

Israel's Absentees' Property Law Allowing the Confiscation of Vast Amount of Properties Left Behind by Palestinian Arab Refugees

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Dear Member of the Standing Committee on Foreign Affairs & International Development and Foreign Affairs Minister,

According to [The Associated Press](#) the [Legal and Administrative Matters Law](#), enacted by Israel in 1970 after the occupation of East Jerusalem in 1967, allowing Jews to reclaim properties that were Jewish before the formation of the Israeli state in 1948. Jordan controlled the area between 1948 and the 1967 war:

Israeli authorities evicted a Palestinian family from a contested apartment in Jerusalem's Old City on Tuesday, capping a decades-long legal battle that has come to symbolize the conflicting claims to the holy city.

Activists say the Ghaith-Sub Laban family's removal is part of a wider trend of Israeli settlers encroaching on Palestinian neighborhoods with the government's backing and cementing Israeli control by seizing property in contested east Jerusalem.

Israel describes the eviction as a simple battle over real estate, with settlers claiming the family was squatting in an apartment formerly owned by Jews.

There is no equivalent right in Israel for the hundreds of thousands of Palestinian Arabs, who fled or were forced from their homes during the hostilities surrounding Israel's establishment in 1948, to return to lost properties.

In 1950 Israel enacted the [Absentees' Property Law](#) allowing it to confiscate the vast amount of property left behind by hundreds of thousands of internal and external Palestinian Arab refugees, and Muslim Waqf across the state following the destruction of

their communities during the establishment of the State of Israel from 1947-1949. All property belonging to Palestinian Arab absentees was placed under the control of the State of Israel with the Custodian for Absentees' Property.

Israel then used the Absentees' Property Law to take possession of the land belonging to the tens of thousands of internally displaced Palestinian Arab citizens across the state that were dispossessed or fled their villages after 1947 while hostilities were taking place and sought temporary refuge in neighbouring towns and villages which became part of Israel.

These internally displaced citizens were deemed 'absentees' despite the state of Israel denying them their return to their land. Among them, were the 300,000 Bedouin Palestinian Arab citizens of the Negev who suffered several further waves of displacement after 1948.

The internally displaced Palestinian Arab citizens of Israel- including their descendants - now represent nearly [one quarter](#) of the nearly two million Palestinian Arab citizens of Israel. Many of them still hope to return to their original homes and land.

I spent 12 days in July 2022 in the city of Nazareth, my family's hometown, visiting some relatives. I **was informed that nearly 40 percent of Nazareth's Palestinian Arab citizens are internally displaced from the neighbouring destroyed villages of Saffuriyya (replaced by Jewish town of Tzippori), al-Mujaydil (replaced by Jewish town of Migdal HaEmek) and Ma'alul (replaced by a "closed military area")**.

Residents of Nazareth can see Saffuriyya's land which is 6 kilometres away since the land sits 100 metres below Nazareth. One can only imagine how heart breaking it is for these internally displaced citizens of Saffuriyya and their descendants to be able to look at their land every day but be denied for 75 years the right to return and claim their land.

Israel's [constitutional documents](#) state it is a 'Jewish and Democratic' state. The two laws referenced above demonstrate that **it may be a democracy for Jews but it certainly is a tyranny for seven million Christian and Muslim Palestinian Arabs under Israel's rule and control, including its two million Palestinian Arab citizens**, and the six million [Palestinian Arab refugees](#) in neighbouring countries denied the right of return.

The Absentees' Property law and the Legal and Administrative Matters law referenced above are only a sample of the [over 65 Israeli laws](#) that systemically discriminate against Christian and Muslim Palestinian Arabs.

The crime of Apartheid is defined by the 2002 [Rome Statute of the International Criminal Court](#) as inhumane acts of a character similar to other [crimes against humanity](#)

"committed in the context of an institutionalized regime of systematic [oppression](#) and [domination](#) by one [racial group](#) over any other racial group or groups and committed with the intention of maintaining that regime".

So far 109 countries have signed the *International Convention on the Suppression and Punishment of the Crime of Apartheid*.

Understandably, reputable human rights organizations including Amnesty International, Human Rights Watch and Israel's B'Tselem have indisputably concluded that Israel is committing the crime of apartheid because its laws and policies enshrine supremacy of Jews

over Muslim and Christian Palestinian Arabs.

Furthermore, Israel has been violating international law since 1967 by illegally transferring its civilian population into Occupied Palestinian Territory and the Golan Heights of Syria which is a war crime according to [Article 8 of the Rome Statute](#) of the International Criminal Court to which Canada is a signatory.

Canada's inaction emboldens Israel to commit war crimes and crimes against humanity with impunity. Canada's verbal condemnation is meaningless while it continues to oppose most resolutions supporting Palestinian Arab rights and condemning Israel's violation of international law.

Instead Canada should consider taking concrete steps to:

- End its arms trade with Israel
- End its financial support for illegal Israeli settlements in the Occupied Palestinian Territory and the Golan Heights of Syria by revoking the Canada-Israel Free Trade Agreement (CIFTA) that allows goods from those settlements to enter Canada tariff free
- Ban Canadian registered charities from sending tax-deductible donations to illegal settlements and to the Israeli military

Canada should demonstrate its support for human rights and international law by implementing these actions against a nuclear-armed state, whose military is more powerful than Canada's, a state that has been committing war crimes and crimes against humanity against indigenous Muslim and Christian Palestinian Arabs for 75 year.

Thank you.

Khaled Mouammar

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***Khaled Mouammar** is a Christian Palestinian Canadian who was forced to flee his hometown Nazareth in 1948. He is one of the founders of the Canadian Arab Federation and a former member of the Immigration and Refugee Board of Canada. He received the Queen's Silver Jubilee Award from the Governor General of Canada in 1977.*

Featured image: A sign stating 'Danger, demolition. Entry is prohibited' was placed by Israeli authorities on top of the rubble of the Khalialehs' houses (MEE\Sondus Ewies)

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