



State of Palestine  
Palestine Liberation Organization  
Negotiations Affairs Department

**69 YEARS  
SINCE THE  
NAKBA**

**50 YEARS  
OF ISRAEL'S  
OCCUPATION**

The Continued  
Expulsion of  
Palestinian  
Jerusalemmites

**Photo ©Mahmoud illean:**

(To avoid the threat of arrest and financial penalty, Azam Al-Afifi was forced to self-demolish his home on 24 May 2012 following an order by the Israeli authorities).



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# INTRODUCTION

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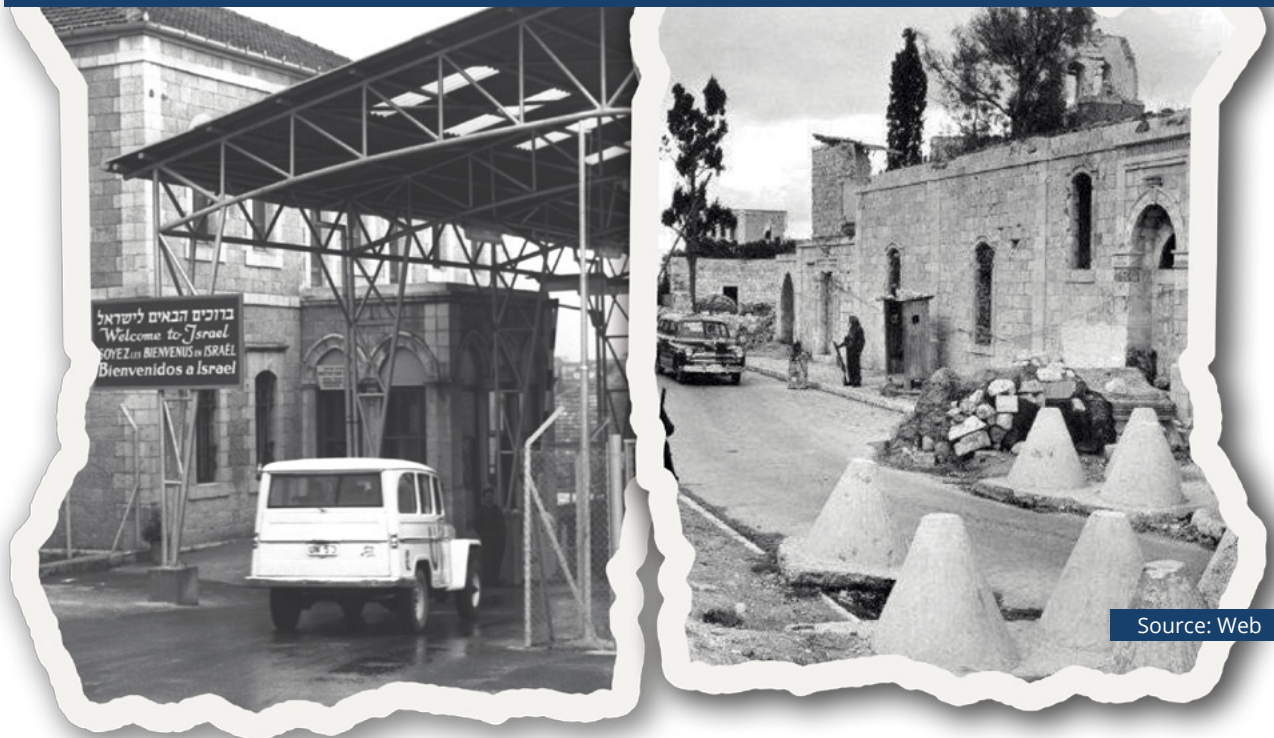
Almost 70 years after the Nakba, and exactly 50 years after Israel occupied the West Bank and the Gaza Strip, Palestinians are not only still being denied the right to return to their homes, but are actively being expelled from their homes and homeland. This process of expulsion is particularly evident in Jerusalem, which Israel seeks to make the “eternal and undivided capital of the Jewish people”.

The main focus of this brief is on the pretexts used by Israeli authorities in order to expel Palestinians from Jerusalem (Section I). However, it is impossible to separate the forcible transfer of Palestinians from the corresponding policy of replacing that population with an Israeli Jewish population, while physically and administratively isolating the city from the rest of the occupied West Bank. Sections II and III will therefore touch upon these elements in order to place the systematic policy of forced displacement into its broader context.

# HISTORICAL CONTEXT

The division of Jerusalem into East and West dates back to the 1948 War, when West Jerusalem was seized by Zionist forces and became part of the new State of Israel. During that war, approximately 800,000 Palestinians were forcibly exiled from their homes, an event referred to in Arabic as the Nakba ('catastrophe').<sup>1</sup> Around 80,000 of these people were expelled from their homes in West Jerusalem, who lived in Katamon, al Baqa'a, Talbiyeh, Malha, among other neighborhoods.

Mandelbaum Gate: the only corridor connecting East and West Jerusalem between 1949 and 1967.



Source: Web

A second war in June 1967 saw a further 300,000 people exiled as the recently created State of Israel occupied the West Bank and Gaza Strip, including East Jerusalem, and annexed the Eastern part of the city. Shortly afterwards, Israel demolished al-Magharbeh ('Moroccan') Quarter, including 135 homes and two mosques, in order to create a large plaza in front of the al-Buraq Wall (Western Wall) for Jewish worshippers. 650 Palestinians were made homeless.<sup>2</sup> Other properties belonging to Palestinians, including the Armenian Quarter and a number belonging to the Islamic trust, (waqf) were seized and handed over to Israeli settlers.

The international community was quick and unanimous in condemning the occupation, calling for the "[w]ithdrawal of Israel armed forces from territories occupied in the recent conflict" and affirming the necessity of a "just settlement of the refugee problem".<sup>3</sup>

<sup>1</sup> The Nakba involved massacres of Palestinian communities, terror attacks and targeted assassinations. At the end of the war, Zionist forces had taken over 78% of historical Palestine and had destroyed at least 418 Palestinian villages.

