

Evictions and Settlement Plans in Sheikh Jarrah: The Case of Shimon HaTzadik

Summary

On May 17, two Palestinian families from the Sheikh Jarrah neighborhood of East Jerusalem received court orders to vacate their homes by July 19, 2009. At that point, the houses will be turned over to the landlord: settler organization Nahalat Shimon International, which seeks to demolish the existing Palestinian neighborhood and build a 200-unit settlement in its place.¹

In recent months, the actual and pending evictions of several Palestinian families from Sheikh Jarrah have sparked international controversy. Israeli authorities claim that Palestinian residents have lost their rights as protected tenants due to delinquency in rent payments, while Palestinians maintain that Israeli ownership claims are baseless. Currently, settlers inhabit 5-6 buildings in the area, and active court cases threaten 4 Palestinian extended families.

This memo aims to clarify the issues in Sheikh Jarrah, and to place the controversy in the context of an ongoing set of development plans that threaten to spark a dangerous escalation of the conflict in the city and to preclude an agreed-upon political resolution in Jerusalem.

Complementing settler organization Nahalat Shimon International's legal battle against Palestinian residents is that same group's plan to demolish the existing residential structures and evict hundreds of Palestinian residents in order to clear the way for a new Israeli settlement: Shimon HaTzadik. This settlement constitutes one of a series of plans that seek to penetrate and surround Sheikh Jarrah with Israeli settlements, yeshivas and other Jewish institutions, as well as national park land, and complement government efforts to ring the Old City with Jewish development and effectively cut it off from Palestinian areas.²

The struggle for the area highlights an additional issue: the ongoing attempt of Israeli settlers, backed by the Israel Lands Administration (ILA), to "reclaim" plots of land in East Jerusalem that were owned by Jews under British or Ottoman rule. These efforts continue throughout East Jerusalem, despite Israeli courts' ongoing refusal to recognize similar claims by Palestinian owners in West Jerusalem.

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Sheikh Jarrah in Context

On August 28, 2008, Nahalat Shimon International, a settler-related real estate company, filed Town Plan Scheme (TPS) 12705 in the Jerusalem

¹ Civil Court case 4744/02, TPS 12705.

² See: "Parks Fortify Israel's Claim to Jerusalem," *The New York Times*, May 10, 2009.

Local Planning Commission. If TPS 12705 comes to pass, the existing Palestinian houses in this key area would be demolished, about 500 Palestinians would be evicted, and 200 new settler units would be built for a new settlement: Shimon HaTzadik.

Such a plan would advance the creation of Israeli and Jewish strongholds in the historic basin surrounding the Old City. In Sheikh Jarrah to the north, the Mount of Olives to the east and Silwan to the south, development plans aim to ring the Old City with Jewish settlements and public projects, cutting off Palestinian territorial contiguity with the Old City. These developments unilaterally create an integral population link between the Old city and West Jerusalem, strengthen Israeli control of this sensitive area, and thwart the feasibility of future agreed-upon borders for Jerusalem in the context of a two-state resolution.

In recent years, settler organizations have made great strides in the Sheikh Jarrah area, acting with varying degrees of public funding and support. Recently completed projects in the area include the Beit Orot Yeshiva with a number of student and teacher housing units and the adjacent Ein Tzurim National Park. Elad, the settler organization known for its archeological and settlement activity in the City of David/Silwan is involved in running the park.

As seen on the attached map, in addition to the Shimon HaTzadik plan (TPS 12705), three additional Israeli development plans are being advanced in the Sheikh Jarrah vicinity:

