

# Sheikh Jarrah

## 10 ESSENTIAL FACTS

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### **1** What and where is Sheikh Jarrah?

Sheikh Jarrah is a small, mostly Palestinian neighborhood in eastern Jerusalem. The area is also significant to Jews, for whom it is known as Nachalat Shimon, named after Shimon HaTzaddik (Simon the Just), a major Jewish figure from the late Second Temple period. His tomb is located in this neighborhood and has been a Jewish pilgrimage site for centuries. Jews lived there alongside Arabs before being expelled by Jordanian forces in the 1948 war.

### **2** What is the legal dispute in Sheikh Jarrah about?

There is a dispute between Jewish owners of a small land parcel in Sheikh Jarrah and Palestinian tenants who are on record as refusing to pay rent. The legal matter began in 1982, when it was brought to court in Israel by the Jewish owners. Only now, in 2021, has the legal process almost ended with the Israeli Supreme Court scheduled to begin hearings in June.

### **3** Who owns the land in question?

In 1875 two Jewish organizations, the Sephardic Community Council and the General Council of the Assembly of Israel, purchased the land. The transaction was registered with the Ottoman government. In the aftermath of the 1948 Arab–Israeli war, Jordan occupied the West Bank and eastern Jerusalem. It came into possession of property that had belonged to Jews, while Israel came into possession of property elsewhere that had belonged to Palestinians. Both Israel and Jordan established Custodians of Absentee Properties to divest themselves of properties abandoned because of the 1948 war, and both gave them to refugees. In most cases this meant the titles of the properties passed into the hands of the new residents. Crucially, however, Jordan never transferred the land titles to Palestinian residents in Sheikh Jarrah during the 19 years of Jordanian occupation.

### **4** So, what is disputed?

After Jordan attacked Israel in the 1967 Six-Day War, Israel defeated the Jordanian army and pushed it out of eastern Jerusalem and the West Bank. After Israel reunified Jerusalem, the Knesset passed a law granting those whose property was seized by Jordan in 1948 the ability to reclaim their assets. There were, however, some important limitations: the property could be reclaimed only if there was demonstrated proof of ownership. Since Jordan never gave ownership to the Palestinian residents in Sheikh Jarrah before 1967, it couldn't offer evidence that they owned the titles. In 1973 these properties were registered to the original two Jewish groups that bought the land in 1875.

### **5** What happened to the Palestinian residents?

In 1982 the Jewish groups sued the families living on their property. Initially, the Israeli courts approved a compromise. The lawyer for the Palestinian families signed an agreement accepting that the Jewish groups were the legal owners—in exchange the families would remain in their homes as “protected tenants” and pay rent. However, some of the families later disputed the agreement, refused to pay rent, and began unapproved renovations. The property owners then sued the residents again, and the dispute has been in court ever since.

## **6 Another change of ownership complicated matters.**

In 2003 the organization Nachalat Shimon International purchased the land rights from the Sephardic Community Council. This organization began its own legal proceedings against the Palestinians who were refusing to pay rent. It also submitted a plan in 2008 to replace the buildings on the land with 200 housing units, which it would market to Jews.

## **7 Is this just a common real estate dispute, or something deeper?**

Jerusalem has deep emotional resonance with all its residents and to the wider Jewish and Arab worlds, making this more than a real estate dispute. Critics say the evictions are part of an effort by right-wing Israeli groups to push Palestinians out of Jerusalem. Others say this narrative is meant to deny Jews the right to property they legally own in the city. Unfortunately, extremists on both sides have used the dispute to promote their agendas—most notably the racist terrorist group Hamas. (See point number 10 below.)

## **8 Why is Israeli law being criticized?**

Some have claimed Israeli law is racist because it allows some Jews to reclaim properties located in eastern Jerusalem that were lost in the 1948 war, but it does not offer Palestinians the same opportunity in other parts of the city or the rest of Israel. This ignores the fact that Israeli law does allow Palestinians in eastern Jerusalem and Arab citizens of Israel to seek compensation for properties they lost in the war. Such claims also imply that Israel has a responsibility to compensate adversaries, whose armed forces have repeatedly attacked the country, without a comprehensive peace concluded first. In 2000 and 2008, Israel agreed to peace plans that would have created an international fund to compensate Palestinian refugees. Palestinian leaders said no in both cases and have rejected multiple peace proposals since then. Nevertheless, there is an ongoing debate about Sheikh Jarrah inside and outside of Israel. The focus is on whether it would be moral or wise to evict Palestinian residents who refuse to pay rent to the owners of the property, even if it is legal. Some believe a solution should be found that allows the families to stay because evictions would harm them and send a political message that Israel is trying to push Palestinians out of Jerusalem. Others believe this would undermine the rights of the property owners and harm efforts to ensure Jews can live in all parts of Israel's capital.

## **9 What are the next legal steps?**

Israel's Supreme Court was to begin hearings on May 9, 2021, but it postponed a final decision for a month to deescalate growing violence in Jerusalem. As such, the outcome will remain unclear until at least June 2021.

## **10 How is this dispute related to the Israel–Hamas conflict of May 2021?**

The Sheikh Jarrah legal dispute came to a head at an extremely sensitive moment, but it was not the main cause of the Israel–Hamas conflict. In previous weeks, Palestinian teens videoed themselves assaulting Jews in Jerusalem and posted their actions on social media. Far-right Israeli Jews retaliated with a rally, chanting racist slogans in the city. Also, Palestinian Authority President Mahmoud Abbas yet again postponed Palestinian elections, likely because he knew he was about to lose to Hamas. This gave Hamas incentive to raise the temperature of the conflict. It did so by inciting riots in Jerusalem, [calling](#) on Palestinians to “cut off the heads of the Jews with knives,” and launching over 2,000 missiles at communities across Israel. This is also part of a [century-long history](#) of Palestinian leaders [inciting mass violence](#) and antisemitism by falsely claiming that Jews or Israelis are threatening Muslim holy sites in Jerusalem.