

# Returning to Kafr Bir'im



**BADIL Resource Center**  
for Palestinian Residency and Refugee Rights  
Member of the global Palestine Right of Return Coalition

BADIL Resource Center  
for Palestinian Residency and refugee Rights – Bethlehem

English edition of 'Aidoun ila Kafr Bir'im

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## Introduction

The fact that the case of Kafr Bir'im is featured in this booklet should not come as a surprise. Kafr Bir'im has garnered major political and media attention ever since the Palestinian inhabitants of this village were displaced in 1948. Kafr Bir'im has remained on the agenda despite its erasure from the geographic map. The constant presence of Kafr Bir'im is due, more than anything else, to the struggle of its inhabitants for return to their village and the multitude of efforts sustained over time.

Despite Israel's profound and express unwillingness to reopen the 'file of 1948', the village of Kafr Bir'im has been repeatedly on the agenda. Its Palestinian inhabitants did not allow their case to be ignored or forgotten; they always looked for new ways to bring it to light, knocked at numerous doors, and fought on several fronts at the same time. Kafr Bir'im stands as an example for what Palestinians displaced by the state of Israel have been doing in order to return to their villages. It also serves to illustrate Israel's categorical and persistent refusal to deal with what could imply a recognition of the right of return of the internally displaced Palestinians and refugees.

This booklet, published almost sixty years into the Palestinian "Nakba" (catastrophe) of 1948, presents the story of the protracted struggle of Kafr Bir'im's people for return to their village. It recounts key events, achievements, obstacles and failures through the oral and written narratives of the displaced people themselves. The first chapter covers the beginning of displacement and subsequent developments; the second chapter outlines the displaced villagers' struggle in Israel's courts, and the third describes their efforts in the political arena and among the media. The fourth and fifth chapters feature activities carried out by the Kafr Bir'im displaced in their destroyed village, as well as individual initiatives launched by the displaced for their village and the quest for return. Maps, photos and documents are included in order to illustrate their story.

BADIL Resource Center for Palestinian Residency and Refugee Rights  
October 2006



# 1

Chapter One

## ***A Case Ongoing***

**The Displacement of Kafr Bir'im**





*We also got on the trucks,  
while our olives like emeralds lit up the night -  
the dogs barking, and the moon above the tower of the church.  
But we were not afraid,  
because we had left our childhood behind;  
it thus sufficed to sing: we will soon return home.*

(from: Mahmoud Darwish, *Why Did You Leave the Horse Alone?*)

## District of Safad, October 1948

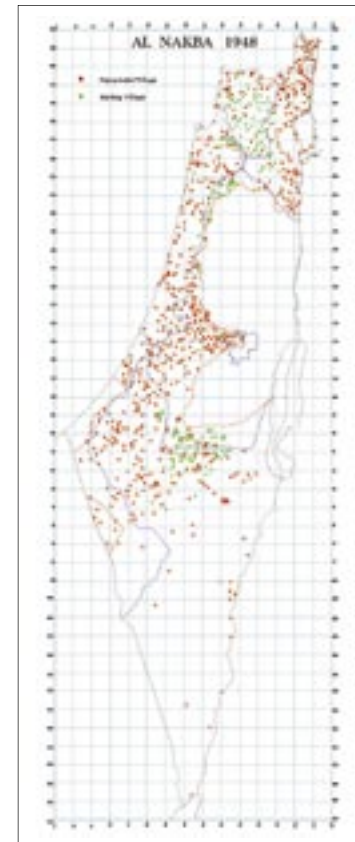
Three months after the proclamation of the State of Israel in May 1948, the picture of the Palestinian displacement was gloomy, and the details of Palestine's *Nakba* (catastrophe) were becoming evident. Most Palestinian regions and villages were occupied, and a large portion of the Palestinian people had already been displaced. On 29 October 1948, Israel began a new military campaign code-named *Hiram* in order to occupy the villages of the "Arab enclave" located in the Upper Galilee, including the Palestinian villages in the district of Safad. Forced displacement, including expulsion and massacres, were lying ahead for them, despite the fact that these villages were located in the area allotted to the "Arab state" proposed under the UN Partition Plan adopted on 29 November 1947 (UN General Assembly Resolution 181).

Operation *Hiram* involved four military brigades in addition to reserve and support units. Within 60 hours, between 29 October

and 2 November 1948, Israel's army occupied the "enclave" extending from Yanuh and Majd Al-Kurum in the west, Aylabun, Deir Hanna and Sakhnin in the south, Farradiyya, Qaddita, 'Alma, and Malikiyya in the east, and the Lebanese border to the north.<sup>1</sup> According to estimates of the Zionist forces prior to Operation *Hiram*, there were 50,000 to 60,000 Palestinians in this area, including locals and refugees. The vast majority of this population was expelled to Lebanon. Israeli estimates made only a few days after Operation *Hiram* indicated that only 12,000-15,000 Palestinians had remained.<sup>2</sup>

The massive scope of displacement in such a short period of time was the result of a series of atrocities perpetrated during the 60-hour *Hiram* operation, which became one of the bloodiest chapters of the evolving Palestinian *Nakba*. Military attacks on and occupation of the Palestinian villages were accompanied by atrocities aimed at terrifying the Palestinian inhabitants and forcing them to leave. On the first day of the operation, 29 October, massacres were committed in the villages of Safsaf and Jish in the Safad district, Aylabun in the district of Tiberias, and Majd Al-Kurum in the district of Acre (Akka).<sup>3</sup> The series of mass killings continued on the following day to include other villages, among them Saliha and Sa'sa in the Safad district, and the Khirbat Arab al-Samina in the Acre district.<sup>4</sup>

The perpetration of at least nine massacres in October 1948 - with Palestinian villagers killed, buried in mass graves, and their belongings looted - triggered a series of investigations by Israeli political parties and the government into the conduct of the armed



Map-1: Left to right: British Mandate Palestine; UN Partition Plan of 1947; 1948 depopulated Palestinian communities (in red).

Source: Walid Khalidi (ed.), *All That Remains: The Palestinian Villages Occupied by Israel in 1948* (Washington D.C.: Institute for Palestine Studies, 1992); Salman Abu Sitta, *From Refugees into Citizens, The End of the Palestinian-Israeli Conflict* (London: The Palestinian Return Centre, 2001).



forces. These investigations found that several officers and politicians of the Zionist labor movement (*Mapai* and *Mapam*) were “involved if not implicated,” and that “only [Prime Minister] Ben Gurion and [Minister of Foreign Affairs] Sharett appeared not to have been ‘shocked’ by what had happened.”<sup>5</sup> In the north, Palestinian villages continued to fall, and more and more people sought refuge in Lebanon.<sup>6</sup>

General Moshe Carmel, Officer in Command of the Northern Front during Operation *Hiram* and a member of the Left-Zionist *Mapam* party, described the tragic scenes of displacement induced by the atrocities. He wrote:

“They abandon the villages of their birth and that of their ancestors and go into exile ... Women, children, babies, donkeys – everything moves, in silence and grief, northwards, without looking to right or left. Wife does not find her husband and child does not find his father ... no one knows the goal of his trek. Many possessions are scattered by the paths; the more the refugees walk, the more tired they grow – and they throw away what they had tried to save on their way into exile. Suddenly, every object seems to them petty, superfluous, unimportant as against the chasing fear and the urge to save life and limb.”<sup>7</sup>

Caravans of Palestinian refugees forced out of their towns and villages arrived at Kafr Bir'im in October 1948 on their way to Lebanon. Father Yusef Istifan Susan, a priest of Kafr Bir'im, noted in his memoirs:

“The scenes of caravans of displaced people throughout the month of October 1948 are still in the memory of the young and old of Kafr Bir'im. Painful and sad scenes: children, women and the elderly on carts and driven by fear; rows of others walking behind beasts and carrying light belongings; cries of children who felt frightened, hungry, or cold; mothers bewailing their cruel fate, and a baffled and perplexed voice shouting: ‘What are you waiting for? They are coming. They are drawing nearer, so run for your lives!’ A terrible sight, and words that affect one’s heart. Such scenes cause conflicting reactions. One the one hand, you are pulled to join these people, while, on the other, you feel more rooted in the land on which you stand. The first reaction wants to drive you like cattle; the second shocks you, ... makes your hair stand on end, assaults you with thoughts, and ferments in you waves of questions about the destiny of those people: how will they feed their children? How will they silence their hunger cries? Where will they stay? ... Who will receive them? ... How ...and until when? No doubt everyone, their relatives, neighbors, fellow villagers, must have asked themselves these questions and scores of others. Every father and every mother, and indeed every sane person in Kafr Bir'im, who had seen with their own eyes those sad caravans, must have asked these questions. The people of Kafr Bir'im, however, said they were staying. ‘Here we stay ... here we remain’, they said. The newcomers were drawing closer and closer, but the Kafr Bir'im inhabitants said they would stay.”<sup>8</sup>



Thus a new chapter was added to the Palestinian *Nakba* which was in the making. By November 1948, some 68 of the 73 villages in the Safad district were already depopulated, in addition to 21 of the 51 villages located in the Akka district of the British Mandate era.<sup>9</sup> The ultimate outcome of the *Nakba* was the erasure of more than 530 Palestinian villages, towns and cities. A total of 750,000 – 900,000 Palestinians were displaced.<sup>10</sup>

## The village of Kafr Bir'im

The village of Kafr Bir'im is located 17 km north-west of Safad, the administrative capital of the district. Situated north of the main road linking the villages of Safsaf and Malikiyya, Kafr Bir'im is no more than four kilometers away from the Lebanese border. It's location in a mountainous area at 750 meters above sea level gave it strategic military importance. The village is divided into two main neighborhoods, a northern one and a southern one, with the church of *Al-Sayyeda* (Virgin Mary) in the middle, and the school located in the highest place.

In the northern neighborhood there are the ruins of an ancient Roman temple in an even square paved with flat stones. The village cemetery is located in the north-western part of the village. Various theories exist regarding the origin of the village's name. Palestinian historian Mustafa Dabbagh wrote that it is derived from the Canaanite name *Periyam*, which means “abundant with fruit.” Records of the village go back as far as the middle ages.<sup>11</sup>

It is worth noting that according to UN Resolution 181 (29 November 1947), which proposed to partition Palestine into an Arab and a Jewish



Students at the Kafr Bir'im School, 1939.

Source: Sharif Kanaana and Muhammad Sheyyeh, *The Displaced Arab Villages* (Arabic), Vol. 13 (Bir Zeit University, 1991).



Snap shot, Kafr Bir'im youth during the British Mandate.

Source: Rima Isa.



Map-4: Kafr Bir'im land map, British Survey of Palestine, 1933.

state, Kafr Bir'im was supposed to be part of the Arab state, just like most of the Galilee region, in particular the Upper Galilee.

In 1922 Kafr Bir'im had 469 inhabitants; by 1945 their number had increased to 710.<sup>12</sup> According to the census conducted by the Israeli authorities on 7 November 1948 (one week after the occupation of the village), the number of people living in the village was 1,050.<sup>13</sup> The majority were Maronite Christians,<sup>14</sup> while only two families were Greek Catholics.<sup>15</sup> Kafr Bir'im was the only Christian village in the Safad district of British Mandate Palestine.<sup>16</sup>

According to British Mandate sources, the total area of Kafr Bir'im was 12,250 dunums divided as follows: 96 dunums of buildings;<sup>17</sup> 1,101 dunums planted with trees; 3,718 dunums under cultivation; 7,329 dunums of uncultivated land; and 6 dunums of roads and public areas.<sup>18</sup> Official Israeli figures based on British tax files of 1947 and issued in 1994 differ only slightly. They report a total land area of 12,214 dunums of which 1,093 dunums were planted with trees, 4,170 dunums used for agriculture, while 6,855 dunums were classified as "hills and rocks."<sup>19</sup>

Until 1947 Kafr Bir'im's land was owned by 260 persons, while Kafr Bir'im's church owned 997 dunums. Records of the Property Registration Office in Safad from 1949 show that the church owned some 200 dunums of additional land, which was registered in the names of several villagers. Many parts of the village land are known by names given to them by the inhabitants.<sup>20</sup>

Unlike many other Palestinian villages, Kafr Bir'im's social structure

was not based on clans but rather on 19 extended families,<sup>21</sup> some of whom originated in Lebanon.<sup>22</sup> There were two schools in the village, a public school established under the British Mandate and a school operated by the Protestant Church.<sup>23</sup> In 1946 a group of villagers requested permission from the Mandate authorities to establish a village society which would cater to development in various fields, including agriculture and education. The application submitted in English by the society's founders included their names, the society's goals and means of finance.<sup>24</sup> Throughout the 1940s, the villagers did not conduct noteworthy political or military activities. In fact, a 1942 intelligence report of the Zionist *Hagana* organization about Kafr Bir'im stated that, "it was not noticed that the villagers have a special political inclination. They are far from politics and are not interested in it at all."<sup>25</sup>

As in most Palestinian villages of that time, Kafr Bir'im's economy relied on agriculture. There were no feudal landlords in the village, and properties were either small or medium sized. The village produced figs and olives, as well as grains for local consumption. It maintained commercial relations with the cities of Sidon and Tyre in Lebanon, Safad and Haifa (where tobacco was marketed), as well as the neighboring village of Sa'sa. Some inhabitants worked as employees in the British Mandate public sector.<sup>26</sup>

## The occupation of Kafr Bir'im

Kafr Bir'im was occupied on 29 October 1948, on the first day of Operation *Hiram*. Its inhabitants were unarmed and sought refuge

in the church. Once the Israeli forces had completed the search of their houses, the villagers were ordered to return home, and a curfew was imposed on the village for three days. The curfew was lifted when the army had confirmed that there were no armed people in the village and its vicinity. Bir'im residents were subsequently allowed to graze their sheep in the southern parts of their land, and "life was going back to normal."<sup>27</sup>

On 7 November 1948, Emmanuel (Mano) Friedman, then intelligence officer of the Seventh Brigade,<sup>28</sup> and Rafful Ab of the Safad District Office of the Ministry of Minority Affairs, arrived

in the village and conducted a census which registered 1,050 people. The census was included in the records of the Safad Office of Minorities as file no. 15/13.<sup>29</sup> The inhabitants of Kafr Bir'im interpreted the fact that they were not expelled like the inhabitants of neighboring villages, and the fact that the census was conducted, as indicators of the Israeli army's intention to permit their stay. This was their belief also because they had not resisted occupation, and because the village had not participated in the earlier fighting of Palestinian resistance groups and the Arab Salvation Army (led by Fawzi al-Qawuqji, stationed in the Upper Galilee) against the Zionist forces or, later, the Israeli army.



Kafr Bir'im, 1949.  
Source: Archives of Kibbutz Bar'am.

## Evacuation for “two weeks”

About two weeks after the occupation of the village, on 13 November 1948 at 3 p.m., Officer Friedman returned to the village in the company of four soldiers. He ordered the inhabitants to leave their homes within 48 hours and to move away five kilometers to the north, towards the border of Lebanon.<sup>30</sup>

Based on an account of Father Elias Shaqur, the officer explained the evacuation order by saying: “Our intelligence sources say that Kafr Bir'im is in serious danger, but you are fortunate because my men can protect it. Your lives, however, may be in danger. Therefore you have to close your houses, give us the keys and head to the surrounding hills for a few days. I promise you that none of your belongings will be touched.”<sup>31</sup> Friedman himself confirmed this later: “I told the villagers of Kafr Bir'im that their evacuation was temporary.” Friedman also stated that the evacuation order was issued based on an instruction issued by Minister of Minority Affairs Bechor Shalom Shitrit.<sup>32</sup>

Sami Zahra, a 78-years-old Bir'imite, remembers what happened:

“The occupation forces searched the village dignitaries, including my father, and told them that the people had to leave for two weeks for ‘security reasons’, because the village is located near the Lebanese border. I escaped into the mountains for two days because my father told me: ‘Run to the mountains! The army wants to kill the youths.

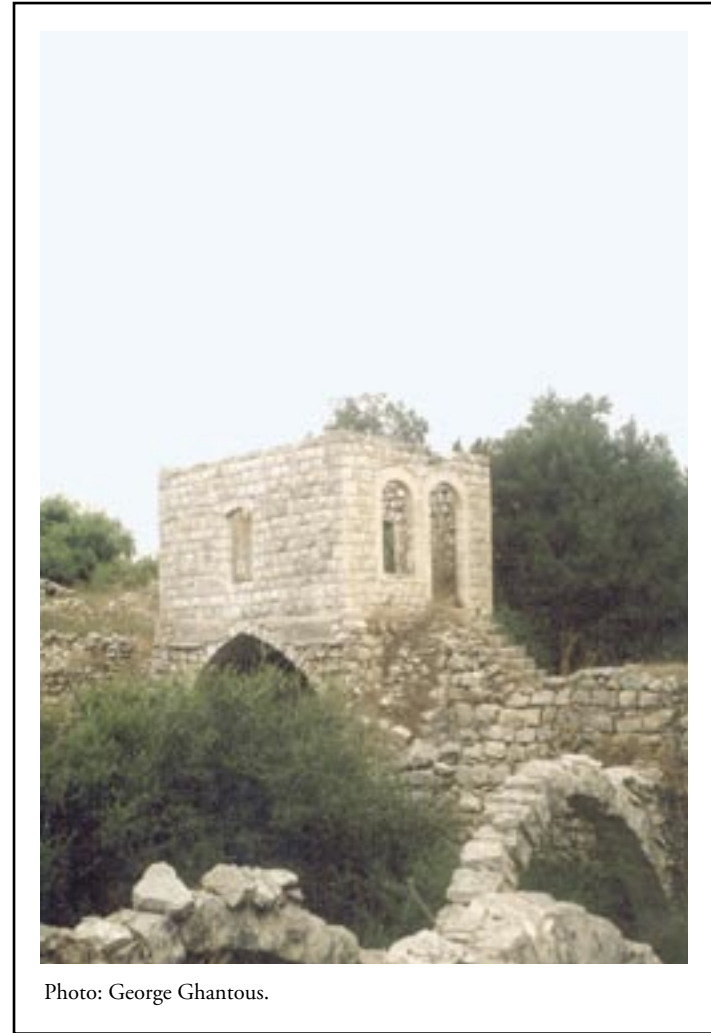




Photo: Maqboulah Nassar/BADIL.



They consider you trouble-makers and this may cause the expulsion of the whole village'. It was a severely cold winter, and I slept in a very old cave used as a tomb in the past and with many bones still there. Then I went to Lebanon for one week. I returned to my family when I learned that the majority of the villagers had been expelled to the village of Jish.”

”

Actually, the evacuation of Kafr Bir'im was part of a more radical plan which was never completely implemented. The original plan provided for the transfer of the inhabitants of Kafr Bir'im across the Lebanese border. The officer's order to the villagers to move five kilometers to the north while the border is only four kilometers away pointed to the existence of such a plan. The Israeli daily *Ha'aretz*, moreover, confirmed in a report published on 8 November 1972 that there was an “original plan” to expel the inhabitants to Lebanon.<sup>33</sup> This plan was in line with the Israeli decision of November 1948 to “clear its border areas” of the remaining Palestinian villages located 5-10 kilometers from the northern border with Lebanon.

Israeli historian Benny Morris argues that this decision was first of all motivated by military necessity:

“Arab villages along the border, just behind IDF positions and patrol roads, constituted a threat. They could receive and assist Arab troops and irregulars should the Arabs renew the war, harbour saboteurs and spies, and serve as way stations for infiltrators [returning Palestinian refugees],

thieves, and smugglers. Partly depopulated villages (...) and some semi-abandoned border villages, such as Zakariya, in the Jerusalem Corridor, were a socio-economic burden on the state since the young adult males were mostly dead, incarcerated, or had fled to Jordan, while the old, the women, and the children of the village lived off government hand-outs. Lastly, the authorities wanted as small an Arab minority as possible in the new Jewish state. In part, these border-area transfers were designed to hamper infiltration into Israel.”<sup>34</sup>

”

Military considerations and the objective of having the smallest possible Arab minority in the “Jewish state” motivated further expulsion of Palestinians. In early November 1948, only one week after the conclusion of Operation *Hiram* and following consultation with the Chief of Staff, General Moshe Carmel, Officer in Command of the Northern Front, began with the transfer of Palestinians who had remained in the border areas. Transfers were started in villages closest to the border, such as Nabi Rubin, Tarbikha and Suruh. Their inhabitants were expelled across the border to Lebanon. The inhabitants of al-Mansura, Iqrit, Kafr Bir'im and Jish were also ordered to leave.<sup>35</sup> The inhabitants of Iqrit were transferred southwards to the Galilee village of Rama. The majority of the inhabitants of Jish had already been displaced in October 1948. An evacuation order against the small number of those who had remained in Jish was canceled following the intervention of Yitzhak Ben-Zvi, then leader of the ruling *Mapai* Party and later President of Israel, and Bechor Shalom Shitrit, Minister of Minority Affairs.



Photo: George Gbantous.

When the inhabitants of Kafr Bir'im were ordered to leave, most took refuge in nearby caves and woods rather than move on to Lebanon. Reports indicate that seven children of Kafr Bir'im died of hunger and illness in this period of exile.

The village priest, Father Yusef Istifan Susan, recalls:

“All of the inhabitants of the village became homeless. The Minister of Minorities at the time, Bechor Shitrit, came to visit the northern borders accompanied by the military governor of the area, Elisha Soltz. The minister and his companions were received in the village of Jish, so that Kafr Bir'im's Mukhtar, Qaisar Ibrahim, and its Priest, Yusef Susan, rushed to Jish to tell him about the plight of the people of their village. Other people of Kafr Bir'im in the region came the following day to meet the Minister who said he wanted to examine in depth the matter of Kafr Bir'im. He then ordered that the inhabitants of Kafr Bir'im should be moved to Jish for two weeks, until the military operations on the northern borders would be terminated. The Minister assured the people that they would return to their village in two weeks. He told them: “Don't take with you to Jish anything not needed during this short period of time.”<sup>36</sup>

On 19 November 1948 Kafr Bir'im's inhabitants moved to Jish, located four kilometers south of their village. In Jish, there were 400 houses which had been abandoned by their displaced owners. These houses could not accommodate all of the people of Kafr Bir'im moving into Jish,<sup>37</sup> so Officer Friedman suggested that

the some 250 people who could not be housed should go to stay in the nearby Lebanese Maronite village of Rmaish, and that this would “not affect their right to return”. Thus, some of Kafr Bir'im's inhabitants moved on to Rmaish and other Lebanese Maronite villages in the vicinity.

Riyadh Ghantous, from the second generation of the Kafr Bir'im displaced living in Haifa, recounts:

“The displacement from Kafr Bir'im happened in the olive harvest season, so that many people stayed under the olive trees for that period. After that, the people scattered; some moved to Jish and others to villages in southern Lebanon, such as Rmaish, Maron al-Ras and Debel. My family, for instance, stayed for some time in Debel before they returned to Jish. The people lacked stability and were constantly moving between regions until the early 1950s.”