1. **Shepherd Hotel.**³ Approved in 1984, Town Planning Scheme (TPS) 2591 permits the construction of 20 housing units on the land of the formerly Palestinian-owned Shepherd Hotel property. The current application for a building permit to carry out this plan is currently under review for historical preservation at the municipal planning committee.⁴ An additional Town Plan Scheme (TPS 11536) is now being advanced -- to expand on the 1984 plan by building 90 housing units, a synagogue, a kindergarten, and dormitories. This plan is in its early stages in the statutory approval process.
2. **Kerem HaMufti.** 40-dunam olive grove claimed by Palestinian owners. In 2007, the ILA was discovered to be leasing it to the Ateret Cohanim settlers' organization. The case is currently in court.
3. **The Glassman Campus.** On an adjacent Jewish-owned plot, a conference center is planned, called the Glassman Campus. Initial inquiry reveals that the Glassmans, Canadian philanthropists, are involved with the Friends of the Simon Wiesenthal Center for Holocaust Studies, the Los Angeles-based organization building the Museum of Tolerance on and around the site of a Muslim cemetery in Jerusalem.
4. **Map: Sheikh Jarrah Area and Settlement Schemes**

³ In 1985, the historic Shepherd Hotel, formerly under Palestinian ownership, was acquired from the Custodian for Absentee Property by Irving Moskowitz. It is now administered by Moskowitz, Ateret Cohanim and C&M Properties

⁴ Construction permit 08-787



Historical Background

Sheikh Jarrah is a Palestinian neighborhood to the north of the Old City of Jerusalem. In the western portion of Sheikh Jarrah, close to the 1949 Armistice Line or Green Line, lies an 18-dunam (4.5-acre) area known as Shimon HaTzadik (Simon the Just), after the Second Temple high priest believed to be buried there.

This area has become a focal point of settler development plans in the city. Under contention are approximately 28 residential structures, currently housing descendants of 27 of the Palestinian families who arrived in 1956 (about 500 people) and 5-6 settler groups (about 30 people).⁵

Since 1972, Israeli settlers have been working to establish Jewish land claims and a Jewish presence in the area, and Palestinian residents have faced legal challenges regarding land ownership and residency rights. (See attached appendix for full legal history.)

These legal battles have focused on three intertwined issues:

- Legal recognition of land and building ownership
- Tenancy rights of the Palestinian residents
- Differential enforcement of the law regarding settlers and Palestinians, living in the structures without legal recognition.

There are currently four relevant legal cases in regard to this area:

1. Sephardic Community Committee vs. Sabbagh (7 family members). This Civil Court case charges the defendants with rent delinquency and seeks their eviction.⁶
2. Mohammed Kamel Al-Kurd vs. Avi Dichter, Minister of Public Security, and Nitzav Ilan Franco, District Police Chief; In this Supreme Court case, the Al-Kurd family charges the Israeli police with differential law enforcement regarding the settlers in their home. It will be heard in November 2009.⁷
3. Sephardic Community Committee and Nahalat Shimon International v. Abed Al-Fatah Ghawi and Maher Khalil Hanun. In this Civil Court case, the plaintiffs seek to evict the Ghawi and Hanun families from their homes, on the grounds of rent delinquency. The families are also tried for contempt of court. This case was heard May 17, 2009.⁸
4. Suleiman Darwish Hijazi vs. Sephardic Community Committee, the Knesset Israel Committee, Nahalat Shimon, International, and the Jerusalem Lands Settlement Officer. In this Magistrate Court appeal, Hijazi challenges the grounds upon which the 1982 case was decided and seeks to prove his ownership of the disputed land.⁹

Pre-1967

⁵ 28 houses were built for the original Palestinian residents of the neighborhood in 1956. Since then, some units have been joined and others subdivided and expanded.

⁶ Civil Court Case 19795/08.

⁷ Supreme Court Case 4906/07.

⁸ Civil Court Case 4744/02.

⁹ Magistrate Court Case 3148/09.

A small Jewish community established in the late 19th century around the site of the tomb, was gradually abandoned starting from the period of the Arab disturbances of the 1920s and '30s through the 1948 War of Independence.

In the period of Jordanian rule from 1948 to 1967, the Jordanian government took control of these plots under the Enemy Property Law. In 1956, 28 Palestinian families who had been receiving refugee aid and assistance from UNRWA were selected to benefit from a relief project in conjunction with the Jordanian Ministry of Development. According to the agreement, the families would forfeit their baskets of refugee assistance and would pay token rent for three years until the ownership of the houses would transfer to their names. The houses, according to the agreement, would be built on “formerly Jewish property leased by the Custodian of Enemy Property to the Ministry of Development, for the purpose of this project.”¹⁰ Three years passed and ownership was not formally transferred to the families.

