

2021 in Review: Israel's Policy in East Jerusalem

Ir Amim Annual Report
January 2022



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Summary

Following the conclusion of the fourth Israeli election in two years in March 2021, a government was formed through merging parties from across the political spectrum with – for the first time – an Arab party, Ra’am: The United Arab List. Standing at the head of this government, though, are politicians from the far-right wing of the political map, who also head multiple ministerial positions relevant to policymaking in Jerusalem: namely the Interior, Justice, Housing, and Jerusalem and Heritage Ministries. This new “change” government has enjoyed an ongoing period of immunity of sorts by the international community, yet it has grown apparent that the government is advancing a right-wing agenda - sometimes even more drastic than that of its predecessors. Under this government, construction plans are being advanced in the settlements of Jerusalem and its environs on a sweeping scale, including the Atarot plan – a project of this government’s own creation – for 9,000 housing units, and plans in E1 on a scale of 3,400 housing units. The advancement of the plan for building in Givat HaMatos, taken from Beit Safafa land reserves in what will become the first new settlement in East Jerusalem in over 20 years, was promoted in early 2021 by Netanyahu’s government mere days before the inauguration of Joe Biden.

Through our opposition to building in Givat HaMatos, Ir Amim discovered discrimination in the eligibility criteria for the subsidized housing project that is slated to make up roughly 40% of the apartments in Givat HaMatos. Once revealed that only those with Israeli citizenship could apply, thus excluding the vast majority of East Jerusalem residents, Ir Amim filed a petition against the construction tender along with residents of East Jerusalem’s southern neighborhoods on the grounds of systemic discrimination of housing rights (Administrative Petition 21-01-27542). In an unexpected move, the State notified the court that it had repealed the discriminatory restriction against residents of East Jerusalem who would now be able to purchase subsidized apartments in Givat HaMatos- should it be constructed- along with anywhere else that these housing projects are located.

In May of 2021, a series of flashpoint events in East Jerusalem contributed to a downward spiral that ultimately developed into an 11-day war with Hamas, alongside unprecedented violent nationalist riots in Jerusalem and mixed Jewish-

Arab cities within the Green Line. These events included intense local and globalized protests in Sheikh Jarrah against the eviction of Palestinian families from their homes in the neighborhood; the police cordoning off Damascus Gate Plaza to Palestinians celebrating Ramadan until it was reopened following widespread Palestinian opposition; clashes on the Temple Mount/Haram a-Sharif; and police approval for the annual nationalist Jerusalem Day Flag Parade to pass through the Muslim Quarter in the midst of these tensions. During these times, East Jerusalem protests were deemed violent by Israeli authorities and met with severe police violence, though the vast majority entailed non-violent resistance.

Relevant to the eviction processes being carried out in Sheikh Jarrah, through Ir Amim's monitoring project of the implementation of Government Decision 3790 (for the Reduction of Socioeconomic Gaps and for Economic Development in East Jerusalem), we revealed that with the aid of the General Custodian, the Ministry of Justice was conducting a land settlement of title procedure in the neighborhood of Umm Haroun in Sheikh Jarrah, beginning the process of registering land under the name of Jews who allegedly owned the land prior to 1948. Ir Amim, Bimkom: Planners for Planning Rights, and the residents of Sheikh Jarrah filed an urgent petition, yet in its decision, the court refused to address the core issue. Ir Amim has since proceeded to take action on the matter along with the residents.

Since then and through the end of the year, further evidence was revealed regarding the General Custodian's involvement in the land settlement of title process in East Jerusalem, and even in its promotion of construction plans for a new settlement in Jerusalem, Givat HaShaked.

At the end of 2021, the High Court of Justice (HCJ) discussed a petition submitted by Ir Amim and residents of Sheikh Jarrah demanding that the General Custodian be required to formulate orderly procedures for the property it manages in East Jerusalem. In the absence of these procedures, the staff of the General Custodian act – and even currently initiate – many processes with impunity and with no measures of transparency nor accountability, which lead to the dispossession of Palestinians from their homes. Mere days before the hearing, the State submitted a general procedure to the court that makes no reference to the unique reality of land titleship in East Jerusalem. The HCJ did not accept Ir Amim's claim that the procedure does not meet the requirements put forth in the petition and ruled that

it is a matter to be addressed in another petition - if at all. Ir Amim is in the process of considering follow-up legal actions.

In July 2021, Ir Amim was invited to appear before the UN Security Council, where we presented troubling data on four Palestinian communities in East Jerusalem that are at risk of mass displacement through either eviction by state-backed settlers or demolition by the Israeli authorities. The communities are: Batan al-Hawa and al-Bustan in Silwan, and the neighborhoods of Sheikh Jarrah and al-Walajeh.

Sheikh Jarrah and Batan al-Hawa in Silwan face threats of intensive eviction proceedings initiated by settler organizations and under the auspices of, and in cooperation with, Israeli authorities. Al-Bustan in Silwan and al-Walajeh face mass demolition threats by the Israeli authorities, the Jerusalem Municipality, and the National Unit for Enforcing Planning and Construction Laws.

Throughout the year, the alarming upward trend in the number of home demolitions in East Jerusalem has continued, currently standing at 237 demolitions - 134 of which are housing units. This is a record number of home demolitions, second only to 2020. It should be noted that a significant increase in demolitions took place during the second half of 2021 under the new government.

Lastly, we have been closely monitoring and reporting on Temple movements as they have continued to gain strength, even enjoying the support of current members of the coalition. The movements have recently been quite active among the Knesset's Education and Public Security committees – headed by MK Sharren Haskel (New Hope) and Merav Ben Ari (Yesh Atid) with attempts to enshrine their agenda into school curricula and policy. Even though, in practice, this is not being enforced, Minister of Public Security Omer Bar-Lev (Labor) stated that the police will maintain the status quo and ensure that Jews visit but do not pray on the Temple Mount/Haram al-Sharif.

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I. Four Palestinian Communities At Risk of Eviction in East Jerusalem

Over the course of the past year, Israeli-led processes have progressed toward the eviction of four Palestinian communities from their homes in East Jerusalem:

- In the section of al-Walajeh located within the municipal borders of Jerusalem, there live approximately 1,000 residents - many of whom are at risk of eviction. Since 2016, demolition orders have been issued for roughly half of the homes in the neighborhood, of which nearly 30 have already been demolished.
- In Silwan, there are two large concentrations of families at risk of either eviction or mass home demolitions: 97 families in Batan al-Hawa face eviction and 82 families in al-Bustan face demolitions.
- In Sheikh Jarrah, 72 families are at risk of being evicted.

This is a dictated policy of eviction from, or destruction of, entire compounds in which dozens of Palestinian families live. This does not merely entail grave harm to each individual family, but also harm to family and community life for all four communities in East Jerusalem.¹

On February 5, 2021, the International Criminal Court (ICC) ruled that it has jurisdiction to address incidents in East Jerusalem, and the ICC chief prosecutor opened an investigation against Israel regarding the displacement of the Palestinian population.

1. Al-Walajeh

There are 140 houses in the section of Al-Walajeh located within the municipal boundaries of Jerusalem. Over the past five years, approximately 30 housing units have been demolished on site. An additional 38 demolition orders have been frozen by the Supreme Court following an appeal on behalf of Al-Walajeh residents (Administrative Petition Appeal 18/2645). At least 12 additional demolition orders have been temporarily frozen due to legal proceedings.

¹ In addition to the four communities at risk of eviction, there are 24 Palestinian families at risk of eviction from the Old City, along with further families in Wadi Hilweh in Silwan, Ras al-Amud, Beit Hanina, and Beit Safafa. *OCHA, Palestinian family evicted from its home in East Jerusalem, 10 December 2020*. As of November 2021, the community of Wadi Yasul in Silwan also faces a genuine threat of displacement. The legal proceedings for a total of 58 demolition orders have been exhausted, and the freeze against them has been lifted.

