

11.07.2021

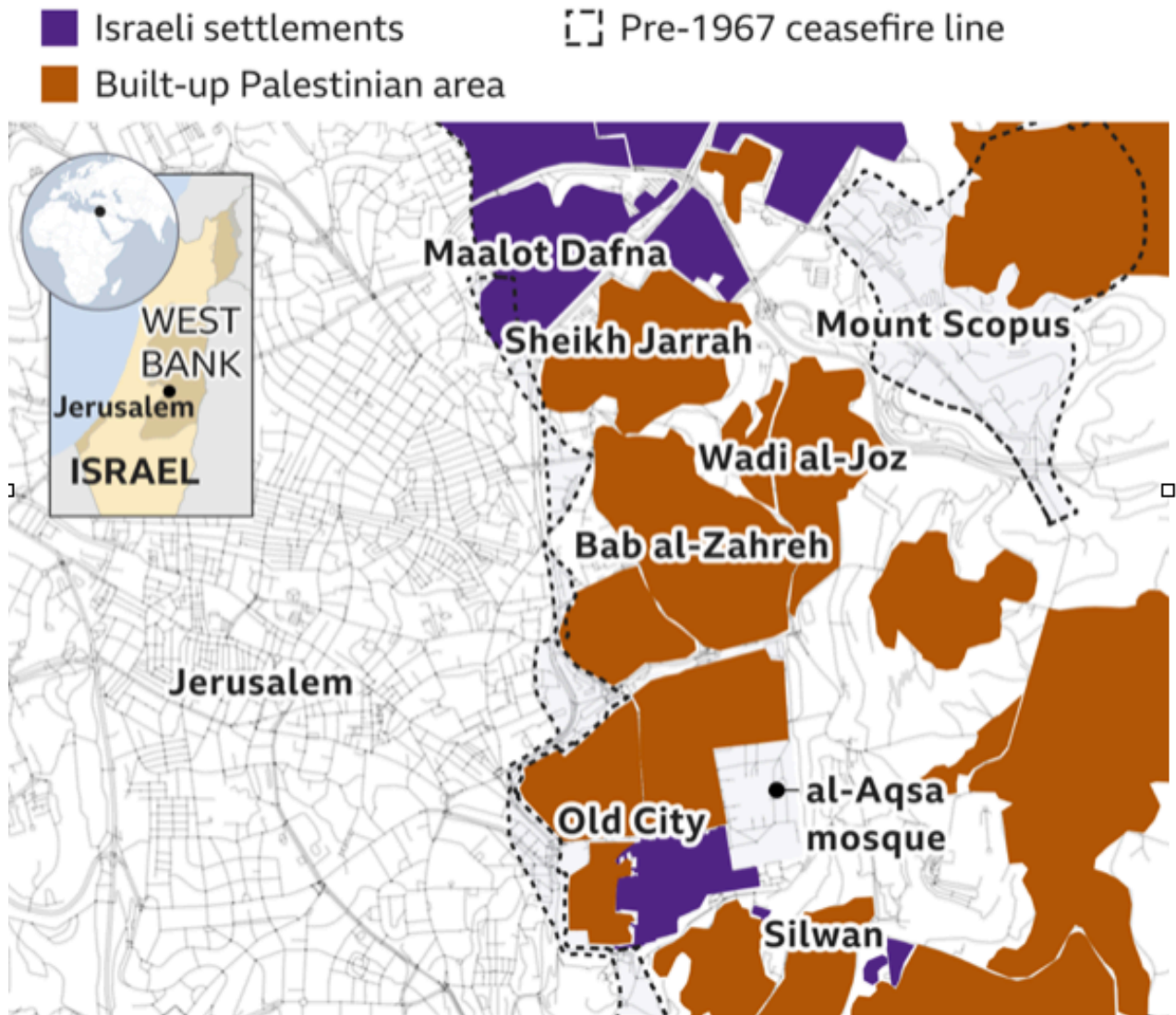
The Crisis in East Jerusalem

When people talk about East Jerusalem they either mean the area previously controlled by Jordan (between 3rd April 1949 and 7th June 1967) or they mean the much larger area occupied by Israel since 1967, and subsequently incorporated into the Jerusalem Municipality. This distinction is important because different legal and political regimes obtain in the two areas.

Jordanian East Jerusalem

Jordanian East Jerusalem is an area of some 6 km² (2.3. square miles), and includes the Old City, Silwan, Bab al-Zahreh, Wadi al-Joz, and Sheikh Jarrah. It contains the majority of Jerusalem's holy sites, including the Church of the Holy Sepulchre, the Western Wall and the Haram al-Sharif (the Temple Mount) with the Dome of the Rock and the al-Aqsa Mosque.





