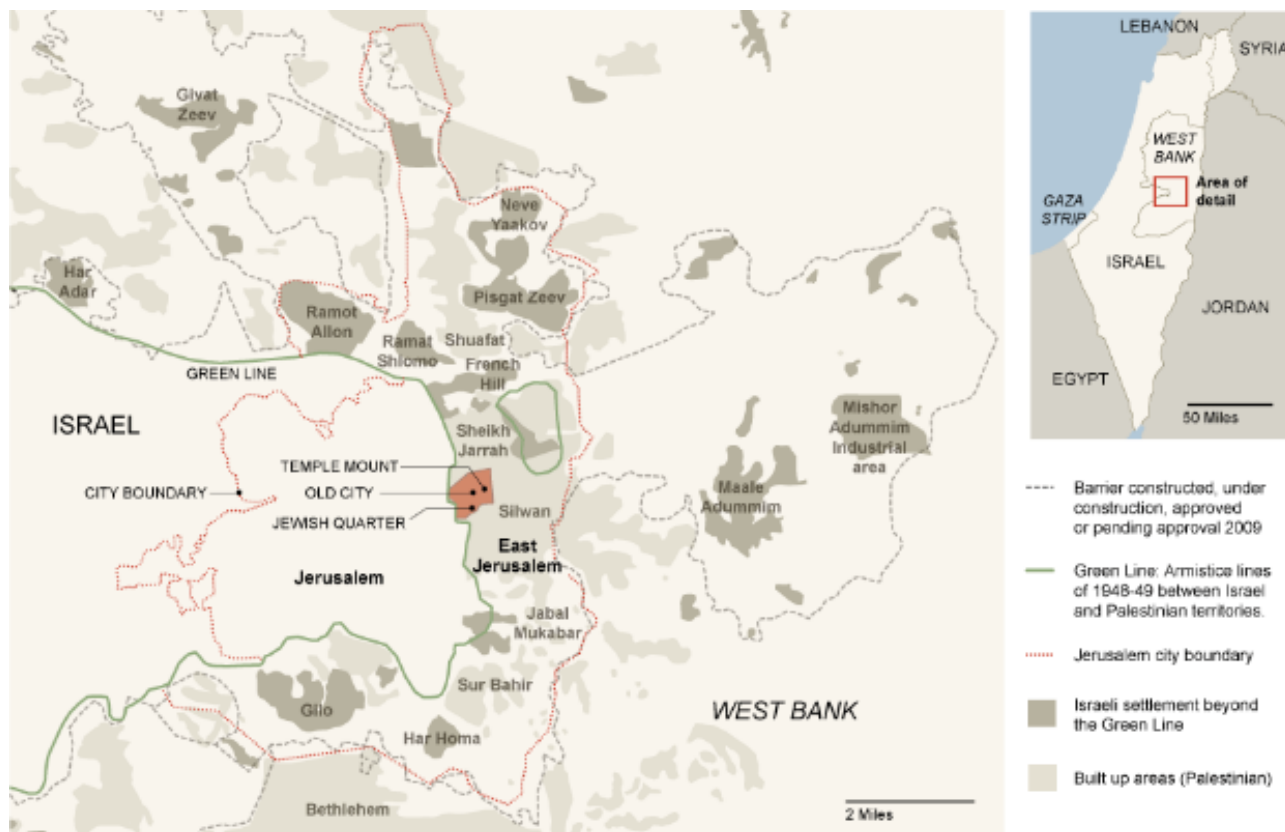


11.02.2019

## Background to recent events in East Jerusalem

Sheikh Jarra and Silwan are both predominantly Palestinian areas close to the Old City.



### Sheikh Jarrah

[The following account from the [Terrestrial Jerusalem](#) website gives a very clear explanation of what has been happening in Sheikh Jarrah].

The Sabbagh family are originally refugees from Jaffa who were resettled to Sheikh Jarrah by the Jordanian government and UNRWA. They moved to the building in which they currently live in Sheikh Jarrah in 1956.

Their building is located on land in Sheikh Jarrah that was purchased more than a century ago by two Jewish organizations, the Ashkenazi Community Council and the Sephardic Community Council, which established there a small Jewish community who lived in this area until the 1948 war.

After Israel took over the area in 1967, the Israel Custodian of Absentee Property took control of the land but did not evict its Palestinian residents.

In 2003, a shadowy company called Nahalat Shimon Ltd. purchased the land on which the Sabbagh family lives from the Ashkenazi Community Council and the Sephardic Community Council.