<sup>2</sup> The Furthest Masjid: The History of Al-Aqsa Masjid, p. 29

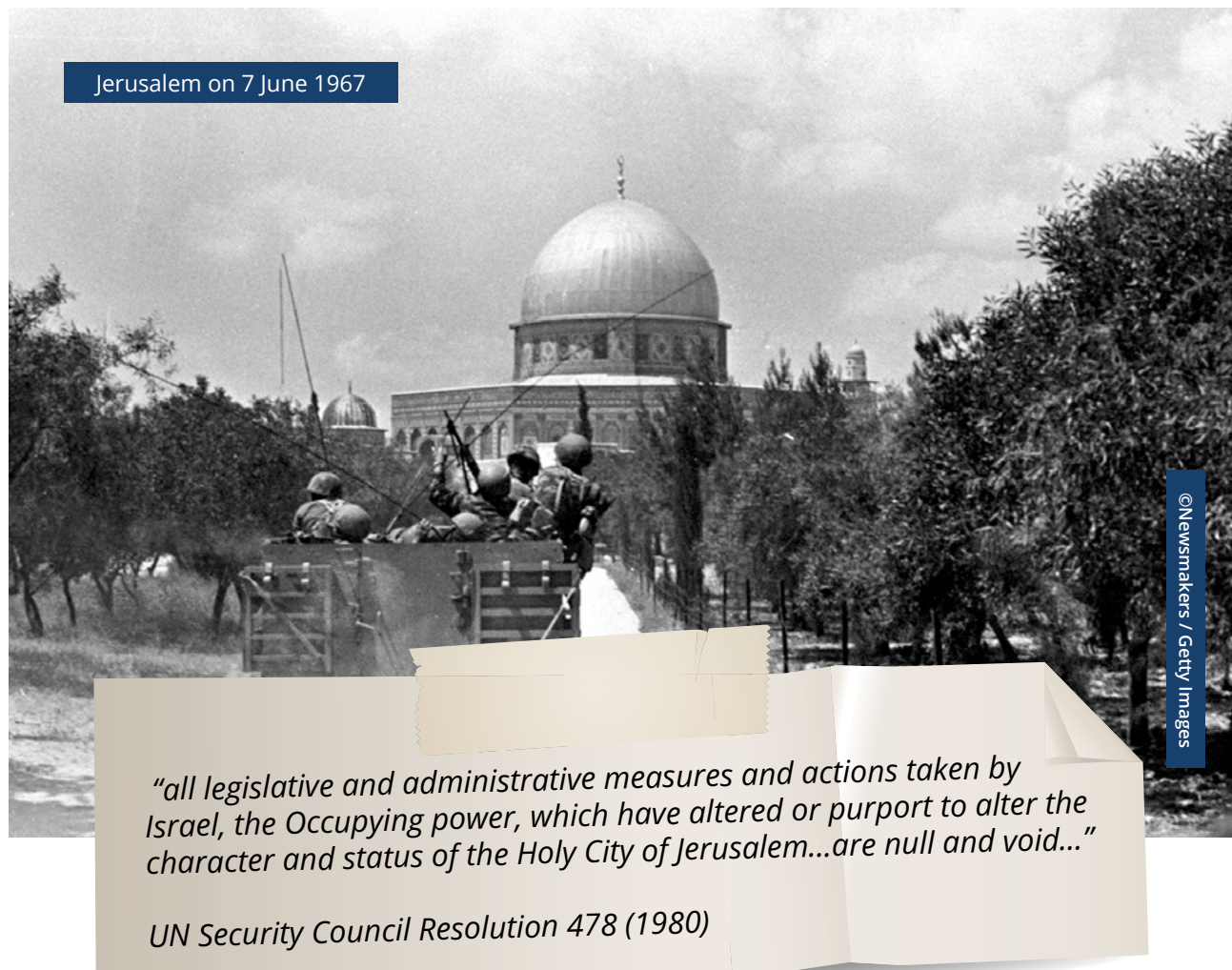
<sup>3</sup> UN Security Council Resolution 242 (1967) <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/IP%20S%20RES%20242.pdf>



Instead, Israel set out its “Basic Law” which stated “Jerusalem, complete and united is the Capital of Israel”<sup>4</sup> and unilaterally expanded the municipal boundaries of the city. This incorporated and de facto annexed over 70,000 dunums of Palestinian land and 28 Palestinian villages,<sup>5</sup> reaching the outskirts of Bethlehem and Ramallah. East Jerusalem, once an area of 6.5 square kilometers, now covers an area of approximately 72 square kilometers.

In 1980, Israel formalized its annexation of the now expanded East Jerusalem through ratification of the Basic Law legislation, further isolating the city from the rest of the West Bank. This also subjected this part of occupied Palestinian territory to Israeli civil jurisdiction (as opposed to the military jurisdiction governing the rest of the West Bank and Gaza Strip).

Once again, this was immediately rejected by the international community, which determined that “all legislative and administrative measures and actions taken by Israel, the Occupying Power, which have altered or purport to alter the character and status of the Holy City of Jerusalem...are null and void...”<sup>6</sup> This remains the position of every country in the world, except Israel.



4 Basic Law: Jerusalem, Capital of Israel (1980) [https://www.knesset.gov.il/laws/special/eng/basic10\\_eng.htm](https://www.knesset.gov.il/laws/special/eng/basic10_eng.htm)

5 Al-Haq, Forcible Transfer of Jerusalem Parliamentarians Demonstrates an Escalation of Israeli Measures to Transfer Palestinians from Occupied East Jerusalem (2010) [http://www.alhaq.org/images/stories/PDFz/Jerusalem+Transfer+of+PLC+Members+with+LOGO\[1\].pdf](http://www.alhaq.org/images/stories/PDFz/Jerusalem+Transfer+of+PLC+Members+with+LOGO[1].pdf)

6 UN Security Council Resolution 478 (1980) [http://www.un.org/ga/search/view\\_doc.asp?symbol=S/RES/478%281980%29](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/478%281980%29)

# MAKING JERUSALEM “THE ETERNAL AND UNDIVIDED CAPITAL OF THE JEWISH PEOPLE”

Since 1967, successive Israeli governments have aimed to consolidate Israeli control over East Jerusalem in order for Israel to make Jerusalem “the eternal and undivided capital of the Jewish people”.

