



POLICY PAPER:

SILWAN: A PROCESS OF A REPLACEMENT

*Located to the south of Jerusalem's Old City, **Silwan** is home to just over 19,000¹ Palestinians who live in the neighborhoods of Wadi Hilweh, Wadi al-Rababah, Batn al-Hawa, al-Bustan, Wadi Yasoul, and Ein al-Lozeh.*

These neighborhoods have been assailed with the creation of 12 colonial outposts, where 582 Israeli settlers currently live. Silwan has long been witness to and part of Palestinian resistance against Israeli occupation and colonization in Jerusalem. It is an epicenter of the youth-led protests against the occupation and the displacement of Palestinians from Jerusalem.

The number of settlers, constantly on the rise, belies an outsized influence, the settler organization **Ateret Cohanim** has planted a colonial outpost in its heart. Like Nachalat Shimon in Sheikh Jarrah, Ateret Cohanim is seeking to complete its control over the neighborhood through the employment of legal tools to displace Palestinian families.

In Wadi Hilweh, the Silwan neighborhood whose edges are a stone's throw away from Al-Aqsa Mosque, another settler organization is

trying to displace Palestinians and establish a Jewish colony in its stead. It is called Elad, an acronym for the words "Towards the City of David" (Ir David). The organization has used the Absentee Property Law, which was enacted in 1950 by Israel, in order to take over Palestinian land and prevent Palestinian refugees from returning and claiming back their land. Based on this law, Elad claims property rights in Wadi Hilweh, where a small Jewish community existed in the late Ottoman period. The Elad

¹ Within this paper, we are referring Silwan to the 6 quarters only (Wadi Hilweh, Bustan, Bat al Hawa, Wadi Rababeh, Wad Yasul and Ein Al-Lozeh). It is worth to mention that the number of inhabitants of Silwan is 19,680 people (These 6 quarters do not include Abu Tour 12,500 and Ras il Amoud 21,480)

Foundation has also established an “archaeological” site in the city, bearing the name of the City of David, which covers twenty-four dunams, and stretches from the al-Dhuhur (Ophel Ridge) area south of the Old City to the Silwan spring. The main objective of this organization is to erase the Palestinian identity of Silwan, presenting it as a biblical site, and forming an exclusionary narrative that denies the very existence of Palestinian culture and presence in the village. This narrative, in turn, is repackaged and displayed to foreign tourists. Before the outbreak of the Covid-19 pandemic, the Elad foundation, enjoying generous support from private donors (including the shady Russian-Israeli billionaire Roman Abramovich) and the Israeli government, used tourism as a major platform for the erasure of Silwan’s Palestinian history and the creation of Jewish religious-nationalist hegemonic narrative. In al-Bustan and all other Silwan neighborhoods, Israel’s discriminatory planning policies deny Palestinians the right to obtain building permits, exposing them to the omnipresent threat of home demolitions.

From home demolitions to forcible transfer through a variety of “legal” mechanisms; from creating national parks and archaeological sites to plans for constructing a cable car; from attempts to destroy the village’s social fabric by recruiting Palestinian brokers and agents to “leak” property to settler organizations to the daily repression by the Israeli occupation police, Silwan encapsulates the story of Jerusalem: Israel’s quest for the demographic re-engineering of the city and the mass displacement of Palestinians, and Palestinian resistance and defiance.

The next sections will provide a brief sketch of the most pertinent challenges facing the Palestinian residents of Silwan, while

