

Elad's Settlement in Silwan

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Introduction

Elad Association (in Hebrew El Ir David – to the City of David) was established in 1986, and has been operating mainly in the Palestinian village of Silwan in East Jerusalem, south of the old city and the Temple Mount. The Association's proclaimed mission is the judaization of Silwan and the creation of a contiguous Jewish presence along the southern slopes of the Temple Mount (Al-Aqsa mosque).

Important Terms

Absentee Property Act: The act was legislated in 1950, and rules that any person who lived anytime between November 27, 1947 and September 1, 1948 (during the war) outside the boundaries of the Israeli state, his or her property automatically transfers to the tenure of the Israeli Custodian for Absentee Property, without any compensation. This act came to ensure that no claim would be held for these lands by Palestinian refugees who fled during the war, and it is the basis for a legal Jewish settlement of annexed Palestinian land. After the 1967 Six Days War, when East Jerusalem was annexed by Israel, the Israeli government decided to apply the law also on lands in East Jerusalem. Suddenly, any Palestinian who owned lands in East Jerusalem prior to the Israeli occupation, and who lived in the West Bank (or anywhere abroad) outside the new boundaries of the Jerusalem municipality, was under the threat of losing his or her property. The law was not applied in East Jerusalem until the 90s, when Elad in cooperation with the housing department (then ministered by Ariel Sharon) started to use the act to taking hold Palestinian houses and lands in Silwan.

Lands under the authority of the Israel Land Administration: In 1991 the state of Israel transferred Palestinian holdings that met the provisions of the Absentee Property Act to the Jewish National Fund (JNF). Shortly thereafter, the JNF and governmental authorities leased land in its possession in Silwan in and around the City of David to right wing associations, without tender and against regular procedure. We think that By these means the principle has been set: any property previously owned by Jews, were transferred to right wing associations.

Jewish lands in Silwan: JNF controlled lands in Silwan, prior to the application of the Absentee Property Act, have been acquired in two main ways: 1. Lands that were purchased by Baron de Rothschild in the beginning of the 20th century, with the intention of using them for archaeological excavations (as was the case during the first two decades of the 20th century). 2. Lands and houses that were purchased by the 19th century Jewish Yishuv (the old settlement), which include the lands designated for the Yemenite Jews who had arrived in the late 19th century. These lands constitute a very small area of the village.

History of Elad in Silwan

From its first days, Elad association based its operations on the Absentee Property Act and JNF lands that belonged to Jews in the end of the 19th century and the beginning of the 20th century. Using the Absentee Property Act combined with claims of Jewish ownership Elad took hold of Palestinian inhabited houses, and Palestinian lands. The first houses were seized already in 1991, their residents sent to the street. The story of the Abasi family illustrates Elad's methods. Only after Elad entered the house, the court ruled that the take over was fraudulent and illegal (case number 019168/91).

Following is an excerpt of the Abasi story, as the journalist Meron Rappaport describes it: Michal Be'eri, in the same conversation that is archived, tells about one of those sly maneuvers. Be'eri [Davida'le] fancied Abasi's house which was located next to the Shiloah Pool. He thought it might be possible to confiscate it using the Absentee Property Act. "Davida'le took a tour guide ID card from a friend, attached his own picture, put on a hat and a tag name, and for a long period of time led fake tourists on a nonexistent tour," told Be'eri. "Gradually, he became friends with Abasi...at one point, Abasi started to invite him to his house, and that's exactly what he [Davida'le] wanted." The maneuver was successful. In the beginning of the 90's, the Custodian for Absentee Property, maybe with information brought in by Elad, declared the Abasi house as an absentee property. The property was in turn handed over to Elad, and Abasi found Davida'le, the phony tour guide and the phony friend, settling his house, while he, Abasi, was removed from it. Later, when the whole thing went public, it was discovered during the Klogman committee (headed by the Justice Department chairman) that Elad's and Ateret Cohanim's lawyers were the ones who brought the affidavits to the custodian (which never confirmed or verified their authenticity).

In 1992, Elad Association with Ariel Sharon (Minister of Housing at that time) planned the construction of 200 housing units in Silwan in and around the unearthed antiquities areas of the City of David, on Jewish lands and on Palestinian absentee lands. The Antiquities Authority adamantly objected to the plan, claiming the construction would cause irreversible damage to the archaeological site. The plan dropped.

The same year, Rabin's government assembled a state revision committee headed by the chairman of the Justice Department, Haim Klogman. In September 1992, the committee presented its findings to the government. Among others, the committee asserted that the take over of Arab property in East Jerusalem by the settlers' organizations was conducted by the use of false affidavits, misapplication of the Absentee Property Act, illegal transfer of public property to ideological bodies, and illicit transfer of tens of millions of shekels in public funds to the right-wing organizations.

Excerpts from the Klogman report

1. The Palestinian properties were declared as Absentee Property on the basis of information supplied by the settlers' organizations and of affidavits signed by the organizations' lawyers. The Custodian for Absentee Property did not validate the affidavits or the identity and credibility of the declarer, did not visit the properties or checked if the expropriation entailed the evacuation of families, and did not allow the submission of a counterclaim. (14b.)
2. Purchasable properties were located by the aforementioned settlers' organizations and

the properties rights were eventually bought by the organizations using state funds. (12b.)