The inhabitants of Kafr Bir'im were ordered to leave despite the special relationship which had linked some villagers with the Zionist movement before 1948. This special relationship, which may even have resulted from understandings reached between the Zionist movement and the Maronite episcopal authority in Lebanon in the 1940s,<sup>38</sup> was described by the Israeli journalist Aaron Becher in the Israeli daily *Yediot Aharonot* on 28 July 1972:

“Long before the creation of the state of Israeli in May 1948, the inhabitants of Kafr Bir'im had lived in close friendship with the Jews in Palestine. An Israeli Jewish writer has given an

account of how, as early as 1945, the villagers had assisted – at some risk to themselves - Zionist Jews of Palestine who were conducting Jewish immigrants passing south from Lebanon through this area into Palestine. One of the Jews involved in this operation was Yeshua Felmon (later changed to Palmon); he was to become adviser to the Israeli government on Arab affairs. One of the Arab youths of the village of Kafr Bir'im was Ayub Mtanis; in 1972 he was to head the protest Committee for the Return of the Uprooted of Kafr Bir'im. In 1972 Mr. Mtanis recalled how in 1945 he saw Mr. Palmon arrive in Kafr Bir'im to smuggle into Palestine four Jews, two men and two women, who had come down from Lebanon. The Arab youngsters distracted the policemen in the village while the Jews were hidden and passed through. This account of Mr. Mtanis was confirmed by Mr. Emmanuel Friedman, who was adviser on minorities in the provisional Jewish government. He stated: ‘Not only Mr. Palmon, others too ... used to visit frequently in the village, and to be helped by the villagers. The inhabitants of Kafr Bir'im were considered faithful friends.’<sup>39</sup>

## Another Expulsion

By the time the infamous two week period had passed, Kafr Bir'im's inhabitants were still waiting for the imminent return. Officer Emmanuel (Mano) Friedman and other Israeli officials were still making promises and assuring the villagers that everything was going well. The villagers were allowed to fetch the dried tobacco hanging in the ceilings of their homes and market it through a Haifa-based



The church of Kafr Bir'im.  
Photo: Maqboulah Nassar/BADIL.

company. Kafr Bir'im inhabitants displaced to the Lebanese village of Rmaish were also permitted to come to Kafr Bir'im, prepare the tobacco and sell it in Haifa, in order to then go back to Rmaish and wait for the ultimate return to Kafr Bir'im.<sup>40</sup>

Ibrahim Isa, from the first generation of Kafr Bir'im villagers living in Jish:

“We used to keep the keys to our homes in our pockets. My mother used to send me to our home in Kafr Bir'im to bring the necessary supplies - you know, the farmer's house is like a grocery where you find everything. Our chickens remained in Kafr Bir'im for about a month [after the displacement], and we used to feed them regularly.”

Three months into displacement, the Israeli authorities gave a sign of their intentions: once more people of Kafr Bir'im were deported. On 22 February 1949 the military arrested 65 of them while they were renovating their rain-dam aged houses in the village. The Ministry of Police had authorized the renovations in response to a request submitted on 21 January 1949, but the military authorities did not recognize this permit. They claimed that the people were “infiltrators” and expelled them to the West Bank then under Jordanian rule.

Jamil Maron Maghzal tells the following:

“The Israeli patrol took us out of the cars and the commander ordered us to walk towards Jordanian territory. He threatened

to shoot anyone looking behind. We walked in the muddy fields; most of us were barefoot. When the Jordanian soldiers in the area noticed our movement they shot at us. We shouted: ‘We are Arabs!’ A Jordanian soldier then asked that two of us proceed towards them, and I moved forward with Jeries Shukri. We told the Jordanian patrol what happened to us. Then we were all transferred to the Jordanian army camp near Jenin; this was on 23 February 1949 at about 4:00 a.m. We experienced 29 very difficult days in the refugee camp in Nablus. We had to beg in order to survive, because what was given to us was not enough, and the little money some of us had with them was all spent. So we went to Amman and spent the first night at the Mar Yusef (Saint Joseph) Convent. The following morning, there was a parochial mass and the tray of the faithfuls’ donations was given to us as assistance.”<sup>41</sup>

In March 1949 the director of the Ministry of Minority Affairs’ Safad Office sent a letter to the head-office in Tel Aviv expressing his strong indignation about the renewed expulsion:

“The expulsion of the 65 Kafr Bir’im inhabitants on 22 February 1949 has caused deep frustration among the Maronite community. We have no information about what has happened to them, and this only adds to their families’ concern. Moreover, the people of Kafr Bir’im are also worried about news indicating that the government will soon confiscate the village and its land for the establishment of a settlement there.”<sup>42</sup>

The newly-displaced in Jordan were able to re-join their relatives in South Lebanon via Syria. Some of them were later able to return to Jish by sneaking across the Lebanese border.<sup>43</sup> This and similar incidents occurred at the time when Palestinians who had remained in Israel, including the internally displaced,<sup>44</sup> came under Israeli military rule which would last for 18 years until 1966. Israel’s military government ruled over the Palestinian inhabitants only; it did not deal with the country’s Jewish population. Military rule had several objectives, most prominent among them the prevention of return of Palestinian refugees to the villages and towns they had been forced to leave. Moreover, large numbers of Palestinians staying in Israel were expelled based on the allegation that they had “infiltrated” illegally.<sup>45</sup> Other objectives included the evacuation of semi-depopulated Palestinian villages and the transfer of their inhabitants to other areas inside or outside Israel, in order to open the way for Jewish settlement and colonization.<sup>46</sup> Military policies aimed to reduce as much as possible the number of Palestinians in Israel, especially those who had been internally displaced. A protracted series of population transfers<sup>47</sup> was accompanied by a tight and separate regime of control over Palestinians and confiscation of their land. Military rule served to turn Palestinians into a source of cheap labor, employed for the construction of the new state and its Jewish settlements.

Confiscation of Palestinian land did not cease with the end of military rule in 1966, and a set of emergency regulations passed by the British Mandate before 1948 are applied in Israel until today. Based on the emergency regulations, the Israeli authorities can declare areas as closed zones, confiscate land, close newspapers, detain

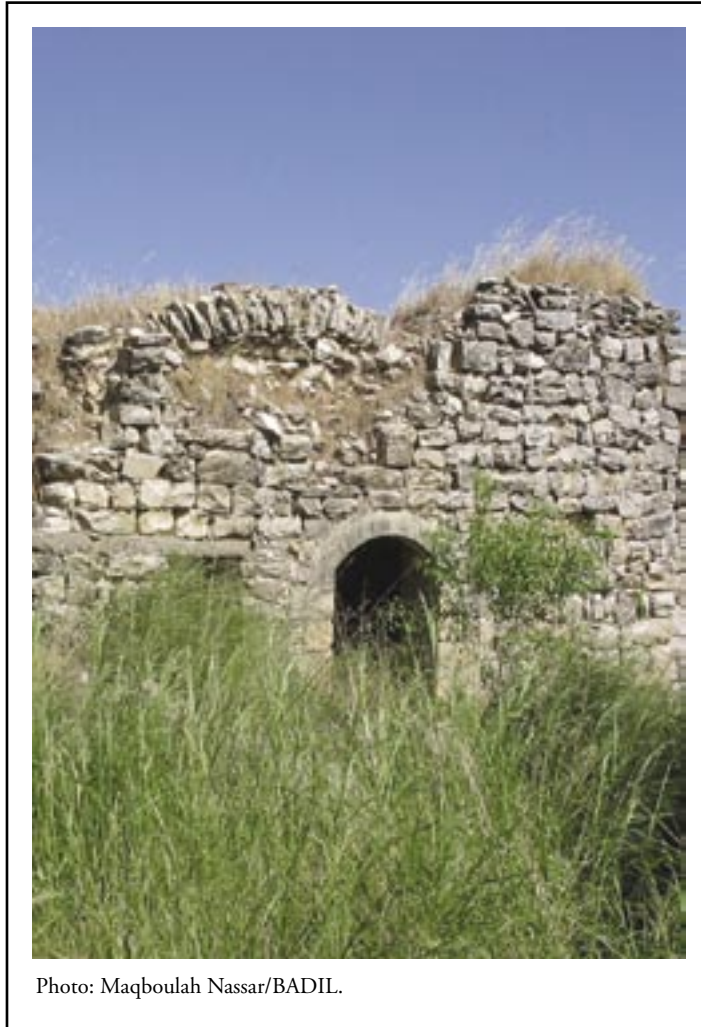


Photo: Maqboulah Nassar/BADIL.

citizens without trial, and even deport them. Under the emergency regulations authorities may “utilize” uncultivated land and thereby confiscate it *de facto*: areas of Palestinian land are cordoned off, seized by the authorities, and thereby expropriated.

## Bar’am replacing Bir’im: a kibbutz is established

On 5 June 1949, ten days after a delegation of the Palestinian villagers had met with Yehoshua Palmon, the Prime Minister’s Adviser on Arab Affairs, a group of Jewish settlers affiliated with the *Palma*<sup>48</sup> occupied some of the houses in Kafr Bir’im. On 8 June 1949, the people of Kafr Bir’im, represented by Father Yusef Istifan Susan and Mukhtar Qaisar Ibrahim, expressed their concern in a letter to Israel’s Prime Minister David Ben Gurion:

“We were honored to meet Mr. Yehoshua Palmon in the Prime Minister’s office. We explained our situation and informed his Excellency about the rumor that a kibbutz was going to be established in our village. We received his Excellency’s attention and assurances, but upon our return from the meeting we unfortunately found employees of the Keren Kayemet [Jewish National Fund] surveying our land in the same way as the abandoned neighbor-villages. The Kibbutz occupied our houses on 5 June 1949. We were shocked by this unexpected event, especially after the assurances we had received. We denounce this incident, raise our voice in protest and demand to be treated justly.”<sup>49</sup>

The Prime Minister's office cabled its response (no. 12313/89) to Father Yusef Istifan Susan and the Kafr Bir'im Mukhtar, Qaisar Ibrahim on 13 June 1949:

“I was asked by the Prime Minister to [...] inform you that in the present circumstances, and according to military and security sources, it is not currently possible to permit the return of the people of Kafr Bir'im to their village.

The above does not derive from a wish or a tendency to punish the people of Bir'im or to cause damage to them, and you should certainly not consider it an injustice or a negative response to your loyalty to the government. At this stage, the government is not intending to uproot the residents of Bir'im from their lands and means of sustenance, and it will make arrangements for you to live a regular life in Jish.” (See Doc-1.)

Numerous efforts were undertaken in this period by the village clergy and the *mukhtar* [village elder] to prevent the expansion of the nascent kibbutz named *Bar'am* and stop repeated attacks by the settlers against the land and the church. Israeli officials responded positively to some of the demands made by the Kafr Bir'im displaced, including the request to cultivate the church's *Waqf* (endowment) land. Establishment of the kibbutz, however, proceeded unhindered at the same time.<sup>50</sup>

The first nucleus of Jewish settlers stayed in Kafr Bir'im homes until the summer of 1951, when they moved into the new kibbutz.



Doc-1: Letter from the Israeli Prime Minister's Office stating that return is not currently possible while plans for the permanent removal of the Kafr Bir'im displaced do not exist (13 June 1949).

Source: Yusef Istifan Susan, *My Testimony: Kafr Bir'im Diary 1948-1968* (1986).



Remains of Kafr Bir'im homes.  
Photo: CUB.



The settlers' move into the village houses was accompanied by the removal of the ten Palestinian guards who had protected the Palestinian villagers' properties since their eviction in November 1948. These ten guards had performed their task with special permission from the military authorities. Upon the settlers' arrival on 5 June 1949, the police discharged the guards and took an inventory of the belongings of a number of village houses. These belongings were recorded in the names of their owners, with Mukhtar Qaisar Ibrahim attending on behalf of the villagers. The *mukhtar*, representatives of the kibbutz and the police signed the list of inventory, and on 18 June 1949 the items were collected and removed to a depot for storage. (See Doc-2)

The establishment of *Kibbutz Bar'am* on the land of Kafr Bir'im coincided with a wave of massive Jewish settlement in the country. Between October 1948 and August 1949, a total of 109 Jewish settlements were established on the land of depopulated Palestinian villages;<sup>51</sup> a total of 170 settlements were established in the two year period of 1948 - 1949. The scope of settlement expansion at that time is evident when compared with earlier periods: 293 Jewish agricultural settlements<sup>52</sup> were established in the 66 years from 1882 until 1948. This number is equal to the number of settlements established in only three years between 1948 and 1950.<sup>53</sup>

Vandalism and theft of land and property of Kafr Bir'im by *Kibbutz Bar'am* continued over a period of several years and included destruction of wells, the use of stones from the village houses for the pavement of the Kibbutz' main street in 1952, and the uprooting of olive trees from village land.<sup>54</sup>



Doc-2: Register of items belonging to inhabitants of Kafr Bir'im removed for storage in a depot, June 1949

Source: Susan (1986).



Remains of Kafr Bir'im homes.  
Photo: Maqboulah Nassar/BADIL.

Moreover, *Kibbutz Bar'am* did not remain the only Jewish settlement which would swallow the land of Kafr Bir'im. In 1958 *Moshav Dovev*, an agricultural co-operative, was established on the land north-west of the village. Other parts of the village land were exploited by *Kibbutz Sa'sa* set up on the land of the depopulated Palestinian village of Sa'sa.

## The Air Raid on Kafr Bir'im

On 16-17 September 1953, some five years after the eviction of the village inhabitants, Israel's Air Force bombed the houses of Kafr Bir'im and destroyed all of them, except for the church and the school. The displaced villagers watched the destruction from a hill-top some two kilometers away. This hill is still known as the "wailing hill" or "the Bir'imites' wailing place". The date of the destruction is commemorated by the villagers until this day with demonstrations and other activities.

Sami Zahra remembers:

“When the planes appeared above the village, and the houses were bombed, we all went up a hill located in the high area of Jish overlooking Kafr Bir'im. Every time a bomb fell on a house, the people would mention the name of the house owner and cry, and wait for the next bomb which would destroy the next house. They were unable to intervene against the destruction ... Ever since that time, the hill has been called the 'Bir'imites wailing place'”

The bombing of the village was undertaken at a time of intensive consultation between government representatives and the army. In a meeting on 16 September 1953 it was decided that the people of Kafr Bir'im would not be allowed to return to their village. They would instead be permanently resettled in the village of Jish and offered alternative land whose borders would not reach the "security zone" delineated in the Lebanese border area.

The destruction of Kafr Bir'im came almost two years after the destruction of the village of Iqrit in December 1951. It was part of a program of destruction of many Palestinian villages whose inhabitants were displaced in 1948. The program was based on the *Smith Plan* of "retroactive transfer" adopted by the Israeli Minister of Finance and the Prime Minister already in June 1948, in order to prevent the return of Palestinian refugees to their villages. The destruction of Palestinian villages was one of six measures included in this plan,<sup>55</sup> and implementation of this measure continued until the 1960s, many years after the end of the 1948 war.<sup>56</sup>

Already in 1948, Aharon Cohen, then Director of the Arab Department of *Mapam* and a member of its executive, stated in a memorandum:

“There are reasons to believe that what is being done ... is being done out of certain political objectives and not only out of military necessities, as they [Jewish leaders] claim sometimes. In fact, the 'transfer' of the Arabs from the boundaries of the Jewish state is being implemented ... the evacuation/clearing out of Arab villages is not always

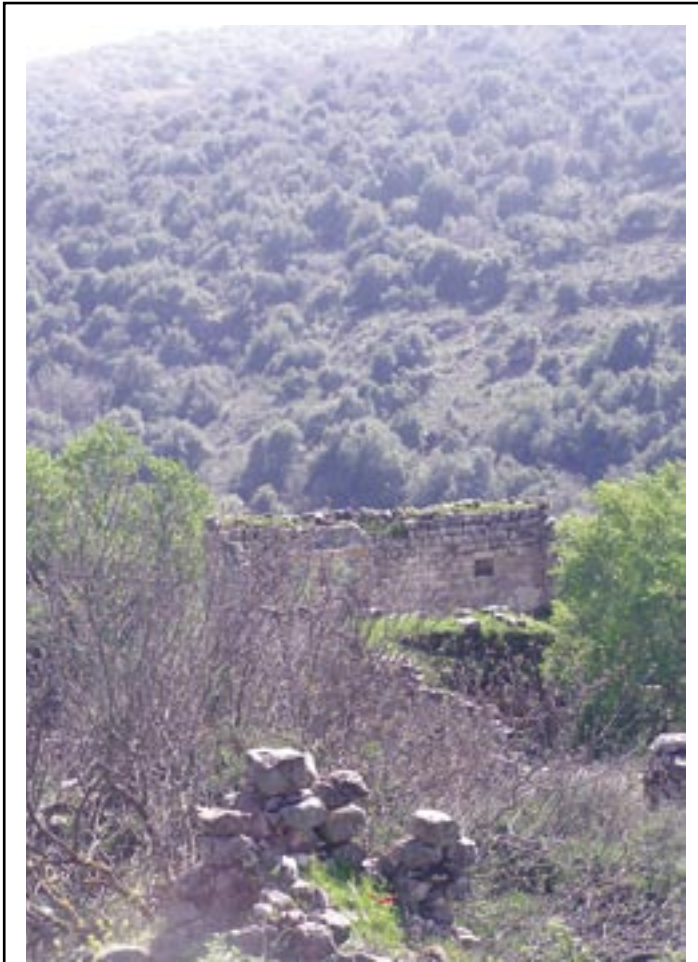


Photo: Maqboulah Nassar/BADIL.

” done out of military necessity. The complete destruction of villages is not always done because there are ‘no sufficient forces to maintain garrison.’”<sup>57</sup>

The displaced people of Kafr Bir'im protested against the demolition of their village to all political leaders in Israel, as well as to the ambassadors of the United States, Britain, France, and the Vatican. Arab members of the Israeli parliament (Knesset) also mobilized in support of the protest.<sup>58</sup> In similar messages addressed to the President, the Minister of Defense, the Minister of Police, the Minister of Religions, the Minister of Foreign Affairs, the Minister of Interior and the Knesset Speaker, the displaced villagers said:

“The owners of Kafr Bir'im strongly condemn the bombing of their houses and consider it the worst form of injustice. They would have preferred to be slaughtered by the racist oppressor, rather than having their houses demolished before their eyes in a situation of calm and without justification. The bombing of the houses will not make the owners cede their rights.”<sup>59</sup>

Messages of protest were followed in October 1953 by an appeal to public opinion in Israel via newspapers and magazines.<sup>60</sup> The rubble of the demolished houses was sold to contractors in Tel Aviv, who proposed to re-sell the doors, windows and stones to the Kafr Bir'im displaced in Jish, because transport of these materials to Tel Aviv appeared not profitable.<sup>61</sup> According to the Israeli journalist Raffael Beshan, the order to destroy Kafr Bir'im was the result of a “bureaucratic mistake” and internal conflict among

the governmental bodies involved in the debate about whether the demolition was necessary.<sup>62</sup> The party responsible for the demolition order has remained unknown, and no Israeli official has ever acknowledged responsibility.

## A “closed area” and “national park”

On 27 April 1949, the British *Defense (Emergency) Regulations of 1945* were incorporated into Israeli law and published in the official *Gazette*. Article 125 of the British *Defense (Emergency) Regulations of 1945* empowered the Minister of Defense to declare “closed areas” which nobody can enter without a written permit. The Israeli *Emergency Regulations (Security Zones) 1949*, moreover, empowered the Minister to declare border areas a “security zone” and to order any person to leave. In September 1949, the Lebanese border area was declared such a zone. This legalized retroactively the operations conducted there in the previous months.<sup>63</sup> The inhabitants of Kafr Bir'im had been forced to leave their village in November 1948 but were still present in the area. They were never provided with entry permits. By the time they were issued official orders to leave (evacuation orders) under the emergency regulations in November 1951, they had already been removed (See Chapter Two). On 14 August 1953, the Minister of Finance issued an order to confiscate the land of Kafr Bir'im, and two weeks later, title to the land was transferred to Israel's *Development Authority*.<sup>64</sup>

In 1965 the Israeli authorities endorsed a proposal to convert the area into a “national park, nature reserve, and tourist center.” The plan also included development of new residential areas. It was



Photo: Zaha Hassan/BADIL.

accompanied by a new initiative for solving the problem of Kafr Bir'im through an offer of alternative land and compensation. On 10 January 1977 the Israeli government issued a decree declaring Kafr Bir'im and all the surrounding land, including the cemetery and the church, a "national park."<sup>65</sup>

Afif Ibrahim, Secretary of the Committee of the Uprooted of Kafr Bir'im (CUB), explains:

“A sign was put up at the entrance of the village describing the area as the site of an ancient Jewish village that goes back thousands of years, although the ruins of the destroyed houses which belong



“Closed Area. Forbidden to leave the road. The Military Commander.”  
Photo: CUB.

to the people of Kafr Bir'im are still visible. There is no mention of the existence of a Christian village which is hundreds of years old and stood in this place until few decades ago.”

Israel's military rule over the Palestinian population ended in 1966, but the people of Kafr Bir'im were not allowed to return. In October 1967, a "general permission to enter" the entire northern region, including Iqrit and Kafr Bir'im, was issued. However, when the displaced people tried to enter their villages, they were prevented from doing so and their hopes dwindled.<sup>66</sup> In response to protests and mobilization for return in 1972, Minister of Defense Moshe Dayan affirmed that Kafr Bir'im and Iqrit remained "closed areas" (see Chapter 3). Visits to the "National Park," however, are permitted and provide an opportunity for the Kafr Bir'im displaced to visit their village.

Natalie Makhoul is a young woman from the third generation of the displaced, living in Jish and studying at the *Technion Institute* in Haifa. She says:

“In my childhood, I never thought of my village as a national park. My connection with it was free of such provocations and anger. It is very painful for me now, that the land of my village and grandparents is treated as a 'national park'. Every time I see a national park now, I imagine Kafr Bir'im. My feeling towards the village is stronger than the signs that carry the name of the park. It's a malicious act, and it makes me angry to see people and tourists come to my village and read stories about its history which have been fabricated in order to obliterate our personal past.”

## Kafr Bir'im today

In 1949 the large majority of the inhabitants of Kafr Bir'im were forcibly transferred to the neighboring village of Jish. Thirty five families remained displaced in the village of Rmaish [Rmaich] across the Lebanese border. Today, more than 2,000 displaced inhabitants of Kafr Bir'im live in Israel, making it one of eleven Palestinian depopulated villages whose population has mainly remained in Israel.<sup>67</sup> Most of the Kafr Bir'im displaced live in the Galilee,<sup>68</sup> especially in Jish - where they form about one third of the population<sup>69</sup> - and in Haifa, Akka, Nazareth, Makr, Kafr Kanna, and al-Reina. Some of the Kafr Bir'im displaced reside in the Dhabiyeh refugee camp near the Lebanese capital Beirut, and some 500 others live in southern Lebanon. A total of 4,235 dunums of land is owned by the displaced villagers, and another 5,988 dunums of land are registered in the name of the *mukhtar*. All of it has been converted into "Israeli state land," which is administered and developed for the benefit of the Jewish people.

As of today, the land of Kafr Bir'im is held and used by: *Kibbutz Bar'am* (2,587 dunums, including 90 dunums for housing, 569 dunums for cultivation and 1,928 dunums for grazing); *Kibbutz Sa'sa* (1,000 dunums, including 70 dunums for agriculture and 930 dunums for grazing); and, *Moshav Dovev* (5,250 dunums, of which 265 dunums are built-up, 1,010 used for agriculture and 3,975 for grazing). The "Nature Reserve" covers an area of 2,783 dunums of Kafr Bir'im land, with the "National Park" established on 80 dunums. In addition, there are 514 dunums of land which have not been re-allocated, including 70 dunums cultivated by

Kafr Bir'im displaced, and 439 dunums of forest held by the *Jewish National Fund* and used by *Kibbutz Bar'am* for grazing.

In the course of field-research conducted on 28 March 1993 for a report to an Israeli ministerial commission (see Chapter 3), the Committee of the Uprooted of Kafr Bir'im recorded no more than 50 cows grazing in the whole area.