The State of Israel has never prepared an outline plan for the section of al-Walajeh that was annexed to Jerusalem. Since outline plans are a prerequisite for authorized construction, the residents of al-Walajeh have been unable to receive construction permits and therefore compelled to build without them since 1967.

In 2016, as part of the processes that led to the enactment of Amendment 116 to the Planning and Building Law² and following Government Decision 1559,³ the National Unit for Enforcing Planning and Construction Laws under the authority of the Ministry of Finance began operating in al-Walajeh, and enforcement against unlicensed construction in Jerusalem escalated significantly. Ever since the National Unit began operating in al-Walajeh, several dozen demolition orders have been issued, many of which were executed immediately upon completion of their individual legal proceedings.

Upon the initiative of the residents, the preparation of an outline plan for the neighborhood began in 2006 (Plan 12062). Only following a Supreme Court order did the Jerusalem District Planning and Building Committee finally convene to discuss the plan in January of 2021, yet it was rejected. The committee deployed a series of severe restrictions that would prevent the possibility of future planning. In May of 2021, residents of al-Walajeh filed an administrative petition (Administrative Petition 21-05-1996) against the District Committee's decision. Approximately 20 residents of West Jerusalem also joined the petition, along with the NGOs Bimkom: Planners for Planning Rights and Ir Amim. The verdict regarding the petition was released on October 31 2021 and ruled that the District Committee's decision was not final and that residents could implicitly submit a new plan, without having to accept the severe restrictions put forth therein.

The combination of the lack of an outline plan for this section of al-Walajeh and the actions carried out by the Ministry of Finance's National Unit for Enforcing Planning and Construction Laws, have generated a grave threat to the homes of hundreds of people and the very existence of the al-Walajeh community. There is a severe risk that approximately 38 temporarily frozen demolition orders will

² To read more see Attorney Sharon Karni Kohn and Architect Efrat Cohen Bar, [Amendment 116 to the Planning and Building Law and the Palestinian Neighborhoods in East Jerusalem](#), Ir Amim and Bimkom, July 2019.

³ [Strengthen Enforcement of Planning and Building Laws](#) Government Decision 1559, June 19, 2016.

soon be exacted, along with additional demolitions orders for several homes that were not included in the freeze.

In 2021, the Civil Administration also promoted an outline plan for a new settlement – Har Gilo West – on al- Walajeh's land (TPS 401-4-1). This outline plan is contingent on the promotion of a plan for a bypass road, against which Ir Amim has filed an objection (see below). This new settlement, if approved, will complete the isolation of al-Walajeh and its subsequent transformation into an enclave surrounded by the Separation Barrier and Israeli development on all sides.

2. Silwan – Batan al-Hawa; al-Bustan

a. Batan al-Hawa

A total of 97 families are at risk of being evicted from their homes in the Batan al-Hawa neighborhood of Silwan, on the grounds that the land on which their homes are built was owned by the Benvenisti Trust until 1948.⁴ Since 2015, 14 families have been evicted from the neighborhood.

Following a lawsuit filed by Ir Amim and residents of Batan al-Hawa,⁵ in September of 2020 the Ministry of Justice's Registrar of Trusts announced an in-depth investigation into the Benvenisti Trust, including into the conduct of its trustees in accordance with the Trust's current goals versus their written mission. Ir Amim claimed that there was a grave conflict of interest between the Ateret Cohanim settler organization and trustees who are members or associates of the organization. Findings from the in-depth investigation have yet to be received.

The Supreme Court also heard appeals submitted against evictions in Batan al-Hawa.⁶ The judges subsequently instructed the Attorney General to submit his position in relation to the issues raised in the petition. Following several requests for an extension, the Attorney General's response neglected to address the heart of the matter, instead deeming that the family in question could be evicted as its

⁴ On the basis of section 5 of the Legal and Administrative Matters Law in 1970.

⁵ Originating Motion 20-06-5792 *Ir Amim et al 22 v. Ministry of Justice's Registrar of Trusts et al* [Hebrew]. The court dismissed the case out of hand on August 21, 2020 due to the absence of a response [due to the prosecutor's error regarding the number of days]. The judge's ruling on October 20, 2020, upheld the dismissal, further referring to the Registrar of Trust's notice from September 23, 2020 on the matter, according to which an in-depth audit of the Trust's file was being conducted.

⁶ Civil Appeals Authority 20/8858 *Shweiki and Odeh v. Ralbag et al.*; Civil Appeals Authority 20/8694 *Duweik v. Zarbiv et al.*

claim regarding the statute of limitations was inaccurate.

Moreover, an opinion written by Israeli lawyers was submitted to the court per the initiative of the NGO Peace Now. It examined the issue of eviction in view of customary rulings under international law, raising issues such as the right to a community life and the right of residence as taking precedence over ownership rights (without taking a position on the issue of ownership), in support of preventing the eviction of families on site.

b. Al-Bustan

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

Al Bustan is a small neighborhood in Silwan located on territory that spans 43 dunams. It is located in the lower part of Silwan between the neighborhoods of Wadi Hilweh and Batan al-Hawa. It is currently home to approximately 1,500 residents. An outline plan has never been specifically prepared for this neighborhood and in the outline plan for the Old City Basin p.9 (which was approved in the 1970s) it is marked as an open public space. It is thus not possible to obtain construction permits such that most of the construction conducted was executed without permits, even if on private land.

The sensitive location of the neighborhood is due, among other things, to the fact that it can connect the Ateret Cohanim settlement compound in the heart of Batan al-Hawa to the site of the City of David and the Elad settlement compounds in Wadi Hilweh.

An outline plan prepared per the initiative of the residents of al-Bustan was rejected by Israeli authorities. As a result of international pressure, the intended demolition of neighborhood homes was frozen roughly ten years ago. In December of 2018, a new plan prepared by the residents was submitted for approval (Plan 693440) and the municipality agreed to freeze demolition orders amid the plan's promotion.

Requests on behalf of residents of al-Bustan to extend the freeze were not met with opposition from the Jerusalem Municipality until 2021. Yet in February of 2021, the municipality declared that it opposed the request to extend the freeze. The municipality did not provide a sufficient explanation for the change in its stance.

Legal efforts have nevertheless succeeded in extending the freeze for 52 of the demolition orders. The freeze is currently valid until February of 2022, which will necessitate yet another extension request. An additional 22 demolition orders are pending without a freeze, and legal proceedings are still in progress for another 26 demolition orders.

Sumarin Family

Beyond the communities at risk of eviction, 15 members of the Sumarin family are also at risk of eviction from Wadi Hilweh in Silwan. In the 1980s, the state declared the Sumarin family home “absentee property,”⁷ on the pretext that the landlord – the uncle of the family members residing therein – was an absentee landowner. Since the 1990s, the family has contended with eviction lawsuits, some of which they have won. Yet in 2020 the District Court accepted the eviction claim. In April of this year, the Supreme Court convened to hear the Sumarin family’s appeal against the ruling approving its eviction in favor of the JNF’s subsidiary, Himnuta.⁸ The judges announced that the hearing would not take place as they had requested the Attorney General’s position on issues relating to the appeal. Over the course of the following months, the Attorney General has requested repeated extensions to submit a response. The most recent extension was granted through December 30, 2021. At the start of this year it became apparent that although the eviction suit was filed on behalf of the Himnuta company (to which the state transferred the property rights after declaring it absentee property), the body effectively conducting the lawsuit is the settler organization, Elad.

3. Sheikh Jarrah

In Sheikh Jarrah there are three compounds inhabited by approximately 72 families at risk of eviction. Two of the compounds, namely Umm Haroun and Kerem al’Jaouni, are located on either side of Nablus Road, the main street that runs through Sheikh Jarrah.

a. Umm Haroun

A total of 34 families live in Umm Haroun, which is located on the western side of

⁷ Absentees against Their Will– Property Expropriation in East Jerusalem under the Absentee Property Law, Ir Amim, July 2010

⁸ Civil Appeals Authority 20/4936.

the neighborhood near the Green Line and west of Jerusalem. Legal proceedings regarding these cases remain pending.

