

## 2023 in Review: Israeli Policy in East Jerusalem

January 2024

The year 2023 concluded at the peak of warfare and amid deep crisis in both Israeli and Palestinian societies. The October 7 massacre; 136 Israeli hostages; a bloody war with tens of thousands killed and injured; tremendous destruction in Gaza; hundreds of thousands of people displaced; an acute economic crisis in the West Bank; an escalation in settler violence - all this took place while Israel's extremist right-wing government continues to incite and inflame and to advance its messianic views. In Jerusalem, while some attempted to utilize the war to agitate and entrench rifts, others launched aid initiatives, making connections and joint actions with East Jerusalem.

Under the shadow of war, the "full-on" right-wing government fast-tracked approval and construction of new settlements in East Jerusalem, while continuing to carry out evictions and demolitions that could lead to the displacement of entire communities. Minister of National Security, Itamar Ben-Gvir, acted beyond his authority and in coordination with right-wing figures in the Jerusalem Municipality in order to increase demolitions in East Jerusalem as an act of collective punishment, constantly "warning" against uprisings in mixed cities.

The war brought the Israeli-Palestinian conflict back to the forefront and emphasized the importance of political processes toward its resolution—without recourse to so-called "conflict management" concepts or unilateral "declarations." The values in which Ir Amim believes—commitment to genuine equality for all—have not lost their importance, but must now face deepened traumas that have impacted both nations and both communities in Jerusalem. Although Jerusalem is not at the center of the current crisis, it remains, at the same time, the place to which many of its consequences filter back, and a place where it is possible, despite all the challenges involved, to start working towards a just and egalitarian alternative. Jerusalem can be a stumbling block towards a resolution, yet, we believe it can also serve as a model for repair and hope.

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Ir Amim thanks the organizations, countries, and individuals who support its work toward a fair, sustainable, and agreed-upon future for Jerusalem. They majority of its funding comes from foreign state entities whose details appear on the website of the Registrar of Non-Profit Organizations.

To support Ir Amim, [click here](#).

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## **i. Jerusalem Amid Warfare**

On October 7, a vile, murderous attack was executed by Hamas in Israel. The war ever since has taken an unbearable toll on Israel and Gaza, including grave and criminal harm to the civilian population. In Israel, the attack also exposed the lack of leadership and systemic failure. Already at the outset of this period, Ir Amim joined the call to return the hostages and cease harming the innocent. Today, that call includes an end to the war. War with Hamas does not justify the ongoing sweeping and unprecedented harm to the civilian population in Gaza.

“Now, too, more than ever, we must maintain a moral and humane stance and not fall into despair and vengeful sentiments. Belief in the human spirit, the goodness that exists within, is more vital than ever. ...As those who work toward human rights and sanctify life, we call to cease indiscriminate harm to innocents and civilian infrastructure. We call to commence negotiations and pursue all paths to release the hostages, now.”

[Ir Amim’s joint call with 27 human rights organizations in Israel](#), October 29<sup>th</sup>, 2023

### **1. General**

Immediately upon the outbreak of the war, the Israeli authorities set up checkpoints and imposed restrictions on freedom of movement in East Jerusalem and Greater Jerusalem. Collective punishment and aggressive policing were enforced against Palestinian residents of the city. Amid clashes that broke out in several neighborhoods, security forces used live fire, skunk water, tear gas, rubber bullets, and more. Clashes also occurred between residents and settlers in the city’s Palestinian neighborhoods. By the end of the year, five young Palestinians had been killed during clashes with security forces in the East Jerusalem neighborhoods of Silwan, Issawiya, and Anata, dozens injured, and hundreds arrested. It was also reported that 987 Palestinians, including women and children, had been arrested in East Jerusalem, hundreds of them under house arrest. Furthermore, dozens of administrative detention orders were issued against residents of East Jerusalem, as well as hundreds of restraining orders prohibiting individuals from entering Jerusalem at large, the Old City, or the Temple Mount/Haram al-Sharif compound. Many incidents of security forces attacking passersby were documented and disseminated, including the throwing of a stun grenade into a restaurant, an attack on car passengers, assaults against pedestrians, degrading frisking, insults towards people with disabilities, and random searches on people’s telephones—including those of young students on their way to school. For weeks, educational staff and students encountered severe violence from the security forces deployed along city streets—and, until today, many Palestinians are wary of leaving their homes to reach West Jerusalem.

Severe restrictions were also imposed on Palestinian entry into the Old City, residents were prohibited from lingering near Damascus Gate, and, on more than one occasion, young people were randomly taken into the Israeli security rooms in the area and beaten. During the first three months of the war—an unprecedentedly long period of time—collective restrictions were imposed on Muslim entry to the Temple Mount/Haram al-Sharif, while Israelis were permitted to enter the compound. Two deadly attacks against Israelis took place at this time, one near the Old City’s Herod’s Gate, and one at the western entrance to the city. Following the severe destruction in Gaza, East Jerusalem joined the solidarity strikes declared in the West Bank. Among the prisoners released as part of the hostage deals were residents of East Jerusalem, some of whom were only briefly detained or had not yet been tried. Their release as part of the deal does not indicate their identification with the massacre; they were not even required to consent to their release within its framework. Throughout this period, the unemployment rate in East Jerusalem drastically increased, and many families grew impoverished.

