



رابطة برلمانيون نجل القدس

Parliamentarians for Al Quds

# SHEIKH JARRAH... THE NEW NAKBA

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שייח' ג'ראח  
الشيخ جراح  
Sheikh Jarrah

# SHEIKH JARRAH...

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## Summary

- For more than 40 years, Palestinians of the Sheikh Jarrah neighborhood, north of the Old City of occupied Jerusalem, have been facing the Israeli plan that aims at displacing them from their homes and building a settlement on their lands.
- The story of the neighborhood began in 1956, when the Jordanian government agreed with the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) to house 28 Palestinian families of the 1948-Nakba refugees, on land called "Karm al-Jaouni" in Sheikh Jarrah.
- According to the agreement, after 3 years of residing in their new homes, it was supposed to register the ownership of these homes to the families in the Jordanian Land Department; however, this did not happen.
- After Israel occupied Jerusalem in 1967, it seized the home of the al-Shanti family in the neighborhood without any decision from the courts. The family was outside Jerusalem at that time.
- In 1972, the settlement associations began submitting requests to the Israeli courts to evict the rest of the people from their homes, claiming ownership of the land on which they live (about 18 dunums).
- Since that year, Israeli court sessions continued, in which there was clear evidence of complicity with the settlement associations, as the judges refused to consider the requests of the Palestinian residents to prove ownership.
- In 2008, the Umm Kamil al-Kurd family was displaced from their home. In 2009, the al-Ghawi and Hanoun families were displaced too, and the Nabil al-Kurd family lost half of their home. Today, settler families reside in the Palestinian homes.
- The families of Sheikh Jarrah are calling on the Jordanian government to provide them with the necessary identification papers to help establish their rights to their homes and lands.
- Early in 2021, the Israeli occupation court issued a new decision to four families to vacate their homes from the neighborhood until next May, and three other families until next August.
- The Israeli occupation authorities plan to build 200 settlement units on the lands of Sheikh Jarrah's people. This plan serves the occupation's vision of encircling the Old City of Jerusalem with a settlement geographic extension, and suffocating Palestinian neighborhoods and cutting off their continuity.

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## Introduction

The tragedy of the Sheikh Jarrah neighborhood comes as an additional step in deepening the catastrophe of targeting Jerusalem and its people, at another historical stage in the struggle over the identity and reality of the Holy City. The Israeli occupation continues to attack it, without any consideration to international justice, expecting that it would escape accountability and punishment every time, and turning its actions into a reality imposed on everyone. Therefore, everyone who has a living conscience must stand before this heinous aggression so that this criminal step would not go away just as the preceded ones and we would not wake up one day to find Jerusalem has been Judaised.



**Dr. Mohammad Makram Balawi**

General Director of the League of Parliamentarians for al-Quds

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### About Sheikh Jarrah Neighborhood

The Sheikh Jarrah neighborhood was established in the Old City of occupied Jerusalem in 1956 according to an agreement signed between UNRWA and the Jordanian government to house 28 Palestinian families.

The associations began to search for their claimed properties in East Jerusalem, taking advantage of the legal vacuum regarding land registration in the Jordanian Land Department, and settlers started gradually taking over Palestinian homes in the neighborhood and establishing outposts.

The Jordanian Ministry of Public Works and Housing provided the land and the construction of the houses and the UNRWA afforded the construction costs. A contract was concluded between the ministry and the Palestinian families stipulating that the residents pay a symbolic fee and obtain the ownership of the homes and land after three years of the completion of the construction, **but this did not happen.**

On September 13, 1972, representatives of the "Ashkenazi Jewish Endowment" and the "Sephardic Jewish Endowment" approached the Israeli Land Registry Department and demanded that these lands be registered in their names. They submitted an official document written in the old Ottoman language stating that they are the owners of the land. Allegedly, the two endowments

In 1967, Sheikh Jarrah fell under Israeli occupation. The settlement associations immediately began implementing a settlement scheme targeting the 28 homes inhabited by 550 people, all of whom were refugees displaced in 1948 from different areas of historic Palestine.

The Israeli system gives absolute priority to the Jew when it comes to his claims about land ownership, without conducting any routine and accurate examination of those claims. In this context, lawyer Hosni Abu Hussein, who had been pleading for nearly 28 years on behalf of the families, explained that "the Israeli Land Registry Department did not examine the paper in-depth and it considered it sufficient to validate the claim of the associations to ownership of the land."

