

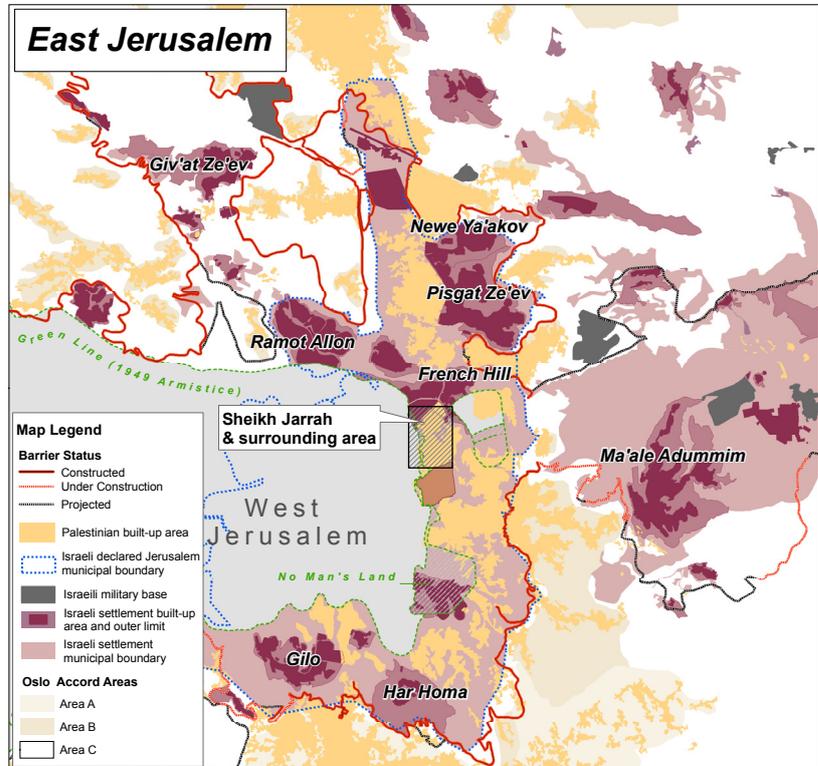


# THE CASE OF SHEIKH JARRAH

## UPDATED VERSION, OCTOBER 2010

Sheikh Jarrah is a Palestinian residential neighbourhood located to the north of the Old City in occupied East Jerusalem.<sup>1</sup> The neighbourhood is home to around 2,800 Palestinian residents and includes many diplomatic missions and well-known landmarks, such as the Orient House, the American Colony Hotel and the Palestinian National Theatre.<sup>2</sup>

Owing to its strategic location, Israeli settler groups have in recent years made persistent efforts to take over land and property in Sheikh Jarrah in order to establish new settlements in the area.<sup>3</sup> As a result, over 60 Palestinians have lost their homes and another 500 remain at risk of forced eviction, dispossession and displacement in the near future.



