

Housing Demolition/Entry of Settlers into an additional house in Sheikh Jarrah/Ir Amim objection against Town Plan 11555 / Building Plan for the Slopes of West Gilo

November 2009

Introduction

Ir Amim's update for October 2009 surveyed the developments in the city against the backdrop of the violence that erupted at the Temple Mount/Haram al-Sharif; the building plans of the new neighborhood of Givat Yael; property acquisitions of the settler organization in the Old City; the continuation of the freeze of the Jerusalem 2000 Master Plan; advancement of the development plans of the settlers in Silwan; and the danger of expulsion threatening the residents of Sheikh Jarrah.

During the last month, Jerusalem again was in the headlines. This time it was in the context of the plans to build 850 new housing units in Gilo, in the southern part of the city, which led to widespread international protests. Similarly, the settlement activities in East Jerusalem continue with the entry of tens of settlers into an additional home in Sheikh Jarrah.

The November update surveys the main developments in the city during this month, including the building in Gilo, the entry of settlers into Sheikh Jarrah, the objection of Ir Amim to the Town Plan 11555 and a survey of housing demolitions, which accelerated in the past month.

1. Housing Demolitions

On November 15, 2009, the Jerusalem Municipality issued an internal document, listing 41 structures intended for demolition in East Jerusalem. 16 of the structures had received judicial demolition orders,¹ 14 administrative demolition orders,² and another 11 had received judicial demolition orders according to the clause 212.³

From the beginning of November until now, 9 buildings in East Jerusalem have been demolished: 2 in Abu Tor, 2 in Beit Hanina, 1 in Issawiyya, 1 in Ras al-Amud, and 1 in Silwan. On the first of the month, a house in Jabal Mukabbir was "voluntarily" demolished by the owner. It should be noted that on November 27, 2009, the Jerusalem Municipality carried out 5 demolitions in one day, in Tsur Baher and in Dahiyat al-Salam, which is on the other side of the Separation Wall. As a result of the unprecedented number of housing demolitions in one day, city

¹ A judicial demolition order is issued by a Magistrate Court or Local Affairs Court, and is almost invariably issued after indictment, trial and conviction in a full-fledged criminal proceeding against someone accused of engaging in illegal construction. Judicial demolition orders relate usually to construction that is not new, but was carried out within the previous five years. With construction older than 5 years a statute of limitations applies. In contrast to administrative demolition orders, judicial demolition orders never expire.

² This order is issued by the mayor of Jerusalem or by the Chairman of the District Planning Committee, and is limited to new construction only. An administrative demolition order expires if it is not carried out within 30 days of its issuance, unless extended by the court. See the report of Ir Amim, "A Layman's Guide to Home Demolitions in East Jerusalem."

³ An order that permits the demolition of a structure without convicting the owners of illegal building.

council member Dr. Meir Margalit (Meretz) announced his resignation from the coalition, but later withdrew his resignation.

On November 8, 2009, the municipality distributed another 17 demolition orders according to clause 212, in the neighborhood of Silwan. 8 of these demolition orders are in the Bustan neighborhood where several dozen homes are in danger of demolition, according to Town Plan 11555, which designates the area as an archaeological park (as of now, it is not clear if the area of the Bustan neighborhood is included within the area of this plan or not, as it has not yet been placed for public review. About the Ir Amim objection to the plan, see below).

The accelerated pace of the demolitions in the past weeks suggests that the Municipality of Jerusalem is seeking to “fill” its yearly quota of demolitions (90 demolitions per year on average) by the end of the year.

In this context, it should be noted that the Association for Civil Rights in Israel and “Bimkom” submitted an objection to the court on November 10th, demanding the cessation of all demolitions in the neighborhood of Jabal al-Mukabbir, because it is impossible for the residents to receive building permits and to build legally given the lack of a Master Plan for East Jerusalem. The petitioners demanded that the court order the Jerusalem Municipality and responsible parties to create within three years an appropriate planning procedure that will meet the needs of Jabal al-Mukabbir. Until the planning procedure is completed, the petitioners demand that demolition orders already issued be delayed, and that the issuing of new orders and the serving of indictments for building without permits be avoided.