Ibrahim Isa, 70, living in Jish, says:

- “Ten-thousand dunums for grazing only 50 cows of Kibbutz Bar'am! We told them that we were ready to live with the 50 cows and to feed them if necessary. We even suggested that we would buy the fodder for the cows, but they refused. They prefer the cows over us.”





## 2 Chapter Two

# *Reclaiming Justice in Israel's Courts*

The Legal Struggle





The path to the church from the South.  
Photo: Zaha Hassan/BADIL

The year 1951 marked a turning point in the struggle of the Kafr Bir'im displaced. By that time, three years after their eviction, scores of telegrams and letters had been sent and meetings held with Israeli government and military officials (see Chapter 3). Important changes had occurred on the ground, foremost among them the establishment of *Kibbutz Bar'am*, and repeated acts of vandalism were committed by the Jewish settlers against church property. Thus, the people of Kafr Bir'im finally decided to take their case to Israel's Supreme Court.

The decision to go to court came after displaced inhabitants of another village, Iqrit, had succeeded on 31 July 1951 (case no. 64/51) to obtain a ruling in favor of their return. The Court had found in that case that there were no legal grounds for denying the petitioners [Iqrit inhabitants] their right to return and that they should be permitted to return because no evacuation order had been issued by a responsible authority. The Court had ruled that even if the village was part of a "closed area", the inhabitants of Iqrit could not be barred from returning to their village as long as no evacuation orders were issued to them.

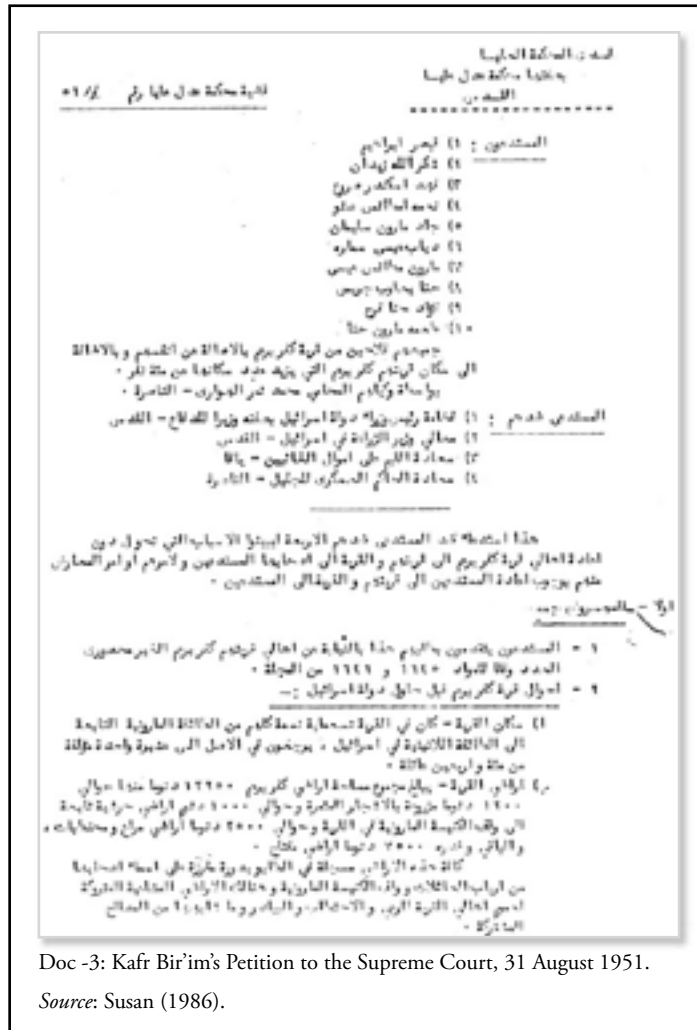
On 31 August 1951, Attorney Muhammed Nimer al-Hawari and ten inhabitants of Kafr Bir'im filed a petition on behalf of the entire community against the Prime Minister of Israel in his capacity as the Minister of Defense, the Minister of Agriculture, the Custodian of Absentees' Properties, and the Military Governor of Nazareth (case no. 195/51).

The petition provided background information about the village

before and after 1948, including land and population, and a record of their displacement. The petitioners argued that there were no grounds for the continuation of their forced exile, because the inhabitants of Kafr Bir'im posed no threat to national security; they had at no time in the past posed such threat, and would not represent a threat in the future (item A of the petition). The petitioners also argued that "village houses and land have never been used by the enemies of Israel or those who violate its security" (item B), and that "the Israeli army does not seize the area for military purposes but has rather made it available for use by Israeli citizens to the exclusion of its original inhabitants" (item E). The petitioners finally argued that "Arab inhabitants in other regions of Israel were allowed to reside in border areas without having to face the severe measures faced by Kafr Bir'im." (Item G; see Doc-3)

The petition also presented a number of legal arguments:

- a. The acts of the defendants are not based on any law and amount to pure injustice;
- b. The acts of the defendants are in violation of Israel's Declaration of Independence of 14 May 1948, in particular its provisions on equality and non-discrimination;
- c. The particular circumstances of the evacuation of Kafr Bir'im amount to an abuse of the law and a violation of the principles of justice, and have prevented the inhabitants of the village from lawfully exercising their rights and maintain their property;
- d. There is no law applicable in Israel that can justify or excuse the acts of the defendants;
- e. The treatment of the village inhabitants violates both the



Doc -3: Kafr Bir'im's Petition to the Supreme Court, 31 August 1951.  
Source: Susan (1986).

- f. The defendants permitted staff under their supervision to exceed their powers without reasonable justification, and their persistence in denying the petitioners' return to their village shows ill intentions;
- g. The esteemed Court has previously intervened in case No. 51/64 (the case of Iqrit) and ordered that the petitioners should be permitted to return to their village.

On 8 October 1951 the Supreme Court issued a temporary injunction order (*order nisi*) requesting the government and army to explain why they would not permit the return of the inhabitants of Kafr Bir'im to their village and land, and on what grounds the latter were prevented from using their properties as owners (See Doc-4).

### The response of the Israeli authorities

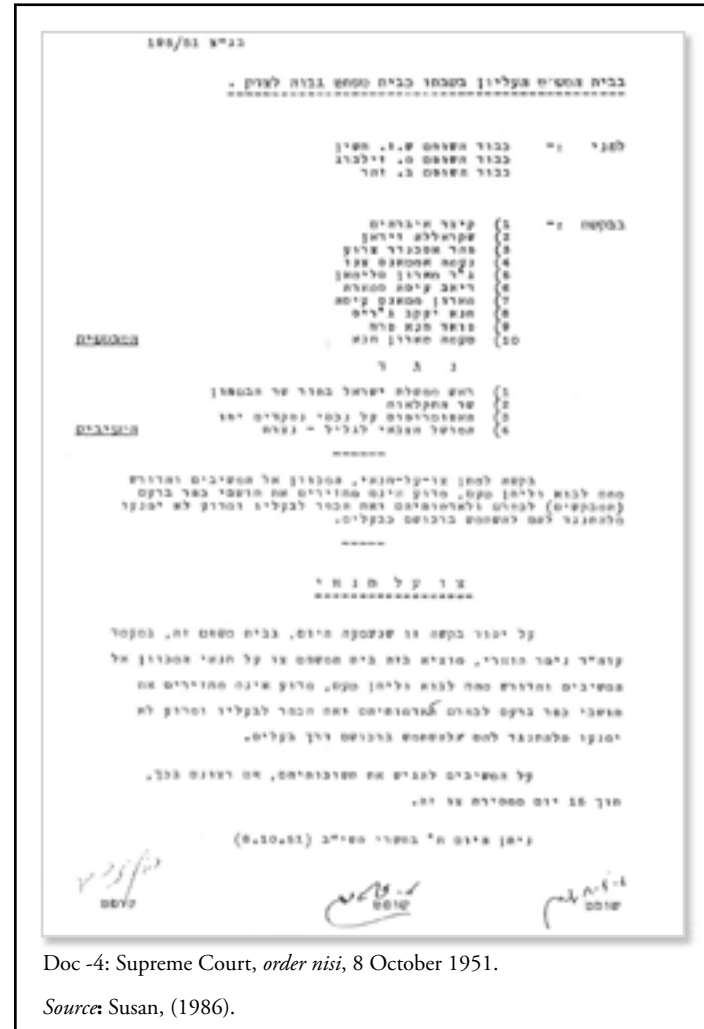
Already on 2 August 1951, in response to the Supreme Court ruling in the case of Iqrit, the Military Governor had followed legal advice and issued an order declaring 14 Palestinian villages, among them Kafr Bir'im, to be "closed areas" under the *Emergency Regulations 1945* (see below, Doc-6). On 31 October 1951 the government and the army requested the Supreme Court to extend until 15 November the deadline for their response to the *order nisi*. This request was granted on 2 November. On the same day David Ben Gurion, Prime Minister and Minister of Defense, affirmed that the area of Kafr Bir'im was a closed military area and that he

intended to issue evacuation orders to the villagers based on the powers given to him as Minister of Defense under the *Emergency Regulations 1949*.

On 14 November 1951, Ya'acov Mehraz, on behalf of the Military Governor of the Galilee, confirmed in his testimony to the Court that “the responsible authority was studying the possibility of issuing evacuation orders to the inhabitants of Kafr Bir'im in the closed area.”

The power of the Minister of Defense to designate, with approval of the Knesset Committee on Security and Foreign Affairs, areas close to the borders (so-called protected areas) as “closed areas” and bar entry of unauthorized persons is derived from the British *Defense (Emergency) Regulations* of 1945. Moreover, the Israeli *Emergency Regulations (Security Zones)* passed on 27 April 1949, empower the Minister to declare border areas a “security zone” and order any person to leave. A “security zone” along the northern borders was delineated in September 1949 and renewed annually by the Knesset.<sup>70</sup> Persons issued exit (evacuation) orders had to leave the “security zone” within 14 days.

As mentioned above, Kafr Bir'im was declared a “closed area” in August 1951, i.e. almost three years after they were first ordered to leave in 1948. This strongly suggested that the authorities were engaged in 1951 in an effort to retroactively legalize their action. Accordingly, Kafr Bir'im's legal representative Muhammed Nimer Al-Hawari challenged the legality of the 1948 evacuation of Kafr Bir'im's inhabitants. When they were forced to leave,



Doc -4: Supreme Court, *order nisi*, 8 October 1951.

Source: Susan, (1986).



Photo: George Ghanous.

Kafr Bir'im was not a "closed area", and the legal basis for their removal was absent.

On 1 January 1952, the Military Governor of the Galilee confirmed in a second affidavit to the Court :

“On 30 November 1951, General Yosef Avidar, the competent authority for the Emergency Regulations (Security Zones) and based on the powers vested in him by Article 8a of the above Regulations, signed on orders to all the people of the village of Bir'im present in the territory of the State of Israel to evacuate, within 14 days of delivery of this order, the security zone in which Bir'im village is located. 215 orders were issued to 545 persons, and 205 orders were delivered to some 530 persons between 30 November and 4 December 1951.<sup>71</sup>”

## The decision of the Supreme Court

On 18 January 1952 the Supreme Court passed its decision. The decision canceled the temporary *order nisi* of 8 October 1951 and stipulated that return to Kafr Bir'im required a permit from the military governor.

*The Supreme Court decision issued on 18 January 1952*

*The order issued by the Military Governor on 2 August 1951 ['closed area'] was published in the official Gazette on 6 December 1951 and therefore the petitioners' request is rejected.*

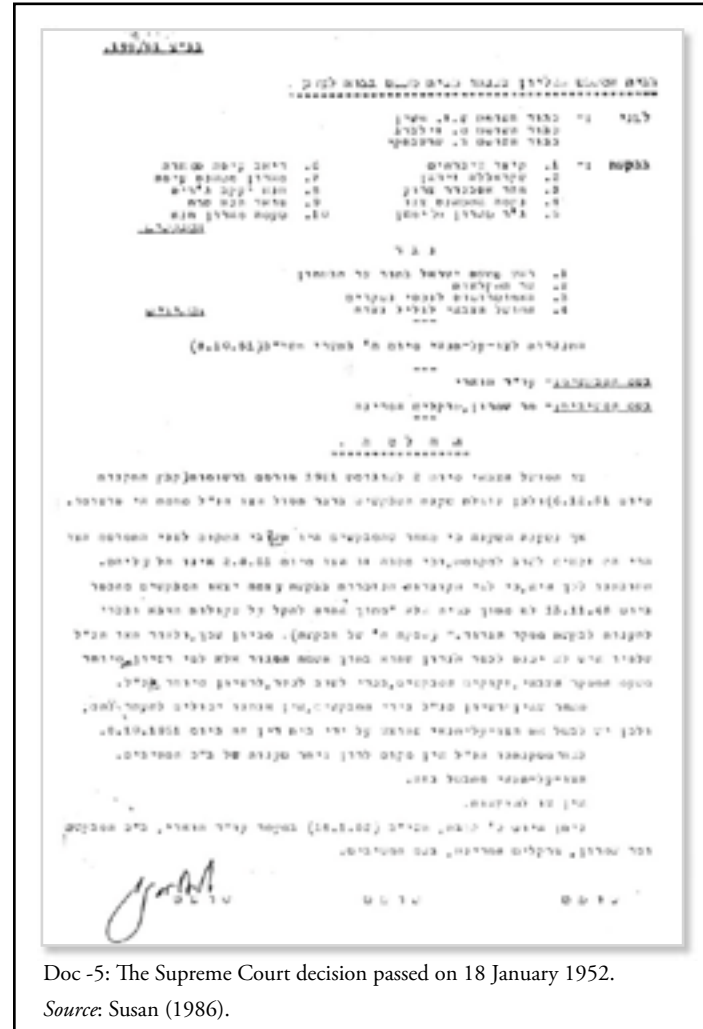
*With regard to the petitioners' argument that they were residents of the area before the order was published and that the order issued on 2 August 1951 does therefore not apply to them and they should be permitted to return, it is our opinion that based on the facts mentioned in the petition itself, the petitioners did not leave the village on 13 November 1948 as a result of force, but in order to facilitate the military operations and in response to the request of the officer in command.*

*Based on the above facts and in light of the above-mentioned order which provides that no one can enter a village located in the closed area without permission by the Military Governor, the petitioners require such permission in order to return to their village. Since the petitioners do not currently hold such a permit, we cannot accept their request.*

*Therefore, the order nisi issued by this Court on 8 October 1951 is canceled. In light of our conclusions presented above there are no grounds for discussion of other arguments brought forward by the legal representative of the petitioners.*

*This cancels the order nisi.  
No fees incurred.*

*The decision was given in the presence of Atty. Hawari, representing the petitioners, and State Attorney Mr. Shomron, representing the respondents.  
(See Doc-5.)*



Doc-5: The Supreme Court decision passed on 18 January 1952.

Source: Susan (1986).



Photo: Zaha Hassan/BADIL.



This Supreme Court decision ended a decisive chapter in the legal struggle of the Kafr Bir'im displaced, who from then on shifted their focus to the political arena. Two months after the court decision the displaced villagers addressed David Ben Gurion, Prime Minister and Minister of Defense, with a letter signed by 80 heads of Kafr Bir'im households. The letter condemned the transformation of the village into a closed military area and the admission of Jewish settlers who occupied the land offered to them by the respective authorities.

The displaced inhabitants of the village of Iqrit, who had succeeded on 31 July 1951 in obtaining a court decision that permitted their return, did not fare better than the Kafr Bir'im displaced. Also in the case of Iqrit, formal evacuation orders were issued by the military governor five months after the court ruling and two years after their actual eviction. Iqrit's appeal to the Supreme Court (no. 230/51) did not only fail to cancel the eviction orders but also resulted in a change of the earlier court decision. The decision in the appeal was passed on 25 February 1952, two months after the village houses had been demolished. The Supreme Court ruled in the appeal that the former inhabitants of Iqrit did not return in the five-months period between the 31 July decision and the issuance of the evacuation orders, and, therefore, also could not return after the issuance of these orders.<sup>72</sup>

In 1951 a total of three petitions submitted to the Supreme Court resulted in temporary injunctions or decisions permitting - in principle - the return of displaced Palestinians. These included, next to Kafr Bir'im and Iqrit, the village of al-Ghabisiyya. The inhabitants of the latter had also remained in their village and were evicted in January 1950. The al-Ghabisiyya displaced petitioned

the Supreme Court (no. 220/51) demanding that they be allowed to return to their village because their eviction was not based on grounds of security but rather motivated by the desire of the military governor to bring Jewish settlers into the village. The petitioners argued that this practice amounted to discrimination and heartlessness and was in violation of fundamental principles of justice. They also argued that their good services to the Jews during their war against the Arab forces were thereby ignored.<sup>73</sup>

In the case of al-Ghabisiyya, the Supreme Court canceled the closure order issued against the village. The reason for the decision, however, was purely procedural: the closure order had not been published in the official *Gazette* as required by the law. The authorities responded by publishing a new closure order on 6 December 1951, and the inhabitants of al-Ghabisiyya went into appeal. Despite criticism expressed by the Court to the representatives of the Ministry of Defense, and irrespective of the judges' feeling that the "discreet security justifications" employed by the military "cannot be relied on at all," the Court rejected the villagers' appeal and passed a final decision which granted return only to the few who had succeeded to return to the village in the short period between the first Supreme Court decision and the renewed closure order. The Court argued, among others, that "since the residents did not return to their village before the order was published in the official *Gazette*, they also cannot return there after it was published." The few who had returned were not able to stay for long. They were forced to leave the village again, and, with the exception of the mosque, all houses in the village were demolished.<sup>74</sup>

## Lessons Learned

In the early 1950s the Israeli authorities, in particular the military, developed a uniform response to the lawsuits filed by internally displaced Palestinians. This response was based on three components: declaration of their villages as “closed areas” under Article 125 of the British *Defense (Emergency) Regulations*; issuance of evacuation orders; and, demolition of the houses in the village. Article 125 of the 1945 *Defense (Emergency) Regulations*, which permits declaration of “closed areas”, represented the authorities’ main weapon against the inhabitants of the depopulated Palestinian villages. In the three cases of Kafr Bir’im, Iqrith, and al-Ghabsiyya the emergency regulations were used to impart legality to the expulsion of their residents. (See Doc-6).

Numerous depopulated Palestinian villages in the Galilee with residents displaced inside Israel were defined as “closed areas” by the military orders issued in August 1951, among them al-Mansura, Kuwaykat, Birwa, Saffuriyya, al-Mujaydil, Mi’ar, Damun, Ruways, ‘Amqa, Farridiyya, Kafr ‘Inan, al-Ghabsiyya, Majdal, Tantura, and Kafr Bir’im. With these orders, the military ensured that the villagers could neither return nor approach the courts successfully. In the following months, 30 more depopulated villages were also declared closed military areas.<sup>75</sup> The next step was the demolition of the villages, especially of those whose inhabitants had remained in Israel.

Secret correspondence of the time sheds light on the workings and motives of Israel’s military, political and legal political system: On



Doc-6: Military order of 2 August 1951 declaring 14 Palestinian villages, among them Kafr Bir’im, as closed areas under the Emergency (Defense) Regulations 1945

Source: Susan (1986).

2 August 1951, for example, the Military Attorney alerted the Military Governor in a memorandum headed “secret”:

“The State Attorney has kept his promise and I received this morning the decision of the High Court regarding the matter. Based on this decision we have only one way to prevent the return of the Iqrit Arabs to their village, i.e., to issue an evacuation order under the Regulations (Security Zones). Such an order will have a legal value only if advisory and appeal commissions will be formed as required by the law. I therefore ask you to guarantee immediate appointment of the commissions, so that in this and other, similar investigations it will be possible to issue evacuation orders as required by the circumstances.”<sup>76</sup>

On 12 August 1951, after the Court had ruled in favor of the Iqrit displaced and before the village was demolished, Military Governor Emmanuel Mor explained to the Chief of Staff in a letter classified as “strictly confidential and personal”: “The consequences of this court decision may cause serious harm to state security and infringe on military interests.” He then mentioned four reasons: first, because there would be another Arab village close to the border; second, because it would set a precedent for other court cases; third, because Arab communities would be created in areas where they are not desired; and, fourth, because of possible damages to security and the settlement plan. “Therefore,” the military governor concludes, “it is not surprising that the Military Government has exerted its utmost efforts to neutralize the decisions of the Supreme Court.”<sup>77</sup>

In short, the failure of the petitions and appeals of the displaced Palestinians resulted from a situation where the executive authorities employed a coordinated strategy for the treatment of depopulated Palestinian villages which the judiciary was unable and/or unwilling to constrain. Whereas the Iqrit displaced went to court twice more in 1981 and 1998,<sup>78</sup> the Kafr Bir'im displaced lost confidence, as a result of their unsuccessful petition of 1951, in the courts as a forum for solving their case.

Afif Ibrahim, Secretary of the Committee of the Uprooted of Kafr Bir'im, explains:

“Since the High Court decision on Kafr Bir'im in 1951, the village inhabitants have never again approached the Court to appeal against the closure of their village. The inhabitants were convinced that a new appeal would be fruitless in light of the way the government had handled the evacuation of another Palestinian village [Iqrit]. The ruling of 1951 allowed a return to Kafr Bir'im, but the requirement to obtain a permit from the military authorities remained. This encouraged the first generation to make efforts to obtain such a permit in the subsequent years. After June 1967, there was some hope that permission was feasible, but then the authorities closed the area again. Going to court once more would require a strong popular support campaign.”

The lack of confidence in the Israeli judicial system was passed on from the first to the second and third generations of the displaced villagers. Natalie Makhoul says:



Doc -7: A letter of protest of the Kafr Bir'im displaced to the Supreme Court, 2 April 1959. Source: Susan (1986).  
The Supreme Court is requested to examine the legality of requisition of property of the Kafr Bir'im displaced by Jewish settlers, and appeals to the Court to enforce implementation of its decision of 18 January 1951 with regard to the return of the displaced to their village. The letter is signed by the representatives of the extended families of Kafr Bir'im.

“After the country was occupied in 1948, evictions were enforced through deceit and hypocrisy. Under the circumstances of that time the inhabitants of the village could only try to return to their homes through the occupation’s judicial and governmental agencies. Experience shows that the judicial, military and political agencies are tightly interlinked. We later concluded that we were in fact dealing with one agency, because, on the one hand, the Court permitted our return, while, on the other, we could not do so from the perspective of the military. The people did not continue their efforts to return through the judicial and other agencies, simply because they had no confidence in the occupiers; they knew that they had to use other methods.”

The *Committee of the Uprooted of Kafr Bir'im* (CUB)<sup>79</sup> was created in its present form in 1987, based on elections in which all internally displaced Bir'imites participated. The elections produced a young leadership that differed from their parents' generation. CUB Secretary Afif Ibrahim explains:

“After 1987, the Committee took a different approach. We worked more than our parents to connect the case of Kafr Bir'im with the wider Palestinian Arab society, and not the Christian community only. The authorities always try to isolate us, but we will not accept that. Our work has been guided by the belief that our case is of importance for all Arabs in Israel, and that it is in fact *the* case of all Arab citizens in Israel.”

# 3

Chapter Three

## *Against All Odds*

The Political Struggle





Sami Zahra in front of a Kafr Bir'im house next to the church, December 2005.  
Photo: Maqboulah Nassar/BADIL.

The struggle of the people of Kafr Bir'im for return began on the very first day of their eviction on 13 November 1948. Means and strategies employed in their struggle in the political, social and judicial arena varied and became more sophisticated as they were forced to confront Israel's reluctance to deal with their issue, and with the changing circumstances on the ground. The efforts of the Kafr Bir'im displaced were guided by the need to address the arguments, albeit weak, raised by the Israeli authorities. This was a challenge; it sharpened their reasoning and helped Bir'imites face and expose the authorities.

