

Jerusalem



“  
**NO  
CHARITY  
IN A WAR  
CRIME**”

**The Case of Jerusalem:**

The Role of “Charitable”  
Organizations in Funding Israel's  
Colonial Settlement Enterprise in  
the occupied State of Palestine





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# INTRODUCTION



Israeli settlements are illegal colonial structures built on Palestinian land occupied by Israel since 1967. Despite the fact that the colonization of an occupied territory is a grave violation of international law, including the Fourth Geneva Convention (1949) (Hereinafter "GCIV") and the Rome Statute, every Israeli government has endorsed the colonization of occupied Palestine as an official state policy.

To date, there are over 230 illegal Israeli colonial settlements<sup>1</sup> in the occupied State of Palestine, including in and around East Jerusalem, with a population of over 650,000 settlers. The number has grown dramatically during the past years as a result of decisions taken by Israeli politicians to expand the settlement enterprise inside occupied Palestine, in defiance of international law and UN resolutions.

The Israeli colonial-settlement enterprise seeks the complete, undisputed control over the lands and natural resources of Palestine, with the eventual goal of annexation of occupied territory, thus negating the inalienable right of the Palestinian people to self-determination. To date, no Israeli government has fully endorsed the two-state solution as part of its political program, while utterly rejecting the idea of one state with equal rights.

The International Court of Justice (ICJ) ruled in its advisory opinion on the legal consequences of the construction of Israel's illegal Annexation Wall of 2004 that "Israel is bound to comply with its obligation to respect the right of the Palestinian people to self-determination and its obligations under international humanitarian law and international human rights law"<sup>2</sup>. Israel's colonization of Palestine constitutes a violation of nearly all human rights, thus creating a coercive environment for forcible transfer as witnessed in Jerusalem, Latroun, Hebron, the Jordan Valley, and most recently in the Palestinian Bedouin villages of Jabal Al Baba, Abu Nuwar and Khan Al Ahmar.

Israel's state-sponsored colonial settlement policies have continued for decades with total impunity by the international community, which failed to fulfill its obligations under international law. Moreover, settlement policies are generously financed through various "charitable" sources. Israel's colonial-settlement enterprise benefits largely from international trade, from programs of international cooperation, and funding by organizations, including: Jewish and Christian religious fundamentalist organizations, groups enjoying "charitable" status, as well as groups with special status in Israel, funded partially by Zionist communities worldwide, including the Jewish National Fund (JNF) and the World Zionist Organization (WZO).

This report focuses on the funding of Israeli settlements from organizations falling under the last group, with case studies from occupied East Jerusalem. In the vast majority of cases, such groups and individuals fund a colonial-settlement enterprise in contravention of the declared policies and obligations of their own States. In highlighting this under "charitable" funding of Israel's colonial-settlement enterprise, this report serves as a reminder that several measures must be taken by States, not only to fulfill their obligations under international law, but also to save the prospects of a just and lasting peace between Israel and Palestine.

<sup>1</sup> The figure includes residential settlements, the so-called settlement outposts, military bases, service sites and industrial zones.

<sup>2</sup> Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004, P136, Para 149, Last visited (August 20, 2018), <https://www.icj-cij.org/files/case-related/131/131-20040709-ADV-01-00-EN.pdf>.





## ISRAELI SETTLEMENTS AS WAR CRIMES



International Humanitarian Law (hereafter "IHL") imposes a clear prohibition on all settlement activities undertaken by the Occupying Power in the territory it occupies. The prohibition is three-fold: the Occupying Power is prohibited from transferring its civilians into the territory that it occupies; the Occupying Power is prohibited from forcibly transferring the protected population within or outside the occupied territory; and the Occupying Power is prohibited from seizing property and carrying out acts of destruction not justified by absolute military necessity.

The contemporary "base" of such prohibition is stipulated in Article 49 of the GCIV, which is a binding and enforceable agreement in occupied Palestine and deals with settlement activity, deportations, transfers and evacuations of the population. The last paragraph states "The occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies". The prohibition as stipulated in Article 49 of GCIV is unconditional, i.e. no derogation, exception or justification is permitted and the totality of the process of transferring the civilians of the Occupying Power, be it direct or indirect, to the territory that it occupies is illicit, and constitutes a grave breach under international law, which amounts to a war crime.

Further, forcible transfer is considered a grave breach under Article 147 of the same convention when defining grave breaches of humanitarian law "[...shall be those involving any of the following acts, if committed against persons or property protected by the present Convention: [...unlawful deportation or transfer or unlawful confinement of a protected person...]". Practices directly related to illegal settlement activity, such as seizure of property, destruction and demolitions, which are not justified by military necessity, constitute (each one by itself) a grave breach of GCIV, namely Article 53 which stipulates that "Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations".

The long-standing settlement policy pursued by Israel inside occupied Palestine falls within the definition of war crimes identified in Article 8(b) (viii) of the statute of the International Criminal Court (Rome Statute), which defines a war crime to include "The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of the population of the occupied territory within or outside this territory".

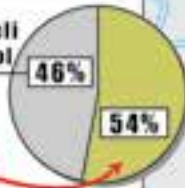




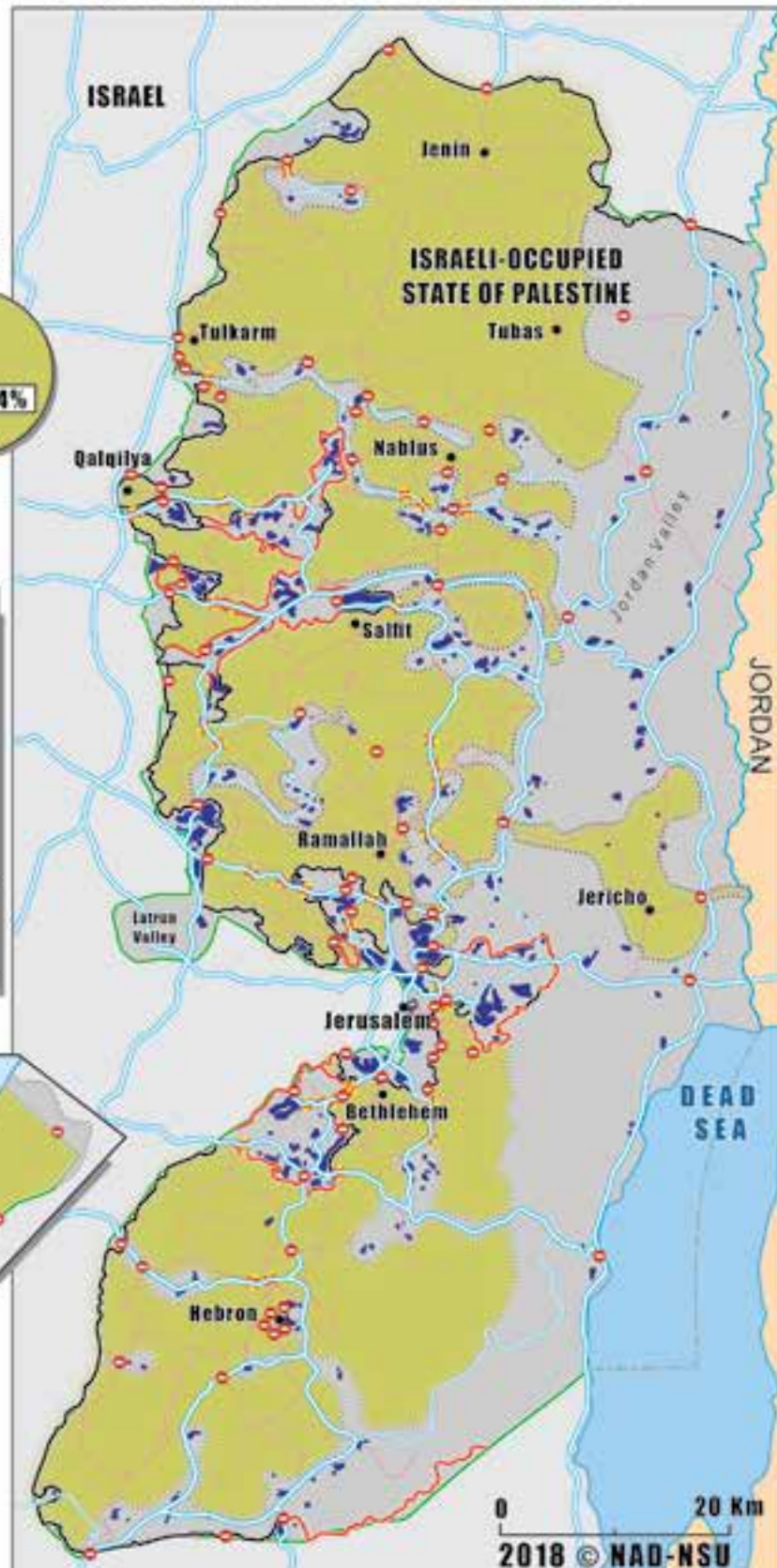
# ISRAEL'S ANNEXATION WALL & SETTLEMENTS (COLONIES)

**Palestinian Land Restricted by Israeli Settlements and the Wall**

Areas under Israeli settlement control



Areas remaining for Palestinians





## ISRAEL'S COLONIAL- SETTLEMENT ENTERPRISE



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Israeli bulldozers began leveling land in the Palestinian Bedouin village of Khan al-Ahmar on 4 July 2018. Israel plans to forcibly transfer this village to pave the way for more settlements.

The Nakba of 1948 led to the creation of the State of Israel over 78% of historic Palestine, to the ethnic cleansing of at least 418 Palestinian villages and the forcible displacement and expulsion of about two-thirds of the indigenous Palestinian population. In 1967, Israel expanded its control by occupying the Gaza Strip and the West Bank, including East Jerusalem, equivalent to the remaining 22% of historic Palestine.