In 2008, Nahalat Shimon Ltd. filed a lawsuit at Jerusalem Magistrate's Court seeking the eviction of the Sabbagh family and a neighbor, the Hamad family, based on its claim to own the land. Strong, organized, highly visible opposition, most notably weekly Friday demonstrations in Sheikh Jarrah, succeeded in generating domestic and international interest and focus on the issue, delaying the evictions.

In 2012, notwithstanding public pressure (and with visible protests having dropped off over time) the Jerusalem Magistrate's Court ordered the eviction of the Sabbagh family; the Sabbagh family subsequently appealed to the Israeli Supreme Court to stop the eviction.

In November 2019, the Israeli Supreme Court dismissed the family's claim (which argued that Nahalat Shimon Ltd. did not have property rights over their building, since it was built under Jordanian rule - i.e., before Nahalat Shimon Ltd. bought the land). The court did not rule on the merits of that argument, instead rejecting it based on the statute of limitations.

### **The bigger picture**

The tragedy affecting the Sabbagh family, whose members are about to become refugees for the second time, exemplifies the systematic discrimination inherent in Israeli law when it comes to the reclaiming of property rights. To put it simply: when it comes to property rights, Jews and Palestinians are manifestly unequal before the law.

Israel law bars Palestinians - who fled or were compelled to leave their homes during the 1948 war - from reclaiming their property or seeking compensation for their losses. This means the Sabbagh family has no rights to the home they lost in Jaffa.

Israel law entitles Jews, in contrast, to reclaim property in East Jerusalem that they lost as a result of the 1948 war. It is this law that enables Nahalat Shimon Ltd. to evict the Sabbagh family.

Those seeking to reclaim historically Jewish property in East Jerusalem do not act on their own. Property rights are often acquired by companies and individuals aligned with the East Jerusalem settler organizations, which enjoy the backing of Israeli government authorities - including in their efforts to identify properties to which Jewish claims can be made. In effect, the settlers and government work together to exploit the "reclaiming" of Jewish property in order to expand the settlers' hold in Palestinian neighborhoods of East Jerusalem at the expense of the Palestinian population.

As a result, families like the Sabbaghs, who have lived in their home for more than 60 years, are fighting a legal battle that is lost in advance.

### **Silwan**

The case of the Sabbagh family is by no means unique. In the past year, the Government of Israel, in conjunction with settler organizations, has instituted eviction proceedings against many tens of Palestinian families in Sheikh Jarrah and the Batan al-Hawa quarter of Silwan. Hundreds of families and thousands of individuals are at risk. Israel is on the cusp of implementing large scale displacement of Palestinians on a scope unprecedented since 1967. The Sabbagh family eviction portends this new wave of large-scale displacement

Silwan is a relatively poor and overcrowded neighbourhood, to the south east of the Old City. Some 80 percent of the 20,000 residents are Palestinian refugees of the 1948 Nakba who have been living there since the 1950s.

Since 2001, the Ateret Cohanim settler organization has been working to transform Batan al-Hawa, a Palestinian neighborhood in the heart of Silwan, into a large Israeli settlement. The group, largely funded by the late American millionaire Irving Moskowitz, works with Israeli authorities to reinforce their control over the 'historic basin' of the Old City. In January 2018, Haaretz published an article detailing the sleazy methods used by Ateret Cohanim to acquire Palestinian property.

In 2002, without notifying the residents, the Israeli justice ministry issued a title deed, transferring ownership of the Batn al-Hawa families' lands to the Benvenisti Trust, a Jewish fund that Ateret Cohanim claims owned the property in the 19th century when it settled Yemeni Jews in the area. A year prior to the land transfer, three members of Ateret Cohanim were appointed as trustees to the Benvenisti Trust.

With the current legal system in Israel allowing Jews to claim property that was owned prior to the 1948 war that created the Israeli state – while denying the same to Palestinians – Ateret Cohanim and the trust effectively control the fate of at least 84 families who have lived in Silwan for decades, some for 60 years.

In June 2018 the families who have borne the brunt of the legal battle, submitted a petition signed by 104 Palestinians from the neighborhood, arguing that under the Ottoman law which applied at the time, only the homes and buildings – which no longer exist - were owned by the trust, but not the land itself. The Israeli government admitted that the justice ministry had failed to investigate the trust and the Ottoman-era law before issuing title deeds to the Benvenisti Trust in 2002.

On the 21st November 2018, Israel's High Court of Justice rejected the residents' appeal to overturn the 2002 decision, effectively allowing Ateret Cohanim to pursue the takeover of Batan al-Hawa and evict at least 700 Palestinians living in the area.

[For a detailed analysis of the situation in Silwan, please read the report: *Broken Trust: State Involvement in Private Settlement in Batan Al-Hawa, Silwan*].