2. Settlers enter an additional home in Sheikh Jarrah neighborhood

On November 3, 2009, about 30 settlers entered an additional home in the “Shimon haTsadik” complex in the Sheikh Jarrah neighborhood. Their entrance was made possible by a court order, and they were accompanied by a private security company, and were joined later by many security forces.

In contrast to similar cases in the past, this time, the settlers entered the home without having to remove the Palestinian residents. The house in question, located across from the al-Ghawi home, which was evacuated at the beginning of August, was one of the houses recognized by the Israeli court as belonging to the Sephardic Committee, and whose residents were recognized as protected tenants obligated to pay rent (see Ir Amim’s report on this subject). The residents of the house, the al-Kurd family, had enlarged the house, and added an additional floor, but according to the decision of the court, all of the additional building required the approval of the Sephardic Committee; therefore, the additional building was declared illegal, and its keys were given to the court. In a hearing that took place on November 2, 2009, the court rejected the request of the al-Kurd family to delay handing over the keys to the settlers, and as a result, the settlers entered this part of the home the next day.

An additional hearing about the ownership of the entire property is expected to take place on February 15, 2010.

3. Ir Amim’s objection to the Town Plan 11555

At the end of October, Ir Amim submitted an objection to the Court, demanding that the Jerusalem Municipality shelve the Town Plan 11555 (see below) and deliver the statutory plan of Wadi Hilweh/Silwan to a professional, independent body.

Town Plan 11555 at first was promoted by the Jerusalem Municipality in 2003, in order to regulate the planning reality in Wadi Hilweh within the Silwan neighborhood. Wadi Hilweh is an area of 550 dunams south of the Old City walls, and home to 2,600 Palestinians. Since the early 1990s until today, the area has been a site of tremendous settler activity, with the aim of settling Jewish families in the area and changing its national character. This trend is led mainly by the El'ad organization, with significant help from government and official sources (see Ir Amim's report "Shady Dealings in Silwan"). In addition, as the objection points out, the process of formulating the Town Plan and its approval was faulty, with several major flaws.

The objection claims that the process of formulating Town Plan 11555 raises serious concerns of a conflict of interests, harm to the principle of equitability, and even suspicions of bribery. Thus, the objection demands that the Municipality shelve the plan and appoint a professional and independent body to formulate a plan appropriate for the area.

4. Building Plans for the Slopes of West Gilo

Recently, the headlines again featured a severe conflict between the American government and the Israeli government over the issue of building in East Jerusalem. The latest controversy surrounds the plans of the Israel Lands Authority to build 850 housing units on the western slopes of the Gilo neighborhood, and which were approved by the District Planning Commission on November 17, 2009.

Although the majority of the Israeli public perceive his area as being outside of political controversy, and constituting an integral part of Israeli Jerusalem, its location straddling both sides of the Green Line places it squarely within the area whose future is to be determined by political negotiations. Moreover, although this plan is at the center of the most recent controversy, it does not stand alone; rather, it is a link in the chain of plans designated for this area, which are all in different stages of the planning process. These include a number of plans, most of them submitted by the Israel Lands Authority, to expand Gilo by another 3,000 housing units; a plan to expand Har Homa (by the Ministry of Building and Housing) by about 1,400 new housing units; a plan to build a new neighborhood called Givat HaMatos (Israel Lands Authority), east of Gilo, which would include 3,700 housing units, 1,100 hotel rooms and various public buildings, as well as plans to build a new neighborhood called Givat Yael, west of Gilo (the process of approving the plan have not yet begun), with about 14,000 new housing units. All of these plans together, if they are realized, will create a wide ring of Israeli settlement that will sever East Jerusalem from the rest of the West Bank on the southern side, and thus will harm the possibilities of political negotiations over the future of Jerusalem.