



Public interest case

The Salesian Sisters Convent and School – Cremisan

How the case came to be

The case involves a military order¹ seizing land for purposes of building a fragment of the separation wall around the Beit Jala area and Har Gilo settlement.

The military order was issued back in 2006, according to which and to the maps and detailed plans annexed to it – a concrete wall is to be built in one of two routes affecting the Convent and the agricultural land surrounding it and belonging to it.

Since 2006 the nuns have been in contact with Israeli army officials and DOC personnel, with the help of a friend of theirs who knows Hebrew.

The suggested routes

1. The wall is to be built on the monastery land and leaves monastery and school on the Palestinian side of the wall. As a consequence the monastery is cut off from its land and will have access to it through an agricultural gate. This will be opened only during certain periods of the year. The six meter high wall will be built around the current fence of the educational compound, blocking the view and creating a kind of prison like atmosphere. Also, as a consequence any possibility for expanding the school and using the land for educational activities is blocked for years to come
2. The wall will pass in front of the monastery, leaving the educational compound on the Israeli side of the wall, while the community it serves is left on the Palestinian side. The wall would have a guarded gate at the entrance of the compound, to be opened at specific times to allow the passage of children, teachers and monastery staff, who will also have to apply for permits in order to be able to cross the wall into their school and work place. The parents of the children have already made clear, that they will not send their children to the school anymore if they have to pass a military guarded gate.

Background on the convent and its services

The Salesian Sisters Monastery and School in Cremisan is situated mainly in Area C of the West Bank, North West of Bethlehem, separated by a valley and agriculture land from the Jerusalem municipal



borders. Parts of the Monastery land are also situated within the Jerusalem municipality borders, and are therefore under international law occupied territory. Nearest Jerusalem neighborhood is Gilo, which is built on land occupied and annexed to Jerusalem in 1967.

The convent is at the outskirts of Beit Jala municipal boundaries, next to it are a few houses belonging to Beit Jala which are affected by the planned wall as well.

The convent has been present since 1960 and includes a developing primary school (today until 5th grade, expanding each year), a kindergarten, a school for children with special needs and learning disabilities, as well as afternoon activities and three summer camps for children.

Around 400 children – girls and boys, Muslims and Christians alike - from the surrounding towns and villages (e.g. Bethlehem, Beit Jala, Beit Sahour, Al-Walajeh, ...) enjoy the services provided by this educational compound. The children are of both genders, Muslim and Christians alike.

As the convent wants to serve the needy they charge just minimal fees. Following the educational method of Don Bosco school systems, the monastery is one of 1,500 educational facilities around the world teaching values of truth, just peace and co-existence between different people and religions.

Legal procedures and correspondences

Military orders #62-06 and 75-07 were issued according to an emergency legislation from 1949, namely the “Law of Land Seizure in a State of Emergency – 1949”.ⁱⁱ

The order stipulates the seizure of land for purposes of defending the state and the security of its people. It also stipulates the right of whoever is affected by the order to appeal against it within 14 days of delivery or acknowledgement.

A special committee for appeals was called. It sits in the Magistrate’s courts in Tel Aviv.

The neighboring houses as well as the Beit Jala municipality appealed in a joint appeal in 2006, through Attorney Gayyath Nasser. (Magistrates court – TA, Appeal com. #875/06)



The appeal is now at the stage of evidence hearing before the honorable judge Einat Ravid; several witnesses have appeared before the court and gave affidavits.

Through the past few years many meetings and discussions were held between the nuns, the military and DCO representatives. Maps were shown and explanations given to the nuns, who were under the impression, that their position is understood and taken into consideration.

Four official letters were handed to the army on several occasions, stating the nuns position against the wall in general but also stating the need for free access to the compound, as well as their rejection to the wall with a guarded gate option. The nuns explained the complexity of working hours of the activities which renders the gate alternative futile.

In June 2010 following a request by St. Yves, a joint tour was conducted in the area with the army, the legal councilor for the army in Judea and Samaria, DCO and the nuns. In the tour it became clear that nuns' position was misinterpreted. After much discussion and to the army representatives' dismay it was made clear to everyone were the nuns stand.

