

Israel

The Sussiya acid test

A West Bank Palestinian village, home to 300 people living in ramshackle tents and shacks, has become a cause célèbre for both left- and right-wing activists
By Patricia Golan





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A group of about 100 well-dressed Israelis carrying Israeli flags and chanting “*Am Yisrael chai*” (The Jewish people live) stood on a rocky escarpment in a remote area of the southern Hebron hills near the southern corner of the West Bank. Facing them were a few dozen Palestinian men, women and children carrying Palestinian flags, accompanied by a handful of Israeli activists. They were also chanting slogans and holding up placards reading “private property” and “leave us alone.”

Several Israeli army vehicles with soldiers in full battle dress were stationed on the road below. The faces of some of the soldiers were covered with mesh, apparently to disguise their identities. Aside from 10 minutes of energetic screaming, it wasn’t much of a protest demo.

The absurd scene, played out this past September, looked as if it had been staged for the shooting of a B-movie.

The Israeli group was made up of Likud party activists from Tel Aviv who had been bused into the area by members of the hard-line “Land of Israel Caucus” of the Knesset, which aims to annex the West Bank.

The guided tour of the area was part of a public-relations campaign to persuade Prime Minister Benjamin Netanyahu and Defense Minister Avigdor Liberman to demolish Palestinian homes, or what remains of them, in the dusty hilltop Palestinian encampment of Sussiya, and remove the residents the MKs refer to as “squatters.”

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shacks, rickety huts, sheep pens, latrines, and a wind-and-sun-powered turbine installed by Israeli activists here, and in other villages in the area.

The southern Hebron hills region is part of the land designated as “Area C,” according to the Oslo agreement, under which Israel is the sovereign power on both security and civilian matters. (Area B, the Palestinian Authority handles civil issues and Israel is in charge of the security aspects; Area A is under full Palestinian control.)

THE RESIDENTS of Sussiya (or Khirbet Sussiya) have been expelled or forcibly relocated three or four times, depending on how you count. Demolition orders have been issued repeatedly against nearly all the current makeshift structures, erected without permits from the Israeli Civil Administration (now called Coordinator of Government Activities in the Territories, or COGAT).

As is the case in many other Palestinian villages in the area, Sussiya’s residents, the Nawaja clan of sheep herders, are impoverished and frightened. What makes this particular place different is that it has become something of an international cause célèbre. In addition to the European Union, a dozen Israeli and international nonprofit human-rights organizations have been helping the villagers, either materially or with legal support.

“It’s like a bad light-bulb joke: How many NGOs does it take to keep a few people in their homes?” remarks Rabbi Arik Ascherman, formerly head of Rabbis for Human Rights (RHR), which has taken the Sussiya case to Israel’s High Court.

Ascherman, who left RHR last year to form his own NGO, has been Sussiya’s most passionate and committed advocate.

“In a strange way the people of Sussiya are lucky, that they’re on the map as it were,” he tells *The Jerusalem Report*. “I think the injustice here is so patent, and so glaring, the might of the state ganging up on people who are helpless, and the weakest of the weak.”

Envoys from all 28 European Union member states and the UK frequently visit Sussiya and are demanding that Israel not implement eviction and demolition orders.

The US State Department has repeatedly urged Israel to “refrain from carrying out any demolitions.”

As they have in many other West Bank villages, European states have provided life support by donating solar panels, water pumps, temporary school houses and even a modest playground. Still, it has no running water or electricity from the grid, even though it lies just a few hundred meters from Israeli power and water lines that serve the nearby Jewish settlement that bears the same name.

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The legal situation is complex and confusing, since there are multiple petitions and cases in the High Court being heard and ruled on or pending.

There are many Palestinian villages and encampments throughout the West Bank experiencing evictions and demolitions – most recently in the nearby village of Umm al-Khair, whose houses and preschools have been bulldozed repeatedly. The reason always given by the military authorities is that such structures have been built without permits, but the number of permits the Palestinians are issued for Area C is practically nil.

Why has there been so much diplomatic and political attention focused on the fate of this particular, miserable place?

“Sussiya is an example of the difficulties that we see with the ongoing trend of the demolition of Palestinian villages, and our clear position of concern over the increasing trend of Israeli settlements in the West Bank,” explains Tony Kay, the deputy chief



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of mission at the British Embassy in Tel Aviv. “Although Sussiya seems to have become an international area of focus, our policies are, of course, much broader regarding the overall trend of demolitions that we’re seeing.”