1972 – 2001

In 1972, 27 families (one family had left of its own accord) received notice that rent was due to the Sephardic Community Committee and the Knesset Israel Committee—landlords they had not known they had. That year, the Committees initiated a process with the Israel Lands Administration (ILA) to register the lands in their names, based on 19th-century, Ottoman-era documents.

Ten years later, in 1982, the two committees brought a legal case against 23 families for rent delinquency. Itzhak Toussia-Cohen, the lawyer representing the Palestinians families, did not contest the legitimacy of the Committees’ ownership claims, and instead arrived at a court-sanctioned agreement—a binding agreement that can be appealed only if proven to be based on false grounds—that secured “protected tenancy” status for residents.¹¹ Families claim Toussia-Cohen did not have their authorization to make this agreement. The decision would come to serve as the legal precedent for rulings on subsequent appeals, including the present-day cases. Most families, not wanting to authorize the Committees’ ownership claims, refused to pay rent.

In 1997, following years of lawsuits filed for rent payment and eviction, a Palestinian Jerusalemite, Suleiman Al-Hijazi, filed a lawsuit that challenged the ownership claims of the Committees and asserted his ownership of the disputed territory. His case was rejected in 2002, as was its Supreme Court appeal four years later, and a Magistrate Court appeal was rejected on March 31, 2008. The residents’ legal counsel is reviewing options for further legal recourse. Though the Committees’ ownership was not corroborated in a 2006

¹⁰ “Agreement Between The Hashemite Kingdom of Jordan and The United Nations Relief and Works Agency for Palestine Refugees in the Near East for An Urban Housing Project at Sheikh Jarrah Quarter, Jerusalem,” July 3, 1956.

¹¹ Under this classification, tenants and their cohabiting kin are guaranteed the security of living in their units, so long as they pay rent and abide by rigid restrictions regarding maintenance and renovation.

court decision, its official registration was never revoked, and subsequent rulings have reinforced the 1982 precedent.¹²

In 1999, settler activity in the neighborhood began in earnest; and has continued.¹³ The first group of settlers acquired one family's tenancy rights and subsequently subdivided the structure, to make room for additional families. Today a small playground stands on a formerly empty lot with a booth for an armed guard who provides settlers with 24-hour-a-day protection and reportedly prevents Palestinian children from playing on the playground. A second guard's booth stands above an adjacent structure. The Sephardic Community Committee, which as co-owner is legally required to approve tenancy changes, has historically avoided commenting on the political dimensions of conflict.¹⁴

In 1999, following charges of rent delinquency and illegal renovation/construction, a member of the Al-Kurd family was forcefully evicted from the added section of the home, and the section was sealed. Two years later, settlers illegally broke into the addition and established residence there.¹⁵

2001 Until Today

On March 28, 2004, Mohammed and Fawzia Al-Kurd were ordered to evict the settlers from the added section of the house, demolish it, and seal any remaining openings.¹⁶ The sentence was reiterated on February 25, 2007.¹⁷ Being unable to demolish the house with the settlers inside it, the Al-Kurds repeatedly sought police assistance, and filed requests and complaints with the district police. Eventually they sued the police in the lower courts, and a hearing at the High Court of Justice is scheduled for November 2009.¹⁸

In November 2008, following the loss of a protracted appeals process, Fawzia and Mohammed Al-Kurd were forcefully evicted from their home, to much local and international attention. The settlers left in February 2009, and the renovated section is now sealed. Residents and lawyers have evidence, however, that settlers have returned and are residing inside.¹⁹

¹² In November 2006, following a Magistrate Court decision, the Israel Lands Registry (ILR) received an order from the Lands Settlement Officer of the Court to cancel the Committees' ownership. The ILR failed to execute the officer's order and referred the case back to the court.

¹³ Interviews with residents and lawyers.