On December 27, 2020, Ir Amim and the Sheikh Jarrah Community Association, submitted a [petition to the High Court of Justice against the General Custodian who sits within the Ministry of Justice \[Hebrew\]](#). The petition addresses the lack of written and published protocols relating to the General Custodian within the Ministry of Justice, regarding the management of assets in East Jerusalem and the manner in which authority is exercised under section 5(b) of the Legal and Administrative Matters Law [Consolidated Version], 5730-1970. As is detailed in the petition, in 2017 the portfolio of properties in East Jerusalem was transferred from the Unit for Location and Restitution of Unclaimed Property, which manages all of the General Custodian's properties, to the Custodian's Economic Unit, without any overt professional explanation. Ever since the responsibility for property in East Jerusalem was passed on to the Custodian's Economic Unit, the number of filed eviction claims dramatically increased. The petition requested that the court order the General Custodian to publish protocols relating to property management in East Jerusalem. Within the framework of the protocols, arrangements would be established that take into account the years that have passed since the enactment of the Legal and Administrative Matters Law of 1970. Such arrangements should include the circumstances that have changed since the law was enacted, among other things, to aid tenants in managing, maintaining, and renovating properties, through the rental of entire properties or parts thereof, including periods of lease agreements. Ir Amim further detailed that these circumstances should include the facilitation of application submission for construction and expansion requests; transparency in issuing documents to release properties; an obligation to notify tenants and protect relevant parties' rights to hearings and access to information; tenants' rights to purchase, and capacity to review asset-related documents; criteria for determining property owners, land classification, applicable legislation, and the General Custodian's course of action in the event that the property owners are not located, so as to protect the tenants.

A hearing was held in the HCJ on December 14. Mere days before the hearing, the state submitted to the court a new general protocol that it had prepared, with no

reference to the unique reality of East Jerusalem. The HCJ did not accept Ir Amim and the residents of Sheikh Jarrah's claim that the protocol does not meet the petition's demands, ruling that it is a matter to be addressed in another petition, if at all.

In December, Aryeh King of the Israel Land Fund (who also serves as the Deputy Mayor of Jerusalem) delivered an eviction order to the Salem family from the Execution Office, notifying them of their eviction at the end of the month. The order was issued on the basis of an old ruling from 1988. King and his associates claimed that they acquired some of the rights to the property from the heirs of the Jewish family that lived there up until 1948. However, beyond their fundamental claims of ownership, the residents claim enforcement of a statute of limitations. On December 30, the Enforcement and Collection Agency held a hearing regarding the Israel Police's request, in cooperation with settlers, for a "flexible" eviction from January-February of 2022. A decision is yet to be made.

In September, an agreement was signed between one of the Palestinian families in Umm Haroun and those who demanded their eviction under section 5 of the Legal and Administrative Matters Law. According to the agreement, the Palestinian family will not enjoy the status of protected tenants, yet will not be evicted for the coming ten years whereafter it will be entitled to alternative housing should eviction proceedings be initiated.

b. Kerem al'Jaouni

A total of 29 families live in the Kerem al'Jaouni compound, where the tomb of Shimon HaTzadik is also located, to which many Jews come to pray.

Throughout 2020, the Magistrates' Court accepted eviction claims filed by the Nahalat Shimon company, regarding two cases pertaining to 13 households residing in the compound. The families appealed to the District Court. In early 2021, the District Court dismissed six households' appeal (that of the Jaouni, Askafi, al-Kurd and Abu Hasna families),⁹ along with seven additional households' appeal (that of the Hammad, Dajani, and Daoudi families).¹⁰ The families appealed to the Supreme Court.¹¹ The threat of eviction triggered widespread Palestinian

⁹ Civil Appeal 20-11-57595 *Jaouni et al. v. Nahalat Shimon Ltd.*

¹⁰ Civil Appeal 20-11-1759 *Hammad et al. v. Nahalat Shimon Ltd.*

¹¹ Civil Appeals Authority 21/2401; Civil Appeals Authority 21/2841.

protest in the neighborhood that was actively supported by the East Jerusalem public, Arab citizens of Israel, and Jewish activists.

Such pressure, including international pressure, led to the cancellation of a crucial Supreme Court hearing scheduled to take place on May 10 (Jerusalem Day). On the same day and against the backdrop of a protest in Sheikh Jarrah and the annual nationalist Jerusalem Day Flag Parade in the Old City, Hamas fired Qassam rockets toward Jerusalem and Operation “Guardian of the Walls” broke out. Further incidents of severe violence between Jews and Arabs subsequently spread across the country.

The hearing on the families’ appeal eventually took place in the Supreme Court in August 2021. Among other things, the Palestinian families submitted a legal opinion to the court, noting that prior to 1967 the properties were in an advanced land settlement process under Jordanian rule, and that they would have been registered as homeowners had Israel not frozen the process.

In November, both sides rejected a compromise proposal presented by the Supreme Court justices.

c. North of the Neighborhood

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

Salhiya Family – The Jerusalem Municipality filed an eviction lawsuit against the Salhiya family after expropriating the compound in which the family lives. The 2017 expropriation is based on the outline plan approved for the area in the 1980s, in which the lot is marked as being designated for public buildings. The municipality plans to build a school and kindergartens on site. The Salhiya family includes two households of 12 people and has lived in the area it owns prior to 1967. The court ruled in favor of the municipality’s expropriation of the area and the eviction of the family, though the original eviction lawsuit was solely filed against some members of the family. The remaining family members appealed the decision to the Tel Aviv District Court 21-01-21468.

The homes of the Salhiya family are located some 500 meters from an empty lot designated for public buildings, per Sheikh Jarrah’s outline plan. Nevertheless, the

Jerusalem Municipality agreed to hand this lot over to the Ohr Somayach Institutions to establish a large yeshiva with student dormitories. An objection was submitted regarding the yeshiva plan (TPS 68858) due to the lack of classrooms in the neighborhood. The municipality's stance in addressing the objection was that there is no shortage of land for public use in the neighborhood. The Jerusalem Municipality District Planning Committee Chair even ruled that it would be unjust to expropriate the lot from the ultra-Orthodox organization (although it had initially been granted by the municipality).

II. Promotion of Land Settlement Under Government Decision 3790 – Dispossession of Palestinian Homes

In May of 2018 [Government Decision 3790 for the Reduction of Socioeconomic Gaps and for Economic Development in East Jerusalem](#) was adopted, which provided for socioeconomic investment of approximately NIS 50 million, in promoting land settlement in East Jerusalem. The land settlement process determined in the Government Decision constituted a significant policy change – from a complete freeze of land settlement of title proceedings in East Jerusalem as of 1967, to establishing goals for full settlement of title within a handful of years. Approximately 90% of the land in East Jerusalem remains unregistered due to political considerations. Until 2018, Israel had not initiated comprehensive actions to register land in the Palestinian neighborhoods of East Jerusalem. This consistent and deliberate policy took a dramatic turn upon the publication of Government Decision 3790, which includes the provision to register the land, as led by then-Justice Minister Ayelet Shaked.

The registration process could have served as a vital stage for urban planning and economic development, as it promotes equality, transparency, certainty, and finality regarding land rights. Yet according to Ir Amim's monitoring, its promotion in East Jerusalem clearly undermines these very goals. It effectively serves as an additional obstacle to planning – and worse, it jeopardizes many Palestinian residents of East Jerusalem's rights to their land and homes.

In May of 2021, Ir Amim's monitoring of this realm revealed that in Umm Haroun within Sheikh Jarrah, land settlement of title proceedings were already completed.

With unusual speed and contrary to the requirements put forth in the Land Settlement Ordinance, permanent land rights were registered therein to Jews who allegedly owned the land prior to 1948, unbeknownst to the current residents made up of 45 Palestinian families in 40 buildings.

