

# 2022 in Review: Israel's Policy in East Jerusalem

*Ir Amim Annual Report  
January 2023*



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## Overview

On June 30, 2022, Israel's Knesset voted to dissolve itself and the country's fifth round of elections in four years were scheduled for November 1, 2022. Upon the dissolution of the Knesset, the so-called "Government of Change" – named such due to its wide-ranging political partners who had ousted Benjamin Netanyahu as premier - began to function as a transitional government, and centrist politician Yair Lapid replaced the more right-wing Naftali Bennett as Prime Minister.

The November elections gave rise to the most right-wing, extremist, and religious government in Israeli's history. With its swearing in on December 29, 2022, Israel's 37th government stood at the top of its agenda: the entrenchment of Jewish supremacy, dissolution of the Palestinian collective, erasure of the Palestinian narrative, practical and formal steps towards both annexation and an apartheid regime in the West Bank.<sup>1</sup> All of this took place alongside a shrinking space for civil society and attacks on the gatekeepers of democracy.

Among the most concerning developments throughout 2022 were uncovering the implementation of land settlement of title procedures. The settlement of title process was incorporated into the 2018 "Government Decision 3790 - For Socioeconomic Investment in East Jerusalem", and was perceived with great suspicion by residents and activists in East Jerusalem from the outset. Additional revelations exposed by Ir Amim throughout the year indicate a clear trend through which Israel utilizes the settlement of title procedure as a tool for seizing Palestinian property in East Jerusalem by extensive application of the Absentee Property Law.

Throughout the tenure of the ostensibly more liberal-minded 'Government of Change', there was a significant escalation in the promotion of settlements in and around Jerusalem, while home demolitions and displacement operations were carried out in East Jerusalem on a large scale. Four communities in East Jerusalem stand at risk of displacement via either eviction or mass demolition. Severe planning discrimination continues its housing stranglehold on East Jerusalem, while the proposal of a new procedure by the Ministry of Justice will make the provision of construction permits to

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<sup>1</sup> Ronit Levine-Schnur, Yael Barda, Tamar Megiddo, and Itamar Mann, [De Jure Annexation is Hidden in the Four Pages of the Coalition Agreement](#), Haaretz, December 25, 2022

Palestinians – already difficult to receive - nearly impossible. Furthermore, at the behest of extremist right-wing entities, there has been a considerable increase in seizure of Palestinian property through the Custodian of Absentee Properties' activity in East Jerusalem.

There has also been further significant intensification in the erosion of the status quo on the Temple Mount/Haram a-Sharif. This deterioration was already evident early in the year throughout the Muslim holy month of Ramadan, which coincided with the Jewish holiday of Passover and preceded Jerusalem Day. It continued throughout the Passover holidays, when public officials openly acknowledged strengthening ties and coordination between the Temple Movements and the Israel Police, and support for acts of Jewish prayer and rituals in the Al-Aqsa compound - in direct violation of the status quo. On Jerusalem Day, the government once again approved the route of the violent Flag Parade through Damascus Gate and the Muslim Quarter in the Old City. Its displays of racism and incitement were more prevalent than ever before.

Ministers from the transitional government leveraged harmful policies in East Jerusalem as part of their election campaign between July and November of 2022. For example, the Yemenite Heritage Center in Batan al-Hawa, Silwan was put back on the agenda by jockeying politicians, after it had already been frozen by the Ministry of Justice; and the Minister of Education threatened to revoke the licenses of established schools and institutions in East Jerusalem.

Ahead of the year 2023, and in light of escalating trends of discrimination, oppression, and dispossession in East Jerusalem, Ir Amim will continue to work towards safeguarding Palestinian rights to their home and city within a just and equitable Jerusalem – the present home and future capital of two peoples.



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## **I. Land Settlement of Title in East Jerusalem: The Great Land Theft**

In May 2018, the government adopted [Decision 3790 for the Reduction of Socio-economic Gaps and Economic Development in East Jerusalem](#) with the official aim to “create a better future for residents of East Jerusalem.” The Government Decision also included a significant policy change that led to great concern among residents: for the first time since annexation in 1967, the land settlement of title procedures in East Jerusalem were to be promoted. Land settlement of title<sup>2</sup> is a procedure initiated by the state to definitively determine land rights – a procedure which could theoretically benefit residents of East Jerusalem, many of whom hold eligibility for claiming their land. Yet residents feared that the settlement of title proceedings would instead be used to dispossess them of their land in favor of promoting the interests of the state and Jewish settlement in East Jerusalem.

Already in May 2021, Ir Amim discovered that land settlement of title procedures had been initiated and completed in the neighborhood of Umm Haroun, Sheikh Jarrah, and that the land rights formalized within the Land Registry were listed under the names of the alleged Jewish owners prior to 1948, without having notified the Palestinian residents. The residents of this bloc consisted of 45 Palestinian families in 40 structures. Along with Bimkom – Planners for Planning Rights and local residents, Ir Amim submitted an urgent petition to the High Court of Justice (HCJ) demanding an immediate freeze on the settlement of title procedure and land registration. The state’s response to the petition indicated that the settlement procedure had been completed and registered shortly before the petition was submitted. This denotes both exceptional speed with regards to the regularly lengthy and bureaucratic process, and in a manner directly contradicting legal requirements by the Land Settlement Order. The petition from 2021 was ultimately rejected on the grounds of there being an alternative remedy, and petitioners were referred to individual civil proceedings.

These land settlement of title proceedings continued and became more expansive

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<sup>2</sup> For further information, see [Ir Amim: Land Title Settlement in East Jerusalem: A Means of Dispossessing Palestinians of their Land and Homes](#), March 2022

throughout 2022. Over the course of the year, the Ministry of Justice's land settlement of title commissioner published official notices on the initiation of procedures in 18 land blocs across East Jerusalem. Further notices were issued regarding the progress of land settlement of title proceedings in 18 additional blocs. Per our estimation, initial procedures have also commenced in approximately 20 more blocs in East Jerusalem, yet no official notices were published on their commencement and the residents therein know nothing of the authorities' intentions regarding their land.

Four and a half years after the decision's implementation, East Jerusalem residents' initial fears regarding the promotion of land settlement of title have been realized. **Land settlement of title as it is currently implemented and promoted within the framework of Decision 3790 serves as Israel's primary tool for taking over land in East Jerusalem.**

A significant portion of the land settlement of title procedures that have been initiated take place in areas where the state attempts to promote settlement construction. Throughout the year, new land settlement of title proceedings began in the settlement of Nof Zion; progressed in the new settlements of Atarot, north of Jerusalem, and Givat Hashaked to its south - near the Sharafat neighborhood of Beit Safafa; concluding with the registration of such procedures in the settlements of Kidmat Tzion near Abu Dis, and Givat Hamatos. Further procedures were promoted in the neighborhoods/settlements of French Hill, Neve Yaakov, and Gilo. Other land settlement of title procedures have commenced in the Hinnom Valley (Wadi Rababa) and Wadi Hilweh in Silwan, which are both areas where the Elad settler organization operates, and also in the [territory adjacent to the Al Aqsa Mosque](#), south of the Old City walls, despite the great sensitivity regarding the state's takeover of this land.

**Amid Ir Amim's monitoring of the land settlement of titles' progress, it emerged that the Custodian of Absentee Properties is deeply involved in these proceedings, playing an active role in taking advantage of the procedures to register ownership of Palestinian properties in its name.** Such intensive activity and the manner in which the land settlement of title is implemented poses the genuine risk that large swaths of land in East Jerusalem,

including many properties wherein residents have lived for decades, will be rashly registered in the name of the Custodian of Absentee Properties.<sup>3</sup>

Even the Ministry of Justice's subordinate body, the General Custodian, uses land settlement of title procedures to register areas of East Jerusalem in its name, on the grounds that they were owned by Jews before 1948. In 2021, we discovered that the General Custodian had initiated a plan to build a new settlement called Givat HaShaked, constituting the first time in which land settlement of title procedures were promoted to this end. By July 2022, the land settlement of title procedure initiated by the General Custodian to register 12 dunams in its name, was found to have been completed. According to a publication on the Israel Hayom website, the land in question was allegedly purchased by Jews in the 1920s.<sup>4</sup> The territory at hand was located next to the small isolated settlement of Kidmat Tzion, which belongs to the organization Ateret Cohanim, near Abu Dis. Ateret Cohanim previously attempted to establish a settlement with 200 housing units on the territory in question, which is located along the eastern edge of Jerusalem between Jabal Mukabar and Abu Dis. Per the General Custodian's request, confidentiality was maintained regarding the legal process in which court approval was obtained for registration of the territory under its management (proceeding no. 19417-04-20 ).

Approximately one week after the completion of the land settlement of title procedure, the Custodian sent eviction orders to roughly 30 Palestinian families on the grounds that their homes are located in the area it had registered. Yet an inspection by Ir Amim revealed that the family homes were not included in the area that the Custodian registered under its name. It remains unclear on what basis the eviction orders were sent to the families, yet it is unlikely an honest mistake since the location of the homes in question is not difficult to verify.