International law explicitly prohibits the acquisition of land by the use of force, as well as the forcible displacement of civilian population and the colonization of an occupied territory. Nevertheless it was only a few days after the 1967 occupation that Israel demolished the Moroccan Quarter of the Old City and expelled its population, only to be replaced by Jewish-Israeli settlers. This was only the beginning.

Soon afterwards, the Israeli government pursued several policies in order to take full control of the land and the people of Palestine, including: its natural resources, fragmenting the land with colonial enterprise elements that are not limited to construction of settlements, but also to huge supporting infrastructure networks, that include bypass roads with all the accompanying movement restrictions, and finally the construction of the Annexation Wall.

The ICJ's advisory opinion of 9 July 2004 on "The Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory" and its effects under international law indicated:

"[T]he route chosen for the wall gives expression *in loco* to the illegal measures taken by Israel with regard to Jerusalem and the settlements, as deplored by the Security Council...There is also a risk of further alterations to the demographic composition of the Occupied Palestinian Territory resulting from the construction of the wall inasmuch as it is contributing, as will be further explained in paragraph 133 below, to the departure of Palestinian populations from certain areas. That construction, along with measures taken previously, thus severely impedes the exercise by the Palestinian people of its right to self-determination, and is therefore a breach of Israel's obligation to respect that right<sup>39</sup>.

<sup>3</sup> *Id.* at Para. 122.

Israeli policies aim to assert full and exclusive control over Palestine, in total disregard of the inalienable rights of the Palestinian people, including the right to self-determination. The Israeli siege on the Gaza Strip and full Israeli control of over 60% of the occupied West Bank, including East Jerusalem are the realities of such Israeli policies<sup>4</sup>. Israel, the Occupying Power, is using the Palestinian land as a reservoir for the expansion of more Israeli settlements and settlement units, with Israel maintaining planning and zoning authority under its control<sup>5</sup>, including occupied East Jerusalem, which Israel illegally annexed in 1980<sup>6</sup>.

## LAND APPROPRIATION

The main objective of the land appropriation is for Israel to ensure territorial control over vast areas of the occupied West Bank, including East Jerusalem, to annex into its own territory. This allows for the expansion of illegal Israeli colonial settlements, as well as for establishing its supporting infrastructure networks.

Taking advantage of its status as the Occupying Power, Israel has manipulated its own legal and bureaucratic instruments to seize ownership of Palestinian lands to impose its expansionist project inside occupied Palestine<sup>7</sup>, including by:

- **Declaring lands as “State-Lands”:** One of Israel’s most used methods is declaring Palestinian land as “state land” for the purpose of confiscation. There are about 970,000 *dunums*<sup>8</sup> of land in the occupied West Bank classified as “state land”. Only 0.7% of the “state land” in the occupied West Bank has been allocated for Palestinian use, while the rest has been reserved for the exclusive use of Israeli settlements<sup>9</sup>. A notorious example took place in 2014 to the east of Bethlehem (known by Israel as “Gush Etzion”), and known for settlement expansion and annexation plans, where Israel declared almost 4,000 *dunums* of land as “state land”<sup>10</sup>.
- **Seizing lands for “Military Purposes”:** This includes the illegal Annexation Wall, with prominent examples around Jerusalem, such as Cremisan and the Mount of Olives. Around 94% of the land in the occupied West Bank, including East Jerusalem, has been isolated by Israel’s Annexation Wall. At the same time, nearly one-third of so-called Area C (in the occupied West Bank under full Israeli control) are referred to as “closed military zones” where Palestinians have no access. Other areas taken for alleged military purposes are “firing zones” that have already displaced Palestinian families in the Jordan Valley.
- **Seizing lands for “Public Interest”:** This is the case for many bypass roads built for Israelis in occupied Palestine. “Public interest” is used by Israel to entrench its colonial-settlement enterprise rather than for the benefit of the indigenous Palestinian population.
- **Utilizing the “Absentee Property” Law:** Approved by the Israeli Parliament in 1950 to legalize seizing of Palestinian refugee property and was widely applied. In reality, the owners of the land on which Israel was created were not “absentees” but were expelled by Israel upon its creation in 1948, or were internally displaced and therefore considered “present absentees” for the purpose of seizing land and property. Over the past few years Israel has extended this illegal practice to an occupied territory, mainly in and around occupied East Jerusalem.

4 Israel remains the Occupying Power over the entirety of the occupied Palestinian territory. This figure only refers to the areas where Israeli authorities have full control over all aspects of Palestinian lives. Palestinian institutions, including local government, have limited authority over less than 40% of the occupied West Bank.

5 Israeli Palestinian Interim Agreement, Annex III: Protocol Concerning Civil Affairs, Article 27.

6 On 30 July 1980, the Israeli Knesset passed the Basic Law: Jerusalem, Capital of Israel declaring that “Jerusalem, complete and united, is the capital of Israel.” <http://www.alhaq.org/advocacy/topics/wall-and-jerusalem/144-40-years-after-the-unlawful-annexation-of-east-jerusalem-consolidation-of-the-illegal-situation-continues-through-the-construction-of-the-jerusalem-light-rail>.

7 BTSELEM, Land Grab: Israel’s Settlement Policy in the West Bank, May 2002, P47, last visited (18.08.2018), [https://www.btselem.org/download/200205\\_land\\_grab\\_eng.pdf](https://www.btselem.org/download/200205_land_grab_eng.pdf).

8 1 *dunum* equals 0.247 acres

9 Petition no. 40223-03-10 submitted by the Association for Civil Rights in Israel and Bimkom to the Court for Administrative Matters in Jerusalem, available at: <http://www.acri.org.il/en/2013/04/23/info-sheet-state-land-opt/>.

10 UNOCHA, Large Area in Bethlehem Declared ‘State Land’, August.31.2014, last visited (August 1, 2018), <https://www.ochaopt.org/content/large-area-bethlehem-declared-state-land>.



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Each of the above methods relies on various legal foundations, “combining in different ways and degrees the legislation existing prior to the Israeli occupation, including remnants of Ottoman and British Mandate law absorbed into the Jordanian legal system, and orders issued by Israeli military commanders”<sup>11</sup>.

Successive Israeli governments have supported legislations that, once approved, have made the settlement enterprise no longer just a matter of official government policy but a “legal” obligation for the Israeli government. The Israeli Basic Law: “Jerusalem, Capital of Israel” declares, “Jerusalem, complete and united, is the capital of Israel”<sup>12</sup>. This decision paved the road for Israel to institutionalize the occupation of East Jerusalem, unilaterally expanding its municipal boundaries to 70.5 Km<sup>2</sup>.

Other Israeli bills include the “Greater Jerusalem” bill, designed to further expand the boundaries of West Jerusalem into occupied territory in order to change its demographic composition to maintain a 70% Jewish-Israeli majority over a 30% Palestinian minority<sup>13</sup>. Moreover, the Occupying Power is also undertaking steps to “legalize” aspects of the settlement-enterprise that even under Israeli law were illegal, such as the confiscation of privately-owned Palestinian land for the purpose of settlement construction, retroactively formalizing the status of lands that were taken from its Palestinian owners under the so-called Regularization Bill<sup>14</sup>.

Finally, and most dangerous to date, on 17 July 2018, the Israeli Knesset approved the final text of the Jewish nation-state law. The law has a *quasi*-constitutional law that guides Israel's legal system. Article 7 of this Basic Law is specific to the establishment and promotion of Jewish only settlements as a “national value” and obligates the Israeli government to expand, establish, construct, and consolidate illegal Israeli settlements in occupied Palestine.

These unilateral decisions, violate international human rights law and international humanitarian law, and constitute grave violations of the Fourth Geneva Convention and The Hague Regulations<sup>15</sup>.

<sup>11</sup> BTSELEM, *supra* note 7, at 48.

<sup>12</sup> Al-Haq, 40 Years After the Unlawful Annexation of East Jerusalem: Consolidation of the Illegal Situation Continues Through The Construction of the Jerusalem Light Rail, 28, June 2007, Last visited [18.08.2018], <http://alhaq.org/advocacy/topics/wall-and-jerusalem/144-40-years-after-the-unlawful-annexation-of-east-jerusalem-consolidation-of-the-illegal-situation-continues-through-the-construction-of-the-jerusalem-light-rail>.

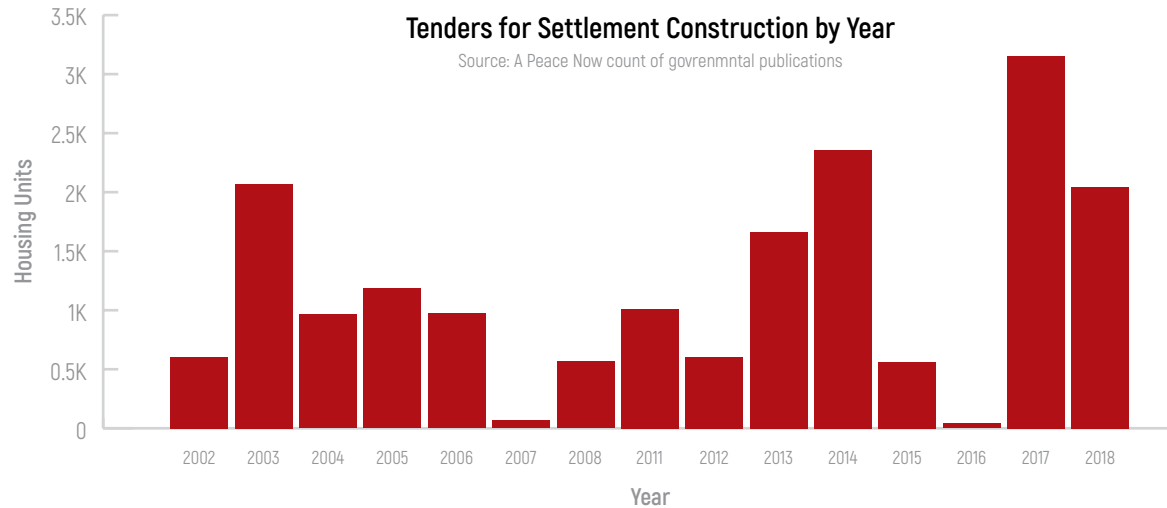
<sup>13</sup> Moein Odeh, Israel's Greatest Jerusalem Bill, March 5, 2018, Last visited [18.08.2018], <https://www.jurist.org/commentary/2018/03/israels-greater-jerusalem-bill/>.