Actually, the Kafr Bir'im displaced were more concerned with their return to their village than with exposing Israel's ugly face. The fact that the Israeli authorities, or more accurately, some members of these authorities, dealt with their village and the village of Iqrit as "unique and humanitarian cases which differed from the case of the other internally displaced Palestinians or the Palestinian refugee problem in general," was an asset in this context. Still, the struggle of Kafr Bir'im illustrates the unwillingness of the Israeli authorities to open the files of 1948, indeed, their insistence on keeping them closed. It is their belief that one move will open the floodgates, and that re-examination of one chapter of the past will lead to the re-examination of the past as a whole. In these circumstances, it is important to understand that the developments in the case of Kafr Bir'im and the ongoing "imminence of return" are not merely a result of so-called favors offered by Israeli authorities, who in fact have persistently tried to make their case fail, but rather the outcome of years of accumulative struggle by the displaced people themselves.

## Direct contacts with the authorities

Contacts with the Israeli authorities through meetings, letters and memoranda characterized the first years of displacement. Memoranda and appeals, sent on many occasions and following new developments on the ground, shared a similar format: all of them asserted that the displaced insisted on their return to their village and rejected any alternative land or resettlement elsewhere. Letters were also sent in attempts to obtain various permits. The first two years of displacement were charged with a firm hope for return because of affirmative statements and promises made by Israeli officials and by the Maronite religious authorities in Beirut.<sup>80</sup>

On 1 March 1949 the village clergy cabled the Israeli President and the Prime Minister in order to raise their doubts about the authorities' real intentions regarding their return in light of the fact that 65 inhabitants of Kafr Bir'im had just been deported across the Jordanian border. The priests re-iterated their demand for immediate return to Kafr Bir'im (see Chapter 1).<sup>81</sup> Other letters expressed the villagers' concern about the activities of the *Jewish National Fund*. On 22 April 1949, for example, the villagers cabled the Minister of Minorities and the Military Governor of the Eastern Galilee:

“The activities of the *Keren Kayemet* [the Jewish National Fund] are causing confusion, while we are trying to rest assured based on your promises that we will return to our village as soon as the temporary military need comes to an end. We hope that this time will arrive very soon.”<sup>82</sup>



Doc -8: A letter of the Kafr Bir'im displaced to the Israeli Prime Minister protesting damage and destruction of houses and other property in Kafr Bir'im by Jewish settlers, 18 January 1949.

Source: Susan (1986).

The displaced Bir'imites demand permission to remove the chickens placed in their homes by the nearby kibbutz, clean and repair their damaged property, and to be compensated for damages incurred.

Scores of letters and memoranda carrying the signatures of the Kafr Bir'im displaced, their priests and the *mukhtar* were sent in this period to Israeli officials, including the President, Prime Minister, Minister of Defense, Minister of Police, Minister of Minorities, Minister of Finance, Minister of Religions, Minister of Justice, Military Governor, Custodian of Absentees' Properties, Prime Minister's Adviser on Arab Affairs, speakers and members of the Knesset, and others.

Letters and memoranda to the Israeli authorities were the first means used by the internally displaced. They emphasized the good neighborly relations with the Jewish people and argued for return based on the friendship that had connected the village with Jewish settlements before 1948, the fact that the villagers had refrained from taking part in the 1948 war, and their loyalty to the state of Israel.<sup>83</sup> Responses provided by the authorities ranged between total disregard and clarification that return was not permitted for "security reasons". Whenever the villagers condemned or complained about measures taken by the military or Jewish settlers, the standard response was simply that "the matter was under investigation."

On 13 June 1949, for example, the Prime Minister's Office informed Mukhtar Qaisar Ibrahim and Father Yusef Istifan Susan that while return was not currently possible for security reasons, the government was not planning to uproot the people of Kafr Bir'im (see Doc-1). Minister of Minorities Bechor Shitrit reassured the Kafr Bir'im priests on 30 June 1949: "I wish to inform you that I have transferred your case to the relevant



authority, explained your concerns and requests, and hope that you will be patient.”<sup>84</sup>

The letters sent by the villagers resulted in some modest success: in 1949 they were able to obtain permission from the military authorities to enter the village and retrieve their tobacco in order to market it in Haifa. Such permission was also granted to those displaced in the Lebanese village of Rmaish. In 1950, they were permitted to cultivate the *Waqf* land in their village and graze their sheep in their fields: “With regard to the possibility of grazing in your forest areas,” wrote the Military Governor of the Eastern Galilee, “I have instructed those in charge of the forests that your cattle must not be prevented [from grazing] in your private property.”<sup>85</sup> (See Doc-10.) Also in 1950, Father Yusef Istifan Susan obtained permission to tend the olive trees.<sup>86</sup>

In January 1956 the Kafr Bir'im displaced were allowed to enter the village in order to lay to rest Father Elias Susan in the section of the cemetery reserved for the clergy, and in November 1974 the villagers were allowed to renovate the church and conduct one service every month (see Chapter 4). At all times, however, return to the village remained the primary and clearly-voiced request of the Kafr Bir'im displaced. Other requests were made to provide temporary relief. Although sometimes granted, many such permits were later again rescinded or not renewed.

Father Yusef Istifan's memoirs include a record of a meeting between himself and the Military Governor of Nazareth, Na'man Stavi, in Nazareth on 9 August 1951:



Doc -9: Petition to the Israeli authorities by the inhabitants of Kafr Bir'im demanding to return to their village, 22 October 1949. Source: Susan (1986).



Doc-10: Response of the Military Governor, Eastern Galilee, granting permission to the Kafr Bir'im displaced to graze their sheep on village land, 2 January 1950. Source: Susan (1986).

Father Istifan:

“We met Mr. Fox [nickname of David Anan, Liaison Officer with Christian Communities in the Ministry of Religions] yesterday here in Nazareth. He told us that the government has agreed to allow us to harvest in this season the olives on our trees and the Waqf trees in Kafr Bir'im. We have come to you to get a permit to enter the area.”

The Governor:

“I don't know about this and have certainly not been informed. I wish Mr. Fox was with us to provide us with the source of this information. Do you have a letter to that effect?”

Father Istifan:

“He did not hand us the notice in writing, but to dispel your doubts I can add that he came with us to your secretary's office and informed him of the decision. He had also arranged a meeting with you and expressed his regret that you were not there.”

The Governor:

“I have received notice that Kafr Bir'im's properties and the Waqf property in the village are under the control of the Department of Agriculture [the department responsible for uncultivated land], the only party now authorized to lease these properties as it wishes. No Arab is allowed to enter this area at all for security reasons.”

Father Istifan:

“Has Kafr Bir'im been designated a closed area recently or earlier on?”

The Governor:

“It has been a closed area since the time you were evacuated from your village.”

Father Istifan:

“We were allowed last year to harvest the Waqf land and we did not violate security, and Kafr Bir'im's inhabitants were also allowed to pick their olives as paid laborers for the Kibbutz. How do you explain that? If we work for the Kibbutz, we are not considered Arabs and a threat to security, but if we pick our olives for ourselves, we are considered Arabs and a threat to security. Is this logical?”

The Governor:

“I do not know more than I told you.”

Father Istifan:

“It seems that the government has ulterior motives.”

The Governor:

“What do you mean?”

Father Istifan:

“I mean that we have never been a threat to security and will not be one if we pick our olives, and that the government is only trying to extract our properties from us unjustly and by force. We are sorry, but the government is violating the promise made in the leaflets thrown to us from the planes which said: ‘stay in your homes peacefully and you will be treated like us.’ Where are we now with regard to this promise?”

The Governor:

“This is not my business.”<sup>87</sup>

## Lobbying public opinion

After scores of letters and memoranda had been sent to officials, the Kafr Bir'im displaced began to lobby Jewish public opinion in Israel in order to pressurize the government to permit their return to their village. An open letter to the Israeli public, signed by Father Elias Susan and released on 12 July 1950, described their plight and called upon the public to take action for the return of the displaced. On 5 October 1953, following the demolition of the village in September, the villagers again appealed to the Jewish public:

“Dear Citizens of Israel,  
Usually the oppressed appeal to the government to restore their rights, but when oppression comes from the government, whom should they appeal to? Yes, they should appeal to the democratic people and progressive citizens who gave their mandate to the government which has committed injustice.”<sup>88</sup>

On 16 November of the same year another, a similar public statement was issued with the signature of Father Elias Susan on behalf of the Kafr Bir'im displaced. It was followed by yet another public appeal on 2 March 1958, this time signed by Father Yusef Istifan Susan.<sup>89</sup> Although Jewish public opinion was the primary target, efforts were also made for more coverage of the case by the Arab press, especially the *Al-Ittihad* newspaper which regularly reported news of the displaced and refugees.<sup>90</sup>

On 27 May 1955 the Committee of the Kafr Bir'im Displaced

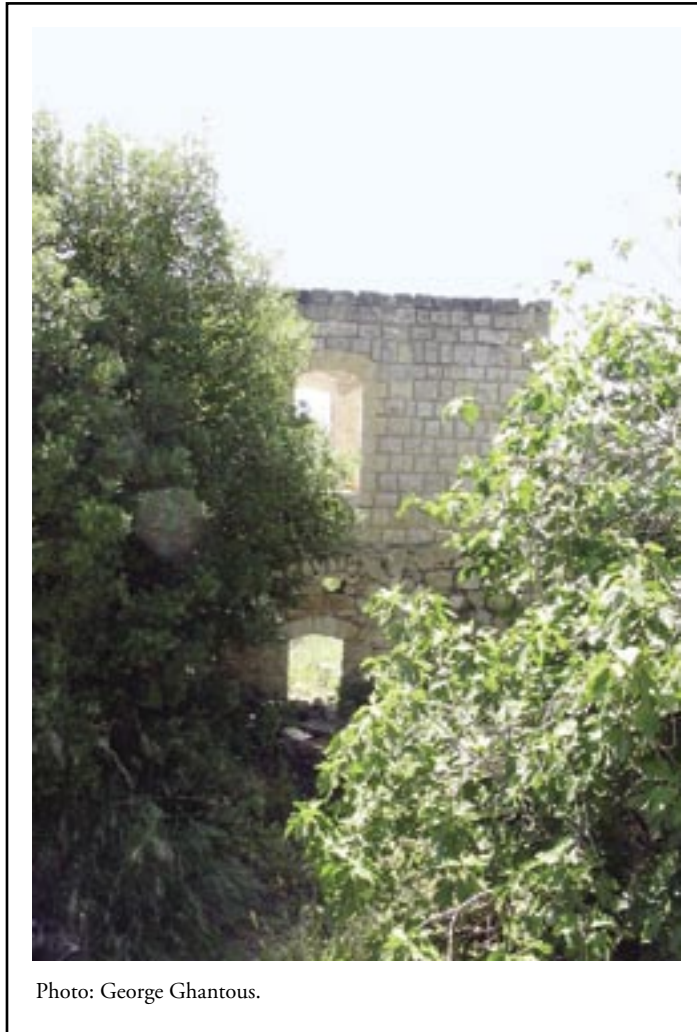


Photo: George Ghantous.

announced in the press that those evicted from the village would boycott the upcoming Knesset elections, because their right to return to their village and properties was not recognized:

“We, the undersigned representatives of the inhabitants of Kafr Bir'im, declare that the inhabitants of the village will boycott the upcoming Knesset elections in protest against the denial of our right to enjoy our properties as citizens of the state, and because the government is expelling us and treating us as strangers in the midst of our home. We also call upon our displaced brothers and sisters to do the same.”<sup>91</sup> (See Doc-11)

Lacking sufficient votes to influence the election results by themselves, the Kafr Bir'im displaced suggested that all internally displaced Palestinians heed their call. The call for boycott aimed to affirm the demand of the Kafr Bir'im displaced for their right to return and place the issue on the agenda of voters and the public at large.

Riyadh Ghantous, an activist in Kafr Bir'im's *Al-Awda* (Return) *Movement*, says:

“Given the circumstances of that period, in particular the restriction of freedoms, the activities and achievements of the people of Kafr Bir'im were significant, especially if we take into consideration that most of them were illiterate and that Arab citizens were under military rule. The people of Kafr Bir'im were among the first to launch the struggle for return in the country, and the only community who raised the issue of return widely.”

Election boycotts of varying scope continued throughout the 1950s and 1960s. However, when Menachem Begin became leader of the *Herut* party and later on the *Likud*, he promised that he would return the Kafr Bir'im displaced to their village if he won the Knesset elections. Consequently, many Kafr Bir'im displaced voted for the *Likud* in the 1977 parliamentary elections (see below).

## Rejecting alternative land owned by others

As displacement continued, the Kafr Bir'im displaced began to realize that official Israeli policies were intended to prevent their return. Some Israeli officials were interested in a quick settlement of the case. The latter gave rise, from 1949 onwards, to several proposals for the resettlement of the displaced Bir'imites outside their village. Most proposals recommended resettlement in the almost completely deserted village of Jish, where the majority of the Kafr Bir'im displaced had been staying since November 1948.

In the first decade following Israel's establishment, the treatment of internally displaced Palestinians by the relevant authorities, in particular the *Development Authority* headed by Yosef Weitz, consisted of efforts at their resettlement or deportation across Israel's borders. Return to their villages was not considered a feasible option.<sup>92</sup> The desire to settle the case of Kafr Bir'im quickly, in order to silence the repeated calls of the displaced community for return to their village, was one of the motives for early proposals of "solutions" launched by Israeli politicians and the military.<sup>93</sup> All of these proposals were based on the new legal reality created



Doc -11: *Al-Itihad*, 25 October 1955: "Residents of Kafr Bir'im explain why they boycott the elections."

Source: Susan (1986).

by Israel's 1950 *Absentees' Property Law* and subsequent land laws, which prevent restitution of land to displaced Palestinians, including internally displaced Palestinians in Israel who became so-called "present absentees" under the terms of Israeli law.

On 22 October 1953, some two weeks after the Supreme Court had issued its temporary injunction in the case of Kafr Bir'im, a meeting was held in Nazareth between the Kafr Bir'im displaced, the Military Governor Avraham Cohen, and government officials. In this meeting, the Israeli side presented a number of proposals for resettlement and compensation. The Israeli officials affirmed that compensation would be paid in cash to anyone wishing to leave the country. The Deputy Minister of Agriculture then proposed three solutions: first, to establish a new village near Jish, with the southern part of the land of Kafr Bir'im to be used by the displaced owners; second, to move into the abandoned houses in the Palestinian village of al-Mghar, with additional new homes and land in that village to be provided; and, third, to leave the country and receive cash compensation.<sup>94</sup>

Father Yusef Istifan Susan, who attended the meeting on behalf of Kafr Bir'im, responded:

“We are not citizens who came to beg you for charity or ask you to give us a piece of land. We have been the owners of the place for hundreds of years. We are not in need of the land of strangers and do not want to settle on the land of refugees, who are still hoping to return in the future. We do not want them to say that we stole their land in violation

of logic and conscience. We have enough land, our own property inherited from our fathers and forefathers, and we will not cede it. We are pleased with our rocks and will not move away. Kafr Bir'im is ours and will be ours forever.”<sup>95</sup>

On 19 April 1955 an official proposal was presented by Israel's Ministry of Religion: land belonging to the displaced people of Jish would be provided to the Kafr Bir'im displaced, housing units would be built there and compensation paid for the original land. On 15 June 1956, the Military Governor of Nazareth offered alternative land on the basis of “a dunum [in Jish] for a dunum [in Kafr Bir'im],” but this was categorically rejected by the displaced. About one year later, a new component was added to the official resettlement and compensation offer. On 26 April 1957 the Prime Minister's Office informed Father Yusef Istifan Susan of new conditions for the proposed resettlement: alternative land for rent and compensation would be provided, while the Kafr Bir'im displaced would not be required to waive their claims to their original properties, although ownership title to these properties had meanwhile been transferred to the *Development Authority* under the provisions of the land acquisition law<sup>96</sup> (See Doc-12). A similar proposal was advanced by the government in July 1958 as part of a comprehensive plan to resettle “the present absentees” in various regions of the country.<sup>97</sup> Each of these proposals, however, was rejected by the people of Kafr Bir'im.<sup>98</sup>

Practical steps undertaken by the Israeli authorities at the same time aimed at imposing resettlement by creating facts on the ground. In 1959, 45 housing units were constructed in the village of Jish for

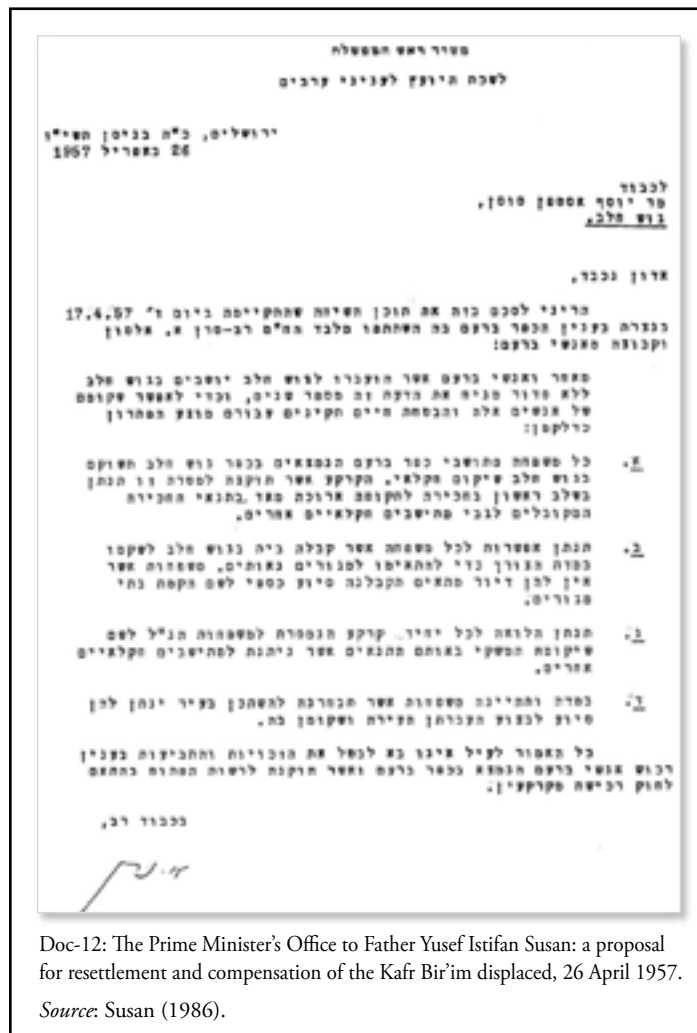
the Kafr Bir'im displaced.<sup>99</sup> In April 1961 the authorities informed that the temporary residency of Kafr Bir'im villagers in Jish would be made permanent, if they cede their claims to their property in Kafr Bir'im.<sup>100</sup>

Later proposals followed a similar approach. In April 1965 Israel offered a deal which included a provision stating that the solution “will not prejudice the rights of the former inhabitants of Kafr Bir'im, including the possibility of a review of their issue when conditions permit.”<sup>101</sup>

The Kafr Bir'im displaced insisted on returning to their village and rejected alternative offers. In the summer of 1972 Reuven Aloni, Deputy Director of the *Israel Land Authority*, reported that only six Kafr Bir'im households had signed agreements for compensation and alternative land. The government paid a total of IS 155,000 (US \$37,000 at that time)<sup>102</sup> and allotted some 272 dunums of land to these households.<sup>103</sup>

The 1977 Israeli Government's Annual Report stated:

“Only eight of the households removed from Kafr Bir'im agreed to receive compensation and take possession of houses built for them in Jish. 55 of the total of 175 Kafr Bir'im households moved to Akko and the Galilee villages. The rest are staying in Jish where 45 residential units were built for them; each unit consists of two rooms. Thirty seven of these residential units are occupied by people from Kafr Bir'im.”<sup>104</sup>



Doc-12: The Prime Minister's Office to Father Yusef Istifan Susan: a proposal for resettlement and compensation of the Kafr Bir'im displaced, 26 April 1957.

Source: Susan (1986).



Doc-13: *Al-Ittihad*, 18 February 1966: “We won’t be forced into taking properties; we cling to the rubble in our village Kafr Bir’im.”

Source: Susan (1986).

Efforts of the Israeli authorities, however, were not restricted to resettlement in Israel but included resettlement schemes abroad. Most prominent among the latter was a project involving Yosef Weitz, Director of the *Development Authority* and in charge of the *Land Department* of the *Jewish National Fund*. Weitz was considered one of the most ardent Zionist proponents of deportation of Palestinian Arabs from Israel, and the project was known as *Operation Yohanan*, or the *Mendoza Project*.

*Operation Yohanan* aimed at deporting Palestinian Arabs to the region of Mendoza in Argentina. The plan was approved by Prime Minister Ben Gurion and other key ministers of his government; implementation began in 1950 and involved the transfer of 22 Kafr Bir'im households from Jish to Argentina. In June 1951 Weitz wrote to Ya'acov Tzur, Israel's ambassador in Argentina:

“The chief purpose of this matter [Operation Yohanan] is the transfer of the Arab population from Israel. I have always, and already before the establishment of the state, feared the Arab minority in our midst, and these fears still exist, not in theory but in practice. In addition to this, we lack land, and if not now, we will feel this shortage after a short time, when the objective of ‘curtailing the exiles’ [reducing the Jewish diaspora through immigration to Israel] is realized. By the transfer of the Arab minority from Israel through mutual agreement, we will achieve a solution for the two problems, and the more we make progress in this, the better it will be for the state. From this viewpoint I see the wish of one group from the village of Gush Halav [Jish] as the beginning of the way to realize this idea.”<sup>105</sup>





Photo: Maqboulah Nassar/BADIL.

Yosef Weitz' dreams, however, did not come true. In the end, *Operation Yohanan* faded away – in the words of Weitz' memoirs - “just like the morning clouds in spring”<sup>106</sup>, because the families who had expressed their readiness lost interest in early 1952. CUB Secretary Afif Ibrahim recalls:

“The idea employed to promote this project was: ‘Come, let us build for you a Kafr Bir'im village in Argentina!’ Time and place were very important for the displaced in that period, while the Israeli authorities deemed the presence of

the displaced in the village of Jish, so close to Kafr Bir'im, a problem. During the military rule they worried that the displaced people would enter the village without permits. A few families agreed to the project, because the people wanted to test how true the Israeli government was in its promises to the inhabitants of Kafr Bir'im. It was part of the tactics.”

The struggle of the Kafr Bir'im displaced forced the Israeli authorities to study their case. It also prompted an Israeli campaign that pressurized the villagers to accept what was proposed to



Photo: Zaha Hassan/BADIL.

them. In the era of military rule (1948 – 1966), for example, the government refused to issue them movement permits if they mentioned the name of their village in their applications. Sami Zahra remembers:

“In the period of military rule, I suffered a lot from the occupation authorities. They did not allow me to enjoy the holidays with my family; they rather used to arrest me and I would spend the holidays in prison. There was also economic hardship. Every time I wanted to get a work permit, I was refused because I mentioned in the application that I was from Kafr Bir'im and lived in Jish. The officials told me that I had to say that I was from Jish in order to get a permit, but I refused. This made life very difficult for me and my family.”

