

Advancement of Two Settler Plans in Sheikh Jarah

1 message

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Advancement of Two Settler Plans in Sheikh Jarah

A sign hung today in the Um Harun neighborhood of Sheikh Jarrah announces that the Jerusalem District Planning and Building Committee has deposited for public objections plan 14151 for construction of a six story building containing three housing units. Examination of the committee's website indicates that plan 14029, for an additional six story building of ten housing units, has also been deposited for public objections. A similar sign announcing this was not seen in the neighborhood.

The plans include demolition of two existing buildings and eviction of five Palestinian families living there today. The District Committee reviewed the plans and approved them for deposit in July 2017. Now, with publication for public objections begins a period of 60 days for submitting objections to the plans. After this time the Jerusalem Planning Committee will discuss objections and decide whether or not to approve the plans.

In Um Haroun approximately 45 Palestinian families are under threat of eviction. Whereas today many of these families enjoy protected tenant status which, for the time being, prevents their eviction, approval of the aforementioned plans will allow the eviction of five families. Furthermore the construction of thirteen housing units for settlers will greatly transform Um Haroun and disrupt life for the whole of its community.

The advancement of the plans is part of an ongoing uptick in government supported settler projects – taking over of homes, development of national parks and so called touristic projects – in and around the Old City of Jerusalem. This increased activity aims to fragment this Palestinian area of Jerusalem. It will have very negative implications for the safety of the city's Palestinian population and the future possibility of a two state solution.

BACKGROUND

Entire Communities in Sheikh Jarrah and Silwan at Risk of Displacement

In the last several years, the danger of eviction has mounted in Sheikh Jarrah as in other neighborhoods around the Old City of Jerusalem. A wave of eviction lawsuits are now in court, advanced by well-funded and organized settler groups who enjoy both direct and indirect state support. The eviction threats on Sheikh Jarrah are concentrated in two areas:

Um Haroun (west of Nablus Road): Approximately 45 Palestinian families under threat of eviction, at least nine families with eviction cases pending in the court system and an additional five who have received warning letters attached to eviction claims. Two families have already been displaced and their homes taken over by settlers. These are where the two plans described above are located. To the south of Um Haroun two more settler plans are being advanced: TPS 499699 for a six story office building. This plan was recommended for final approval by the Jerusalem Local Planning and Building Committee and is waiting discussion at the District Committee. TPS

68858 for an eight story building that will function as a Yeshiva (religious school) and will also include dormitories and eight units to house “lecturers visiting from abroad”.

Kerem Alja'oni (east of Nablus Road): About 30 Palestinian families under threat of eviction, at least 11 of whom have cases pending in court. Nine families have already been evicted and their homes taken over by settlers.

The legal basis for all of these claims is the Legal and Administrative Matters Law, enacted by the Knesset in 1970, which determined that Jews who lost property in East Jerusalem in the war of 1948 have the legal right to reclaim it from the Israeli General Custodian (responsible for managing unclaimed assets). Not only is there no parallel legal protection for Palestinians; the 1950 Absentee Property Law enshrines that Palestinians who lost their assets in Israel in 1948 cannot recover them.

From this legal foundation, settler groups have acquired property rights from owners' heirs and gained control over Jewish trusts established to manage properties prior to 1948. The General Custodian has both indirectly and overtly facilitated the acquisition of property and demands for the evictions of Palestinians from reclaimed properties. It is important to emphasize that most Palestinian families in questions hold refugee status from 1948, have legally inhabited their homes since the Jordanian period, and in some cases continue to enjoy protected tenancy status.

As clearly evidenced in [this aerial overview of Sheikh Jarrah](#), the cases in question cannot be characterized as isolated disputes over land ownership between heirs and residents; rather, there is a systematic campaign being waged against the Palestinian population, with the end goal of forcibly transferring entire Palestinian communities. These evictions are being advanced by ideologically motivated, well-funded settler groups. Despite having no verifiable connection to original landowners, these groups have the resources to locate property owners' heirs and acquire their rights in order to advance their ideological agenda.

Arms of State Support

The General Custodian

Representative of flagrant cooperation between the General Custodian and settler organizations, in some of the eviction cases in Um Haroun (Sheikh Jarrah) – including the Shamasneh family case – the General Custodian has been represented by an attorney who frequently serves on behalf of settlers in East Jerusalem and the Occupied Territories.

Settler Appointed to Manage East Jerusalem Properties by the Custodian General

In 2017, Hananel Gurfinkel, a settler living in the Palestinian neighborhood of Jabel Mukaber who has established an association for the purpose of developing settlements in Palestinian neighborhoods in East Jerusalem, was appointed by the Ministry of Justice to manage assets in East Jerusalem under the purview of the General Custodian. Since Gurfinkel assumed his position, Palestinian residents have witnessed a demonstrable change in management, especially in the Um Haroun neighborhood: there has been a sharp uptick in letters threatening eviction and multiple lawsuits have been filed by the Custodian against Palestinian tenants.

Authority to Manage Trusts

Over the years, settlers have succeeded in acquiring control of trusts established to manage Jewish assets predating the war in 1948. On the basis of this authority, they have been able to take over numerous properties in the Old City and surrounding Palestinian neighborhoods. In Sheikh Jarrah there is ongoing coordination between settler organizations and General Custodian employees.

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