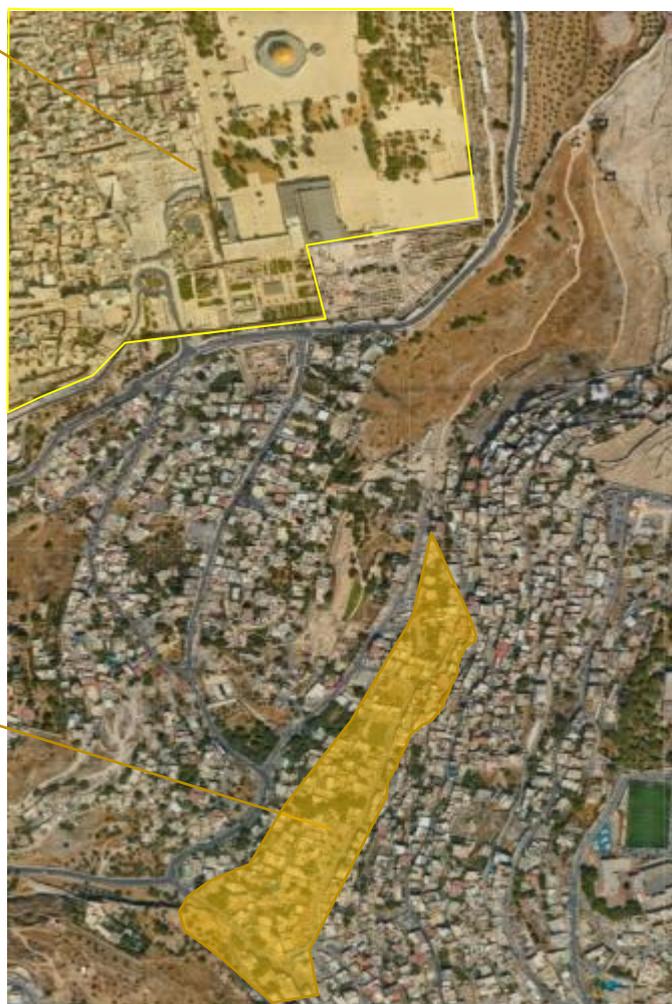
explaining the tools used by the Israeli government, the occupation municipality, and settlers to implement Israel’s colonial and expansionist plans in the village.

Al-Bustan

Silwan tends to “lead” the way for the highest number of home demolition every year. Between 2011 and 2020, Israeli occupation forces demolished or forced the demolition of 142 Palestinian-owned structures, resulting in the displacement of 214 Palestinians. Sixteen structures in Silwan have been demolished in the first nine months of 2021 alone. The Israeli occupation heaps up political, bureaucratic, and financial obstacles against Palestinians seeking to obtain a building permit, but the absence of master plans in the village, and the absolute prohibition against construction or restoration in certain areas, leave Palestinians with no choice but to build without permit.

Old City

Al-Bustan



An aerial photo of Silwan (2021)

Once they receive a demolition order, Palestinians know that in the best-case scenario they can delay the demolition. But delays, while protecting them from immediate demolition, entail the accumulation of fines, imposed on them by the Israeli Court of Legal Affairs for “non-compliance.”

The cumulative fines, which may exceed the construction costs at times, explain the trend of so-called “self-demolitions,” which has become a real issue in Jerusalem over the past few years. Unable to keep paying the fines and looking to avoid paying the demolition costs imposed on them by the municipality in case of municipal demolition, Palestinians are left with the painful no-choice of having to demolish their homes with their own hands.

While every neighborhood of Silwan has been targeted by demolition orders, **al-Bustan is among the worst hit.**

Sixty-seven homes in al-Bustan face demolition orders under the pretext of illegal construction. Last August, the Israeli Court of Local Affairs granted fifty-two out of these homes a six-month extension pending the planning progress. The extension requests of the remaining homes were rejected. Under the Amendment to the Israeli Planning and Construction Law, known as the Kaminitz Amendment, the number of extensions given to those who build without permit is significantly reduced as is the extension period. Receiving the extension requires showing that the homeowner has made planning progress that would, at some point, allow them to get a permit. The Kaminitz amendment, adopted by the Israeli parliament in 2017, seeks to speed up the pace of demolitions and reduce the margin for home-saving delays.

It is important to view these figures and details within the larger context of Israel’s exclusionary and discriminatory planning policy in Jerusalem that targets Palestinian construction and natural growth while privileging the expansion of Jewish settlements.