Simply put, this means actively reducing Palestinian presence in the city while increasing Jewish presence, and simultaneously physically and administratively isolating East Jerusalem from the rest of the occupied West Bank. Israeli authorities have also forced the closure of over 120 Palestinian institutions in Jerusalem.

The concept of reducing the Palestinian population in order to increase the Jewish population of Jerusalem is rooted in a 1973 report by an Israeli inter-ministerial committee which recommended that the “demographic balance of Jews and Arabs must be maintained as it was at the end of 1972”, which at the time was 73.5% Israeli Jewish and 26.5% Palestinian Christian and Muslim.<sup>7</sup> This policy was later referred in the Jerusalem Master Plan of 2000, which explicitly sought to “preserve a substantial Jewish majority in Jerusalem” through a variety of “intervention tools”, noting, however, that a 60% Israeli Jewish to 40% Palestinian ratio would be more realistic to attain.<sup>8</sup>



Source: Web

7 See, for example: B'Tselem, *A Policy of Discrimination: Land Expropriation, Planning and Building in East Jerusalem* (1995) p. 31. [http://www.btselem.org/publications/summaries/199505\\_policy\\_of\\_discrimination](http://www.btselem.org/publications/summaries/199505_policy_of_discrimination)

8 Shragai, Nadav, *Demography, Geopolitics, and the Future of Israel's Capital: Jerusalem's Proposed Master Plan*, Jerusalem Center for Public Affairs (2010) p. 14. <http://jcpa.org/text/jerusalem-master-plan.pdf>

# I.

## DECREASING THE PALESTINIAN POPULATION: ISRAELI LAWS, PRETEXTS AND POLICIES

In order to reduce Palestinian presence in Jerusalem, Israeli authorities have devised a number of legislative pretexts over the years. This has enabled them to revoke residency statuses, demolish houses, evict Palestinians from their homes, while restricting Palestinian life and development to such an extent that many are indirectly forced to leave, due to lack of freedom and economic opportunity. Below is a list of the main pretexts used by the Israeli government, all of which violate international law and deny people their basic civil, political and human rights.

*"THIS IS NO LONGER YOUR CENTER OF LIFE"*



Palestinian Jerusalemites, rather than enjoying citizenship status in their own city, are treated as 'permanent residents'. This means that their residency status can be revoked at any time – leaving them stateless in their own homeland.

The "center of life" policy is based on an Israeli High Court decision of 1988, first used by the Israeli Ministry of Interior in 1995, and employed since that time. As 'residents' rather than citizens, Palestinians are forced to show evidence that Jerusalem is their habitual residence or "center of life" through provision of home rental or ownership agreements, utility bills, tax receipts, and other documents, so as to stave off permanent residency revocation.

If Palestinians cannot prove Jerusalem as their "center of life" either due to living abroad or even elsewhere in Palestine, they risk losing their residency rights. In some cases



where Israel's unilateral redrawing of the boundaries of East Jerusalem and/or the construction of its Annexation Wall have left Palestinians with Jerusalem IDs (residency) on the non-Jerusalem side of the boundary, these people are suddenly considered to be living outside of Jerusalem and risk losing residency, without having moved a centimeter.

The "center of life" policy also applies if a Palestinian acquires a second passport or residency from a foreign country.<sup>9</sup> On the contrary, this is not the case for Jewish Israelis living in Jerusalem, who are free to have dual citizenship.



Identity card revocations are given a supposedly "legal" basis by Article 11a of the Entry into Israel Law (1952). According to this "law", revoking an individual's permanent residency status is at the discretion of the Israeli Minister of the Interior.

*Data released by this Ministry shows that a total of 14,595 Jerusalemites have had their residency revoked between 1967 and 2016, known as "silent deportation".<sup>10</sup>*

<sup>9</sup> In March 2017, the Israeli High Court ruled for the first time to restore a Jerusalemite Palestinian's residency, during a case in which a man born in Jerusalem had moved to the US and had been refused residency when he returned in 1989. However, this remains an isolated case. <http://www.haaretz.com/israel-news/premium-1.777750>

<sup>10</sup> Hamoked, Israel continues its "quiet deportation" policy (2017) <http://www.hamoked.org/Document.aspx?dID=Updates1864>



*"YOU MARRIED SOMEONE NOT FROM HERE"*

If a Palestinian from East Jerusalem chooses to marry a Palestinian from anywhere else in occupied Palestine, or someone from abroad, then they must apply to the Israeli authorities in order to receive residency for their spouse. This process is known as applying for "family reunification". The granting of residency is on a case by case basis and can take years, if approved at all. This leaves the East Jerusalemite spouse with three options: (i) live apart from their husband/wife for an undetermined period, in the hope of him/her being granted residency by the Israeli authorities; (ii) live together in East Jerusalem at the risk of the spouse being caught; or (iii) live together outside of East Jerusalem (even as little as a few kilometers away in neighboring Ramallah or Bethlehem, for example), at which point Jerusalem is deemed by Israeli authorities to no longer be her/his "center of life", thereby putting the East Jerusalemite spouse's residency at risk.