In fact, Ir Amim's research revealed documents from the 1980s in which various parties' attempted to register the land as territory purchased by Jews, yet the Israel Land Administration determined that the land was indeed owned by

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<sup>3</sup> To read more on the matter, see Ir Amim's report from May 2021

<sup>4</sup> Netael Bendel, [East Jerusalem land purchased by Jews in early 20th century reverts to state](#), Israel Hayom, August 10, 2022

Palestinians.<sup>5</sup> Following Ir Amim publicized the information indicating that the Custodian's eviction order is baseless, the Palestinian families have neither received further notices, nor had eviction lawsuits filed against them in court, to the best of Ir Amim's knowledge.

Furthermore, in some of the blocs where land settlement of title proceedings have concluded, no notices regarding the procedure's initiation or subsequent progress were ever published - despite this being legally required. **In the blocs where proceedings are in advanced stages or even nearing completion, it occasionally becomes clear that the residents were never even notified that the proceedings were taking place.** Maps of land blocs and registration are nearly inaccessible to residents, and even those aware of the process and the maps will find it challenging, if not impossible, to draw any conclusions from them.

Failure to inform residents, and lack of appropriate publicity regarding the commencement and progression of land settlement of title for a significant portion of the blocs, violate the requirements of the proceedings. The provisions of the Land Settlement Ordinance require that the authorities promoting land settlement of title must work to actively inform the public about these procedures. Advancing proceedings in the absence of publicity, prevents those claiming rights to submit petitions, which violates the authorities' duty to fairness and leads to fundamentally flawed proceedings.

**To make knowledge about land settlement of title locations and proceedings more accessible to residents, Ir Amim and Bimkom - Planners for Planning Rights have jointly developed a [monitoring map of land amid such proceedings](#) that includes partial mapping of the blocs included.**

## **II. Communities at Risk of Mass Displacement**

Four Palestinian communities in East Jerusalem are in danger of mass displacement from their homes in East Jerusalem. **Displacement is the result of an overt policy of evicting or demolishing entire neighborhoods, where**

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<sup>5</sup> Yael Freidson, [East Jerusalem Palestinian Families Set to Be Evicted From Homes](#), Haaretz, November 20, 2022



**dozens of Palestinian families live. This not only has a severe humanitarian impact on each individual family, but also to the fabric of the family and community life of these four communities in East Jerusalem:**

- **Walaja**, an agricultural Palestinian village in southern Jerusalem, is home to roughly 1,000 residents - of whom the vast majority are at risk of displacement via mass demolition. Demolition orders have been issued for about half of the homes in the neighborhood since 2016. Approximately 36 homes have already been demolished in the village.
- In **Silwan** there are two neighborhoods in which large concentrations of families are at risk of eviction or demolition:
  - 97 families in **Batan al-Hawa** are at risk of forced eviction at the hands of settler organizations
  - 82 families in **al-Bustan** are at risk of displacement via demolition to advance a settler-touristic project on their lands
- **Sheikh Jarrah (Umm Haroun and Kerem al'Jaouni)** – In Umm Haroun, 43 families are at risk of forcible eviction by settler organizations. Following a Supreme Court ruling in March 2022, 34 families in the Kerem al'Jaouni area remain temporarily protected from eviction by court order.

## **1. Al-Walaja**

Approximately 140 homes are located in the part of al-Walaja that lies within the Jerusalem municipal boundaries in the southwestern edge of the city. The annexation of 1967 split the village into two parts – one which lies within the Jerusalem municipal boundaries and one in the West Bank, with a majority in Area C and a small section in Area B. Since 2016, roughly 30 housing units have been destroyed in the section of al-Walaja within Jerusalem, and six additional homes were demolished throughout 2022.

In March 2022, the Supreme Court upheld an injunction to freeze the demolition orders for 38 homes. The injunction was in response to an appeal issued by al-Walaja residents (Administrative Petition Appeal 18/2645) and at least 12 additional demolition orders are temporarily frozen due to other legal proceedings.

The State of Israel has never prepared a zoning plan for the part of al-Walaja within Jerusalem. Thus, residents of al-Walaja are unable to receive construction permits and have been compelled to build without permits since 1967.

In 2006, residents initiated the preparation of a zoning plan for the neighborhood (Plan 12062). Throughout the process of its development, they encountered many hurdles in planning procedures and in 2021 it was rejected by the District Planning Committee. At the end of 2021, the Jerusalem District Court overruled the District Planning Committee regarding the residents' petition, and declared that the residents could submit a new plan.

In the 2022 Supreme Court ruling, the State agreed to let the demolition freeze be extended in order to allow for appropriate urban planning in the area.

Al-Walaja residents continue to invest considerable physical and financial efforts into promoting local planning initiatives. The residents are aided by Ir Amim, Bimkom, and the West Jerusalem-based group Friends of al-Walaja.

## 2. Silwan

### a. Batan al-Hawa

#### i. *Community under Threat of Eviction*

A total of 87 Palestinian families are under threat of forcible eviction from their homes in the neighborhood of Batan al-Hawa. The eviction claims are based on the discriminatory 1970 Legal and Administrative Matters Law that affords Jews the right to reclaim assets in East Jerusalem, now inhabited by Palestinians, based on alleged Jewish ownership prior to 1948. No parallel legal provision exists for Palestinians to recover lost properties in West Jerusalem.

In this case, the settler organization Ateret Cohanim claims that the land on which these Palestinian families reside was owned by the Jewish "Benvenisti Trust" before 1948. By placing its members onto the Benvenisti Trust's Board of Trustees, they are able to level eviction lawsuits against the families using the 1970 Law.<sup>6</sup> Since 2015, 14 families have been evicted through these means from the neighborhood.

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<sup>6</sup> On the basis of section 5 of the Legal and Administrative Matters Law of 1970

In 2020, following a lawsuit leveled by Ir Amim and residents of Batan al-Hawa (Originating Motion 5792-06-20), the Ministry of Justice's Registrar of Charitable Trusts announced an in-depth audit of the Benvenisti Trust, including the trustees' conduct in relation to the Trust's aims and writ. Ir Amim claimed that severe conflicts of interest exist between the trust's goals and the actions of its trustees - who are members or associates of the settler organization, Ateret Cohanim. The results of the Registrar of Charitable Trusts' in-depth audit are yet to be received.

Throughout the year, the Supreme Court discussed appeal requests that it received against evictions in Batan al-Hawa.<sup>7</sup> In July 2022, a verdict was handed down in favor of the Duweik family, opposing their forcible eviction from their home. In a majority opinion, the judges decided that the case should return to the Magistrate's Court so that it may rule on the statute of limitations claim, namely whether the family may be evicted despite having resided there for over 50 years.

Following the Supreme Court ruling, hearings on additional eviction lawsuits that were postponed until the Duweik family's appeal decision resumed. In November 2022, the District Court rejected the Shehadeh family's appeal (regarding five households and 35 people), ruling that they must vacate their home by March 1, 2023. The family submitted a request for permission to appeal to the Supreme Court. Justice Sohlberg is expected to issue a ruling on their request in early February 2023.

*ii. The Government is Reattempting to Subsidize an Israeli Visitor Center, Bypassing a Previous Registrar of Charitable Trusts' Decision*

Immediately after the Knesset's dissolution, and upon the "Government of Change's" shift to function as a transitional government, it became known that Ministers Gideon Sa'ar and Ze'ev Elkin (New Hope, which became the National Unity Party) ordered a NIS 4.5 million subsidy for a Yemenite Jewish heritage center in the neighborhood of Batan al-Hawa in Silwan.<sup>8</sup> NIS 3 million of this

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<sup>7</sup> Civil Appeals Authority 20/8858 *Shweiki and Odeh v. Ralbag et al.*; Civil Appeals Authority 20/8694 *Duweik v. Zarbiv et al.* 20/8588

<sup>8</sup> "[After over a decade of legal hardships: Ministers Sa'ar and Elkin reach understandings with Yemenite Village settlers and the Benvenisti Trust, for the establishment of a visitor center in the Yemenite Village, at the cost of NIS 4.5 million](#)," Ministry of Jerusalem and Heritage website July 19, 2022

funding came from the Ministry of Jerusalem and Heritage.

This is the same visitor center whose promotion was blocked in 2020 following a petition submitted by local residents along with Ir Amim (Administrative Petition 20-12-39706). The petition's result concluded with a notice from the Ministry of Justice's Registrar of Charitable Trusts prohibiting the establishment of a visitor center by the Benvenisti Trust, as the center violated the Trust's writ. Accordingly, it also ordered the Ministry of Jerusalem and Heritage and East Jerusalem Development Ltd. not to transfer public funding to the project.

The trust sought to erect the visitor center in the home of five Palestinian families whom it had evicted in 2015.