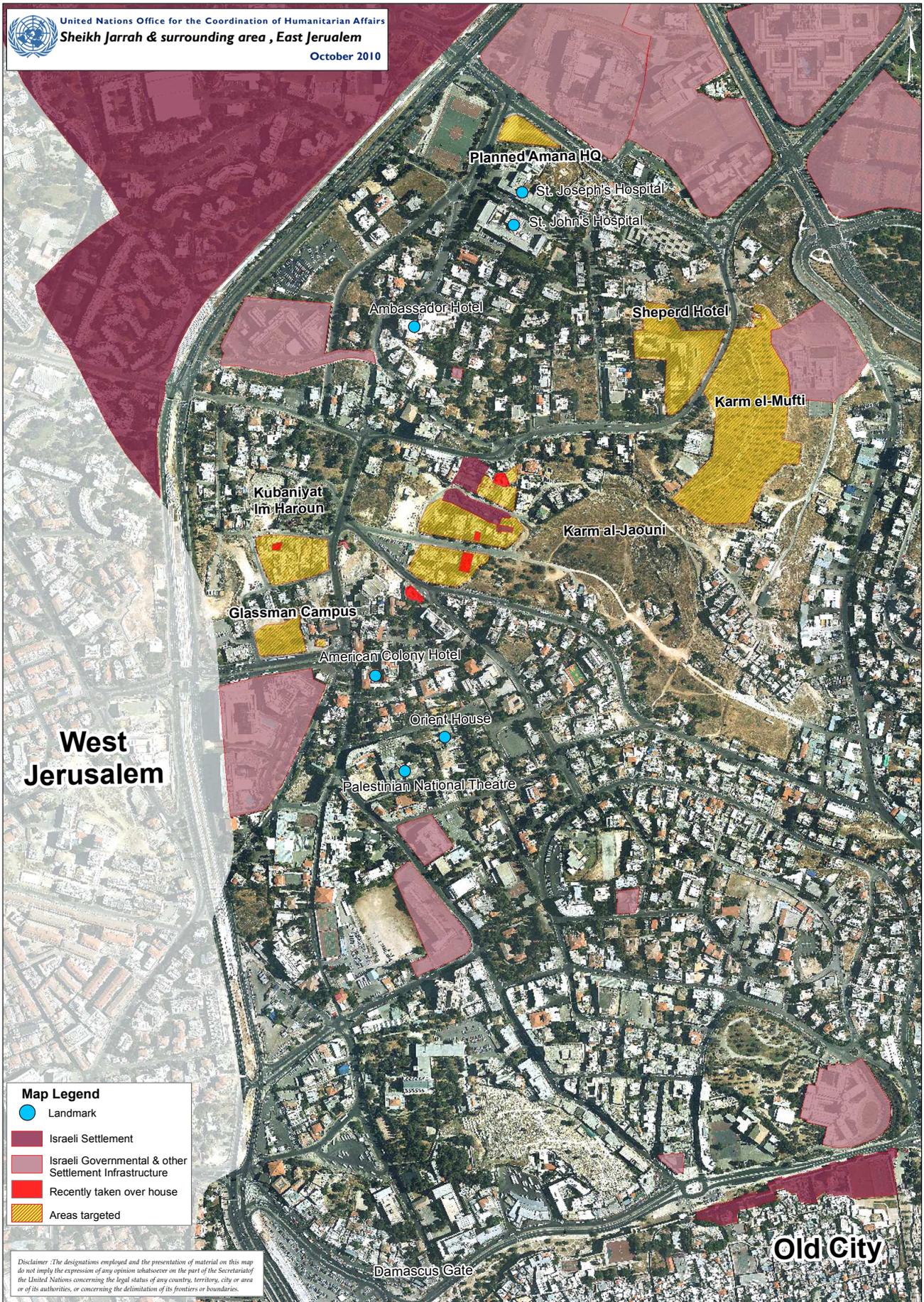
## ISRAELI SETTLER ACTIVITY IN PALESTINIAN NEIGHBOURHOODS IN EAST JERUSALEM

The forced displacement of Palestinian families in East Jerusalem continues to be of serious humanitarian concern. In Sheikh Jarrah and other Palestinian neighbourhoods that form part of the so-called “Historical” or “Holy” Basin around the Old City, the threat of displacement remains high owing to continuous settler activity. Israeli settler groups have used several different methods to gain control of land and property in these areas:<sup>4</sup>

- The transfer of Palestinian land or property that has been confiscated or expropriated by Israeli authorities from its Palestinian or Jordanian owners, for example under the Absentee Property Law, to settler groups.<sup>5</sup>
- The transfer of land that has been designated as “public” or “state” land owing to its environmental, historical or religious significance to the exclusive control of settler groups. This has, for example, been the case in Silwan.<sup>6</sup>

- The use of the Israeli legal system to pursue claims to land or property allegedly owned by Jewish individuals or associations in East Jerusalem prior to 1948. Israeli law acknowledges such claims while denying equivalent rights to Palestinian refugees owning land or property in areas that are now in Israel.
- The purchase, often through an intermediary, of strategically located Palestinian land or property by settler groups, in several cases through a process which reportedly has included threats, deception, false depositions or forged documentation.<sup>7</sup>

Settler activity in Palestinian neighbourhoods, which in some cases has been directly or indirectly supported by the Israeli government or government institutions, has intensified in recent years and is often accompanied by attempts to have the Palestinian residents forcibly evicted. This has, for



**Map Legend**

- Landmark
- Israeli Settlement
- Israeli Governmental & other Settlement Infrastructure
- Recently taken over house
- Areas targeted