In 2003, the Israeli government passed the 'Citizenship and Entry into Israel' law, a "temporary" order introduced under the pretext of security, which was subsequently renewed several times. This law put a freeze on all applications where the spouse came from somewhere else in occupied Palestine. A series of amendments has since added more complexity, uncertainty, and cost to the process, leaving families in a state of limbo for many years on end.<sup>11</sup>

Child registration, should a couple in this situation wish to start a family, is an entirely separate and equally uncertain procedure.<sup>12</sup>

11 For more details on the family reunification issue see: Norwegian Refugee Council, *Fractured Lives: Restrictions on Residency Rights and Family Reunification in Occupied Palestine* (2015) <https://www.nrc.no/globalassets/pdf/reports/fractured-lives.pdf>; and B'Tselem, *Residency and Family Separation* (2017) [http://www.btselem.org/family\\_separation/implementation](http://www.btselem.org/family_separation/implementation)

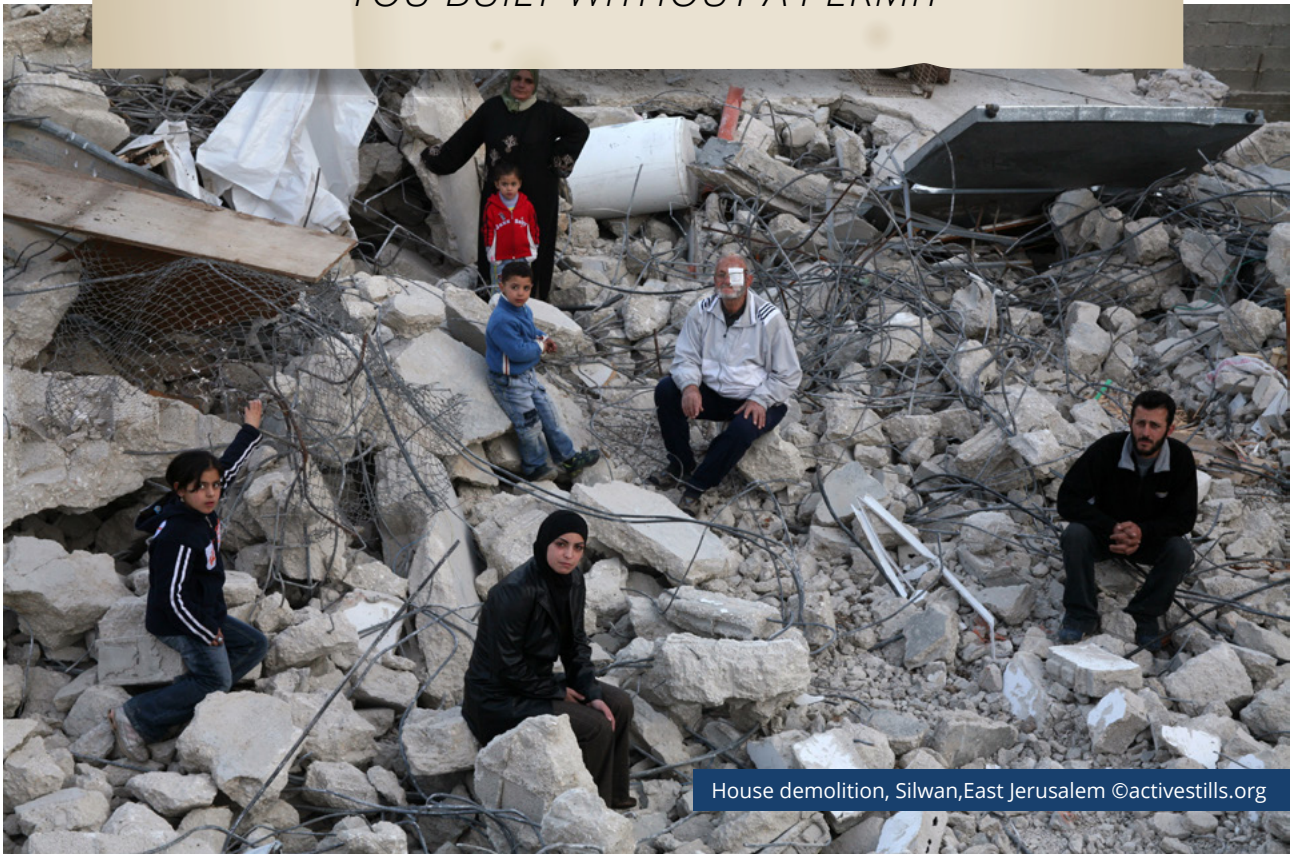
12 For more details on the child registration issue see: Norwegian Refugee Council, *Fractured Lives* (2015) <https://www.nrc.no/globalassets/pdf/reports/fractured-lives.pdf>

## CASE STUDY:

*When Rana, a Jerusalem ID holder, met and fell in love with George, from Bethlehem and West Bank ID holder, things seemed to be perfect. But after they got married, everything changed for them and their young family. “When my husband applied for family reunification, it was negated. Then he applied for a simple permit to live with me in Jerusalem, but that was also rejected. So I had to move to Bethlehem in order to live with him,” Rana explains. Separated by a checkpoint, and later on by Israel’s illegal Annexation Wall, Rana could not commute to Jerusalem every day, even though Bethlehem is only 10 kilometers from Jerusalem. One day, Rana received a notice from the Israeli Ministry of Interior: “We are aware that Jerusalem is no longer your ‘center of life’”.*

*Despite Jerusalem being the city where Rana was born and raised, and despite the fact that she was forced to move to Bethlehem because her husband was prohibited from moving to live with her – by means that the Israeli occupying authorities can now withdraw her residency right, Jerusalem is no longer considered to be Rana’s “center of life”. In order to try to prevent this, Rana initially decided to split her time between Jerusalem and Bethlehem, effectively living without her husband 4 days a week. When conditions became more difficult, especially for their three children, the couple decided to emigrate. They are now living in the US and their ID’s have been revoked by Israel.*

“YOU BUILT WITHOUT A PERMIT”



House demolition, Silwan, East Jerusalem ©activestills.org



Approximately 13% of occupied East Jerusalem is available for Palestinian development. This allocation has not changed since 1967, although the population has quadrupled in the past 50 years and that the whole (100%) of East Jerusalem is occupied Palestinian territory. Palestinians, in need of additional space for their families, look to build extensions on their properties, which requires an Israeli-issued permit. According to the UN, between 2010 and 2014, only 1.5% of permit applications were approved for Palestinians.<sup>13</sup>

Palestinians are therefore forced to build without a permit, at which point they risk demolition. Since 1967, almost 3,500 Palestinian homes have been demolished in East Jerusalem, pushing thousands of families out of their homes. During 2016 alone, Israel demolished 190 Palestinian houses and other structures, displacing or affecting 1,243 people.<sup>14</sup>

