

Makor Rishon, 21, June.2020

## The Campaign Designed to Prevent the Acquisition of a Strategic Property in the City of David

The Sumarin family, who refuse to vacate the premises, are suspected of having forged documents in the past.

Now, they are being portrayed as destitute, and being thrown into the street, even though the family owns several profitable properties in the area

By Yehudah Yifrach

Left-wing organizations from Israel and abroad are waging a determined battle To overturn the decision of the Jerusalem Magistrates Court to evict the Sumarin family from the property in which they reside, in a strategic location in the City of David neighborhood. Despite the court having recently ruled that the Sumarin family was not, in fact, the legal owner of the property, a post published A post published this week by the organizations states that “the legal matter may seem complex, but the message is simple: The family cannot be torn from their legally owned house and thrown into the street”. However, is this indeed the legally owned house of the family? Are they indeed being thrown into the street? An investigation by Makor Rishon revealed an entirely different reality.

The court ruling of Judge Miriam Kasalsi, from last September, states that “the defendants have no legal right to the real estate” and that the property owner is the *Himanuta* company, a subsidiary of the Jewish National Fund (JNF). The claim that “the family will be thrown into the street” is also false. But first, some background.



The legal troubles surrounding the property began as early as 30 years ago. The two-story house sits on an area of 740 sq.m., which was transferred to the State by the Custodian of Absentees' Properties. By law, a person who stayed in an enemy state, and after the Six Day War did not register as a resident of Israel, is considered an absentee owner, and their properties are transferred to the State. The owner, Haj Musa Abdallah Sumarin, died in 1983, his heirs were declared absentee owners, and the property was transferred to the State of Israel.

In the 1990s, the State of Israel transferred the property to *Himanuta* as part of an exchange deal, in exchange for land in the Kafr Qara area, on which residential neighborhoods were built for the Arab sector. *Himanuta* started proceedings to exercise its rights, but found that the process of vacating the property was long and arduous.

The Magistrate's Court rejected the first eviction claim, after ruling that the declaration of the building as "absentee property" was incorrect. The decision was reversed in the District Court, which ruled that the property had been legally assigned to the Custodian, but did not rule whether the tenants had a right to continue living in the house. Mohammed Sumarin, Haj Musa's nephew, claimed that the property was sold to his father by Haj Musa. The case was returned to the Magistrate's Court for further discussion. Judge Rafael Strauss, who was assigned to the case, accepted Mohammed's claim regarding the sale of the property to his father, ruling that Mohammed Sumarin had a right to continue living in the house.

Encouraged by Judge Strauss' verdict, Mohammed and his sisters decided to sue in the District Court for declaratory judgment of their ownership of the property, presenting the "sale agreement" that allegedly showed that their father had purchased the assets from the Uncle, Haj Musa. But then there was a twist in the plot. *Himanuta* complained to the police that the "sale agreement" presented to the courts, and on which the prosecution relied, was false. The opinion of a forensic expert confirmed the concern. The Sumarin family withdrew their demand to declare ownership of the property, in order not to receive a judgment declaring the sale agreement to be fake. Therefore, the court rejected their claim.

*Himanuta* filed an eviction lawsuit again in September 2019 and after several legal rounds, the Magistrate's Court accepted the eviction claim. The court ruled once again that the property was owned by the *Himanuta* company, and that the Sumarin family should vacate the property within three months. The Sumarin sons quickly appealed the decision to the District Court. *Himanuta* agreed not to oppose a delay in the eviction.

In advance of the appeal hearing, expected to take place at the end of the month, leftist organizations embarked on a determined persuasion campaign, directing the bulk of the onslaught at JNF leaders. No less than 31 organizations, in Israel and abroad, joined to form the "Sumarin Coalition", which is intensely fighting the eviction, likely due to the strategic location of the property, within the City of David

National Park, and bordering the important archaeological site. The excavator at the site, Dr. Eilat Mazar, identifies the area adjacent to the Sumarin House as no less than King David's Palace.