¹⁴ The Sephardic Committee's director, former Labor MK Yehezkel Zakai, has stated that the Committees would support the tenancy of anyone willing to pay the rent. ("Police to Decide Who Has Rights to Disrupted Sheikh Jarrah Home," Jerusalem Post, February 18, 1999)

¹⁵ The Al-Kurd's unit is located near a small bloc of settler residences, and settlers there marked the sixth group to move into the neighborhood. The event launched the Al-Kurds' story into the Palestinian media, which frames the story as symbolic of the Palestinian situation in Jerusalem.

¹⁶ Criminal Case 2353/03.

¹⁷ Civil Court of Local Affairs 2353/03.

¹⁸ Numerous police requests and complaints filed in 2007, provided by Adv. Hatem Abo-Ahmed.

¹⁹ In mid-April, settlers published a newsletter with photographs and descriptions of the inhabited interior of the sealed house.

A fourth family, Sabbagh, has been sued for rent delinquency and eviction.²⁰ The case has not yet been heard. The exact number of families paying rent—and therefore still considered protected tenants—is unknown. According to residents, a number of the other households may soon find themselves at risk of eviction.

Suleiman Hijazi's appeal to the Magistrate Court to establish his ownership of 18 plots in the disputed territory was rejected on March 31, 2009. He had presented an official letter from the Ottoman archive in Ankara stating that the archive had no record of the Committees' 1875 registration.²¹

Per court order on May 17, 2009, the Ghawi and Hanun families have until July 19th to vacate the homes, and are threatened with incarceration and heavy penalties if they do not.²²

Conclusion

The complex legal issues described above should be seen as merely one facet of the Sheikh Jarrah story. Official Israeli statements on Sheikh Jarrah have framed events as being solely within the domain of the court.

However, a broad look at recent events in Sheikh Jarrah reveals the differential use of the legal system to (a) carry out eviction orders against Palestinian residents but not against settlers, and (b) to support pre-1948 Jewish land claims in East Jerusalem while opposing pre-1948 Palestinian land claims in West Jerusalem. This systemic distortion results in the cynical use of the legal system in the service of advancing an inequitable and inflammatory political agenda.

Employment of the legal system to establish facts on the ground prejudices the results of a land claims reconciliation process which will inevitably take place in the context of a political resolution to the Israeli-Palestinian conflict. Furthermore, such actions preclude use of the Clinton parameters for a negotiated process in Jerusalem; and threaten to inflame a sensitive area in a key area of Palestinian cultural, residential, and commercial continuity.²³

The following steps will allow the preservation of the status quo until final status negotiations determine sustainable borders for Jerusalem:

1. Assure that new settlement plans for this area are not advanced.
These include:
 - a. TPS #12705, Nahalat Shimon International's plan for demolishing and re-developing Shimon HaTzadik
 - b. TPS #11536, the expanded Shepherd Hotel plan.
2. Freeze evictions of Palestinian residents from the area.

²⁰ Civil Court Case 19795/08.

²¹ Magistrate Court Case 7185/09.

²² Civil Court Case 4744/02.

²³ The Clinton Parameters from 2000, which remain the dominant framework for a negotiated settlement, posit the principle that Arab areas go to Palestinian jurisdiction and Jewish ones go to Israeli jurisdiction.

Appendix: Legal History and Key Events in Shimon HaTzadik

Following is a chronology of three intertwining issues at play in the Shimon HaTzadik neighborhood of Sheikh Jarrah:

1. The question of rightful ownership (Palestinian residents or Jewish/Israeli Committees)
2. The status of Palestinian residents' tenancy rights
3. Differential law enforcement (police evictions of illegal Palestinian vs. illegal Israeli residents)
4. Settlement activity

Late 19th Century:

The divergent ownership claims go back to a transaction from 1875. Under Ottoman rule, a small Jewish community was established in a plot in the Sheikh Jarrah area known as the burial place of Second Temple High Priest Shimon HaTzadik (Simeon the Just). The documents later presented to the Israeli courts regarding ownership rights of the Knesset Israel Committee and the Sephardic Community Committee stem from a land transaction with local Arab owners in 1875.²⁴ The Palestinian residents' current lawyers claim that the document is forged.