Following Ministers Sa'ar and Elkin's underhanded opportunism, Ir Amim and residents of Batan al-Hawa were compelled to initiate legal proceedings for the second time (HCJ 7622/22). The legal action was the result of a puzzling change in the Registrar of Charitable Trust's position on the matter, Elkin and Sa'ar's promotion of the heritage center during an election campaign, and immense secrecy surrounding the "settlement agreement" approved by the Ministry of Justice - led by Sa'ar as Minister of Justice. It was later revealed that the settlement agreement had integrated another Ateret Cohanim subsidiary in the process, making evident that Ateret Cohanim's use of the Benvenisti Trust is for its own ends.

Ir Amim is neither opposed to heritage sites nor to strengthening Jewish heritage. Yet the case at hand entails settler entities' cynical exploitation of local Yemenite heritage - which had been known for its good neighborly relations with local Palestinian resident - in order to evict Palestinian families and replace the Palestinian narrative and presence with an exclusively Jewish one.

b. Al-Bustan

Approximately 100 housing units in al-Bustan are at risk of demolition.

Al-Bustan is a small neighborhood in Silwan spanning 43 dunams. It is located in the lower part of Silwan between the neighborhoods of Wadi Hilweh and Batan al-Hawa, and home to approximately 1,500 residents. A designated zoning plan was never prepared for the neighborhood. In fact, it is marked as an open public space

in the zoning plan for the Old City Basin which was approved in the 1970s (AM/9). Building permits are not provided for open spaces, therefore it is nearly impossible for residents of Al-Bustan to obtain building permits, and much of the neighborhood's construction was conducted without permits, even when building on private land.

The neighborhood's sensitive location is due in part to its placement between the Ateret Cohanim settler compound in the heart of Batan al-Hawa, and the site of the City of David and Elad settler compounds in Wadi Hilweh.

A zoning plan previously prepared by residents of al-Bustan had been rejected, yet international pressure had led to demolition freezes for homes in the neighborhood. In December 2018, a file was opened for a new plan prepared by the residents (Plan 693440) and the municipality agreed to freeze demolition orders amid promotion of the plan. Accordingly, until 2021 requests by residents of al-Bustan to extend the freeze were not met with opposition by the Jerusalem Municipality. In February 2021, the municipality announced that it opposes the request to extend the freeze, without offering a genuine explanation for the change in its stance. Following legal efforts, the freeze was nevertheless extended for 52 of the demolition orders. Another 22 demolition orders are pending, with an additional 26 amid legal proceedings.

While demolitions have yet to be carried out in the neighborhood, there has been no change in the municipality's opposition to residents' proposals to authorize existing construction. Throughout the year, municipal inspectors issued demolition orders and there were several warnings regarding the impending execution of demolitions.

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In addition to the above communities that are at risk of eviction in Silwan, in Wadi Hilweh of Silwan, 15 members of the Sumarin family face the threat of eviction. In the 1980s, the state declared the Sumarin family home absentee property, on the pretext that the owner of the home – the uncle of the family members residing therein – was an absentee. Against this backdrop, the family has contended with eviction lawsuits filed by the Jewish National Fund (JNF) and the Elad settler organization, since the 1990s. In June, the Supreme Court discussed the Sumarin



family's request for permission to appeal.<sup>9</sup> The judges ordered the attorney general to submit a position regarding the legality of the declaration of the family's home as an absentee asset. Since then, the attorney general has requested several extensions and has yet to submit its reply.

### 3. Sheikh Jarrah

In Sheikh Jarrah there are three areas, home to approximately 72 families, who face the threat of eviction. The sub-neighborhoods of Umm Haroun and Kerem al'Jaouni are located on either side of the main street in Sheikh Jarrah, Nablus Road.

#### a. Blocking Eviction Proceedings in Kerem al'Jaouni

In March 2022, the Supreme Court issued a ruling regarding an appeal submitted by four families against eviction from their homes in the Kerem al'Jaouni compound in Sheikh Jarrah.<sup>10</sup> In a majority opinion, the judges ruled that the families should not be evicted insofar as a land settlement of title procedure is not conducted to clarify land ownership claims. The opinion dictated that the claims must be examined on behalf of the families on the one hand, and those pursuing the eviction, on the other.

The court's ruling was preceded by protests in the neighborhood against the families' anticipated eviction, which lasted for many weeks despite severe police brutality leveled against the demonstrators. It is important to note that in 2021, this threat of eviction against families in Sheikh Jarrah sparked an extensive Palestinian protest that emerged from the neighborhood and was actively supported by the public in East Jerusalem, Arab citizens of Israel, and Jewish activists, while receiving international attention as well. Internal and external pressure resulted in the cancellation of a decisive hearing scheduled in the Supreme Court for May 10, 2021 (Jerusalem Day). On the same day, against the backdrop of the protest in Sheikh Jarrah and the annual, nationalist Jerusalem Day Flag Parade that marches through Damascus Gate and the Muslim Quarter in the Old City, Hamas fired Qassam rockets toward Jerusalem and Operation "Guardian

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<sup>9</sup> Civil Appeals Authority 20/4936 *Estate of Mohammed Sumarin v. Himnuta Ltd.*

<sup>10</sup> Civil Appeals Authority 20/2401 *al'Jaouni et al. v. Nahalat Shimon Ltd.*

of the Walls” broke out. The result was another round of violence in Gaza in addition to unprecedented nationalist violence in mixed Jewish-Arab cities across the country.

In March 2022, the Supreme Court issued a verdict, accepting a portion of four families’ appeal, which has provisionally frozen their eviction and afforded them with the opportunity to prove property rights in the framework of formal settlement of land title proceedings. This ruling protects approximately 30 other families living in the Kerem al’Jaouni complex, whose legal circumstances concerning the threat of eviction resemble those that led to the ruling.

#### **4. Umm Haroun – Attempt to Evict the Salem Family**

A total of 34 families live in Umm Haroun. The neighborhood is located on the west side of Sheikh Jarrah, close to the Green Line and West Jerusalem. Legal proceedings threatening the families’ residence in their homes are ongoing.

In February 2022, the Salem family received an order from the Enforcement Authority ordering their eviction from their home during the month of March. The Enforcement Authority issued the order at the request of Yonatan Yosef, a member of the Jerusalem city council faction led by Deputy Mayor Aryeh King, who claimed to have acquired the rights from the Jewish family. The order was based on a court ruling from the 1980s alleging that the family had lost their protected tenant status and had to vacate their home in favor of the alleged Jewish owners.

The Salem family appealed to the Magistrate’s Court against the decision. The appeal was on the grounds of the statute of limitations, and argued that the 1980s ruling did not authorize their eviction. The court annulled the eviction and ruled that the Enforcement Authority must readdress the Salem family’s claims.

#### **5. Northern Sheikh Jarrah – Eviction of the Salhia Family**

In the northern part of the neighborhood of Sheikh Jarrah, not far from the Shepherd Hotel compound where Ateret Cohanim built 22 housing units, another nine families are at risk of eviction.

The Salhia family lives in this area, having been displaced from the village of Ein Karem in 1948, and residing in their Sheikh Jarrah home since the 1950s. In

January 2022, the Jerusalem Municipality evicted the Salhia family from their home on Mount of Olives Road. A zoning plan from the 1980s lists the plot of land on which the family's home is located, along with a plant nursery, as slated for the construction of public buildings. As Ir Amim has reported, there is a significant dearth of public buildings in East Jerusalem, and in recent years, the Jerusalem Municipality has worked to expropriate this plot of land, claiming that it is needed for the establishment of a special education school. Once the plot was expropriated, the municipality acted to evict the family who it claimed had invaded the home. The court approved their eviction.<sup>11</sup>

Mere hours after the family was evicted by the police, the municipality rushed to destroy the home to prevent the family from returning. The demolition took place despite the fact that the building is over 100 years old and cannot be demolished without a permit.

### **III. Home Demolitions**

Throughout the year 2022, 90 housing units and 65 additional units (shops, warehouses, etc.) were destroyed in East Jerusalem. The average annual demolitions from 2019-2021 stood at 127 housing units and 130 other units. The largest number of demolitions in 2022 took place in the neighborhoods of Silwan and Sur Baher.

This year, a combination of protests by residents along with public and international pressure, prevented the demolition of dozens of housing units. Approximately 70 housing units in Jabal Mukaber along the American Road; a large residential building with 13 housing units in Wadi Qaddum of Silwan; and the imminent demolition of roughly 20 homes in al-Bustan were all delayed as a result of such sustained opposition.

Israel's new extremist government poses a genuine threat to the stay of additional demolitions in the near future. The current freeze is merely temporary.

The decline in the scope of demolitions in comparison to previous years stems from decreased numbers of self-demolitions – a phenomenon in which Palestinian

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<sup>11</sup> Originating Motion 19-10-19642

families are compelled to destroy their own homes to avoid the levying of punitive fines should their home be destroyed by the Israeli authorities. Throughout 2022, 57 self-demolitions of housing units were carried out. This is in comparison to 94 self-demolitions in 2021, and an annual average of 71 self-demolition of housing units from 2019 to 2021.