Following this revelation we filed [an urgent petition to the HCJ \[Hebrew\]](#) along with the NGO Bimkom: Planners for Planning Rights and residents of Sheikh Jarrah, demanding an immediate freeze to the land settlement of title procedure and land registration therein. The state's response to the petition stated that the land settlement of title on site had been completed and registered shortly before it had been filed. The petition was ultimately rejected on the grounds of alternative legal remedy, referring petitioners to individual civil proceedings.¹²

Since the Umm Haroun case, increasing indications have emerged of abuse of the land settlement of title process under the Government Decision, in the interests of the state and the Jewish settlement in East Jerusalem. According to Ir Amim's monitoring of the Ministry of Justice's publications (in Reshumot, wherein the State of Israel's official records and laws are published), the land settlement of title process currently spans approximately 130 registration blocs, of them 80 are in Beit Hanina and constitute small blocs that were redistributed from among the eight original blocs. The land settlement of title process has reached the final stage of publishing a list of rights for six of these blocs: Sheikh Jarrah, the Mount of Olives, Givat HaMatos, French Hill, Ramot Slopes, and the area between Ramat Shlomo and Ramat Eshkol.

The choice of blocs in which the state has declared land settlement of title procedures clearly reflects its priorities. The state promotes land settlement in neighborhoods that are strategic targets for settler takeover – such as Sheikh Jarrah and the Mount of Olives, as well as in Jewish neighborhoods/settlements beyond the Green Line – including Neve Yaakov, French Hill, Ramot, Atarot, Givat HaShaked (the new settlement near Beit Safafa) and Givat HaMatos. The last three locations are particularly troubling, as they are the three largest plans for new settlements in East Jerusalem, which go hand in hand with land settlement of title procedures in the area.

¹² For further information on the topic – see [Ir Amim's report from May 2021](#).

It should also be noted that in September of 2021 the Jewish National Fund (KKL-JNF) decided to initiate a large-scale process to register KKL-JNF land, in Israel and the West Bank, including at least 2,500 dunams of land in East Jerusalem. This is land that was allegedly owned by the KKL-JNF before 1948, and is now entrusted to the General Custodian. According to the Legal and Administrative Matters Law, the KKL-JNF has the option to “release” the land and register it in its name. The timing of these processes indicate a close connection. A procedure carried out by the KKL-JNF on such a scale, threatens to significantly increase the number of Palestinians at risk of displacement from their homes through eviction claims.

The Ministry of Justice’s response to the Freedom of Information request submitted by Ir Amim in June, which was received by Ir Amim roughly six months after the request’s submission, denied the request to receive the land settlement maps, and informed us that the land settlement official does not monitor which residents have been notified in an orderly fashion. This is a blatant violation of the provisions of the Land Settlement Ordinance, which puts forth clear and orderly requirements that were strictly interpreted during the ruling, for active public notifications of the settlement proceedings.

III. Home Demolitions

The alarming upward trend in the number of home demolitions throughout East Jerusalem has continued this year as well, currently standing at 237 demolitions, of which 134 are housing units. As for the number of housing units demolished, this peak record comes in second to the year 2020. The significant increase in demolitions in 2021 took place during the second half of the year, under the auspices of the new government.

The year 2021 was also a record year for self-demolitions (125 demolitions, of which 94 were housing units). Although these demolitions are called “self-demolitions,” they are also initiated by the authorities through legal proceedings against families, and are the result of the substantial increase in fines leveled on families upon the authorities’ execution of demolitions, per Amendment 116 to the Planning and Building Law (known as the Kaminitz Law). This amendment was enacted in 2017 and its full implementation commenced in late 2018. The law

increases enforcement against unauthorized construction: not only reducing access to the courts for aid against demolition orders, but also increasing sanctions against unpermitted construction. In the absence of legal tools and in fear of steep fines imposed following demolitions executed by the authorities, many residents who have exhausted all their options are destroying their homes themselves.

IV. Urban Planning Discrimination

In Jerusalem, severely discriminatory policies persist in the field of urban planning and construction due to demographic motives aimed at reducing the presence of the local Palestinian population as much as possible. Although 38% of Jerusalem's residents are Palestinians, they are allotted a mere 8.5% of the city's territory for residential use. Even within those areas, the percentage of authorized construction is particularly low.

Since 1967, Israel has expropriated over 38% of the land located in East Jerusalem and built on that land tens of thousands of housing units for Israelis. The outline plans that Israel approved for Palestinian neighborhoods in the 1980s and 1990s left broad swaths of wide-open land, on which construction is prohibited. Ever since, only site-specific plans have been approved in most Palestinian neighborhoods, yet no new outline plans - which are a prerequisite to develop and adjust the scope of the plots for the residential population's needs - have been approved.

The prevalent crisis in the field of urban planning and housing in East Jerusalem is evident in a study conducted in 2019 by the Jerusalem Institute for Policy Research, which was designed to map how Jerusalem residents - both Israelis and Palestinians - assess their quality of life in the city. The study indicated that the most poignant problem for residents of East Jerusalem is the lack of options for building residential apartments.¹³

¹³ 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 occupied by 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.

State authorities have not only neglected to correct ongoing discrimination in the field of planning but have also increased the scope of home demolitions in East Jerusalem in recent years, as noted above. This situation has substantially exacerbated the plight of East Jerusalem residents for whom ongoing planning discrimination prevents a significant proportion of them from carrying out authorized construction in accordance with their housing needs.

A grave outcome of planning discrimination in East Jerusalem is the reality that Israel has created in the East Jerusalem neighborhoods beyond the Separation 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 on the other side. Alongside state authorities' dysfunctional and neglectful provision of services and infrastructure there, there is nearly no enforcement against unauthorized construction. As a result, unplanned construction in the neighborhoods beyond the Separation Barrier takes place on a massive scale, with neither suitable physical nor communal infrastructure. Over one third of Jerusalem's Palestinian residents (between 120,000 and 140,000 people) currently live in these areas, which constitute a minimal percentage of East Jerusalem's lands. The combination of dense construction, doubling of the population size, and the state's neglectful provision of services, has turned these neighborhoods into desolate, dense, and impoverished areas. The COVID-19 crisis hit these neighborhoods particularly hard and has served as a stark indication of state authorities' failure to provide for their residents' basic needs.

In June of 2021, Ir Amim published a report titled [Planned Negligence – How Palestinian Neighborhoods Disappeared from Jerusalem's Current and Future Urban Planning Policies](#). The report analyzes new urban planning decisions made by the municipality and government, indicating that not only has nothing been done to rectify the current planning stranglehold in East Jerusalem, but that the new planning policy will also substantially exacerbate planning discrimination in East Jerusalem. It is these policies per which outline plans will be promoted in the coming 20 years. The new planning policy for Jerusalem includes high-density planning and a massive increase in building ratios, which are justified by alleged professional considerations. Yet it cannot be implemented in Palestinian

neighborhoods, thus condemning residents of Jerusalem to suffocative planning that will significantly exacerbate the existing grave and discriminatory circumstances.

Throughout 2021, planning committees promoted outline plans in Israeli neighborhoods on both sides of the Green Line in Jerusalem, for an addition of 35,436 housing units.¹⁴ A total of 7,254 units were promoted in the city's Palestinian neighborhoods (the significant plans among them are detailed herein, below). In other words, the city's Palestinian neighborhoods enjoy a mere 17% of the total housing units promoted in Jerusalem's outline plans this year despite them making up 38% of the city's population. This indicates a significant increase in comparison with previous years, when the figure was under 10%, yet relative to the troubling gaps that exist in residential planning in East Jerusalem, this remains an insufficient increase.

1. Promoting Israeli Construction in East Jerusalem

Over the course of the past year, detailed outline plans were promoted for Israeli neighborhoods/settlements over the Green Line at a scale of 14,549 housing units.

They include the following:

- a. Planning of three new settlements: Har Homa West (to the south of the city near Givat HaMatos), Atarot (in the north of the city between Beit Hanina and Kafr Aqab) and Givat HaShaked (on the land of Beit Safafa):

Settlement	Plan Number	Number of Units	Notes
Atarot	764936	9,000	A plan that includes consolidation and division due to private ownership and state land. The bounds of the plan are drawn such that a significant portion of Palestinian-owned territories are removed. The state thus strives to promote construction for Israelis while Palestinian-owned territories are left

¹⁴ In both Palestinian and Israeli neighborhoods, solely medium-to-large scale outline plans were examined, on a scope of at least 100 housing units.

