



# ISRAEL'S POLICY OF FORCED EVICTIONS

## THE CASE OF JERUSALEM'S SHEIKH JARRAH NEIGHBORHOOD

### Overview

Since 1967, the densely populated Palestinian neighborhoods of occupied Jerusalem have continuously been a strategic target for Israel's colonial plan in the city. One main aspect of this annexation of occupied territory aims to create a Jewish majority at the expense of Jerusalem's Palestinian indigenous by: (i) constructing/expanding illegal Israeli settlements and infrastructure; and (ii) inserting Jewish settlers in key Palestinian neighborhoods, including Silwan, Al-Tur, Jerusalem's Old City, and in Sheikh Jarrah neighborhood. To that end, Israeli settler organizations, many of which receive financial support from European and American organizations, including tax-deductible "charitable" status, have deployed intensive efforts to forcibly evict Palestinians and to take over their properties and lands through Israeli state-sponsored government initiatives.

This fact sheet focuses on Israeli settlement plans in the Palestinian neighborhood of Sheikh Jarrah, specifically in Karm Al-Ja'ouni, which is the area planned for the advancement of the Israeli settlement "Shimon HaTsadiq". The occupying power, through the settler organization Nahalat Shimon International, plans to construct 200 settlement units in Karm Al-Ja'ouni for Jewish settlers that will replace Palestinian residents following their forcible eviction, transfer, and subsequent demolition of their homes.<sup>1</sup> For Israel, as articulated by one of its former parliamentarians, the late Benjamin Elon, the "strategic plan for the city is one: a belt of Jewish continuity from East to West".<sup>2</sup> As such, this colonial ring will surround occupied Jerusalem's Old City, disconnect it from Palestinian neighborhoods in the northern part of East Jerusalem, and isolate it from the rest of the West Bank.



## Sheikh Jarrah Neighborhood

The neighborhood is home to nearly 3,000 Palestinians, Palestinian landmarks and institutions, including the Orient House (PLO Headquarters), the Palestinian National Theatre (Al Hakawati), the Saint George Cathedral and College, as well as several diplomatic missions and international organizations. It is located to the north of Jerusalem's Old City and very close to the 1949 Armistice Line, known as the 1967 border. For the past five decades, Israeli settlements plans have been focused on targeting Sheikh Jarrah neighborhood and have already succeeded at establishing the following settlements:

- 1 Town Plan Scheme 12705 before the Jerusalem Local Planning Commission, cited in a report titled "Evictions and Settlement Plans in Sheikh Jarrah: the Case of Shimon HaTzadik" by Ir Amim, June 2009.
- 2 Lefkovits, E., 'MK Benny Elon Promises 'Jewish Continuity' in Jerusalem', Jerusalem Post, 24 April 2002, as cited in a study titled "Dispossession and Eviction in Jerusalem" by the Civic Coalition for Defending Palestinian Rights in Jerusalem, 2009.

Maalot Dafna settlement, the Israeli occupation Central Police and Border Police headquarters, several Israeli government buildings, a new settlement in place of the Shepherd Hotel compound, three Israeli hotels (Olive Tree, Grand Court and Leonardo), an empty fenced off plot with a sign reading “The Max and Gianna Glassman Campus” (the Jerusalem branch of the Association of American and Canadians in Israel)<sup>3</sup>, a new building for Israel’s National Insurance, and the new headquarters for the Israeli settler organization Amana, located near the Saint Joseph Hospital<sup>4</sup>.



**Current Israeli settlement plans still target the following areas of Sheikh Jarrah:**



### **Karm Al-Mufti**

Karm Al-Mufti is mostly cultivated with olive trees towards the location of the Israeli Ministry of Interior in Wadi Al-Joz neighborhood. In 2007, it was revealed that the Israeli Land Authority leased the land to Israeli settler organization, Ateret Cohanim.<sup>5</sup> What’s left of Karm Al-Mufti is a greenhouse belonging to a Palestinian family, and a couple of Palestinian families still living in one house that sits on 7 dunums (1.72 acres). Both the greenhouse and the residential home face the threat of eviction and annexation.<sup>6</sup>

3 Arab East Jerusalem– A Reader, The Palestinian Academic Society for the Study of International Affairs (Passia), 2013.

4 Itamar Eichner, “Amana moves its headquarters to east J’lm” Ynet, 23 August 2018.

5 “Evictions and Settlement Plans in Sheikh Jarrah: the Case of Shimon HaTzadik” by Ir Amim, June 2009.