<sup>14</sup> Peace Now, Legalization Law Will Stain Israel's Law Books, Jan 29, 2017, Last visited [18.08.2018], [http://peacenow.org.il/en/legalization\\_law](http://peacenow.org.il/en/legalization_law).

<sup>15</sup> Al-Haq, 40 Years after the Unlawful Annexation of East Jerusalem: Consolidation of the Illegal Situation Continues Through the Construction of the Jerusalem Light Rail, October 2010, last visited [18.08.2018], <http://www.alhaq.org/advocacy/topics/wall-and-jerusalem/144-40-years-after-the-unlawful-annexation-of-east-jerusalem-consolidation-of-the-illegal-situation-continues-through-the-construction-of-the-jerusalem-light-rail>.

## THE CONSTRUCTION OF SETTLEMENTS

More than 650,000 Israeli settlers live today in illegal colonial-settlements in the occupied West Bank, including East Jerusalem. There is ongoing construction in most Israeli settlements, with such construction dramatically swelling since 2017.



In 2018, Israel announced approximately 3,000 colonial-settlement units in plans and at least 2,500 units in tenders (as of 20 August 2018)<sup>16</sup>. The escalated settlement construction directly leads to the transfer of more of Israel's own population into occupied territory.

Settlements have areas of "jurisdiction" that are significantly larger in size compared to the settlements built up area, which constitutes 1.3% of the occupied West Bank. Israel's settlement enterprise in the occupied West Bank, including East Jerusalem, includes:

- The settlements "jurisdiction" areas: 9.3%
- The roads network linking settlements with Israel: 2.3%
- Areas for settlers' agriculture: around 2% (equivalent to about 100,000 dunums). It should also be noted that there are at least 11 Israeli quarries operating in occupied Palestine in contradiction to international humanitarian law.
- Areas declared as "Closed Military Areas": Over 20%
- Areas declared as "State land": Over 20%
- Areas isolated by the construction of the Annexation Wall: 9.4%
- Areas declared as "Nature reserves": Around 6%.

Consequently, 2.9 million Palestinians live on 169 "islands" on less than 40% of the West Bank. This number includes about 360,000 Palestinians in occupied East Jerusalem and about 300,000<sup>17</sup> Palestinians living in the so called Area C of the occupied West Bank under full Israeli control.

Additional elements of the settlement enterprise that are not being addressed in this report include settler-terror/violence against Palestinian civilians. This is used as a tactic to attack Palestinian identity (including attacks against Christian and Muslim holy sites) and presence in the land, in order to forcibly displace Palestinians and ensure the further expansion of the settlement enterprise.

<sup>16</sup> Peace Now, August 20, 2018

<sup>17</sup> OCHA, Area C of the West Bank: Key Humanitarian Concerns, August 2014, P1, Last visited (18.08.2018), [https://www.ochaopt.org/sites/default/files/ocha\\_opt\\_area\\_c\\_factsheet\\_August\\_2014\\_english.pdf](https://www.ochaopt.org/sites/default/files/ocha_opt_area_c_factsheet_August_2014_english.pdf).

## ECONOMIC AND OTHER INCENTIVES FROM THE ISRAELI GOVERNMENT TO ILLEGAL SETTLEMENTS AND SETTLERS

Israel's illegal colonial-settlement enterprise is an official public policy. Consequently, Israel actively facilitates the application of this policy and provides incentives to Israeli citizens, as well as to Jewish foreign nationals, to reside in illegal settlements.

Examples of incentives include: placing several Israeli settlements on the list of "national priority" areas, as well as offering settlers various incentives granted by different Israeli ministries. Accordingly, several Israeli ministries, including Finance, Labor, Industry and Education, as well as the Land Administration Authority, grant workers special incentives and subsidies for residing in settlements.

Part of the incentives comes from the Israeli Ministry of Construction and Housing that provides loans and grants to buy property in occupied Palestine, among other elements, such as the development of existing settlements and the construction of new settlements, that drastically decrease the cost of housing for Israeli settlers.

Other incentives are given by the state directly to the settlements' local councils in order to provide services for the settlers including water and electricity. In terms of transportation, Israeli settlers receive subsidies from the Ministry of Transportation that make the cost of using public buses cheaper for residents of settlements. For example, the trip between the West Jerusalem Central Bus Station and the illegal colonial-settlement of Kiryat Arba (located in the Hebron Governorate) costs 8 shekels (for about 45 kilometers), while going from West Jerusalem to Beit Shemesh, in Israel, (approximately 35 kilometers) costs around 15 shekels<sup>18</sup>.

### Purpose of Incentives:

- Ensure that settlements and settlers act as buffer zones and blur the lines between Israel and occupied Palestine.
- Raise standards of living and make settlements feasible for Israelis to move into.
- Develop infrastructure and public facilities.
- Make settlements competitive with Israel's urban centers in terms of living standards.
- Increase the settler population in occupied Palestine.