			<p>without up-to-date planning or any planning whatsoever.</p> <p>Following American and European protests, the program's advancement to the next stage was halted on the grounds that it necessitated a preliminary survey of the program's impact on the environment. In line with demands on behalf of representatives from the Ministry of Environmental Protection and the Ministry of Health, the district committee ordered that the survey be conducted prior to further promotion of the program. Due to issues of air and soil pollution, construction might solely be promoted in parts of the area rather than the entire bloc included in the plan.</p>
Givat HaShaked	969162	473	<p>Land managed by the General Custodian within the Ministry of Justice. The area is adjacent to the built-up area of Beit Safafa yet is planned as a separate neighborhood for Israelis. The General Custodian's active contribution to the promotion of this plan and a parallel process of land settlement of title (see above), involves an escalation in the body's involvement in advancing settlements, in clear deviation from its powers.</p>
Har Homa West	285411	540	<p>Land privately owned by Israel. The approved plan is for part of the area of Har Homa West. Over 2,000 housing units are planned for the entire area.</p>
Total		10,013	

- b. Four additional plans that expand the built-up area of existing neighborhoods/settlements (Gilo, Pisgat Ze'ev) on a scale of 1,239 housing units.
- c. Nine plans within the built-up area of existing neighborhoods/settlements (Gilo, Armon Hanatziv, Pisgat Ze'ev, Neve Yaakov, French Hill, and Ramat Shlomo) amounting to a total of 3,297 housing units.

2. Promoting Detailed Outline plans for Settlement Compounds in Palestinian Neighborhoods

- a. Expansion of the Settlement of Nof Tzion in Jabal Mukaber (TPS 4558) has commenced. Construction permits were approved in 2020. Approximately 90 housing units are currently located in the settlement, and construction has begun for an additional 210 housing units.
- b. The Beit Hanina Plan (TPS 740951) has been approved for the construction of two buildings with 52 housing units on land that is allegedly privately owned by Israel. In recent years, two similar plans have been approved in the region. Jerusalem Deputy Mayor Aryeh King is involved in all three of the plans although he did not officially submit them himself.
- c. Plan for a large Yeshiva in Sheikh Jarrah (TPS 68858). The District Planning and Building Committee held another discussion regarding this plan, which is yet to be approved and seems to have been stalled for the time being. Objections submitted to the plan, along with letters we sent to the District Committee on the matter, emphasize that per the existing outline plan the area is designated for public buildings to serve neighborhood residents, which in view of the vast classroom shortage in East Jerusalem, should be used to that end.
- d. Plan to construct a new police compound at the entrance to Jabal Mukaber (TPS 773184). This new compound would replace the existing Oz Police Station near the settlement of Nof Tzion, thus enabling the establishment of a commercial hotel complex on site, which will entrench the settlement.

Ir Amim and the Jabal Mukaber Parents' Committee filed an objection to the plan. The objection focuses on the need to put the plots to public use so as to address the needs of the neighborhood, including the construction of new

schools. The objection further addresses the intended size of the compound, which functions as more of a security facility than a police station intended to serve local residents. Furthermore, residents of the Armon Hanatziv neighborhood near Jabal Mukaber filed objections focusing on the natural worth of the area slated for construction and its role as a social, communal meeting point.

3. Promoting Construction Tenders

Two tenders were published for residential construction over the Green Line in Jerusalem this year. Furthermore, a tender for an assisted living facility and tenders for commercial areas were published.

Neighborhood /Settlement	Tender Number	Housing Units	Status
Pisgat Zeev	21/7	210	Winning contractor has been selected.
Pisgat Zeev	21/266	250 housing units within an assisted living facility	Published, though the bidding period has yet to open.
Givat HaMatos	21/358	83	Tender has been returned to one of the plots issued within the 2020 tender. Published, though the bidding period has yet to open.
Har Homa	21/12 21/16 21/17	Public institutions and commercial areas within the neighborhood's built-up area	Published, though the bidding period has yet to open.
	21/13	Public institution	Winning contractor has been selected.
Total		293 housing units, 250 housing units within an assisted living facility, and more public institutions and commercial areas	

This number is relatively low compared to the number of tenders published in previous years.

In parallel, infrastructure work has commenced in the Givat HaMatos area, wherein construction tenders for 1,260 housing units for the new neighborhood/settlement were published in 2020.

4. Settler-Touristic Projects – Plans for National Parks, Public Parks, and Events in Palestinian Neighborhoods

The state continues to promote projects presented as touristic in nature but are in turn used to support settlements within Palestinian neighborhoods, attract Israelis to such neighborhoods, and strengthen settler organizations there. Most of this activity takes place around the Old City, and beyond increasing Israeli presence and taking over Palestinian property, it also seeks to dictate the character of the Old City Basin, erasing its multicultural nature and imposing an exclusive Jewish-Israeli narrative therein. These areas include: the neighborhood of Sheikh Jarrah, north of the Old City, and the northern wall of the Old City; south of the Old City in Silwan; and the area connecting the settlements in Silwan to West Jerusalem (Jerusalem Cinematheque and First Station complex) via the slopes of Abu Tor (Wadi Rababe/Gei Ben Hinnom).

a. Sheikh Jarrah

i. *Amphitheater and monument for IDF soldiers from the Paratroopers Brigade*

At the beginning of the year, the Jerusalem Municipality Engineer and City Council approved an application submitted by the Paratroops Veteran Association for the construction of a memorial site for fallen soldiers of the brigade at a central junction in the neighborhood of Sheikh Jarrah. A monument is already located on site, and the Association is interested in constructing an amphitheater with 300 seats. The KKL-JNF has budgeted NIS 1 million to finance the project. The junction in question is located between the two residential areas of Kerem al'Jaouni and Umm Haroun (detailed above). The Association for Civil Rights in Israel (ACRI) appealed to the municipality on behalf of the residents of the neighborhood, calling for the decision to be repealed. Criticism of the project was even sounded by members of the Paratroops Association itself. Though no official

decision has been made regarding the project's annulment, it has not been executed to date.

- ii. *Work to establish a 25-dunam urban park between two settlement compounds*

The municipality has commenced work to establish a new 25-dunam urban park in the northern part of the neighborhood of Sheikh Jarrah. The park is presented as a site that will serve Palestinian residents of the area. It spans from the Shepherd Hotel compound where the Ateret Cohanim organization built a settlement compound made up of 22 housing units (construction of additional housing units appears to be planned within the compound), to the site of the Tomb of Shimon HaTzadik and the Kerem al'Jaouni compound. It also borders the home of the Salhiya family, which the Jerusalem Municipality vacated and demolished in January of 2022. This area, known as the Mufti's Grove, was owned by the Husseini family and declared "absentee property." The territory was previously leased to Ateret Cohanim, yet the Jerusalem Municipality is currently establishing a municipal park on site.

b. The Northern Wall of the Old City

- i. *Work on a promenade in the al'Yusufiya cemetery*

In October, work commenced in an area outside the northeast corner of the Old City Wall, not far from Lions' Gate. The work was initiated by the Jerusalem Development Authority (JDA) and the Israel Nature and Parks Authority (INPA) to construct a promenade and park that are allegedly part of a national park. Yet the plan to expand the national park to the area in question is yet to be approved. There are Muslim tombs on site that are part of the large and important al'Yusufiya cemetery. Tombs were damaged amid construction and Palestinian demonstrations took place on site, yet the court rejected the petition against the work, which is still being executed.