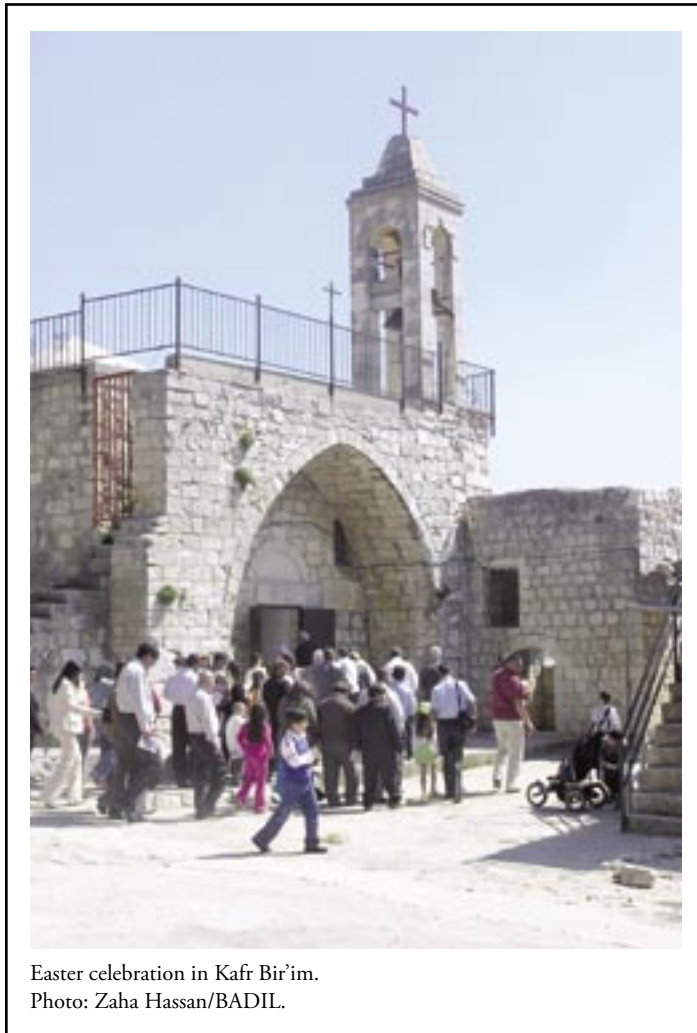
Treatment of the leaders of the struggle for return, clergy and the village *mukhtar*, was even worse. Towards the end of the school year of 1953/54, Father Yusef Istifan Susan was dismissed from his job as a teacher in a public school.<sup>107</sup> On 4 July 1958 Father Susan was placed under house arrest with police supervision. The stamp of Mukhtar Qaisar Ibrahim was confiscated in September 1958, because it carried the name of Kafr Bir'im.<sup>108</sup> Afif Ibrahim, the Mukhtar's nephew, says:

“In 1950 the Israeli authorities informed my uncle, Mukhtar Qaisar Ibrahim, that unless he ceded the rights of the inhabitants of Kafr Bir'im, his sons would be deported across the borders. The Mukhtar refused to hand over Kafr

Bir'im's land. In order to prevent what we called 'throwing the people across the borders,' the Mukhtar asked a number of youths to accompany his sons to Beirut. One of them became a merchant there and migrated to Canada later; the other found work with the United Nations later and moved on to Vienna.”

The Kafr Bir'im displaced themselves presented several practical proposals regarding their return to the village. The Israeli authorities, however, rejected them all. In the 1950s the villagers offered to lease the village land to the Israeli authorities for temporary housing (in Hebrew: *ma'abarab*) of Jewish immigrants there, until they themselves would be permitted to return. This offer was rejected.<sup>109</sup> From the mid-1950s onwards, the Kafr Bir'im displaced have stated clearly that their return would not harm the Jewish settlers living on the village land. This position has been maintained throughout the struggle until this day.

In 1965 the Kafr Bir'im displaced proposed that title to the village should be restored to them and the land registered in their names, while they would continue to live where they did at the time and not demand to return to their village until peace was achieved between Israel and Lebanon. The editors of the Israeli daily *Ha'aretz* who supported the proposal wrote: “If this suggestion is rejected, the affair may stir suspicion that it is not security considerations which guide the authorities.”<sup>110</sup> However, the Israeli authorities also rejected this offer. In June 1966 the Kafr Bir'im displaced proposed to establish a “new” Kafr Bir'im village on any unused piece of village land. This proposal was rejected as well.



Easter celebration in Kafr Bir'im.  
Photo: Zaha Hassan/BADIL.

## Times of protest: 1972 - 1973

The year of 1972 – 1973 marked a peak in the struggle of the Kafr Bir'im displaced for return to their village. At that time, Israel's Minister of Defense Moshe Dayan announced the repeal of the 1949 *Emergency Regulations (Security Zones)* in the whole country. There was renewed hope among the displaced villagers, although Dayan had already stated in the Knesset that Kafr Bir'im and Iqrit would remain "closed areas."<sup>111</sup> That year witnessed new momentum in the struggle for return, with renewed protests accompanied by extensive media coverage. The year marked a milestone in the unification of the efforts of Kafr Bir'im and Iqrit, as the case of both villages became publicly and politically prominent in an unprecedented manner.

Yusef Rayya, Bishop of the Greek Catholic community which Iqrit villagers belong to, played a pivotal role in the struggle of this period. The Bishop, originally from Lebanon, came to Israel in 1957 after having served in the United States for some time. According to the Minister of Defense, Moshe Dayan, Bishop Rayya met with Prime Minister Golda Meir on 18 April 1972 and demanded that she permit the return of the Iqrit and Kafr Bir'im displaced to their villages. Meir agreed to raise the matter with the government again, under the condition that any decision taken would be final. According to Dayan, Bishop Rayya agreed to these terms.<sup>112</sup> Media coverage of the case was already extensive at that time, and a protest march to the villages of Iqrit and Kafr Bir'im on 8 May attracted some 1,000 Arab and Jewish participants, including university students and teachers, political activists, and intellectuals.<sup>113</sup>

On 23 July 1972, the Israeli cabinet held an extended debate about whether the Iqrit and Kafr Bir'im displaced should be permitted to return to their villages. Their return was supported by four ministers: Yigal Alon, Deputy Prime Minister and Minister of Education; Moshe Kol, Minister of Tourism; Natan Peled, Minister of Absorption; and, Victor Shemtov, Minister of Health. Return was opposed by Moshe Dayan, Minister of Defense, and David Eliezer, Chief of Staff. The final decision against return, however, came from Prime Minister Golda Meir herself. No specific reasons were given for the decision, except for the usual security considerations, the risk of setting a precedent, and "negative effects on the Zionist vision."<sup>114</sup>

While the weight of security considerations had diminished after 1967, the risk of setting a precedent for the return of displaced inhabitants of other Palestinian villages constituted the major factor that prevented a decision in favor of return of the Iqrit and Kafr Bir'im displaced. Israeli officials were concerned that a positive decision would encourage internally displaced Palestinians and refugees in exile to bring forward more cases, especially cases which resembled those of Iqrit and Kafr Bir'im.

The decision triggered a wave of protests among the Iqrit and Kafr Bir'im displaced and a wider sector of the public. Articles were published by the press, and a delegation of Israeli writers initiated a meeting with the Prime Minister which lasted for seven hours.<sup>115</sup> University teachers also formed a delegation that met with the Prime Minister, in order to convince her to permit the return of the people displaced from the two villages.<sup>116</sup>

At that time, Golda Meir said:

“I do not make light of the feelings of the people of Bir'im and Ikrit. I understand them, and I do not envy them. But I do not accept the argument which states that their case will not set a precedent. I have already received letters and telegrams from other villages whose people wish to return to their lands, and in the Galilee there are 22 such villages whose inhabitants either abandoned them or were evacuated. For seven hours I sat with writers ... . Some of them said that Bir'im and Ikrit will not set a precedent. Then others said that actually, why shouldn't we discuss the other Arab villages as well.”<sup>117</sup>



Protest activity, 1972.  
Source: CUB

Public protest was expanding. On 5 August 1972 some 1,000 demonstrators from various parts of the country, including university professors, students, activists, poets and writers, marched to Kafr Bir'im and Iqrit. The displaced villagers brought along beds and tents which were added to those already available in the churches.<sup>118</sup> On 7 August the police arrived to disperse the demonstrators who had stayed in four empty buildings of Kafr Bir'im. Several of them, including clergymen, were injured and some 20 were arrested.<sup>119</sup> Bishop Rayya met with Golda Meir on the following day but failed to achieve results. He also published a number of statements in the press protesting against the police action and demanding return.<sup>120</sup>

On 12 August 1972, Bishop Rayya called upon the churches to close their doors and to cancel Sunday services, "as an expression of mourning for the death of justice in Israel and the worship of the idol of security."<sup>121</sup> In a letter addressed to the Greek Catholic community, the Bishop wrote:

“The most horrible, however, was that the policemen threw the Holy Bible on the floor and thus insulted the holiest of our holies. Most horrible was also the fact that they threw the people’s food on the floor and smashed it with their feet. We protest against these acts and call upon all our clergy, sons and daughters, to ring the church bells in mourning over the absence of justice in Israel and in protest, because the government has made for itself a golden calf called ‘land’, which replaces real justice. In the name of this calf the most horrible atrocities are committed. Where is Prophet Moses to deal with you, golden calf?”<sup>122</sup>

On 23 August 1972 Bishop Rayya led a demonstration of thousands of Arabs and Jews from the Jaffa Gate in Jerusalem to the Prime Minister’s office. In Tel Aviv a committee in solidarity with Kafr Bir'im and Iqrit was formed by a number of university teachers. By then, the case of Iqrit and Kafr Bir'im was covered also by the international press.<sup>123</sup>

The Israeli authorities were keen to end the public debate about this case. In an attempt to defuse the struggle for return, the authorities resumed discussion of resettlement of the displaced in the village of Jish, this time in the framework of a so-called “Plan for Development of the Aqaba Region (Block 14107).” The Kafr Bir'im displaced rejected the new resettlement scheme, and members of the Jish Local Council originating from Kafr Bir'im - Imtanes Ayyoub, Jamil Maroun Maghzal and Ibrahim Isa - submitted their collective resignation in protest against the plan. In their letter of resignation to the Chairman of the Jish Local Council and the Governor of the Northern District in the Ministry of Interior they explained:

“The Chairman of the Jish Local Council, supported by his colleagues from Jish in the Local Council, is seriously working towards the permanent resettlement of the inhabitants of Kafr Bir'im in Jish. This became obvious in the session of the Council held on 18 November 1972, when the Council rejected with a majority of four votes, i.e. the votes of the Council members originating from Jish, a proposal presented by the representatives of the people of Kafr Bir'im calling for a halt of the Council’s

so-called plan for development of the Al-Aqaba region, because it aims at the permanent resettlement of the inhabitants of Kafr Bir'im in Jish”<sup>124</sup>

On 27 December 1972 the Commander of the Northern District, Major General Yitzhak Hofi, announced that the area of Kafr Bir'im and Iqrit would be closed under the *Defense (Emergency) Regulations* of 1945. The order also provided that entry permits could be obtained based on certain criteria for the purpose of visits during daylight hours of the church, cemetery and the Roman Temple in Kafr Bir'im. The order stated that it would come into force on 1 January 1973.

Despite this order, and in response to it, the protests continued. On 3 January 1973 a demonstration against the closure of the area was held in front of the Knesset. On 3 March protesters marched from the village of Jish to Kafr Bir'im. On 30 March some 3,500 people participated in a protest march from the Railway Square in Haifa along the Akka Road to Iqrit and Kafr Bir'im, where a massive rally was held.<sup>125</sup> This march was followed by a solidarity demonstration with 7,000 participants near Hadera.<sup>126</sup>

Between 17 and 19 July 1973, Bishop Rayya conducted a hunger strike in front of the Prime Minister's Office in Jerusalem. Hundreds of people visited the strike tent to express their solidarity. Other solidarity activities were organized in numerous cities and villages, including in Nazareth, Kafr Yasif, al-Tira, Me'ilya, al-Rama, and Bqa'ya. Solidarity with Bishop Rayya took various forms, such as demonstrations, sit-ins, petitions and popular meetings.<sup>127</sup> In August

of the same year, a group of teachers at the Tel Aviv University condemned the use of the emergency regulations for purposes not related to security, as in the case of Iqrit and Kafr Bir'im.<sup>128</sup>

Afif Ibrahim (CUB) explains the important role of Bishop Rayya for the protest movement:

“The year 1972 marked the beginning of practical coordination between the displaced people of Iqrit and Kafr Bir'im, although the media and the public in general had already connected the two cases from early on. Bishop Rayya played a lead role in the campaign until he was declared *persona non grata* and forced to leave the country: the Israeli authorities were not keen on having a clergyman lead a national battle. The Bishop was inspired by the role of Christian clergy in South American revolutionary movements; he was convinced that there can be no church without the people. The fact that he was also a supporter of non-violent struggle made many Jews stand with him as well.”

Riyadh Ghantous of the Kafr Bir'im *Al-Awda Movement* adds the following about the Bishop's role in the 1970s:

“In a certain period, the Bishop worked in the United States and met Martin Luther King. He was a supporter of freedom in America and a supporter of Martin Luther King. (...) When the Bishop came to the country and found depopulated Christian villages, he took the issue upon himself and started to work.”



Photo: Maqboulah Nassar/BADIL.



The protest movement of Iqrit and Kafr Bir'im faded in the aftermath of the Arab-Israeli war of October 1973. Still, it had successfully placed the quest for return on the political and public agenda in Israel. It had succeeded in convincing large numbers of people in politics, academia, arts, the media and religious institutions to come out in solidarity. It had distinguished itself by being not only legitimate, but also capable of recruiting broad support.

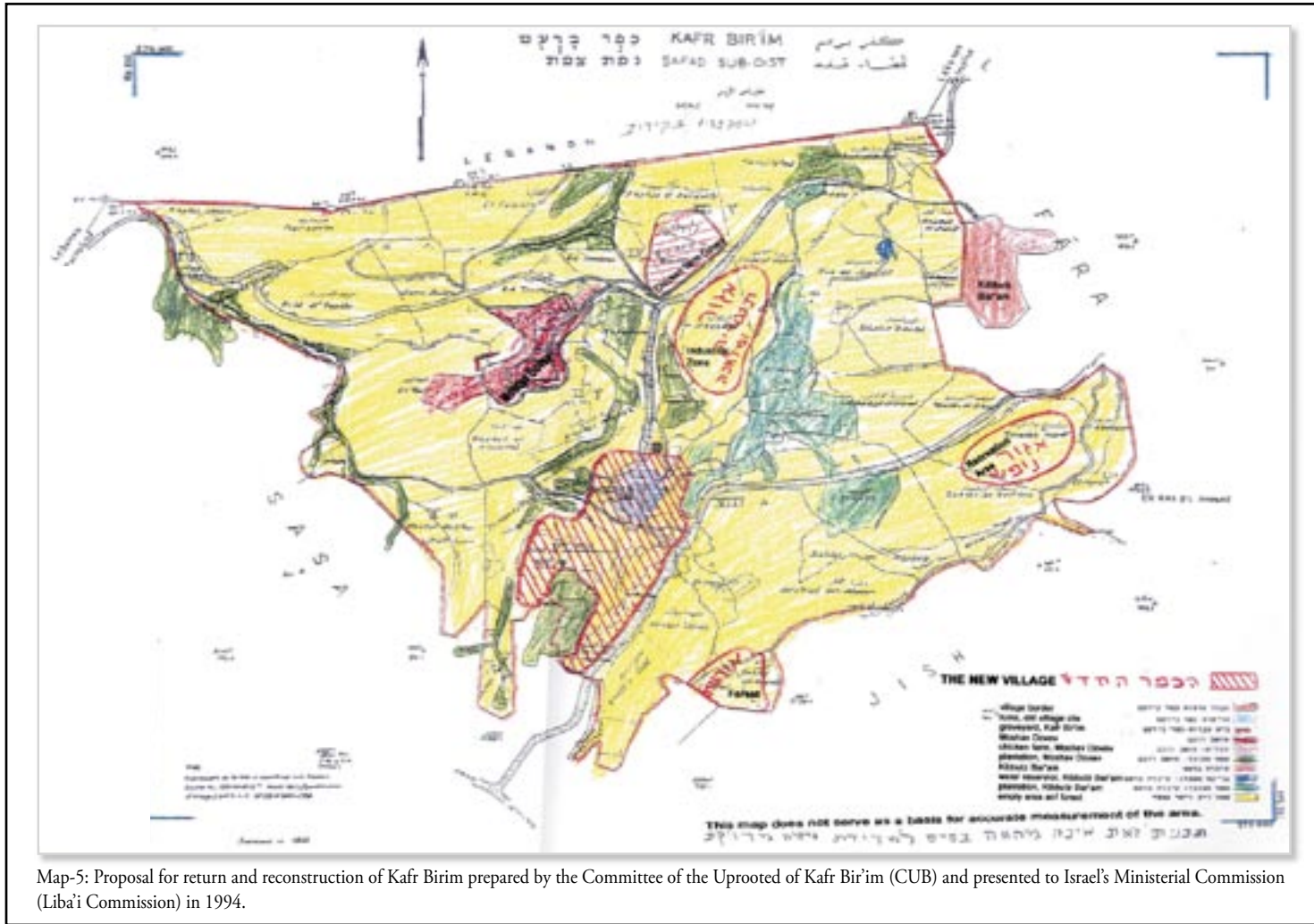
## Official Commissions

Successive Israeli governments responded to the persistent pressure from the displaced villagers by forming commissions to study the question of whether the Iqrit and Kafr Bir'im displaced should be allowed to return to their villages. The 1977 election victory of *Likud*-leader Menachem Begin gave hope to the displaced villagers, because Begin had promised them earlier, on 29 July 1977, that he would permit their return if he were to win the elections.<sup>129</sup> Following the *Likud* victory the Kafr Bir'im displaced approached Ezer Weitzman, the new Minister of Defense and a prominent supporter of their return, who reassured them: "Consider yourselves as returnees." In a letter congratulating Begin on his victory, the Iqrit displaced wrote: "Your positive character is the only alternative in our eyes, and we say without exaggeration that your Excellency is the Promised Savior."<sup>130</sup>

The *Likud* government subsequently formed a commission headed by Ariel Sharon, then Minister of Agriculture, and including as members the Minister of Religions Aharon Abuhatzera, the

Minister of Housing and Construction Gideon Pat, the Minister of Industry and Commerce Yigal Horovitz, and the Minister of Justice Shmuel Tamir. Following several months of work the commission decided that the Kafr Bir'im and Iqrit displaced would not be allowed to return. The Commission's reasons were not published. In the 1980s several proposals for the return of the displaced villagers were advanced. Among them were two proposals by the prominent Ministers Ezer Weitzman and Moshe Arens, but neither of them gained government support.<sup>131</sup>

On 7 November 1993 the *Labor-Meretz* coalition government headed by Prime Minister Yitzhak Rabin formed a ministerial commission to review the case of Iqrit and Kafr Bir'im.<sup>132</sup> The commission was headed by Prof. David Liba'i, Minister of Justice, and composed of: Amnon Rubinstein, Minister of Education; Benyamin (Fuad) Ben Eliezer, Minister of Construction and Housing; Ya'acov Tsur, Minister of Agriculture; and, Mordechai Gur, Deputy Minister of Defense. Establishment of the *Liba'i Commission* was preceded by a law proposal of Dedi Tsuker, *Meretz* MP and Chairman of the Knesset Committee on Law and Constitution. The proposed law provided that the Kafr Bir'im and Iqrit displaced would return to their villages. However, although adopted in the preliminary reading, the law proposal failed to recruit sufficient support among Knesset members at a later stage. Therefore, the Kafr Bir'im and Iqrit displaced viewed the formation of the *Liba'i Commission* as a real opportunity for return. The *Committee of the Uprooted of Kafr Bir'im* (CUB) prepared a series of four reports comprising hundreds of pages for the Commission, in order to explain their case and justify return. The third and fourth



Map-5: Proposal for return and reconstruction of Kafr Bir'im prepared by the Committee of the Uprooted of Kafr Bir'im (CUB) and presented to Israel's Ministerial Commission (Liba'i Commission) in 1994.

report also included maps illustrating possible scenarios for return and reconstruction of the “new” Kafr Bir'im.

All four reports and the maps submitted to the *Liba'i Commission* by the CUB reflected the same set of principles:

1. Property rights of the people of Kafr Bir'im will be restored as they were before 1948;
2. Kafr Bir'im landowners will not demand use of the built-up areas and the agricultural land currently used by *Kibbutz Bar'am* and *Moshav Dovev*;
3. The return of the Kafr Bir'im displaced will not lead to the displacement of the Jewish residents of *Kibbutz Bar'am* and *Moshav Dovev*;
4. All land currently used by *Kibbutz Bar'am* for grazing will be returned for use by the owners of Kafr Bir'im;
5. All former inhabitants of Kafr Bir'im and their descendants can return to the village. The village will be rebuilt on the site of the original village which will be expanded, and land currently allocated for forests and the national park will be re-allocated.<sup>133</sup>

On 24 December 1995, Minister of Justice David Liba'i presented the Commission's final report. The Commission recognized that all official reasons which had previously prevented the return of the displaced inhabitants of Iqrit and Kafr Bir'im no longer applied. The Commission thus dismissed the validity of concerns related to security as well as precedent-setting, and it agreed that there were no grounds which prevented the return of the displaced to

the two villages. However, the recommendations issued by the Commission implied that the land would remain confiscated. Its operational recommendations provided, among others, that every person who had owned a house in Kafr Bir'im, as well as every son of a house-owner, would be provided by the state with one-half of a dunum of village land for the purpose of constructing a house of no more than three floors for themselves and two of their descendants. In exchange, persons returning under these terms would waive in writing all further claims in Kafr Bir'im. The Commission allocated 600 dunums of land to each of the two villages and recommended that villagers who owned agricultural land should receive financial compensation based on prices to be set by the *Israel Land Authority*.

The recommendations of the *Liba'i Commission* have never been put into practice. The Kafr Bir'im displaced considered the report as a step in the right direction, in particular the sections refuting security and precedent-setting as valid grounds for barring return. At the same time, the recommendations did not take into account all of the displaced inhabitants of the two villages, by then some 8,000 people who would require thousands of dunums of land.

According to Afif Ibrahim, the CUB rejected the recommendations of the Commission for four major reasons:

“First, the recommendations did not allow return of all Kafr Bir'im displaced and their descendants to their homes and properties; second, it was recommended that those who would return would rent their properties and not own



Remainders of the school and the church of Kafr Bir'im.  
Photo: Musleh Kana'neh.

them; third, the returnees would have to waive claims to their original land; and, fourth, the villagers would not be allowed to expand and develop in the future.”

Emtanes Susan, the son of Father Yusef Istifan Susan, explained:

“I do not want the fate of my children to be like mine. This is the reason why we rejected the recommendations and suggestions of the ministerial commission. They agreed to our return to our land, but not as owners. This will keep the fate of our children uncertain. I don't want my children and grandchildren to feel like strangers forever; I want them to belong to the land.”<sup>134</sup>

As the campaign for return continued, another commission was established by the *Likud* government in 1996, this time chaired by the Minister of Tourism, Tzachi Hanegbi. It convened for a long period of time without producing results. On 2 January 2000 yet another commission was formed by the *Labor* government of Ehud Barak. It was comprised of nine ministers and headed by the Minister of Justice, Yossi Beilin. On 7 February 2000 this Commission met with the Kafr Bir'im displaced who presented their arguments for why they should be permitted to return. Beilin subsequently informed the CUB that the Commission he chaired would build on the recommendations of the *Liba'i Commission*.