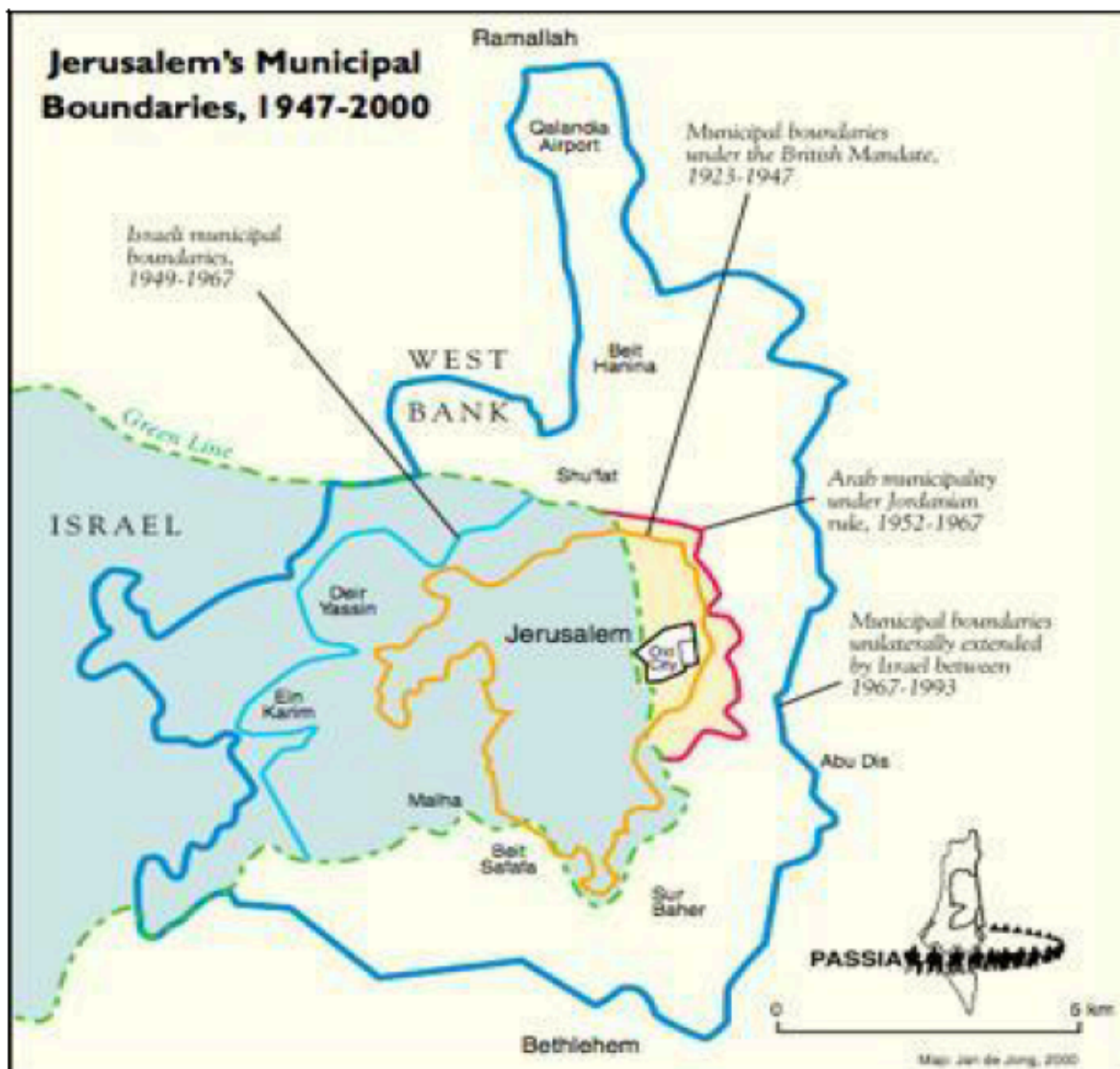
The 1949 Armistice Agreement (the Rhodes Agreement) gave Jordan control of the area of Jerusalem it held at the time of the cease-fire agreement on 30th November 1948. On 24th April 1950, this area east of the Green Line, along with the remainder of 'the West Bank', was formally annexed by Jordan, and its residents obtained full Jordanian citizenship rights. Palestinians in the occupied West Bank remained Jordanian citizens until 1988 when Jordan renounced its claims to the territory and severed its administrative ties.

Israeli East Jerusalem

On 28th June 1967, Israel expanded the municipal boundaries of Jerusalem into the West Bank, enclosing 28 villages and areas from the Bethlehem and Beit Jala municipalities. This area of approximately 70 km² (27.0 square miles) is today referred to by Israel as East Jerusalem. It is currently home to at least 350,000 Palestinians and some 209,000 Israeli settlers. This de facto annexation placed a large number of predominantly Palestinian areas under the jurisdiction of the Jerusalem Municipality: Ras al-Amud, At-Tur (Mount of Olives), al-Issawiya, Beit Hanina, Beit Safafa, Jabel Mukaber, Jabel Batan al-Hawa, Kafr 'Aqab, Sawahra al-Arbiya, Sharafat, Shuafat, Sur Baher and Umm Tuba.