- ii. *Cultural events at the New Gate*

As of this past summer, the JDA has begun holding lectures and cultural events in the area of the New Gate, located toward the northwestern section of the Old City Wall, not far from Jaffa Street and West Jerusalem. The events

are held in Hebrew to appeal to an Israeli audience.

c. Silwan

i. *Wadi Hilweh*

Cable car from West Jerusalem to Elad's Kedem Compound – In November of 2021, the HCJ held another hearing regarding the petition against the cable car project submitted by environmental and transportation organizations, as well as the nonprofit Emek Shaveh, among others. Shortly before the hearing, Transportation Minister Meirav Michaeli (of the Labor party) declared that she opposed the project in that its harm outweighed its benefits. Michaeli noted that the cable car has no significant transportation function and that it will compromise the landscape of the Old City Basin while also damaging heritage sites. At the hearing itself, the judges deemed the Minister of Transport's stance to be of importance, granting the state 21 days to clarify its position. Since then, both the Prime Minister's Office and the Mayor of Jerusalem have expressed their support for the project.

ii. *Batan al-Hawa*

Yemenite Jewish Heritage Center in Batan al-Hawa – Following a petition submitted by Ir Amim (Administrative Petition 20-12-39706), the Ministry of Jerusalem informed the court that it is freezing the transfer of funds for a project to establish a Yemenite Jewish Heritage Center in the heart of the Batan al-Hawa neighborhood, in one of the houses vacated by the Benvenisti Trust, which is controlled by Ateret Cohanim.

iii. *Wadi Rababe/Gei Ben Hinnom*

Gei Ben Hinnom/Wadi Rababe leads from West Jerusalem to Silwan by crossing the Green Line. Over the past two years, Elad has made efforts to use the area to link West Jerusalem to its tourist settlement sites in Silwan for Israeli visitors. Elad is developing sites for leisure activities in the valley with the aid of the INPA and the JDA.

The first site that Elad started operating in the area is called "Home in the Valley," and functions as a restaurant and event space. The site was opened in 2019, and the following sites were added in its vicinity over the course of the past year:

- *“Farm in the Valley” – a compound for recreational activities run by Elad under the auspices of the INPA*

Just below the “Home in the Valley” compound, Elad has established another site for recreational activity called the “Farm in the Valley.” The area used to be a public area open to all, yet is now fenced off with entry restricted to certain hours that are overseen by Elad. Terraces and even an artificial waterfall were constructed on site, and activities are offered in a vegetable garden to experience “ancient agricultural crafts.” Elad received the area without a tender from the INPA, whose authority stems from the fact that the area is included in the area of a national park that surrounds the walls of Jerusalem.

- *Hiking trails and development work from the agricultural farm to the Siloam pool in Silwan*

From the “Farm in the Valley” area, the INPA is developing walking paths toward the Sambuski Cemetery on Mount Zion and the Siloam Pool, which is part of the City of David site in Silwan. Elad also operates the City of David site under the INPA’s authorization.

d. Expansion of the National Park Surrounding the Walls of Jerusalem

The INPA has submitted an outline plan for the expansion of a national park surrounding the walls of the Old City (TPS 674788). The outline plan includes the territory between Elad’s recreational sites, “Farm in the Valley” and “Home in the Valley,” along with areas at the foot of the Mount of Olives near the eastern wall of the Temple Mount and the Old City. Cooperation between the authorities and Elad is thus transferring control over an increasing number of sites under the guise of tourism projects, which in turn take over open areas and Palestinian territory to expand the settlement in the area.

e. Nahal Refaim National Park on the Land of Walajeh

At the beginning of the year, the Ein Haniya spring compound was opened to Israeli visitors. Although the spring is on the Israeli side of the Green Line, it has always functioned as a spring for the village of Walajeh. As the spring is adjacent to the Green Line and borders a large swath of the village’s agricultural land – the entire territory is beyond the Green Line. The state built the Separation Barrier

such that it would separate the built-up area of the village from its agricultural land and declared the pre-modern agricultural land a national park. This is among the clearest examples of the use of the Separation Barrier's route on the one hand, and environmental "green" justification on the other, as a means of land takeover.

Since its opening, the site has been teeming with Israeli visitors. For the time being, the Jerusalem Municipality has been unable to complete construction work to erect a checkpoint between the village and the spring, and it is thus still accessible to Palestinians. Yet residents of Walajeh hardly visit the site since it became a bustling recreational site for Israelis.

Due to the Separation Barrier, farmers in Walajeh have difficulty reaching agricultural land around the spring, although technically it currently remains possible.

5. Planning in Palestinian Neighborhoods

Over the course of the past year, a number of outline plans were promoted for the development of Palestinian neighborhoods. The prominent plans among them are as follows:

a. Jerusalem Municipality Outline plan for the Development of the Neighborhood of Issawiya (TPS 790758)

Throughout the year the plan was approved and entrusted to the District Committee. The existing outline plan for the neighborhood was approved in 1991 though it has not been updated since. The proposed plan expands the neighborhood's territory by 370 dunams and adds 4,000 additional housing units compared to the number of units in the approved plan from 1991. Yet the proposed plan is inadequate as the additions are insufficient both in terms of the built-up area and regarding the scope of construction. Over the course of the 30 years since the previous plan was approved, much unauthorized building has taken place due to the neighborhood's construction crisis. The new plan will make it possible to register a significant portion of the unauthorized construction that occurred.

b. The American Road Plan in Jabal Mukaber (TPS 379594)

Promoted by the Jerusalem Municipality, this plan offers an additional 640 housing units compared to those currently approved. Yet even the proposed

addition is insufficient in view of the existing circumstances. The plan severely limits the scope of residential construction and restricts it to 20% of the area slated for construction, while the rest is intended for public buildings, hotels, and commercial areas. According to an examination carried out by the NGO Bimkom: Planners for Planning Rights, outline plans in Israeli territory allow for three and four times as much residential construction.

c. Regulatory Plan to Increase the Percentage of Construction in Beit Hanina and Shuafat (TPS 762708)

The plan was prepared on the initiative of the Jerusalem Municipality and includes a vast majority of the territory belonging to the Beit Hanina and Shuafat neighborhoods. The plan is designed to increase the building ratio permitted to authorized outline plans, such that receipt of a building permit for the addition of two floors to an existing two-story building will not require the preparation of a separate plan. Approval of the plan will save time and money for landowners interested in such additions. According to the municipality's planning department, the plan will allow for the addition of 2,000 housing units, yet the accuracy of this declaration remains unclear. Those who seek to build beyond four stories will still have to prepare an outline plan at their own expense to increase the permitted building ratios accordingly.

Other significant plans promoted in Palestinian neighborhoods by the Jerusalem Municipality are economic development plans that offer nearly no additional housing.

Throughout the year, two plans for industry areas were promoted – one in Sur Bahar (TPS 690750) and the other in Issawiya (TPS 737171). Furthermore, an outline plan was advanced for the East Jerusalem Central Business District (TPS 465229) and a detailed outline plan for a commercial district in Wadi Joz (TPS 977694). Although these last two plans also include existing residential areas, they offer nearly no residential construction.

6. Following Ir Amim's Petition – Residents of East Jerusalem Are Also Entitled to Subsidized Housing

In early 2021, Ir Amim and 24 residents of East Jerusalem petitioned against discrimination around eligibility for subsidized housing, as part of a petition

against a tender for residential construction on Givat HaMatos.¹⁵ In recent years, the Israel Land Authority (ILA) has allocated a significant portion of the apartments in the construction tenders it publishes in Jerusalem for a subsidized housing project (formerly known as the “price per occupant” and now as the “reduced price” route). Beyond promoting a large new settlement in East Jerusalem, the tender for construction in Givat HaMatos was also revealed to require, as with other ILA tenders, citizenship as a necessary condition for eligibility for subsidized housing. This means that approximately 95% of East Jerusalem residents who are permanent residents though not citizens, are not entitled to subsidized housing.

Ir Amim continues to oppose construction in Givat HaMatos, which creates a buffer zone between Jerusalem and Bethlehem, encircling the neighborhood of Beit Safafa in an Israeli-built environment. In parallel, Ir Amim acted against the discriminatory requirement for subsidized housing eligibility, which has implications for all residents of East Jerusalem.

