

Seek the Peace of Jerusalem: Protect the Sumarin Family

Shalom friends of Yerushalayim! We urgently request you to help us protect an extended Jerusalem family of roughly 18 people. During these difficult times of Corona, when having a home is doubly important, this family faces unjust discriminatory eviction from their family home, leaving them homeless and destitute. A coalition of Jewish organizations is raising our voices in unison over the next month, leading up to what may be the final court hearing before eviction on June 30th.



We at Sha'alu Sh'lom Yerushalayim are one of those voices. We call upon you to help us speak loudly and clearly in favor of justice in Jerusalem. **In 2011, a letter writing campaign by Jews around the world helped freeze the eviction until now. We can do it again.**

First of all, [please sign and share this letter](#) to the Jewish National Fund calling upon them to stop their efforts to evict the family [Link].

Second, **please raise your voice in Words of Torah!** Your personal blog, a d'var Torah in your synagogue newsletter, an op-ed in your local paper. These can help! Please send us a link and we'll use your work to help create a buzz.

To learn more, keep reading:

Where are the courts? The Story of the Sumarin Family

There are many ways to tell the story of the Sumarin family. The complex legal details span decades of court decisions. But the bottom line is clear: the family faces eviction because the Jewish National Fund, together with settler organizations and government bodies, seeks to transform the Palestinian-Arab neighborhood of Silwan into the Israeli-Jewish "City of David". In other words, the Sumarin family faces eviction because they are Palestinians and not Jews.

A brief clear version of the story was published by Hagit Ofran in the Huff Post in 2011. Ofran is the director of Peace Now's Settlement Watch Project and a leading expert on settlement activities in Silwan. Below is an abbreviated and updated version of her article with changes in the spirit of Sha'alu Sh'lom Yerushalayim. Here is the [original article](#) for comparison.

A Jerusalem Family falls victim to Discrimination

[The Sumarin family](#) has been living for decades at the entrance to the Wadi Hilweh neighborhood of Silwan, not far from the Al-Aqsa Mosque. Israeli courts have ordered their eviction because their home is considered by the authorities an "absentee property" which has been transferred into the hands of a JNF company called "Himnuta" ("faithfulness" in Aramaic).

In Silwan there is a fight over nationality, history and religion. For decades it has been a Palestinian-Arab neighborhood. Government bodies, settler organizations and the [Jewish National Fund](#) are trying to make it into "The City of David," using [archaeology and tourism](#) to change the public domain. The visitors center of the "City of David" tourism site is adjacent to the Sumarin family house. If taken over, the house would give them a

large contiguous area at the very entrance to Silwan and dramatically change the character of the neighborhood.

For the last 30 years the Jewish National Fund has been acting to transfer Palestinian property in East Jerusalem to settler organizations. Tens of dunams of land and homes housing dozens of Palestinians in Silwan were evacuated by the JNF through various legal proceedings and transferred to these organizations. In many cases the JNF does this through its subsidiary Himnuta, whose shares are held by the JNF.

The barter deal in Silwan: absentee land turns into JNF land in order to give it to settler organizations

In the 1980s and early 1990s, dozens of properties in Silwan were declared absentee properties and sold to the Development Authority. According to the law, the Development Authority and the Israel Land Administration are required to administer their assets equally without discrimination based on ethnicity. On the other hand, the JNF and Himnuta



operate according to a JNF memo that provides that its assets be leased or transferred to the possession of Jews only. In order to bypass the requirement of equality, the authorities in the early 1990s used the JNF and Himnuta to transfer property in Silwan to settler organizations such as Elad which runs the “City of David”.

On May 23, 1991, a barter deal was signed between the Development Authority and Himnuta, according to which the Development Authority was to transfer 30 dunams of absentee property in Silwan to Himnuta in exchange for land it owns in the Wadi Ara area. The purpose of the deal, as defined by the director of the land Department in the JNF and Himnuta, was “for those properties to be under Jewish ownership.” Later, some of the properties were leased to the Elad settler organization without a tender.

Most of the properties were inhabited by Palestinian families like the Sumarins that did not even know that their homes were declared absentee property, sold in a barter deal to Himnuta and leased to settler organizations. Himnuta began demanding the Palestinian tenants be evicted from their homes through legal actions. Among the properties transferred in this way to Elad are Beit Hamaayan (“the well house”), which serves as a tourist and archaeological excavation site, and Beit Hatzofeh (“the lookout house”), which serves the organization as part of its tourist site and visitors center as well as a settler residence.

