High Court of Justice against the Israeli General Custodian's release of pre-1948 Jewish owned assets to the Benvenisti Trust. The trust is run by members of the Ateret Cohanim settler organization, which since the building of the Beit Yonatan house – occupied in 2002 – has been waging the single largest takeover campaign in a Palestinian neighborhood of Jerusalem since 1967. Some 17 out of 100 families have been evicted based on the General Custodian's actions and those remaining are at serious risk of eviction given the legal advantage the settlers have thus far enjoyed.

The petition revolves around the question of whether or not the office of the General Custodian can demonstrate that it weighed an adequate body of evidence in making its decision to release the assets to the trust. The Custodian admits that at the time of the release, it lacked sufficient evidence about the status of the assets and whether or not there have been any categorical changes in status from their original constitution until now. It also conceded that the parcels of land in question cannot be owned by a trust and therefore should not have been released to the Benvenisti group. Critical questions remain about what evidence is actually required in order to release the assets.

The presiding judges – Justices Barak-Erez, Baron, and Elron – made inquiries about the nature of the evidence in the General Custodian's possession at the time of the release. They did not reject the petition outright and at this point can either issue a verdict or, more likely, request additional information needed to rule on the onus of evidence as well as the Custodian General's contention that the timing of the petitioners' claim exceeds a limitation period.

### BACKGROUND

Batan al-Hawa, situated in the heart of Silwan just outside the Old City, is now the site of the largest attempted settler takeover in East Jerusalem, threatening to displace 100 families – roughly 600

Palestinians – from their homes. By the end of 2015, the Ateret Cohanim settler organization had quadrupled the number of housing units in its possession, taking over a total of some 27 units in six buildings. Some 17 families have already been evicted and approximately 80 have eviction claims pending against them in court.

This well organized Ateret Cohanim campaign represents not only the displacement of an entire community but also the direct involvement of the Israeli government in facilitating private settlement in the Old City and surrounding band of Palestinian neighborhoods. The government has acted through the General Custodian and the Registrar of Trusts (both under the Ministry of Justice) to facilitate settlers' seizure of Batan al-Hawa, as well as increasing its security budget by 119% from 2009 - 2016 to ensure the protection of radical Jews settling in the hearts of Palestinian neighborhoods in East Jerusalem.

**Link here for Ir Amim's and Peace Now's comprehensive joint report, *Broken Trust: State Involvement in Private Settlement in Batan al-Hawa, Silwan*.**

In parallel, in the last several years the danger of eviction has mounted on the other side of the Old City, in Sheikh Jarrah. As reported in this [recent Ir Amim-Peace now alert](#), a wave of eviction lawsuits are now in court, advanced by well-funded and organized settler groups who enjoy both direct and indirect state support:

- Sheikh Jarrah - Um Haroun (west of Nablus Road): Approximately 45 Palestinian families under threat of eviction, at least nine families with eviction cases pending in the court system and an additional five who have received warning letters attached to eviction claims. Two families have already been displaced and their homes taken over by settlers.
- Sheikh Jarrah - Kerem Alja'oni (east of Nablus Road): About 30 Palestinian families under threat of eviction, at least 11 of whom have cases pending in court. Nine families have already been evicted and their homes taken over by settlers.

The settlements in Batan al-Hawa and Sheikh Jarrah are an integral part of efforts by settler organizations and Israeli authorities to consolidate Jewish control of the Old City and Palestinian neighborhoods on its periphery, to create an irreversible reality in the highly contested area in order to deliberately subvert efforts to negotiate an agreed political resolution on Jerusalem.

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