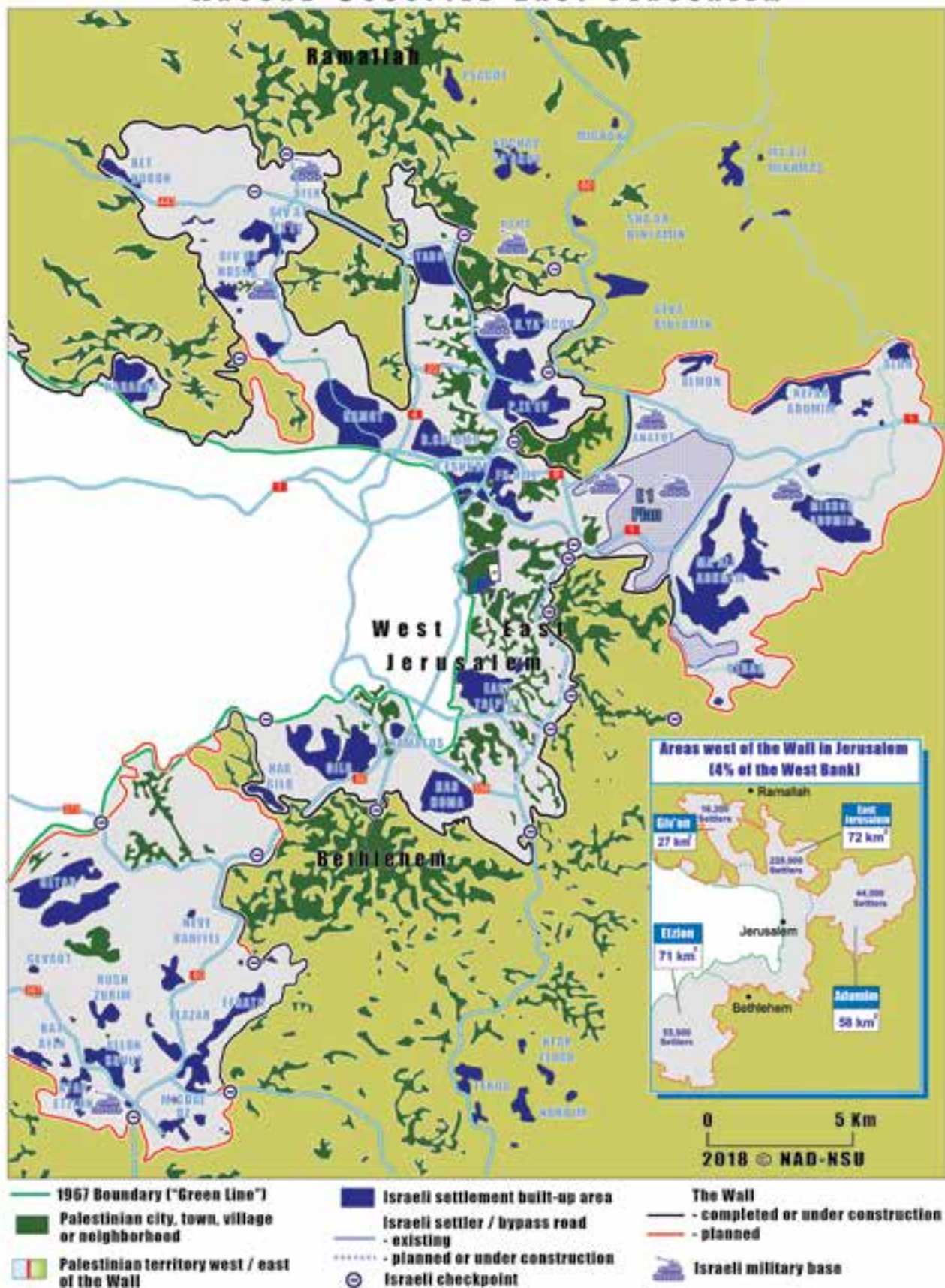


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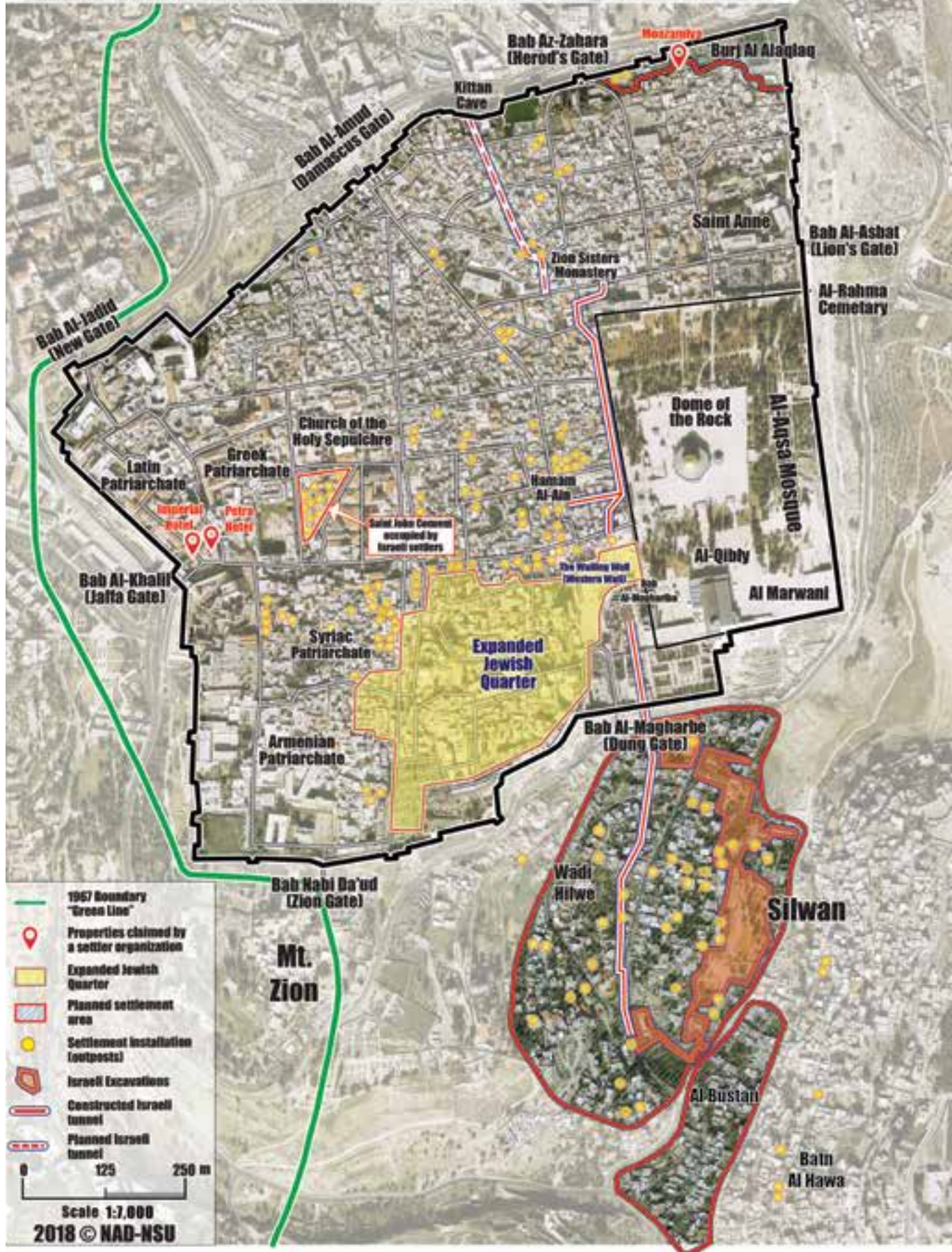


<sup>18</sup> Egged's official Website, last visited (18.08.2018), <https://bit.ly/2C8amuc>

# ISRAELI SETTLEMENT ENTERPRISE AROUND OCCUPIED EAST JERUSALEM



# Israeli Settlements in and Around the Old City of Jerusalem



# Jerusalem



# THE CASE OF JERUSALEM

Israel, the Occupying Power, has imposed a number of policies and practices to consolidate the annexation of Jerusalem and to assert and exercise its full and exclusive control over Jerusalem. It has undertaken deliberate geographic and demographic changes, to ensure a Jewish majority in the city including the creation of a number of settlement rings in and around the city that are fragmenting Palestinian geography and territorial contiguity.

In 1980, Israel adopted a Basic Law declaring "the complete and united Jerusalem" as the capital of Israel<sup>19</sup>. This was rejected by the United Nations and the Security Council reaffirmed that the acquisition of territory by force is inadmissible. UNSC Resolution 478 affirmed that *"the 'Basic Law' constitutes a violation of international law and does not affect the continued application of the Geneva Convention...in the Palestinian and other Arab territories occupied since June 1967, including Jerusalem... all legislative and administrative measures and actions taken by Israel, the occupying Power, are null and void and must be rescinded forthwith[.]"*

<sup>19</sup> For more information please see – Al-Haq, The Occupation and Annexation of Jerusalem through Israeli Bills and Laws, March 5, 2018, last visited (18.08.2018), <http://www.alhaq.org/advocacy/topics/wall-and-jerusalem/1195-the-occupation-and-annexation-of-jerusalem-through-israeli-bills-and-laws>.

## INTERNATIONAL FUNDS TO ISRAEL'S SETTLEMENT ENTERPRISE: THE ISRAELI SETTLER ORGANIZATIONS OPERATING IN OCCUPIED EAST JERUSALEM

Home demolitions, evictions, ID revocations, and the construction and expansion of Israeli settlements, are all part of official Israeli policies and practices in occupied East Jerusalem. However, the roles played to maintain illegal settlement policies in Jerusalem were not exclusive to official or governmental bodies. The Israeli government and Israel's Jerusalem Municipality partnered with non-governmental organizations in supporting this illegal enterprise. This is how organizations such as the JNF, Christian Friends of Israeli Communities, the World Zionist Organization, Women in Green, or the Israel Land Fund have contributed -through various angles- to the consolidation of this illegal situation in and around occupied East Jerusalem.

One ongoing case is Jaffa Gate, which is one of the most important landmarks in Jerusalem. It is the entrance to the Old City used, as per status quo, by the heads of churches to enter their Patriarchates. It also divides the Armenian from the Christian Quarter and is one of the main entrances to the markets leading to the Al Aqsa Mosque Compound. The uniqueness of Jaffa Gate, which has existed for centuries, is being threatened by the extremist settler organization Ateret Cohanim that aims at taking over properties owned by local churches to turn them into new Israeli colonial-settlement<sup>20</sup>. Such organizations cooperate closely with the Israeli government and receive funding from abroad.

Receiving contributions from individuals and/or companies in several countries, such as the United States, the United Kingdom, Canada and France, among others, each organization specializes in supporting a particular aspect of the colonial-settlement enterprise. In some cases, there are even individuals who directly transfer significant sums of money from their countries in order to fund settlement projects in occupied Palestine. They range from supporting Palestinian home demolitions and evictions, to the construction of parks and settlement units.

An example of individual involvement in supporting illegal settlements is that of the US Ambassador to Israel, David Friedman, who has actively participated in fundraising for Israeli settlements, mainly for the benefit of the settlement of Beit El, in the outskirts of Al-Bireh. Contributions made each year by his former organization, the "American Friends of Beit El" reached approximately \$2 million USD annually. Similarly, Jared Kushner, President Trump's senior adviser and member of his Middle East team, also contributed in donations to illegal settlements, including Beit El and Efrat, as well as to various projects in settlements in the Governorates of Bethlehem and Hebron. Moreover, the US Envoy, Jason Greenblatt studied in the illegal-colonial settlement of Alon Shvut, in the Bethlehem Governorate, one of the colonial-settlements that benefited from foreign funding.

Contributions made to illegal settlement activities usually follow a three-stage process before reaching their final destination in occupied Palestine, including East Jerusalem<sup>21</sup>.

First, private individuals and foundations grant money to non-profit organizations in the form of donations and gifts, which then become tax deductible<sup>22</sup>. These organizations then transfer the funds towards charity foundations that operate throughout occupied Palestine<sup>23</sup>. They will then in turn, use that money for various projects and activities related to the colonization of occupied Palestine<sup>24</sup>. The process of funds transfers is complex and obscure, and in some cases, also includes funds coming from European countries and Canada.

This section uncovers the funding by some organizations and their impact on Palestinians in occupied East Jerusalem to demonstrate how such funds are used in occupied Palestine.

<sup>20</sup> For more information please see– Joint statement by the Patriarchs and Heads of Local Churches in Jerusalem: <https://www.lpi.org/wp-content/uploads/2017/09/englishstatementjaffagatedeal.pdf>.

<sup>21</sup> Michael Severall, The Strange Case of American Tax-Exempt Money for Settlements, Palestine-Israel Journal of Politics, Economics, and Culture, November 12, 2011, Last visited (18.08.2018), <http://www.pij.org/details.php?id=1280>.

<sup>22</sup> Id.

<sup>23</sup> Id.

<sup>24</sup> Id.

## THE MOSKOWITZ FOUNDATION

Funds brought through several foundations related to the Moskowitz Foundation are routed until they reach the final destination, all while maintaining tax exemptions. In brief, the money flows from the Moskowitz's Bingo club toward the Moskowitz Foundation (Irving I. Moskowitz; Cherna Moskowitz; Irving & Cherna Moskowitz) before being disbursed among settler organizations through the Moskowitz's American Friends of the Everest, a shell organization aimed at acquiring Palestinian properties.

The major source of revenue that Moskowitz's scheme relies on is the Casino and Bingo club located in Hawaiian Gardens, California, USA. Because section 326.5 of the California Penal Code states certain nonprofit organizations as eligible to conduct bingo games,<sup>25</sup> Moskowitz established the Irving I. Moskowitz Foundation to operate the club. The mission statement of the foundation is to receive, administer, and distribute funds to charitable organizations for education, scientific, religious and charitable purposes<sup>26</sup>. However, a closer look at how the money is spent could not be further from the truth, as it is spent on producing propaganda and the colonization of occupied Palestine. Earnings from the Bingo club, via the Irving I. Moskowitz, are transferred to other non-profit organizations that have ties to Jewish settler groups<sup>27</sup>, whose aim is to promote the forcible displacement and ethnic cleansing of Palestinians from their homes.