Moreover, the costly legal battle, together with fines and charges issued by the Israeli authorities, has led to a perverse and tragic situation, whereby in a number of cases, Palestinians have been forced to demolish their own homes.<sup>15</sup>

## CASE STUDY:

*Ashraf Fawaqa spent six years trying to get a permit for his family home in Sur Bahir, a village in the Jerusalem Governorate, which is included as part of the expanded area which Israel unilaterally annexed after 1967. In the process of trying to get a permit, Ashraf spent more than \$55,000 in legal fees, with no success. In the end, he was forced to build without a permit. The Israeli government responded with a demolition order for their home. Ashraf's lawyer tried to stop the demolition, but the Israeli courts rejected the appeals to save the 100 square meter house.*

*On May 4<sup>th</sup> 2017, Israeli occupying authorities arrived to Sur Bahir in order to carry out the demolition, leaving Ashraf, his wife, and their four children homeless, his youngest just three months old.*

13 UNOCHA, *Under Threat: Demolition orders in Area C of the West Bank* (2015) [http://data.ochaopt.org/demolitionos/demolition\\_orders\\_in\\_area\\_c\\_of\\_the\\_west\\_bank\\_en.pdf](http://data.ochaopt.org/demolitionos/demolition_orders_in_area_c_of_the_west_bank_en.pdf) This figure relates to the whole of the occupied West Bank, not just East Jerusalem.

14 Al-Jazeera, *Broken Homes: A record year of home demolitions in occupied East Jerusalem* (2017) <http://interactive.aljazeera.com/aje/2017/jerusalem-2016-home-demolitions/>

15 Al-Jazeera, *Palestinians forced to demolish own homes* (2014) <http://www.aljazeera.com/indepth/features/2014/03/palestinians-forced-demolish-own-homes-israel-201432094848315964.html>

*"YOU ARE ABSENT FROM YOUR PROPERTY"*



This policy is based on an Israeli law known as 'The Absentee Property Law', originally passed in 1950, shortly after the 1948 War and the creation of the State of Israel. The "law" enabled Israel to take over the property of Palestinian refugees exiled during the 1948 war, including those who were internally displaced. The law applied to all property owned by Palestinians who could no longer access their land, due to Israeli-imposed restrictions on entry and movement.

Initially, the "law" was used only for the territories Israel seized between 1948 and 1949. In 2015, the Israeli Supreme Court authorized the State of Israel to make use of the law in East Jerusalem, territory which was occupied in 1967, when yet more Palestinians were forced out of their homes.

Extending the applicability of this law means that, under Israeli law, authorities can seize land and property in Occupied East Jerusalem belonging to Palestinians. (Under international law this is considered a flagrant violation of the Fourth Geneva Convention and a breach of Israel's responsibility as an Occupying Power). This also applies to Palestinians in exile, and also to property belonging to Palestinians still living in the rest of the Occupied West Bank. In some of these cases, where Israel has redrawn the municipal boundaries of Jerusalem, Palestinians whose property was considered to be in Jerusalem now find themselves on the other side of a new boundary or the Annexation Wall and can now be considered 'absent' from property across the boundary, or 'present-absentee', as well as risking the loss of their ID for being 'outside' of Jerusalem, even though they have not moved anywhere. These artificial absences are upheld by the Israeli High Court and applied on a case-by-case basis, so as not to negatively impact Jewish residents.

## CASE STUDY:

*The Cliff Hotel was built by the Ayyad family in 1954, when the West Bank was under Jordanian control. The hotel is located in Abu Dis, a town to the eastern side of the Jerusalem governorate, between the City of Jerusalem and the Jordan Valley. After the 1967 occupation, the newly created Israeli "Civil administration" confiscated the hotel with the purported aim of turning it into a residence for Jewish mental health patients. Over the following years the building was used for a series of purposes, including as a base for Israeli Occupying Forces, until the family was able to regain control of it in 1997. Although the hotel is located in an area that Israel has unilaterally declared to be part of Jerusalem, the Ayyad family, living a few meters away, are in the part of Abu Dis defined by Israel as being "outside of Jerusalem".*

*The Cliff Hotel, considered to be in a strategic location in Jerusalem, is one of thousands of Palestinian properties that are described by Israel as "absentee property". The extended application of this "law" is one of the most recent tools used to confiscate Palestinian property. The Ayyad family has challenged the Israeli attempts to seize their property, and say they will continue their struggle to maintain their property.*

*"THIS PROPERTY BELONGED TO JEWS BEFORE 1948"*



A further pretext relates to property which is claimed to have been owned by Jews prior to 1948.<sup>16</sup> Significantly, there is no reciprocal policy allowing Palestinians to reclaim the property they owned before 1948. Approximately 75% of property in West Jerusalem alone belonged to Palestinians who have been prevented from returning and reclaiming their property.

<sup>16</sup> One particular instance of this pretext can be found in the Palestinian neighborhood of Sheikh Jarrah, adjacent to the Old City. For more details on this see: Civic Coalition for Palestinian Rights in Jerusalem, *Forced Eviction in Occupied Jerusalem* (2013) [http://www.civiccoalition-jerusalem.org/uploads/9/3/6/8/93682182/forced\\_eviction\\_in\\_occupied\\_east\\_jerusalem-\\_the\\_case\\_of\\_sheikh\\_jarrah.pdf](http://www.civiccoalition-jerusalem.org/uploads/9/3/6/8/93682182/forced_eviction_in_occupied_east_jerusalem-_the_case_of_sheikh_jarrah.pdf)



## CASE STUDY:

*In the early 1950s, the Ghaith-Sub Laban family rented a house in Jerusalem's Old City from the Jordanian Custodian of Public Property. This was the same procedure followed by several Palestinian refugees who were ethnically cleansed from the western part of Jerusalem. After the Israeli occupation of 1967, the Occupying Power began a process of claiming property in the eastern part of Jerusalem, while preventing Palestinian refugees from returning to their property in the Western part of the city. Through this process, several right-wing extremist colonial-settler organizations, including Ateret Cohanim, were aided by the Israeli government in order to take over property in Occupied East Jerusalem.*