On 10 October 2001 Ariel Sharon's *Likud* government rejected the return of the Iqrit and Kafr Bir'im displaced. In a letter to the

Supreme Court, Sharon explained that “the current government has adopted the position of the government of Israel in 1972 opposing return on the grounds that it could set a precedent.”<sup>135</sup> He asserted that, “the precedent of return of the displaced inhabitants to these villages will be used by the Palestinian Authority for its propagandistic and political objectives,” and suggested that further discussion of the matter of Kafr Bir'im and Iqrit, “should be clearly restricted to the search for solutions for the [currently] approximately 200,000 Israeli Arabs who lost their homes during the War of Independence [1948].” The letter also noted that the recommendations of the *Liba'i Commission* had not garnered the support of any government.<sup>136</sup>

The fear of setting a precedent among those opposed to the return of the Kafr Bir'im and Iqrit displaced is rooted in the fear of the consequences of debate about the Palestinian Nakba of 1948, in particular the creation of the refugee question. Many Israeli officials, including Golda Meir and Ariel Sharon, thought that granting return to those displaced from the two villages would imply recognition of the right of return of all Palestinian refugees and internally displaced persons who were forced to leave their homes in 1948, and would reopen the case of all depopulated Palestinian villages and towns. The fear of creating such a precedent determined their thinking, even in these two particular cases. In the words of the Israeli political scientist Meron Benvenisti:

“The most blatant expression of this obsession with avoidance of setting ‘a precedent for return’ is the Israeli government's treatment of the uprooted villagers of Bir'im and Iqrit (...).



One of the houses still standing  
Photo: George Ghantous.

The illegal eviction of the inhabitants of these villages is perceived in many circles, including that of the leaders of the Israeli Right, as an immoral act, an injustice that places a stain upon Israel's record. The debate over letting them return to their villages has been on the agenda for fifty years, and Labor, Likud, and National Unity cabinets have all deliberated this question and expressed support for their return - in principle. This broad backing has yielded no results, however, not because the villagers' claim was deemed unjustified but because 'it would set a precedent'. In 1972, Prime Minister, Golda Meir stated: 'it is not only considerations of security [that prevent] an official decision regarding Bir'im and Iqirith, but the desire to avoid [setting] a precedent. We cannot allow ourselves to become more and more entangled and to reach a point from which we are unable to extricate ourselves'. Another minister remarked: 'The problem is whether it is permissible in 1972 to open the files on the 'dispossessed villages' of '48 and the War for Independence. In my opinion, these files should not be opened'".<sup>137</sup>

Israeli writer David Grossman quotes a Jewish settler in the settlement of *Ein Hod* (i.e. the 1948 depopulated Palestinian village of Ayn Hawd) in the early 1990s:

“Giving them a foothold once again will undermine our right to the place and to keeping it. If you grant them recognition of what existed before 1948, you undermine the basis of all of our present existence, the whole situation and the whole state.”<sup>138</sup>

## Engaging Jewish settlers

Already in the early period of displacement, the people of Kafr Bir'im affirmed that they accepted the presence of Jewish settlers on their land, a position which they have upheld to this day. The public debate about the case of Kafr Bir'im encouraged some Jewish settlers to articulate their opinion regarding the return of the villagers.

On 20 July 1975 the Secretariat of *Hakibbutz Ha'artzi* - the kibbutz movement which includes *Kibbutz Bar'am* and *Kibbutz Sa'sa* on the land of Kafr Bir'im among its members - discussed the fate of the Iqrit and Kafr Bir'im displaced. The Secretariat demanded that the government find a just solution to the problem, as long as "we are talking about an exceptional case." It recommended design of "a sound economic solution for the inhabitants of the villages of Iqrit and Kafr Bir'im that would not cause harm to the existing settlements, which are not to be blamed for what happened. We have to consider the forests planted by *Kibbutz Bar'am* whose confiscation from the *Kibbutz* would only cause new suffering." The Secretariat agreed to the return of the displaced inhabitants of the two villages and requested to meet then Prime Minister Yitzhak Rabin in order to discuss the matter with him.<sup>139</sup>

In 1977 the Secretariats of *Kibbutz Bar'am* and *Kibbutz Sasa* underlined once more that:

“finding justice for the inhabitants of Bir'im and Iqrit is a must, due to the ethical and progressive nature of the

settlement movement in this country. Their return will also enhance the internal and political strength of the State of Israel and support the establishment of peaceful relations and understanding with our neighbors.”<sup>140</sup>

More recently, a civil society initiative facilitated for the first time a direct exchange of views and debate about a just solution between the displaced villagers and the Jewish settlers on their land. This initiative was led by the Tel Aviv-based *Zochrot Association*.<sup>141</sup> It included a series of discussions conducted in 2004 among a group of seven Jewish settlers from the *Kibbutz Bar'am* and five displaced Palestinian villagers from Kafr Bir'im.

Shulamit Kafri, a member of *Kibbutz Bar'am*, explains why she participated:

“I had never heard about the Kafr Bir'im displaced until I saw a documentary film about *Kibbutz Bar'am* which mentioned very briefly something about the Arab village of Kafr Bir'im. This sparked my interest, and I began to examine what happened in 1948. I discovered many things, including that there are people from the *Kibbutz* living in the house of Naheda Zahra's family [Naheda is a Palestinian participant in the group]. I was shocked and asked them, 'How can you live in a house that belongs to others? How can you not ask about the fate of its inhabitants and what happened to them?' But I got no clear answers. Eventually, I learned exactly what happened.”<sup>142</sup>

Until July 2004 three meetings were held, the last one in Kafr

Bir'im's church. The meetings served to discuss the past and options for the future, including a plan for future activities. A joint statement issued by the participants opens as following:

“With great sorrow for the injustice done in 1948, throughout the military regime and until today, we wish to tell the story of what happened and act for the return of the displaced people of Bir'im and their descendants to their village.”<sup>143</sup>

The joint statement also included basic principles for the proposed solution:

1. Kafr Bir'im will be re-established on the land and forest not currently cultivated by Kibbutz *Bar'am*, Kibbutz *Sasa* and Moshav *Dovev*;
2. Land built-up and cultivated by the kibbutzim will not be returned to the original owners, unless the members of the kibbutzim agree otherwise;
3. Palestinian owners of the above land will be compensated;
4. Kafr Bir'im displaced who choose not to return will also be compensated;
5. Kafr Bir'im displaced who live in exile are considered rights-holders just like those present in the country as internally displaced;
6. All members of the group, Kafr Bir'im displaced and members of Kibbutz *Bar'am*, will work together in order to prevent further confiscation of land.

In accordance with these principles, some 10,000 of the original 12,250 dunums of village land would be restituted, while the Kibbutzim *Bar'am* and *Sasa* and *Moshav Dovev* would retain approximately 2,000 dunums.<sup>144</sup> The group agreed on a number of joint activities, such as exhibitions, in order to raise awareness about the expulsion from the village and its demolition, and about Israeli policies which have prevented the return of the displaced. The group also aims to recruit new members and organize more meetings between the Kafr Bir'im displaced and members of *Kibbutz Bar'am*, *Kibbutz Sasa* and *Moshav Dovev*.

Naheda Zahra, a member of the second generation of the Kafr Bir'im displaced, works in education and lives in Jish. She is part of the group and says:

“Shulamit Kafri, for example, is responsible for the youth sector at Kibbutz Bar'am. She started to take the young settlers to Kafr Bir'im in order to make them acquainted with the village and to tell them about what happened there. We are preparing a film entitled 'Three Women', which revolves around this initiative, and we organize tours to a number of places in order to talk about the issue.”

In December 2005, however, Naheda had a dialogue with a Jewish settler in a very different context:

“There was a T.V. program entitled ‘Uprooting Versus Separation’ with the Israeli journalist Meni Pe'er. A woman from the Jewish settlement of Gush Katif in Gaza was invited to the program, and I was invited too, as a representative



of the people of Kafr Bir'im. I told them that there was no similarity between the two cases, our case and that of the Jewish settlers in the occupied Gaza Strip. And I told them the story of my grandfather who passed away recently; about how he said that he forgave everyone on earth except those who expelled him from his land. Still, it was important that the case of Kafr Bir'im was raised even in the context of Israel's withdrawal from the Gaza Strip.”



Aerial photo of Kibbutz Bar'am  
Source: baram.org.il



# 4

Chapter Four

## ***Kafr Bir'im, the Place***

Activities in the Village





Christmas gathering in Kafr Bir'im.  
Photo: Maqboulah Nassar/BADIL.

One of the most interesting features of the struggle of the Kafr Bir'im displaced is their close relationship with the village, maintained for over half a century in exile. Bir'imites have always recognized the importance of preserving their collective and personal identity, and their commitment to Kafr Bir'im. Hence, efforts on this "internal front" have accompanied the struggle on the "external front" amongst political decision-makers, courts and the media. The large variety of social activities conducted in the village, including ordinary visits, funerals, weddings, religious ceremonies, summer camps, and volunteer work camps, demonstrate the very personal connectedness of the people to their village, Kafr Bir'im.

Throughout decades of displacement, and despite the natural human desire for stability, Bir'imites have made remarkable use of their village as a place in order to empower the struggle for return. Their frequent presence in the village and at its many sacred sites reveals both practical solidarity and collective identity. Equally important, Bir'imites' activities in their village of origin demonstrate their rejection of the *status quo* and the Israeli policies which have prevented their return.

The struggle of the Kafr Bir'im displaced has gained legitimacy because of the central role played by the village itself. The significance of the village as a place to the struggle for return has also been observed in other cases of internally displaced communities.<sup>145</sup> The place holds huge potential: it can charge individuals and empower their struggle for return in both political and very private terms. The Kafr Bir'im displaced have not only waged a public campaign, but also preserved a role for their village in their daily

lives. The place has been a focus of social meetings and religious ceremonies, with funerals in the village cemetery creating an inseparable personal bond. The bond between man and the place has brought back the place into the displaced people's lives. This may constitute the most important achievement of the generations of the Kafr Bir'im displaced. Unlike many other displaced who break with a present they reject by highlighting the role of the past through memory and history, or the role of the future through the struggle for return, the Kafr Bir'im displaced have preserved a central role for their village in the present.

Kafr Bir'im, "the place", plays a pivotal role in the upbringing of the youth, and commitment to their village of origin becomes a part of the identity of new generations. As in the case of other displaced communities, there is a sense of "paradise lost", because life before 1948, although not easy all the time, was built on dignity and respect.<sup>146</sup> Therefore, many young Kafr Bir'im displaced are not driven mainly by the success of the first generation to build better lives, unity and professional careers after their eviction, but by their ambition to heal their wounds and restore dignity through return.<sup>147</sup> In this way, the sons and daughters of the village become part of the struggle at an early age, and they are expected to become the agents of the struggle in the future. Sami Zahra says:

“I have hope and faith in the young generation. I can feel the return through the activities and projects they do for the village. Although this generation did not live the Nakba itself, and did not live in the village, they continue the struggle to restore their right to return to the land of their parents and grandparents.”



Telling the story of Kafr Bir'im.  
Photo: Zaha Hassan/BADIL

Natalie Makhoul, a young women from the third generation of the Kafr Bir'im displaced, affirms:

“I think we have to go on educating and raising awareness among the people of the village in order to keep the memory of the village alive, and we should do everything possible in order to maintain our ties with the village. I always feel that I don't do enough for my village, and I believe that our struggle starts with things that may seem small, such as personal and collective efforts to raise the awareness of the youth, sons and daughters of the village, and to keep the issue alive forever.”

## A Bir'imite identity

Refugee identity is a concept related to the notion of “the place”; it is characterized by a sense of belonging combined with alienation. The positive identification of oneself as belonging to a certain place, although that place may no longer exist today, overlaps with the feeling of being a stranger in the place one lives in. In the case of Kafr Bir'im, the positive sense of belonging appears to have dominated and driven the struggle from the very beginning. The persistent refusal by the displaced to accept any of the numerous offers of so-called alternative land (see Chapter 3) – and thereby resolve the problem of feeling like strangers in their homeland - can be understood in this context. Kamel Yacoub says:

“I won't say that the people of Jish did not absorb us; they are good people. The problem is rather on our side; we are the bad guys. We neither want to be absorbed nor belong to another place. If we had wanted, we could have said easily: ‘This is enough! Let's start a new life in a new place in Jish, Makr, Akka or Haifa. Let's adapt to the new people in the new place and stop dealing with them as strangers’. We could have intermarried and taken part in their happy and sad occasions. However, we don't want to do that.”<sup>148</sup>

For displaced people and refugees, belonging means that the bond with the village of origin remains strong. Aware of this fact, Israel prevented displaced Palestinians and refugees from visiting their villages for long periods of time, in order to break the bond between the person and the place. It was hoped that the emotional ties of the younger generations with their ancestral home could be cut. However, the frequent presence of the Kafr Bir'im displaced in their village is a message to themselves and to others that Israel's hopes and policies have failed.

## Visiting the village

Village visits are a collective activity undertaken since the early period of displacement. In the first months after their eviction, the displaced villagers visited Kafr Bir'im in order to protect their homes and properties and cultivate the *Waqf*land. In the 1950s and 1960s the displaced were prohibited by law from entering the village. Visits were conducted instead to the “wailing hill” (see Chapter 1) where the



Summer camp in Kafr Bir'im.  
Photo: George Ghantous

displaced could look down on their village, and anniversaries of Kafr Bir'im's destruction were marked by marches and rallies from the Jish church to the "wailing hill". The first of these marches was organized on 26 September 1954, on the occasion of the first anniversary of the destruction.<sup>149</sup> Since 1967, the Kafr Bir'im displaced have been allowed to visit their village but not to stay in it.

At present, visits to Kafr Bir'im and other depopulated Palestinian villages are undertaken in order to re-discover places and things and stimulate the senses. Such visits are normally made in the company of relatives, members of the first generation of the displaced, who serve as guides. "Visitors" become directly and personally attached to the place as they acquaint themselves with the houses of their parents, relatives and neighbors and visit the graves of relatives. Kamel Yacoub says:

“I become happy in the village. I pass by the house I was born in and the other houses which I know well. I work in maintenance and renovation, so I know to whom each house belongs. I even know what the village was like one hundred or two hundred years ago, because I have read the travelers' books from that period. Therefore, when I pass by, I can see in my soul the houses and trees, and I can even see people inside the houses. I pass by, imagine all this and see the house owners at work. I feel very safe in Kafr Bir'im and not afraid of the police or snakes.”<sup>150</sup>

As mentioned earlier, visits to Kafr Bir'im have an inherent dimension of protest and resistance against the *status quo*. As long



as Israeli policies remain aimed at dispossession and displacement, visits to Kafr Bir'im carry political meaning, even if that is not directly intended.<sup>151</sup> The typical Bir'imite family visits the village approximately 10 times per year during holidays and religious feasts, on happy and sad occasions, and for the summer camp and volunteer work camps. Natalie says:

“Every visit to my village means so much for me as a girl who was deprived of her village and whose grandparents were displaced. My personal feeling is so deep that I cannot describe it. When I got my driving license, Kafr Bir'im was the first place I drove to by car.”

Although the entrance to Kafr Bir'im is controlled by the *National Park Authority*, displaced inhabitants coming to visit their village do not pay entrance fees. Riyadh Ghantous remembers:

“Once, while we were engaged in voluntary work and renovating the stairs at the entrance of the village, a park guard came and said that we were trespassers in the park. I told him, ‘You have been trespassing on our land for fifty years, and now you come to tell us that we are trespassing here on our stairs!’”

The displaced villagers also receive groups, including Jewish groups, who come to learn the story of Kafr Bir'im. Naheda Zahra says:

“On 7 November 2005, I accompanied the students of the *Sdeh Boker Secondary School* to the village and told them



Path linking the north of the village to Byzantine ruins.  
Photo: Maqboulah Nassar/BADIL.



At the priests' cemetery, Kafr Bir'im.  
Photo: Maqboulah Nassar/BADIL.



Funeral in the village.  
Photo: George Ghanous.

what happened. On 13 December 2005, I also accompanied a group of students enrolled in a paramilitary service unit, who came to Kafr Bir'im to become familiar with the case. Just before that, I had guided a group from the Bi-national School in Jerusalem.”

## Laying to rest the dead

Kafr Bir'im's current cemetery dates back to 1903, when it was moved from its old location in the North-West of the village to its present place in the North-East, some four hundred meters away from the village center.

On 10 January 1956 Father Elias Susan, one of the village clergymen, died at the age of 88. Father Susan had requested to be buried at the Sayyedah Church of Kafr Bir'im, just like all other priests before their displacement. Although entry into the village was prohibited at the time, the displaced inhabitants insisted in respecting his last will and burying him in the priests' section of the graveyard of the Kafr Bir'im Church. The funeral was delayed for three days until the military governor of Nazareth finally gave his permission on exceptional grounds. The funeral provided one of the first opportunities since 1949 for the displaced to enter their village.

In 1987, Father Yusef Istifan Susan, one of the most prominent figures in the struggle for return to Kafr Bir'im, was also laid to rest in the clergy's section of the Church cemetery. A total of seven priests are buried there: Andrawos Abu Fares, Elias Yusef Risha, Mansour

Asi, Musa Elias Susan, Yusef Daoud Risha, Elias Ibrabim Susan, and Yusef Istifan Susan. Only Father Yusef Elias was buried in Lebanon and not in Kafr Bir'im.

Since October 1967, the Kafr Bir'im displaced have been allowed to bury their dead in the village cemetery, irrespective of where death occurs. Prior to that, however, displaced Bir'imites used to bury their dead at Jish and Makr, and in a special section of the Christian cemetery in Akka. At the entrance to this section there is a sign which says: "Sons and daughters of Kafr Bir'im, today you rest here beside the Lord, and on the day of our return you will be with us."<sup>152</sup> Kamel Yacoub adds:

“A physician from Kafr Bir'im left the village in 1948 for Lebanon and then for the United States where he obtained citizenship. When he felt that his death was near, he came to visit Israel twice with a clear desire to die and be buried in Kafr Bir'im. However, his plan to die during his visits did not succeed and he did not die here. Therefore, he wrote in his will that when he died he should be brought here for burial in our cemetery. He even chose the tomb in which he is buried today. His wife was of German origin; she was not related to the village and did not wish to be buried next to him. His family came here for the funeral; they live in the United States and come to visit their father at times, about once every two years. He has no other visitors, but he has an extended family here. We are his extended family; we visit him and pray for him. Every time we come to the cemetery we pray for all the dead buried there, even for those who are not related to our families. In fact, I was happy the day



his funeral was held; I did not feel any sorrow. It was as if the occasion was not a funeral. This does not mean that I celebrated the occasion, but look: a man wanders all over the world, becomes a famous physician, makes lots of money and returns home at the end to be buried in Kafr Bir'im. The matter was of great importance to me. It was very important to me to see him return.”<sup>153</sup>

## The church renovation

The Sayyedah Church in Kafr Bir'im is located in the highest spot of the village at approximately 752 meters above sea-level. The



Christmas prayer in the church.  
Photo: Maqboulah Nassar/BADIL.

current church building was established on top of an older church said to have been destroyed by an earthquake on 1 January 1837. The church was renovated and given its current shape in 1926, when the wooden ceiling was replaced with a concrete one and the bell tower constructed on the western side.

Kafr Bir'im's church was vandalized by the Jewish settlers who arrived in the village in 1949 and later on, in 1951, upon establishment of *Kibbutz Bar'am*. When the village houses were bombed from the air on 16-17 September 1953, the church walls cracked, in particular the eastern wall. The church bell, moreover, was stolen by the settlers in the early 1950s. Father Elias Shaqour says:

“They took it [the bell] so that they could ring it at lunchtime in the Kibbutz, and when our young people went to get it, they found it broken. The church remained without a bell until I went to Lebanon, collected 3,650 Lebanese Pounds from the Bir'imites there, and brought the bell with me in 1975. The bell weighs 285 kilograms and carries an inscription saying: ‘A gift from Kafr Bir'im's sons and daughters in Lebanon.’”<sup>154</sup>

In 1972 the Kafr Bir'im displaced were permitted to renovate their church again and pray in it once a month. In 1998 the church was connected to the grid of the regional electricity company. The villagers maintain the church during volunteer work camps (see below) and come to pray in it, especially on feasts and religious holidays.

## Religious ceremonies

In April 1949 the Kafr Bir'im displaced requested permission from the Northern Region Police Command to perform their Easter prayers in the village church. The permit was granted. From that time on, however, the military governor prevented access to the church. In July 1972 Bir'imites launched a major sit-in strike in protest of the government's refusal to permit their return to their village and land. Since 4 November 1972, the Kafr Bir'im displaced have performed their religious observances, including feasts and weddings, in the village church. Riyadh Ghantous comments:

“At Christmas and New Year a smaller number of people come, but at Easter when the weather is nice, the large majority of the people of Kafr Bir'im, some 90 per cent, come to participate. This reunion of the people is very warm; it is a joyful occasion for getting together. Easter is a festival in which all the village inhabitants participate.”

## Wedding ceremonies

On 4 November 1972, following a major demonstration in protest against statements by Israeli Prime Minister Golda Meir to the effect that the Kafr Bir'im and Iqrit displaced would not be allowed to return, Kamel Yacoub changed his wedding plans and decided to not get married in the village of Jish, but rather in Kafr Bir'im. He remembers:

“The family, including our fathers, objected. They gave several reasons, including technical problems, such as how we would bring the guests to Kafr Bir'im. When solutions for all these technical problems were found, they raised their real concern: what would happen if the police and army arrested the wedding guests?”

In order to prevent that from happening, Kamel Yacoub invited a large number of journalists and politicians, Jews and Arabs, and the couple's fathers finally surrendered to the wish of their children:

“We walked about 800 meters along the main road, singing and dancing in a traditional wedding procession. The people were so happy; of course not because of the wedding alone, but because of Kafr Bir'im. We reached the church as it was getting dark. Everyone sang, and the atmosphere inside the church was fantastic. The church was dark as it was not yet connected to the electricity grid. The old priest who led the struggle for return was about to retire and no longer conducting religious ceremonies at that time. He insisted, however, that he would perform this wedding ceremony by himself and in person. Afterwards we stepped out of the church, and a popular poet recited traditional verses. He stood on the stairs leading to the roof of Kafr Bir'im's school, just like he had done the last time, at the wedding of my uncle in 1946, some 26 years before mine. The poet wanted to express that there was no rupture and that times had not changed; it was as if my uncle's wedding was only a very short time ago and my wedding was a natural



The wedding of Riyadh Ghantous in Kafr Bir'im, 1980.

continuation of his. The most worrisome moment was when the police arrived. We thought they would arrest all of us, but ultimately they did not.”<sup>155</sup>

That was the first wedding in Kafr Bir'im since its evacuation in 1948. Wedding ceremonies have been conducted in the village ever since. Riyadh Ghantous says:

“I got married in 1980 in Kafr Bir'im as well. At that time many people got married in Kafr Bir'im. If people did not get married in the village, it was for financial reasons. A wedding in Kafr Bir'im was costly! One had to provide buses to bring the people from Jish, Haifa and Akka, because there were no cars. The guests would gather at the entrance of Kafr Bir'im, and then they would dance the *sahjeh* all the way from the intersection to the village center. Songs were sung for Kafr Bir'im and longing was expressed for Kafr Bir'im. Until now many people have their weddings in Kafr Bir'im, and the *sahjeh* and national songs are still there for it.”

