

## Destruction of Palestinian Homes and Heritage in occupied East Jerusalem

### The case of Silwan

Civic Coalition for Palestinian Rights in Jerusalem: [www.civiccoalition-jerusalem.org](http://www.civiccoalition-jerusalem.org)



Silwan is a Palestinian community with approximately 45,000 inhabitants and located in occupied East Jerusalem, just below the southern Old City wall. Silwan is known for its natural spring and its location next to the Al Aqsa Mosque. Since Jerusalem became occupied in 1967, Silwan has been targeted by the Israel's Jerusalem Municipality and the Jewish settler movement. Palestinian residents of Silwan have witnessed efforts by the Israeli authorities to confiscate their land and demolish their homes in order to establish Israeli-Jewish control of the area. The settler association Ela'ad has carried out most of the settlement activity in the area, operating the "City of David Park" and managing the archaeological excavations that started soon after 1967. Israeli authorities justify the home demolitions in Silwan on grounds of historical and religious Jewish (Talmudic) and promote development of the so-called Jewish "Holy Basin" in and around the Old City.

#### Background on Silwan

- Many different civilizations have lived in the area, including the Arab Canaanites, who built the underground system to divert the water. Jews also lived here, as well as Assyrians, Babylonians, Egyptians, Greeks, Romans and Muslims, who ruled the city for 1300 years.
- Silwan village is an area of 5.64km<sup>2</sup> (5,640 dunams, 1,410 acres).
- It includes the neighbourhoods of Wadi Qadoum, Ras Al-Amoud, Ein Al-Loza, Al-Thowri, Al-Shiyah, Wasat Al-Balad, Kharat Al-Tank, Bir Ayoub, Hart-Al-Yaman, Al-Bustan, Wadi Hilweh, and Wadi Yasul.
- Like all East Jerusalem Palestinians, the inhabitants of Silwan, are "permanent residents" under Israeli law. They do not have secure civil status, and their right to live in their hometown is at the discretion of the Israeli interior minister.

#### The Israeli policy of forced transfer

##### Discriminatory urban development and demolition of Palestinian homes

- Israeli authorities, including the Jerusalem Municipality and planning committees, have all participated in the systematic and deliberate neglect of occupied Palestinian Jerusalem, including Silwan. Although inhabitants pay high taxes, there has been no investment in community development. Only a tiny portion (if any) of public budgets is allocated to community services, education, economy, development, infrastructure, housing, or recreational facilities.
- Since 1967, the Israeli authorities have not approved a master plan for Silwan, and building permits for new Palestinian homes or expansion of existing ones are almost impossible to obtain.
- Due to the lack of building permits, with the natural increase in the population, Palestinian inhabitants have no other choice but to build without a permit. In response, the Israeli authorities impose huge fines - many families owe hundreds of thousands of shekels. In the end, most Palestinian homes built without a permit are demolished, resulting in forcible displacement of the Palestinian residents.

##### Expropriation for the development of Jewish settlements and the "City of David National Park"

- Due to its strategic location next to the Old City and the Al-Aqsa Mosque, Silwan has been a priority target of the Israeli settler movement, the municipality and the Israeli government.
- Collusion between the Israeli Custodian of Absentees' Property, the Jewish National Fund and the Jewish settler association Ela'ad resulted in expropriation of Palestinian property, and evictions of Palestinian tenants and owners, based on fraudulent sales and protected tenant agreements issued to Jewish settlers.
- Today, approximately 400 Jewish settlers live in 54 settlement locations in midst of the Palestinian community of Silwan.

- In 1997, Ela'ad assumed for the first time management of "City of David National Park", located in the heart of Wadi Hilweh. Israeli archaeologists petitioned against the decision in court and the contract was cancelled.
- In 2002, the Israeli Nature and Parks Authority reverted management of the site to Ela'ad.

In Silwan, Ela'ad acts as a *de facto* Israeli authority and is supported by the municipality and the police.

Ela'ad is a private settler association aiming to claim land and increase the Jewish presence in occupied East Jerusalem. It was founded in 1986 by David Be'eri, former deputy commander of the Israeli Duvdevan special forces unit. Under the guidance of Ela'ad, the Israeli settler movement has targeted in particular two neighbourhoods in Silwan: Al Bustan and Wadi Hilweh.

#### The case of Musa El Abbasi

The founder of Ela'ad, David Be'eri, took over one of the first houses in Silwan. Pretending to be a tour guide, taking tourist groups to visit the Abbasis' family house and garden, he collected information about the family and the owners of the house. He informed the Israeli Custodian of Absentees' Property that some of the owners were "absentees" whose property can be confiscated under Israeli law. The home was confiscated by the Custodian without further investigation. It was transferred to Ela'ad, who occupied the house in October 1991.

