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MOTION FOR A RESOLUTION

with request for inclusion in the agenda for the debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 115 of the Rules of Procedure

by Roberta Angelilli, Ryszard Czarnecki, Mieczysław Edmund Janowski, Ewa Tomaszewska, Eugenijus Maldeikis

on behalf of the UEN Group

on the case of al-Kurd

European Parliament resolution on the case of al-Kurd

The European Parliament,

- having regard to the Declaration by the Presidency of the Council of the European Union on behalf of the European Union of November 10 2008

- having regard to Rule 115 of its Rules of Procedure;

A. Whereas, on the night of Sunday 9 November 2008, Israeli police and army forces surrounded the Sheikh Jarrah neighbourhood in East Jerusalem and expelled from its home the Palestinian family Al-Kurd; whereas, immediately afterwards, Israeli army troops enabled a group of Israeli settlers to enter the family's house and then sealed off the area to protect the settlers;

B. Whereas, according to Israeli authorities, the expulsion of the Al-Kurd family was carried out in accordance with a court order recognizing the house as "Jewish Property" according to an unclear Ottoman title deed from 1880, which is a manifest discrimination since the Al-Kurd Family are refugees from West Jerusalem, and the State of Israel refuses to recognize their title deed to the house where they lived prior to 1948; this, like the title deeds of hundreds of thousands of other Palestinians, was declared null and void in Israeli law under the 1950 "Absentee Properties Law".

C. Whereas some five hundred Sheikh Jarrah inhabitants in East Jerusalem face the threat of expulsion on much the same legal grounds;

D. Whereas this is the second time that the Al-Kurd family has been dispossessed and displaced, the family having lost its original home in West Jerusalem in 1948;

E. Whereas several months ago the United States lodged a protest at Israel's intention to expel the Al-Kurd family from their home and the implementation of the expulsion was at that time put off but now, in this post-presidential election period in the United States, has been fully implemented;

F. Whereas on 16 July 2008 the Israeli High Court ruled in favour of Israeli settlers, who were already occupying a wing of the house and were demanding the expulsion of the al-Kurd family from the property and whereas the expulsion went ahead even though the decision was appealed by the family's lawyers who requested an urgent hearing by the Supreme Court;

G. Whereas this action taken by the Israeli authorities, as well as the destruction of houses in East Jerusalem inhabited by Palestinians, risks prejudicing the re-launch of the peace process and the result of the final status negotiations,

1. Is concerned by the eviction of the Al-Kurd family from its Sheikh Jarrah home in East Jerusalem which the family has owned and lived in since 1956 and fully deplores the way in

which the eviction was conducted;

2. Warns that the eviction of the Al-Kurd family from its home is not the first in the area and could represent a dangerous signal to 27 other families targeted for eviction from their homes;

3. Is aware that the decision to evict the al-Kurd family was made under civilian jurisdiction and the government has no standing to intervene; considers however that, given the circumstances, and pending an appeal to the Supreme Court, the execution of the decision could and should have postponed;

4. Raises doubts on the authenticity of such an Ottoman-era bill on which the legal decision was founded and in any case questions the reasonableness of returning to pre-1948 legal property status in order to change the current property status;

5. Is afraid that such a fact can create an additional burden to the peace process and can be interpreted by the extremist wings in Israel as a support for their attempt and request to increase the number of Jewish settlements in East Jerusalem; calls on the Israeli authorities to stop them, in accordance with the statements and political orientations of the Quartet and UN Security Council Resolutions on East Jerusalem;

6. Recalls its support to the Palestinian-Israeli peace process, which needs a new and fresh impetus and the full cooperation of the two parts which should promote mutually confident talks and therefore they should abstain from taking unilateral measures;

7. Calls on the parties involved in the Sheikh Jarrah housing project in East Jerusalem - the Jordanian Government and UNRWA - to live up to their historical obligations to protect the residents and to exert pressure on Israel to stop the eviction of Sheikh Jarrah families;

8. Instructs its President to send this resolution to the Council, the Commission, the Government and Parliament of Israel, the Palestinian National Authority, the Palestinian Legislative Council and to the civil-society organisations "Sheikh Jarrah Neighbourhood Committee" and "Coalition for Jerusalem".