## The youth summer camps: return of the *Bara'em*<sup>156</sup>

Since 1987 the Kafr Bir'im displaced have organized summer camps in the village for their children in the first week of August. Camps are organized by the *Al-Awda* (Return) *Movement*, which is led by the second and third generation of the displaced villagers. Established in 1982, the Movement promotes the struggle for return through



From the annual youth summer camp.  
Photo: George Ghantous

activities, such as summer camps, volunteer work camps (see below), and publication of literature about Kafr Bir'im. Riyadh Ghantous, one of the founders of the Movement, explains:

“Today, our main supporters are the youth. There are 39 young people now who lead the summer and volunteer work camps while the adults assist them. These youth are an achievement, and you can find them in Haifa, Akka, Jish and other areas. They have begun to take over and do most of the work; they were all brought up in the *Al-Awda* camps!”

In 2005 his son George, a student at the *Technion* in Haifa, participated for the first time as a leader in the summer camp:

“I believe that our involvement at a young age in the Palestinian cause and in our own cause [Kafr Bir'im] has helped us develop strong principles and clear ideas. We've always a clear goal, and as we became more determined we also learned how to adapt our efforts for the sake of better results. As children we were raised and nurtured in the summer camp to love the land in the village and nature, and to work to restore our stolen rights. My relationship with my village Kafr Bir'im, which constitutes the personal component of the larger cause, motivates me to work for my homeland and my people. I feel touched by the short-term results, as well as the long-term perspectives.”



UN Resolution 194; youth summer camp.  
Photo: George Ghantous.



The 17<sup>th</sup> summer camp was opened on 5 August 2005 after five months of preparation. The sustainability of these camps and the enthusiastic participation by various generations are evidence of their success and importance in the lives of the Kafr Bir'im displaced. Hundreds of children of Kafr Bir'im from different regions of the country participated. Familiar with Kafr Bir'im's story, children are offered an opportunity in the camp to spend a week living and feeling what they have heard from their parents. Kafr Bir'im thus becomes a fully-fledged educational project for a whole week. The camp is also visited by many older people from the first generation of the displaced, who come to talk to the youth about their lives in the village before 1948. One of them, Sami Zahra, says:

“I visit the summer camps and the volunteer work camps in order to support the organizers. They invite me every year to meet with groups of children and youth and tell them about our lives before the Nakba, our habits and traditions, and about the occupation of the village. I also walk with these groups among the houses, half of which still exist, and explain about them and about the names of their owners.”

The summer camps aim to preserve the ties with the village and the reality of displacement from generation to generation. They also aim to involve children at an early age in the struggle for return. Areen Yaqoub Jeries, a youth from the third generation of the Kafr Bir'im displaced living in Haifa, explains:

“The summer camp is a means of struggle for return. We spend a whole week in Kafr Bir'im, although we were prevented from spending even one day there in the past. All

of the inhabitants of the village, old and young, meet during that week. This generates a feeling of family and strong attachment to everything related to the village.”

The camps include daytime and evening activities in Kafr Bir'im. Daytime activities include education, arts, hiking and sports. The evening program usually takes place inside the rooms of the village school next to the church and is composed of artistic performances, folklore dancing and the like. Although the whole Palestinian cause is addressed throughout, the case of Kafr Bir'im is at the center of the summer camps.

## The volunteer work camps



Volunteer work in Kafr Bir'im.  
Photo: Rasha Hilweh.

Every year between September and October, the *Al-Awda Movement* organizes three to four day long volunteer work camps. Members of various generations of the Kafr Bir'im displaced take part in voluntary maintenance work in the church or elsewhere, and clean the streets and paths between the village houses.

Thus the displaced Bir'imites have been able to renovate the stairs and walls of the church and the school, as well as the path leading to the church yard. Toilets were installed near the church. The street between the houses was reopened, although only a few houses have remained. In 2005, volunteers constructed a roof on a room next to the church and renovated its walls.



Volunteer work in Kafr Bir'im.  
Photo: Rasha Hilweh.

# 5

Chapter Five

## ***A Personal Duty***

Individual Initiatives for Kafr Bir'im





From: "Manadeel", exhibition by Mervat Isa.

The struggle for return to Kafr Bir'im has been guided by clear objectives which have united the scattered community to reject exile and separation from its village. Most of the struggle of the Kafr Bir'im displaced has been based on collective action. Since 1948, there has been great concern and effort to act as a group and consolidate a common Bir'imite identity which forms the basis for the struggle for return.

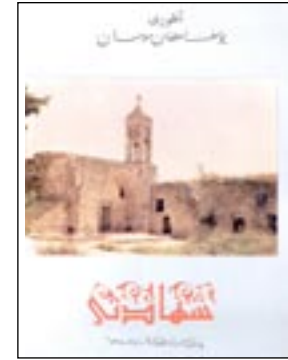
However, the commitment of the displaced villagers is not only collective, but personal as well. Many of them have undertaken individual initiatives in various fields in order to support the quest for return to the village. These initiatives are highly appreciated by the Kafr Bir'im displaced, especially by those from the first generation, who look on them with great pride. Such personal initiatives have been taken mainly by members of the second and third generation, who were born outside the village and did not experience the expulsion. This chapter highlights a number of them; they are presented as examples of the way in which Kafr Bir'im has become the personal duty of every one of its people.

## Memoirs

On 13 October 1986, on the 38<sup>th</sup> anniversary of the depopulation of Kafr Bir'im and just one year before his death, Father Yusef Istifan Susan published his memoirs, entitled *Shahadati: Yawmiyat Bir'imiyya 1948 – 1968* (My Testimony: a Diary of Kafr Bir'im 1948 – 1968). In this book, Father Susan summarizes 20 years of struggle by the Kafr Bir'im displaced for return to their village. Father Susan played a pivotal role in this struggle (see Chapter

3), and his detailed account includes historical facts and supporting documents. The book also includes some of his poems, all of which are about Kafr Bir'im.

Father Susan dedicated his 320-page memoirs, which were immediately in great demand, to “the souls of the parents and grandparents... who are still roaming the sky of Kafr Bir'im... to my children, the sons and daughters of Kafr Bir'im, who are still faithful to the soil of their village... to our grandchildren who aspire for a Bir'imite future full of love, goodness, and return to the village.” In the introduction in writes:



“Kafr Bir'im, the land, the people, the case: my testimony is written for them ... It is the testimony of someone who was destined to live the tragedy of his village and perish from the first moment and accept it. I was destined to have the honor of pursuing this case closely during the first twenty years of the tragedy. It is a testimony that asserts the authenticity and depth of the Bir'imite struggle. The first generation, the generation of the Nakba, is giving account to the following generations. ... This testimony reminds the best of Kafr Bir'im's people of the suffering of their parents and relatives for the sake of preserving the right which they cling to, filled with the faith that injustice will vanish and



Easter in Kafr Bir'im.  
Photo: Zaha Hassan/BADIL.

” that justice will prevail. The people of Bir'im will certainly return, and with their hands they will reconstruct what was demolished by the oppressors.”<sup>157</sup>

## Documentary films

Rima Isa, from the third generation of the displaced Bir'imites, studied film directing at the Sam Spiegel College in Jerusalem. In 2001 she directed a documentary film about Kafr Bir'im, her village. Her 36-minute film entitled “Ramad” (ashes) features a dialogue between the director and her mother. It tackles the different approaches of various generations to the case of Kafr Bir'im. The film was screened in several countries and was watched by displaced Bir'imites in various regions.

“Ramad” employs a non-conventional style and shows great courage in dealing with a sensitive issue like Kafr Bir'im. The film highlights contradictions which may, in part, stem from the nature of displacement itself, the diversity of generations and differences in their identity and the way Kafr Bir'im itself is perceived.

Isa comments:

“The film's message reflects the ideas of the third generation and its view of Kafr Bir'im. It also shows some of the existing contradictions, especially the contradiction between the Israeli and Palestinian identity of the displaced people. My father, for example, was a policeman and prevented us from talking

politics at home. This left me with many unanswered questions. The film shows the differences between the generations. The film also has a clear feminist angle: through the characters, and because I imagine Kafr Bir'im as a woman. Kafr Bir'im is a woman who lives between life and death. For example, she is pregnant in summer when her children come to the summer and volunteer work camps, and she dies every time her sons and daughters leave her again.”

“Ramad” generated much debate:

“Although the response to the film was generally positive, I received criticism from some Bir'imites, especially for the section where my mother says that we are Israelis and that she considers as Palestinians only those living in the West Bank and Gaza Strip. I also received many negative reactions from Jewish people.”

Isa's film expresses strong pessimism, which stems, in her words, from her “fear for the fate of the cause”. The film's title “Ramad” (ashes) reflects the fact that interaction with Kafr Bir'im has to a large extent become reduced to conducting funerals. Its people are buried in the village and their bodies return to ashes in its cemetery. Isa perceives the relationship of the displaced with their village as one of death, “because we only return to Kafr Bir'im when we are dead.” She warns of the possible death of Kafr Bir'im in the minds and souls of its people, if the major bond remains limited to their eventual funeral there.

In October 2005 artist Mervat Isa, also from the third generation



Photo: Maqboulah Nassar/BADIL.



Map-6: Model for the reconstruction of Kafr Bir'im by Deeb Maron.

of the Kafr Bir'im displaced and living in Jish, cooperated with Adi Ben Horin, a visual artist and settler of *Kibbutz Bar'am*, in the production of a five-minute short film. The film named "Bar'am" was screened at an exhibition entitled "Jurouh wa Dhamadhat" (wounds and bandages) in the Palestinian town of Um al-Fahm in Israel. It features the perspective of artists concerned with the same geographical place (Kafr Bir'im vs. *Kibbutz Bar'am*) and tackles it based on the two different narratives. In December 2005 the film was also screened in *Kibbutz Bar'am* itself and caused heated debate among the settlers.

## Models of reconstruction

In the mid-1990s architect Deeb Maron, a graduate of the Technion in Haifa living in Jish, wanted to demonstrate his commitment to Kafr Bir'im and contribute to the struggle for return by building a model of the reconstructed village. Maron based his work mainly on British Mandate maps and on the maps presented to the *Liba'i Commission* between 1993 and 1994 (see Chapter 3) by the Committee of the Uprooted of Kafr Bir'im. He constructed a model of the "new Kafr Bir'im" which takes into account the changes that have occurred since 1948, in particular the presence of *Kibbutz Bar'am* and *Moshav Dovev*.

Deeb Maron aimed at designing a far-reaching and practical plan for return that could respond to the needs of its residents. He assumed that, in the first phase, 4,000 displaced inhabitants would return to Kafr Bir'im. Maron tried to balance old and



new elements in the “new” Kafr Bir'im. He gave importance to not replacing the old by the new, but to have both co-exist with each other: new construction should not overwhelm the old but rather adopt the old style of stone houses, so that both would mingle, recreating Kafr Bir'im and also establishing it as a site for tourism.

Maron commented on the response to his project:

“In general, the response was positive. One problem was that my project came out at the time the recommendations of the *Liba'i Commission* were issued. My model provided that the built-up area in the new village would be 600 dunums. This figure, which was equal to the figure mentioned by the Commission, made some people think that my project was directly linked to the Commission's recommendations. In fact, however, this was not at all what I suggested. I suggested that the 600 dunums should be the area in which the village would be re-built; additional agricultural land which the people would re-possess was not included. That area would be sufficient for the village of the returnees for twenty years. We have to keep in mind that the built-up area of Kafr Bir'im was only 96 dunums in 1948.”

Several years later, architect Hanna Farah, a graduate of the Wizo Institute in Haifa, presented another model for the reconstruction of Kafr Bir'im. Not unlike Maron, Farah's design also tried to make return more concrete by tackling some of the practical questions.

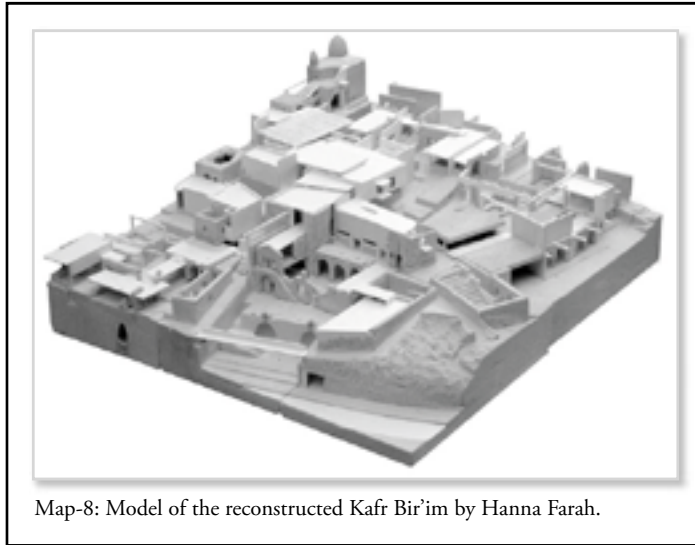


Map -7: Reconstruction: a relief of the proposed new Kafr Bir'im by Hanna Farah.

Farah explains:

“The right to return to Kafr Bir'im is obvious, and we are requested to work for the reconstruction of the village after its depopulation and destruction. I believe that the major challenge here was and still is how we define the 'old' and deal with it. We have ten or more people who want to return to the house of their grandparents in Kafr Bir'im, and this is of course impossible.”

By focusing on the return to Kafr Bir'im and not on individual houses, Hanna Farah designed a comprehensive model for return which integrates the old and the new. The built-up area of the old, pre-1948 village forms the heart of the new one; it comprises



Map-8: Model of the reconstructed Kafr Bir'im by Hanna Farah.

about one quarter of the total area of the new village.

“It is important to not deal with the demolished houses in Kafr Bir'im as if they were monuments, but to consider them a part of life in the new village. In many places in other villages the new has replaced the old, often as a result of policies which restrict growth and cause acute shortage of land. What helps us in Kafr Bir'im is the fact that the houses were demolished by bombing from the air. There were no bulldozers, and therefore many walls of the houses have remained standing. In this case it is possible to create coexistence between the old and the new in Kafr Bir'im when return is realized, and memory will become part of the present.”

Hanna Farah has not yet presented his project to the displaced villagers, but he has great hope that it will inspire their struggle for return.

## Arts

“Me and Them” stands for artist Mervat Isa and the Kafr Bir'im displaced. It is the title of one of her exhibitions, which features bag-shaped figures representing the families of Kafr Bir'im. These bags or “packages” are figures without words in the state of flight, displacement and instability. There are two kinds of bags: small ones and big ones. The small bags were for keeping gold and jewelry, and the big ones for moving equipment and big objects from the houses of the displaced into exile.

Explaining what motivates and inspires her, Mervat Isa says:

“I want to understand what happened. Although we talk about the year of 1948, displacement may still affect me personally. We must understand that. The issue is social and political at the same time. My mother still stores the *mouneh* [basic food supplies] in our house. I have told her many times that there are many groceries nowadays and that we can get what we need easily, but she says that she doesn’t know what may happen.”

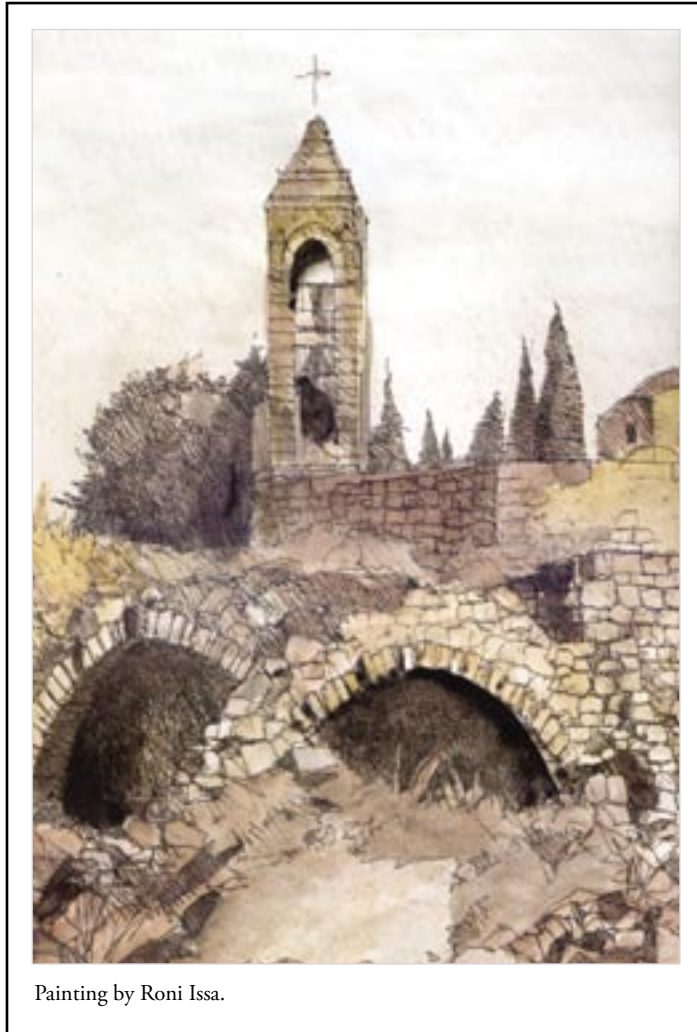
Mervat Isa was born in Jish and is a member of the third generation of the displaced villagers. She studied ceramics and arts in the colleges of *Tel Hai* and *Oranim* in northern Israel and works as a lecturer in arts at various colleges and institutes. Isa has presented several exhibitions dedicated solely to the topic of Kafr Bir'im.<sup>158</sup> In addition to “Me and Them,” these include *Amwat Muraqama* (deaths numbered), *Manadeel* (headscarves), and *A'amal Hurrah* (free business'). In *Manadeel* the artist tackled the memory of the wailing of the Kafr Bir'im displaced as they watched their village bombed from the air in 1953 (see Chapter 1).

Talking about the response of the Bir'imites to her exhibitions, Isa says:

“Most Kafr Bir'im families came to see my first exhibition ('Me and Them'), which was shown at the gallery of the Nazareth Cultural Center in 2002 and sponsored by the artist Farid Abu Shaqra. They were most interested in the packages representing the families of Kafr Bir'im. Everyone wanted to see the package of his family and the other families. To a large extent, my work also expresses the cases of other



“Me and Them,” exhibition by Mervat Isa.



Painting by Roni Issa.

” displaced people from other villages. I have often heard displaced people say that they felt as if my work was about their village and not about Kafr Bir'im.”

Painter Roni Isa, 40, lives in the village of Jish. Isa has focused on painting the old houses and the landscape of Kafr Bir'im. He completed 12 paintings in the past three years, all of them about Kafr Bir'im, its demolished buildings, the church and the school. He aims to express his personal commitment to Kafr Bir'im and contribute through these paintings to the struggle of the Kafr Bir'im displaced for their return to their village.

## Melodies and poems

“Hand in hand, let's protect the land, sacrifice our lives for it and, by God, I will redeem it with my soul.” These are words of one of six songs on a tape entitled *Al-Awda* (return) and released in 1990. All of the songs were written by poet Tony Andrawos (residing in Jish) and sung by Elias Nakhleh, with the music composed by Raimon Badeen, Elias Nakhleh and Maron Tannous. All of the songs on this 35-minute tape are about Kafr Bir'im, with the exception of one entitled *Aghla al-Awtan* (most precious homeland) which deals with displacement in general. The song ends with the following lyric:



“We promise we will not forget you,  
My country, land of delight.  
No matter how long the separation,  
No matter how much the oppressor will try,  
The promise will remain in the heart,  
My country, most precious of all homelands.”

The Kafr Bir'im displaced showed unprecedented interest in this tape: some 600 copies were sold and 500 additional copies were produced in 2000. Tony Andrawos considers this tape “a means through which the displaced villagers can communicate. At the same time it expresses my personal love for the village, which in fact was my motive for writing poetry for the return to Kafr Bir'im.”

Ibrahim Isa, from the first generation of the Kafr Bir'im displaced, takes part in nearly all activities related to the village. He also assists in maintaining Kafr Bir'im's cemetery on a voluntary and regular basis. For many years Isa has composed poems for Kafr Bir'im which express his yearning for return. A poem entitled “My Village” says:

“I am longing for you, my village  
Longing for every breath of air in you and from you  
Longing for your melodious voice  
Transmitted through the voice of my mother  
And for your gracious breasts,  
That nursed my honor and pride.  
I am longing for you, my village  
My village, I miss you.”



Painting by Roni Issa.



## Conclusion

The struggle of Kafr Bir'im's displaced people has been fought on two fronts at the same time. On the "external front" there has been the need to apply pressure on the Israeli authorities so they would permit the return of the people to their village and restitution of their properties. In this, the displaced villagers have exerted great efforts throughout the entire period of their displacement and since their eviction almost 60 years ago. The first means employed, especially in the early years of displacement, were letters and memoranda to Israeli officials. In the 1950s the displaced knocked at the door of justice by approaching the Israeli Supreme Court. Later they appealed to public opinion through the media, and finally, in the 1970s, they began building an unprecedented protest movement. The displaced also paid utmost attention to the ministerial commissions established to decide on their case, and repeatedly provided them with arguments for their return and plans for the reconstruction of their village. Channels of communication and dialogue were also opened with the Jewish settlers living on the village land.

On the "internal front", displaced Bir'imites have fostered their relationship with Kafr Bir'im itself and remained keen on preserving a sense of belonging to their village. A variety of social, political and religious activities conducted in the depopulated village have served as the major means for this purpose. Success on the "internal front" has been important, because it is a challenge both to Israel's policy of entrenching the *status quo*, and the natural human inclination to settle down in one place. The displaced people of Kafr Bir'im have demonstrated their commitment to their village not only collectively, but also in very personal ways through initiatives of individuals which express loyalty to their village and energize the quest for return.

Kafr Bir'im's clergy played a prominent role on both "fronts" in the first three decades of displacement, as community leaders whose respect and legitimacy was derived from their religious status, their direct responsibility for the parish and *Waqf* (endowment) property, and their good education. Leaders, priorities and discourse underwent changes as new generations engaged in the struggle for return. The second generation

of activists in the 1970s began to link the case of Kafr Bir'im with the broader Palestinian cause in much clearer terms than their parents. By that time, the end of the oppressive military rule over Palestinians in Israel in 1966 had created new options for the new generation of the displaced. However, new trends were also a result of the failure of their parents' approach to accomplish the return to the village – and the latter is the only standard against which the displaced people assess achievements and failures in their struggle.

Finally, the case of Kafr Bir'im has exposed the persistent unwillingness of the state of Israel to tackle a case which may entail the need to deal with the wider issue of all those Palestinians who were turned into refugees in 1948. The case of Kafr Bir'im also illustrates the degree to which Israeli authorities exploit so-called security needs for political purposes, in particular the purpose of enhancing Jewish settlement.

