



SHEIKH JARRAH

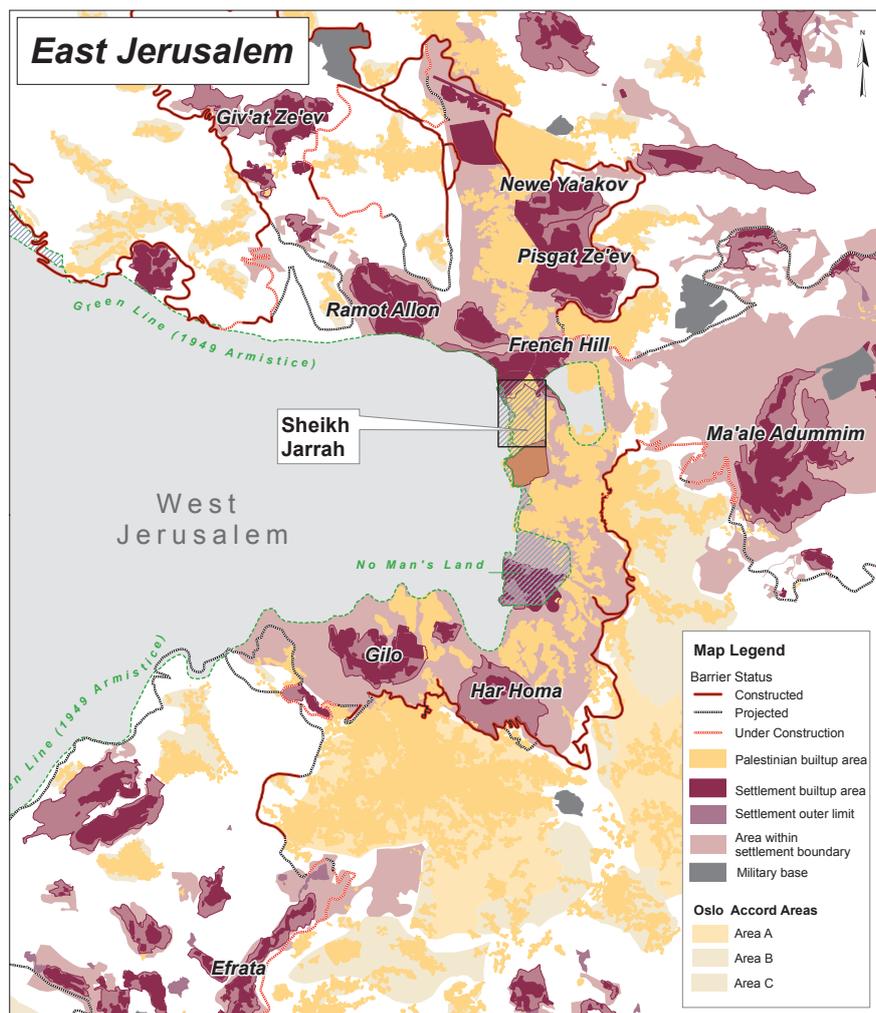
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Overview

