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The Nakba of Sheikh Jarrah: How Israel Uses 'the Law' to Ethnically Cleanse East Jerusalem



More details Sheikh Jarrah neighborhood. In the background, the city center of Jerusalem.

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A Palestinian man, Atef Yousef Hanaysha, was killed by Israeli occupation forces on March 19 during a weekly protest against illegal Israeli settlement expansion in Beit Dajan, near Nablus, in the northern West Bank.

Although tragic, the above news reads like a routine item from occupied Palestine, where shooting and killing unarmed protesters is part of the daily reality. However, this is not true. Since right-wing Israeli Prime Minister, Benjamin Netanyahu, announced, in September 2019, his intentions to formally and illegally annex nearly a third of the occupied Palestinian West Bank, tensions have remained high.

The killing of Hanaysha is only the tip of the iceberg. In occupied East Jerusalem and the West Bank, a massive battle is already underway. On one side, Israeli soldiers, army bulldozers and illegal armed Jewish settlers are carrying out daily missions of evicting Palestinian families, displacing farmers, burning orchards, demolishing homes and confiscating land. On the other side, Palestinian civilians, often disorganized, unprotected and leaderless, are fighting back.

The territorial boundaries of this battle are largely located in occupied East Jerusalem and in the so-called ‘Area C’ of the West Bank – nearly 60% of the total size of the occupied West Bank – which is under complete and direct Israeli military control. No other place represents the perfect microcosm of this uneven war like that of the neighborhood of Sheikh Jarrah in occupied East Jerusalem.

On March 10, fourteen Palestinian and Arab organizations issued a ‘joint urgent appeal to the United Nations Special Procedures on forced evictions in East Jerusalem’ to stop the Israeli evictions in the area. Successive decisions by Israeli courts have paved the way for the Israeli army and police to evict 15 Palestinian families – 37 households of around 195 people – in the Karm Al-Ja’ouni area in Sheikh Jarrah and Batn Al-Hawa neighborhood in the town of Silwan.

These imminent evictions are not the first, nor will they be the last. Israel occupied Palestinian East Jerusalem in June 1967 and formally, though illegally, annexed it in 1980. Since then, the Israeli government has vehemently rejected international criticism of the Israeli occupation, dubbing, instead, Jerusalem as the “eternal and undivided capital of Israel”.

To ensure its annexation of the city is irreversible, the Israeli government approved the Master Plan 2000, a massive scheme that was undertaken by Israel to rearrange the boundaries of the city in such a way that it would ensure permanent demographic majority for Israeli Jews at the expense of the city’s native inhabitants. The Master Plan was no more than a blueprint for a state-sponsored ethnic cleansing campaign, which saw the destruction of thousands of Palestinian homes and the subsequent eviction of numerous families.

While news headlines occasionally present the habitual evictions of Palestinian families in Sheikh Jarrah, Silwan and other parts of East Jerusalem as if a matter that involves counterclaims by Palestinian residents and Jewish settlers, the story is, in fact, a wider representation of Palestine's modern history.

Indeed, the innocent families which are now facing "the imminent risk of forced eviction" are re-living their ancestral nightmare of the Nakba – the ethnic cleansing of historic Palestine in 1948.

Two years after the native inhabitants of historic Palestine were dispossessed of their homes and lands and ethnically cleansed altogether, Israel enacted the so-called Absentees' Property Law of 1950.

The law, which, of course, has no legal or moral validity, simply granted the properties of Palestinians who were evicted or fled the war to the State, to do with it as it pleases. Since those 'absentee' Palestinians were not allowed to exercise their right of return, as stipulated by international law, the Israeli law was a state-sanctioned wholesale theft. It ultimately aimed at achieving two objectives: one, to ensure Palestinian refugees do not return or attempt to claim their stolen properties in Palestine and, two, to give Israel a legal cover for permanently confiscating Palestinian lands and homes.

The Israeli military occupation of the remainder of historic Palestine in 1967 necessitated, from an Israeli colonial perspective, the creation of fresh laws that would allow the State and the illegal settlement enterprise to claim yet more Palestinian properties. This took place in 1970 in the form of the Legal and Administrative Matters Law. According to the new legal framework, only Israeli Jews were allowed to claim lost land and property in Palestinian areas.

Much of the evictions in East Jerusalem take place within the context of these three interconnected and strange legal arguments: the Absentees' Law, the Legal and Administrative Matters Law and the Master Plan 2000. Understood together, one is easily able to decipher the nature of the Israeli colonial scheme in East Jerusalem, where Israeli individuals, in coordination with settler organizations, work together to fulfill the vision of the State.

In their joint appeal, Palestinian human rights organizations describe the flow of how eviction orders, issued by Israeli courts, culminate into the construction of illegal Jewish settlements. Confiscated Palestinian properties are usually transferred to a branch within the Israeli Ministry of Justice called the Israeli Custodian General. The latter holds on to these properties until they are claimed by Israeli Jews, in accordance with the 1970 Law.

Once Israeli courts honor Israeli Jewish individuals' legal claims to the confiscated Palestinian lands, these individuals often transfer their ownership rights or management to settler organizations. In no time, the latter organizations utilize the newly-acquired property to expand existing settlements or to start new ones.

While the Israeli State claims to play an impartial role in this scheme, it is actually the facilitator of the entire process. The final outcome manifests in the ever-predictable scene, where an Israeli flag is triumphantly hoisted over a Palestinian home and a Palestinian family is assigned an UN-supplied tent and a few blankets.

While the above picture can be dismissed by some as another routine, common occurrence, the situation in the occupied West Bank and East Jerusalem has become extremely volatile. Palestinians feel that they have nothing more to lose and Netanyahu's government is more emboldened than ever. The killing of Atef Hanaysha, and others like him, is only the beginning of that imminent, widespread confrontation.

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