1948:

The Jewish community that remained after the Arab uprising of the 1920s and '30s fled during the War of Independence. The territory fell under the Jordanian Custodian of Enemy Property. In contrast to the surrounding area, the Shimon HaTzadik area was not registered and accounted for by Jordan's planning commission.²⁵

1956:

UNRWA signed a contract with the Jordanian Custodian of Enemy Property and, in cooperation with the Jordanian government, built housing for 28 Palestinian refugee families who had been living in temporary housing in the Sheikh Jarrah area. The agreement, dated July 3, states that the refugees—from West Jerusalem and elsewhere—would pay minimal rent for three years, at which point the ownership would officially transfer to them.

1959

Ownership rights were never transferred to the 28 families although the 3 years had passed.²⁶

1967:

Following the Six Day War, Israel expanded Jerusalem's boundaries by 70 square kilometers, and the 28 homes in Sheikh Jarrah come under control of

²⁴ 1291 on the Ottoman calendar

²⁵ Cited in the "background" section of Judge A. Rubinstein's ruling on Supreme Court Case 4126/05 (20 February 2006).

²⁶ "Agreement Between The Hashemite Kingdom of Jordan and The United Nations Relief and Works Agency for Palestine Refugees in the Near East for An Urban Housing Project at Sheikh Jarrah Quarter, Jerusalem," July 3, 1956, as well as conversations with Adv. Saleh Abu Hussein (October 26, 2008) and Adv. Mohammed Dahle (November 23, 2008).

the Israeli Custodian for Absentee Property. At that point, one of the 28 families left the area, and the other 27 families remained.²⁷

1972:

Two Jewish organizations, the Sephardic Community Committee and the Knesset Israel Committee (hereafter: “the Committees”) presented 19th-century Ottoman documents to the Israel Lands Registry (ILR) and filed a claim, requesting that the land be registered in their names. A process of determination of ownership was begun, and noted in the Land Registry on September 13, 1972.²⁸ The note is an indication of an ownership claim, but was never made into an official registry of title. Palestinian residents’ lawyers point to the lack of official registry as indication that Committees’ ownership could be revoked.

Shortly thereafter, 23 families in 17 of the units located within the Committees’ plot received the first of what would be regular letters demanding rent payment.

1982:

A civil case was jointly filed by the Committees against 23 families, representing 17 units.²⁹ The residents’ lawyer, Yitzhak Toussia-Cohen, who decided not to contest the Committees’ ownership claims, won residents the legal status of “protected tenants.” Under this classification, tenants and their cohabiting kin may continue living in their units in exchange for regular rent payments and agreement to rigid restrictions limiting renovations and other changes to the property. The ruling for the case—which, significantly, does not contest the legitimacy of the Committees’ ownership claims—would come to serve as the legal precedent for the rulings on subsequent appeals. Some families began paying rent; others did not.³⁰

1989:

May 20. The Jerusalem Magistrate Court rejected the Committees’ plea to evict the Palestinian residents for rent delinquency, on the grounds that they are protected tenants. The Committees appealed the ruling, but the appeal was rejected.³¹

1993:

The Committees sued the residents for rent payment and eviction. Adv. Salah Abu-Hussein began representing the families.³²

1997:

²⁷ Conversation with Amal Al-Qassem, Sheikh Jarrah resident and organizer (October 27, 2008)

²⁸ During the 40 years of Israeli rule in East Jerusalem none of Israel’s governments undertook an official survey and registration of land in Sheikh Jarrah, nor in many other parts of East Jerusalem. This policy makes it difficult for Palestinian Jerusalemites to prove land ownership – a necessary precondition for applying for building permits..

²⁹ Civil Court (Beit Mishpat Ha-Shalom) Case 3457/82. Families were: Hanun, Ghawi, Al-Kurd, Aweideh, Al-Fatyani, Al-Zayn, ‘Abd Al-Fahim Ibrahim Ghawi, Mani, ‘Aweideh, Zamiri, Ahjeiji, Qasin, Al-Jawani, Al-Dajani, Al-Zahudi, Rivke ‘Abd Allah Al-Kurd, Diab Asad Al-Dajani, Nusseibeh, Al-Khatib, ‘Atiyeh, ‘Arafah, Sabbagh, Khoury.