#### **IV. Planning Discrimination**

In East Jerusalem there is a consistent policy of severe discrimination in the field of urban planning and construction – a result of explicit motives to engineer a demographic balance favoring Jewish residents in Jerusalem and reduce the size of the Palestinian population to the greatest extent possible. Since 1967, Israel has expropriated over 38% of land in East Jerusalem and built tens of thousands of housing units for Israelis. The zoning plans that Israel approved for Palestinian neighborhoods in the 1980s and 1990s declared broad swaths of land as open space on which construction was prohibited. Since then, only targeted zoning plans have been approved in most Palestinian neighborhoods, and no new zoning plans have been passed that are necessary for the residential development and adaptation of these areas for the population's residential needs. While 39% of Jerusalem's residents are Palestinian, only 8.5% of the city's residential lands are designated for their places of residence. Even within this 8.5%, the percentage of construction permits approved for Palestinian residents is extremely low.

The severe planning and housing crisis in East Jerusalem was made evident through a study conducted in 2019 by the Jerusalem Institute for Policy Research, which was designed to map how residents of Jerusalem – Israelis and Palestinians alike – evaluate their quality of life in the city. The research indicated that the most painful problem for residents of East Jerusalem was the lack of options available to them for the construction of residential apartments.<sup>12</sup>

A severe consequence of planning discrimination in East Jerusalem is the reality that Israel has created in the East Jerusalem neighborhoods located beyond the

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<sup>12</sup> Michal Korach, Tami Gavrieli, "Indicators of the Quality of Life in Jerusalem – A Subjective Assessment," The Jerusalem Institute for Policy Research, June 2019. In contrast, the Israeli population of the city is concerned with completely different issues and the subject of housing does not appear among the five fundamental issues regarding their perception of their own quality of life.

separation barrier. These neighborhoods are officially within Jerusalem's municipal boundaries yet physically cut off from the city by the barrier. Tens of thousands of Palestinian residents who are unable to obtain construction permits in neighborhoods on the Israeli side of the separation barrier, are compelled to move to these neighborhoods to provide shelter for their families. Along with state agencies' gross dysfunction in providing services and taking care of infrastructure, there is nearly no enforcement of construction regulations leading to an enormous volume of unplanned construction that lacks suitable physical and community infrastructure. Today, over one third of Jerusalem's Palestinian residents (approximately 140,000 people) live in these neighborhoods – a huge proportion of the population relative to the miniscule percentage of territory in East Jerusalem that they constitute. The combination of dense substandard construction, a population that has more than doubled, and the lack of state services and infrastructure, has resulted in the neighborhoods beyond the barrier being abandoned by the state authorities, overcrowded, and impoverished. The coronavirus crisis hit these neighborhoods particularly hard and constituted a stark example of state authorities' failure to take care of the basic needs of East Jerusalem residents.

Per Ir Amim's monitoring of 'significant' zoning plans of 100 housing units or more within Jerusalem, approximately 40,328 housing units were promoted in Israeli neighborhoods throughout the year 2022 (on both sides of the Green Line). This stands in contrast to significant zoning plans amounting to approximately 5,900 housing units in Palestinian neighborhoods of the city, of which 4,000 housing units are part of the zoning plan promoted for the neighborhood of Issawiya (TPS 790758). In practice, this constitutes an addition of approximately 2,000 housing units alone, due to the many years that pass until the plans are promoted, and the actual construction that is conducted over the course of those years.

**In sum, while residents of the Palestinian neighborhoods of East Jerusalem make up 39% of the city's population, only 14% of the planned increase in the city's housing supply is intended for them. Upon considering the many years of discrimination and neglect in the field of urban planning and housing, and the fact that the plans in the Palestinian neighborhoods include**



**the regulation of existing residential construction, then the actual increase in planned housing units is even smaller.**

## **1. Tightening Building Permit Procedures for Palestinians**

In parallel to Israel's use of the land settlement of title process in East Jerusalem to dispossess Palestinians of their homes and property (see above), this year the Israeli authorities also established a new procedure to make it virtually impossible for Palestinians to receive construction permits in the city.

On June 23, 2022, a discussion was held in the Ministry of Justice's office of the Deputy Attorney General (Civil) entitled "Promotion of a plan on unregistered and unregulated land." From the content of a summary of the discussion, it became evident that the discussion concerned East Jerusalem and concluded with very strict, nearly unanswerable, guidelines for Palestinians to receive construction permits in East Jerusalem.

The plan would lead to an exacerbation of a "Stakeholder Procedure" that has been used for over 30 years. Per this customary procedure, applicants seeking construction permits on unregulated land are required to submit a plan along with a district surveyor's certificate; a blueprint signed by the landowner and the submitter of the plan; along with affidavits from *mukhtars* (heads of Arab towns or villages). The new procedure suggested in the summary of the discussion requires every applicant seeking a permit on unregulated land to provide complex evidence to identify the land and possessor of its rights. Among the materials needed are Jordanian property tax statements (which may be found in the hands of the Civil Administration and to which access is restricted and difficult to attain); relevant Israeli property tax documentation (which is nearly impossible to obtain); and the chain of transferred property rights, including approval from the Custodian of Absentee Property and the General Custodian. Mere referral to the latter state bodies raises grave concerns that the authorities will take advantage of the appeal to take over the property.

Such concerns were raised by Bimkom in its appeal to the Ministry of Justice in August of 2022:

*"Rather than reducing gaps between residents of East Jerusalem and the*

*residents of West Jerusalem regarding legal construction, the new procedure will only increase the already yawning gap, and further distance the possibility of urban planning, attaining construction permits, and exercising rights to land ownership and to a life free from threats, fines, and demolitions."*

**This new procedure appears to have been established against the backdrop of right-wing pressure on state authorities, and should be considered as disproportionate, unreasonable, and excessively detrimental to a population already facing severe discrimination in urban planning policies.**

This procedure is inseparable from the aforementioned modes of implementation of the land settlement of title procedures in East Jerusalem. Together, these procedures indicate considerable deterioration in the policy of expropriation and eviction of residents of East Jerusalem.

Following anticipated exacerbation, at the end of 2022 a letter regarding exhaustion of alternative legal remedies against the new procedure was also sent by attorney Gilad Barnea on behalf of the Meretz municipal forum, and the Meretz political party at large.

## **2. Construction in Jerusalem Beyond the Green Line**

Alongside considerable restrictions on Palestinian construction in the city, throughout the year zoning plans were promoted for a record-breaking 23,097 housing units in Israeli settlements beyond the Green Line in Jerusalem. These housing units over the Green Line constitute 57% of all units designed for Israelis in Jerusalem and were promoted under the ostensibly more liberal "Government of Change." The plans include the establishment of new settlements or expansion of existing settlements in places that deepen the fragmentation of Palestinian space, further drive a wedge between East Jerusalem and the West Bank, and utilize the limited remaining land reserves for residential development in Jerusalem for the sole benefit of Israelis.

### a. New Neighborhoods/Settlements

- **Atarot (TPS 764936)** – A plan to establish a new settlement comprised of 9,000 housing units along the northern edge of Jerusalem between the East

Jerusalem neighborhoods of Beit Hanina and Kafr Aqab, and the Palestinian city of Ramallah. The plan was discussed by the District Planning Committee that decided to conduct an environmental impact survey. The survey should be completed in the coming months, as such the district committee may decide on the plan's promotion throughout the year 2023.

- **Lower Aqueduct (TPS 808840)** – A plan to establish a new settlement straddling the Green Line was submitted at the end of 2022. The plan includes 1,450 housing units and spans from Har Homa, with Ramat Rahel to its east and towards Givat HaMatos in the west. The connection between these settlements will permanently sever East Jerusalem from Bethlehem and the southern West Bank. The plan also entails the expropriation of private land owned by Palestinian residents of the adjacent neighborhood of Umm Tuba.
- **Givat HaShaked (TPS 969162)** – A plan for 700 housing units in the northern part of the Palestinian neighborhood of Beit Safafa-Sharafat's land. Although the territory is adjacent to a residential Palestinian neighborhood in Sharafat, the plan is being promoted as a new settlement and not as an expansion of Sharafat, which is in significant need of residential development. The plan entails a Hebrew-named neighborhood along with the explicit inclusion of synagogues and a mikveh (ritual Jewish bathhouse) as part of the planned public buildings. This is an indication that the state is promoting construction for Israelis at the expense of Palestinians, on land reserves desperately needed by the Palestinian neighborhood. Another aspect of planning discrimination is reflected in the plan's designated building ratio, which utilizes the space much more efficiently than the ratios approved by the authorities in Beit Safafa-Sharafat.  
The Givat HaShaked plan also sets a precedent in that for the first time, the General Custodian initiated and effectively used land under its management to build a new settlement. This precedent is liable to foreshadow similar initiatives in other land under the Custodian's management in East Jerusalem, such as Umm Haroun in Sheikh Jarrah, the area near Abu Dis known as Kidmat Zion, and more.
- **Expansion of the Settlement Ramot** – Along with several large plans within

Ramot's built-up area, two plans were also promoted this year that expand Ramot. **TPS 981829** was approved for deposit, including the addition of 180 housing units for the eastern extension of Ramot toward Begin Road and the Ramat Shlomo settlement. **TPS 921353** includes 1,318 housing units, expanding the settlement northward toward the Separation Barrier and Bir Nabala.

