



JUDAIZATION AND forced displacement in Jerusalem: The case of Silwan

Silwan is a Palestinian village with approximately 45,000 residents located in occupied East Jerusalem, just below the southern wall of the Old City. Silwan is located near Al Aqsa Mosque and home to a natural spring. Since the Israeli occupation of Jerusalem 1967, Silwan has been targeted by the Israeli Municipality of Jerusalem and the settler movement. Palestinian residents of Silwan have fallen victim to the accelerated efforts by the Israeli government to confiscate Palestinian land and demolish Palestinian homes in order to gain full Jewish control of the area. This is part of the Municipal plan to Judaize Jerusalem and to displace the indigenous Palestinian population. The private settler organization, El Ad, established in 1986, has been largely responsible for Jewish settlement in the area, running the 'City of David' park construction, and taking control of archaeological excavations that started soon after the occupation of Jerusalem. The Israeli government seeks to justify home demolitions through historical and religious claims to the land, which has led to the emergence of the Israeli-defined 'Holy Basin' area around the Old City.

Facts About Silwan:

- The region has been home to a long line of various civilizations, including Jewish people, Assyrians, Babylonians, Egyptians, Greeks, Romans, the Arab Canaanites, who built the underground system to divert water. The area has also been home to Jewish people, and Muslims, who ruled the city for 1,300 years.
- Silwan is comprised on 5,640 dunums of land (1,410 acres).
- Silwan neighborhoods include: Wadi Qadoun, Ras al Amoud, Ein al Louza, Al Thowri, Al Shiya, Wasat al Balad, Kharat al Tank, Bir Ayoub, Hart al Yaman, Al Bustan, Wadi Hilweh, and Wadi Yasul.
- Palestinian residents of East Jerusalem are categorized as 'permanent residents'. Their legal status as permanent residents is closely monitored by Israel and can be revoked at any time at the discretion of the Minister of Interior.

The Israeli Municipality of Jerusalem, government planning committees, and other Israeli government institutions all participate in the neglect of occupied Jerusalem, including Silwan. There is little to no public investment in development, and no Master Plan for the area.

- Despite the high taxes paid by Palestinians in East Jerusalem, the neighborhood suffers from deliberate neglect by Israeli authorities. Only a small portion, if any, is invested back into community services such as education, the economy, development, infrastructure, housing, or recreational facilities.
- Since 1967, the Israeli authorities have not approved a Master Plan for the Silwan area. Consequently, the area suffers from severe restrictions on building which adversely affect the local population.
- As a result of the restrictions on obtaining a building permit, coupled with the natural increase in the local population, Silwan residents have had

Housing Problems:

no choice but to build without a permit. Consequently, they become subject to large fines and at high risk of demolition.

Israeli Settlement in Silwan - El Ad ('To the City of David'):

- Due to its important location next to the Old City and Al Aqsa Mosque, Silwan was made a priority target for the Israeli settler movement, the Israeli Municipality of Jerusalem, and the Israeli government.
- El Ad is a private settler organization, founded in 1986 by David Be'eri, former deputy commander of the Duvdevan Special Forces Unit. Under the guidance of El Ad, the Israeli settler movement has targeted two specific neighborhoods in Silwan: Al Bustan and Wadi Hilweh.
- El Ad's goal is to claim all land in the area and increase the Jewish presence throughout Jerusalem.
- There are currently 54 settlement outposts in Silwan with approximately 400 settlers.
- In Silwan, El Ad acts as a *de facto* Israeli government agency, supported by the Municipality and the Police.
- El Ad uses various mechanisms to confiscate Palestinian property in Silwan.
 - The Custodian of Absentee Property, established by *The Absentee Property Law of 1950*, cooperates with El Ad, facilitating the land confiscation and transfer of ownership to settlers.
 - The Jewish National Fund transferred much of its property into the control of El Ad without ever calling for bids and with only symbolic prices. In 1997, El Ad assumed the

right to manage, preserve, and protect the National Park, the "City of David" located in the heart of Wadi Hilweh. However, a petition submitted by archaeologists to the Supreme Court canceled the contract. It was officially and completely transferred to El Ad by the Natural Reserve Authority in 2002.

THE ABASSI FAMILY HOME

David Be'eri, the founder of El Ad, was one of the first Israeli settlers to take a home in Silwan. Be'eri pretended to be a tour guide, taking tourist groups to visit the home and garden of the Abbasi family. In reality, he was collecting information on the family and owners of the home. On the pretext that some of the owners were absentees, he aided in the confiscation of the land and transfer of ownership to the Custodian of Absentee Property. Subsequently, the property was transferred to El Ad, which occupied the house in October 1991.

