

Response to the UJC Brochure Concerning Evacuees

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The Center for Near East Policy responds to the statements below:

Information comes from the Legal Forum for Eretz Yisrael and from research, based on multiple sources and "right of response" from the relevant official bodies. In addition, material specifically from the Legal Forum is annotated: (LF)

THE UJC REPORTS:

Facts About Israel's Disengagement from the Gaza Strip and Northern Samaria

NUMBER OF SETTLEMENTS EVACUATED: Gaza Strip: 21
 Northern Samaria: 4

NUMBER PERSONS EVACUATED: Gaza Strip: 8470
individuals from 1812 families

 Northern Samaria: 670 individuals from 170 families

DATES OF SETTLEMENT: 1972-1992

THE CENTER FOR NEAR EAST POLICY RESPONDS:

Shirat Hayam was established after 1992. (LF) [End]

THE UJC REPORTS:

THE SELA AUTHORITY: In June 2004 the Government of Israel established the Sela Authority within the Office of the Prime Minister. The Authority, commonly known as the Bassi Committee (after its Chair Yonatan Bassi), is responsible for planning and coordinating the services being provided to

evacuees.

TEMPORARY HOUSING:

1. At the request of the Government of Israel, Amigour, the Jewish Agency for Israel's public housing subsidiary, arranged for the following interim housing solutions: 850 apartments at rent-controlled rates, ranging from \$350-\$650 per month, for a period of one year.

THE CENTER FOR NEAR EAST POLICY RESPONDS:

Two years. (LF)

According to both the Legal Forum and the Sela Authority, the average rental grant is \$450. This is not enough to rent a normal apartment in the size that is needed by most of the families. (LF)

The apartments that have been offered are scattered (LF), and some of the apartments offered the evicted were in very poor and problematic neighborhoods. In addition, the evicted expressed a strong need, a full year before the disengagement, via the Legal Forum, that they not be split up, but remain as communities. The Gush Katif communities requested that they remain within a larger Gush Katif community.

The contract signed by those going to the "caravillas" in Kibbutz Carmia states explicitly (Hebrew copy available) that if the Sela Authority does not make the required payments, the residents will have to make the payments. The residents themselves (as opposed to Sela) are required bring two guarantors. This is in contradiction to a response from the Sela Authority on Nov. 13, which states, "The families living in caravilot do not pay rent, rather they do not receive the rent grant [given to other families who do not live in caravilot – NEP]."

In the case of the "caravillas" in Yad Binyamin (for the Ganei Tal community), the arrangement is that the rent

money is transferred straight from the Sela Authority to the Settlement Department of the Jewish Agency. According to the Sela Authority, the rent for the "caravillas" is not given directly to the residents. Note: Caravans of similar size (60-120 sq. m.) that are rented elsewhere, including over the green line but close to major population centers, such as Petah Tikva, cost between NIS 400-800 (approx. \$85-\$170). If the evicted were to choose these locations, however, they would be even further away from their communities, schools and places of work (for those who retained jobs that were not in Gaza). [End]

THE UJC REPORTS:

2. 300-350 temporary caravillas (a Hebrew term referring to upscale mobile homes) are being constructed around the coastal community of Nitzan, located between Ashdod and Ashkelon.

THE CENTER FOR NEAR EAST POLICY RESPONDS:

"Upscale" is an ambitious description. The main difference between these caravans and others is that these are square rather than long, and most of them have red rooftops. (Some have metal rooftops, which are problematic when it rains due to both the cold and the noise.) They are small houses that cannot contain the evictees' possessions, yet they include no storage area, so the evictees have to spend money on storage sheds for which they will not be reimbursed. They include no security room, in violation of current building codes in Israel, so that the caravans that are located close to the Gaza Strip, in Carmia, have rooftops that are not anti-mortar concrete, unlike the other homes in the kibbutz.

