



## **What is happening in Sheikh Jarrah and Silwan?**

Sheikh Jarrah and Silwan are two neighborhoods in occupied East Jerusalem where at least 175 Palestinian families are facing threats of mass expulsion from the homes their families have lived in for generations, to be replaced with Jewish Israeli settlers.

On May 1, 2021, the Jerusalem District Court ordered 6 families to vacate their homes in Sheikh Jarrah. The families are currently appealing to the Supreme Court.<sup>1</sup> The district court ordered another 7 families to leave their Sheikh Jarrah homes by August 1, 2021.<sup>2</sup> In total, there are 75 Palestinian families under threat of expulsion in Sheikh Jarrah and 11 families have already been evicted.<sup>3</sup> A similar process is in place in Silwan, where 100 families are at risk, 84 of whom are currently in the process of eviction by the courts. 14 families in Silwan have already been evicted and replaced by settlers.<sup>4</sup> Across East Jerusalem, nearly 1,000 Palestinians are at risk of forced eviction, a violation of international law.<sup>5</sup>

## **Who is evicting Palestinians?**

The main actors behind the push for evictions are the settler organizations Nahalot Shimon Ltd and Ateret Cohanim. The proposed projects in Sheikh Jarrah are led by Nahalot Shimon Ltd, an American real-estate firm,<sup>6</sup> while Ateret Cohanim is responsible for the evictions of Palestinians in Silwan.<sup>7</sup> Both organizations rely on donations from U.S. donors to fund their settlement projects.<sup>8</sup> These settler groups argue that the land is Jewish property and that the Palestinians living there have no legal claim to it.

As settlers take over Palestinian neighborhoods, their presence has led to brought daily violence and harassment against Palestinian residents by settlers and Israeli police, making life “unbearable.”<sup>9</sup> In Sheikh Jarrah, Israeli repression has intensified in recent weeks, including violence and unjust arrests of residents, activists, and journalists.<sup>10</sup>

## **How long have the Palestinians lived there?**

The Palestinian families facing eviction have resided in Sheikh Jarrah and Silwan for generations. During the 1948 Nakba, these families were dispossessed and displaced from their homes in Haifa and other coastal cities. In the case of Sheikh Jarrah, these Palestinian refugees were settled there in 1956. Under Jordan’s mandate at the time, a deal was made with UNWRA to provide housing for displaced Palestinians in Sheikh Jarrah and, after three years, would sign deeds in their names to the land. The families who sought refuge in Sheikh Jarrah and Silwan were told they would be given ownership of the land, but this never happened.<sup>11</sup>

## **Who really owns these homes?**

The settler organizations say that homes are the historic property of Jewish families. This claim has been challenged by Khalil Toufakji, a cartographer, and expert on Jerusalem, who recovered Ottoman-era deeds that show that Jews were not the original landowners of the Sheikh Jarrah properties in question.<sup>12</sup>

The settler organizations also claim that Palestinian families have no grounds for ownership. This is false. In 1968, after Israel occupied East Jerusalem, the Knesset issued a decree stating Israel was bound to the original agreement signed by UNWRA and Jordan.<sup>13</sup> In April, the Jordanian government provided the Palestinian Authority with documents, certified by UNRWA, which they say proves the legal right of Palestinian families to live there.<sup>14</sup>

In fact, even if the land originally belonged to Jews, the settler organizations behind the evictions are not the direct heirs of the property. Peace Now argues that “there is no connection between the original purpose of the law and its current use,” and that “the settlers who stand behind the eviction lawsuits are not connected to the owners of the original properties.”<sup>15</sup> No Jewish Israelis ever lived in these homes, which were originally built for Palestinian refugees by Jordan and UNWRA.

## Is the eviction process discriminatory against Palestinians?

Yes. The legal ability of settler organizations to evict these families is based on a discriminatory Israeli law, called the Legal and Administrative Matters Law. Established in 1970 following the conquest of East Jerusalem, this law was intended to return land that was lost in the 1948 war.<sup>16</sup> However, the law applied only to Jewish Israelis who claimed to have lost property, while excluding Palestinians from exercising that same right.

## Do the Palestinian families have a fair chance at a trial?

No. Although the Israeli courts have presented these hearings as being land ownership disputes “between two equal parties,”<sup>17</sup> Peace Now states that this perspective “ignores the fact that this is an organized process under a discriminatory law that grants rights to one group and deprives them of a second group.”<sup>18</sup> The rights of Palestinians are not upheld by the Israeli courts system which systemically discriminates against them.