*Being denied their right of return to their original home, the Sub Laban family had to turn to Israeli courts in order to avoid being evicted from their home in the Old City. Although they suffered harassment from extremist Israeli settlers, often protected by occupying forces, the family remained steadfast and refused to be forced out of their home. On December 2016 an Israeli court decided to allow the Ghaith-Sub Laban family to stay in their house for another 10 years, but ruled that their children could not live on the property.*

*"WE'RE TAKING YOUR LAND FOR PUBLIC  
OR SECURITY REASONS"*

In a number of cases, Israeli occupying authorities have confiscated land, or are in the process of confiscating land, under the guise of public purposes. In Jerusalem, one example is the approximately 0.7km<sup>2</sup> (738 dunum) plot of land taken from the East Jerusalem neighborhoods of Al-Issawiya and Al-Tur to create "Mount Scopus Slopes National Park" whereby Israeli authorities cite "preservation of the natural landscape" as the reason for this confiscation.<sup>17</sup> Park projects are notably implemented close to built-up Palestinian areas, some of which were not even projects put forward by the Israeli Nature and Parks Authority (NPA). Projects include: Tzurim Valley Park (next to Al-Sawaneh), Jerusalem Walls Park (Silwan) and three new parks in the Mount of Olives (Al-Tur), Sheikh Jarrah, and Wadi al Joz<sup>18</sup>. Respectively, all named areas of which are densely populated Palestinian areas of the city in need of space for urban development and natural growth.

<sup>17</sup> Adalah, National Park Plan approved over confiscated Palestinian lands in East Jerusalem (2014) <https://www.adalah.org/en/content/view/8326>

<sup>18</sup> See Negotiations Affairs Department Brief on Settlement Activities in 2016 (2017) <https://www.nad.ps/en/publication-resources/factsheets/brief-israeli-settlement-activities-2016>

In other cases, the Israeli government claims that areas are needed for “security” purposes. As with other pretexts for land confiscation, this is a policy used by Israel throughout the occupied West Bank, not least by the construction of the Annexation Wall, which de facto annexes 9% of the West Bank. This annexation includes East Jerusalem, where villages like Beit Iksa have lost land to the Wall, parts of two settlements (Ramat Alon and Giv’at Ze’ev), and the Tel Aviv-Jerusalem railway, all of which are in violation of international law. Beit Iksa is now surrounded and isolated, making it very difficult for its residents to access family, work, and basic services.<sup>19</sup> In cases like these, many Palestinians feel compelled to leave their villages, due to the severity of restrictions on their daily lives.

For Israel, such confiscations achieve the dual aim of reducing Palestinian presence in Jerusalem – by limiting the physical space for Palestinians to live and making life so restrictive that they are forced to move elsewhere. At the same time this aim to change the demographic character of Jerusalem in a way which asserts Jewish Israeli identity over the city. In turn, these actions contribute to the spatial segregation of the city from the rest of occupied Palestine.



Source: Web

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For more on Beit Iksa see: B'Tselem: Isolated: Israel cuts village of Beit Iksa off from East Jerusalem and the rest of the West Bank (2016) [http://www.btselem.org/freedom\\_of\\_movement/20160817\\_isolation\\_of\\_beit\\_iksa](http://www.btselem.org/freedom_of_movement/20160817_isolation_of_beit_iksa)



## II.

# INCREASING THE JEWISH POPULATION



Source: Web

The policy of displacing Palestinians from Jerusalem (and throughout the rest of occupied Palestinian territory) goes hand in hand with the process of replacing that population with an Israeli Jewish one. This is achieved through the confiscation of homes and the building of settlements.

Within the expanded Israeli-defined boundaries of the Jerusalem Municipality there are 15 Israeli settlements with a total population of 220,000 settlers.<sup>20</sup> These, and all settlements are considered illegal under international law.