Close to 9,000 additional housing units were promoted in further plans in various settlements (in Gilo, Armon HaNatziv, Pisgat Ze'ev, Neve Ya'akov, etc.). A significant number of them are slated for construction within the built-up area of the neighborhood. Tenders have been issued for nearly 500 additional housing units in Armon HaNatziv, Ramot, and Gilo.

b. Settlements Within Palestinian Neighborhoods

- **Expansion of the Settlement of Nof Tzion in Jabal Mukaber** – A plan for the expansion of the settlement of Nof Tzion in the Palestinian neighborhood of Jabal Mukaber was drafted in December for an initial discussion by the District Planning Committee, yet was removed from the agenda. The plan (TPS 976597) seeks to construct 100 housing units and 550 hotel rooms on territory wherein the Oz Police Station is currently located (see below). The territory intended for the plan was expropriated by the Israel Land Administrator who transferred it to a company owned by Israeli entrepreneurs for the purpose of constructing hotels. Now the company seeks to change the land's zoning to allow for residential construction.

The area in question overlooks the entrance to Jabal Mukaber. The expansion of the settlement in this area would connect Nof Tzion, which is currently an isolated complex within Jabal Mukaber, to Armon HaNatziv, which is also built on Jabal Mukaber land. Its proximity to the entrance road threatens to disrupt the freedom of movement for tens of thousands of Palestinian residents of the neighborhood.

- **Plan to Construct a New Police Compound at the Entrance to Jabal Mukaber** (TPS 773184). The new police compound is intended to enable the Oz Police Station's relocation, which is currently near the settlement of Nof Tzion. With the Police Station's relocation, a commercial hotel complex to

expand the settlement can be established. Ir Amim and the Jabal Mukaber Parents' Committee filed an objection to the plan. The objection focuses on the need to use the lots that are designated for public buildings in a manner that will meet the neighborhood's needs – such as the construction of new schools. The objection further notes the planned size of the compound, which makes it more of a sprawling security complex than a police station intended to serve local residents. Residents from the neighborhood of Armon HaNatziv, adjacent to Jabal Mukabar, also submitted objections focused on the natural beauty of the area slated for construction and its role as a social communal meeting point.

### 3. Settlements in Greater Jerusalem

- **E1 South and E1 West (TPS 7/4/420 and TPS 10/4/420) and Demolitions in Khan al-Ahmar** - These plans were promoted throughout 2021, also during the tenure of the “Government of Change,” and a discussion was scheduled for their approval. The discussion was canceled, and the Supreme Planning Council did not discuss the plans throughout the entire year of 2022. The Ma’ale Adumim Municipality petitioned the District Court in Jerusalem against the Civil Administration, demanding that it discuss the plans.<sup>13</sup> The state requested several extensions to submit its response to the petition, and now the incoming government will be responsible for its submission. Per the coalition agreement, the political echelon’s decisions regarding the promotion of plans for settlements and the submission of the state’s position in the petitions concerning the West Bank, will be in the hands of the right-wing nationalist Religious Zionist party and its leader Bezalel Smotrich.<sup>14</sup> As noted, the E1 plan that expands Ma’ale Adumim northward and eastward, is considered extremely detrimental for a future political solution, as it significantly entrenches fragmentation of the West Bank and the detachment of East Jerusalem from Palestinian environs. The international community is tracking it with great concern with outright opposition to its advancement.

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<sup>13</sup> Administrative Petition (JLM) 22-11-12743

<sup>14</sup> The Association for Civil Rights in Israel, [Coalition Agreement Between the Likud and Religious Zionist parties – What are the Implications Regarding the Occupied Territories?](#), December 5, 2022



- In parallel to the E1 plans, the petition of the right-wing association Regavim against the Prime Minister, the Minister of Defense and the Civil Administration, demanding that they carry out the demolition orders for Khan Al-Ahmar, whose demolition was linked to the promotion of the plans for E1, is also pending in the High Court. In March, the court ordered the state to explain why the demolition orders were not carried out, the outgoing government refrained from submitting an answer to the High Court and left the issue to the incoming government and Minister Smotrich.
- **Har Gilo West (TPS 1/4/401)** – In July, the plan for the new settlement of Har Gilo West was submitted, and in November, the Civil Administration's Supreme Planning Council discussed objections to the plan. The decision following the discussion is yet to be published.

The plan for 500 housing units across 200 dunams within the western part of land belonging to the village of al-Walaja, has been submitted as an “extension” of the existing settlement of Har Gilo. Yet Har Gilo is located to the south of al-Walaja, while the new plan concerns the area to the west of the village and is not adjacent to the settlement. Har Gilo and the area in question are separated by both the built-up area of al-Walaja and the separation barrier. It is thus effectively a new settlement.

Beyond the seizure of land belonging to al-Walaja for the purpose of building or a settlement, the plans call for the construction of a seven to 11 meter wall separating the settlement and built-up part of al-Walaja. The wall will leave al-Walaja as an enclave surrounded by a settlement's wall and the separation barrier that will solely be accessible via a road located between Har Gilo and the planned settlement.

Furthermore, the area in question is located along the border of the UNESCO World Heritage Site in Battir. Environmental damage caused by construction will almost certainly harm this heritage site.

#### 4. Touristic Settlements

##### a. Silwan – Wadi Hilweh

- **Cable car to the Elad organization's Kedem Compound** – in May the HCJ rejected petitions against the cable car project from west Jerusalem to Elad's

Kedem compound in Silwan.<sup>15</sup> The Jerusalem Municipality's Local Planning Committee may now issue construction permits for its establishment.

- The cable car is presented as a means of transportation designed to enable Jewish Israelis' and tourists' arrival from West Jerusalem to the Western Wall and the Old City. In practice, the main station is planned for Elad's large visitor center in Silwan (the Kedem compound). Connecting West Jerusalem to this tourist settlement compound constitutes a fatal blow to the unique landscape of Hinnom Valley that leads to Silwan, and simultaneously erases and displaces the Palestinian presence.
- **Archaeological Excavations in the Siloam Pool** – In the last week of December under the auspices of the Israel Border Police, staff from Elad and the Israel Nature and Parks Authority (INPA) entered an area of approximately five dunams adjacent to the Siloam Pool in the center of Silwan. On the same day, a press release was published declaring the Israel Antiquities Authority (IAA), the INPA, and Elad's intention to conduct archaeological excavations in the area that will expose the Siloam Pool in its entirety.
- The land had been cultivated by a Palestinian family who had rented it from the Greek Patriarchate for roughly 100 years. Elad claims that the land had been purchased from the church. The family appealed to the court claiming that they are protected tenants. A decision will be made regarding the petition throughout the course of 2023, yet as of now the court has not issued an order preventing Elad from operating in the area.

b. Silwan – Batan al-Hawa

- **Promotion of a Yemenite Jewish Heritage Center** (read more on evictions in Bata al-Hawa above) – In July, the Ministry of Jerusalem and Heritage announced its intention to allocate three million shekels to the establishment of a center for Yeminite Jewish heritage in a building owned by the Benvenisti Trust controlled by the Ateret Cohanim association. The building is located in Batan al-Hawa, and the heritage center is being established after five Palestinian families were evicted from their home there in 2015. The Ministry of Jerusalem and Heritage's previous attempt to subsidize the establishment

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<sup>15</sup> HCJ 19/7841

of the visitor center was canceled following a petition submitted by Ir Amim, along with residents of Batan al-Hawa, claiming that the center's promotion was a conflict of interest in violation of the Trust's aims. This year it was discovered that although the Ministry of Justice's Registrar of Charitable Trusts halted promotion of the center two years ago, the Ministry of Jerusalem and Heritage and the Ministry of Justice, advanced a plan to bypass the legal restrictions related to the Benvenisti Trust's conflict of interest. Within the framework of this plan, the Trust will lease the building in question to another organization that is also managed by people affiliated with Ateret Kohanim, which will construct the visitor center. Ir Amim and the residents also petitioned against this new approach.

c. Silwan – Wadi Rababa/Hinnom Valley

Wadi Rababa/Hinnom Valley is the open expanse between the Palestinian neighborhoods of Silwan and Abu Tor. It is also the area located between these Palestinian neighborhoods and West Jerusalem.

Throughout the year, various projects jointly promoted by Elad and state authorities made significant progress in turning the area into a recreational Israeli tourist site, thereby connecting West Jerusalem to Elad's touristic-settlements in Wadi Hilweh, Silwan. The INPA, which has authority over Wadi Rababa/Hinnom Valley by virtue of its location within Jerusalem Walls National Park, signed a contract with Elad that allows the settler organization to operate the area.