“The Klugman Report” – The machine was stopped, but never killed

Following the election of the Rabin Government in 1992, a special investigation committee, “the Klugman Committee,” was assigned to investigate the conduct of the authorities with regards to East Jerusalem properties that were given to the settlers. The committee described how the Ministry of Housing (under Ariel Sharon as a Minister) facilitated and funded the transfer of Palestinian properties in the Old City and Silwan into the hands of settler organizations. One of the methods to take over properties was the use of the [Absentee Property Law](#). Among the Committee’s key findings were:

- Properties had been systematically allocated based on criteria that violated the principles of equality, and contrary to rudimentary procedures.
- The settler organizations located the properties they were subsequently to receive from the State, based on affidavits which they themselves arranged and confirmed.
- The Custodian of Absentee Property failed to exercise even minimal discretion.
- No tenders had been issued, and it was the political echelon of the Ministry of Housing that instructed which organization would receive which asset.

Following the Klugman Report, the machine that was established in order to assist the settlement at the heart of Palestinian neighborhoods in East Jerusalem was stopped. However, some of the procedures that started in the early ‘90s continued. To this day, Himnuta continues pursuing legal claims, based on the barter deal from 1991, against Palestinian families who now face the risk of eviction after years of long and expensive legal proceedings. The Sumarin family is one of them.

As Jews, we feel ashamed that Himnuta and the JNF, which claim to act in the name of the Jewish people, are continuing to use their organization in order to kick Palestinian families out of their homes, and to bring in Jewish families instead. This is not only politically wrong and dangerous, but also immoral. And we are ashamed that the State of Israel stands behind this grave injustice.

The eviction can still be stopped: Himnuta can decide, instead of giving the property to settler organizations, to give it to the Palestinian family that has lived in it for years. The Israel Police can decide not to assist in the eviction of the family and to prevent it. The police have avoided evicting Jewish settlers from [Beit Yehonatan](#) in Silwan for more than a decade, even though the court has repeatedly ordered that they be evicted. The attorney general has asserted on different occasions that if the police believe there is a threat to public security it must prevent right holders from realizing their rights at that time.

The court is slated to review the case for a final time on June 30. We can only hope that human decency and common sense will cause the Jewish National Fund, or one of the other actors, to come to their moral senses before tragic injustice strikes this innocent Jerusalem family. True “himnuta”, faithfulness, requires that we seek the peace and wellbeing of our neighbors in Jerusalem without regard to race or religion as proclaimed in Israel’s Declaration of Independence.

Getting Deeper into the Details

While the details are complicated, they also afford a lot of good material to highlight the injustice. For instance, the state initially declared Musa Sumarin an “absentee” in order to transfer the property to the JNF, only to have the court strike that decision down since it turns out that Musa lived his entire life and died in Silwan (see [Peace Now’s timeline](#) below). But that didn’t stop the “Judaization” machine: When he died, his sons, who live abroad, were declared absentees. Thus the rest of the Sumarin family (Musa’s nephews with whom he lived and who cared for him in his old age) now face eviction from their family home.

If you want to get more into the details, including a timeline of events, we suggest you begin with this excellent summary by Peace Now (including links to many of the relevant original documents):

[Following KKL-JNF Suit: Court orders Sumarin family to evacuate their home in Silwan](#)

[23.9.19](#)

For further details, and arguments likely to be brought against our position, see this work in progress by the coalition of organizations seeking to protect the family: https://docs.google.com/document/d/1TQ362IZvm9EwJtKYQTS67_AlxJteeVi_4nC2eq-4hwl/edit?usp=sharing

For the text (also a work in progress) which will accompany the letter-writing campaign to stop the eviction, see:

<https://docs.google.com/document/d/1F4QdVjerA-i56Grfc-J3zrjodzi08NmmKA0DiOnqwYA/edit?usp=sharing>

Finally, here’s a blog by Sha’alu activist Shaiya Rothberg outlining [Why It’s Wrong to Evict Arab Families in East Jerusalem](#)

Words of Torah: Examples

Here are some examples of words of Torah by Sha’alu members and others teaching about the importance of protecting the Sumarin family. Please plagiarize! And please send us links to your words of Torah so that others can draw inspiration to pass on the message.

Sha’alu member Dr. Diana Lipton kicked off our campaign to protect the Sumarin family with these [words on Parashat Hashavua B’har / B’chukotai](#).

Sha’alu member Rabbi Moshe Silver also analyzed [Parashat B’har / B’chukotai](#) in light of the absolute imperative of social justice.

[Here are powerful words of Torah](#) from a few months back by Rabbi Arik Ascherman of [Torat Tsedek](#) focused on the plight of the Sumarin family and the role of the Reform Movement and Jewish National Fund in their pending eviction (God forbid).

Here are powerful words by Rabbi Michael Marmur, the Chair of [Rabbis for Human Rights](#):

<https://www.haaretz.com/opinion/.premium-the-jewish-national-fund-should-stop-trying-to-kick-a-palestinian-family-out-of-thei-1.8337737>