There are reports that the insulation material is BTI, that is flammable, and is not according to fireproof safety standards. (LF) Questions have been raised regarding their level of fire-proofedness. When the company's project director was asked to provide certification that they were built according to fireproof

standards, he claimed they were but refused to provide documentation to that effect. (NEP) Other problems in the "caravillas" include faulty plumbing and, electricity, there is no development of sidewalks, street lighting or transportation. The "caravan camps" do not have proper pre-school, shopping areas, or other necessary facilities. (LF) [End]

THE UJC REPORTS:

Many of the caravillas were already occupied when the evacuation began.

THE CENTER FOR NEAR EAST POLICY RESPONDS:

Some of the caravans were already occupied when the evacuation began (LF). [End]

THE UJC REPORTS:

Others are being constructed in additional locations such as Kibbutz Ein Tsurim in the southern Shafir Region.

THE CENTER FOR NEAR EAST POLICY RESPONDS:

There has been a serious lag in readying these "caravillas". For example, the 65 families of the Ganei Tal community moved into the "caravillas" in Yad Binyamin more than two months after the disengagement. Some of the "caravillas" were not totally ready even then, but the community was forced to move from their rooms in Hafetz Haim anyway. Other communities are still waiting for "caravillas", including the communities of Atzmona that are in Ir Haemuna, Moshav Katif and others. There were also people and communities who did speak with the Sela Authority in advance, before the disengagement, but nothing was ready for them at the time of disengagement, as in the case of the Peat Sadeh community, and organized groups from among some of the people in Gan Or, Neve Dekalim and elsewhere. One wonders how the Sela Authority would have dealt with 25 communities, had

they negotiated in advance, if they did not successfully deal with these. [End]

THE UJC REPORTS:

3. Caravans and other temporary structures are being constructed and made available to all evacuees in kibbutzim and moshavim throughout the Negev.

THE CENTER FOR NEAR EAST POLICY RESPONDS:

Same comment as above. [End]

THE UJC REPORTS:

4. For those without immediate shelter after the evacuation, the Authority provided hotel rooms in approximately 30 hotels, soldiers' welfare hostels and holiday cabins in locations all over the country.

THE CENTER FOR NEAR EAST POLICY RESPONDS:

There are hundreds of evictees still living in hotels (payment for which is deducted from their monthly grant of \$450 – LF), which have long since the disengagement been identified by a series of professionals as grossly inappropriate for healthy family life. Yitzhak Kadman of the Council for the Protection of the Child has spoken out about the problems of the children in this situation. Whereas the physical conditions of the hotels in Jerusalem are for the most part acceptable, the fact that families are split up in non-connecting rooms and sometimes even on different floors has severely harmed the family unit.

The conditions in some of the hotels outside Jerusalem, for instance, the King Saul Hotel in Ashkelon, are despicable. When the Moshav Katif people moved in several weeks ago they were met with filthy carpets in the rooms, curtains

falling down, bare bulbs, towels with rust stains and holes and the children sleep as many as six in a room of 3x5 square meters. The Sela Authority promised to move them within three weeks to the more acceptable Kfar Hanofesh in Askhelon. [End]

THE UJC REPORTS:

COMPENSATION:

1. The Government of Israel has allocated close to \$1 billion USD for compensation of disengagement evacuees.
2. Compensation is awarded according to the following criteria:
 - A. those who have left the evacuated areas within 48 hours after commencement of the disengagement

THE CENTER FOR NEAR EAST POLICY RESPONDS:

No longer relevant, due to the ruling of the High Court of Justice on November 10, 2005, based on an earlier recommendation by Justice Minister Tzipi Livni, after the state understood that this clause negated the Basic Law of Man's Honor and Freedom (Hok Kavod Ha'adam V'heruto). (LF) In general, the High Court of Justice ruled in June, 2005, that the Law of Disengagement contradicted the Basic Law of Man's Honor and Freedom (Hok Kavod Ha'adam V'heruto) but that there were conditions that enabled it, in spite of that. [End]

THE UJC REPORTS:

- B. type of housing and size of land in the evacuated areas
 - C. length of occupancy of evacuees
 - D. length of employment
 - E. type of business enterprise
 - F. age of the residents
3. Compensation includes:
 - A. Financial compensation for special investments in homes or land for individuals who requested a special evaluation of their property

in advance.