- **Farm in the Valley** - Throughout the year, Elad began to run an activity center that it calls "Farm in the Valley." This center is in the area declared absentee property by the Custodian of Absentee Property, which Elad was delegated to manage by the INPA. Showing coordination with state bodies, the Ministry of Jerusalem and Heritage operated free shuttles to the site from the First Station complex in West Jerusalem for specific events. Alongside activities for children that allegedly reproduce crafts from biblical times, Elad held weekly Kabbalat Shabbat events to welcome in the Sabbath on site that were prominently publicized throughout Jerusalem. As part of a collaboration with the prominent Zappa music venue, there were also several musical performances in the activity center by popular singers. Ir Amim, along with the organizations

Emek Shaveh and Mehazkim, led a public campaign against whitewashing the settlement activity. Elad subsequently filed a defamation lawsuit against the organizations and Israeli activists who shared posts from the campaign, in a SLAPP-style suit. Letters of defense were recently submitted, and Ir Amim and its partners are determined to continue fearlessly in the face of such aggressive silencing measures.

- **Pedestrian bridge over Wadi Rababa/Hinnom Valley** – In October, work began on the construction of a pedestrian bridge that will connect both banks of Wadi Rababa/Hinnom Valley. The bridge is supposed to serve as an adventurous sports attraction. It was initiated by the Jerusalem Development Authority (JDA) and its construction is being carried out by the Moriah Jerusalem Development Corporation. On one end of the bridge is the “Home in the Valley” complex operated by Elad, not far from its “Farm in the Valley” site. The other end is walking distance from the site of the dated Sambuski Jewish Cemetery.
- **Sambuski Cemetery** – On the northern bank of Wadi Rababa/Hinnom Valley is the area that served as the Sambuski Jewish Cemetery until 100 years ago. The area was transferred from the General Custodian to the *Chevra Kadisha* (a Jewish burial society), which subsequently permitted Elad to develop it for its needs. Elad’s work, namely the construction of rockeries and the erection of a large gate, among other things – took place throughout the second half of the year. The cemetery is located near the residential area in Silwan bordering Wadi Rababa/Hinnom Valley, so that Israeli visitors may easily reach Elad’s settlement compounds and the Siloam Pool from the cemetery – all located within a Palestinian built-up area. Throughout Elad’s work, the access road to Palestinian homes adjacent to the site was blocked several times. Although the work was executed without a construction permit, the Jerusalem Municipality and INPA refused to act to stop it, claiming that such a permit is not necessary.
- **Gardening Orders and involvement of the Custodian of Absentee Property** –Palestinian landowners in Silwan who demanded that the INPA cease agricultural development on their land in Wadi Rababa/Hinnom Valley, belatedly discovered that the Custodian of Absentee Properties had seized their land through absentee orders issued in recent years. In some areas, the

work was carried out due to gardening orders issued by the Jerusalem Municipality. A petition against these gardening orders was rejected by the court, and legal proceedings regarding issuance of the orders are ongoing.

d. Expansion of Jerusalem Walls National Park (TPS 674788)

At the start of the year, the Local Planning Committee intended to promote a new zoning plan for the expansion of Jerusalem Walls National Park. The expansion included areas in Abu Tor, Silwan, and the Mount of Olives, spanning a total of 275 dunams. The area slated for expansion in Abu Tor spans from Elad's Farm in the Valley and House in the Valley complexes. Even the area slated for expansion on the Mount of Olives is near settlements such as Beit Orot. **Expansion of the national park would create a significant obstacle towards the development of Palestinian neighborhoods in the Old City Basin.** Increased cooperation between the INPA and settler organizations such as Elad is cause for concern, seeing as it is likely to lead to the expanded areas being used to further Judaize the Palestinian neighborhoods in the Old City Basin.

Beyond harm to the Palestinian population, the planned expansion of the Mount of Olives also included territory owned by Christian churches, who expressed opposition to these attempts to seize their land through the national park plan.

The discussion originally scheduled for March has been postponed multiple times, and the plan was not discussed throughout the year 2022.

e. "Northern Road" From the Northern Old City to Sheikh Jarrah

The "Northern Road" is a project for the construction of a tourist walking trail north of the Old City between Damascus Gate and Flowers Gate through the neighborhoods of Bab az-Zahra and Sheikh Jarrah, to Ammunition Hill. **The route is planned to pass through settlement compounds and Jewish sites at the heart of these Palestinian neighborhoods.** The project is officially an initiative of the Ministry of Jerusalem Affairs and Heritage, and is promoted by the Jerusalem Development Authority that defines its goal as "revitalizing public space" along the route. In March 2022, the Jerusalem Municipality's Finance Committee approved the transfer of NIS 3.6 million to carry out the Northern Road project and its transformation into an "inviting tourist and commercial site." Yet it

is planned and promoted in close cooperation between Israeli authorities and the private organization "Jerusalem First," whose staff plays a central role in the process of taking over Palestinian property.

The trail includes a list of sites that are nearly entirely Jewish and related to settlement sites in the Palestinian neighborhoods in the Old City Basin. The Nissan Beck Houses in the Palestinian neighborhood of Musrara, and the neighborhood of Shimon HaTzadik in the heart of Sheikh Jarrah, include compounds wherein settler organizations work to evict Palestinian families based on claims that they were owned by Jews until 1948; the "Alley of Death," paratrooper and Hadassah convoy memorials, are sites related to battles that took place in 1948 and 1967. The Tombs of the Kings is an ancient Jewish site. The route also includes a number of Christian sites, yet seems to disregard the existence of important Muslim sites (such as the Bab az-Zahra Cemetery or the tomb of Sheikh Jarrah), not to mention Palestinian national sites such as the El-Hakawati Palestinian National Theater or the Orient House.

**Participants who register via the Jerusalem Municipality website for a tour along the trail that is directed toward tourists, receive the impression that they are visiting Israeli territory, thus their participation and presence in turn strengthens these political settlement compounds.**

Some of the sites along the trail were added as a result of campaigns conducted by right-wing organizations to increase Jewish presence with the development of new sites within Palestinian neighborhoods. For example, the site of the Tombs of the Kings is located along the major East Jerusalem commercial thoroughfare of Saladin Street, while the plan to build an amphitheater around the paratrooper memorial is at the center of the neighborhood of Sheikh Jarrah. In March 2021, the Jerusalem Municipality approved the latter plan to construct a fenced amphitheater with 300 seats adjacent to the monument, wherein various group ceremonies and events would be held. The plan is coordinated between the Jerusalem Municipality, the Paratroops Association and the JNF, which is supposed to finance the project with a budget of NIS 2 million. Due to public opposition to the plan, including among members of the Paratroops Association, implementation of the project was postponed. Nevertheless, at the end of



December 2022, work began on the project.

## 5. “Silicon Wadi” Plan in Wadi Joz

Over the past two years, the Jerusalem Municipality has been promoting plan number 977694 known as “Wadi Joz – Business Complex” or by the name branded by the Jerusalem Municipality, “Silicon Wadi.”<sup>16</sup> On March 14, the plan was conditionally approved for submission by the district committee. In April 2022, Government Decision 1367 was passed to develop an innovation district for high-tech companies in East Jerusalem (as part of the development of such districts in both parts of the city).<sup>17</sup> The decision proposes Silicon Wadi as a potential site for the plan’s implementation.

The Wadi Joz – Business Complex plan is an initiative furthered by the Jerusalem Municipality and the JDA. It includes territory that spans 78 dunams on the western side of Wadi Joz, a large part of which is currently an industrial area with commerce and garages. The area included in the plan borders the neighborhood of Sheikh Jarrah to the west, and continues eastward toward the Old City until Wadi al-Joz Street, which is the eastern border of the plan.

Plan 977694 significantly increases the building density in the area in question and designates the vast majority for employment purposes. The plan includes construction of eight to 14 floors in a total area of 127,000 square meters, of which 82% (104,275 square meters) is allocated for employment and another 6% (7,659 square meters) for commerce.

**A mere 12.6% (16,048 square meters) is designated for housing**, which amounts to only 166 housing units. In this respect, the plan furthers the policy upheld by the Jerusalem Municipality and the government: economic investment in East Jerusalem that ignores the most severe economic obstacle for East Jerusalem residents by not promoting significant residential planning.

**The plan calls for the demolition of 37 existing buildings.** Aside from a handful of residential homes, most of the buildings are businesses – garages, commercial

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<sup>16</sup> To read more, see [Ir Amim’s Position Paper](#)

<sup>17</sup> [Government Decision 1367 Development of Innovative Districts in the City of Jerusalem](#), April 10, 2022

stores, and small or medium-sized businesses. According to cost mapping conducted by the Jerusalem Municipality, **most buildings slated for demolition are located on privately owned Palestinian land.** The minority of businesses slated for demolition belong to landowners, whereas most are used by renters.

The plan includes three roads in the area slated for expansion, and following the plan's approval, the municipality may expropriate the territory marked for road expansion and demolish the buildings therein.