A closer examination at Moskowitz funding raises suspicion of further illegal activity. The Irving I. Moskowitz Foundation is not the only foundation established by Moskowitz that channels money into Israeli settlements. Moskowitz's wife and business partner has a non-profit foundation named the Cherna Moskowitz Foundation that also transfers money to settlements. In addition, both Cherna and Irving Moskowitz established a foundation together called the Irving & Cherna Foundation. However, this foundation no longer seems to exist despite the fact that records show that it has donated money to the American Friends of the Everest<sup>28</sup>.

The American Friends of the Everest is not the only foundation they fund. Irving I. Moskowitz Foundation and the Cherna Moskowitz Foundation also fund some of the most hawkish Zionist groups and staunch supporters of illegal Israeli settlements that openly advocate the ethnic cleansing of Palestinians. Tracing the money through their foundations' 990 Form from the year 2014-2016, the biggest recipients are the Central Fund of Israel (\$7 million USD) and the One Israel Fund (\$2.5 million USD),<sup>29</sup> both of which openly advocate for the building of settlements<sup>30</sup>. The American Friends of the Ateret Cohanim and the American Friends of Ir David also receive money to promote their agendas in East Jerusalem. Other funds go toward foundations that have limited to no information on their websites.

Moskowitz' own "nonprofit foundation", the American Friends of the Everest, also receives its fair share of donations from the Moskowitzs' foundations (Irving I. Moskowitz; Cherna Moskowitz; Irving & Cherna Moskowitz). Within the last three years, all three foundations have contributed more than \$3 million USD towards the American Friends of the Everest<sup>31</sup>. In fact, it seems that the Moskowitz family is the sole contributor to the American Friends of the Everest, with minor contributions made from foreign entities that appear to be from Israel itself<sup>32</sup>.

Furthermore, The American Friends of the Everest's tax returns from 2014-2016 indicate that the foundation has assets in East Jerusalem such as the Beit Witenberg (between Austrian Hospice and Damascus Gate) in the Old City<sup>33</sup>. Moreover, it indicates that the nonprofit foundation has links to organizations that have been associated with purchasing land and building settlements in occupied Palestine in the past. Some of the for-profit organizations that fall under the American Friends of Everest are: The Scandinavian Seaman Holy Land Enterprises AB, addressed in Stockholm, Sweden, and the Alessa Investments S.A, addressed in Israel<sup>34</sup>. The former is responsible for covering up the sale and transfer of a Swedish Church complex next to

25 California Penal Code, Chapter 9, §326.5. Last visited (16.08.2018), [https://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=PEN&sectionNum=326.5](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=326.5).

26 Irving Moskowitz Foundation, About Us, Last visited (18.08.2018), <http://www.moskowitzfoundation.org>.

27 The Irving I. Moskowitz Foundation IRS Form 990 PF 2016; Last visited (03/09/2018) <https://www.guidestar.org/FinDocuments/2016/956/201/2016-956201346-0eb0f1a2-9.pdf>

28 American Friends of the Everest IRS Form 990 PF, 2015 P15, Last visited (25.07.2018), <https://www.guidestar.org/FinDocuments/2015/113/043/2015-113043242-0d22043c-F.pdf>.

29 Full Amount derived from adding the funds sent to these organizations through the years of 2014-2016.

30 One Israel Fund Official Website, Last visited (25.07.2018), <https://oneisraelfund.org/>; Israel Land Fund Official Website, Last visited (25.07.2018), <http://www.israelandfund.com/en-us/contact/donations.htm>.

31 Based on American Friends of the Everest IRS Form 990 PF, 2015, supra note 27; and American Friends of the Everest IRS Form 990 PF, 2016, Last visited (16.08.2018), <https://www.guidestar.org/FinDocuments/2016/113/043/2016-113043242-0e79d6bd-F.pdf>.

32 *Id.* at 15.

33 American Friends of the Everest IRS Form 990 PF, 2015, supra note 27 at 20.

34 *Id.* at 22.



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Al-Arroub refugee camp, between Bethlehem and Hebron<sup>35</sup>. The latter is responsible for purchasing and building the settlement in the Suwaneh neighborhood of occupied East Jerusalem<sup>36</sup>.

Moskowitz's business venture was responsible for many settlement projects. Among them, Jewish settlements in the Old City's Muslim Quarter, Beit Yonatan and Ir David settlement in the neighborhood of Silwan, Ma'aleh Hazeitim in Ras Amud, Shimon Hatzaddik in Sheikh Jarrah, Kidmat Zion located on the boundary between East Jerusalem and Abu Dis, Abu Tor, Beit Orot in Mount of Olives, and recently the acquisition of 38 *dunums* of church<sup>37</sup> property between Bethlehem and Hebron. Further, his contributions enabled<sup>38</sup> the excavation of a tunnel in 1996 beneath Al-Aqsa Mosque Compound. Benjamin Netanyahu, prime minister then as now, approved the opening of the tunnel, sparking a wave of violence, which resulted in the killing of 70 Palestinians<sup>39</sup>.

According to reports, the partners in the tunnel excavation project are the "Western Wall Heritage Foundation controlled by the Prime Minister's Office, the Antiquities Authority, the East Jerusalem Development Corporation and of the settler organizations of Elad and Ateret Cohanim<sup>40</sup>".

**ELAD SETTLER  
ORGANIZATION  
AND THE SUPPORT  
IT RECEIVES FROM  
"CHARITABLE"  
ORGANIZATIONS IN  
THE UNITED STATES**

Elad, a settler organization established in 1986<sup>41</sup> by David Be'ri<sup>42</sup>, also known as Ir David Foundation, operates mainly in the Palestinian neighborhood of Silwan in occupied East Jerusalem<sup>43</sup>. It receives funding from "Friends of Ir David", a non-profit organization registered in the US.

While it claims it is dedicated to "the preservation and development of the Biblical City of David and its environs"<sup>44</sup> this settler organization has more to do with preserving and increasing the settler presence in occupied East Jerusalem, especially in the neighborhood of Silwan, through dispossessing the Palestinian owners from their homes<sup>45</sup>.

35 Maan News Agency, American Millionaire Funded Transfer of West Bank Church to Settlers, May 28, 2015, Last visited [25.07.2018], <http://www.maannews.com/Content.aspx?ID=765649>.

36 The Expansion of The Settlements in Mount of Olives – the Hotel and the Neighborhood, December 15, 2010, Last visited [25.07.2018], <https://settlementwatcheastjerusalem.wordpress.com/2010/>.

37 Chaim Levinson, American Millionaire Irving Moskowitz Behind Purchase of West Bank Church Compound, May 27, 2015, Last visited [18.08.2018], <https://www.haaretz.com/premium-moskowitz-behind-west-bank-church-compound-purchase-1.5366699>.

38 Stephen J. Sneigowski, The Transparent Cabal: The Neoconservative Agenda, War in the Middle East and The National Interest of Israel P86 [2008].

39 Jonathan Cook, Banned from Al Aqsa, The National, October 7, 2009, Last visited [18.08.2018], <https://www.thenational.ae/world/mena/banned-from-al-aqsa-1484583>.

40 Nir Hasson, Jerusalem's Time Tunnels, April 24, 2011, Last visited [18.08.2018], <https://www.haaretz.com/1.5003615>.

41 City of David official website, last visited [24.07.2018], <http://www.cityofdavid.org.il/en/The-Ir-David-Foundation>.

42 Eric Goldstein, Can I take a tax-deduction on my donation to Israel settlements in Palestine?, last visited [24.07.2018], <https://www.hrw.org/news/2015/02/02/can-i-take-tax-deduction-my-donation-israeli-settlements-palestine>.

43 Michael Sevel, supra note 21.

44 City of David official website, supra note 40.

45 ARIJ, Subsidizing Violence: US tax exemption for settlement expansion in the occupied Palestinian territory, P12, last visited [24.07.2018], [https://www.arij.org/files/arijadmin/poica/Settlers\\_Violence.pdf](https://www.arij.org/files/arijadmin/poica/Settlers_Violence.pdf).

With the consent of the Israel Nature and Parks Authority,<sup>46</sup> in 1997 Elad became the only private organization authorized to administer the "City of David National Park"<sup>47</sup>. Through this move, Elad was able to tighten its grip on the Old City, by reducing the accessibility to public space for the Palestinian residents of Silwan and controlling the narrative of the tourist site "the City of David" in a way which marginalizes the Christian and Islamic connection of the Palestinian population to the city<sup>48</sup>. Elad, with the assistance of the Israeli government and the JNF, was also able to expropriate Palestinian property, in addition to the use of deception, intimidation and threats in land purchases from Palestinians<sup>49</sup>.

The United Nations in 2012 criticized the settler colonial activities in Silwan stating that *"the establishment of settlements in the heart of Palestinian neighborhoods commonly entails the forced eviction and displacement of Palestinians. In addition to depriving families of their homes, this has often resulted in disruption to livelihoods and access to basic services such as education and water/sanitation. This inevitably leads to reduced standard of living and increased dependency on humanitarian aid. The impact of displacement on children can be particularly devastating, including post-traumatic stress disorder, depression and anxiety and reduced academic achievement [...]. This settlement activity has also led to increased tensions, restrictions on public space, residential growth and freedom of movement. The continuous deployment of private security guards and police forces to protect the settlements, particularly in Silwan and Sheikh Jarrah, has also led to frequent clashes, which undermined the physical security of Palestinian residents"*<sup>50</sup>.

Information on funding sources to Elad is not disclosed. However it was discovered that Elad receives financial support in the form of donations from various foundations registered in the United States as "charitable organizations" under section 501(c)(3) of the US Internal Revenue Code<sup>51</sup>, which means that such "donations" are tax-exempt. Donations made in violation of the US tax code, subject the organization to financial review, closure, and/or legal action.

Friends of Ir David, a tax-exempt organization registered in the United States, funds Elad. According to the IRS filings, the purpose of the organization is "to create a charitable fund to provide financial aid and other reasonable assistance to benefit the Jewish people of the Old City of Jerusalem, to teach the history and archaeology of the biblical city of Jerusalem, to offer aid and assistance for education, housing and the rehabilitation of distressed properties"<sup>52</sup>. Through the organization's tax filing it was reported that in the years 2011 and 2012 Elad received two thirds of its donations through the Friends of Ir David who donated almost its entire revenue<sup>53</sup>.

