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## Why are they really demonstrating in Sheikh Jarrah?

*In the last few weeks, the neighborhood of Sheikh Jarrah was featured in the headlines in Israel and abroad as a result of weekly demonstrations that take place in protest of the evacuation of Palestinian families from their homes and the entry of Jewish Israeli settlers into their homes. As a result of the hard-lined policy that the Jerusalem police have taken towards the demonstrators and the arrest of dozens of them, a significant part of the public discourse about this matter revolves around freedom of expression and the severe harm to the right to demonstrate in a democratic state. Along side this principled and important discussion, this short survey seeks to clarify the historical process of this matter until the issuing of the evacuation order, as well as the current political implications.*

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Sheikh Jarrah is a Palestinian neighborhood north of the Old City of Jerusalem. On the western side of the neighborhood, is an area of 18 dunams known as the Shimon Hatsadik compound, in name of the great high priest from the Second Temple era, who is buried there according to some traditions. A small Jewish community that settled in the late 19<sup>th</sup> century around the tomb was dispersed gradually beginning in the 1920s and 1930s and through 1948.

During the Jordanian rule from 1948 to 1967, this area of land passed to the Jordanian government by the Enemy Property Law. In 1956, 28 Palestinian refugee families were settled in this compound by the Jordanian government and the UNRWA, in exchange for giving up their refugee status and payment of symbolic rent.

In 1972, 27 families (one family left on its own accord) received notice that their rent was to be paid to the Sephardic Community Committee and to the Knesset Israel Committee – the owners of the homes whose existence until then was unknown. In the same year, the two committees began a process with the Israel Lands Authority to register the lands in their names, based upon Ottoman documents from the 19<sup>th</sup> century.

About a decade later, in 1982, the two committees sued 23 families for non-payment of rent. According to the agreement reached between the lawyer of the Palestinian families and the representatives of the committee, the Palestinian families were declared “protected tenants” whose residence in the homes was guaranteed as long as they paid the rent to the committees. Some of the Palestinian families claimed that this agreement was signed without their consent. This decision constitutes the legal basis in the decisions of additional court petitions, as well as in the present cases.

Most of the families refused to pay the rent for various reasons, including the reluctance to recognize the committees as the rightful owners. This refusal to pay rent stands at the basis of the legal proceedings against these families today, concluding with court-issued eviction orders from the disputed homes. These legal processes are not only between the committees and the Palestinian residents. The Nahlat Shimon

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International, a settler organization that has purchased part of the lands from the Sephardic Committee, has also submitted legal petitions against the residents. Until now, 3 families (al-Kurd, Hannun, and al-Ghawi) have been evicted, and legal proceedings are being held to evict a number of additional families who were not part of the agreement signed in 1982. Moreover, the court has allowed the entry of settlers into another building within the compound, which was built without a permit as an addition to a house where another branch of the al-Kurd family lives. Against the al-Kurd family, legal proceedings are being held, with the aim of bringing their eviction also from the original part of the home where they are living today.

The Shimon haTsadik compound also was subject to another ownership legal case: in 1997 a Palestinian resident of Jerusalem, Suleiman al-Hijazi, petitioned the court, objecting to the ownership claims by the two committees, and claimed that he was the owner of the contended area. His claim was rejected in 2002, as was his appeal to the High Court four years later, while an additional petition to the District Court was rejected on 31 March 2008.

Although the proceedings of this matter took place in the legal sphere, it is important to emphasize that this is not purely a matter of land ownership, but rather a first rate political issue. The settlers' activity in Sheikh Jarrah constitutes an additional link in the chain of settlements – existing or planned – that aim to surround the historical basin of the Old City with an Israeli-Jewish ring and to create Jewish enclaves in the heart of Palestinian neighborhoods, in order to create a territorial contiguity that will endanger future political agreements in the future. In the Shimon haTsadik compound itself, the Nahlat Shimon International organization plans to destroy the existing buildings and build a new settlement of 200 housing units. Additional building plans of the settlers in Sheikh Jarrah include the Shephard's Hotel compound, which was purchased by the patron of the settlers, Irving Moskowitz, and the Mufti's Grove, opposite the hotel, and the Glassman Campus at the south-western part of the neighborhood.

It is important to emphasize: The legal recognition of the rights of Jews to sue for ownership over properties that were theirs before 1948, and in their name to evict Palestinian families living there for decades, constitutes a precedence that is liable to have serious political consequences. Indeed the Israeli law does not recognize the right of Palestinians to sue in a similar manner for the return of their properties within the Green Line from before 1948, but a collective lawsuit – if only symbolic – is liable to place the State of Israel in the most embarrassing situation in both the local and international arenas, in addition to transforming the discussion around solving the Israeli-Palestinian conflict from discourse around the 1967 borders to one around the 1948 borders. It is doubtful whether a process such as this will serve the interests of the Israeli governments.

Despite their declared obligation to a process of political negotiations, in reality, the governments of Israel in the last decades, together with the settler organizations, have gained control over properties in the heart of Palestinian neighborhoods, transforming them into settler enclaves that enjoy outrageous building rights and exist in the midst of ongoing confrontation with their environment and with the rule of law. Sheikh Jarrah is another link in the process that is transforming East Jerusalem to an arena where extremist organizations do as they please: taking control of properties in dubious ways, administering private police with government funding, and engaging in endless confrontation with the Palestinian population. All this is done with direct and

indirect government support, while placing obstacles in the way of the prospects of achieving a resolution in Jerusalem and the region as a whole.

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