Policies designed to maintain 'demographic balance'

Since 1973, when Golda Meir set up the Gavni Ministerial Committee, successive Israeli governments have striven to achieve a 'demographic balance' across the whole of Jerusalem of 70-30, limiting the Palestinian population in the city to 30% or less, a target they have so far failed to meet. Currently, Jerusalem's population of 919,000 is 38 per cent Palestinian.



According to B'Tselem, 'The Israeli authorities do not invest in infrastructure and services for the Palestinian neighborhoods, be it physical infrastructure, public institutions, education, culture or sanitation, and does not allow residents of Jerusalem who married residents from elsewhere in the West Bank or the Gaza Strip to live together in the city.'

When Israel occupied East Jerusalem in 1967, it applied its 1952 Law of Entry to Palestinians who lived there and designated them as 'permanent residents', the same status afforded to non-Jewish foreigners who move to Israel. Since 1967 the Interior Ministry has revoked this status from at least 14,701 Palestinians, mostly for failing to prove a 'centre of life' in the city. Palestinian Jerusalemites are at risk if, for example, they go abroad for a few years to study, if they find a job in the West Bank or if they marry someone from the West Bank or Gaza.

On 31 July 2003, the Knesset enacted the Nationality and Entry into Israel Law (Temporary Order). This law prohibits the granting of any residency or citizenship status to Palestinians from the Occupied Palestinian Territories (OPTs) or Gaza who are married to Israeli citizens or Jerusalem residents. Originally introduced as a 'temporary measure', the law was renewed annually until the 6th July this year when it failed to gain a majority in the Knesset.

A path to Israeli citizenship exists, but few apply and most who did in recent years were not granted

citizenship. By contrast, Jewish Israelis in Jerusalem, including settlers in East Jerusalem, are citizens who do not have to prove connections to the city to maintain their status.

Annexation in all but name

On 30th July 1980 the Knesset passed Basic Law: Jerusalem, Capital of Israel (the Jerusalem Law), which declared that 'Jerusalem, complete and united, is the capital of Israel.' In its original form, the law did not define the boundaries of Jerusalem and made no reference to exclusive Israeli control of the area. The Israeli Supreme Court had originally stopped short of interpreting the 1967 order extending Jerusalem's boundaries as amounting to annexation. But with the passing of the 1980 Basic Law, the court began to recognise Israel as having 'effectively annexed' East Jerusalem. In 2000 the Knesset amended the Basic Law by referring explicitly to the boundaries of the city as determined by the government's order of June 28th, 1967.

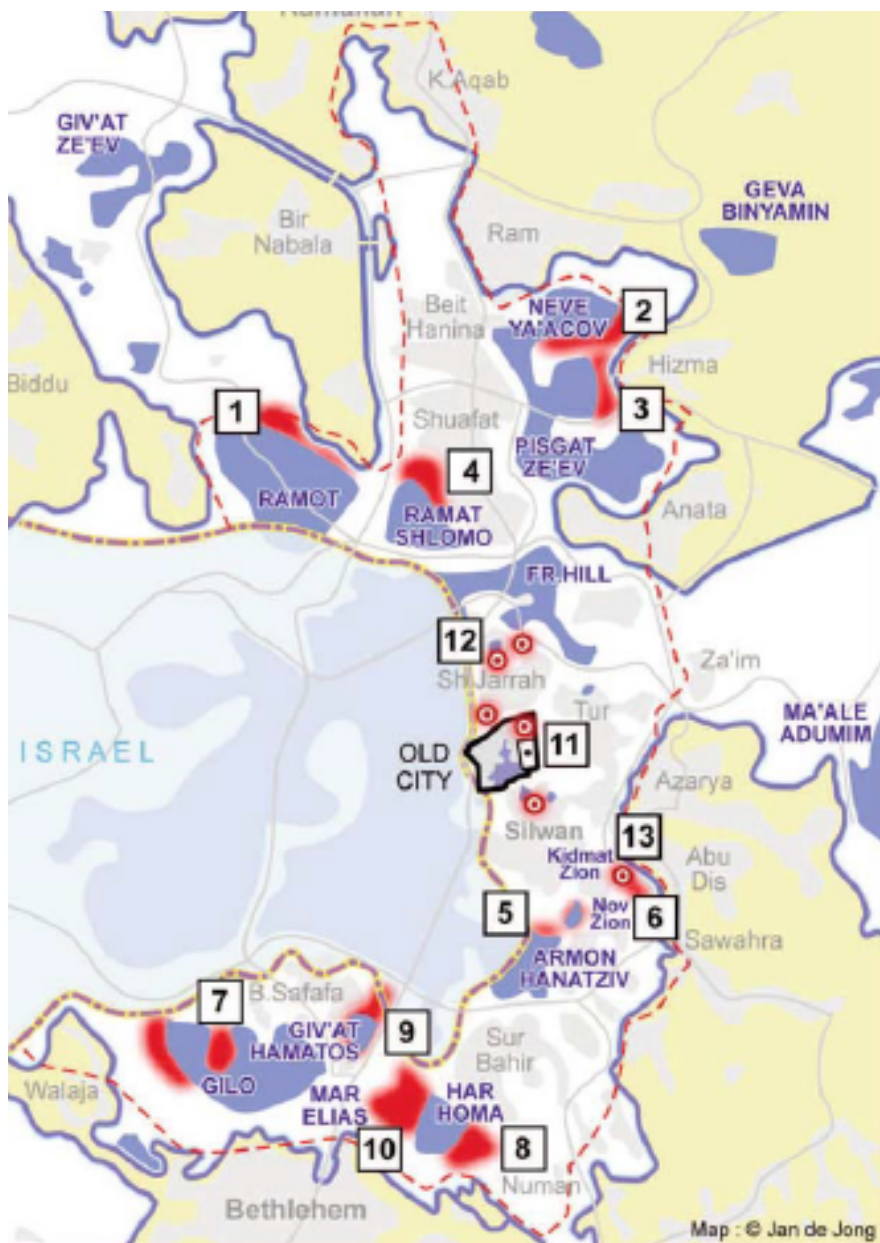
On December 6th, 2017, then-US President Donald Trump announced the United States' recognition of Jerusalem as the capital of Israel and the plan to relocate the U.S. Embassy in Israel from Tel Aviv to Jerusalem. The principal reason Israel has not, so far, formally annexed East Jerusalem is that it would then face the dilemma of whether to grant full citizenship to all its residents. Instead, it has maintained an ambiguous status of 'annexation in all but name'.