³⁰ Conversation with Adv. Saleh Abu Hussein (October 26, 2008).

³¹ Appeal number 166/89, cited in Supreme Court petition 6239/08.

³² Ibid.

A Palestinian Jerusalemite, Suleiman Al-Hijazi, filed a lawsuit challenging the ownership claims of the Committees and asserting that he is the proper owner of 18 plots on the disputed territory.³³ The lawsuit alleges that the plot referred to in the Committees' document does not even include the homes of several of the families then being charged, including that of the Al-Kurds and the Hanuns. At that point, a number of the Palestinian families stopped paying rent, so as not to recognize the ownership claims of the Committees. Hijazi's claim was rejected on June 16, 2002, and went through multiple appeals until 2008. Adv. Mohammed Dahleh also worked on this case.

1999:

The Committees sued the Al-Kurd family for rent delinquency and for violating the terms of protected tenancy by renovating their house without proper permissions. At the same time, the Ghawi and Hanun families were sued for rent delinquency.³⁴ That year, the Hanun family paid a one-time sum for back rent to a court escrow fund pending resolution of the ownership claims.³⁵

April 20: Israeli police expelled Mohammed and Fawzia Al-Kurd's son, Raed, from the renovated section. On instructions from the Supreme Court, police prevented settlers from taking over the house until re-examination of the documents they submitted to prove ownership.³⁶

Sept 9: Decisions against the Ghawi and Hanun families to evacuate their homes.³⁷

2001:

July 30: The Civil Court ruled against the legality of the Al-Kurd's renovation and ordered the family to vacate the house. The Al-Kurd and Hanun families were found guilty of rent delinquency and received eviction orders, though the Hanun family's lawyer maintained that the family's plot was not within the area covered by the Committees' (allegedly inauthentic) document.³⁸

November 1: While the Al-Kurd family was in Jordan for medical services, settlers affiliated with the Sephardic Community Committee broke into the renovated section of the home and prepared the home for settlers' future residence.³⁹ Rotating groups of settlers took over that section of the home.

2002:

³³ Jerusalem Magistrate Court (Beit Mishpat Ha-Mehoz) 1465/97: Suleiman Darwish Hijazi vs. Sephardic Community Committee

³⁴ Jerusalem Civil Court Cases 6599/99 and 8041/99.

³⁵ In 2002, following a ruling on the Hijazi ownership case, the funds were deposited with the Committees and the family was again deemed delinquent on rent payment. (Conversation with Rabbi Arik Ascherman, May 10, 2009.)

³⁶ <http://www.passia.org/jerusalem/chronology/1999.html>, "Elderly Palestinian Couple Evicted From East Jerusalem Home Despite U.S. Protest," *Haaretz*, 9 November, 2008. "Arab-Jewish Tension Renewed Over Jerusalem Apartment," *The Jerusalem Post*, 18 November, 2001.

³⁷ Rulings on Civil Court Cases 18901/98 and 18902/98.

³⁸ Civil Court Cases 6599/99 and 8041/99, cited in Hugh Court Petition 6558/08.

³⁹ "Arab-Jewish Tension Renewed Over Jerusalem Apartment," *The Jerusalem Post*, 18 November 2001.

April 24: While leading a press tour through Sheikh Jarrah, MK and then-Tourism Minister Benny Elon, spelled out his guiding principle: "Our strategic plan for the city is one: a belt of Jewish continuity from East to West."⁴⁰

The Ghawi family and the Hanun family were evicted.⁴¹ New tenants temporarily entered but were eventually evicted. The court ordered the homes padlocked, and settlers were prevented from entering.