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### About Sheikh Jarrah Neighborhood

In fact, the paper did not refer to the ownership of the land, but only to the right to use it, and that it might not be related to "Karm al-Jaouni" in the first place. In 2006, the lawyer Abu Hussein went to Ankara to search for an equivalent in the Ottoman archives, but he found nothing.

On the other hand, when Suleiman Darwish Hijazy, who appeared to be the real owner of the land before Jordan interfered in leasing it, filed a lawsuit before the Israeli judiciary in 1997 submitting documents indicating that the land belonged to his family's property, the Israeli court rejected it in 2006, and considered that the submitted papers are "fake."

Today, the neighborhood suffers, among others, from the continuity of settlers' ambitions, the expansion of outposts, and the existence of surveillance cameras, which has put residents in what looks like a prison, especially on Jewish occasions and holidays.

For more than three decades, no court discussed the ownership of the land. Rather, the court was satisfied with the document submitted by the settlement associations, which was proven to have no origin in the Ottoman archives. During the past decades, these associations were unable to prove their ownership due to the lack of the necessary pieces of evidence, either at the Land Registry Department or in any other Israeli institution.

Although the ownership of the land has not been discussed by the competent district court, the occupation courts issued decisions to evacuate the families from the neighborhood. On October 20, 2020, the Israeli Magistrate's Court issued a decision to evict four families, including the families of al-Qasim, al-Jaouni, al-Kurd, and al-Iskafi. The Israeli court also imposed on each family an amount of 70 thousand shekels (20,000\$) for the fees of settler lawyers, and other expenses to the court. The families were given 30 days to appeal the decision.

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### About Sheikh Jarrah Neighborhood

In 2019, the court renewed the decision to evict five families of al-Sabbagh. The families' lawyers were later able to freeze the eviction order for this moment. However, because the issue of land ownership has not been finalized, a number of families in Sheikh Jarrah are currently at risk of eviction at any moment.

Israeli settlement associations practiced all forms of counterfeiting in order to seize the 28 homes in the neighborhood. So far, they have taken over the homes of 12 families by force, and are planning to seize the remaining homes. The suffering of the Palestinians in Sheikh Jarrah continues, and the owners, expelled from their homes, who found no place to live in but streets, still have hope to return to their homes.

The neighborhood is considered to be one of the most important northern entrances to Jerusalem. It is, therefore, a target for the extremist settlement associations and settler attacks supported by the Israeli political level and political parties.

These are the recent developments of the 28 families from the Sheikh Jarrah neighborhood, some of which were forcibly evicted and others threatened.

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## Start of the Legal Battle

In 1972, Jewish bodies registered the land with their ownership. In 1974-1975, the first lawsuits were filed against four families who live in the neighborhood (Hammad, al-Ayoubi, Ghosha, and al-Hussaini), accusing them of assaulting others' property and demanding that they vacate their homes. The Israeli Magistrate's Court dismissed the case on the grounds that the Palestinian residents are protected tenants and that they are not trespassers on the land, but most importantly, it completely turned a blind eye to the examination of the basic claim of ownership of the land. In other words, it did not check whether the property registration process was legally sound or not, which is something that people will try to question over the past two decades.

In 1982, a lawsuit was filed again against 24 families from Sheikh Jarrah demanding that they vacate their homes. 17 of these families were represented in that case by the Jewish lawyer Tosya Cohen, and the legal battle continued without the settlement associations being able to prove ownership until 1991 when Cohen deceived the families and confessed before the court the settlers' ownership of the land. Accordingly, the families became by this confession "merely protected tenants", and that they had to pay rents to the "new Jewish owner" in order to stay in their homes. The residents rejected that agreement in which they were not consulted, and they did not pay the settlers.

The agreement stipulated that the land belongs to the settlement associations, and it was given a resolution formula. The neighborhood residents were given the status of tenants under the tenant protection law, and evictions cannot be carried out against them if they pay the rent allowance stipulated by the law.

The agreement placed the Palestinian families under threat of eviction if they did not pay to the settlement associations. The agreement, which included only 17 families of Sheikh Jarrah, became the legal reference in all subsequent cases that considered the residents protected for the third generation.

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## Start of the Legal Battle

The residents found the deal as a conspiracy that largely damaged them and established the ownership of the settlers. As a result, the families, including the Hanoun and al-Ghawi families, did not pay the rent, because they believed that by paying the rent, they would recognize the settlement associations' ownership, although this has not been proven in the court.