Israeli settlements in East Jerusalem area

Soon after taking control of East Jerusalem in 1967, Israel confiscated land and established several settlements, including French Hill, Giv'at Hamivtar, Ramat Eshkol and Ma'alot Dafna to establish a 'bolt', in the parlance of the Israeli government, connecting West Jerusalem and Mount Scopus, which was effectively a Jewish island encircled by East Jerusalem before 1967.

Israeli authorities also confiscated land to establish other settlements, including Ramot Alon and Gilo, to create a 'ring', as they described it, around the centre of Jerusalem, 'thus preventing any prospect for a continuity of Arab neighborhoods.'

Name	Population (2010)	Est.
East Talpiot	13,984	1967
French Hill	8,660	1969
Giv'at Hamivtar	2,944	1970
Ramat Eshkol	3,573	1970
Sanhedria Murhevet	4,094	1970
Ma'alot Dafna	2,720	1972
Neve Yaakov	19,703	1972
Gilo	29,559	1973
Ramot	41,410	1974
Pisgat Ze'ev	44,512	1985
Ramat Shlomo	14,554	1995
Har Homa, Givat Hamatos	9,811	1997



In 1990, Ariel Sharon – who was the minister of housing construction at the time – set in motion plans to build settlement blocs right in the middle of Palestinian neighbourhoods of Jerusalem, effectively encircling, fragmenting and dispersing the Palestinian residents.

The construction of the Israeli separation barrier has further fragmented the Palestinian population of East Jerusalem. Up to 55,000 Jerusalemites (a fifth of the East Jerusalem Palestinian population) are now physically separated from the city centre as a result of the barrier. 2,900 households in the Jerusalem Governorate area have been displaced by the barrier's construction and 9,100 dunums of land confiscated.

The most affected areas include Kafr 'Aqab, Shu'fat refugee camp, parts of Anata', Ras Khamis, and A'Sawahira A'Sharqiyeh. Residents of these areas now need to go through checkpoints, which are often overcrowded, with significant delays in travel time, to access health, education and other services to which they are entitled as Jerusalem residents. The 55,000 Jerusalemites directly affected by the barrier that cuts through annexed East Jerusalem are required to pay municipal taxes as they still live within the greater Jerusalem Municipality. However, they do not all enjoy services such as water, sewage, road maintenance, postal services and garbage collection (or the same level of such services as Jerusalemites living within the barrier). As a result of their physical separation from East Jerusalem, such areas also suffer from a security vacuum and increased lawlessness. The Israeli police rarely enter the municipal areas outside the separation barrier while the Palestinian Authority does not have security jurisdiction in these localities, leading to growing crime and drug trafficking in these communities.

Custodianship of the al-Aqsa Mosque

The Haram al-Sharif (Noble Sanctuary) or Temple Mount is a 35-acre, walled area comprising one-sixth of Jerusalem's Old City. The site includes three principal structures: the al-Aqsa Mosque, the Dome of the Rock and the Dome of the Chain, as well as a number of museums, gardens and religious schools.

Access to the Haram al-Sharif has been governed by an Islamic organisation known as the Waqf (endowment/trusteeship) since the time of the Muslim reconquest of the Kingdom of Jerusalem in 1187. The Waqf consists of a director, the Grand Mufti of Jerusalem, and the Islamic Council. In 1924 the Supreme Muslim Council, the highest Muslim body in charge of Muslim community affairs in Mandatory Palestine, accepted Hussein bin Ali (Sharif of Mecca) as custodian of Al-Aqsa. The custodianship of Jerusalem's Muslim and Christian holy sites became a legacy of his descendants, the Hashemite royal family of Jordan. The Haram al-Sharif site is currently administered by the Ministry of the Islamic Waqf in Amman in conjunction with the Jerusalem Islamic Waqf.