### Israeli plans to eradicate neighbourhoods of Silwan for the "City of David National Park"

Residents of this neighbourhood of Silwan have for long lived in a state of uncertainty regarding the status of their land, residency and property rights. Israeli plans for the area call for the demolition of 88 buildings, inhabited by 114 families (1123 persons) under planning scheme TPS 11555. Under this plan, Israel's Jerusalem Municipality would seize 70% of the land of Silwan for a park in a site claimed to have been King David's Garden.

#### The Case of Al-Bustan

- Since the late 1970s, Israel's Jerusalem Municipality has designated the neighbourhood a "green area" (Plan A/M/9), prohibiting residential construction. No measures were taken, however, to prevent Palestinian residents from building homes for their families.
- Former Mayor Lupolianski led the initiative for Al-Bustan to be declared a "national park" or "archaeological garden". Such a declaration would rule out residential building in the area. In addition, the Israeli authorities would not be required to compensate the residents, because they would not be confiscating property. Palestinian owners and tenants would "only" not be allowed to use it. The plan was rejected by the residents of Al-Bustan.
- Since then, demolition orders have been issued, including against homes built before the Israeli occupation in 1967, and against homes built five or more years prior to the issuance of the demolition order.
- In 2005, Al-Bustan residents proposed a plan that would change the status of the area from "green land" to "residential", in order to prevent the demolition of homes. This plan was rejected in 2009 by the Jerusalem Regional Planning Committee.
- On 2 March 2010, the Jerusalem Municipality launched the "Kings Garden Plan" for Al-Bustan. This plan called for a division between the eastern and western parts of the Al Bustan neighbourhood. All houses in the western part would be demolished. According to the plan, families in the eastern part of the community would have to accommodate the families who lose their homes.
- In 2010, the Al-Bustan Community, with the help of an urban planner and the support of the Al-Quds Foundation for Development, prepared a new, alternative plan that would develop the neighbourhood without demolishing the homes.<sup>1</sup> The plan provides several square kilometers of gardens and planted areas, including rooftop gardens and public parks where historical artefacts are displayed and protected, as per guidelines laid out by Israel's Jerusalem municipality. A central element in the plan are the rehabilitation of the natural spring and the historic Ottoman building once used for water redistribution, housing for the

<sup>1</sup> Rejected plan for Silwan includes zero forced evictions, Ma'an News Agency, 20 May 2010. Available online at <http://www.maannews.net/eng/ViewDetails.aspx?ID=285150>

Palestinian residents – and zero evictions. The plan was submitted to the Jerusalem Municipality and the Israeli National Planning Committee.

- Israel's Mayor of Jerusalem ignored Al-Bustan's proposal. He informed that he had developed a new and different plan, without providing detail.
- **In early 2014, the Al-Bustan community and its lawyers were informed by the Municipality that they should prepare a new (update) version of their 2010 alternative plan, because planning rules and criteria have meanwhile been changed.**

### The Case of Wadi Hilweh

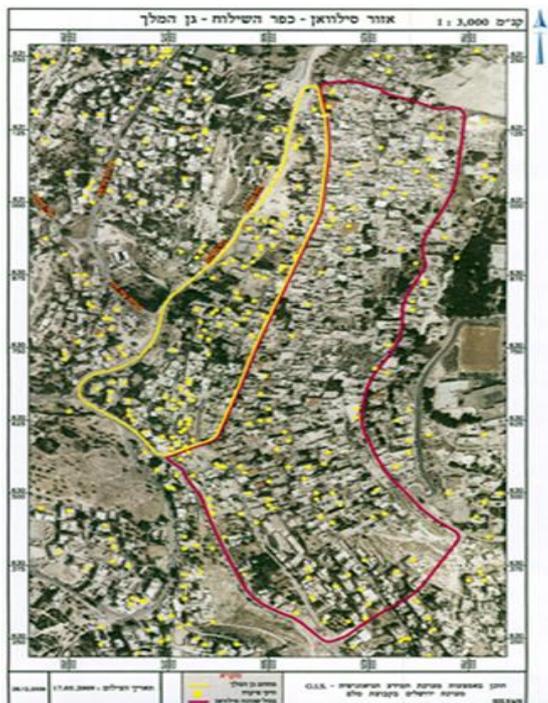
The neighbourhood of Wadi Hilweh, located on the southern slope of the Old City of Jerusalem, has an estimated population of 5,500 people. Five thousand years ago, thousands of people already inhabited this area because of the existence of the Silwan spring. In fact, Wadi Hilweh represents the area where old Jerusalem once existed.<sup>2</sup> Like al-Bustan, Wadi Hilweh has been targeted under planning scheme TPS 11555.