As for the court sessions that are still taking place today, the families' lawyers' pleadings focus on the refusal to surrender the registration carried out by the Jewish endowment associations for Land in 1972. The lawyers confirm that the registration was carried out in unfair procedures and that the right of these associations to own land is not proven exclusively and definitively.

After Cohen was removed from representing families in the courts, the case was handled by the two lawyers Abu Hussein and Sami Irsheed. Since then, the case has gone through many complicated steps, moving between various Israeli courts: magistrate, central, and supreme.

The lawyers explain that the document on which the settlers rely is not related to the land in Sheikh Jarrah because there are differences between the content of the document and the features of the neighborhood and its topographical and geographical nature.

After some courts lost, Israel displaced three families from Sheikh Jarrah: the Kurds in 2008, the Hanoun and al-Ghawi families in 2009, and replaced settlers in their place. During the long years, the people set up a sit-in tent attended by a huge number of people who stood in solidarity with the residents of the neighborhood, who throughout that time, they were not spared the harassment and attacks of settlers, as well as the arrests of the Israeli police.

Over the past years, various Israeli courts have refused to discuss the ownership question, and have often considered it to be a question that meets the statute of limitations, as nearly 40 years have passed over the registration.





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## Start of the Legal Battle

In parallel with the attempt to pay to cancel the recognition of the registration of the land in favor of the Jewish endowment, the latter "sold the land" to settlement associations. At the end of 2001, the land was sold from the Jewish endowment authorities for the benefit of a settlement association called "Hamut Shalom", which was established in early 2001 and defined its objectives as "strengthening the Jewish community in Jerusalem and throughout the land of Israel," for an amount of 3 million dollars.

Shortly thereafter, the land was sold again to a settlement company called "Nahalat Shimon Limited" registered as a private company with the Israeli Companies Registry since April 2000. According to the registry, the company's goal "to carry out various legal works" is broad enough to accommodate the primary purpose of settlement and displacement.

On the other hand, the speedy acceptance of the Israeli registration of the land in 1972 and the courts' refusal to discuss the validity of the registration refer to the reality that the judiciary and the Israeli legal system are other colonial tools in the hands of the occupation government and its settlers that contribute to achieving its goals and plans.

The sale of the land from the Jewish endowment authorities to the settler bodies has come as part of efforts to evade accountability about the fact of ownership that Jews claim, and that this is in order to complicate the search for the true owner.

The Jewish endowment authority exploited the Israeli "Administrative and Legal Affairs Law" of 1970, which allows Jews to return to the claimed properties they left in East Jerusalem after the 1948 war, while the Palestinians are not allowed to return to any of their lands that they were forced to leave after that war.

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## Legal Battles

In the following, a listed timeline of the legal battles between the residents of the neighbourhood and the settlement associations:

- ❖ The settlement associations filed a new lawsuit against four families, Hanoun, al-Ghawi, Hajji, and al-Hussaini, as the court decided with regard to the Hanoun and al-Ghawi families that they must pay the rent allowance, and sent an employee to estimate the value of the properties. Hanoun and al-Ghawi were sentenced to pay a rent of 75,000 shekels for each house.
- ❖ The families of Hajji and al-Hussaini have appointed the lawyer Saleh Abu Hussein, who became the main attorney for the Sheikh Jarrah case. The court decided to freeze the case until the ownership is proven according to the law. The two cases have been frozen until today.
- ❖ In 1997, the Jerusalemite citizen Suleiman Darwish Hijazy submitted a petition, through attorney Abu Hussein, to the Jerusalem District Court, claiming ownership of the land on which the neighborhood is located.
- ❖ In 1999, the settlement associations filed a new lawsuit against Hanoun and al-Ghawi for not paying the rent. The court accepted the lawsuit and decided that the tenant's protection was forfeited. Therefore, they must evacuate their homes, but the eviction orders were frozen so that the status of the land ownership could be decided.
- ❖ In 2000, the court issued its ruling against the family of Raed al-Kurd to close a small house using the pretext that it was an addition, near the house of his father Muhammad al-Kurd. After six months, the settlers seized the closed house and stayed inside. Raed al-Kurd appealed to the court to evict the settlers from the house due to their illegality. The court ruled to get them out of the house, but the Israeli police did not implement the order.
- ❖ In 2001, the court issued a decision to close the house of Nabil al-Kurd, on the pretext that he had added a building near his mother's house, Rifqa al-Kurd. The settlers attacked the closed house and attempted to seize it by force, but the family confronted them and prevented them, with the help of neighbors, from staying at home.