In April 2021, the 28 families in Sheikh Jarrah wrote to the International Criminal Court requesting an investigation, noting that “given the discriminatory and untransparent nature of the Israeli legal system as applied in the occupied territory, we are systematically denied access to justice or any effective remedy.”<sup>19</sup>

## Is this just a “real estate dispute”?

The Israeli government and the settler organizations claim that this is simply a “real estate dispute,” but the evictions in Sheikh Jarrah and Silwan must be understood as part of a process of ethnic cleansing which is systemic and perpetuated by the Israeli courts system.<sup>20</sup>

Since taking over East Jerusalem in 1967, Israel has “treated the Palestinian residents of the city as unwanted immigrants and worked systematically to drive them out of the area.”<sup>21</sup> The evictions in occupied Jerusalem are part of Israel’s ongoing ‘demographic balance’ plan, in which authorities attempt to limit the Palestinian population to 30% to maintain the Jewish Israeli population in the majority.<sup>22</sup>

The settlers themselves understand the evictions as part of a process to keep Jerusalem “Jewish” by pushing out Palestinians. As the deputy mayor of Jerusalem told the

New York Times: “‘of course’ [the evictions] are part of a wider strategy of installing ‘layers of Jews’ throughout East Jerusalem.”<sup>23</sup>

## How has Canada responded?

The Canadian government has made several statements about the evictions in Sheikh Jarrah and Silwan. Prime Minister Trudeau, Foreign Affairs Minister Marc Garneau, Canadian diplomats, and many members of the Liberal caucus have expressed concern over the evictions as a “serious obstacle to achieving a comprehensive, just and lasting peace,” and calling on Israel to “stop settlement activities” in East Jerusalem.<sup>24</sup> However, Canada has not directly condemned Israel or taken concrete action to discourage the evictions.

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<sup>1</sup> Linah Alsaafin, “What is happening in occupied East Jerusalem’s Sheikh Jarrah?” *Al Jazeera*, May 1, 2021.

<sup>2</sup> Ibid.

<sup>3</sup> Peace Now, “Systematic dispossession of Palestinian communities in Sheikh Jarrah and Silwan,” May 2018.

<sup>4</sup> Ibid.

<sup>5</sup> UNRWA, “UNRWA Joins Other UN Entities in Raising Alarm Over Eight Sheikh Jarrah Families at Risk of Forced Eviction,” May 10, 2021.

<sup>6</sup> Alex Kane, “Tax-Exempt U.S. Nonprofits Fuel Israeli Settlers in Jerusalem,” *The Intercept*, May 14, 2021.

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

<sup>9</sup> B’Tselem, “East Jerusalem,” November 11, 2017.

<sup>10</sup> “Sheikh Jarrah: Israel briefly detains Palestinian activist Muna al-Kurd and her brother Mohammed,” *Middle East Eye*, June 6, 2021.

<sup>11</sup> Linah Alsaafin, “What is happening in occupied East Jerusalem’s Sheikh Jarrah?” *Al Jazeera*, May 1, 2021.

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

<sup>14</sup> “Jordan gives PA documents to help prevent Israeli evictions in East Jerusalem,” *Times of Israel*, April 22, 2021.

<sup>15</sup> Ibid.

<sup>16</sup> Peace Now, “Systematic dispossession of Palestinian communities in Sheikh Jarrah and Silwan,” May 2018.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

<sup>19</sup> Al-Haq, “Sheikh Jarrah Families Send Letter to the International Criminal Court Calling for Urgent Investigation of their Imminent Forced Displacement, Endorsed by 190 Organisations,” April 24, 2021.

<sup>20</sup> B’Tselem, “East Jerusalem cleansing continues: Israel removes more Palestinian families, hands over their homes to settlers,” March 11, 2019.

<sup>21</sup> B’Tselem, “East Jerusalem,” November 11, 2017.

<sup>22</sup> Linah Alsaafin, “What is happening in occupied East Jerusalem’s Sheikh Jarrah?” *Al Jazeera*, May 1, 2021.

<sup>23</sup> “Evictions in Jerusalem Become Focus of Israeli-Palestinian Conflict,” *New York Times*, May 8, 2021.

<sup>24</sup> Government of Canada, “Canada’s remarks at UN Human Rights Council Special Session to address the ‘Grave human rights situation in Occupied Palestinian Territory, including East Jerusalem,’” May 27, 2021.