- El Ad, with the help and support the Municipal Police, is also responsible for much of the settler violence against Palestinians. Violence has had a particularly strong impact on children and the rights of children. This is closely related to the fact that, between November 2009 and October 2010, as many as 81 Palestinian children were arrested, detained, and/or violently interrogated.

Excavations:

- Excavations in Silwan began at the end of the 19th century, during Ottoman rule when British archeologist, Charles Warren discovered underground water in the area, leading to the discovery of

old Jerusalem at the heart of Wadi Hilweh.

- Following the occupation of East Jerusalem in 1967, Israeli archaeologists began their own excavations in the area.
- Under the supervision of El Ad, excavations under and around the Silwan area have escalated in recent years. This is part of a desperate attempt to search for archaeological evidence that the area was once inhabited by Jewish people, to legitimize the settlers' historical and religious claims to the area.
- Excavation projects often involve digging tunnels under Silwan, leading to severe cracking and damage to Palestinian homes and to Al Aqsa Mosque.

Archaeological Excavations, Supervised by El Ad:

- Excavations in Silwan have doubled since El Ad was given the right to control and manage the national park.
- Accelerated excavations under Palestinian homes have resulted in the collapse of several homes and schools run by the United Nations Relief and Works Agency (UNRWA).
- Excavations have also resulted in the closure of several public areas to Palestinians.
- Excavations managed by El Ad take place under the protection and supervision of strict security measures and are monitored by surveillance cameras.
- Many roads have lost their Arabic names and been given Hebrew names.
- Palestinian presence in Silwan, particularly in Wadi Hilweh, faces a serious threat from the actions of El Ad and related settler activity.

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 El'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?

Case Study 1 – The Planned Eradication of the Al-Bustan Neighbor hood:

Al-Bustan is a good example of Israeli policies and actions targeting the Palestinian population in Jerusalem. For a long time, residents of the neighborhood have lived in real fear regarding the legal status of their land, residency, and property rights. Current plans for the area call for the demolition of 88 buildings, inhabited by 114 families (1,123 people). The plan is known as TPS 11555, and will construct a Jewish park on land that settlers claim to be the site of King David's Garden.

- The Israeli Municipality of Jerusalem has, since the late 1970s, classified Al-Bustan as 'green area' under Plan No. A/M/9. This prohibits residential construction in the area.
- Former Jerusalem Mayor Lupolianski led the push to have Al-Bustan declared a National Park, or archaeological garden. Such a declaration, in addition to prohibiting residential construction, would mean Israeli authorities would not be required to compensate the current residents of the area, because they would not actually be confiscating the land – just not allowing the owners to use it. The plan was rejected by the residents of Al-Bustan.

- Demolition orders have been issued throughout the area, with no regard as to whether the homes were constructed within the statute of limitations – five or more years prior to the plan’s announcement.
- In 2005, residents of Al-Bustan submitted a planning scheme, attempting to change the status of the area from ‘green’ to ‘residential,’ in order to prevent demolitions. This plan was rejected in 2009 by the Jerusalem Municipality’s Regional Planning Committee.
- On 2 March 2010, the Jerusalem Municipality launched the ‘Kings’ Garden Plan,’ aiming to restore the ‘Kings’ Garden’ as a tourist site for Al-Bustan. The Municipality plan calls for a division between the east and the west of the Al-Bustan neighborhood. This plan will lead to the destruction of all homes located in the western section of the neighborhood. According to the plan, families in the eastern section of the neighborhood have to accommodate families who lost their homes in the west.
- In 2010, the Al-Bustan community, with the help of urban planner, Yousef Jabareen, prepared a second alternative plan, which would develop the neighborhood without demolishing the homes. The plan was submitted to the Municipality and the National Israeli Planning Committee and is still pending. In the meantime, the Mayor of Jerusalem has developed a different plan for Al-Bustan, ignoring the plan submitted by the community.

When the Israeli Occupation Forces arrested me, they hit me a lot. They hit my head against the wall, threw me onto 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, they 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.

