

# Israel land-grab escalates in East Jerusalem

Danny Richardson  
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Israel is planning a major land-grab in East Jerusalem worth tens of billions of dollars.

Attorney General Yehuda Weinstein has informed the Supreme Court that the state plans to apply the law on abandoned properties in East Jerusalem. This will mean that Israel can “legally” take over thousands of acres and buildings that are the property of Palestinians, some of whom fled to what the state claims were “enemy states” during the Israeli “War of Independence” and others who have property in East Jerusalem but reside in the Occupied Territories.

The issue was brought before the Supreme Court after four cases were tried in the Jerusalem District Court, which ruled in favour of the owners in two cases and against in two. A special legal panel later ordered the Attorney General to tell the District Court whether it intended to apply a 1950 law to properties in East Jerusalem.

The total worth of the property belonging to the four applicants that was seized in Abu Ghneim mountain is estimated at \$10 billion—equivalent to the Israeli defence budget for a year.

The Israeli newspaper *Ha'aretz* noted that a legal shift was underway. In 1968, “Meir Shamgar, who was attorney general at the time, presented a legal opinion in which he concluded that the law should not apply to properties of Palestinians in East Jerusalem whose owners lived in the territories.” He wrote, “We did not see any justification that annexation of East Jerusalem should in itself bring about taking over properties of persons who were not essentially absent, but rather were present at the time their property came under our control.”

In 2005 Prime Minister Binyamin Netanyahu, who at the time was finance minister and whose department was in charge of abandoned properties, was warned by then Israeli Attorney General Menachem Mazuz “that applying the law vis-a-vis to residents of the territories

could have serious international consequences.”

Mazuz enlarged on these remarks by saying, “The interest of the State of Israel is to avoid opening new fronts on the international scene in general, and in international law in particular.”

*Ha'aretz* quoted him telling Netanyahu that there was no logic in applying the law to East Jerusalem properties: “The properties became abandoned due to a unilateral action taken by the State of Israel ... at a time when both the properties and their owners were under the control of the state ... Essentially these are ‘present owners,’ whose rights to their property were stripped because of a broad, technical formulation of the law.”

Netanyahu clearly feels he is in a better position internationally to carry through annexations. The four owners in the Jerusalem District Court cases have been ordered to submit formal requests to a special committee on abandoned properties, asking for the properties to be released. The statement makes clear that “the deliberation will be held on the basis of the view of the state and the custodian of the properties that they are indeed abandoned.”

In addition to confiscating land claimed to be vacant, and demolishing Palestinian homes built without permits that are almost impossible to secure, Israel has for many years used the excavation and reclamation of Jewish historical sites as a reason for the removal of Arab dwellings within East Jerusalem.

In recent weeks, Jerusalem Mayor Nir Barkat has pushed through plans for a biblical recreational park in the Silwan district of East Jerusalem through the Jerusalem Planning and Building Committee. It will mean the destruction of 22 Palestinian homes declared illegal by the Jerusalem municipality. Hundreds of Arab and Jewish Israelis marched through the Silwan neighbourhood in protest against the park, in what was claimed by the organisers to be the biggest demonstrations against the takeover of East Jerusalem

by Israeli settlers.

In March, Barkat dismissed United States Secretary of State Hillary Clinton's request for a halt to the demolitions, but was told to hold his plans in abeyance by Netanyahu.

At the time President Barack Obama had been forced to rebuke Netanyahu after Israel announced the building of 1,600 more Jewish homes while Vice President Joseph Biden was visiting Jerusalem. A "partial freeze" was declared by Netanyahu in order to alleviate Obama's embarrassment and allow the Arab states to continue their own collusion with Washington.

This freeze runs out in September, but since then Obama has done everything possible to champion Netanyahu's government and legitimise its plans to seize East Jerusalem and vast swathes of the West Bank. On July 7, Obama praised Netanyahu as a man who is "willing to take risks for peace" at a White House meeting, just five weeks after the May 31 raid on the Mavi Marmara Gaza aid convoy in which Israeli forces murdered eight Turkish activists and a dual Turkish-US national. He echoed Netanyahu's demand that the Palestinian Authority resume face to face talks with Israel, while saying nothing about Israel's intention to resume in full its settlement construction drive.

The "absent property" case being brought before the Supreme Court and the pushing through of the recreation park project is the payoff for Obama's endorsement, alongside the renewed bulldozing of Palestinian homes in East Jerusalem.

Netanyahu's government insists that Jerusalem must remain the undivided capital of Israel and opposes the demand of the Palestinians that East Jerusalem should be the capital of their putative state. A quarter of a million Palestinians are estimated to live in East Jerusalem. Since the Israeli capture of Jerusalem in the 1967 war an estimated 200,000 Jewish settlers have moved into the area. This influx breaches international laws concerning the colonisation of an occupied territory.

Such was the haste in pushing through the Silwan park plan that no less than 250 defects were found by the departments empowered to inspect building plans. Jerusalem City Engineer Shlomo Eshkol put forward a separate list of 30 criticisms, including demands for major changes. The municipality's legal advisor also

found it did not meet the legal standards necessary. Barkat dismissed the legal arguments by hiring a private lawyer to oversee the plan on behalf of the municipality. He dismissed his Deputy Mayor Pepe Alalo of the Meretz Party for voting against the Silwan Plan and threw out the remaining three Meretz councillors. Meretz advances itself as a pro-peace party. The municipal coalition is now dominated even more by ultra-Orthodox partners. Meretz now forms a rump four-man opposition alongside Meir Turgeman of the Lma'an Yerushalem party.

The proposed park is being given such priority status because it is the start of a bigger plan to force out the Palestinian communities, providing a centre for an upmarket bar and restaurant area.

A few days later, a blueprint was released for the whole of East Jerusalem that will include plans to expand Jewish neighbourhoods. Most of the land earmarked for development is privately owned by Arabs. *Ha'aretz* reported that when the plans were first touted, right wing elements complained to the Interior Ministry that it would mean large residential areas for the city's Arab population. The protesters said that land earmarked for recreational use and for Jewish residents would be lost. On the orders of the Mayor, changes were made in line with broadening the Jewish presence in the Holy Basin of East Jerusalem. It claims that a non-governmental organization, The Elad, that is close to Barkat, bought up homes in the village of Silwan in order to "Judaize" the area.



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