Following the footsteps of Elad, Friends of Ir David also hides the names of its sources<sup>54</sup>, but through IRS filings<sup>55</sup> it was discovered that the Irving Moskowitz Foundation donates to the US-based organization Friends of Ir David<sup>56</sup>. In 2010 Moskowitz donated \$2 million USD to Friends of Ir David<sup>57</sup>. Friends of Ir David also receives donations from the JNF office in the United States, also registered as a "charitable organization"<sup>58</sup>. In 2013 tax filings, the JNF reported donating \$33,000 USD to Friends of Ir David<sup>59</sup>.

46 Eric Goldstein, supra note 41.

47 ARIJ, supra note 44 at 12.

48 Michael Several, supra note 21.

49 *Id.*

50 UNOCHA, Settlements in Palestinian Residential Areas, April 2012, Last visited (18.08.2018), <https://www.un.org/unispal/document/settlements-in-palestinian-residential-areas-in-east-jerusalem-ocha-factsheet/>.

51 Uri Blau, "An Inside Look at How Haaretz Tracked the Flow of U.S. Donations to Israeli Settlements", December 8 2015, last visited (20.08.2018), <https://www.haaretz.com/.premium-how-haaretz-tracked-flow-of-u-s-donations-to-settlements-1.5430975>.

52 David Ignatius, US, funds for Israeli settlements, last visited (24.07.2018), <http://www.sandiegouniontribune.com/sdut-lz1e27ignatui213329-us-funds-israeli-settlements-2009mar27-story.html#>.

53 Eric Goldstein, supra note 41.

54 Michael Several, supra note 42.

55 IRS, or "International Revenue Service", is a U.S. government agency in charge of collecting taxes and enforcing tax laws. Regarding charities, non-profits and all tax-exempt organizations, you can consult: <https://www.irs.gov/charities-non-profits/tax-exempt-organization-search>.

56 Paul Blumenthal, Irving Moskowitz, Controversial Backer of Israeli Settlements, Gives \$1 Million to Anti- Obama Super Pac, last visited (24.07.2018), [https://www.huffingtonpost.com/2012/04/12/irving-moskowitz-israeli-settlements-anti-obama-super-pac\\_n\\_1416041.html](https://www.huffingtonpost.com/2012/04/12/irving-moskowitz-israeli-settlements-anti-obama-super-pac_n_1416041.html).

57 *Id.*

58 Judy Maltz, Jewish National Fund Finally Releases List of Grantees in Israeli West Bank Settlements, last visited (24.07.2018), <https://www.haaretz.com/israel-news/.premium-jnf-finally-releases-list-of-grantees-in-settlements-1.5441233>.

59 990 Form of the year 2013 for Jewish National Fund, P. 46, Last visited (18.08.2018), [http://990s.foundationcenter.org/990\\_pdf\\_archive/131/131659627/131659627\\_201409\\_990.pdf](http://990s.foundationcenter.org/990_pdf_archive/131/131659627/131659627_201409_990.pdf).

## THE DEMOLITION OF THE SHEPHERD HOTEL IN SHEIKH JARRAH



In 2011, the Israeli authorities began razing the structure of the Shepherd Hotel to the ground<sup>60</sup> in the Sheikh Jarrah neighborhood to replace it with a new colonial-settlement. The hotel sits on a nine-*dunums* prime real estate in East Jerusalem.

Today, the construction of the 30 residential settlement units is almost complete. In retrospect, the settlement construction in the Sheikh Jarrah neighborhood did not exist in a vacuum, but rather through relentless cooperation and business-deals between the Israeli authorities and settlement supporters and financier groups.

While the decedents of the Mufti of Jerusalem Hajj Amin Hussein maintained the property after the occupation of Jerusalem in 1967, they were surprised to learn that title to the property was transferred to the Israeli Custodian of Absentee Property. The seizing of the property materialized through a complex legal and bureaucratic mechanism of the Absentee Property Law of 1950<sup>61</sup>.

The main objective of this law is to grant legal basis for transferring Palestinian properties into the possession of the Occupying Power. Nonetheless, the transaction made in the Shepherd Hotel did not only violate international law, but it also contradicts Israeli law. The basis of the absentee law states that the absentee properties are held in a temporary trust of the Custodian for Absentee Property pending the resolution of the Palestinian refugee issue. In practice, Israel has prohibited the Palestinian right of return, based on the fact that Palestinians are non-Jews.

The case of the Shepherd Hotel rests with business dealings that allow for the expansion of the settlement enterprise in Sheikh Jarrah and elsewhere in the occupied city. In 1985, the property was transferred from the Israeli Development Authority to C&M Properties<sup>62</sup>. It is worth noting that the company was developed by Irving Moskowitz and is registered in the State of California in the United States.



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The structure of the Shepherd Hotel before its demolition.

<sup>60</sup> The real estate was built in 1930's by Haj Amin Hussein the Grand Mufti of Jerusalem, as his family home. Upon his exile by the British in 1937, the property fell under British government control, when it was used as a military outpost. During the period of Jordanian rule, from 1948 through 1967, the Mufti's family took control of the property, assumed its management and rented it to hoteliers. Thus, the home became known as the Shepherd Hotel.

<sup>61</sup> For more information about the Absentee Property Law: <https://www.nad.ps/en/publication-resources/factsheets/israel%E2%80%99s-continued-land-confiscation-jerusalem-application-israel%E2%80%99s>

<sup>62</sup> C&M Properties is a U.S. registered company established by Irving Moskowitz, an American business mogul who has been active in purchasing property in occupied East Jerusalem for the past two decades and with the stated purpose of increasing the Jewish settler presence in Palestinian areas of the city.



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The demolition of the Shepherd Hotel on 9 January 2011.

The Shepherd Hotel today replaced with new Israeli settlement units.

### ISRAEL LAND FUND AND ITS LEADER ARYEH KING

The Israel Land Fund (ILF) was established in 2007 as a "non-for-profit organization" with the stated goal to "enable all Jews (Israeli and non-Israeli citizens) to own a part of Israel (...) ensuring the land of the Israel stays in the hands of the Jewish people forever"<sup>63</sup>. By Israel they include all the territory occupied in 1967. In order to pursue this goal, they have been one of the most active organizations in colonial-settlement activities taking place in occupied East

Jerusalem. Its leader, Israeli politician Aryeh King, lives in the illegal colonial-settlement of Ma'ale Hazetim, in the heart of the Palestinian neighborhood of Ras Al-Amoud, nearby the Mount of Olives of occupied East Jerusalem, which hosts about 120 Israeli settler families.

The Israel Land Fund is supported by donations from abroad, including by US citizen Irving Moskowitz, whose name is repeated in other similar cases. Their website offers the option for "Tax deductible contributions" from the United States and "tax relief" from the United Kingdom, as well as from Non-US Tax Deductible Donations, to be sent directly to their offices in Jerusalem. Their bank account in the UK is at HSBC bank<sup>64</sup>. According to Mr. King, they receive money from everywhere, including EU countries<sup>65</sup>.

Part of the work of the ILF has been advocacy in order to make Palestinians "move and live elsewhere (...) you have many large countries that you can live in (...) Understand that we returned to Israel to fulfil what is written in the Torah"<sup>66</sup>. This shows the direct relation between Israeli policies of forcible displacement of Palestinians from occupied East Jerusalem (home demolitions, evictions, ID revocations) and the work of groups such as the ILF.

An important part of their work has focused in land vital for the viability of the State of Palestine, including in the Bethlehem-Jerusalem area (the illegal colonial-settlements of Giv'at Hamatos and Gilo), the Ramallah-Jerusalem area, the eastern Jerusalem area (planned for the E-1 settlement project) as well as in and around the Old City. One of their campaigns aims at building a new settlement with 300-400 units in the Palestinian neighborhood of Beit Hanina.

<sup>63</sup> Israel Land Fund, "About ILF" last visited (19.08.2018), <http://www.israelandfund.com/en-us/about/about-ilf.htm>.

<sup>64</sup> Israel Land Fund, "Donations," last visited (19.08.2018), <http://www.israelandfund.com/en-us/contact/donations.htm>.

<sup>65</sup> The Telegraph, "Why Israelis Are buying up Palestinian homes in riot-torn East Jerusalem", November 7, 2014, last visited (19.08.2018) <https://www.telegraph.co.uk/news/worldnews/middleeast/israel/11213615/Why-Israelis-are-buying-up-Palestinian-homes-in-riot-torn-East-Jerusalem.html>.

<sup>66</sup> *Id.*



## THE EVICTION OF AL-SHAWAMREH AND ABU RUMEILEH FAMILIES FROM THEIR HOMES IN BEIT HANINA



On 19 July 2018, 46-year-old Palestinian woman Fawzieh Al-Shawamreh stood on the rubble of her own home, and said: "No one believed that I would demolish my house with my own hands". On this day, two Palestinian families, Al-Shawamreh and Abu Rumeileh, decided to take their own houses down, including three apartments they lived in for nearly 20 years, using bulldozers that cost them nearly \$ 8,500 USD. In an interview with the Negotiations Affairs Department, Fawzieh said: "I cannot tolerate seeing Israeli settlers moving in to live in my home that I built with my own hands".

The two houses were located in Al-Ashqarieh neighborhood of Beit Hanina in occupied East Jerusalem. Both families purchased the land from its supposedly Palestinian owner in the early 1990's and built those two houses in 2000. Soon after, the families received demolition orders from Israel's Jerusalem municipality claiming they didn't have the proper permits, which are hard for Palestinians to obtain from the Israeli occupation authorities. Consequently, as in many cases throughout East Jerusalem, these families were obliged to pay high fines to postpone the execution of the demolition orders.



