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## مجموعة الرقابة الفلسطينية



### PALESTINIAN MONITORING GROUP

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### SPECIAL REPORT

#### **At Risk of De-Population: Home Demolitions in Ain Jawaizeh area of Al-Walaja Village, Bethlehem Governorate**

#### **Summary**

At approximately 07:30 yesterday, 17 January 2005, Israeli forces – including some 40 jeeps, 4 bulldozers, Israeli Riot Police, and representatives of the Israeli Ministry of Interior and the Municipality of Jerusalem – began demolishing Palestinian houses in the Ain Jawaizeh section of the Palestinian village of al-Walaja. These forces re-deployed from the area at approximately 11:30, having demolished 4 Palestinian houses, 2 corrugated metal structures and 5 animal shelters. These demolitions form part of a campaign of official Israeli harassment and house demolitions against the approximately 600 Palestinian residents of Ain Jawaizeh, in the north-western Bethlehem Governorate.

When Israel occupied the West Bank in 1967, it *de facto* annexed around 50 per cent of al-Walaja's 7,000 *dunums* (1,750 acres) of West Bank land by including it within the unilaterally expanded municipal borders of Jerusalem.<sup>1</sup> Though Palestinian civilians were residing in Ain Jawaizeh prior to the annexation of the area, Israeli authorities did not issue them Jerusalem identity cards, which would provide them residency rights in the area. As a result, the Israeli authorities consider illegal the presence of Ain Jawaizeh residents, who face daily harassment from Israeli Border Police, along with all Palestinian residential structures in the area. In addition to yesterday's demolitions, another 17 Palestinian houses have been demolished in Ain Jawaizeh in the last 2 years, and 53 Palestinian houses have been issued demolition orders.

The current residents of al-Walaja are refugees from the original village of al-Walaja, which lies within Israel and was depopulated and destroyed in 1948. Israel's campaign of house demolitions and harassment threatens to displace these Palestinian residents again. Further worsening the

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<sup>1</sup> See Annex for additional background on Ain Jawaizeh, al-Walaja.

situation are nearby Israeli settlements whose expansion threatens al-Walaja's existence and future growth (*see attached map*). The approved path of Israel's Wall places al-Walaja within a "semi-ghetto", an enclave surrounded by the Wall on all sides, with one projected entry/exit point. Such a configuration denies Palestinian civilians the land needed for urban expansion, will create intense overcrowding and worse living conditions in the future. Al-Walaja's physical location in the midst of Israeli "facts on the ground" impedes the fulfilment of Israeli policy objectives in the area – particularly contiguous settlement expansion – and leaves the village intensely vulnerable to ongoing Israeli efforts to displace the Palestinian population from this area.

## **Overview of Situation**

The inclusion of Ain Jawaizeh within Jerusalem's borders, while failing to provide Palestinian residents of that same area residency rights, placed the villagers, their land and their homes at risk. The Israeli authorities consider illegal the villagers' presence in the area as well as all Palestinian structures on the land. Since the early 1990s, when the Israel Ministry of Interior assumed responsibility for Ain Jawaizeh, the area has been the subject of an intense campaign of harassment, land confiscation, home demolition and monetary fines.

### *Background on Home Demolitions in Ain Jawaizeh*

At the outset of the intensified campaign of home demolitions of the last 2 years, all 92 houses in Ain Jawaizeh were at risk due to their "illegal" status, though some of the houses were built in the post-48 and post-67 period. Though Palestinian residents of Ain Jawaizeh have applied for permits to build, they have been denied because there is no building plan for Ain Jawaizeh and because, in the opinion of the Israeli authorities, the overwhelming majority of Ain Jawaizeh's residents have no residency rights in Jerusalem. Prior to yesterday's demolitions, 17 houses had been demolished after being served demolition orders and with no prior warning given to owners regarding the exact date of demolition. Additionally, the Ministry of Interior issued demolition orders against 53 other houses. These orders were contested by their Palestinian owners' and the demolition orders frozen until the cases were reviewed by the Jerusalem Municipal Affairs Court.

Of the 53 houses with contested orders, the Court has issued 39 decisions that, in effect, constitute final demolition orders. In addition to imposing fines – that must be paid even if the house is demolished – the Court has informed owners that they have a specific period of time during which they must "legalize" their houses by obtaining a license.<sup>2</sup> However, there is virtually no possibility for these residents, who possess West Bank identity cards, to obtain a license for a house in Jerusalem. A typical decision issued by the Court resembles that issued on 12 December 2004 to an Ain Jawaizeh home owner.<sup>3</sup> The decision consists of four main elements:

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<sup>2</sup> The financial burden imposed, by these fines as well as legal fees, on village residents is significant, given the poor economic situation in the village.

<sup>3</sup> Court decision on file at the PMG.