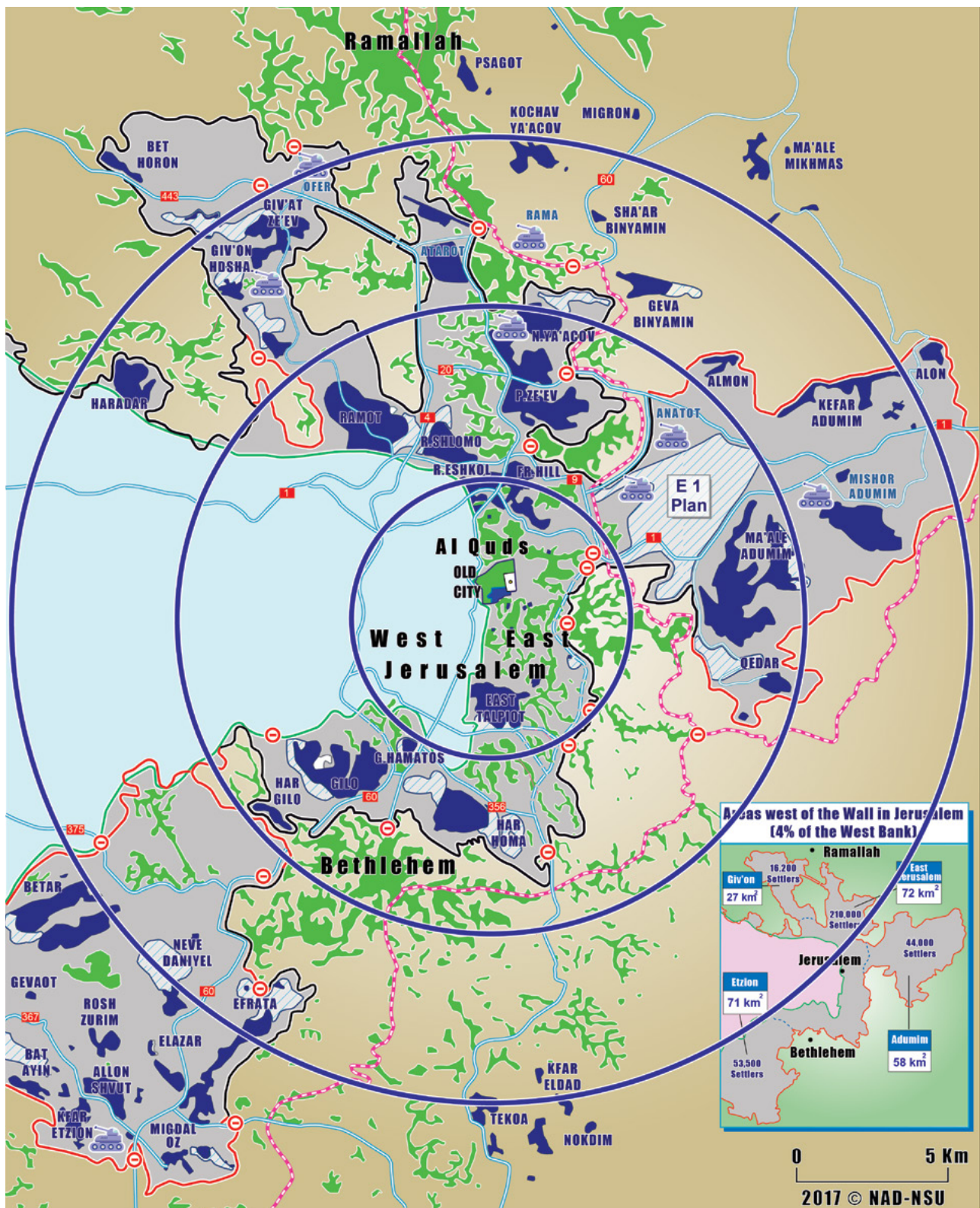
The settlements in and around Jerusalem are divided into three main rings which together perform the function of isolating Jerusalem from the rest of the occupied West Bank: (1) the outermost ring seals the occupied Palestinian capital from the rest of the Occupied West Bank (Giv'at Ze'ev, Ma'ale Adumim, and the Etzion settlements); (2) the middle ring isolates surrounding Palestinian neighborhoods from the Old City of Jerusalem (Pisgat Ze'ev, Neve Yaaqov, Ramot, Ramot Eshkol, French Hill, and East Talpiyot); and (3) the inner ring fragments the Old City and its adjacent Palestinian neighborhoods, which includes all Israeli colonial activity in the Old City itself, as well as in neighborhoods such as Sheikh Jarrah, Wadi Joz, Ras Amoud, Silwan, and Mount of Olives.

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*These figures do not include settlements that are not considered by Israel to be part of Jerusalem, although they serve the same purpose of de facto annexing Occupied East Jerusalem. These figures also exclude various settlement buildings within Palestinian neighborhoods.*



# ISRAELI SETTLEMENT ENTERPRISE AROUND OCCUPIED EAST JERUSALEM



- 1967 Boundary ("Green Line")
- Palestinian city, town, village or neighborhood
- Palestinian territory west / east of the Wall
- Israeli-proposed "alternative" Palestinian road link

- Israeli settlement built-up area
- Planned settlement expansion
- Israeli military base
- Israeli checkpoint

- The Wall
  - completed or under construction
  - planned
- Israeli settler / bypass road
  - existing
  - planned or under construction

# COOPERATION BETWEEN THE ISRAELI GOVERNMENT AND SETTLERS' GROUPS

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Since the 1980s, organized groups of Israeli settlers, in coordination with the Israeli Government have been created with the sole aim of Judaizing Occupied East Jerusalem. Groups such as Ateret Cohanim, Torat Cohanim, El'ad, and Young Israel have campaigned in order to forcibly take over Palestinian property all over East Jerusalem, and mainly in and around Jerusalem's Old City. The Israeli government has supported the activities of Ateret Cohanim and El'ad in various areas, predominantly supporting plans in Silwan to demolish dozens of Palestinian homes and evict Palestinian families in order to build a park and settlement housing units for Israeli settlers. The Jewish National Fund has played a huge role in the same efforts to transform Occupied East Jerusalem into an exclusively Jewish city.

These groups are mainly funded from abroad, including by some "charitable organizations" in the US and Canada. Part of their work has been to raise cases in Israeli courts in order to evict Palestinian families from their homes under claims that those properties were owned by Jews before 1948. At the same time, Israel does not allow Palestinian Jerusalemites to access the same courts in order to reclaim property taken by Israel in 1948 which is now considered to be "West Jerusalem", including prominent neighborhoods such as Talbiya, Qatamon and Upper Baqa'a.

A key Israeli "law" which has aided this cooperation is the Land Acquisition Law of 1953. This "law" formed the "legal" basis to execute the Absentee Property Law of 1950 in a way that allowed the Israeli Minister of Finance to deed the so-called absentee property to the State and open doors to even more discriminatory land laws. Through this law, the State is allowed to manage the land and property confiscated under the Absentee Property Law at its discretion, whether liquidating the property or, even more worryingly, pass it to private organizations such as the Keren Kayemeth LelIsrael-Jewish National Fund (KKL-JNF) and the Hebron Fund. The KKL-JNF and the Hebron Fund are two of several organizations that forcibly remove Palestinians from their homes and land in efforts to Judaize Palestinian neighborhoods and create a Jewish-only narrative in the historic land.

The practice of delegating the expulsion of Palestinians and seizure of their property to the KKL-JNF has been ratified within Israeli laws. As a result, the KKL-JNF has been granted an elevated status, enabling them to continue the forcible transfer of Palestinian populations without hindrance or interference from charity watchdogs, while giving the organization governmental immunity as a parastatal entity. This legislation was ratified through the 1953 Jewish National Fund Law and the 2009 Israel Land Administration Law (Amendment No. 7). Subsequent legislation was tacked on through the 2011 Israel Land Law (Amendment No. 3) to prevent the sale or lease of property to any "foreigner" (ie, Palestinian, other Arab, or non-Jew) for a period of over five years.

Together, these laws have effectively given the Land Acquisition Law impenetrable authority, thereby veiling the true nature of its intent and creating an inherently discriminatory two-tiered legal structure applicable in favor of Jewish residents over non-Jewish indigenous population.