6 A conversation with the lawyer Mohammad Dahleh, January 2019.



### **Kubaniyat Im Haroun (West of Nablus Road)**

Most of the Palestinian residents of Kubaniyat Im Haroun are Palestinian refugees from 1948. The families in the area have invested years in a long legal battle in Israeli courts over the ownership of the land, which was concluded in 2010 with Israel's Supreme Court ruling in favor of Israeli settlers for the advancement of four settlement plans in the area. So far, two Palestinian families have been evicted from Kubaniyat Im Haroun. The first home belonged to an elderly woman from Al-Liftawi family, whereby the Israeli General Custodian seized the home nearly 20 years ago, following her death.<sup>7</sup> The second home belonged to the Shamasneh family, who were forcibly evicted from their home on 5 August 2017. Currently, 35 Palestinian households in Kubaniyat Im Haroun face the threat of forced eviction. These 35 households include 139 Palestinians, of which, 54 are children.<sup>8</sup> It is imperative to mention that the infamous Israeli settler leader, Jerusalem Municipal Council member Aryeh King, and founder of the Israel Land Fund, is involved in several settlement plans in many Palestinian neighborhoods in East Jerusalem, including Kubaniyat Im Haroun.



### **Karm Al-Ja'ouni (East of Nablus Road)**

Over the past 10 years, the Israeli occupying authorities have forcibly displaced three Palestinian families from their homes in Karm Al-Ja'ouni, in which they had lived since the 1950s, having become refugees in 1948. The Al-Kurd, Ghawi and Hanoun family homes are the first of the original 28 Palestinian homes designated for eviction for the advancement of the "Shimon HaTsadiq" settlement.

## **Chronology of Main Events**

The story of the Palestinian families living in Karm Al-Ja'ouni started in 1956, when the United Nations Relief and Works Agency (UNRWA), and the government of Jordan, signed an agreement to build homes for 28 Palestinian refugee families from West Jerusalem and other parts of Historic Palestine. The agreement required the families to pay a nominal rent fee, while ownership of these properties would later be transferred to these inhabitants after a period of time.

<sup>7</sup> A conversation with Mohammad Al-Kiswani, a resident of Kubaniyat Im Haroun, January 2019.

<sup>8</sup> UNOCHA, January 2019.



Following the war of 1967 and the illegal annexation of East Jerusalem, the Israeli General Custodian took control over Sheikh Jarrah, including Karm Al-Ja'ouni. Since then, the families have been embroiled in one legal battle to another with the Israeli authorities and settler organizations.

In 1972, two Zionist foundations claimed ownership of the land and requested the Israel Land Authority to register the land in their names, Vaad Sephardi Haredit and the Knesset Yisrael Association, and succeeded<sup>9</sup>. In 1982, the Israeli lawyer of several Palestinian families in Karm Al-Ja'ouni, Tosya Cohen, made an agreement with the settlers that allows the Palestinian families to stay in their homes as “protected residents” in return of their recognition of the settlers’ ownership of the land. In effect, this deceitful arrangement obliged the Palestinian families to pay rent to the alleged owners. The families refused, which led to the first eviction orders being issued.<sup>10</sup>

In 1996, the Government of Benjamin Netanyahu recognized “Shimon HaTsadiq” as a new Jewish neighborhood, which entitled it to state funds and private security services.<sup>11</sup> In 1997, Sulieman Hijazi, a Palestinian from Jerusalem, filed a lawsuit against these two foundations to prove that he is in fact the owner of this land. Hijazi’s appeal was rejected<sup>12</sup>. In 2003, these two foundations sold the land to the settler organization Nahalat Shimon International. Following the eviction of both Al-Ghawi and Hanoun families (53 Palestinians, including 20 children<sup>13</sup>) in 2009, an uncovered document from the Ottoman archives in Ankara confirmed that the Palestinians are the owners of both the land and houses<sup>14</sup>.