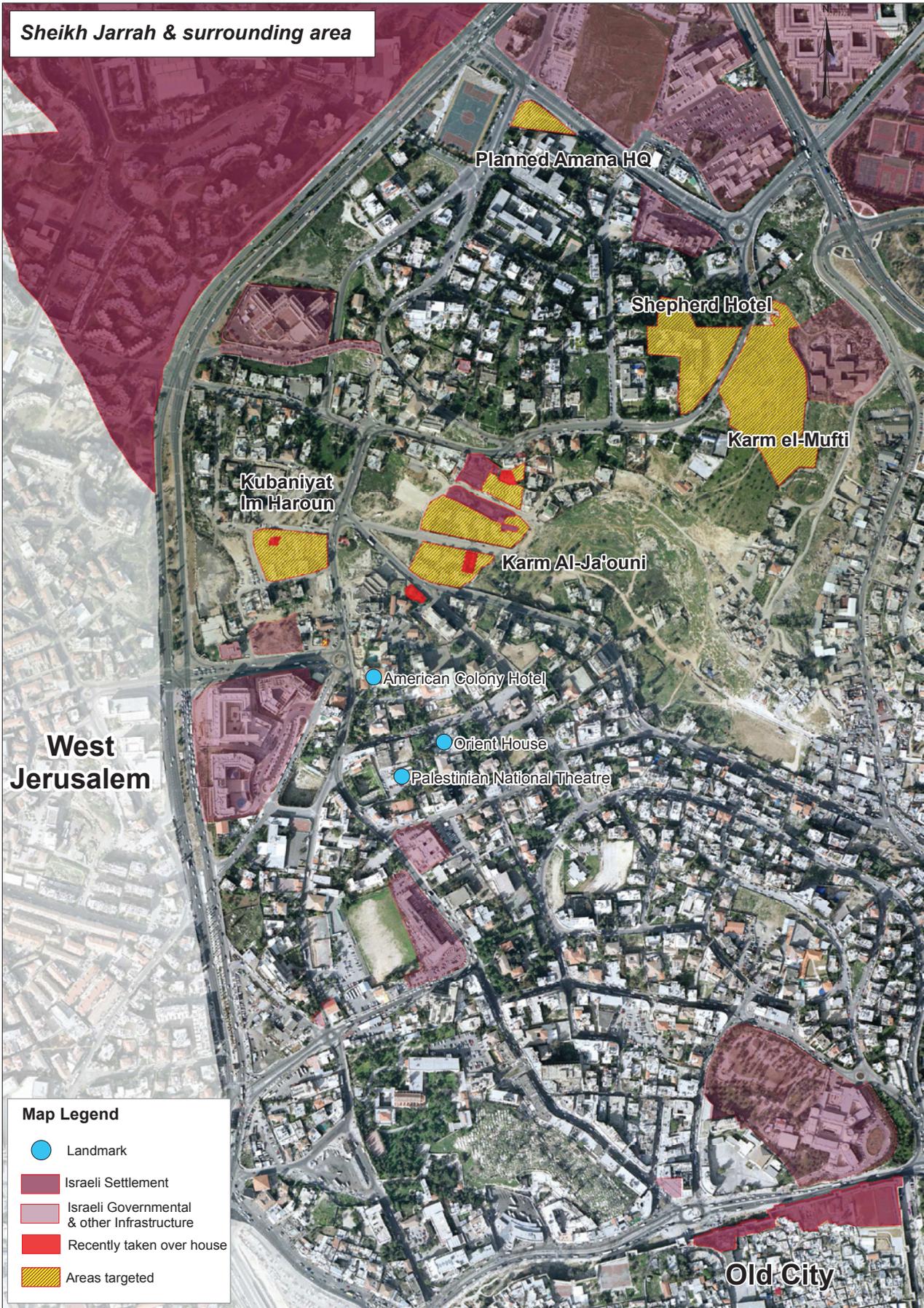
Sheikh Jarrah is a Palestinian residential neighbourhood located to the north of the Old City in occupied East Jerusalem.¹ The area, which is home to approximately 2,700 Palestinians, includes well-known landmarks, such as the Orient House, the American Colony Hotel and the Palestinian National Theatre, as well as many consular missions.²

Given the area's strategic location, Israeli settler organizations have made persistent efforts to take control of land and property and establish a sustained presence in Sheikh Jarrah. This includes the Shepherd Hotel and adjacent land; the grove of Karm El Mufti; the Kubaniyat Im Haroun quarter; and the Karm Al Ja'ouni / Tomb quarter (see map on page 2).

Diverse methods have been used by settler organizations for this purpose. In a number of cases, property expropriated by the Israeli authorities through a complex system of legal, administrative and institutional mechanisms has been leased or transferred to settler organizations.³ In other cases, settler organizations have made use of the Israeli legal system to lay claim to property allegedly owned by Jewish individuals or associations in the occupied territory prior to 1948. Israeli courts have ruled in favour of such claims while failing to recognize the rights of Palestinian refugees to reclaim lost land and property.



Efforts by settler groups have intensified in recent years and are often accompanied by attempts to forcibly evict Palestinian families and communities to make way for new settlements.⁴ In a recent series of evictions on 2 August 2009, 53 Palestinian refugees, including 20 children, were forced out of their homes in Sheikh Jarrah by Israeli authorities following a court ruling. The properties were handed over to a settler organization which intends to build a new settlement in the area, placing at least 24 other buildings and their estimated 300 residents at risk of forced eviction. When similar efforts in other parts of Sheikh Jarrah are taken into account, the total number of planned settlement units rises to over 540, placing an estimated 475 Palestinians at risk of forced eviction, dispossession and displacement.