B. Refunds for initial cost of housing and a loan for purchase

replacement housing, as well as a loan which becomes a grant after five

years of residence for those settling in "preferred" regions designated by

the government (primarily in the Negev and Galilee regions).

C. Financial compensation for the loss of a business and the possibility of an extra grant if a new business is opened in the Negev or

Galilee regions.

D. Worker's compensation for working adults who lost their employment

as a result of the disengagement and are thereby legally entitled.

THE CENTER FOR NEAR EAST POLICY RESPONDS:

People who were employed have to undergo a long and complicated process in order to collect compensation.

Self-employed people receive no unemployment payments and they must initiate a lawsuit in order to receive compensation for their businesses, to which end they must retain attorneys. Meanwhile, they do not have the capital to start their businesses anew.

People who were employed by a non-profit organization, such as all but two of the employees of the local community center (the two were workers employed by the local municipal authority), receive no unemployment compensation. The community center, receiving no remedy from the Sela Authority, is trying to resolve the issue through the help of the larger umbrella of Israeli Community Centers. [End]

THE UJC REPORTS:

4. Calculation of compensation:

A. Families who have rented in the evacuated areas for less than eight years are not entitled to compensation.

THE CENTER FOR NEAR EAST POLICY RESPONDS:

There is a difference between private rentals and rentals from public companies (Amigur of the Jewish Agency, Shikun Upituah, the Histadrut, etc.). Those who rented privately receive no compensation for the home which they rented, even if it was for many years, only for their "vetek" (time they lived in the community). Those who lived in the expelled areas before June 2004, renting from a public company, receive compensation for "vetek" if they lived there before June 6 2002, in addition to compensation for the home.

A case study: "Moshe Levy", whose family moved to a community in Gush Katif when he was a year and a half old, is today 28. Six years ago, when the army stationed him in the north (he is a career officer), and his new wife, "Sara", was studying in Elkana, "Moshe" and "Sara" rented a caravan in Beit-El for about 19 months. They returned to Gush Katif early in 2001, when the army reassigned him to the south and she concluded her studies, at which time they lived near his parents in their Gush Katif community (which is where he had lived before his marriage), and later they moved to another Gush Katif community. According to the Disengagement Law, neither the couple, as a family, nor the young man, who lived in Gush Katif from the age of 18 months, are entitled to any compensation, not even his 26 ½ years of "vetek". They have retained the Legal Forum as their attorneys.

Young people, including those who were born in Gush Katif, if they married after June 6, 2002, and moved to another house with their new spouse within Gush Katif, are entitled to no compensation according to the Disengagement Law.

The evictees have been asked to go to extraordinary lengths to prove the time they have lived in their communities. Flying in the face of the universally accepted practice of retaining bills for seven years, the Sela Authority has demanded that they bring even 29-year-old phone bills (in the case of one family who lived in Netzer Hazani 29 years) to prove their place of

residence, even though they were registered with the Ministry of the Interior as residents of Gush Katif. Others have been asked to bring school report cards for proof, or "snail mail" addressed to them at their Gush Katif address. [End]

THE UJC REPORTS:

B. The maximum compensation could reach 1,838,160 NIS or \$409,000 USD.

As would be the case for example, for a family of six (two adults and four children) who have lived in the Gaza Strip or Northern Samaria for more

than 20 years and are planning to resettle in either the Negev or Galilee;

the two parents are between 55-57 years of age; they are leaving a home

which was built in accordance with the "Build Your Own Home" campaign; and

due to their evacuation, they have both lost their livelihood.

C. Note however, that only 20% of the evacuees have been in residence

15 years or longer. A family of six living in the Gaza Strip for 14 years

in a basic pre-cast home of 90 sq.m. would only be entitled to 1,003,425

NIS or \$230,000 USD including compensation for loss of employment, moving costs, etc.