Since then, The Palestinian families in Karm Al-Ja'ouni have been engaged in futile legal battles with this settler organization. Currently, 26 Palestinian households with a population of 104 people, including 30 children<sup>15</sup> face the threat of forced eviction from their homes in Karm Al-Ja'ouni, including the following Palestinian families: Al-Daoudi, Al-Husseini, Al-Dajani, Al-Mani, Al-Qassem, Skafi, Diab and Al-Ja'ouni.<sup>16</sup>

9 Arab East Jerusalem– A Reader, The Palestinian Academic Society for the Study of International Affairs (Passia), 2013.

10 Ibid

11 Ibid

12 “Evictions and Settlement Plans in Sheikh Jarrah: the Case of Shimon HaTzadik” by Ir Amim, June 2009.

13 Sheikh Jarrah – OCHA factsheet, August 2009

14 Nir Hasson, “Turkish Documents Prove Arabs Own E. Jerusalem Building”, Haaretz, 19 March 2009.

15 UNOCHA, January 2019.

16 Based on a conversation with Mohammad Al-Sabbagh, 17 January 2019

The alarming current developments in Sheikh Jarrah with regard to Al-Sabbagh family present the imminent risk of forced eviction and displacement by the Israeli occupying authorities and settlers. Eight households with 32 people, including 6 children, face the full force of the Israeli occupation.<sup>17</sup>



### **Latest Development in Karm Al-Ja'ouni The Story of Al-Sabbagh Family<sup>18</sup>**

The children and grandchildren of Abdel-Razaq Al-Sabbagh, who signed the lease agreement with Jordan in 1956, today live in Karm Al-Ja'ouni. Originally from Jaffa, the family became refugees following the Nakba of 1948.

Al-Sabbagh family was one of the first to be sued by the two Jewish foundations in 1972. Since then, the family has endured an arduous legal battle through a legal system that does not recognize their natural, inherent, and basic rights. The Israeli occupation court hearings began in 2010, and by 2018, the Israeli Supreme Court rejected the legitimate and legal claims by the Palestinian families, despite having the documents to prove ownership.<sup>19</sup>

On 3 January 2019, the Israel's Law Enforcement and Collection System Authority (ECA) delivered an eviction notice to the Al-Sabbagh family and demanded they evacuate their homes within 20 days.

On 10 January 2019, Israel's Supreme Court rejected a motion to expand the panel of judges from three to five and reopen the ownership case. Currently, the family awaits its fate as ECA examines the request submitted by Al-Sabbagh lawyers to freeze the eviction order until further notice.

<sup>17</sup> UNOCHA, January 2019.

<sup>18</sup> Based on a conversation with Mohammad Al-Sabbagh, 17 January 2019

<sup>19</sup> The decision of Israel's Supreme Court is linked to the cases of two Palestinian families: Al-Sabbagh and Hamad.

“We don’t want to become refugees for a second time.” Mohammad Al-Sabbagh said. “Our family left Jaffa and became refugees in 1948. It’s very painful. All our dreams and memories, the memories of our children and grandchildren, are all here. It’s a very difficult situation. There is no such law that can allow for such a thing to happen for people who lived in what they only know as their home for 62 years.”



## Responsibility to Act

The case of Sheikh Jarrah neighborhood is a clear case where the Israeli judiciary is complicit in Israeli violations and crimes. In fact, international humanitarian law is clear: forcible transfer is a grave violation of the Fourth Geneva Convention and a crime against humanity within the meaning of the Rome Statute.<sup>20</sup>

This case also highlights the fact that Israeli courts serve the settler-colonial purpose through Israel government-sponsored initiatives, violating the most basic principles of international law.

The Israeli occupation of Jerusalem and the rest of Palestine will continue to be consolidated for as long as Israel continues to advance its colonial plans with impunity. Therefore, the international community is obliged to firmly hold Israel responsible and accountable for its continuous illegal policies of displacement and dispossession of Palestinians in violation of numerous UN resolutions and international law.

The Palestinian quest for self-determination, freedom, and independence are universal rights, granted for all the people across the world. Yet, an illegal occupying power controls the rights, lives, dreams, present, future and the very destiny of the Palestinian people on the land of Palestine. The only way forward is the internationally endorsed two-state solution on the 1967 borders, with East Jerusalem as the capital of the State of Palestine.

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<sup>20</sup> Art. 147 of the Fourth Geneva Convention of 1949, Art. 7(1)(d) of the Rome Statute.