The list of groups that have funded the fight for the past two years includes the Ir Amim organization, which is funded, among others, by EU funds, the embassies of Ireland, Norway and Switzerland, as well as the Open Society Foundations, owned by Jewish-American billionaire, George Soros, which promotes the boycott against Israel.

"I urge the JNF to refrain from displacing the Sumarin family, an 18-person Palestinian family, from its home in East Jerusalem", it said in the statement of the leaders of the struggle. "The evacuation of the family, especially at these times, is a cruel act. I urge the JNF to immediately renounce all claims on the property, stop legal proceedings against the family and allow them to live in peace and security in their home." The statement was circulated online, and about 2,000 people answered the call to send via email again and again.



The commercial property in Wadi Kadum. The tenants are still there.

However, an investigation by *Makor Rishon* revealed that the family owns a variety of real estate assets, generating a substantial monthly income. In other words, contrary to what one could understand from the publications of the leftist organizations that came to the family's aid, the family would, in any event, not be thrown into the street.

In May 2019, Mahmoud Sumerin petitioned the Jerusalem Magistrate's Court to evict tenants who used a plot of land in Wadi Kadum that is owned by the family. The area is located not far from the City of David, and covers 1,056 sq.m. "The plaintiff will claim that he is entitled to receive the plot immediately after the lease period with Defendant 1 is over, and none of the defendants has a legal right to be in possession of the plot, and anyone who squats on this land is a trespasser who should be evacuated immediately," the lawsuit states.

The leases that Sumarin attached to the lawsuit indicate that in 2011-2019, the family-owned plot of land generated a cumulative amount of nearly half a million shekels. The settlement agreement between the parties at the end of the legal process stipulated that by the end of 2019 rents will amount to NIS 6,000 per month, and as of January 1, 2020, rents will rise to NIS 8,000 per month.

The documents attached by the Sumarin family to their claim indicate that they also own a spacious residential building in Wadi Hilweh. It is a building with no less than six apartments and hundreds of meters in size. According to the rental agreements, three of the six apartments are used for the residence of the Sumarin family, and the rest are rented at an average cost of NIS 4,500 per month. The residential building is within walking distance of the *Himanuta* property.

As part of the pressure the leftist organizations are trying to exert on the JNF, a virtual conversation was held on Sunday this week with one of the family members, Ahmed Sumarin. Alongside him appeared Hagit Ofran, coordinator of the Peace Now Settlement Watch Project, and Noa Pinto, the public activity coordinator for the Ir Amim organization. The conversation aired on the Facebook pages of the organizations and of other organizations, including J Street, Free Jerusalem, Rabbis for Human Rights, and more.

"If the JNF will succeed in evacuating you from your home, what will you do? Where will you go? ", Pinto asked Ahmed Sumarin. He did not reveal the truth about the extent of family property, and replied: "Still, in truth, we did not think about it. We still believe we will not leave the house. I do not know, it's a question... it is frightening. I don't know, there are children. We'll be thrown into the street."

The Sumarin Family Coalition gave the following response: "The house of the Sumarin family came into the hands of the JNF in sin, exploiting the Absentee Property Law, with the JNF playing a key role in declaring it absentee property. There is no connection between the JNF's goals and the values for which it is supposed to work, and the attempt to expel a Palestinian family from its home in favor of expanding a settlement in the heart of a controversial area.

"Two attorney generals as well as a government commission of inquiry have determined that the use of the law to take over homes while families are still residing there is invalid. The Klugman Commission further determined that 'the functioning of the Custodian of Absentees' Property was, by all standards, extremely deficient'. It is very sad that the JNF is engaged in a vicious campaign to evict the Sumarin family from her home and even trying to garner public opinion for this.

"Instead of questionably legal and certainly invalid quibbling, it would be better for *Makor Rishon* and its readers to join some 10,000 people from around the world who have expressed their strong opposition to the immoral eviction."