Following the tour, a protocol was written by St. Yves and sent to all parties.

A letter requesting detailed maps was sent by us to the military legal councilor.

22/9/2010 – A meeting was held with Att. Gayyath Nasser, who explained about the proceedings taken in the case, and the option of the Salesians joining the appeal was discussed.

24/9/2010 – Approval was obtained from the Latin Patriarchate to go on with the legal proceedings, as the nuns were reluctant to go to court.

3/10/2010ⁱⁱⁱ – St. Yves filled a request to join the current appeal; the court, it seems, was under the impression that the nuns agreed to be on the Israeli side of the wall, with a wall and gate adjacent to their institution, a position relayed to the court by the army.

After hearing the nuns' position through the lawyer of St. Yves, the court approved the request joining the appeal, under the condition of filling affidavits from the mother superior of the Salesians. The state attorney representative eventually gave his verbal approval, although a written response will be presented to the court following the Sister's affidavit.

5/10/2010 – A meeting was held with the nuns. Explanation was given as to the court hearing and its outcomes.



24/2/2011 – Pursuant to the application to join the current proceedings, Judge Einat Ravid – of the magistrates court in Tel Aviv, sitting as head of the special appeals committee, issued a decision allowing the Salesian sisters to join the appeal as appellants and set a date for further deliberations.

13/3/2011 – Upon their suggestion, another field tour was conducted in the area with army officials - representatives of the civil administration, Israeli DCO in Gush Etzion, the wall administration officials - & ministry of defence lawyer, Adv. Gal Cohen, in which another route for the wall was suggested. According to the new route the wall is to be built surrounding the built premises of the convent, and would be eight meter high and around 20-60 meters in width.

An A4 size map of the suggested route was presented by the army.

Following the tour, St. Yves lawyers had a long discussion with the sisters about the implications of the suggested route, both on land resources, the ability to expand the school and the meaning of having a military presence around the school. The sisters came to the conclusion that the 2nd suggested route would unproportionately compromise the educational mission.

28/3/ 2011 – A hearing was held before the committee in Tel Aviv Magistrates court. St. Yves lawyers delivered the nuns position rejecting both suggested routes and explaining the implications of both routes on the educational mission and its viability.

State attorney's office demanded the sisters to deliver a detailed affidavit in writing regarding their position.

The court ordered both parties to submit written affidavits, first the nuns as appellants, followed by the state attorney's office's response.

9/5/2011 – Two written affidavits were submitted to court on behalf of two of the Nuns – Sr. Adriana Grosso, the mother superior of the convent, who followed the whole issue of the wall ever since the beginning. And the other affidavit was submitted in the name of Sr. Ibtissam Kassis, the vice to the Head nun in the middle east region of the Salesian sisters mission.

Sr. Ibtissam Kassis acts also as head of the Salesian School (elementary and high school) in Nazareth, and is fully briefed of the needs of the convents and schools in the Holy Land.

Both Sisters were present in the field tour and discussion which took place on 13 March 2011.



17/6/2011 –The state attorney submitted one written affidavit on behalf of the respondents, by Colonel Ofer Hindi, Head of “Rainbow of colors” project in the Israeli central command.^{iv}

The Parties waved their right to cross examine the witnesses, without admitting the factual findings in the affidavits. As the judge acknowledged the fact that it is clear that the „texture of life“ of the convent will be harmed from both routes.

22/6/2011 Judge Ravid set a date for final hearing in which we would submit our final verbal legal summary to court on **November 10th, 10:00**

ⁱ Military orders #62-06 and 75-07

ⁱⁱ Back in 1949 military rule was imposed on what is known as '48 areas, and an emergency state was declared. The military rule of '48 remained until the West Bank was occupied in 1967. The declaration of an emergency state was never cancelled.

ⁱⁱⁱ Following the Sukkoth holiday, during which the courts were off.

^{iv} The “Rainbow of colors” project is the name given to the project of the wall in the Israeli army