On 31st July 1988 King Hussein renounced entirely Jordan's legal and administrative ties with the West Bank, apart from its ongoing custodianship of the Muslim and Christian holy sites in Jerusalem. Since 1993, first the PLO, then the Palestinian National Authority, have taken greater control of Jerusalem's Muslim sites, and have appointed successive Grand Muftis.

However, Jordan's 1994 peace treaty with Israel states that Israel commits to 'respect the present special role of the Hashemite Kingdom of Jordan in Muslim Holy shrines in Jerusalem' and that 'when negotiations on the permanent status will take place, Israel will give high priority to the Jordanian historic role in these shrines.' In 2013, an agreement between Jordan and the Palestinian Authority recognized Jordan's role.

In November 2020, suspicions that the Trump administration were negotiating a transfer of custodianship of al-Aqsa to the Saudi royal family led the Jordanian foreign ministry to release a statement challenging 'attempts to alter the historical and legal status quo' of the mosque. 'The kingdom will continue its efforts to protect and care for the mosque, and preserve the rights of all Muslims to it in compliance with the Hashemite custodianship of Jerusalem's Muslim and Christian holy sites.'

Given the sanctity of the site, and its political significance, incursions into the al-Aqsa compound by supporters of the Temple Mount movement and the police during Ramadan, were bound to provoke a mass response. Tens of thousands of Palestinians marched to protect the area on the weekend of the 7th to 10th May.

The police storming of the mosque itself on the 10th May produced a seemingly inevitable and wholly predictable response from Hamas, especially in light of the inaction of the Palestinian Authority and President Mahmoud Abbas.

These incursions are ongoing, notably a visit to the Temple Mount by Kahanist MK Itamar Ben Gvir on Sunday the 27th June, following a violent incursion by Israeli settlers the previous Monday, 21st June. Following his visit Ben Gvir tweeted: 'We will never give up the Temple Mount. The holiest site for the people of Israel. The situation is improving, but our demand is full sovereignty, hoisting the Israeli flag and the removal of all Waqf authorities seeking to harm Jews. The threats against me only encourage me to keep going.'