June 16: Hijazi's 1997 appeal to repeal the Committees' ownership was rejected, according to the precedent set by the 1982 case, which confirmed the Committees' ownership of the land.⁴²

2003:

Nahalat Shimon International and the Committees (from which Nahalat Shimon purchased land rights) jointly filed a case against the State and the Al-Kurd family to destroy the renovated section.⁴³

2004:

Mayor Uri Lupolianski sought permission of the Housing Ministry to build a Jewish neighborhood around the tomb, "in order to strengthen the connection between the Jewish neighborhoods."⁴⁴

March 28: The Al-Kurd family was ordered to demolish the renovated section of their home, in which settlers were living, and to seal any remaining openings.⁴⁵

2006:

June 20: Suleiman Hijazi's 1997 Supreme Court appeal is rejected.⁴⁶ In the same ruling, the Committees' ownership is pointed out to be incomplete, as the 1972 ILR marked the registration as temporary. However, the Court notes its decision not to adjudicate on the validity of the Committees' ownership claims, and orders the Committees to appeal to "the proper authority," i.e. the Magistrate Court. Hijazi's claims were rejected on the basis that his documents were damaged and unverifiable. The Hanun family returns to their home following the ruling.⁴⁷ The Ghawi family had already returned.

July 17: Following the June 20th ruling, the Al-Kurd, Hanun, and Ghawi families appealed to the Land Settlement officer of the court to initiate the land settlement process and cancel the Committees' ownership. The Land Settlement officer files a letter with the ILR to cancel the registration. The ILR

⁴⁰ "MK Benny Elon Promises 'Jewish Continuity' in Jerusalem," Jerusalem Post, April 24, 2002.

⁴¹ "Settlers Strategically Split East Jerusalem," *Christian Science Monitor*, May 13, 2002.
<http://www.csmonitor.com/2002/0513/p01s04-wome.html>

⁴² "As long as the verdict that corroborated the deliberated agreement [the 1982 verdict] still stands, there is no place to doubt that the defendants have the ownership rights. This fact precludes the additional discussion between the two parties." (Magistrate Court Case 001465/97)

⁴³ Court of Local Affairs (of the Civil Court) Case 2353/03: Nahalat Shimon International and the Sephardic Community Committee vs. State of Israel and Mohammed Al-Kurd.

⁴⁴ "Jewish Group to Build 200 New Housing Units in East Jerusalem," *Haaretz*, January 31, 2008.

⁴⁵ Criminal Case 2353/03

⁴⁶ Case 4126/05

⁴⁷ Referenced in case 6558/08.

rejected the request, stating that the authority to alter the registration lies with the courts.⁴⁸

2007:

February 25: The Al-Kurd family received an order to demolish and seal the renovated section, which was broken into on November, 2001, and remained inhabited by settlers.⁴⁹

Over subsequent months, the family, with the legal assistance of Adv. Hatem Abo-Ahmed filed three requests with the district police seeking “immediate assistance” to evict the “trespassers” (the settlers) and allow the Al-Kurds to act in accordance with the ruling that they demolish the renovated section. These requests were ignored.⁵⁰

May 2007: The Al-Kurds filed lower court cases against the District Police and the Minister of Public Security for negligence in not assisting the family in evicting the settlers, so as to allow them to carry out their legal requirements.⁵¹

June 2007: The Al-Kurd family filed a High Court of Justice petition against Avi Dichter, Minister of Public Security, and the District Police for failure to enforce the ruling against the settlers, which in turn prohibits the Al-Kurds from abiding by the ruling to seal and demolish the house. The case will be heard in November 2009.⁵²

2008 – 2009: Intensification of settlement and legal activity

March: The Committees and Nahalat Shimon International requested a renewed court order to implement the 1999 eviction orders.⁵³

July 14: The Jerusalem Magistrate Court issued a final eviction order to the Al-Kurd family, according to its own verdict from July 8, 2006.⁵⁴

July 24: Citing the 1982 ruling, the Magistrate Court declared the Hanuns and the Ghawis to be in contempt of court.⁵⁵ The family was given two options: imprisonment or a daily fine until they evacuate. Maher Hanun was then jailed for three months. Appeals were made to postpone the incarceration of the elderly head of the Ghawi family, and he eventually moves out.

July 27: The United States government filed an official objection with Israel for tolerating settler actions in East Jerusalem and for the eviction of the Al-Kurd family.⁵⁶ Numerous diplomatic missions made visits to the Al-Kurd family

⁴⁸ Cited in Supreme Court Petition 6558/08.

⁴⁹ Court of Local Affairs Case 2353/03

⁵⁰ Legal documents and copies of official complaints, provided by Adv. Abo-Ahmed.