Disclaimer: The designations employed and the presentation of material on this map do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

## SETTLER ACTIVITY IN SHEIKH JARRAH

example, been the case in Sheikh Jarrah. Israeli settler groups have targeted various parts of Sheikh Jarrah in recent years. This includes, but is not limited to, the following areas:

### **Karm Al Ja'ouni / Tomb Quarter<sup>8</sup>**

More than 60 Palestinians, including 24 children, have been forcibly evicted from their homes in this area by Israeli authorities since late 2008.<sup>9</sup> The evictions took place in the context of an ongoing legal dispute over ownership of the land.<sup>10</sup> The evictions have been condemned by the international community as being considered to run counter to international law.<sup>11</sup>

Immediately following the evictions the homes were handed over to settler groups, which already occupy several other buildings in the area. According to plans submitted to the Jerusalem Municipality, the settlers intend to demolish the entire area, including 28 Palestinian homes, to make way for a new Israeli settlement.<sup>12</sup>

The plans threaten to displace over 300 Palestinian residents, most of which are Palestinian refugees who moved to the area under an UNRWA-sponsored housing scheme in 1956.<sup>13</sup> The refugee families, all of which fled or were expelled from their homes in 1948 from areas that are now in Israel, are unable to reclaim their original land and property while facing renewed displacement. At the time of writing, formal eviction proceedings had been initiated against eight extended Palestinian families, which remain at imminent risk of eviction.

The situation in the neighbourhood has sharply deteriorated since the evictions owing to increasing

tension and frequent clashes between the settlers, the police and the remaining Palestinian residents. Since August 2009, many members of the evicted families, as well as Palestinian, Israeli and international activists that have participated in ongoing demonstrations against the evictions have been injured, harassed, arrested or detained.

### **Kubaniyat Im Haroun**

A protracted legal battle over the land in this part of the neighbourhood came to an end in September 2010 when the Israeli Supreme Court ruled in favour of a settler group claiming pre-1948 ownership of the land. Earlier this year the settlers, who forcefully occupied an abandoned Palestinian building in the area in 2009, initiated eviction proceedings against at least two Palestinian families. While formal eviction notices have not yet been issued, the Supreme Court's ruling significantly increases the likelihood of the future eviction and displacement of the 200 Palestinians living in this area, most of whom are refugees, along with the establishment of a new Israeli settlement.

### **The Shepherd Hotel**

The Shepherd Hotel and adjacent land, originally owned by the Husseini family, was expropriated by Israeli authorities in 1967 and later sold to a settler organization in 1985. The organization, which intends to build a new settlement of around 90 housing units on the premises, has already received final approval for at least 20 housing units from the Israeli authorities.<sup>14</sup>

### **Karm el Mufti**

Named after its former owner, the Mufti of Jerusalem, this olive grove was expropriated by Israeli authorities and later transferred to the Ateret

### THE EVICTION OF THE HANOUN AND AL GHAWI FAMILIES IN AUGUST 2009

On the morning of 2 August 2009 a large number of Israeli police and border police forcibly evicted the Hanoun and Al Ghawi families from their homes in Sheikh Jarrah. A total of 53 people, including 20 children, lost their homes and became displaced, while their belongings were loaded onto a truck and later dumped on the street close to UNRWA's headquarters.

The eviction has had devastating consequences for the families. In addition to losing their homes, their main source of physical and economic security, the families are faced with high legal bills, fines and charges, including for the cost of their own eviction.



Photo by Mahmoud Ilean

Kubaniyat Im Haroun, Sheikh Jarrah Sep 2010

Cohanim settler association. Although the land is currently zoned as a green area, which restricts construction, the association has initiated a process to enable it to build a new settlement of 250 housing units on the premises.

### Planned Amana Headquarters

In 2005 Israeli authorities transferred a previously expropriated plot of land, located adjacent to the St. Joseph's Hospital in Sheikh Jarrah, to the Gush Emunim settler organization. Despite objections by

the Palestinian residents of the area, the Jerusalem Municipality in 2009 granted the organization a permit to build a three-storey office and conference center intended to serve as the organization's headquarters.<sup>15</sup>

### The Glassman Campus

An empty plot of land, located next to the Al-Hayat Medical Center, has been obtained and designated for the building of a Jewish religious-educational

## FORCED DISPLACEMENT IN EAST JERUSALEM

Forced evictions, together with house demolitions ordered or carried out by the Jerusalem Municipality, are the most common cause of forced displacement in East Jerusalem<sup>16</sup>. In 2009, at least 380 Palestinians, including over 90 children, were forcibly displaced, and another 190, including over 85 children, otherwise affected as a result. While fewer demolitions have taken place since the beginning of 2010 compared with previous years, it is estimated that there are currently at least 1,500 pending demolition orders in East Jerusalem, potentially affecting several thousand Palestinians.