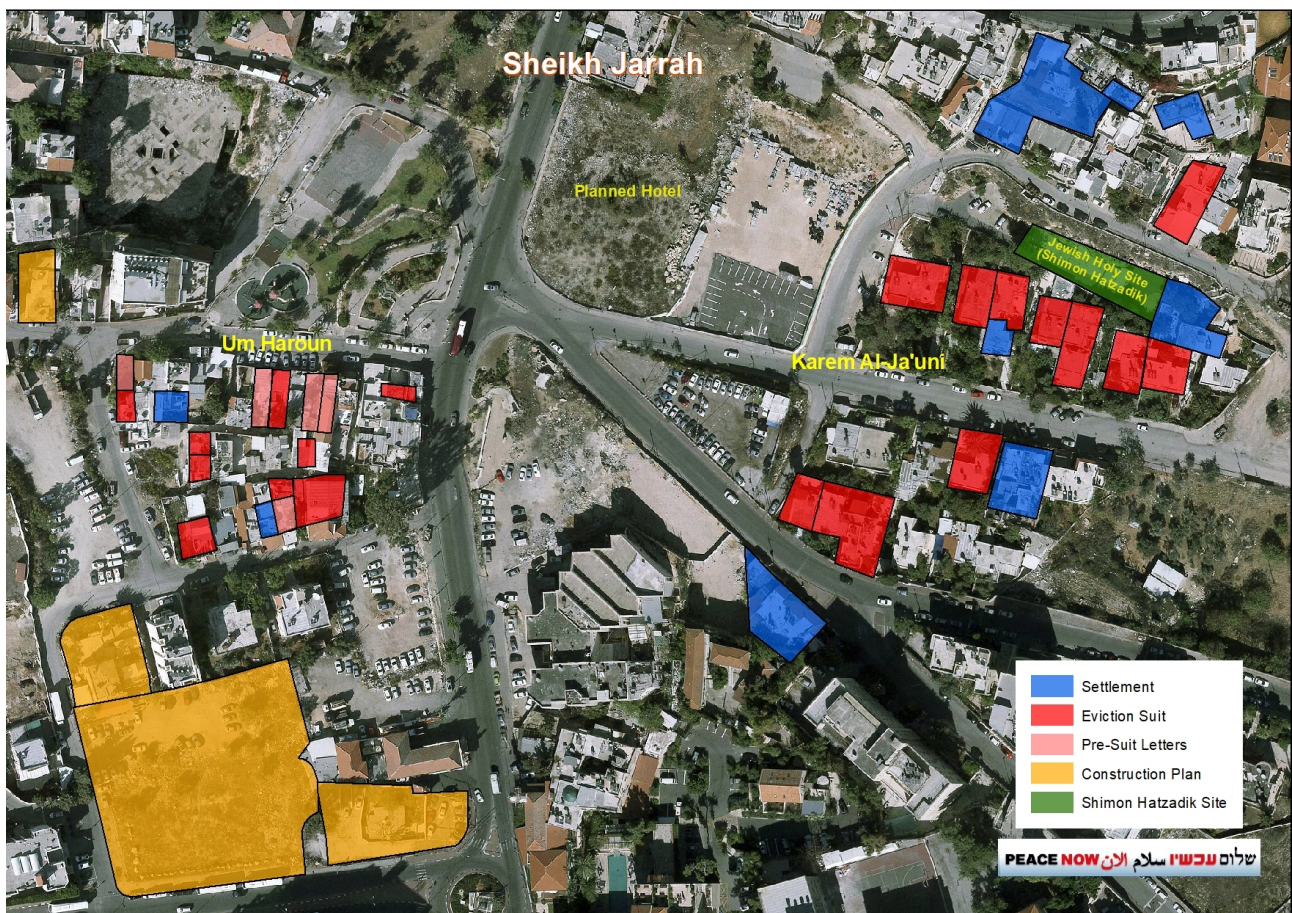
Expulsions in Sheikh Jarrah

Sheikh Jarrah, on the slopes of Mount Scopus just north of the Old City, is home to 3,000 Palestinians, all refugees who were driven from their homes in other parts of historical Palestine in 1948.

In 1956, 28 Palestinian refugee families, originally from the coastal cities of Yafa and Haifa, were rehoused in the Karm al-Jaouni area of Sheikh Jarrah, under an agreement between the Jordanian Ministry of Construction and Development and the UN refugee agency, UNRWA. The Jordanian government provided the land while UNRWA covered the cost of construction. The deal stipulated that, within three years from the completion of the houses, the families would renounce their refugee status and pay a symbolic fee in return for ownership being transferred into their names. However, this registration process was still incomplete in 1967 when East Jerusalem was occupied by Israel and Jordan lost its mandate.

In 1970 the Knesset passed the Legal and Administrative Matters Law to allow Jewish Israelis to reclaim property in East Jerusalem lost in 1948, even though they had already been compensated with property confiscated from Palestinians under the 1950 Absentees' Property Law. No such right to reclaim and recover property was granted to Palestinians.

Under international law, the Israeli judicial system has no legal authority over the population it occupies. However, in 1972, several Jewish settler organisations filed lawsuits against the Palestinian families living in Sheikh Jarrah, alleging the land originally belonged to Jews. Among the properties they claimed were the Shepherd Hotel compound, the Mufti's Vineyard, the building of the el-Ma'amuniya school, the Simeon the Just/Shimon HaTzadik compound, and the Nahlat Shimon neighborhood.



These settler groups, who have nothing to do with the original owners and are mostly funded by donors from the United States, have waged a relentless battle that resulted in the displacement of 43 Palestinians in 2002, as well as the Hanoun and Ghawi families in 2008 and the Shamasneh family in 2017. In 2001, Israeli settlers moved into a sealed section of the al-Kurd family's house and refused to leave, claiming the property belonged to Jews. In 2008, the Jerusalem District Court ruled that the Shimon HaTzadik property belonged to the Sephardi Community Committee.

In October 2020, the Jerusalem District Court ruled to expel 13 families from Sheikh Jarrah and to give their homes to Israeli Jewish settlers. The court also ruled that each family must pay 70,000 shekels (\$20,000) in fees to cover the settlers' legal expenses.