Following the petition, the state announced that it would remove the criteria that excludes Palestinian residents from subsidized housing, within Givat HaMatos and everywhere else that the subsidized housing projects exist.

V. The Temple Mount/Haram a-Sharif – Ongoing Attempts to Erode the Status Quo

The erosion of the status quo on the Temple Mount/Haram a-Sharif is reflected in two respects that have intensified in recent years: allowing Jews to pray on site and undermining the security and freedom of worship for Muslims. The Israel Police play a central role in both respects.

Throughout the month of Ramadan, the Israel Police carried out recurrent raids of the Temple Mount/Haram a-Sharif in which they dispersed thousands of Muslim worshipers using stun grenades and physical force. Police claimed that they acted to prevent riots. Palestinian worshipers and journalists reported

¹⁵ [Administrative Petition 21-01-27542](#) *Ir Amim et al. v. Israel Land Authority and the Ministry of Construction and Housing*.

severe police brutality, during which hundreds of Muslims were injured. These incidents merged with clashes over blocking off the Damascus Gate plaza – the hub of communal life during Ramadan and year-round, protests in Sheikh Jarrah (see below), and the outbreak of a war between Hamas and Israel in May of 2021. Amid this backdrop, the police also blocked off roads to Jerusalem from the north of the country, to prevent Palestinian citizens of Israel from reaching the Temple Mount/Haram a-Sharif.

Throughout the summer, a number of articles were published on how police officers allow groups of Jews to pray quietly but explicitly on the Temple Mount/Haram a-Sharif.¹⁶ This blatant violation of the status quo¹⁷ according to which Jews solely visit the Temple Mount/Haram a-Sharif as guests, and not to worship has become a fixture on the Temple Mount/Haram a-Sharif. It appears as if the Temple movements' decision to expose this to the media was made out of a growing sense of security in their position.

On Tisha B'Av, Prime Minister Naftali Bennett spoke of Jews' access to the Temple Mount/Haram a-Sharif on Tisha B'Av despite the proximity to Eid al-Adha, asserting that the government is committed to freedom of worship for both Muslims and Jews on site. Bennett swiftly amended his remarks the following day, given that they were in direct contrast with the status quo, clarifying that he intended to refer only to Jews' visitation rights.¹⁸

In October 2021, the Magistrates' Court heard a Temple activist's petition against his removal from the Temple Mount/Haram a-Sharif. The judge ruled that Jews are permitted to pray on the Temple Mount/Haram a-Sharif, and that it does not constitute grounds for removal by the police. Despite Israeli courts' consistent rulings that Jews are permitted to pray on the Temple Mount/Haram a-Sharif, doing so has always been conditioned on police approval and the courts have never interfered with the police's discretion on the matter. The Israel Police appealed to the District Court, which overturned the Magistrates' Court's

¹⁶ Yair Sherki, "[Under the Radar | The Jews Who Study Torah and Hold Minyans on the Temple Mount](#)," Channel 12, July 18, 2021.

¹⁷ [EXPLAINER: What Are the Temple Movements and Why Should We Be Worried?](#), Ir Amim

¹⁸ Jonathan Lis, "[Bennett Backtracks on Statement Backing Jewish Freedom of Worship on Temple Mount](#)," Haaretz, July 19, 2021.

decision.¹⁹

Following these incidents, Minister of Public Security Omer Bar-Lev announced that in order to maintain the status quo, Jewish prayer on the Temple Mount/Haram a-Sharif must not be permitted. Temple activists complain about the police's harsher conduct toward them, yet in practice Jewish prayer on the Temple Mount/Haram a-Sharif has not ceased even following Bar-Lev's statement.

Over the past few months, Knesset committees have held two discussions initiated by Temple movements: one in the Knesset's Education, Culture and Sports Committee, led by MK Sharren Haskel (New Hope), in November of 2021 on introducing the subject of the Temple Mount to the education system's curriculum; the other in December in the Public Security Committee, chaired by MK Merav Ben Ari (Yesh Atid), on the security situation on the Temple Mount/Haram a-Sharif and the Old City. The discussion addressed police conduct on the Temple Mount/Haram a-Sharif, which according to the Temple movement organizations, unnecessarily restricts their activists, without imposing any restrictions on Waqf members and Muslims. Both Haskel and Ben Ari declared their intention to hold further discussions in the committees they chair on the Temple Mount/Haram a-Sharif issue.

VI. Belligerent Policy and Police Brutality

This year, too, the police continued to aggressively police neighborhoods in East Jerusalem, which relies more heavily on Border Police forces rather than civilian police forces. The most notable instances of police brutality over the course of the past year, are as follows:

1. **Blocking the steps around Damascus Gate Plaza**

Throughout the first ten days of Ramadan, the police severely disrupted freedom of movement, religion, and community life for East Jerusalem residents in the Damascus Gate area. To prevent throngs of Muslim visitors to the Old City from staying on site, the police erected barricades that prevented people from

¹⁹ Nir Hasson, "[Israeli Court Reverses Ruling That Allowed Jews 'Quiet' Prayer on Temple Mount](#)," Haaretz, October 8, 2021.

gathering on the Damascus Gate steps. They utilized physical force and violent means of crowd dispersal, with the aid of police on horseback and “skunk water” sprayed toward several hundred passers-by. Widespread use of these measures led to mass protests and opposition by Palestinian youth, injuries, and damage to businesses in the area. In parallel, the police did little to act when groups of Jews attacked Palestinian passers-by in West Jerusalem, even permitting an extensive procession of the Lehava Jewish supremacist group to reach the Damascus Gate vicinity.

The police commissioner even misled the public in claiming that the unprecedented blockade of this central area was erected each year during Ramadan – a claim that quickly proved to be false. After 10 days alone, facing criticism from civil society organizations, growing Palestinian protest, and upon exposing the commissioner’s deception, the police removed the barricades.

In May of 2021, the annual nationalist **Jerusalem Day Flag Parade** was expected to pass through the Muslim Quarter of the Old City yet again, with police approval. As every other year, Ir Amim petitioned to reroute the Flag Parade from the Muslim Quarter. It was only at the beginning of the Parade, due to the tense atmosphere that had been building up, that the police retracted their approval for the parade to pass through the Muslim Quarter. This last-minute reversal did not prevent the severe deterioration that followed immediately thereafter: rockets were fired from Gaza toward Jerusalem, commencing a rapid deterioration that ultimately resulted in Operation “Guardian of the Walls,” followed by violent nationalist riots in mixed Jewish-Arab cities within the Green Line. Israeli authorities claimed that protests that subsequently occurred in East Jerusalem were violent and participants there were met with severe police brutality, yet the vast majority of resistance was non-violent.

About one month later, the organizers of the parade sought to “resume” the parade. This time, despite great pressure, the police held their ground in preventing the march from passing through the Muslim Quarter. The police did, however, permit gathering and dancing at Damascus Gate, where incitement and racism was witnessed yet again.

2. Violent Police Raids of the Temple Mount/Haram a-Sharif (see above).

3. Suppression of Freedom of Protest in Sheikh Jarrah

Prior to and in parallel with the Supreme Court hearings on Palestinian families' appeals against eviction from their homes in Sheikh Jarrah, a Palestinian protest also emerged in the neighborhood. As the court hearings were scheduled in close proximity to the month of Ramadan, and due to the geographical proximity between the Old City and the neighborhood of Sheikh Jarrah, a connection was drawn between the Muslim public that was violently dispersed at Damascus Gate and the neighborhood residents' demonstrations. The protest primarily included mass gatherings on the street where the threatened families live. These gatherings began through collectively breaking the fast upon the setting of the sun and continued into the night. The police employed excessive force toward these gatherings, violently dispersing them with the help of stun grenades, horses, and physical force. Police even made frequent use of skunk water in spraying people and vehicles, leaving the neighborhood with a stench that lasted for weeks.

Nonetheless, demonstrations in support of the neighborhood have grown and drawn not only Palestinians from East Jerusalem, but also Israeli citizens from communities within the Green Line, receiving unprecedented coverage on social media. This protest even led to massive worldwide coverage of the happenings, and international support for the Palestinian protest against the evictions.

