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KEYWORD

- Occupation - Palestine
- Ideology - Zionism
- Place - Jerusalem
- Resources - Land
- Society - Civil rights
- Society - Corruption
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- Society - Government
- Society - Hypocrisy
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- Society - Poverty
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## Israel seizes thousands of acres of Palestinian-owned land in Jerusalem

Land seizures are believed to be part of a plan to expand Jewish neighborhoods in eastern Jerusalem

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Israel has quietly seized large tracts of Jerusalem land owned by Palestinian residents of the West Bank after they were cut off from their property by Israel's separation barrier, lawyers of the landowners said.

The land was taken after Prime Minister Ariel Sharon's government decided several months ago to enforce a long-dormant law that allows Israel to seize lands of Palestinians who fled or were driven out during the 1948-49 Mideast war that followed Israel's creation.

The new policy, first reported in the Israeli daily Haaretz, could affect hundreds of Palestinians who own property in Jerusalem and is sure to raise the stakes in the stormy battle over the city, which Israel and the Palestinians both claim as their capital.

The landowners affected so far live in the West Bank towns of Bethlehem and Beit Jalla, just south of Jerusalem. Their land was taken in August, after Israel's West Bank separation barrier cut them off from their land in the city.

According to documents from Israel's Finance and Justice ministries, the land was transferred to the Custodian of Absentee Property, a body formed by a 1950 law that allowed the seizure of property of Palestinians who had left Israel during the 1948 war.

Bethlehem resident Johnny Atik said Sunday that he lost eight acres of olive groves within Jerusalem municipal boundaries as a result of the new policy. The land is just 100 yards from his home on the other side of an electronic fence and patrol road that are part of the separation barrier.

"The olives fall on the ground," he said. "We see them, but we can't get to them."

Atik said 40 families in his neighborhood alone have had land taken.

Hundreds of other Palestinians are now at risk of having land seized, said lawyers Daniel Seidemann and Mohammed Dahla, who represent several of the landowners.

Atik plans to appeal to the Supreme Court.

However, Israeli legal analyst Moshe Negbi, who is often critical of Israeli moves in the West Bank, said an appeal to the high court would probably fail.

"I think it would stand up to a Supreme Court appeal, because unfortunately the law allows for this," he said. "It isn't logical, because east Jerusalem was also part of the West Bank, but from the point of view of Israeli law, that's the situation."

The Israeli Finance Ministry declined to discuss the new policy with a reporter, with a spokesman insisting he would only respond to written questions. However, the ministry's written response failed to address key issues, including how much land has been taken so far and whether landowners would be compensated.



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Israel's absentee land law was initially used in the 1950s to seize the properties of Arabs who had in 1948. At least 20,000 Arab homes in what is today the largely Jewish area of west Jerusalem were taken under this law, said Moshe Amirav, a former member of the Jerusalem city council.

In the 1967 Mideast war, Israel captured the eastern half of Jerusalem and the West Bank from Jordan. After the war, Israel expanded Jerusalem's municipal boundaries and annexed the entire area to its capital, a move not recognized internationally.

However, successive Israeli governments decided not to apply the absentee law to the Palestinian properties that fell within the city's new boundaries, even though many of the owners lived in the West Bank.

"It was very clear from the outset ... that if this law were applied, much of the property rights throughout east Jerusalem would be forfeited," said Seidemann, Atik's attorney. "Successive Israeli governments refrained from doing this because of its far-reaching consequences."

Only once, in the late 1980s, did then-Cabinet minister Sharon try to use the law in order to transfer property in the Muslim Quarter of Jerusalem's Old City to Jewish settlers, Seidemann said. A Justice Ministry committee halted the activities, citing legal problems.

Sharon's office declined comment, except to confirm the government's decision that the Custodian of Absentee Property has the authority to "transfer, sell or lease" east Jerusalem lands belonging to absentee owners.

The Finance Ministry said the properties of the Bethlehem-area landowners were already transferred to state custody after the 1967 war. Asked what the state would do with the land, the ministry said the question was "not relevant."

Amirav said that once the land seizures in Jerusalem are scrutinized in court, the expropriations of Israel's early years could also be challenged. "This opens a Pandora's box," he said. "The minute you open it, you open all the legal and moral questions of 1948."

Dahla, an attorney who represents the Bethlehem municipality and some of the Bethlehem landowners, said he believes the land seizures are part of a plan to expand Jewish neighborhoods in eastern Jerusalem.

"We're talking about land that those Palestinians in Beit Jalla have owned for hundreds of years," said. "They are not absentees ... in fact they continued to cultivate the land up until now."

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