- The defendant was fined, for building an “illegal” structure of 84 square metres without a building permit, a sum of 18,500 NIS, to be paid over a 100 month period, beginning on 5 March 2005 and ending 5 June 2013. If the defendant misses a payment, the entire sum is due immediately. If the sum is not paid immediately, the defendant will be arrested and imprisoned for 92 days;
- The Court ordered the defendant to sign a document stating that he will not violate building laws in the area for a period of 2 years, beginning 1 July 2006. Should he do so, the defendant will be fined 9,000 NIS or serve 45 days in prison;
- The Court postponed the validity of the original demolition until 1 July 2006 so that the defendant can initiate procedures to “legalize” the house, by obtaining a license. If by that time he has not obtained a permit, has been unable to secure an extension from the Court, or he has not personally demolished the dwelling, he will be viewed as having violated the signed document referred to above. He will then be subject to the punitive measures outlined above, as well as others. The decision states that the “primary obligation” for demolishing the structure is on the defendant;
- The defendant has 45 days, from the decision’s date of issue, to appeal the decision to the District Court of Jerusalem.

Of 39 similar decisions, 22 were received 3 months ago and 17 were received on the 12<sup>th</sup> and 19<sup>th</sup> of December 2004. An additional 3 cases, out of the original 53 served demolition orders, were overturned by the Court on 15 January 2005. The remaining 11 cases have not yet received decisions from the Court.

### Yesterday’s Demolitions

At approximately 05:30 yesterday, 17 January 2005, Israeli Police and Border Police entered the Palestinian village of al-Walaja in the north-western Bethlehem Governorate, closed the main entrance to the village, fired tear gas towards the local school and declared the area a Closed Military Zone. Border Police and Riot Police with dogs took position in the streets of the village and prevented residents from moving about. These forces were accompanied by around 40 jeeps, and representatives of the Ministry of Interior and the Jerusalem Municipality. Four bulldozers carried out house demolitions from around 07:30 until 11:30, demolishing a total of 4 Palestinian houses, 2 corrugated metal structures and 5 animal shelters in Ain Jawaizeh. All of the houses had been constructed within the last 4 years and were one-floor dwellings with 1 to 2 rooms per house. Except where noted below, the houses were not inhabited.

Yesterday’s demolition’s included:

- The house of ***Jamal Saleh Wahadna al-Barghouth***, who was forced out of Ain Jawaizeh after receiving a final demolition decision 2 years ago and an evacuation order 7 months ago. The evacuation order stipulated that should he fail to evacuate the structure, he faced a fine of 80 NIS for each day he remained in his house and imprisonment for 500 days;
- The house of ***Saleem Ali Abu Rizq***;
- The house of ***Fatima Shehadeh Khalefa***, which housed 7 family members;
- The house of ***Sameer Jibrán Wahadna***, who was forced out of Ain Jawaizeh 2 years ago when he received an evacuation order, with the same penalties noted above;

- The corrugated metal shelter of *Fakhri Abdullah Khalil*, which housed 2 family members. No demolition order was issued for this structure;
- The corrugated metal shelter of *Imad Hassan Abu Teen*;
- Five animal shelters, belonging to:
  - *Said Muhammad Said al-Araj*
  - *Waleed Mahmoud Hajajlah*
  - *Muhammad Musa Abdel-Sheikh Abu Sbat*
  - *Mohammed Atta Rabah*
  - *Ahmad Mustafa al-Atrash*

Three of the house demolitions yesterday were a result of administrative demolition orders, issued by the Jerusalem Municipality 20 days ago. The orders stipulate that demolition must take place within 30 days from the date of issue. The demolitions of the animal shelters were issued by the Jerusalem Municipality.

Demolition of an additional home, belonging to *Muhammad Musa Abdel-Sheikh Asbat* was attempted yesterday, but his lawyer succeeded in obtaining a 15 day postponement, as his case is still before the Court. Approximately half of this same dwelling was demolished in August 2004. The house lies on the northern side of Ain Jawaizeh and will be the only Palestinian house outside of the Walled enclave planned for the village of al-Walaja.

### Harassment

The campaign of house demolitions to which village residents are subject is accompanied by daily intimidation from Israeli Border Police. Forms of harassment include physical assaults, arrests, provocation and threatening language, and confiscation of vehicles, among other forms. This harassment has significantly increased since early December 2004. In late December 2004, Israeli Border Police confiscated 1 of 2 village buses and arrested the driver. Today, 18 January 2005, the other village bus was confiscated, along with 2 privately-owned cars, at a Border Police checkpoint erected in the Area C section of al-Walaja, along the road leading to Ain Jawaizeh.

At present, villagers are afraid to move on the streets of the village when Border Police are present due to fear of being physically assaulted or otherwise harassed. This affects the provision of services in the village. The village school is located outside of Ain Jawaizeh, but the ongoing harassment makes it difficult for students going to and from school. Similar problems exist with regard to other services, including medical care.

### The Wall and Israeli Settlement Expansion

The future of al-Walaja is threatened by its isolated location between the Green Line to the north and west of the village, the Israeli settlement of Gilo across a valley to the east, and the Israeli settlement of Har Gilo, which lies upon a strategic high point to the southeast of al-Walaja and is currently undergoing expansion.<sup>4</sup> Media reports from June 2004 indicate that another settlement,

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<sup>4</sup> In August 2004, the Israel Lands Authority approved construction of another 200 housing units in Har Gilo. See Negotiations Support Unit Fact Sheet, *Update on Israeli Colonization, June to August 23 2004*.