17-year-old boy from Silwan

Case Study 2 – Wadi Hilweh:

Wadi Hilweh neighborhood, located on the southern slope of the old city of Jerusalem, has an estimated population of 5,500 people. Due to the Silwan Spring, the area was located with thousands of people as far back as 5,000 years ago. Wadi Hilweh represents the location of old Jerusalem.¹

- Wadi Hilweh has been targeted under TPS 11555, by which the Israeli Municipality of Jerusalem is attempting to seize 70% of the land of Silwan. According to the Wadi Hilweh Information Centre, the project would break down as follows:
 - Open Spaces: 53.4 dunums
 - Residential Units: 18.7 dunums
 - Cemeteries: 8.14 dunums
 - Roads: 9.6 dunums
 - Public/Religious Buildings: 0.54 dunums
 - Parking Lots: 0.65 dunums
- One mosque and one church in the neighborhood are the sole exceptions

¹ *Ha’aretz* editorial, ‘Political Destruction,’ (7 June 2005), available at: <http://www.haaretz.com/print-edition/opinion/political-destruction-1.160660>.

to the area in Wadi Hilweh that will be confiscated by the Municipality, Municipality District Committee, and Archaeology Authority for the construction of tunnels and open lands, to be used by settler organizations and tourists.²

- An inevitable consequence of these plans and actions has been settler violence against Palestinians in the area.

The Devastating Impact of Home Demolitions on Palestinian Residents of Silwan:

Thousands of Palestinians are at risk of displacement as a result of Israel's urban planning policies in the area, and if the local planning schemes and the Jerusalem Master Plan are fully implemented, displacement figures will reach monumental levels.

- Demolitions have a severe impact on the wellbeing of Palestinian families, resulting in psychological distress, homelessness, a reduced standard of living, and increased financial hardship.
- Children are particularly vulnerable to the negative impact of home demolitions, due to gaps in education and behavioral and emotional problems.
- Documented symptoms of psychological distress in children include: increased violence, depression, difficulty concentrating, and bedwetting.³

² Wadi Hilweh Information Centre, 'The story behind the tourist side' available at: <http://silwanic.net/?p=497>.

³ Survey by Palestinian Counseling Centre, Save the Children UK, and the Welfare Association, 2007.

These [demolition]actions have a severe social and economic impact on the lives and welfare of Palestinians and increase their dependency on humanitarian assistance...Israel must take immediate steps to cease demolitions and eviction in the West Bank, including East Jerusalem.

Maxwell Gaylard
UN Humanitarian Coordinator for the
oPt, December 2010

Legal Analysis:

- As residents of an occupied territory, Palestinian residents of East Jerusalem are Protected Persons under Article 4 of the Fourth Geneva Convention of 1949. International humanitarian law places obligations upon Israel, as the Occupying Power, towards Protected Persons, including respect for the rights to life, family honor, private property, as well as religious beliefs, practices, and customs.
- The destruction of any house within East Jerusalem in the absence of military necessity is a violation of Article 53 of the Fourth Geneva Convention of 1949.
- Article 49(1) of the Fourth Geneva Convention of 1949 prohibits the deportation or forcible transfer of Protected Persons from or within occupied territory. This is applicable to the actions of the Jerusalem Municipality in their urban planning and intended displacement of the Palestinian population of East Jerusalem.
- Article 147 of the Fourth Geneva Convention identifies grave breaches of international humanitarian law as: "extensive destruction and appropriation of property not justified by military necessity and carried out unlawfully and wantonly." Article

8(2)(iv) of the Rome Statute of the International Criminal Court states that the extensive destruction and appropriation of property without the justification of military necessity and in violation of the law is considered a war crime.

General Recommendations:

The Civic Coalition for Palestinian Rights in Jerusalem calls upon the International community, particularly member states of the UN and UN bodies, to ensure that Israel commits to:

- Engage their legal obligations as an occupying power and rescind the implementation of any demolition orders pertaining to the East Jerusalem neighborhood of Silwan;

- Cease forthwith the destruction of Palestinian property in East Jerusalem;
- Cease deportation or transfer of any Palestinian from the West Bank from or within the West Bank, as outlined in Article 53 and 49(1) of the Fourth Geneva Convention of 1949.

The Civic Coalition for Palestinian Rights in Jerusalem calls upon Member States of the European Union to make effective use of the EU Guidelines on promoting compliance with international humanitarian law (2005/C327/04) to ensure that Israel complies with the relevant standards of humanitarian law under paragraph 16(b), (c), and (d).

Supported by: Representative Office of Norway to the Palestinian Authority



Civic Coalition for Palestinian Rights in Jerusalem
<http://www.civiccoalition-jerusalem.org>