3. The properties' rights were all designated to a small group of organizations that shared the same goals (the judaization of East Jerusalem) and basically the same individuals. (11a.)
4. There was no tender for the properties' rights, and other organizations, whether Jewish or Arab, were denied their participation in claiming the properties' rights. (11c.)
5. Representatives from the organizations took part as project managers in a committee which decided on their authorities and on money transfers to security companies that were funded by state funds. (12e.6.)
6. Money that had been designated for new immigrants and families in need was instead transferred to the organizations. (13b.)
7. The state representation in Silwan was given to Amidar housing company. Amidar worked in Silwan in subordination to the Ministry of Housing, but without inspection, and according to flawed procedures and control regulations. Amidar did not inspect the houses which it rented out to the settlers' organizations. It did not verify the physical specifications of the various properties, their location, size in sqm., key money prices, etc. Amidar totally relied on the information supplied by the project managers [which were the representatives of the settlers' organizations]. (14d.)

Elad after the Klogman report

In 1994 a plaint is submitted against Elad organization and its directors for consciously disregarding court orders for the discontinuation of work, and knowingly damaging antiquities (case number 16340/94), only four years later in 1998, the plaint was handled and an indictment was issued. During the following years, Elad buys and takes over houses of Palestinian residents in different means.

In 1997 an agreement was signed between the national parks protection authority and the Jerusalem municipality to transfer the responsibility on the archaeological site "The Jerusalem Walls Ring" of which "City of David" was a part. In the same time, Israel Land Administration transfers all the land in Silwan under its control to Elad. The lands were bought by Baron de Rothschild in the turn of the 20th century, and were owned by Jews in the past.

In 1998 the aforementioned indictment against Elad and its directors is issued for damaging antiquities, willful destruction, and the disregard of court orders for the discontinuation of work. Nevertheless, the municipality, fully aware of the indictment decides to let Elad keep and develop the archaeological site "City of David."

Professor Yoram Zafir, head of the archaeological institute of the Hebrew University, and a group of archaeologists, submit a plaint to the High Court of Justice against the decision to hand the management of the archaeological site to a private political body like Elad. The antiquities authority objects as well to the transfer. In its opinion, the management of such a site must be given to a governmental body. Moreover, the authority accuses Elad with damaging antiquities and the planning of 200 housing units in the excavation areas which would surely destroy the antiquities in the ground. The court decides to temporarily withhold the transfer of control of the site to Elad until 2002.

Elad and the use of archaeology

In 2005, The Israel Nature and Parks Authority and Elad signed an agreement and the management of the City of David site was handed over to Elad. The Elad association was given the keys – literally and metaphorically - to national, historical and archaeological assets in the City of David and in the Holy Basin, in the area stretching from the Herodian tunnel under the Armon Hanaziv ridge, through the visitors' center in Hashalom Forest and Abu-Tur, and to the King's Valley in the southern part of the Holy Basin.

In August 2005, the state of Israel allocated 50 million NIS (approx. 13 million dollars) per year for a period of 8 years to the conservation and development of the Holy Basin surrounding the Old City. A major part of this plan is carried out in cooperation with and under the involvement of the Elad association, which enjoys the advancement of its objectives also by the state plan. In addition to that, and as part of its activities, Elad funds the Antiquities Authority's large-scale and expensive excavations in the City of David .

These activities point to a couple of new trends worth mentioning: 1/ The focus of Elad's activities has moved from the appropriation of houses to the management of sites of great national and historical importance. 2/ Elad strives to make itself appear as a national body. The word Elad all but disappeared from the official website of the City of David, even though they run the site. Elad's publications are published in cooperation with national bodies, and they hold scientific conferences together with academic and national bodies. Thousands of IDF soldiers visiting City of David are guided by Elad's guides.

Public areas that could have been used for the benefit of the residents (playgrounds, sidewalks, roads, etc) have been turned into excavation sites and later becoming part of the national park. These areas are encircled with fences and closed to the local residents. The appropriation of these areas has made it hard for the residents to reach their private homes, day-cares, mosque etc. These areas include, for example, the Shiloah Pool, the excavation area bought by Baron de Rothschild, and empty plots of land.

In April 2006, the Ghozlan family was taken out of their house based on the High Court of Justice's decision . It was the same family that saved Jewish residents of Silwan during the riots in 1929 ([click here](#) to see the original letter of gratitude in Hebrew). On the same day, for the first time Elad's people took over several housing units in A-Tur neighborhood along the Mount of Olives ridge, including a building which was designated for a rehabilitation center for the mentally ill.

Based on our professional knowledge as archeologists, we think the guided tours provided by the City of David tell a very one-dimensional and limited story of the place. The greatest emphasis is given to the period of King David which is linked directly to the 2nd Temple period and to the renewal of the Jewish presence today. The city which existed prior to King David's period is mentioned only in passing, while the days of King David and King Salomon are emphasized despite scanty archeological finds from these two periods. As to our opinion, history of the place from the destruction of the 2nd Temple in the 1st century CE until the 19 century is mentioned only in a minor way, and the contemporary residents of the place have been all but excluded from the story of City of David.

Clarification:

This website is not dealing with criminal issues and its texts are not meant to assign the Elad association and/or any other body illegal activity and/or activities of criminal nature. There was never an intention like that and the website's owners are sorry if they were understood otherwise.