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Furthermore, and nearly ten years ago, Israel Land Fund and its leader Aryeh King filed the first lawsuit against those two Palestinian families claiming ownership of the land that an Israeli settler reportedly acquired from a seemingly another Palestinian owner in the early 1970's. Aryeh King himself, who is also a member of Israel's city council of Jerusalem, was directly leading the threats campaign against these two Palestinian families towards evicting them from their properties. For so long, he sought to force out the nearly 20 Palestinians, half of which are children, who lived in these houses, to replace them with Israeli settlers. In 2016, King's quest concluded with the Israeli High Court accepting his claim as a valid legal case.

The Israeli High Court issued its final verdict on 30 January 2018 that Al-Shawamreh and Abu Rumeileh families should evict their homes by 1 August 2018. Hence, the families decided to take down their houses in spite of King's offer to financially compensate them if they left the houses intact.

Following the court's ruling, the Israel Land Fund published an advertisement on its website hailing this decision as "a huge victory" and asking for: "4 idealistic families who are willing to move into homes in Beit Hanina"<sup>67</sup>. And just one month before the deadline set for eviction by the court, an additional advertisement was published on the Facebook page of this settler organization, with pictures of the houses of Al-Shawamreh and Abu Rumeileh families, requesting donations to acquire what appears to be another Palestinian property in Jerusalem, indicating that: "There are legal fees, security costs, payments that must be made to the Israeli police..." The advertisement also included details on how to make donations "For U.S. Tax Deductible Contributions"<sup>68</sup>.

And just before the demolition of those two houses, Aryeh King stated: "Our plan is to build tens of houses for Jewish families at this plot. Besides that, the Jews here will have around 300 to 400 houses that have already been approved for construction"<sup>69</sup>.

67 Israel Land Fund, "ILF Scores Supreme Court Victory", last visited (23.08.2018), <http://www.israelandfund.com/en-us/info/news-list/ilf-scores-supreme-court-victory.htm>.

68 Israel Land Fund/ Facebook Page, last visited (23.08.2018), <https://bit.ly/2MzLlaD>.

69 Eliran Aharon, 'We should say 'Shehecheyanu'', last visited (23.08.2018), <https://bit.ly/2LqWZVc>.





**JEWISH  
NATIONAL  
FUND**

The Jewish National Fund, or "Keren Kayemeth Lelsrael" (KKL) is one of the first institutions created by the Zionist movement back in 1901, in order to take control of Palestinian land towards creating the early

Jewish settlements. Its creation has been described as the "moment that Zionism actually set foot in Eretz Israel" (the Zionist reference of Israel that extends to include occupied Palestine)". It holds a special status in Israel and has been assigned to administer an important percentage of lands in Israel, including Palestinian refugee property.

Being often described as a benign organization with the aim of contributing to the environment in Israel, the JNF is a multi-national corporation with offices in 22 countries<sup>70</sup> that contribute to several projects in Israeli settlements. It mainly receives funding from Jewish philanthropists and donations from Jews around the world through the infamous Blue Box. According to JNF, it is a box used in Jewish houses and institutions as a way to raise funds<sup>71</sup>. The majority of the JNF offices around the world are in Europe. It is worth noting that most of them are involved in all kinds of activities that the JNF in Israel focuses on. For example, the JNF office in Belgium is involved in supporting projects for "land development, tourism, preservation and environmental rehabilitation in Israel." The office in Ireland is also involved in all the activities and projects carried out by JNF in Israel<sup>72</sup>.

The JNF controls 12% of Israeli defined State-Land<sup>73</sup>, being exempted from paying taxes. Their properties include destroyed Palestinian villages of 1948. They also control occupied territory of 1967, having among its rules that the land cannot be transferred to a "non-Jew". Although JNF promotes itself as a charitable organization aimed at developing Israel, it has been working to promote and construct illegal settlements by expropriating and exploiting occupied Palestinian lands especially in the Jordan Valley. In addition, since 1991, JNF and its subsidiary Himnuta, with the assistance of Elad, have been working to evict the Palestinian family of Sumreen from Silwan, in occupied East Jerusalem<sup>74</sup>.

The JNF sells and administers these lands, which is further managed by the Israel Land Authority, a government authority that transfers the revenues it generates to the JNF<sup>75</sup>.

<sup>70</sup> Keren Kayemeth Lelsrael Jewish National Fund, Projects and Partners Worldwide, last visited (18.08.2018), <http://www.kkl-jnf.org/about-kl-jnf/kl-jnf-offices-worldwide>.

<sup>71</sup> Keren Kayemeth Lelsrael Jewish National Fund, The Blue Box, Last visited (18.08.2018), <http://www.kkl-jnf.org/about-kl-jnf/the-blue-box/>.

<sup>72</sup> Keren Kayemeth Lelsrael Jewish National Fund, "Projects and Partners Worldwide," <http://www.kkl-jnf.org/about-kl-jnf/kl-jnf-offices-worldwide/>.

<sup>73</sup> Nimrod Bousso, After 52 Years, Jewish National Fund Divorcing Israel Lands Administration, June 30, 2013, last visited (18.08.2018), <https://www.haaretz.com/israel-news/business/.premium-jnf-plans-to-part-company-with-ila-1.5288694>.

<sup>74</sup> Noam Sheizaf, Despite denials, JNF to continue eviction effort of J'lem Palestinians, November 28, 2011, Last visited (18.08.2018), <https://972mag.com/despite-denials-jnf-to-continue-eviction-effort-of-jerusalem-palestinians/28489/>.

<sup>75</sup> Id.



## JNF'S ATTEMPT TO EVICT THE SUMREEN FAMILY FROM SILWAN



JEWISH  
NATIONAL  
FUND

For over two decades, the Palestinian family of Sumreen from Silwan, in occupied East Jerusalem, has been fighting a battle of eviction with the JNF and their attempt to evacuate the family from their property, claiming that one of the family heads, Musa Sumreen, is an "absentee" living in Jordan. This has resulted in the transfer of the property to the state in which the state sold it to the JNF. Since 1991, Himnuta, the subsidiary of JNF, has filed numerous lawsuits calling for the evacuation of the Sumreen Family<sup>76</sup>.

They have been using the Absentee Property Law as a tactic for the takeover of the property). The family won the first lawsuit against the attempted eviction. However, over the past several years, Himnuta continued to file lawsuits and demanded the family to pay large sums of money for use of the property, since the property is still under the ownership of the state. Although Himnuta is the only plaintiff of the case, Elad, a settlers' organization, in a joint venture with JNF, is waging the suit in hopes of seeking to obtain the property from JNF<sup>77</sup>. The JNF is effectively trying to forcefully displace the Sumreen family to replace them with settlers brought in by Elad.

<sup>76</sup> Nir Hasson, Jewish National Fund Working to Evict Palestinian Family From East Jerusalem, Jan 2, 2018, Last visited (18.08.2018), <https://www.haaretz.com/israel-news/premium-jnf-working-to-evict-palestinian-family-from-east-jerusalem-1.5630218>.

<sup>77</sup> Id.



## THE JNF MAKING APARTHEID GREEN IN THE JORDAN VALLEY



JEWISH  
NATIONAL  
FUND



On its website, the JNF declares that their organization focuses on “water solutions” “forestry and green innovation” and “community development by building new communities; preparing land for farming and security roads”,<sup>78</sup> as part of the projects it has conducted in the occupied Jordan Valley. At a moment where the Israeli government was still hesitant to openly acknowledge its colonization projects in the area, the JNF began paving the way on the ground for such projects. For example, the JNF built the first road leading to the colonial-settlement of Gitit, in the Jordan Valley. In addition, it paved the way for the construction of eight settlements by preparing 5,400 *dunums*. Most importantly, it was involved in the construction of the “Allon Road”<sup>79</sup> that connects the Israeli settlements without any connections leading to nearby Palestinian villages. The purpose behind the road was to “demarcate the area intended for annexation to Israel to the east of Allon Road” thus resulting in the isolation of the Palestinian population in the center of the West Bank near the mountains<sup>80</sup>.

The JNF continues to fund construction of roads and donating dirt roads on lands that are confiscated from the Palestinian village of Bardala in the Jordan Valley. In addition, it has donated money for the construction of the illegal settlement and farm of Shadmot Mehola, near Ein El-Beida on Bardala land, and the road leading to it. The JNF has also worked on infrastructure projects in various settlements in the Jordan Valley, including by donating to recreation centers in the Jordan Valley, such as the Jordan Valley Meeting Point<sup>81</sup>. In 1997, the JNF built the Tirza Reservoir which exploits water through the collection of flood waters from the stream of Wadi al-Far’a, the largest stream in the occupied West Bank, before dumping into the Jordan River. Thus, directing all the water to the settlements<sup>82</sup>.

78 JNF, Our Work to Support The Land and People of Israel, Last visited [18.08.2018], <https://www.jnf.org/menu-2/our-work>.

79 Tarabut, JNF in the Jordan Valley: Colonization Now, 2013, Last visited [18.08.2018], <http://www.tarabut.info/en/articles/article/JNF-in-the-Jordan-Valley/>.