The forcible displacement in Batn al-Hawa

Once you enter Batn al-Hawa, you are immediately struck by the scene of buildings protected by armed private guards and hoisting Israeli flags. These buildings have their own separate parking lots in a neighborhood which is so densely packed, that cars can hardly squeeze through. The presence of Israeli police cars is constant and intimidating. These buildings are occupied by settlers and they have completely changed the face of the neighborhood. The settler invasion of Silwan led to this heavy presence of Israeli militarized police and private security firms and by consequence to constant tension and clashes with the local youngsters. In May 2011 the Palestinian schoolboy Milad Ayyash was shot dead by one of those private security guards when he was coming back from school. It is these private guards, supported and backed by the Israeli border police, that regularly harass and threaten Palestinians in Silwan in general, and in Batn al-Hawa specifically. The colonization campaign in Batn al-Hawa is led by **Ateret Cohanim**, a religious-Zionist settler association. It uses two main tactics to displace Palestinians from Batn al-Hawa. Having anointed itself as a trustee over a plot of land where some 700 Palestinians currently live, Ateret Cohanim claims that this land served as a Jewish endowment for Yemenite Jewish families in the tail end of the nineteenth century. The small Jewish community had already left by 1936, long before the establishment of the state of Israel. After 1948, Silwan came under Jordanian control and Palestinian families purchased or leased the land and built their homes there. Even though the religious trust in whose name Ateret Cohanim is pushing for the displacement of Palestinians stopped operating in the 1930s, the association filed a series of eviction lawsuits against Palestinian families. Among the families facing imminent displacement are the

Odeh, Shweiki, and Dweik families. After the Israeli Magistrate's Court approved Ateret Cohanim's lawsuit and ordered the eviction of these families, they appealed the decision to the Israeli District court, which rejected their appeals in back-to-back rulings in November 2020. With the stroke of a pen, the Court placed eight Palestinian families consisting of forty-five persons on the brink of displacement. While the families filed a leave to appeal before the Israeli High Court, they recognize that their chances are incredibly slim, that the Israeli judicial system is not a neutral actor but rather part and parcel of the system that seeks to displace them.

In addition to eviction lawsuits, Ateret Cohanim has worked to recruit local collaborators or brokers in order to purchase some properties in Batn al-Hawa. Palestinians dispute the legality of these sales, insisting that they were facilitated through fabrications and tricks, but they usually stand no chance in court. These deals are known by Palestinians as "leaks" because their homes are effectively snatched from under their noses. The danger of such "leaks" is not limited to the fact that they facilitate settler expansion and Palestinian displacement. By recruiting local collaborators,

in a village famed for its fierce resistance and perseverance, settler organizations seek to destroy Silwan's social fabric and target its cohesion, planting the seeds of mistrust and suspicion among the residents.

Wadi Hilweh and the "Ir David" colonial Project

The Elad foundation, established in 1986 with the explicit aim of "reviving and restoring the biblical City of David," has sought since its establishment to seize large swaths of land and properties in Silwan's Wadi Hilweh, and to instrumentalize a biblical narrative in the service of its colonial campaign. Resorting to the Absentee Property Law, among other draconian tools of seizure, the foundation has seized nearly 40% of Wadi Hilweh's properties. Moreover, the foundation was appointed by the Israeli State as administrator of the national and archaeological site, which it named The City of David, transforming it into a large touristic site devoted to the promotion of a Jewish religious-nationalist narrative and the willful obfuscation of Palestinian history and culture. The Elad foundation looks to further increase the financial gains accrued from administering the archaeological site by



Crowded houses at Batan Al-Hawa, Silwan. JLAC® (2016)

pushing for the implementation of the cable car project.

The planned cable car, which was approved by an interim Israeli government in November 2019, is slated to connect the First Station complex in the Western side of Jerusalem with Wadi Hilweh, where the City of David is located and where the settler organization is planning a massive Zionist touristic and cultural center, known as the Kedem Center. The Israeli government has marketed the project as a transportation plan that will ease traffic congestion. But the cable car, stretching to the walls of the Old City, will damage the area's skyline irrevocably, put foreign tourism under the full control of the Israeli government at the expense of the Palestinian tourism industry, lead to the demolition of the Silwan houses in the cable car's route, and cause irreversible damage to Silwan's archaeology.

On 24 February 2021, the Israeli High Court issued an order against the cable car plan, suspending any construction work on it until

certain explanations and documents are provided by its backers, the Jerusalem municipality, the Jerusalem Development Authority, and the Israeli Ministry of tourism.

In the meantime, Silwan residents are forced to go through complex legal battles just to stay and survive on their ancestral land. These legal battles are conducted in a language they do not speak, based on laws designed by their occupier, in courts that perpetuate their oppression.

Last but not least, and in addition to seizing Palestinian property, settlers in Silwan seek to alter the identity of the place by appointing heavily-armored private security, harassing the indigenous Palestinians on a daily basis, and raising the Israeli flag on the buildings they occupy. Every new outpost also brings with it increasing presence by the militarized Israeli police, which serves as a tool for intimidation and provocation.



A woman waiting for a bus, Silwan. JLAC® (2016)

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