The present pattern of eviction and demolitions, accompanied by plans to establish settlements in the heart of Palestinian neighbourhoods, contribute to the creation of facts on the ground that fragment Palestinian neighbourhoods and weaken their physical, social and economic fabric, while forging a contiguous link between Israeli settlements in East Jerusalem and the remainder of the West Bank.

## HUMANITARIAN CONCERNS

institution, funded by Canadian financiers.

The forced displacement of Palestinian residents and the expansion of Israeli settlements in Palestinian neighbourhoods of occupied East Jerusalem, including in Sheikh Jarrah, raise a number of humanitarian concerns:

- Displacement has grave immediate and longer-term physical, social, economic and emotional impact on families and communities. In addition to depriving the family of its main asset and source of physical and economic security, displacement frequently results in disruption in livelihoods, increased poverty and reduced standard of living, as well as limited access to basic services, such as water, education and health care. The impact on children has been proven to be particularly devastating, including post-traumatic stress disorder, depression, anxiety and reduced academic achievement.<sup>17</sup>
- Forced evictions and settlement expansion, combined with restrictions on movement, intimidation and harassment at the hands of the settlers, many of which are armed, contributes to growing tension and the increased fragmentation of Palestinian neighbourhoods. Following similar developments in the H2 area of Hebron, over 1,000 homes were vacated by their former Palestinian residents while more than 1,800 commercial businesses closed their

*'It is a matter of deep concern that Palestinians, who have already endured extreme suffering of various kinds, including multiple episodes of large-scale displacement, should remain subject to the humiliation of the kind inflicted by forced evictions and home demolitions.'*

*Filippo Grandi UNRWA Commissioner-General, commenting on the situation in Sheikh Jarrah, 2 August 2010.*

doors.<sup>18</sup>

- Such actions raises concerns related to Israel's obligations under international humanitarian and human rights law. These include the general obligation of the occupying power to protect the civilian population as well as the prohibitions against changing the laws in occupied territory; against the transfer of a settler population into occupied territory; against forced displacement and destruction of private property; and against discrimination on national, racial or ethnic grounds. In that regard it is worth noting that Israeli legislation enables Jewish individuals or associations to lay claim to land and property allegedly owned in the occupied territory prior to 1948, while rejecting equivalent Palestinian rights to land and property in Israel.

## THE WAY FORWARD

- Prevent the displacement of Palestinian families and communities by putting an immediate stop to forced evictions and house demolitions.
- Facilitate the return to their homes of families that have been displaced as a result of forced evictions and house demolitions in East Jerusalem.
- Protect the rights of Palestinian residents to

land and property and ensure respect for international law, including human rights and humanitarian law.

- Ensure that Palestinian families at risk of displacement have access to adequate planning and legal advice and assistance.