The Kafr Bir'im displaced aspire to return in order to assume the normal life they have been denied under the circumstances of forced displacement. Kamel Yacoub says:

“We torture ourselves mercilessly all the time. It is no great pleasure to open the wounds and we want to heal them. However, our wound can only be healed if they allow us to return. Then we will be able to return to a normal life. I think this is the meaning of terms like ‘displaced’ or ‘refugee’. They mean humiliation. If someone wants to insult you, he says you are a refugee. And if this is what you are, then you cannot stay on and earn income independently or start a new life somewhere else.”<sup>159</sup>

The same is expressed by Palestinian poet Mahmoud Darwish:

*I dream of us no longer being heroes or victims; we want to be ordinary human beings. When a man becomes an ordinary being and pursues his normal activities, he can love his country or hate it, he can emigrate or stay. However, for this to apply there are objective conditions which are not in place. As long as the Palestinian person is deprived of his homeland, he is obliged to be a slave for that homeland.*<sup>160</sup>



## Endnotes

- <sup>1</sup> See: Benny Morris, *The Birth of the Palestinian Refugee Problem Revisited*; Cambridge University Press, 2004, p. 463.
- <sup>2</sup> *ibid.*, p. 473.
- <sup>3</sup> See: Salman Abu Sitta, *The Palestinian Nakba 1948: The Register of Depopulated Localities in Palestine*; London: Palestinian Return Center, 1998.
- <sup>4</sup> *ibid.*
- <sup>5</sup> Morris (2004), p. 487.
- <sup>6</sup> The villages of Jish and Safsaf near Kafr Bir'im were occupied on October 29, followed by Sa'sa, Alma, Dayshum, Fara, Ghabbatiyya, al-Ras al-Ahmar, and Sabalan on the next day. See: Abu Sitta, pp. 47-51.
- <sup>7</sup> Morris (2004), p. 482.
- <sup>8</sup> See: Yusef Istifan Susan, *Shahadati-Yawmiyyat Bir'imiyya 1948-1968* (My Testimony – A Diary of Bir'im 1948-1968); 1986, pp. 10-11 (Arabic).
- <sup>9</sup> See: Charles S. Kamen, "After the Catastrophe II: The Arabs in Israel, 1948-51", in: *Middle Eastern Studies* 24, No. 1, January 1988. According to a survey conducted by the Arab Human Rights Association, Israel has demolished or closed 42 mosques in the district of Safad (8 in the city of Safad), in addition to two churches in Kafr Bir'im and Al-Na'imah. In the district of Acre, Israel demolished or closed 23 mosques and 6 churches, including the church of Iqrit. See: Arab Human Rights Association, *Sanctity Denied. The Destruction and Abuse of Muslim and Christian Holy Places in Israel*; Nazareth, 2004.
- <sup>10</sup> For more information about estimates of the number of Palestinian refugees, see: Nihad Boqai and Terry Rempel (ed.), *Survey of Palestinian Refugees and Internally Displaced Persons 2004-2005*; BADIL Resource Center for Palestinian Residency and Refugee Rights, Bethlehem, 2006.
- <sup>11</sup> See: *al-Mawsu'a al-Filastiniyya*, Vol. 3 (the Palestinian Encyclopedia); published by Hayat al-Filastiniyya, Damascus, 1984, p. 648 (Arabic).
- <sup>12</sup> See: *A Survey of Palestine 1946-1947*, Vol. I; Jerusalem: Government Printer. Reprinted in full by the Institute for Palestine Studies, 1991.
- <sup>13</sup> Susan, p. 12. Salman Abu Sitta lists 824 inhabitants of Kafr Bir'im's inhabitants in 1948 based on the data of the Survey of Palestine in 1945. See: Abu Sitta, p. 48.
- <sup>14</sup> During the era of the British Mandate, there were 6,000 Maronites in Palestine, most of whom lived in Haifa. A number of Maronites had also come from Lebanon. Other Maronite Christians lived in Jaffa, Acre (Akka) and Nazareth. See: Oren Stendel, *Israel between the Hammer and the Anvil*; Jerusalem: Akademon, 1992, p. 115-116 (Hebrew).
- <sup>15</sup> Among them the Shaqqr family originating from the Hurfaish village, and the Badeen family. For more information about the families of Kafr Bir'im, see: Sharif Kanaana and Muhammad Shteyyeh, *Al-Qura Al-Arabiyyah Al-Muhajara*

- (The Displaced Arab Villages), No. 13, Birzeit University, 1991 (Arabic).
- <sup>16</sup> The proportion of Christians in the Safad district was very low: in 1944 their number was 1,200 people or 2.88% of the total village population in the district, Kafr Bir'im was the only Christian village. See: Mustafa Abbassi, *Safad During the British Mandate Period, 1917-1948: A Social and Political Study*; Beirut: Institute for Palestinian Studies, 2005, p. 145 (Arabic).
- <sup>17</sup> In 1931 the number of houses in Kafr Bir'im was 132. See: Walid Khalidi (ed.), *All that Remains. The Palestinian Villages Occupied by Israel in 1948*; Washington DC: Institute for Palestine Studies, 1992, pp. 460-461.
- <sup>18</sup> See: *Survey of Palestine*, pp. 242 and 293.
- <sup>19</sup> Official Israeli data on population and property, Bir'im and Iqrit, pre-1948 and as of 1983. Provided in a letter by the Israel Land Authority (ILA) to MK Dedy Tsuker, 14 March 1993. On file with BADIL.
- <sup>20</sup> The following names of Kfar Bir'im land were documented by oral history. In the west of the village: Masayat, Khalat Abu Hanoush, Khalat Al-Ghameeq, Marj Al-Ullaiq, Khalat Jlaidan, Al-Dubeh, Al-Darajah, Abu Al-Hajar, Sahlat Al-Zaitoun, Al-Marah, al-Darajat, Shmaigh Wadi, Khalat Al-Toun, and Ein Al-Suwaif in the north-west. In the north: Khalat Al-Jimal, Al-Muhaifreh, and Kasarat Butros. These extend to the north east to include Al-Maghbata, and Kasarat al-Jami'. In the north-west there are: Naqarah, Suwaneh, Um Swait, Khalat Mezrab, Khalat Al-Khunthi, Tayarah, Jurn Butros, Harson, Areed ahg-Aslan, Al-Asi, Al-Qulai'ah, Daqiqa, Qulia, Khalat Karasfeh. In the south: Marasheeq, Areed, Suwaneh, Khalat Kamoun, Hawakeer, Qer'ah, Sahlat Nejassa, Ghurat Al-Nemer, Masareb, Sahlat Attieh, Khalaiel Nubai', Sahlat al-Madena, Shuqaif Al-Kharoub, Sahlat Qushor. See: Kana'neh and Shteyyeh, p. 23.
- <sup>21</sup> Documented families of Kafr Bir'im include the families of: Sarou', Dhaw, Farah, Isa, Sleiman, Khouri, Daoud, Al-Reesheh-Zaknoon, Diab (or Zeidan), Yacoub (or Kheloul), Susan, Haddad, Shaqqur, Dakour, Badeen, Ayoub, Samarah, Abu Wardeh, Makhoul, Maron, and Maghzal. See: Kanaana and Shteyyeh.
- <sup>22</sup> *ibid.* These include, for example, the two families of Susan and Dakwar.
- <sup>23</sup> Although there were no Protestant Christians in the village, this school was apparently opened by missionaries and through personal contacts with the Protestant Church.
- <sup>24</sup> See: Sara Oussetzky-Lazar, "Iqrith and Bir'im: The Full Story" in: *Research Series on the Arabs in Israel*, No. 10, Givat Haviva: Arab Educational Institute and Peace Research Institute, 1993, p.12 (Hebrew).
- <sup>25</sup> *ibid.*
- <sup>26</sup> For information about the various aspects of life like health, education, and social structures in Kafr Bir'im during the British Mandate period see: Kanaana and Shteyyeh.
- <sup>27</sup> Susan, p. 12.
- <sup>28</sup> See also: Morris (2004), p. 486. Morris describes Emmanuel Friedman as part of "old HIS [Hagana Intelligence Service] hands and kibbutz mukhtars in the Galilee."
- <sup>29</sup> Susan, p. 12.
- <sup>30</sup> *ibid.*, p. 14.
- <sup>31</sup> Quoted from Kanaana and Shteyyeh pp. 27-28.

- <sup>32</sup> See: Christian Science Monitor, 12 August 1972 in: Joseph L. Ryan, S. J. “Refugees within Israel. The Case of the Villagers of Kafr Bir’im and Iqrit”, *Journal of Palestine Studies*, Vol. II, No. 4 (Summer 1973), p. 60.
- <sup>33</sup> See: Baruch Kimmerling, “Sovereignty, Ownership and ‘Presence’ in the Jewish-Arab Territorial Conflict. The Case of Bir’im and Iqrit “. *Comparative Political Studies*. Vol. 10, No. 2, July 1977, pp. 155-175 .
- <sup>34</sup> See: Benny Morris, *Israeli’s Border Wars, 1949-1956*; Oxford: Clarendon Press, 1993, p.138.
- <sup>35</sup> Morris (2004), pp. 506-507.
- <sup>36</sup> Susan p. 14.
- <sup>37</sup> About 700 people from Kafr Bir’im had come to Jish. See: Ryan in *Journal of Palestine Studies*, p. 60.
- <sup>38</sup> The Maronite Bishop in Beirut had supported in a written testimony before the Anglo-American Committee of Inquiry in Summer 1946 the establishment of a Jewish state in Palestine: “there will be no revival for the Christians in the Middle East without the establishment of a strong Jewish state.” See: Oussetzky-Lazar, p.12.
- <sup>39</sup> Aaron Becher, “Hill of Tears of Bar’am” in: *Yediot Aharnot*, 28 July 1972. Reproduced in *Know*, 17 August 1972, p. 13-14 and cited in Ryan, pp. 57-58.
- <sup>40</sup> Susan, p. 14.
- <sup>41</sup> *ibid.* pp.17-18.
- <sup>42</sup> Ministry of Minority Affairs, file 109/306. See: Hillel Cohen, *The Present Absentees*; Jerusalem: The Institute for Israeli Arab Studies, 2002, p. 65. (Arabic)
- <sup>43</sup> Oussetzky-Lazar, p. 13.
- <sup>44</sup> The term “internally displaced” designates Palestinians who became refugees in in 1948 but remained inside the territory that became the state of Israel. The term “Palestinian refugees” refers to Palestinians displaced in 1948 who found shelter outside the borders of the new state of Israel.
- <sup>45</sup> See: Tom Segev, *1949: The First Israelis*; New York: Free Press, 1986, p. 52.
- <sup>46</sup> *ibid.*
- <sup>47</sup> See, for example: Nur Masalha, *A Land without a People. Israel, Transfer and the Palestinians 1949 – 1996*; London: Faber and Faber, 1997.
- <sup>48</sup> Khalidi, pp. 460-461.
- <sup>49</sup> Susan, p. 20.
- <sup>50</sup> Among others, Father Yusef Istifan Susan requested a permit for access to the Church *Waqf* for the villagers to collect and sell the cut wood for the benefit of the *Waqf*. The permit. was granted. See: Susan p. 28.
- <sup>51</sup> Khalidi., pp. 460-461.
- <sup>52</sup> Among them 117 moshavim, 149 kibbutzim, and 29 other agricultural settlements. See: Meron Benvenisti, *Sacred Landscape. The Buried History of the Holy Land Since 1948*; University of California Press, 2000, p.178.
- <sup>53</sup> *ibid.*
- <sup>54</sup> Susan, pp. 64-65.
- <sup>55</sup> Yosef Weitz, *Diary III*, p. 294 entry for 30 May 1948. Cited in: Benny Morris, *The Birth of the Palestinian Refugee Problem 1947 – 1949*; Cambridge University Press, 1987, p. 136.

- <sup>56</sup> See: Tom Segev, "Where Are All the Villages? Where are They?" in: *Ha'aretz*, 6 September 2002. Translated and reprinted in : *Between the Lines*, Jerusalem, October 2002.
- <sup>57</sup> Aharon Cohen, memorandum entitled 'Our Arab Policy During the War' in: Giv'at Haviva. Hashomer Hatz'a'ir Archives, 10 October 1995. Cited in Nur Masalha, "The Historical Roots of the Palestinian Refugee Question" in: Naseer Aruri (ed.), *Palestinian Refugees. The Right of Return*; London: Pluto Press, 2001, p. 44.
- <sup>58</sup> Oussetzky-Lazar, pp. 17-18.
- <sup>59</sup> Susan, p. 71.
- <sup>60</sup> *ibid.* p. 74.
- <sup>61</sup> Oussetzky-Lazar, pp. 17-18.
- <sup>62</sup> *ibid.*
- <sup>63</sup> Morris, 2004, p. 508.
- <sup>64</sup> Oussetzky-Lazar, p. 16. For background on Israeli laws and mechanisms employed for confiscation of Palestinian land in Israel, see: Usama Halabi, "Israel's Land Laws as a Legal-Political Tool" in: *Working Paper No. 7*, BADIL Resource Center, December 2004.
- <sup>65</sup> A similar policy was applied to depopulated villages in other areas. Land belonging to al-Rama, for instance, was included in the so-called "Marom Hagalil National Park"; after 1967 Emwas, Yalo and Beit Nuba in the Latrun region were transformed into "Canada Park". See: Kanaana and Shteyyeh, p. 34.
- <sup>66</sup> Oussetzky-Lazar, p. 16.
- <sup>67</sup> These are the villages of Mujaydil, Damun, Kafr Bir'im, Ruways, Haditha, Ma'lul, Muftakhara, Mansura, and Qumya. See: Kamen in *Middle Eastern Studies* 24, No. 1.
- <sup>68</sup> The absolute majority of the displaced inhabitants live in the Galilee region. *ibid.*
- <sup>69</sup> *ibid.* p. 78
- <sup>70</sup> Cohen, pp. 77-78.
- <sup>71</sup> Susan, p. 59.
- <sup>72</sup> The village of Iqrit was demolished on Christmas Eve, 24 December, 1951. All the village buildings were demolished with the exception of the church.
- <sup>73</sup> For the Supreme Court ruling in the case of al-Ghabisiyya see: Sabri Jeries, *Palestine Studies* no. 14, The Arabs in Israel; PLO Research Center, June 1967, pp. 138-140. See also: Cohen, pp. 128-129.
- <sup>74</sup> Cohen, pp. 128-129. Another village that approached the High Court of Justice with a similar outcome was the village of Um al-Faraj in the district of Acre (Akka).
- <sup>75</sup> Cohen, p. 77.
- <sup>76</sup> Secret letter, Military Attorney to Operations Department, Military Governor, 2 August 1951: on file with BADIL.
- <sup>77</sup> IDF archives 68/55/81, letter dated 12 August 1952. Cited in Cohen, p. 141.
- <sup>78</sup> Iqrit inhabitants requested the Supreme Court in 1981 to rule for their return to the village, and in 1998 on follow-up on the recommendations of the ministerial commissions of the mid-1990s.
- <sup>79</sup> For more information about the CUB see: [www.birem.org](http://www.birem.org).

- <sup>80</sup> The Maronite Bishop Ignatius Mubarak in Lebanon assured Kafr Bir'im's inhabitants in 1949: "you need not worry". He also passed on a letter to Chaim Weizman, who had become the first president of Israel, which said: "My dear friend Chaim Weizman, you probably remember our talk and agreement in Paris..." See: *Bara'im Magazine*, Kafr Bir'im Youth Committee, 1979, p. 6. Also cited in: Kanaana and Shteyyeh, pp. 31-32.
- <sup>81</sup> Susan, p. 18.
- <sup>82</sup> *ibid.*
- <sup>83</sup> See: Nihad Boqai', "Patterns of Internal Displacement, Social Adjustment and the Challenge of Return" in: Nur Masalha (ed.), *Catastrophe Remembered, Palestine, Israel and the Internal Refugees*; New York: Zed Books, 2005, pp. 73-112.
- <sup>84</sup> Susan, p.23.
- <sup>85</sup> *ibid.* p. 29.
- <sup>86</sup> *ibid.* p. 34.
- <sup>87</sup> *ibid.* pp. 41-42.
- <sup>88</sup> *ibid.* p. 73.
- <sup>89</sup> Father Elias Susan died on 10 January 1956 and was buried in Al-Sayyedah Church in Kafr Bir'im. See Chapter 4.
- <sup>90</sup> For information about the role of *Al-Ittibad* newspaper in covering the news of the displaced and refugees, and the role of the Israeli Communist Party in general in the early years of displacement, see Cohen, pp. 84-85.
- <sup>91</sup> Susan, p. 100.
- <sup>92</sup> The Israeli authorities permitted a limited return of some internally displaced inhabitants in 1949, especially displaced people from Haifa who were in the city of Nazareth, because the large number of displaced people there was considered a security threat. Displaced from the villages of Shaab and Aiylut were allowed to return under different circumstances, and properties were not restituted. See Cohen, p. 56.
- <sup>93</sup> The Israeli authorities were strongly interested in ending the demands of the displaced to return to their villages in any way. See Cohen, p. 87.
- <sup>94</sup> Susan, p. 76.
- <sup>95</sup> *Zemanim* newspaper, 4 November 1953, in: Susan, p. 81.
- <sup>96</sup> *ibid.* p. 126.
- <sup>97</sup> Oussetzky-Lazar, p. 19.
- <sup>98</sup> Susan, p. 104.
- <sup>99</sup> Construction of new housing was part of an attempt to resettle the internally displaced inhabitants in general. In the 1950s and 1960s a number of housing units were built in various regions of the country for the purpose of resettling IDPs. About 20 such units were built in each of: Um Al-Fahm, Shaab, Yamma, and Ein Rafa. Some 10 units were built in Jaljoulya, 45 in Ramle, and more than 200 in Nazareth. This modest effort failed in general to resettle the displaced inhabitants. See Cohen, pp. 73-75.
- <sup>100</sup> Mahmoud Sa'id , "al-Laji'un al-Dakheliyun" (the Internal Refugees), in : *Al-Aswar*, No. 12 (Winter 1992), pp. 41-42 (Arabic).
- <sup>101</sup> Susan, p. 158.

- <sup>102</sup> One US Dollar was equal to 4.2 Israeli Shekel at the time, i.e. a total of USD 37,000.
- <sup>103</sup> Ryan, pp. 64-65.
- <sup>104</sup> Oussetzky-Lazar, p. 21.
- <sup>105</sup> Masalha (1997), p. 15.
- <sup>106</sup> See: Yosef Weitz, *My Diary and Letters to the Children*, Vol. IV; Tel Aviv: Masada, 1965, p. 365 (Hebrew). Also cited in Masalha 1997, p. 253 (footnote 52).
- <sup>107</sup> Susan, p. 89.
- <sup>108</sup> *ibid*, p. 144.
- <sup>109</sup> *ibid*. p. 77.
- <sup>110</sup> *Ha'aretz*, 1 April 1965. Cited in Ryan, p. 65.
- <sup>111</sup> Oussetzky-Lazar, p. 22.
- <sup>112</sup> *ibid*.
- <sup>113</sup> *Maariv*, 8 June 1972. Cited by Baruch Kimmerling, "Sovereignty, Ownership, and 'Presence' in the Jewish-Arab Conflict, The Case of Bir'im and Ikrit", in: *Comparative Political Studies*, Sage Publications, Inc., Vol. 10, No. 2, July 1977, p. 165
- <sup>114</sup> *Jerusalem Post*, 24 July 1972. Cited in Ryan, p. 66.
- <sup>115</sup> Kimmerling, p. 165.
- <sup>116</sup> *ibid*.
- <sup>117</sup> *Yediot Aharanot*, 11 August 1972. Cited in Kimmerling, pp. 164-165.
- <sup>118</sup> Ryan, p. 68.
- <sup>119</sup> *ibid*. p. 69
- <sup>120</sup> Oussetzky-Lazar, p. 23.
- <sup>121</sup> Ryan, p. 70.
- <sup>122</sup> Kanaana and Shteyyeh, p. 34. This saying is attributed to the followers of the Prophet Moses. At a time when Moses was away from his followers as they entered the land of Canaan from Egypt, they resumed worship of a golden calf. After God had spoken to Moses on the mountain, he returned with the ten commandments, and in respect of these commandments, the people destroyed the golden calf.
- <sup>123</sup> See for example: *The New York Times*, 4 September and 22 October 1973; *The Guardian*, 16 August 1972; *The Christian Science Monitor*, 12 and 26 August 1972. See: Ryan, p. 55.
- <sup>124</sup> Kanaana and Shteyyeh, p. 35.
- <sup>125</sup> *ibid*.
- <sup>126</sup> Ryan, p. 55.
- <sup>127</sup> Kanaana and Shteyyeh, p. 37.
- <sup>128</sup> Oussetzky-Lazar, p. 23.
- <sup>129</sup> Oussetzky-Lazar, p. 24.
- <sup>130</sup> *ibid*. p. 25.

- <sup>131</sup> For more information about the Weitzman and Arens proposals in the 1980s, see: Oussetzky-Lazar, pp. 25-27.
- <sup>132</sup> The review of the case of Iqrit and Kafr Bir'im was part of the coalition agreement between *Meretz* and the *Labor* Party. *Meretz'* request to Prime Minister Yitzhak Rabin read: "We request a government decision to allow the displaced inhabitants from Kafr Bir'im and Iqrit to return to their homes, so that we close this shameful chapter in the relationship between Israel and its Arab minority and open a new page with these citizens." See: Oussetzky-Lazar, p. 27.
- <sup>133</sup> CUB Report No. 3 presented to the Ministerial Commission headed by David Liba'i on 1 February 1995.
- <sup>134</sup> Ilan Meget, "Bir'im: Community with Recruited Memory" in: *Research Series on the Arabs in Israel*, No. 26; Givat Haviva: Institute for Peace Research, 2000, p. 42 (Hebrew).
- <sup>135</sup> See: *Ha'aretz*, 15 October 2001 (Hebrew edition).
- <sup>136</sup> *ibid.*
- <sup>137</sup> Meron Benvenisti, p. 325.
- <sup>138</sup> David Grossman, *Present Absentees*; Tel Aviv: Hakibbutz Hameuchad, 1992 , p 71 (Hebrew) .
- <sup>139</sup> Oussetzky-Lazar, p. 24.
- <sup>140</sup> *ibid.*
- <sup>141</sup> The Tel Aviv-based *Zochrot* Association works to raise awareness of the Palestinian Nakba among the Jewish public in Israel. See: [www.zochrot.org](http://www.zochrot.org).
- <sup>142</sup> See: "Settlers of Kibbutz Bar'am on the land of depopulated Kafr Bir'im demand that the Kafr Bir'im displaced be allowed to return" in: *Haq al-Awda* (No. 6); BADIL Resource Center, July 2004.
- <sup>143</sup> See: Summary of Proceedings, BADIL 2003-2004 Expert Forum, Seminar Four: "Ways Forward: Rights-based Durable Solutions for Palestinian Refugees" Also on: [www.badil.org](http://www.badil.org).
- <sup>144</sup> *ibid.*
- <sup>145</sup> Boqai' in Masalha (ed) 2005, p. 101.
- <sup>146</sup> See: Rosemary Sayigh, *Palestinians: From Peasants to Revolutionaries*; London: Zed Books, 1979.
- <sup>147</sup> Meget, pp. 20-28.
- <sup>148</sup> *ibid.* p. 13.
- <sup>149</sup> Susan, p. 51.
- <sup>150</sup> Meget, p. 41.
- <sup>151</sup> For more on visits to depopulated villages, see: Efrat Ben Ze'ev, "al-Nakha wa al-Ra'iha fi Tuqous al-Awda al-Falastiniyya" (flavor and smell in the rituals of Palestinian return), in: *Al-Karmel*, No. 76-77, Summer and Autumn 2003, pp. 107-122 (Arabic)
- <sup>152</sup> Meget, p. 43.
- <sup>153</sup> *ibid.*
- <sup>154</sup> Quoted from Kanaana and Shteyyeh, p. 30.
- <sup>155</sup> Meget, pp. 39-40.
- <sup>156</sup> "Bara'em", pl. of "Borum" (Arabic for "bud"); refers to the young generation of Bir'imites.
- <sup>157</sup> Susan, p. 6.

<sup>158</sup> For more information about the artist's work, see: [www.mrvat-essa.com](http://www.mrvat-essa.com).

<sup>159</sup> Susan, p. 6.

<sup>160</sup> From an interview with Mahmoud Darwish on the "Hiwar al-Umr" program, LBC, 15 July 2001. Published in: *Journal of Palestine Studies*, No. 48, Winter 2001 (Arabic).