“Giv’at Yael”, is being planned for construction near al-Walaja.<sup>5</sup> The proposed settlement reportedly will cover an area of 4,110 *dunums* (1,028 acres) of land and house 55,000 Israeli settlers in 13,500 housing units. The existence of the village of al-Walaja impedes the full expansion of Israeli settlements in the area, and, thus, leaves village residents particularly vulnerable to ongoing Israeli efforts to displace the Palestinian population of the village.

While at present there is no evidence of Wall construction in the area of al-Walaja, the path of the Wall, approved in June 2004, places al-Walaja, including Ain Jawaizeh, within a “semi-ghetto”, surrounded on all sides by the Wall, with one entry/exit point.<sup>6</sup> The June 2004 route of the Wall’s path, excludes the cultivated valley between Ain Jawaizeh and the southern part of al-Walaja, though it was included in the path of the Wall approved in October 2003. This change restricts opportunities for al-Walaja’s urban growth and erodes the cohesiveness of the two sections of the village.

## **Conclusion**

The Palestinian village of al-Walaja, in particular Ain Jawaizeh, is at risk of de-population. The majority of al-Walaja that lies outside the Israeli-defined municipal borders of Jerusalem is Area C land, under full Israeli control. At present, only a small section of the village is designated as Area B, the only area in which Palestinian civilians have the hope of building, given that Israeli authorities routinely deny Palestinian building permits for Area C.

In the past, the percentage of al-Walaja land designated as Area B was roughly twice as much as it is currently and lay in a location that had not been significantly built up. This designation was later reversed and Area B re-located to a built-up section of the village. By changing the location of Area B in al-Walaja, Palestinian building was pushed away from Har Gilo and areas of its planned expansion. Israel’s policy towards Ain Jawaizeh, in effect, places a building freeze on approximately 50 per cent of the village. Palestinian building opportunities exist only in the relocated Area B, which covers only around 10 per cent of the planned Walled “semi-ghetto” of al-Walaja.

Israel’s designation of Palestinian residents of Ain Jawaizeh as “illegal”, along with the intensified campaign of home demolition and harassment, threatens to push Palestinian residents off their land. The existence of nearby Israeli settlements, their planned expansion areas, the planning of new settlements in the area, along with the enclosure of al-Walaja into a “semi-ghetto” by the Wall, accelerates this process by reducing village residents’ options for future urban growth and likely creating intense overcrowding in the future and worse living conditions.

Israeli policy vis-à-vis al-Walaja is in keeping with policy towards other areas of the West Bank: creating facts on the ground that enable settlement expansion and contiguity between area settlements and Israel, thereby strengthening Israel’s hold on Palestinian areas. In the case of al-Walaja, it enables the expansion and integration of Har Gilo with Gilo, strengthens the Etzion settlement bloc and blurs the Green Line between Israel and the West Bank.

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<sup>5</sup> See NSU Fact Sheet, *Update on Israeli Colonization, June to August 23, 2004*.

<sup>6</sup> Approximately 3 months ago, the Israeli army presented village residents a map of the area that indicates the Wall’s route, along with the planned expansion of Har Gilo.

## **Annex: Background on Ain Jawaizeh, al-Walaja**

Al-Walaja village lands spread across both sides of the Green Line, but thousands of *dunums* of land were lost in 1948. Out of a 1948 village population of approximately 2,000, between 100 – 150 re-located on al-Walaja village lands across a valley from the original village, in an area that fell under Jordanian control in the West Bank. These residents built the current village of al-Walaja, population 2,200.

In 1967, when Israel occupied the West Bank and unilaterally expanded the municipal borders of Jerusalem, it included approximately 50 per cent, or 3,500 *dunums* (875 acres) within the municipal borders of Jerusalem – 30 per cent of which is built up. In spite of this, village residents report that only a few of the approximately 600 residents who reside in Ain Jawaizeh possess Jerusalem ID cards, and these were usually obtained through marriage.

The majority of the remaining area of al-Walaja was designated as Area C, under the Oslo process, with a small percentage designated as Area B. Since the arrival of the Palestinian Authority, however, water and electric services to all parts of al-Walaja have been provided by the Palestinian Authority.

Though the area has been incorporated into Jerusalem's municipal borders since 1967, in practice, the area was governed by the Civil Administration until 1985. Accordingly, procedures applicable to Ain Jawaizeh were the same as those applied to other West Bank villages. During this period, some Ain Jawaizeh residents received permits to build in the area.

In the early 1980s, Israel formally annexed the area to Israel. However, village residents report that this had little practical affect until 1985, when villagers were informed to turn to the Jerusalem Municipality for all matters concerning Ain Jawaizeh. The Israeli body governing the area was again changed in the early 1990s, when responsibility was transferred from the Jerusalem Municipality to the Israeli Ministry of Interior.

Villagers report that initial targeting of Palestinian homes in Ain Jawaizeh began in the mid-1980s when 3 village houses were demolished. However, a more intensified campaign against homes in Ain Jawaizeh began after the Ministry of Interior assumed responsibility for the area in the early 1990s.