“Why Sussiya?” says another European diplomat, speaking off the record. “I guess it’s the nature of the media and diplomats; they need to revolve around a particular case, which garners more attention.”

“The residents have been quite skillful in getting support, and it’s true that some members of the diplomatic corps working in the field are a bit concerned that this focus overshadows other places like the Jordan Valley. But I guess it’s sort of self-reinforcing; once you go in, there is a bit of momentum. People are very poor, and this elicits a lot of concern, and it’s become high profile,” he states.

There are actually three Sussiyas – one is the archeological site of a now restored second-Temple-period synagogue; another is the religious Jewish settlement founded in 1983; and the third is the Pal-

estinian village.

The Palestinians lived partially in caves on both sides of what would become the 1948 Green Line. According to a 19th-century Ottoman Turkish *kushan*, or bill of sale, they owned agricultural lands – including the site of the present-day village where the residents were forced to move after their expulsion in 1986 from their original location when it was declared an archeological site.

Some of the families moved to the north, and some to the nearby town of Yatta. The Nawaja clan relocated to other caves in the area and to flimsy wood-frame shelters and tents they erected on agricultural land a few hundred meters southeast of the original village and the archeological site, and near the new Jewish settlement of Susya. They tried repeatedly to get building permits for their new location but were denied. Still, they were left alone until 2000, when they were expelled following the murder of a member of the Jewish Sussiya. The area was closed off and the entire village was razed.

The High Court subsequently ruled they could return and conceded the demolition

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was illegal but, by then, everything had been destroyed and the cisterns filled in. Despite the court order, the residents had no legal tools to rebuild, and have since faced successive and multiple demolition orders for whatever they rebuilt.

The Jewish settlement of Sussiya has continued to expand into areas claimed by other Palestinian families. Today it has a population of more than 1,000. For years, residents of Jewish Sussiya have harassed the local Palestinians, both physically, and destroying their property and hindering them from gathering their crops from olive groves.

The spokesman for Palestinian Sussiya is clan member Nasser Nawaja. The 33-year-old Nasser is employed by the Israeli human-rights group B’Tselem, which has provided him with a video camera he takes everywhere.

“Nasser is the bravest man I know,” says Ascherman. “His whole life has been one

Israel

long struggle.” As one of his sons passes out sweet tea, Nasser relates, “My father was expelled in 1948, I was expelled in 1986, and I’m fighting so my children will not be expelled. My father had no one. They were all simple herders, they didn’t know how to fight. If the army threw them out, they followed orders.”

It’s wonderful that the international community is concerned about Sussiya, but this doesn’t get at the root causes of why this is happening

The Civil Administration’s explanation for the Sussiya demolition orders is that the residents built without the necessary building permits, but such permits for Palestinians anywhere in the West Bank are nearly impossible to obtain.

In 2012, the court agreed to give the Palestinians time to get a zoning plan approved for the village before the demolitions. With the help of city planners, they created and submitted a plan to the Civil Administration’s Planning Committee. It was rejected in 2013.

According to University of Haifa urban planner Prof. Rassem Khamaisi, who worked on the master plan, it was rejected even though it was in accordance with all the accepted guidelines. The official reason stated was that the residents could get better services if they lived in a proper town.

Rabbis for Human Rights, advocating on behalf of Sussiya, petitioned the High Court to rule against the rejection of the master plan. The appeal has yet to be heard, and has been deferred several times, most recently on November 15. And although demolition orders are still standing, the army has yet to carry them out. The assumption of Sussiya’s many advocates is that this is the result of international pressure, including from the US.

In September, residents of Sussiya and two other West Bank Palestinian villages,



including children, flew to Washington, DC, to present their case to members of Congress.

Social worker Fatma Nawaja, Nasser’s sister, told congressional representatives, “We, the villagers hold clear title to our land, yet the regional planning committee rejected our master zoning plan. When the High Court of Israel ruled that our homes could be demolished even before our appeal is heard, the US State Department, members of Congress, and EU officials raised their voices to keep Sussiya standing.”

SENATOR DIANNE Feinstein (D-CA) also has met with a delegation from Sussiya in the past and wrote a letter to Netanyahu urging the Civil Administration to “reexamine its decision to deny Sussiya’s petition for a master plan so that the area’s Palestinian villagers can live in peace and with legal certainty.”