## END NOTES

1. In 1967, following its occupation of the West Bank, Israel unilaterally annexed 70.5 km<sup>2</sup> of the occupied territory, including East Jerusalem and many neighboring Palestinian villages. The annexation has not been recognized by the international community. See e.g. UN Security Council Resolutions 252, 476 and 478.
2. Population figures from the Palestinian Academic Society for the Study of International Affairs. See *PASSIA Diary*, 2010, p. 377.
3. The establishment of settlements and the transfer by an Occupying Power of its civilian population into the territory it occupies is prohibited by Article 49 of the Fourth Geneva Convention. The illegal status of Israeli settlements has been confirmed by the International Court of Justice, in its Advisory Opinion on the Wall in 2004, and by the UN Security Council, e.g. in Resolution 465(1980).
4. For an overview of such mechanisms and their use to support the establishment and expansion of settlements in the occupied territory, including East Jerusalem, see e.g. *Seizing Control of Space in East Jerusalem* (M. Margalit, 2010); *Shady Dealings in Silwan* (Ir Amim, May 2009); *Land Grab: Israel's Settlement Policy in the West Bank* (B'Tselem, 2002); and *Ruling Palestine: A History of the Legally Sanctioned Jewish-Israeli Seizure of Land and Housing in Palestine* (COHRE / BADIL, 2005).
5. According to Ir Amim, at least 68 properties in East Jerusalem have been transferred to the hands of settler groups in this manner. See *Shady Dealings in Silwan* (Ir Amim, 2009).
6. As much as 1/3 of the land in Silwan has been handed over to the settler organization Elad by various Israeli government bodies, including the Jewish National Fund, the Israeli Antiquities Authority and the Israeli Nature and Parks Authority. See e.g. *Shady Dealings in Silwan* (Ir Amim, 2009) and *Seizing Control of Space in East Jerusalem* (M. Margalit, 2010).
7. *Shady Dealings in Silwan*, pp. 15-17. (Ir Amim, 2009).
8. The Oxford Archeological Guide to the Holy Land (J. Murphy-O'Connor, Oxford University Press, 2008) states that the origin of the tomb is disputed, with it being attributed either to a Roman matron or to a Jewish High Priest of the 4th Century <sup>BC</sup>.
9. This includes the Al Kurd family, which was evicted in November 2008; the Hanoun and Al Ghawi families, which were evicted in 2002 and, having reclaimed their homes in 2006, again in August 2009; and the Rifqa Al Kurd family, which lost part of its home to the settler groups in November 2009. In addition, a fourth home was taken over by settlers already in 1967. For detailed information about the cases, see *Dispossession and Eviction in Jerusalem: A summary of the Story of Sheikh Jarrah* (the Civic Coalition for Defending Palestinian Rights in Jerusalem, 2009).
10. Israeli courts have not ruled conclusively on the ownership of the land; the families were evicted on the grounds of non-compliance with a 1982 lease agreement which their Israeli lawyer concluded at the time with the settler groups without their consent.
11. See statements made by the UN and various governments following the evictions. The UN Special Coordinator for the Middle East Process stated, among others, that in addition to being contrary to international law, the evictions heighten tensions and undermine international efforts to create conditions for fruitful negotiations to achieve peace.
12. This includes at least 200 residential units according to Town Plan Scheme 12705, which was submitted to the Jerusalem Local Planning and Building Committee in January 2008. See *Seizing Control of Space in East Jerusalem* (M. Margalit, June 2010) and *Evictions and Settlement Plans in Sheikh Jarrah: the Case of Shimon HaTzadik* (Ir Amim, June 2009).
13. Under this scheme, 28 Palestinian refugee families were granted funds to build homes on land provided by the Jordanian government, provided they relinquished their right to food assistance by UNRWA. According to the agreement, the families were to pay a nominal rent for 3 years, after which ownership of the land and the properties would be transferred to them.
14. See Town Planning Schemes 11536 & 2591, referenced in *Evictions and Settlement Plans in Sheikh Jarrah: the Case of Shimon HaTzadik* (Ir Amim, June 2009).
15. See *Settler Compound in East Jerusalem Receives Final Construction Permit* (Peace Now, 21 April 2009), available at <http://www.peacenow.org.il/site/en/peace.asp?pi=66&fld=608&docid=3626>.
16. Demolitions often affect structures that are built without official building permits, which Palestinian residents are generally unable to obtain due to a combination of strict and obstructive zoning, planning and administrative requirements. See *The Planning Crisis in East Jerusalem: Understanding the Phenomenon of "Illegal" Construction* (OCHA, April 2009) and *No Place Like Home: House Demolitions in East Jerusalem* (ICAH, 2007). Similar trends are evident elsewhere in the West Bank, as outlined in *Shrinking Space: the Planning Regime Applied by Israel in Area C of the West Bank* (OCHA, December 2009).
17. See *Broken Homes: Addressing the Impact of House Demolitions on Palestinian Children & Families* (Palestinian Counseling Center, Save the Children UK and the Welfare Association, April 2009).
18. See *Ghost Town: Israel's Separation Policy and Forced Eviction of Palestinians from the Center of Hebron* (B'Tselem / Association for Civil Rights in Israel, May 2007).