**Further concern relates to the fact that some of the lots will be transferred from private Palestinian hands to the Custodian of Absentee Property.** As we have noted above regarding the issues of land registration and issuance of building permits, the Custodian has been increasing its activity in East Jerusalem at the residents' expense. Like most territory in East Jerusalem, the land in Wadi Joz is unregistered.

To prepare the plan, the municipality informally mapped costs on the ground. The lawyer hired to complete this process has ties with settler organizations.

The municipality claims that the businesses currently operating in the area slated for the plan will be able to move to planned industrial complexes in Issawiya or Atarot. Yet these are vague statements, while genuine fear exists that dozens of businesses will be eliminated and the hundreds of workers they employ will lose their livelihood.

**Concern also exists that, contrary to the plan's presentation as an investment in improving East Jerusalem's economic circumstances, it will effectively lead to the establishment of an employment zone for Israeli companies and workers in the heart of East Jerusalem, through evicting current Palestinian businesses, and destroying the livelihood of hundreds of Palestinian workers.**

## **V. Temple Mount/Haram a-Sharif – Ongoing Erosion of the Status Quo**

Ongoing erosion of the status quo on the Temple Mount/Haram a-Sharif continued over the past year under the tenure of Omer Bar Lev from the Labor Party, as Minister of Public Security. Over the course of the second half of the year, when a

more liberal Yair Lapid replaced the more conservative Naftali Bennett in the Prime Minister's Office, further problematic Israeli policies were executed.

On the one hand, Lapid made a statement immediately following the Jewish holiday of Sukkot in which he noted that Israel is committed to the status quo on the TM/HAS. The status quo entails freedom of worship for Muslims at Al Aqsa, with Jews solely retaining visiting rights in the compound:

*"As for Al Aqsa (the Mosque), I've declared this across all possible platforms. We are not changing the status quo at Al Aqsa, and we will ensure Muslim freedom of worship at Al Aqsa... It is our duty as a government to permit freedom of worship for any Muslim who wants to come and pray at Al Aqsa and we will protect this... We do allow Jewish visitation. We do not permit Jewish prayer on the Temple Mount..."<sup>18</sup>*

Yet as Ir Amim made clear in its repeated appeals on the matter to the Minister of Public Security and Prime Minister Lapid, conduct on the ground contradicted these claims.<sup>19</sup> **Throughout the entire year, daily prayers by groups of Jews continued to take place on the holy site with police approval and supervision, in blatant contradiction of statements regarding Israeli commitment to the status quo.**

As such, in preparation for the high holidays, police began to publicly declare the coordination they facilitate with a team of Temple Mount Movements that calls itself the "Temple Mount Administration." Despite its name, this body lacks any official status and serves as nothing more than a representative of the Temple Mount Movements. For example, in a briefing for journalists, the commander of the Jerusalem District Police praised the administration, who he alleged aids with aspects of stewardship: *"We meet with them ahead of the holidays, and they mobilize visitation with us in an orderly fashion, to advance visitation in compliance*

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<sup>18</sup> Dalit Halevi, [Lapid: We won't allow Jewish prayer on the Temple Mount](#), Israel National News, October 18, 2022

<sup>19</sup> [Ir Amim Appeal to the Prime Minister on 9/6/22](#); [Ir Amim Appeal to Prime Minister on 10/3/22](#); [Third Appeal to the Prime Minister: The Deteriorating Security Situation Necessitates Urgent Instructions to the Government Ahead of Friday Prayers at Al Aqsa](#), Ir Amim, October 13, 2022

*with regulations.*<sup>20</sup>

After the holidays, Ir Amim appealed to the prime minister once more, regarding new and prominent signs erected at the police checkpoint and in the waiting hall at the entrance above Mughrabi Gate, where Jewish and non-Muslim visitors gather before entering the Temple Mount/Haram a-Sharif. The signs unambiguously present Jews' entry into the compound as being for religious worship, and not solely for visitation purposes.<sup>21</sup> Posters were hung in the entrance hall after the security check that unambiguously declare that entering the Mount is an act of religious worship, and a large model of the Temple was even erected therein.

These new signs were erected, and the entrance remodeled after Temple Mount activists removed a metal sign placed at the entrance to the Temple Mount/Haram a-Sharif by the Chief Rabbinate in 1967, on Tisha B'Av of this year (July 18, 2022). This sign bore an inscription warning against Jews entering the Temple Mount for reasons related to Jewish religious law. The many police officers and security guards stationed there, neither prevented removal of the sign, nor did they arrest the vandals. Only a few months later, following an article in the Haaretz newspaper, was the sign returned to its place.<sup>22</sup>

The change of the entrance hall and placement of these new signs in the compound, which is already under police oversight, further testified to closer cooperation between police and the Temple Mount movements. It constituted a public statement of sorts by Israel regarding its perception of the site's status, contrary to its declarations.

As Ir Amim clarified, in view of the growing gap between declarations and reality, actions are required on the ground for the police to function as they are obliged. Conduct on the Mount must abide by the status quo, as required, in order to reduce mistrust among Muslim and Arab entities regarding Israel's intentions concerning

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<sup>20</sup> Josh Breiner, [Amid West Bank Flare-up, Lapid Seeks Meeting With Jordan's King](#), Haaretz, September 18, 2022

<sup>21</sup> Ir Amim's [Fourth Appeal to the Prime Minister: Institutionalizing Violations of the Status Quo in the Temple Mount Compound](#), Ir Amim, October 27, 2022

<sup>22</sup> Yael Freidson, [Sign Warning Jews Not to Ascend the Temple Mount Restored](#), Haaretz, December 15, 2022

the Mount. **Among other things, Ir Amim insists on the need to end coordination between police and the Temple Mount Movements; cease use of collective restrictions on Muslim entry to the Temple Mount/Haram a-Sharif, especially on the occasion of Jewish holidays or upon the entry of large groups of Jews to the Mount; and the necessity for decisive police action against Jewish religious worship in the compound.**<sup>23</sup>

## **VI. Implementation of Government Decision 3790 Ahead of Discussions on the Upcoming Decision**

The five-year plan launched following the adoption of Government Decision 3790 for the Reduction of Socio-economic Gaps and Economic Development in East Jerusalem in May 2018, is in its final stages of implementation and will conclude in the coming months.

In February 2022, Minister of Jerusalem Affairs and Heritage, Ze'ev Elkin, announced for the first time that the government will promote another five-year plan for East Jerusalem, which will be implemented between 2023-2028. He added that the goal is to double the plan's budget, which stood at approximately 2.1 billion NIS throughout the current five-year period, to roughly 4 billion NIS.

In March 2022, during a discussion held by the Knesset Committee on Education, Culture, and Sports, Minister Elkin announced that an agreement had been reached with Finance Minister Lieberman, according to which the budget allocated for the next five-year plan would be no less than the current five-year budget, and noted that he had told Minister Lieberman that the budget should be doubled. In March, work began in preparation for the next five-year plan, entrusted to the Ministry of Jerusalem and Heritage and the other government ministries that took part in Decision 3790, alongside the Jerusalem Institute for Policy Research, East Jerusalem Development Ltd. (the executive body of the

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<sup>23</sup> See more: [Hava Shwartz and Moshe Halbertal Discuss Tisha B'Av on A Special Evening with Ir Amim, Emek Shaveh, and Peace Now](#), August 2, 2022; Aviv Tatarsky, [Relax, Democracy Doesn't Trouble Temple Mount Activists](#), ynetnews, December 2, 2022; [Coveted Aim, Erection of the Temple](#), Haaretz, October 6, 2022; [The Temple Mount is in Our Hands](#), Wake-up Call Podcast, May 9, 2022; [Ashams Radio Interview](#), April 19, 2022; Aviv Tatarsky, [Clashes in Jerusalem: Failing Israeli Rationale Will Lead Us to Escalation Once More](#), Local Call, April 17, 2022; Aviv Tatarsky, [Members of the Coalition Are Promoting Temple Mount Movements' Vision for the Temple Mount](#), Local Call, January 2, 2022

Ministry of Jerusalem and Heritage), and the Jerusalem Municipality.

The changes that took place upon the establishment of the new government (the Ministry of Jerusalem and Heritage led by Minister Meir Porush of the United Torah Judaism party and Ministry of Finance by Minister Smotrich of the Religious Zionist Party) led to apprehension among those involved in the implementation of the government decision, both within government ministries and beyond them, regarding the future of another five-year plan. However, in the coalition agreement between the Likud and United Torah Judaism, it was noted that in order to approve the plan to develop East Jerusalem in accordance with Government Decision 3790, for another five years, its budget must be no lower than that of the previous five-year plan. To date, this is also the dominant assumption among those involved in drafting the next plan – a new government decision will be made, yet its budget will resemble that of the previous five-year plan, and not double the amount, toward which Elkin had aspired.