“It’s wonderful that the international community is concerned about Sussiya,”

remarks Ascherman, “but this doesn’t get at the root causes of why this is happening. The real issue actually is planning and zoning. Sussiya is just one example of many places where this is happening, or will happen, as long as all the planning is being done by the army,” he says, pointing out that there are no Palestinian representatives on the planning commission.

The EU diplomat tells The Report that one issue of particular interest to the EU is that the organization has provided many of the tents and temporary structures people are living in in Sussiya. “If the [next] demolition is carried out, it would double the number of demolitions of structures that have been carried out with donor-funded projects in the West Bank over the past two years in one go. As we have quite an intense relationship with Israel at the moment on the question of demolitions, it would be poking a finger in that, as well.”

This is precisely the issue that enrages the Land of Israel Caucus.



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Palestinians are trying to deny the Jewish connection to this land. “In actuality, this is a land grab by the Nawaja family from the city of Yatta, of lands that never belonged to them, ignoring the law and building illegal structures in contravention of administrative orders issued against them by the Civil Administration, as well as explicit orders issued against them by the High Court of Israel,” he declared.

According to a statement from Regavim: “The fact is that the area occupied by the squatters has only served as grazing land... Their agenda is clearly intended to obliterate the fact that an ancient Jewish community, including a magnificent ancient synagogue, thrived in this area before Islam even existed.”

“The question of ‘law and order’ is misleading,” counters Ascherman, “since in the case of all the Palestinian towns and settlements, the law has been imposed by the military authority. The residents themselves have had no part in elections or anything determining their lives.

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Also guiding the September tour was Likud MK Yoav Kisch, co-chair of the Land of Israel Caucus. “This is a test for the government. This is a Jewish area and should remain that way,” he said. Unwilling to answer a question from The Report about Israel annexing the West Bank, he instead said, “This is an outrageous tribe. This is important because this land will connect

Hebron to the Beduin communities of the Negev and to Gaza. This is a strategic move to control these areas.”

Two years ago, a crack in the stalemated Sussiya dynamics emerged when the army agreed to conduct talks with Sussiya residents and their representatives in order to seek a mutually acceptable alternative to demolishing Sussiya.

According to reports in the media, but not acknowledged officially, the Civil Administration has admitted that the land in question does indeed belong to the Palestinians. This was confirmed by former defense minister Yitzhak Mordechai, and even earlier in 1982, by Plia Albeck, who ran the Civil Department of the State Prosecutor’s Office. Her rulings led to many areas beyond the 1967 Green Line border being declared state land, enabling the creation of Jewish settlements within Israeli law. However, Albeck determined in 1982 the existence of a Palestinian village called Sussiya, surrounded by 3,000 dunams of private land belonging to the villagers.

The army reportedly put forward an offer saying it was prepared to recognize this publicly if the residents agreed to build a village near the town of Yatta on land they owned, with the army helping with the infrastructure. Talks were reportedly progressing when then-defense minister Moshe Ya’alon resigned and Liberman took his place. Negotiations were abruptly suspended. The Civil Administration told The Report it would only comment on the issue in court. In the meantime, nothing is moving. The army hasn’t enforced demolition orders and the court has acceded to the government’s repeated requests to defer a ruling on Sussiya’s appeal to reconsider the planning decision or the demolition orders.

Sussiya’s current lawyer Quamar Mishirqi-Asad tells The Report, “The state has to tell us whether they plan to demolish the structures before they carry it out. This isn’t right. At least listen to what we have to say.” But frankly, she adds, “They could destroy a few structures here and there, but I don’t believe the government wants the whole world to see pictures of them destroying the village. They’re smarter than that.” ■

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To the MKs, and the settler community they represent, the entire West Bank is a Jewish heritage site. While all Jewish settlements there are regarded overwhelmingly as violations of international law, the MKs call Sussiya an example of international bodies interfering with Israel’s justice system by funding what they call “squatter camps.”

Bayit Yehudi MK Bezalel Smotrich, founder of Regavim, an NGO that demands the demolition of Palestinian construction without permits, said he wants to persuade the prime minister “not to go along with the illegitimate pressure from the international community and to uphold the law in accordance with the Supreme Court.”

Standing in front of the restored synagogue during the September tour, Smotrich, who was carrying a pistol, declared that the