SETTLER-RELATED ACTIVITY IN SHEIKH JARRAH

Karm Al Ja'ouni / Tomb quarter⁵ Settler organizations lay claim to 18 dunams of land surrounding a historic tomb in the centre of Sheikh Jarrah, with the stated intent of demolishing the existing Palestinian neighbourhood to make way for a new 200-unit settlement.⁶ One of the organizations already occupies several buildings in the area, housing around 40 people and a yeshiva for 50 students. The claims, which have been contested by the Palestinian residents of the area, have been the subject of a protracted legal battle since 1972.

Among those at risk of forced eviction and displacement is a Palestinian community of approximately 300 refugees that moved to the area in 1956 following an agreement between UNRWA and the Government of Jordan. The refugee families originally fled or were expelled from parts of Mandate Palestine, including areas in West Jerusalem, in 1948, leaving behind land and property which they have been unable to reclaim.

On 2 August 2009, following a recent court decision, 53 people, including 20 children, from the refugee community (the *Hanoun* and *Al Ghawi* families) were forcibly evicted and their homes handed over to a settler organization by the Israeli authorities.⁷ The families' personal belongings were loaded on a truck and dumped on the street close to UNRWA's headquarters. During the eviction and subsequent demonstrations 13 people sustained injuries and over 35 people were arrested and detained. With no alternative residences, the families have camped out on the street in front of their homes. Their appeal to overturn the eviction before the District Court was rejected on 9 August.

The evictions have been condemned by the international community, which has rejected Israel's claims that the forced evictions of Palestinian residents of occupied territory are a matter for municipal courts and authorities.⁸ To the contrary, such actions run counter to Israel's obligations under international law, including international humanitarian law.⁹

Kubaniyat Im Haroun A settler organization lays claim to several plots in the Kubaniyat Im Haroun quarter, located between Nablus Road and the Green Line. The quarter, which covers around 8 dunams of land, includes 33 buildings which are home to around 175 people, most of whom are refugees who fled or were expelled from

parts of Mandate Palestine, including West Jerusalem, in 1948. Although the case is still pending in Israeli courts, a group of settlers, accompanied by Israeli police and private security guards, entered the neighbourhood on 26 July 2009 and occupied one of the buildings in the area. Renovations have started on the building, which was uninhabited at the time. Two people were injured and 13 people detained during the takeover and subsequent demonstrations.

The Shepherd Hotel The Shepherd Hotel, which was formerly owned by the Husseini family, was expropriated by the Israeli authorities following the occupation of East Jerusalem by Israel in 1967. The Hotel and adjacent land was transferred in 1985 to a settler organization which, according to plans submitted to the Jerusalem Municipality, intends to build some 90 housing units in the area.¹⁰ At least 20 residential units have already been given formal approval by the Jerusalem Municipality.

Karm el Mufti Named after its former owner, the Mufti of Jerusalem, Karm el Mufti refers to an old olive grove of around 40 dunams on the eastern slope of Sheikh Jarrah, opposite the Shepherd Hotel. Expropriated by the Israeli Custodian of Absentee Property in 1967, the land was subsequently leased to the Ateret Cohanim settler association, which intends to build 250 housing units in the area. According to zoning regulations the land is currently designated as a green area, on which all construction should be prohibited.

The planned Amana Headquarters In 2005, the Amana settler organization was granted permission by the Israeli authorities to take over and develop a piece of land on the northern slope of Sheikh Jarrah. According to Peace Now, the land may have been transferred to the organization without a tender having been published, as required by Israeli law.¹¹ The land, which was expropriated by Israel in 1967, is strategically located opposite the government compound that houses the Central Police Headquarters. Despite objections by the Palestinian residents of the area and the nearby French Hospital, in 2009 the Jerusalem Municipality approved plans and granted a final construction permit for the building of three-storey office building and conference center to serve as the organization's headquarters.