Within the field of education in the framework of the implementation of Decision 3790, four new secondary schools opened at the beginning of the 5783/2022-school year in buildings rented vis a vis the five-year plan budget, which allocates funds to rent buildings for educational institutions that teach the Israeli curriculum. Additional buildings were renovated utilizing the Decision 3790 budget, which are also designated for the physical development of educational institutions, yet solely for those that teach the Israeli curriculum. In parallel, budgets beyond Decision 3790 are transferred to the renovation of educational institutions that teach the Palestinian curriculum. In contrast to renting and renovating buildings, construction is not included in Decision 3790, yet **new schools continue to open for schools teaching the Israeli curriculum alone, whereas no schools are built that teach the Palestinian curriculum.** For the next five-year plan, there is no prospect for a change in this trend, such that the budgetary bias in favor of the Israeli curriculum will remain, despite the fact that the vast majority of students continue to study the Palestinian curriculum. **This violates children in East Jerusalem's right to education in accordance with their culture and national identity, and takes advantage of the East Jerusalem education system's dire circumstances, generating unfair**



**pressure to switch to the Israeli curriculum.**

Following the consequences of the coronavirus crisis, more professional training programs were launched in the field of employment and welfare than in the previous two years. **The “Rayan Center,” which has offered a program since 2014 that includes educational and occupational training, expanded its array of offerings, primarily for women.** It also invested in workshop development and training per population groups, ahead of the upcoming five-year plan. The Employment Bureau is expected to work with social workers who lack Israeli certification, in a procedure aimed to provide them with appropriate training that concludes with a job placement. **Moreover, an initiative launched by the Workers’ Advice Center (WAC-MAAN) led to an agreement on the future opening of a unique training program for medical students** from East Jerusalem at the Sheba Medical Center, which is expected to commence in 2023. It aims to aid students in passing their medical exams and receiving a license to practice medicine in Israel by the end of the training. In parallel, upon a return to routine following the coronavirus crisis, the employment service’s problematic modes of conduct also resurfaced, including arbitrary rejection of records, medical boards’ non-existence, unreasonable wait times, and more.

Regarding daycare centers: **one new daycare center opened in Shuafat for approximately 120 children**, which increased the number of official daycare centers in East Jerusalem to five. Yet no framework was availed for working mothers, such that challenges in subsidizing daycare centers persist, and welfare does not refer a sufficient number of children to the existing daycare centers. **The few daycares available in East Jerusalem continue to struggle to contend with the situation.**

In the field of transportation, projects continue to be carried out in East Jerusalem that were selected to constitute part of Decision 3790. These include a list of roads that has been reduced over the years in accordance with the anticipated increase in costs upon commencement of the five-year plan. Alongside work relating to the current five-year plan, preparations were carried out ahead of the upcoming five-year plan. Some roads were selected to be included, and in a decision made by the

Jerusalem Municipality's Finance Committee in December 2022, a **preliminary budget was approved for the development and planning of roads within the framework of the upcoming five-year plan, including those in Issawiya, Wadi Qaddum, and Wadi Joz.**

Within the framework of the chapter on improving quality of life in East Jerusalem, a joint project between the Ministry of Culture and Sports in cooperation with the Jerusalem Municipality, was approved in early 2022 for the development of a sports complex in East Jerusalem. **The project includes a basketball court and soccer field at a school in Wadi Qaddum, along with the construction of fitness facilities throughout the area.**

In the health sector, the government decision declaring that HMOs must shift from a franchising model to direct operation was not promoted. Furthermore, the ministry ceased to pursue the plan to reduce disparities and intends to continue permitting franchisees to operate in East Jerusalem - even budgeting for them. **This entails persistence of the status quo of poor health services in East Jerusalem.**

## VII. Education in East Jerusalem and Harassment of Schools

In 2001, over two decades ago, the Supreme Court ruled that Israeli authorities had violated their constitutional duty to educate the children, in view of the huge classroom deficit in East Jerusalem (High Court of Justice 3834/01 *Hamdan et al. v. Jerusalem Municipality*; High Court of Justice 5185/01 *Badriya et al. v. Jerusalem Municipality* [unpublished, partial ruling granted on August 29, 2001]; High Court of Justice 5373/08 *Abu Libdeh v. Education Minister*, given on February 6, 2011). Despite these court rulings and as demonstrated by this report and previous reports, **the classroom shortage in East Jerusalem continues to grow and currently stands at 3,517 missing classrooms in East Jerusalem.** The lack of classrooms also influences the steep dropout rates, and the phenomenon of nearly one third of East Jerusalem children being unaccounted for by educational authorities.<sup>24</sup>

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<sup>24</sup> For more information see [Ir Amim, The State of Education in East Jerusalem 2021-2022](#)

The growing trend in the number of “invisible children,” whose educational framework remains entirely unknown to the Jerusalem Municipality and Ministry of Education, is quite troubling. [Per its response to a Freedom of Information request](#), the Jerusalem Municipality is unaware of 40,963 children’s educational framework. This amounts to approximately 29% of school-age children in East Jerusalem (of which 12,097 children are three to six years of age).

**Over the course of the past academic year, 1,657 boys (4% of boys studying in grades 1-11) and 1,025 girls (3% of girls studying in grades 1-11) dropped out of educational frameworks.** The significance of this enormous number cannot be overemphasized. Altogether, that amounts to 2,682 children who dropped out in one academic year. Roughly calculated into class sizes, **this amounts to nearly 100 classes dropping out.**

Over four years ago, Ir Amim [submitted a request to join a legal petition submitted by the Jerusalem Parents Association as an amicus curiae](#) (HCJ 6183/16) concerning the classroom shortage in Jerusalem.<sup>25</sup> On September 13, 2021, a hearing was held on the petition, in which we also insisted on presenting our position. In short, the court concluded by issuing an order *nisi* ordering the respondents to reply to the petition. After the municipality and state’s responses to the conditional order, and a hearing that took place on January 4, 2023, a verdict was issued that reinforces our position, stating that “the distinct treatment toward East Jerusalem stems from the data presented by the respondents, who recognize the significant gaps between East Jerusalem and other authorities....” Per the ruling, the state and the municipality must complete the preparation of an incremental outline for planning and construction of missing formal education classrooms in East Jerusalem, in relating to the outline’s necessary budgetary aspects for execution, among other things. It was further determined that insofar as the government respondents are unable to reach an agreement with the Jerusalem Municipality regarding the outline within four months, the outline would be determined by government officials within two additional months.

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<sup>25</sup> HCJ 6183/16 *The Parents’ Organization for the School System in Jerusalem et al. v. the Ministry of Education, et al.*

Over the course of the past academic year that concluded within the framework of Government Decision 3790, it became evident that the number of students studying the Israeli curriculum increased by less than 1.8% of the number that preceded the Government Decision. They still constitute a mere 16.2% of the total number of students in recognized and official Arab educational institutions, and solely 12.9% of the total of school-age children in East Jerusalem. **The absolute majority of the students remain in the Palestinian curriculum. This is the case despite the fact that over 43% of the total government budget intended for education in East Jerusalem (approximately NIS 193 million out of a total of NIS 445 million) was conditioned on a transition to studying the Israeli curriculum.**

This year, the Ministry of Education has intensified its harassment of schools in East Jerusalem and the textbooks they use. East Jerusalem students' right to study in accordance with the Palestinian curriculum is anchored not only in the Oslo Accords signed by Israel, but also in international law and children in East Jerusalem's right to education in accordance with their culture and national belonging, equality in education, freedom, and protection of their identity. After the dissolution of the Knesset, and likely as part of election propaganda, the Minister of Education at the time, on behalf of the New Hope party, announced that she had ordered the revocation of licenses from six schools in East Jerusalem - namely Ibrahimieh College and five Al-Iman schools. The pretext of the denial was incitement in the textbooks. Parents of children who attended these schools held a strike against the education system in East Jerusalem on September 19, in protest of the threat.<sup>26</sup> Since then, harassment of these schools has increased around these claims. In October of this year, inspectors from the Ministry of Education even entered the Al-Iman schools to photograph students, rummaging through their backpacks as they documented the contents, while intimidating and sowing fear among them, confronting and humiliating teachers and administrators before their students.<sup>27</sup>

Ibrahimieh College, which has been in existence since 1931 and is attended by

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<sup>26</sup> Einav Halabi, Gilad Cohen, East Jerusalem School Strike: Israel is Imposing an Occupation Curriculum Upon Us," [ynet](https://www.ynet.co.il), September 19, 2022.

<sup>27</sup> [An appeal submitted by the Association for Civil Rights in Israel and Ir Amim](#)

1,400 students from kindergarten through 12th grade, is considered among the leading schools in East Jerusalem, and has also received threats and visits from the Ministry of Education. From observing the matter, the school is acting in accordance with the requirements of the Jerusalem Municipality. As part of the censorship process being carried out by the Jerusalem Municipality on the textbooks, over the past two years the school has begun to add foreign content to the textbooks in place of the content that the Municipality is removing. Recently, the principal of the school was summoned for a hearing, and at the end of the year the school even received a notice that payments from the Ministry of Education would be blocked. The school and the parents' committee are preparing to fight the decision and stop the harassment.



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