### III.

## ISOLATING EAST JERUSALEM

All of the laws and policies discussed in this brief contribute to the administrative and physical isolation and annexation of East Jerusalem from the rest of Occupied Palestine – and with it – the overall Israeli goal of making Jerusalem the ‘eternal and undivided capital of the Jewish people’.

The expulsion of Palestinians from East Jerusalem, together with the building of settlements, roads and other infrastructure, the Annexation Wall and its associated regime (checkpoints, permits, and other movement restrictions) all feed into the objective of isolating the city from the rest of the Occupied West Bank and denying Palestinians access to their capital – despite all of these actions being in complete contravention of international law and consensus.







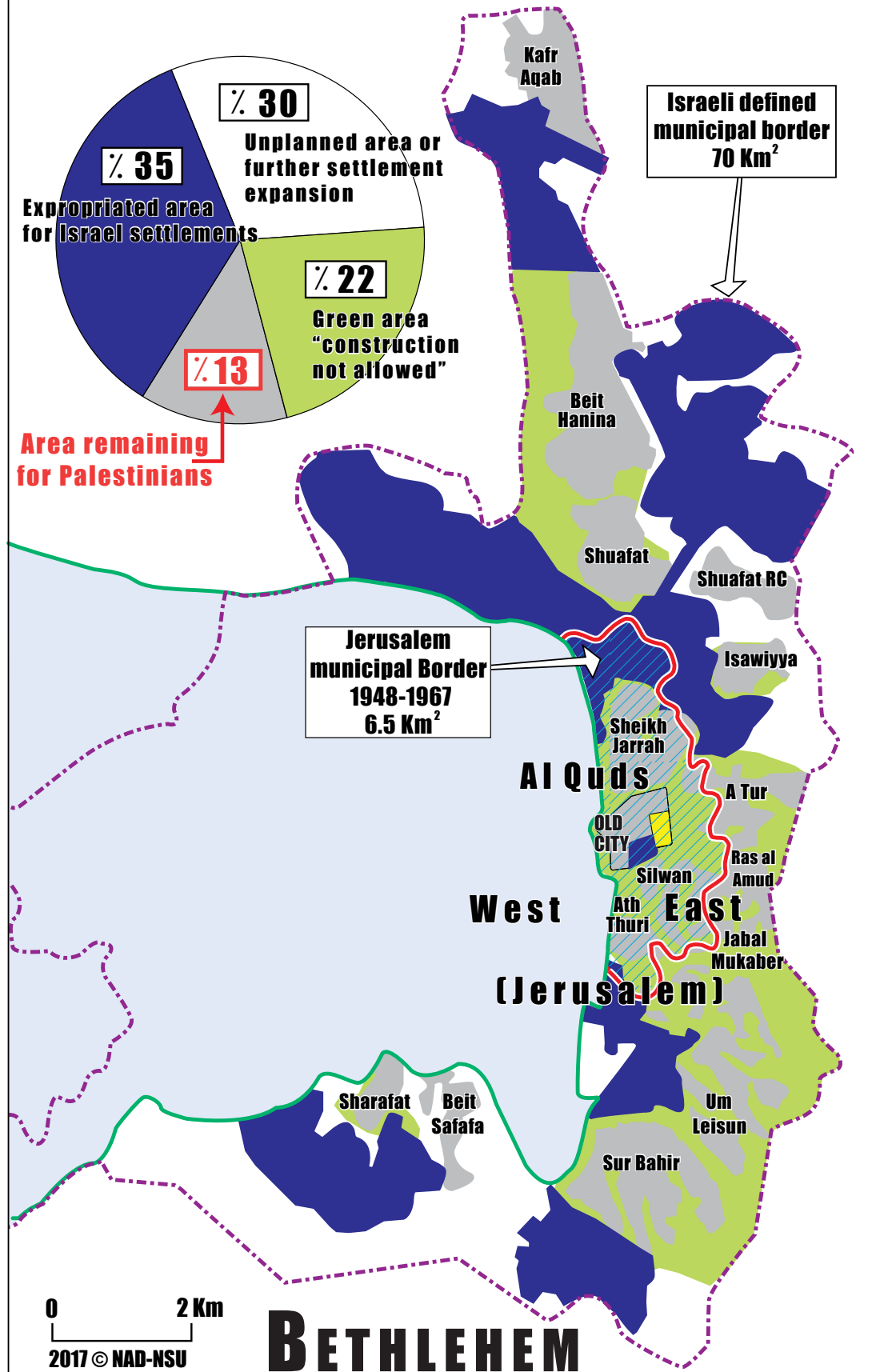
Israeli policies in East Jerusalem – a complex system of “laws” and pretexts – make the lives of Palestinian Jerusalemites a daily ordeal, simply to remain in their own home city. The expulsion of Palestinians from Jerusalem may be “quieter” than in 1948, but its effects are as real and prevalent today as they were 70 years ago. For those who fall victim to these policies, as well as all those who remain exiled and displaced, the Nakba continues.

In the broader political context, unabated Israeli efforts to make Jerusalem ‘the eternal and undivided capital of the Jewish people’ severely threaten the prospect of a political solution, not to mention the rich heritage of the city, as the cradle of three faiths. By altering the character of Jerusalem and making the administrative division of the city impossible, the Israeli government is burying the internationally endorsed goal of two sovereign and independent states living side by side on the 1967 border.

Jerusalem is the spiritual center for three monotheistic religions, hence the Palestinian vision is for Jerusalem to be an open city and the capital of two states: East Jerusalem the capital of Palestine, West Jerusalem the capital of Israel. This is a vision based firmly on international law, and offered in the spirit of compromise, for the sake of peace.

The international position on Jerusalem, based on the UN Security Council resolutions outlined at the beginning of this brief, is also clear. Though Israel continues to push for Jerusalem to be recognized as its capital, all foreign representations to Israel are located in Tel Aviv, as Jerusalem is recognized as a permanent status issue, i.e. a matter which must be agreed upon as part of a political solution. The international community must be more active and visible in upholding this position, if a political solution – and peace – remains the end goal.

# RAMALLAH









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