According to the Wadi Hilweh Information Centre, the Israeli plan would break down as follows:

53.4 dunums for open spaces	9.6 dunums for roads
18.7 dunums for residential units	0.54 dunums for public/religious buildings
8.14 dunums for cemeteries	0.65 dunums for parking lots

With the exception of the one mosque and the one church in Wadi Hilweh, the entire area will be seized for the Israeli Jerusalem Municipality and Archaeology Authority, who would lead the construction of tunnels and green space for Israeli settlers and tourists.<sup>3</sup>

### Demolition of Palestinian homes and heritage for archaeological excavations in the service of Israeli-Jewish domination



*Among the dozens of archaeological strata excavated in the City of David, there was no single evidence found that attested to the presence of King David, or in fact any Judean or other king. Even if we did find a Hebrew inscription saying 'Welcome to King David's palace', that would not justify Ela'ad's political aims. The residents of Silwan and their ancestors have been living here for hundreds of years and their rights cannot be ignored. Every time a Christian site is found in Israel should the Vatican be given the land and Israelis evicted from their homes?*

-Yonathan Mizrachi, Archaeologist

Excavations in Silwan started at the end of the 19<sup>th</sup> century, during the Ottoman rule and under international aegis. Charles Warren discovered the underground spring in the area and identified Wadi

<sup>2</sup> Al-Quds Foundation for Development (AFD), Al-Bustan Neighbourhood Committee, Silwan, Struggle for Survival and Presence, April 2010.

<sup>3</sup> Wadi Hilweh Information Centre: The Story behind the Tourist Site, <http://silwanic.net/?p=497>

Hilweh as the heart of historic Jerusalem. After the occupation of Jerusalem in 1967, Israeli archaeologists started excavations in the area. Excavations have intensified since the Israeli Nature and Parks Authority authorized Ela'ad to manage them in 2002, with Jewish settlers and Israeli authorities desperately trying to find archaeological evidence that can be used to justify their political and religious claims to the area.

- Excavations have involved digging tunnels under Silwan, causing damage to Palestinian homes and the Al-Aqsa Mosque. Several homes and UNRWA school facilities have collapsed.
- Ela'ad-managed excavations are carried out under the tight security protection, including monitoring by surveillance cameras.
- As a result of Ela'ad activities, several public areas have been closed for the use of Palestinians.
- Local names of streets have been changed and given Hebrew names.

### Consequences for the occupied Palestinian population of Silwan

- Palestinian inhabitants of Silwan have been **systematically deprived of the protections of the Fourth Geneva Convention and fundamental human rights**, including the rights to freedom, equality and non-discrimination, security, property, home, family and effective remedy. They are **at risk of forced displacement**, in particular those in Wadi Hilweh and Al-Bustan.
- Violence by Israeli settlers and security forces, led by Ela'ad, has a severe impact on Palestinian children in Silwan. Between November 2009 and October 2010 as many as 81 children were arrested detained for questioning. Many of them have undergone violent and inhumane treatment.
- Home demolitions result in displacement psychological distress, a reduced standard of living and increased financial hardship for Palestinian families.
- Children are particularly vulnerable to the negative impact of home demolitions, including gaps in education and behavioural and emotional problems. Documented symptoms of psychological distress in children include increased violence, depression, difficulty concentrating, and bedwetting.<sup>4</sup>

*When the Israeli occupation forces arrested me, they hit me a lot; they hit my head against the wall, threw me on to the street and started to kick me violently. This happened around my home in Silwan. When I fell after the soldiers hit me again on my face, the soldiers told me to stand up. They left me in a dirty cell completely isolated with no lighting and a bad smell. I heard the sounds of other people being tortured in the other rooms. The guard put a bucket in the cell for the toilet. Regarding the food, I was given one meal, which consisted of an apple, a piece of bread, and some water, and I was handcuffed the whole day.*

—Boy, 17, from Silwan

**Today, it is universally recognized that East Jerusalem, including Silwan, is occupied territory where sovereignty belongs to the Palestinian people.**

**Israeli practices in Silwan are part of the Israeli annexation and population transfer in occupied East Jerusalem which contradict the UN Charter, are serious violations of international humanitarian and human rights law, and result in war crimes.**

- **Israel is to stop these violations and make full reparation to the victims, including Palestinians in Silwan**
- **All states are to abstain from assisting these Israeli violations, and to cooperate in order to bring them to an end.**
- **Private entities are to abstain from involvement in illegal Israeli activities in occupied East Jerusalem, such as those in Silwan.**

Sources: UN Security Council Resolutions 465 and 478 (1980); ICJ Advisory Opinion on the Israeli Wall (9 July 2004) adopted by the UN General Assembly on 20 July 2004; the Report of the International Fact Finding Mission on the Israeli Settlements endorsed by the UN Human Rights Council on 22 March 2013

<sup>4</sup> Survey by Palestinian Counselling Centre, Save the Children UK, and the Welfare Association, 2007. See more on: <http://www.silwannews.com>