D. To help evacuees cope with the trauma of dislocation, the

Government of Israel has allocated 10 million NIS or \$ 2.2 million USD for

psychological assistance. The Trauma Coalition is working to determine how

and when this might be provided and what additional needs there may be, if any.

THE CENTER FOR NEAR EAST POLICY RESPONDS:

The psychological assistance does not arrive in a timely fashion. (LF)

Serious problems have developed among the youth, including a number of cases in which teenagers have been hospitalized in psychiatric wards, but the state is not giving resources to deal with these problems before they reach crisis proportions. These are youth who were, prior to the disengagement, considered by professionals who studied them to be among the emotionally strongest youth of Israel. Since the disengagement, there are reports of 45% of the children over the age of 7 have returning to bed-wetting. Children are severely dropping in their schoolwork. Young people are leaving religion. The pre-school and school children in Ir Haemuna are not recognized by the state, as a result of which a minister and several MK's had to get involved in order to obtain treatment for three special needs children. This situation is especially worrisome not only on the personal level, but because these young people were previously considered the "crème de la crème" – dedicated, Zionist, leaders on the battlefield. A disproportionately large number had become officers; now there are some who refuse to be inducted into the army. [End]

THE UJC REPORTS:

CONCERNS:

1. 3,500 school-aged evacuated children have experienced a traumatic relocation. Services will have to be created to provide extra-curricular activities that will help them to integrate into their new environment and offer healthy outlets for social interaction with their new peers.

THE CENTER FOR NEAR EAST POLICY RESPONDS:

All activities are being carried out only by volunteers. On November 15, the parents of schoolchildren in Nitzan were on strike due to various poor conditions, including: the children have not yet been seen by a school psychologist, those who have to travel to the Neot Katif school in Mercaz Shapira have no shelter against the elements while they wait for the bus, and the conditions in general in the schools and pre-schools are very bad. Yesterday the parents met with Ministry of Education

Director General Ronit Tirosh, who came to Nitzan to discuss the issues. [End]

THE UJC REPORTS:

2. In order to reduce the overwhelming sense of displacement, families will need to find new, permanent homes as quickly as possible. The evacuees can make an important contribution to the Negev, Galilee and Jerusalem. With development and rebuilding of these regions as one of its central strategic goals, the Jewish Agency for Israel has a special interest in encouraging as many of the evacuees as possible to consider resettling in the Negev, Galilee and Jerusalem.

THE CENTER FOR NEAR EAST POLICY RESPONDS:

The center of life of the evicted is in the southern part of the country, including education, work and social surroundings. It is preferable that the state find housing solutions for the evictees who are interested in continuing their lives in that area, and not send them to be resettled far away. (LF)

This includes relating to issues such as appropriate ground areas for those who had worked in agriculture. (NEP)

The legal forum worked and continues to work for the aid of the evicted, the state did put them into hotels, but did not take care of alternative housing, temporary. Therefore, till today, three months after the eviction, several hundreds of the evicted still live in hotels. This causes serious emotional problems, for which the state has offered no remedy. The entire rehabilitation project of the evicted is being done by voluntary organizations. (LF)

***Concluding comment of the Center for Near East Policy:
It should be noted that the good hearts of the Jewish
communities in Israel and abroad have opened in an
attempt to solve the immediate and long term problems
of the evictees that the State of Israel has not solved.
While this help is welcomed, the fact that it is necessary
is also one more factor for trauma, for communities that
were independent, successful, productive and generous,
and who are now pushed into a situation in which they
have become, against their will, "welfare cases". This
"branding" is one more form of mental cruelty on the
personal and communal level.[End]***

THE UJC REPORTS:

Note: This document was prepared by United Jewish
Communities and The
Jewish Agency for Israel.

***MORE INFORMATION IS AVAILABLE FROM THE CENTER FOR
NEAR EAST POLICY REPORTS, BY TOBY KLEIN GREENWALD,
AT: <http://israelbehindthenews.com/katif.htm>
THE LEGAL FORUM AT: WWW.MISHPAT.ORG.IL***