⁵¹ Court of Local Affairs Case 2353/03: Mohammed Al-Kurd vs. State of Israel.

⁵² High Court of Justice Case 4906/07.

⁵³ Resulting from Magistrate Court Cases 6599/99 and 8041/99.

⁵⁴ Magistrate Court Case 6239/08: Al-Kurd vs. Sephardic Community Committee.

⁵⁵ Magistrate Court Cases 6599/99 and 8041/99.

⁵⁶ “U.S. Protests Eviction of Arab Family from East Jerusalem Home,” July 27, 2008.

August 28: Nahalat Shimon International filed Town Plan Scheme #12705 with the local planning committee of the Jerusalem Municipality. The review of the plan has not yet been scheduled. The plan calls for building 200 new housing units.⁵⁷

September 15: The Jerusalem District Court ordered the settlers in the Al-Kurd's extension to vacate. The Court reiterated Israel's obligation to enforce the order if ignored by the settlers.

October 30: The Sephardic Community Committee sued the Sabbagh family for rent delinquency, and seeks their eviction. The case has not yet been heard.⁵⁸

November 9: At 3:30 in the morning, Mohammad and Fawzia Al-Kurd were evicted by police forces. One settler family, presumably affiliated with Nahalat Shimon, moved in. Mohammad spent the following two weeks in and out of the hospital, and Fawzia moved to a tent erected on private Palestinian property across from the tomb. Over the next several months, the tent was repeatedly destroyed by police and re-erected, and police have reportedly threatened to expropriate the private land.

November 23: Mohammad Al-Kurd died in the hospital.

December: In the absence of conclusive new evidence, the Supreme Court rejected the request to re-open the Hijazi's ownership case.

2009:

February 4: Pending the imminent threat of a forced eviction, settlers vacated the renovated wing of the Al-Kurd house. The house was sealed.

Mid-February: Settlers reportedly returned to re-establish residence within the sealed house.⁵⁹

Mid-March: The Ghawi and Hanun families request to delay the implementation is rejected by the Civil Court, and they were issued a 21-day eviction order.

March 31: The Magistrate Court rejected Suleiman Hijazi's appeal to establish his ownership of the disputed plot, based on Ottoman records researched in Ankara. The official letter issued by the directorate of the Turkish Lands Registry Archive states that the archive has no record of the Committees' 1875 registration. The court rejects Hijazi's appeal and cites the "finality" of the 1982 court-ordered agreement which established the Committees' ownership. "Finality" has been cited by the Civil and Supreme courts as well.⁶⁰

April 1: The Magistrate Court rejected the Ghawi and Hanun families' request to appeal their court eviction order.⁶¹

⁵⁷ Municipal documents.

⁵⁸ Civil Court Case 19795/08: Sephardic Community Committee vs. Sabbagh

⁵⁹ Conversations with residents and Adv. Hatem Abo-Ahmed (April 22, 2009)

⁶⁰ Magistrate Court Case 7185/09

⁶¹ Case numbers 14721/08 and 14722/08

April 20: Settler organization "Amana" received its final construction permit to build its headquarters across from the new police headquarters in Sheikh Jarrah. Peace Now reveals that the ILA never published a tender, as is legally required.

May 5: Suleiman Hijazi files an appeal in the Magistrate Court to nullify the 1982 agreement and legally declare his ownership. A hearing has not yet been scheduled.⁶²

May 7: A court-ordered 21-day eviction order against the Hanun and Ghawi families begins.

May 17: The Civil Court tries the Hanun and Ghawi families for contempt of court, and rules that they have two months, until July 19, 2009, to vacate their homes. At that point, the structures will be turned over to Nahalat Shimon International. If the families do not vacate, they will incur heavy fines and imprisonment.⁶³

Ir Amim (City of Nations or City of Peoples) is an Israeli non-profit organization founded to engage in those issues impacting on Palestinian – Israeli relations in Jerusalem, and on the political future of the city. Ir Amim seeks to render Jerusalem a more viable and equitable city, while generating and promoting a more politically sustainable future.

⁶² Magistrate Court Case 3148/09.

⁶³ Case 4744/02.