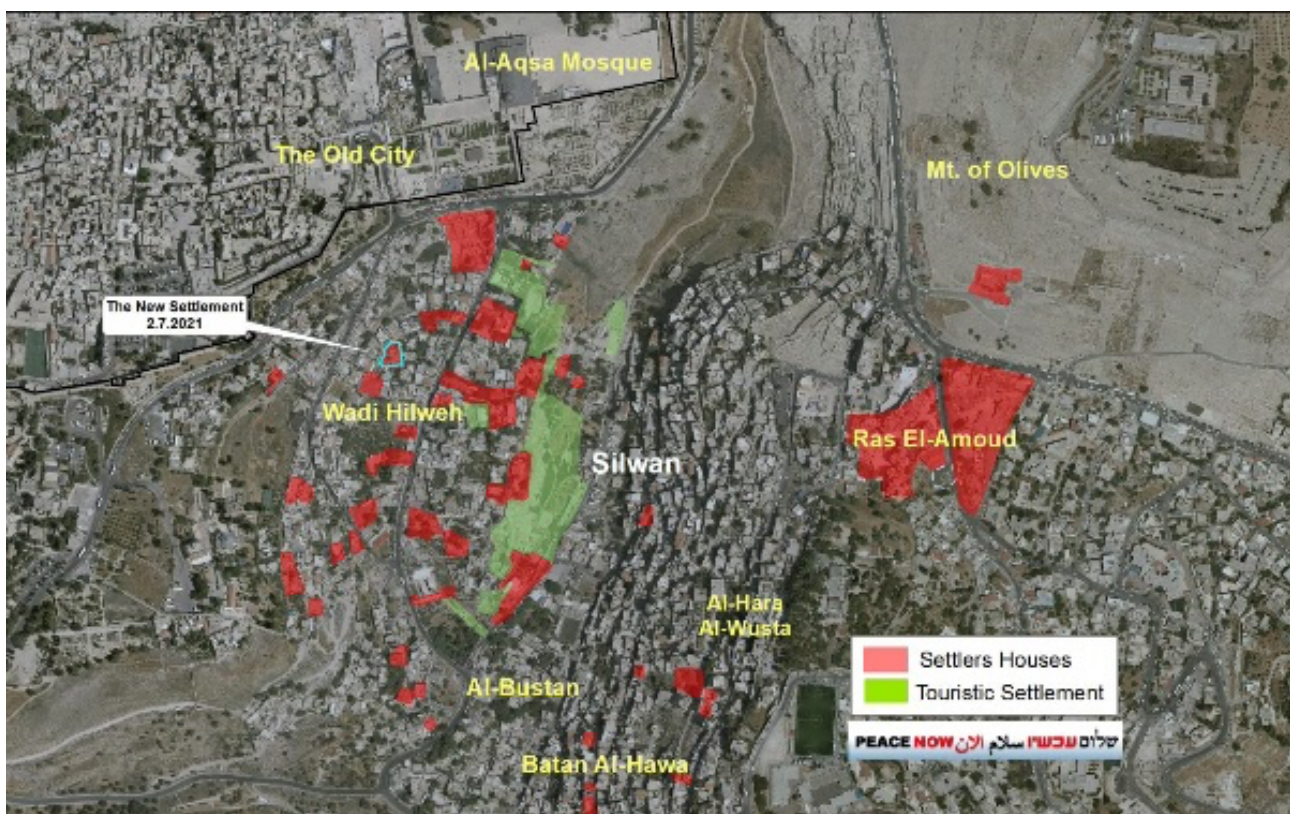
Six families were told they must vacate their homes in Sheikh Jarrah by May 2nd. The same court ruled that seven other families should leave their homes by August 1. In total, 58 people, including 17 children, are set to be forcibly displaced to make way for Jewish settlers.

On 10 March 2021, the Palestinian Human Rights Organization Council, comprising 11 Palestinian human rights organisations, the Civic Coalition for Palestinian Rights in Jerusalem, the Community Action Centre (Al-Quds University), and Cairo Institute for Human Rights Studies sent a joint urgent appeal to the United Nations (UN) Special Procedures on forced evictions in East Jerusalem.

In their appeal they argued that Israel's discriminatory legal system 'provides the basis for its creation of an apartheid regime over the Palestinian people as a whole. Not only has Israel unlawfully extended its domestic civil legal system to occupied East Jerusalem, but proceeded to enact more discriminatory laws and policies that enforce the confiscation of Palestinian property in East Jerusalem in favour of settlers, the forcible transfer of Palestinians, and the expansion of Israeli-Jewish presence in the city.'

Israel's Supreme Court had been expected to deliver a ruling on 10 May 2021 on whether to uphold the eviction of Palestinian families from the Sheikh Jarrah neighbourhood. On 9 May 2021, the Israeli Supreme Court delayed the expected decision on evictions for 30 days, after an intervention from Attorney General of Israel Avichai Mandelblit. The case is still pending.

In early June UNWRA's Commissioner General, Philippe Lazzarini, issued a statement, saying, 'The families I met in Sheikh Jarrah in East Jerusalem today live in the constant fear of being forcibly displaced and losing their homes. They are also traumatised by the increased violence by settlers in the presence of the Israeli Security Forces. To prevent further escalations of tensions in West Bank, including in East Jerusalem, forced displacement and administrative demolitions, contrary to international law, should end.'



