



Mission permanente d'Israël
auprès de l'Office des Nations Unies
et des Organisations Internationales à Genève

משלחת ישראל
ליד משרד האומות המאוחדות
והארגונים הבינלאומיים בג'נבה

- **Mr. Dainius Puras**
Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health
- **Ms. Leilani Farha**
Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in his context
- **Ms. Monica Pinto**
Special Rapporteur on the independence of judges and lawyers

c/o Office of the High Commissioner
for Human Rights
8-14 avenue de la Paix
1211 Geneva 10

Geneva, 18 January 2016

Dear Special Rapporteurs,

Please find attached herewith Israel's response to your joint appeals of 30 April and 20 November 2015.

Yours sincerely,

Eviatar Manor
Ambassador
Permanent Representative

c.c: Karim Ghezraoui, Chief a.i., Special Procedures Branch
Natacha Foucard, Officer-in-Charge, Special Procedures Branch
registry@ohchr.org



**State of Israel
Ministry of Justice**

The Legal Counseling and Legislation Department (International Law)

Date: 1 Tamuz, 5775

June 18, 2015

Dear Sir/Madam,

Re: Joint Appeal Concerning the Alleged Imminent Forced Eviction

We received your enquiry regarding the above matter and we would like to address your concerns, according to the information that we have received from the relevant authorities.

The matter of concern is a private legal dispute between two private entities to which the State of Israel is not a party. We have, nonetheless, reviewed the case concerned and we will provide you with a short overview of the events.

On February 10, 2015, a judgment was rendered by the Jerusalem Execution Office (under the auspices of the Enforcement and Collection Authority). According to the judgment, the Debtor, was ordered to evict the property (hereinafter: "the Property").

Five days later, on February 15, 2015, a subsequent decision was handed down by the Jerusalem Magistrate Court (*Cv.C 30795-02-15*). The Court found that every person residing or using the property should permit the eviction to take place without any intervention.

Subsequently, an appeal was filed to the Jerusalem District Court. On March 16, 2015 the District Court denied the appeal.

In addition to the Court rulings, On February 17, 2015, the Jerusalem Execution Office requested a Property Eviction Assistance to be issued by the Police.

In light of this request, on February 26, the Police convened a special meeting to address the specific circumstances surrounding the case, taking into consideration,

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inter alia, the presence of children in the house. The purpose of this meeting was to make the proper arrangements in advance in order to ensure that the eviction was conducted in a peaceful manner. In addition, the case was reviewed and approved by the District Police Legal Advisor.

On March 15, 2015, the Police notified the appellant that her eviction from the premises was to take place in the coming days.

The eviction was scheduled for March 16, 2015. On the day of the eviction, the Police arrived to the property. Upon their arrival, the appellant requested that she be allowed to ask the Court for an interim injunction; the Police agreed and delayed the eviction process for a few hours. When the appellant returned with an interim injunction ordering the delay of proceeding (interlocutory injunction), the Police immediately halted the eviction process, and left the property.

Subsequently, the appellant filed an additional appeal to the District Court's decision on the eviction, to the Supreme Court. On March 19, 2015, the Supreme Court rendered its decision, according to which, an interim injunction was granted in order to delay the execution of the Decision on whether to enforce the eviction.

On February 9, 2015 the owner of the Property (the plaintiff) attempted to evacuate the appellant. In the course of the event, a police team was called to the premises in the wake of disturbances between the parties.

On June 9, 2015, the Supreme Court handed down a decision regarding the pending eviction. It held that **an eviction should not be executed, until a final judgment is reached on the appeal concerning the disputed property rights**. In its decision, the Supreme Court emphasized the seriousness of the implications of the eviction, and therefore it is the right of the appellant to continue and reside in the property, until a final judgment is delivered.

On a final note, we would like to emphasize that equality before the law is a basic principle of Israel's legal system. The courts are open and accessible to every person that wishes to claim his/her rights. Every person has the right appear before the Courts, and as demonstrated by the review of the facts presented above, the appellant full legal rights were recognized by the court, including her right to appeal, and

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indeed the Supreme Court accepted the appellant request and she can continue to reside in the Property, until a final judgment on the case concerning property rights is decided.

Yours Sincerely,

Dafna Dror, Adv.

Cc: Hila Tene-Gilad, Adv. Here.