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Jerusalem 'Squatter' Discovers That His Home Is Rightfully His

Decades-old documents could stymie state's plans to evict veteran residents from neighborhoods throughout the country.

Nir Hasson | Feb 10, 2012 3:31 AM

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The government has apparently evicted thousands of people from their homes illegally over the last several decades, documents from the 1950s and 1960s uncovered by an independent researcher reveal.

The research was conducted by Yoni Yohanan, who is facing eviction from his home in the Jerusalem neighborhood of Lifta after having lived there for 60 years.



Yoni Yohanan, seen here against the backdrop of the Jerusalem village of Lifta, is among the 13 families that still live there. Credit: Emil Salman

Three years ago, the Yohanan family received a legal notice from the Israel Lands Administration asserting that they were squatting in the house illegally and demanding that they leave. That led Yohanan to devote the next few years of his life to trying to solve a legal-historical riddle: How can he have been squatting in his own house since the 1950s?

The answers that he found, several jurists said, may change the lives of tens of thousands of past and present residents defined as squatters - not just in Lifta, but also in Tel Aviv's Sumail compound, Bat Yam's Ramat Amidar neighborhood, Kfar Shalem, Givat Amal and other places. What these neighborhoods have in common is that all were Palestinian villages abandoned in 1948 and subsequently used to house new immigrants to Israel.

Putting new immigrants in abandoned Palestinian houses initially served two purposes: alleviating the country's housing shortage, and preventing the Palestinians from returning. Since then, however, thousands of people have been evicted from these houses - either by the state, because it wanted to promote some new building plan, or by private entrepreneurs to whom the state sold the land.

Yohanan charges that for decades, the state concealed procedures that would have allowed the residents to acquire the legal right to their houses - but not from everyone: While thousands were evicted, thousands of others did acquire rights. "The procedures were honored for people of a certain color," Yohanan said bluntly. In other words, Ashkenazim were allowed to legally acquire their houses; Sephardim weren't.

Yohanan's family came to Israel from Kurdistan in 1951 and moved to Lifta the following year. The documents he gathered show the severe poverty of Lifta residents, who didn't even have running water or electricity. Inter alia, they include letters from Rachel Yana'it Ben-Zvi, the wife of Israel's second president, who solicited donations to help them. "The President's Residence doesn't usually solicit donations," she wrote in 1958, "but this time we were so shocked by our visit to Lifta ..."

By 1953, the family's presence in the house had been recognized by the Jerusalem municipality; they have paid municipal taxes ever since. Yohanan and his nine siblings grew up there, and in time, after becoming a successful businessman, he turned the old house into a large, luxurious dwelling. But then, three years ago, came the blow: Due to a plan to turn Lifta into a luxury neighborhood (which was put on hold this week when the Jerusalem District Court overturned the tender the ILA had issued), the ILA sought to evict the 13 families still living there, with no compensation and no negotiations.

For the residents - most of them now around 80 years old, Yohanan said - this was not just a disaster, but a humiliation: "Some said we'd give up the house if they just wouldn't call us squatters."

So he began researching the matter in an effort to save his house - or at least his honor. First, he bought a legal database and read "perhaps 1,000" court rulings, "but I didn't find even one in which the court recognized [the residents'] rights."

Then he moved onto archives - mainly the national archive and the Central Zionist Archives: "I'd come in the morning and stay until they kicked me out," he says. He also contacted former senior ILA officials, who helped him gather material.

About six months ago, he hit pay dirt: a 1955 document written by the Finance Ministry that set down procedures for residents of houses owned by the state development authority, which had custody of all abandoned Palestinian houses, to acquire legal rights to them. Inter alia, the document stated that anyone who moved into such a house before March 15, 1953 had the right to obtain a contract for it without paying a "permit fee."

"When I read that sentence, I stopped breathing," Yohanan said. "My hair stood on end."

Then he found another, no less dramatic, document: "Instructions for Selling Development Authority Assets 1960." This document stated that residents must be given a chance to purchase their own dwelling, at a price set by the government assessor, before it can be sold to anyone else.

Yohanan has since shown these documents to several lawyers involved in proceedings between the ILA and "squatters," and all said they had never before heard of the procedures they detail.

Attorney Gilad Harish, who wrote a legal opinion based on these documents, believes they could completely alter the balance of power between the residents and the state. The fact that residents were never informed of these procedures "illegally deprived them of their rights," the opinion says, and residents who were evicted are thus entitled to sue the state for damages. That is true even if the eviction happened decades ago, it argues, because by law, if a significant fact "was concealed from the plaintiff," the clock on the statute of limitations for civil suits starts running only once he discovers that fact. In short, thousands of families evicted over the last 60 years may now be entitled to sue.

Other jurists consulted by Haaretz also said these documents created a significant problem for the state in eviction cases.

Meanwhile, in part due to the documents Yohanan found, the ILA has begun negotiating with Lifta residents on fair compensation for leaving their homes, and residents facing eviction from other such neighborhoods nationwide are now consulting Yohanan on their cases.

But the ILA said it still doesn't recognize Lifta residents' rights to their homes. The documents Yohanan found, it said, apply only to protected tenants - which the Lifta residents aren't. Moreover, it said, the residents never paid the ILA anything for their property in all those decades, and the "permit fee" waiver is irrelevant to the ILA, which was set up only five years after that document was written.

One question that remains is who did know about these procedures. Yohanan noted that residents of Jerusalem neighborhoods like Katamon, Talbieh and Bak'a - who were generally well-heeled professionals - were somehow never considered squatters.

"I'm someone who succeeded in life, and I've never complained of discrimination," he said. "But when you see these things, you want to scream."



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