FORCED DISPLACEMENT IN OTHER PARTS OF EAST JERUSALEM

Forced displacement also affects Palestinian families in other neighbourhoods of East Jerusalem, including Silwan and the Mount of Olives, which together with Sheikh Jarrah form part of the Holy Basin surrounding the Old City. From January to July 2009, at least 194 people, including 95 children, were forcibly displaced, and another 107, including 46 children, otherwise affected as a result of house demolitions ordered or carried out by the Israeli authorities in East Jerusalem. According to conservative estimates, there are currently over 1,500 pending demolition orders in East Jerusalem alone, potentially affecting several thousand Palestinian residents.¹²

The present pattern of forced evictions and demolitions, accompanied by plans to build residential structures for settlers in the heart of Palestinian neighbourhoods, is indicative of efforts to create facts on the ground by forging a contiguous link between West Jerusalem, the Israeli settlements in East Jerusalem and settlements in the West Bank, in particular Ma'ale Adummin. Such efforts threaten to isolate and fragment Palestinian neighbourhoods, cutting them off from the remainder of the West Bank, while further weakening the social and economic link between the northern and the southern parts of the West Bank.¹³

HUMANITARIAN CONCERNS

The forced displacement of Palestinian residents of occupied East Jerusalem raises a number of serious humanitarian concerns:

- The immediate and longer-term physical, social, economic and emotional impact of forced evictions, demolitions and displacement on Palestinian families and communities. Displacement is often followed by family separation and a long period of instability, reduced standard of living and limited access to basic services, such as water, education and health. The impact on children can be particularly devastating.¹⁴
- The potential fragmentation of Palestinian neighbourhoods and the departure of the remaining Palestinian residents owing to restrictions on movement and a sustained Israeli security presence, as well as threats of harassment and intimidation by settler groups. 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 doors.¹⁵

- The forced displacement and dispossession of Palestinian residents of East Jerusalem runs counter to Israel's obligations under international law. This includes the use of the municipal courts and authorities to enable 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 and West Jerusalem.

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, as required.

End Notes

1. In 1967 Israel occupied the West Bank and unilaterally annexed to its territory 70.5 km² of the occupied area, which was subsequently integrated within the Jerusalem Municipality and is now referred to as “East Jerusalem”. This annexation contravenes international law and has not been recognized by the UN or its Member States. 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, 2009, p. 398.
3. 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 *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). It should be noted that the confiscation of private or public property in occupied territory by an Occupying Power is prohibited under international law, including Articles 46 and 55 of the Hague Regulations of 1907.
4. Regarding settlements, Article 49 of the Fourth Geneva Convention prohibits the Occupying Power from transferring its civilian population into the territory it occupies. The illegal status of Israeli settlements has been confirmed by the UN Security Council, e.g. in Resolution 465(1980), and by the International Court of Justice, in its Advisory Opinion on the Wall in 2004.
5. The origin of the tomb is disputed. It is either attributed to a Roman merchant or to Shimon Ha'Tzadik, a Jewish High Priest of the 4th century BC. See *The Holy Land: An Oxford Archaeological Guide* (J. Murphy-O'Connor, Oxford University Press, 2008).
6. Town Plan Scheme 12705 before the Jerusalem Local Planning Commission, referenced in *Evictions and Settlement Plans in Sheikh Jarrah: the Case of Shimon HaTzadik* (Ir Amim, June 2009). See also *Seizing Control of Space in East Jerusalem* (M. Margalit, unpublished draft 2008, pp. 27-28).
7. The families are among the 28 refugee families that received funding from UNRWA in 1956 to build their homes on land provided by the Government of Jordan. Three of the 28 families have been evicted; the *Hanoun* and *Al Ghawi* in August 2009 and the *Al Kurd* in November 2008. All 3 families had been previously evicted. A fourth home was taken over by settlers in 1967 while the residents were away on leave.
8. See statements published by the US, UK, EU and UN, on 2 to 4 August 2009. 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.
9. International humanitarian law, including Article 43 of the Hague Regulations of 1907, requires the Occupying Power to respect the law in force in the occupied territory. The application by Israel of its national law and judicial system to forcibly displace Palestinian residents in occupied East Jerusalem runs counter to this obligation.
10. See Town Planning Schemes 11536 & 2591, referenced in *Evictions and Settlement Plans in Sheikh Jarrah: the Case of Shimon HaTzadik* (Ir Amim, June 2009).
11. 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>.
12. 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* (ICAHD, 2007).
13. Similar trends are evident elsewhere in the West Bank. In Area C, where Israel retains control over security and over the building and planning spheres, 319 Palestinians, including 167 children, were displaced and 392 people, including 254 children, otherwise affected as a result of house demolitions between January to July 2009.
14. This includes psychological distress such as depression, difficulty in concentrating and increased aggression. 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).
15. *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).