VII. Greater Jerusalem – Plan Promotion

1. E1 South and E1 West (TPS 7/4/420 TPS 10/4/420)

The approval process for two plans that Netanyahu initiated continued to progress even after the formation of the new government. From October through November 2021, the Civil Administration held three hearings on the many objections submitted to the plans. Yet another, and seemingly the last, hearing was scheduled for December - though it was postponed twice and a new date is yet to have been selected.

The area of E1 is included within the jurisdiction of Ma'ale Adumim, which has been artificially expanded. In practice, this is a new settlement that spans from Ma'ale Adumim to Jerusalem and aims to connect them in creating an Israeli wedge built in the heart of the Palestinian metropolis around Jerusalem. Such

constructed Israeli contiguity also generates a buffer that fractures the north and south areas of the West Bank.

2. Har Gilo West (TPS 1/4/401)

This is a plan for 500 housing units on the western side of Walajeh. The territory is included in the settlement of Har Gilo's area of jurisdiction, which was artificially expanded for this purpose. In practice, this new settlement is separated from the existing settlement by both homes from the village of Walajeh and the Separation Barrier. The construction of the new settlement will fully encircle Walajah within a ring created by the Separation Barrier and the settlements.

Promotion of the plan is contingent on the approval of the plan for the Walajeh bypass road, which will serve as the access road to the new settlement. The plan for the road (TPS YOSH-938) was submitted by the Civil Administration, and a joint objection was issued by the Walajeh Village Council, residents, and the nonprofits Bimkom: Planners for Planning Rights and Ir Amim. The objection hearing took place in June. As of today, no decision has been declared regarding the hearing. Under these circumstances, the approval of the plan for the new settlement cannot proceed.

VIII. Socioeconomic Aspects

In May of 2018, a decision was made by the Government of Israel – [Government Decision 3790 for the Reduction of Socioeconomic Gaps and for Economic Development in East Jerusalem](#) – as a socioeconomic investment of approximately NIS 2.2 billion in East Jerusalem over the course of five years.

Upon the government's decision, and following an in-depth examination, Ir Amim formulated a principled position regarding its components, and began to track and its implementation as part of a monitoring project. From the years 2020-2021, monitoring following the decision's implementation was carried out in collaboration with the Ma'an Workers Association, whose primary expertise is in the field of employment.

Ir Amim is currently working on a report providing an overview and analysis of the implementation of Government Decision 3790, now that three of the five years

allotted to it have passed.

Beyond its general aspects, thus far monitoring has focused on educational components of the Government Decision, as well as those related to employment, land registration, and the topic of public buildings. While many opportunities for residents of East Jerusalem can be found in the chapters on employment and public buildings, the risks and political interests behind the process of land settlement of title (see above) stood out from the outset. The chapter on investment in the education system should be placed between both poles: on the one hand, it entails respectable investment in one of the fields that has suffered from the most severe neglect in East Jerusalem, with fateful consequences for its children; on the other hand, political considerations motivated a blatant and explicit conditioning of budgets on a transition of schools to the Israeli curriculum, of which there is currently a significant minority.

Implementation of several aspects of the decision, such as the field of employment, has been significantly hindered due to the COVID-19 crisis.

Within the field of education, implementation of the Government Decision may be seen as having met its main objectives by the end of 2020, despite serious harm suffered by the education system throughout this period.

1. Education

Investment in East Jerusalem's formal education system per Government Decision 3790, comes to approximately NIS 239 million. Over 80% of this budget is allocated for exclusive investment in schools that teach the Israeli curriculum, though prior to the decision's implementation, less than 7% of Palestinian students studied within such programs.

According to [Ir Amim's 2021 Report on the State of Education](#), 138,219 school-age children (3-18) resided in East Jerusalem as of the start of the 2020-2021 school year. Among them, 100,571 children study in the official or recognized education system. 38% of school-age children attend an official institution while 34.7% of them learn in a recognized but unofficial institution. The rest (26.9%) studying in frameworks unknown to the Jerusalem Municipality's Education Administration or the Ministry of Education, and have been coined by Ir Amim to be "invisible children".

Israeli authorities' bias in transferring students to study the Israeli curriculum per the Government Decision, sends a clear signal, yet the trend on the matter remains unclear - even according to various data provided by the Jerusalem Municipality. While during the 2018 school year the number of students in the Israeli program only came to 7,376, in the 2019 school year they increased by over 2.5. In contrast, in 2021, according to data provided by the Jerusalem Municipality in response to Ir Amim's Freedom of Information request, there was a *decrease* in the number of students in the Israeli program compared to the previous year. The number currently stands at only 11,776 students (9,375 in the official system and 2,401 in the recognized but unofficial system), making up merely 11.7% of those are currently in the official and recognized but unofficial system in East Jerusalem.

In the backdrop of the Government Decision's investments in renovations, which are exclusively allocated to schools that teach the Israeli curriculum, the severe shortage of classrooms in East Jerusalem is blatant. This shortage currently stands at over 2,840 classrooms, as detailed in Ir Amim's 2021 State of Education Report based on data from the municipality itself.

On September 13, 2021, a hearing was held in the HCJ on a petition filed by the Jerusalem Parents' Association concerning the classroom shortage in Jerusalem (HCJ 16/6183). In June of 2018, Ir Amim submitted a request to join as *amicus curiae*.²⁰ During the HCJ hearing, Ir Amim also presented its claims on the matter. We clarified that different numbers for classroom construction in East Jerusalem were not presented to the court than those shared at the time of the petition; that the response offered did not address East Jerusalem; and that the key obstacles unique to East Jerusalem were neither examined nor addressed whatsoever. At the end of the hearing, an *order nisi* was issued requiring the state and the municipality to respond to the petition.

On October 3, 2021, Ir Amim, residents of the neighborhood of Jabal Mukaber, and the Jabal Mukaber Parents' Committee submitted [an objection \[Hebrew\]](#) to moving the Oz Police Station to a location that could have been used to reduce the severe shortage of both public buildings at large, and neighborhood schools in particular. As is detailed in the objection, the plan seeks to establish a security

²⁰ HCJ 16/6183 *Parents' Organization for the School System in Jerusalem et al. v. Ministry of Education, et al.*

facility – not a police station – on public land where it would be appropriate to plan in accordance with the acute needs of Jabal Mukaber's residents.

2. Employment

The integration of residents of East Jerusalem into the workforce is a central goal in the section of Government Decision 3790 on economics and employment, with special emphasis placed on the integration of women. Government Decision 3790 aims to increase the percentage of employment for women in East Jerusalem of working age (25-64 years) to that of at least 75% of the rate of employment of Arab women in Israel, by the end of the five-year period in 2023. As of 2019, only 23% of women in East Jerusalem partook in the labor force.²¹

Among the employment-related projects budgeted for and promoted within the first two years of the Government Decision's implementation, are the "Rayan Center" program for employment-related guidance and placement, and the "Employment Circles" program. Both programs existed and were budgeted for prior to the Government Decision, yet their offerings have since expanded.

However, the data in the field indicates placement in low-paying positions. These findings are consistent with data indicating an increase in the poverty rate, despite the increase in women's employment rate in recent years. This trend has intensified with the deep crisis created by COVID-19 in the field of employment, which reversed even the modest changes initiated by government investments over the years in the integration of women from East Jerusalem into the workforce. The consequences of this situation for workers in East Jerusalem are particularly severe, in view of their employment in many non-professional jobs that are often temporary and harmful, offering neither stability nor an economic anchor.

²¹ Jerusalem Institute for Policy Research, 2021 Statistical Abstract, Table G/9.



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Ir Amim thanks the organizations, the countries, and the individuals who support its work towards a fair, sustainable, and agreed-upon future for Jerusalem. The main portion of its funding comes from foreign state entities whose details appear on the internet site of the Registrar of Non-Profit Organizations. **To support Ir Amim, click [here](#).**