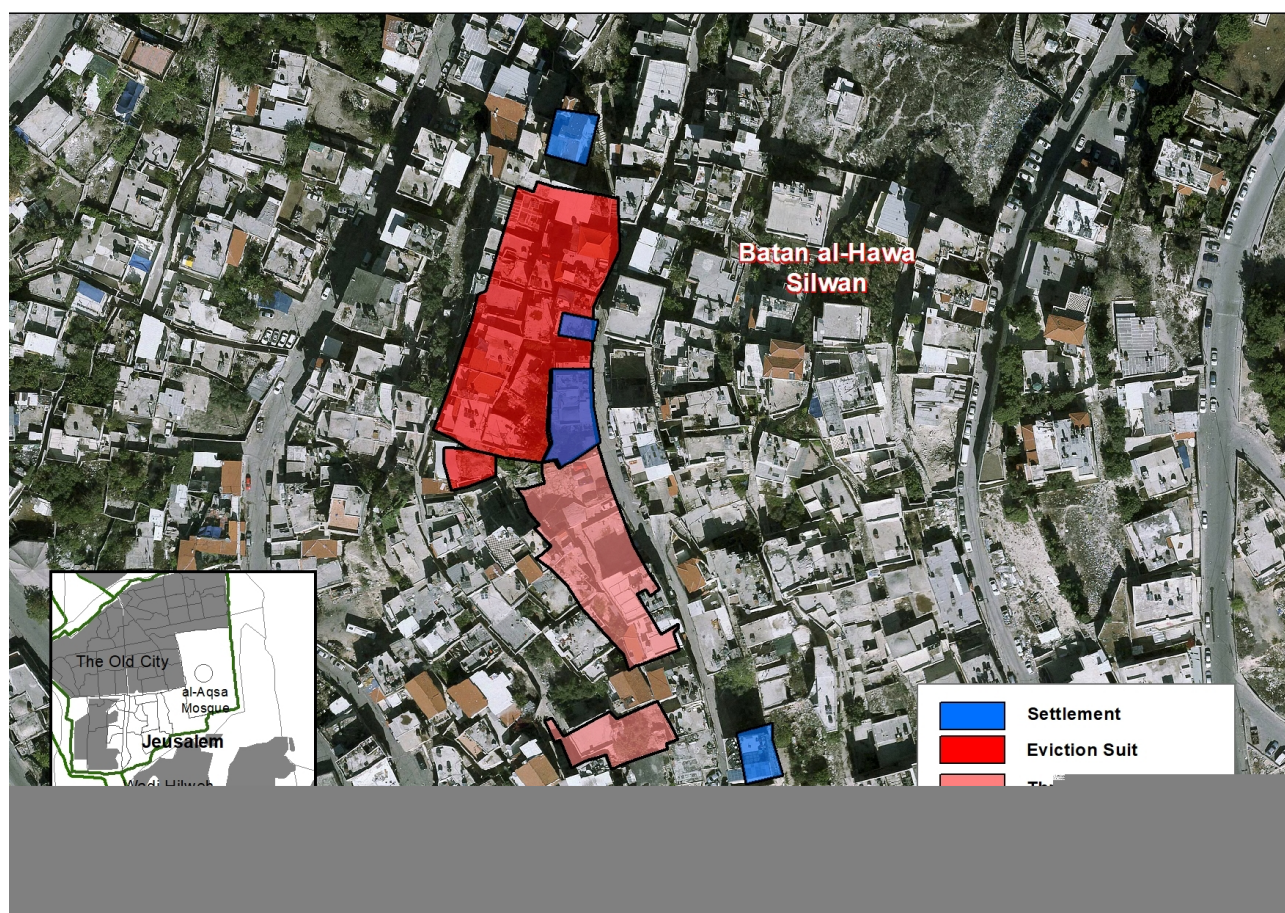
Demolitions in Silwan

Silwan, which lies south of the Old City's walls, is home to some 30,000 Palestinians and approximately 500 Israeli settlers.

The area has long been a target of ultranationalist religious settlers who exert considerable influence over the Jerusalem municipality. The City of David Foundation, an Israeli NGO commonly known as El-Ad (the Hebrew acronym for 'To the City of David'), was founded in 1986 primarily to advance territorial claims based on archaeological 'evidence'. In the mid-90s it was sub-contracted to run the City of David Park, which it intends to extend from Wadi Hilweh near al-Bustan.

The al-Bustan area of Silwan has been renamed by the Jerusalem Municipality as Gan Hamelekh (King's Garden) on the grounds that it was once a garden for Israelite kings, thousands of years ago. It is currently home to 119 Palestinian families living in 88 houses, mostly erected without permits, with no electricity, water or sewage infrastructure, many built without proper foundations. Many are now under threat of demolition.

According to Peace Now, 'The vision is to connect the dots between all the settlements in Palestinian neighbourhoods and to surround the Old City to prevent a Palestinian capital in East Jerusalem.' Through their plans for al-Bustan, the settlers will establish contiguity of three locations: the City of David Park on the edge of Wadi Hilweh and Batan al-Hawa to the east.



On November 26 2020, the Jerusalem District Court authorised the eviction of 87 Palestinian families from Batan al-Hawa, in the heart of Silwan. The Palestinian families have been living there since 1963. The court ruled in favour of the Israeli settler group Ateret Cohanim who claimed to have established that the land was owned over a century ago by a trust intended to benefit poor Jewish Yemenite immigrants. After launching their legal case, Ateret Cohanim settled 23 Israeli families among the 850 Palestinian residents, under heavy security.

In stark contrast to the Jerusalem Municipality's demolition policy towards Palestinians, stands a six-storey building in Batn el-Hawa, inhabited by Jewish settlers, since 2004.

'Yonatan House', named after Jonathan Pollard, the American intelligence analyst who spied for Israel, was built without a permit two decades ago, yet the municipality ignored a court order to evacuate and seal the building and has left the house intact