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## Legal Battles

- ❖ In 2002, a decision was issued by the Supreme Court to evict the Hanoun and al-Ghawi families from their homes, claiming that they were late in paying the rent, noting that the amount was placed in the court's fund until the decision on the ownership of the land could be decided. However, eviction orders were sent to the two families on 4/2/2002, and the two families were evicted on 22/4/2002. The two families were forcibly expelled to the street, and their home furniture was confiscated.
- ❖ In 2003, the settlement associations sold the property rights to the land to the Nahalat Shimon company, in order to evade the process of discussion and research about ownership through the presence of a new owner of the land. In light of this decision, the Hanoun and al-Ghawi families returned to their homes, until the pronouncement of the ownership could take place.
- ❖ In June 2005, the court rejected Suleiman Darwish Hijazi's case, as it ruled that his papers did not prove his ownership of the land. It also rejected the settlement associations' request to recognize its ownership and instructed them to go to the court with jurisdiction to obtain an issuance in this regard. In 2006, the Supreme Court rejected Hijaz's appeal regarding land ownership.
- ❖ On 8/2/2008, the Hanoun and al-Ghawi families were notified to go to court at the request of the Nahalat Shimon Company, asking the families to vacate the homes, under the claim that the return of the two families was illegal. The two families went to court again to prove the legitimacy of their existence in the homes, and the illegality of the company's ownership of the land.
- ❖ The court continued sending eviction notices to the rest of the residents. Al-Kurd family was notified to leave the house by 7/13/2008 under the pretext of building on land owned by the settlement associations. The lawyer submitted an appeal to the Supreme Court to stop the eviction order, but it was refused.
- ❖ On 7/8/2008, Maher Hanoun was arrested and imprisoned for a period of three months, under the pretext of not implementing the court's decisions to vacate the house voluntarily.
- ❖ On 11/11/2008, the al-Kurd family was evacuated, when a large police force closed the neighborhood and forcibly expelled the family.

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## Legal Battles

- On 5/17/2009, a court ruling was issued stating that if the homes of the Hanoun and al-Ghawi family are not voluntarily evicted, Maher Hanoun and Abdel Fattah zal-Ghawi will be imprisoned until their families are evacuated and they will be fined 50,000\$, 50,000 shekels and additional 150,000 shekels for the delay in paying the rent. The two families were forcibly evicted on 2/8/2009.
- The settlement associations attacked the rest of the neighborhood's residents, and cases were filed against 10 families. Orders were sent to the family of Abd al-Raziq al-Sabbagh, Rafat al-Kurd, and Sami al-Jaouni to come to court in order to prove the legality of the families' existence. After four months, orders were sent to new families, namely, Aref Hammad, Saleh al-Iskafi, Dawood Dajani, Adly al-Dawoudi, and Amal al-Qasim.
- On 11/3/2009, the court followed up the case of Rifqa al-Kurd and issued a decision in favor of the settlement associations regarding the construction erected on the land "owned by the settlement associations". The settlers broke into the house of Rifqa al-Kur, and seized the house that had been closed by the court nine years ago. In other words, a new house was seized in the neighborhood.
- Ten other homes are threatened with eviction, noting that a list of 23 homes was attached to the eviction orders. A memorandum was recently sent by the settlers' lawyers to two new families, the Fetyani and Salaymeh families, claiming that if the keys to the houses are not handed over to the settlers' lawyer, he will go to the judiciary.
- During the year 2020, Israeli courts issued eviction orders for 12 families in the neighborhood, with various lawsuits, while the Israeli Central Court in Jerusalem, at the beginning of 2021, gave the green light to evict 4 families and then 3 other families from the neighborhood.
- In August 2021, the Israeli Supreme Court postponed its decision on a petition against the eviction of 7 families from their homes in the neighborhood in favor of settlers.
- At the beginning of October 2021, an Israeli court offered Palestinian families in the Sheikh Jarrah neighborhood to remain in their homes as "tenants" for a period of 15 years, during which period the families who reside in their homes threatened with confiscation will pay the rent to the "Nahalat Shimon" settlement association, which claims to own the land that the homes were built on it, which the families refused.



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