80 *Id.*

81 *Id.*

82 *Id.*



In 2012, a list was obtained of the settlement projects that JNF funds. Some of the projects are in occupied East Jerusalem, Hebron and near Bethlehem. There is information that the list of activities and operations has grown since then. Available information shows the following<sup>83</sup>:

1. Amphitheatre in the illegal colonial-settlement of Shilo (Ramallah Governorate) – NIS 2 million<sup>84</sup>
2. Infrastructure projects in the illegal colonial settlement of Ariel (Salfit Governorate) – NIS 4.5 million
3. Central Park in Avnei Hefetz (Tulkarem Governorate) – NIS 2.5 million
4. Promenade in Gush Ezion (Bethlehem Governorate): NIS 250,000. Will be called the "JNF Promenade."
5. Promenade in Kfar Adumin (East of Jerusalem towards the Jordan Valley): almost NIS 1.5 million
6. Bike Lane in the Mateh Binyamin Regional Council (Ramallah Governorate): NIS 1.7 million
7. Agriculture farm in Eitam (Bethlehem Governorate): NIS 2.5 million
8. A park and observation point in Mitzpe Yericho (Jericho Governorate): NIS 600,000
9. Historical site in Rosh Tzurim (Bethlehem Governorate): NIS 400,000
10. Habanim Park in Hebron (Hebron Governorate): NIS 700,000
11. Infrastructure work in Alon Moreh's yeshiva (Nablus Governorate): NIS 300,000
12. Public ground (park) in Shavei Shomron (Nablus Governorate): NIS 350,000
13. Public ground in Har Bracha (Nablus Governorate): almost NIS 1 million
14. Kikar Park in Beit El (Ramallah Governorate): NIS 120,000

<sup>83</sup> Noam Sheizaf, The Jewish National Fund's list of projects in the settlements, May 4, 2014, Last visited (18.08.2018), <https://972mag.com/the-jewish-national-funds-list-of-projects-in-the-settlements/90512/>.

<sup>84</sup> \$1= 3.61NIS



# INTERNATIONAL RESPONSIBILITY



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The colonial-settlement enterprise in occupied Palestine is a flagrant violation of international humanitarian law and is the main obstacle to the two-state solution. The ongoing expansion of such illegal colonial-settlements renders it difficult to come to a comprehensive and lasting peace, and further shapes a reality of a one-state Apartheid regime, and obstructs the inalienable right of the Palestinian people to self-determination.

Pursuant to Article 49(6) of the Fourth Geneva Convention: "The occupying power shall not deport or transfer parts of its own civilian population into the territory it occupies"<sup>85</sup>. In addition, under Article 8(b) (viii) of the Rome Statute of the International Criminal Court, such action is considered a war crime<sup>86</sup>. Further, the process of settlement construction and expansion through the confiscation of public and privately-owned Palestinian land, violates international humanitarian law enshrined in the UN Charter, The Hague Regulations, and UN Resolutions<sup>87</sup>.

UN Security Council Resolution 2334 reiterates the position of international humanitarian law and the international community in relation to the illegality of colonial settlements in occupied Palestine, and calls for the cessation of such activities. While Israel, as the Occupying Power, has the main obligation to cease its settler-colonial activities and end the occupation, yet sovereign states also have legal obligations under international law to ensure that their activities do not aid Israel and constitute grave breaches of international law.

<sup>85</sup> Geneva Convention (IV) Relative to the Protection of Civilian Persons in Time of War, Article 49 (b), <https://ihl-databases.icrc.org/ihl/WebART/380-600056>.

<sup>86</sup> Rome Statute, Article 8 (b) (viii), <https://www.icc-cpi.int/NR/rdonlyres/ADD16852-AEE9-4757-ABE7-9CDC7CF02886/283503/RomeStatutEng1.pdf>.

<sup>87</sup> Hague Regulations, Article 46, <https://ihl-databases.icrc.org/ihl/WebART/195-200056>; Art. 2(4) UN Charter.

### Obligations of third States include:

- (1) a duty of non-recognition;
- (2) a duty of non-assistance; and
- (3) a duty to respect and promote the right of self-determination.

Despite the clear illegality of colonial settlements, some countries still choose to allow the settlement industrial complex and enterprise to continue through various forms of financial incentives. Even though the official positions of such States support the two-state solution and condemn settlements, yet by allowing organizations that support illegal settlements to maintain their charitable status, these states send a message that they will continue to assist the construction, expansion, and sustainability of these settlements – thereby recognizing the illegal situation created by the Occupying Power.

Tax codes in most States are quite clear as to the criteria of charitable organizations. To meet these criteria, organizations are required to provide financial data. Often times, organizations such as the JNF and others either do not provide such financial data, or are unclear as to the discriminatory purpose tax-exempt funds are used for, in violation of local laws. Gone unchecked, millions of dollars are funneled each year away from the tax-paying public in these states, and used in violation of local and international laws to contribute to the ongoing colonization of Palestine.

For example, Section 501(c) (3) of the US Internal Revenue Code states that for an organization to be considered for tax-exempt status, it must be organized and “operated exclusively” for a tax-exempt purpose<sup>88</sup>. An institution that promotes discrimination is not considered to be organized or operated for a charitable purpose<sup>89</sup>. Since the JNF provides for the colonization of Palestinian land and serves to forcibly displace Palestinians, it cannot be considered a charitable organization under US law. Unfortunately, the JNF continues to operate as a charitable organization under the US tax law, and benefits from exclusive financial tax exemptions, which are then used in occupied territory.

Another example is the Charities Act of 2009 in Ireland. Under Section 3(2), a charity must be for a “public benefit”.<sup>90</sup> In addition, in determining whether or not charitable contributions are for public benefit, the Act looks to any “limitations imposed by the donor of the gift on the class of persons who may benefit [...]”<sup>91</sup>. Again, the limitations imposed by the JNF are those to exclusively Jewish-Israelis and at the expense of Palestinians and occupied Palestine, in violation of local and international law. However, the JNF continues its tax-exempt status in Ireland.

The United States and Ireland are not exceptions – however, these are rules and laws, which States implement as a matter of public policy, funded by their citizens, in the interest of the public good, and being exploited for the purposes of colonial-settlements on occupied Palestinian land.

As stated by the ICJ in its Advisory Opinion regarding the legal consequences of the construction of Israel's annexation Wall in occupied Palestine, states are under the obligation “not to render aid or assistance in maintaining the situation created”<sup>92</sup> by the Annexation Wall, which strengthens the Israeli settlement enterprise denying the Palestinian right to self-determination. The duty of non-assistance includes tax exemptions to these organizations which support settler expansion, violence, and construction, and which are not being checked by local tax authorities. These organizations, provide material support for illegal purposes, in violation of international law. In fact, failing to properly investigate and end such material support could be tantamount to complicity with the illegal activities conducted with the support of its own nationals.

88 26 U.S.C.A. § 501(c)(3) Internal Revenue Code.

89 *Bob Jones University*, 461 U.S. at 582.

90 Charities Act of 2009, Ireland, Part I, Section 3(2).

91 Charities Act of 2009, Ireland, Part I, Section 3(7)(a).

92 Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J Reports 2004, supra note 2 at Para 146.

## RECOMMENDATIONS



- Ensure that in official dealings, your State distinguishes between Israeli territory and territory Israel occupied since 1967, in accordance with UNSC resolution 2334. This also includes a review of imports from settlements and ensuring that all products imported are correctly and properly labeled so as not to misguide consumers as to products origin. This is a first step to banning settlement products from international markets altogether since the origin of these products is a violation of international law.
- Review all organizations applying for tax-exempt status that purport to support work in West Bank settlements, including East Jerusalem, and ensure that they do not illegally benefit from charitable status. Rather than encourage economic growth of settlements, States can take steps whereby public funds are not used toward the benefit of settlements.
- Adopt legal and administrative measures to prevent and dis-incentivize your citizens, corporations and any other commercial or charitable enterprise, including civil society, from investing, or operating in the illegal colonial-settlements or the settlement-industrial complex.
- Provide guidelines for your nationals in dealing with Israeli settlements in occupied Palestine. This could include those of your citizens living in illegal settlements, understand their contributions, and if national legislation applies in regard to pension funds, that nationals do not benefit from residing in occupied territory.
- Ensure that no organizations operating in the country, including religious groups, would benefit from tax exemptions or any other incentives for charity organizations, if they are involved in the funding of Israel's illegal colonial-settlement enterprise in occupied Palestine.
- Provide guidelines for your national corporations in dealing with Israeli settlements in occupied Palestine. Ensure that corporations understand the financial and reputational costs of operating in settlements. The UN Human Rights Council adopted a resolution, which requires the Office of the High Commissioner for Human Rights create a database of all businesses operating in the settlements. The reputational costs of being associated with the database are high and can result in the loss of significant revenue and association costs – in addition to complicity in human right abuses.









## A FINAL WORD

The case of Jerusalem, where extremist settlers- partially funded from abroad and protected by the Israeli government- terrorize Palestinian neighborhoods, including Silwan, Sheikh Jarrah, Beit Hanina, Ras Al Amoud/Mount of Olives, and in the Old City among other places, highlights the dangerous implications of such activities. In several cases those funding these grave violations of international humanitarian law benefit from tax exemptions. Yes, some countries provide incentives to fund the same colonial-settlements they recognize illegal under international law.

Among those who have participated in the funding of this enterprise are members of the US Middle East Team, a selected group of hardcore Zionist extremists that have never been able to utter terms such as "Palestinian rights" or "Palestinian state". They have used their official positions to normalize the illegal activities they have funded, including denial of the existence of the occupation or refraining from condemning settlements and their expansion. With their support, Israeli settlement activities have dramatically increased, while settler-organizations feel comfortable with the team members' position of "brokers" for the Middle East.

Colonial-settlement activities are the core of the Israeli policy and deny Palestinians their inalienable right to self-determination. These activities are a war crime under international law and it is immoral to tolerate such activities. They should be challenged through concrete measures, including by banning trade with Israeli settlement products of companies and organizations that promote and/or benefit from the Israeli occupation of Palestine.

The future of Jerusalem as an open city of peace, freedom, justice, and prosperity, just as the future of the rest of Palestine, should be safeguarded by various actions that the international community must take in order to protect the Palestinian people living under Israeli occupation. Just as in Jaffa Gate, where foreign donors are supporting Israel in changing the landscape of this iconic landmark for the benefit of criminal colonialist activities, illegal settlement activities elsewhere in Palestine are benefiting from funds flooding from five continents into illegal settlement activities while individual states avoid assuming their own responsibility.

A future of peace, justice, and coexistence depends on the future of Jerusalem. Failing to act is not only an incentive for Israel to continue its criminal policies against the people and the land of Palestine, but also expresses complicity with colonialism, racism, and Apartheid.

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