Throughout the war, Israel has promoted the expansion of existing settlements and the establishment of new ones, approving or advancing construction plans for over 7,000 housing units in East Jerusalem—2,500 of them in the new settlements of Givat HaShaked, the Lower Aqueduct, and Kidmat Tzion. The municipality even increased the rate of home demolitions in East Jerusalem: 47 housing units were destroyed—an average of 17 per month, representing a 70% spike in demolition rates compared to previous months of the year). In the first two weeks after the war broke out, two home demolitions were carried out in the Beit Hanina neighborhood. The demolitions were accompanied by large police forces, and the families were not given any advance notice. On October 19, 2023, [we appealed to the Mayor of Jerusalem along with the Association for Civil Rights in Israel \(ACRI\) and Bimkom - Planners for Planning Rights](#), demanding a cessation to home demolitions during the war. We claimed that ongoing demolitions in this period, which leave dozens of people without shelter to take refuge from missiles, to be totally unacceptable and heartless.

With the paralysis of the authorities at the outbreak of the war, both in Jerusalem and Israel at large, civil society in Jerusalem launched joint initiatives dedicated to preventing violence and hatred from taking over the city streets. Even prior to the war, in response to the judicial overhaul promoted by the government, Ir Amim took action in convening civil society representatives in Jerusalem, including Palestinian partner organizations, to collectively resist the growing pressure placed on the delicate fabric of Israeli-Palestinian relations in the city and on the work of civil society. This infrastructure served as a basis for civil organizing upon the outbreak of the war, with

the participation also of Palestinian activists from East Jerusalem in multiple joint initiatives. These included: the establishment of a civilian aid center for East Jerusalem via which food packages were assembled and delivered to families in need; a group of activists and organizations worked to prevent interfaith escalation; activists carried out solidarity activities with East Jerusalem residents, such as escorting them to their work places or to medical facilities in West Jerusalem; others worked to prevent sweeping violations of freedom of expression; and some dealt with the harm caused to Palestinian students in educational settings due to divisive statements.

Faced with sentiments of fear and rage in the reality of a bi-national city in which the state authorities often employ force and minimally address the multiple mental, communal, and material needs of the population, residents of Jerusalem on both sides of the city largely succeeded in containing the severe tensions without them spilling over into widespread violence between Jews and Palestinians. Beyond preventing violence, the initiatives also worked to establish connections despite systemic sentiments of fear and hostility. In the face of fear and dread, we responded to residents' requests for joint meetings in which people from different neighborhoods could openly air and share their concerns, continue direct communication, and caring for each other's welfare.

## **2. Erecting Barricades and Closing Checkpoints**

Upon the outbreak of the war, multiple roadblocks were immediately erected by security forces in East Jerusalem and existing checkpoints were closed. The Qalandiya checkpoint, which as part of the separation barrier, cuts off the northern neighborhoods of East Jerusalem from the rest of the city, was hermetically sealed for two weeks. The Sawahra, Sheikh Saed, and Zeitim checkpoints, Shuafat Refugee Camp, and Rahel Border Crossing, were almost hermetically closed. Beyond closing existing checkpoints, security forces also erected roadblocks in the streets of East Jerusalem, which prevented some residents from leaving certain neighborhoods entirely. At the few checkpoints that remained partially open, the resulting severe traffic congestion made the usual passage almost impossible.

Two weeks after the war broke out, Qalandiya checkpoint reopened for the first time, yet even then with severe restrictions. [Ir Amim, together with ACRI, HaMoked: Center for the Defense of the Individual, and residents of neighborhoods beyond the separation barrier, filed a petition against these restrictions to the Supreme Court \(23/8026\).](#) Even upon reopening the checkpoint, only one route out of three was continuously opened to vehicular traffic; the public transportation route was opened for a mere 15 minutes in the morning to allow for the passage of special education shuttles, while regular buses

were prohibited from passing through; the designated crossing for students was shut down and rerouted into a single pedestrian route with severely restricted hours. The additional pedestrian lanes remained closed, preventing thousands of people who do not own vehicles from leaving the northern neighborhoods. The checkpoint allowing entry into, and return from, Jerusalem closed as early as five o'clock in the afternoon.

The checkpoint's restricted activity severely harms residents' employment, health, economy, and education. At times, special education shuttles were held up at the checkpoint for over three hours; seriously ill patients had to forego sometimes life-saving treatments; and many people reliant on social security stipends were unable to access post offices to redeem them during such restricted operating hours.

On January 8, 2024, a hearing took place in which the aforementioned petition was discussed within the framework of a connected petition, (23/7754, submitted through the Society of St. Yves). The hearing also addressed the closure of the Rahel Border Crossing, which prevented those living in Bir Una (a neighborhood beyond the separation barrier in the south of the city) from leaving their neighborhood, despite them being residents of Jerusalem.

A decision was reached by the end of the hearing, determining, alongside the judges' ruling, that while the state's claims regarding manpower constraints in the wake of the war were understandable -- nevertheless, given the impact on the lives of tens of thousands of residents: "We believe that it is appropriate that those concerned, at the highest echelons, examine the possibility of a solution, even if partial, to the above problems" and that "the respondents should bear in mind the passage of time, in view of the ongoing consequences to the daily lives of tens of thousands of Jerusalem residents, who require public services and workplaces in the city beyond the checkpoints." The state was asked to submit an updated notice in accordance with the judges' ruling by February 1, 2024.

### **3. Severe Collective Restrictions on Entry to the Temple Mount / Haram al-Sharif**

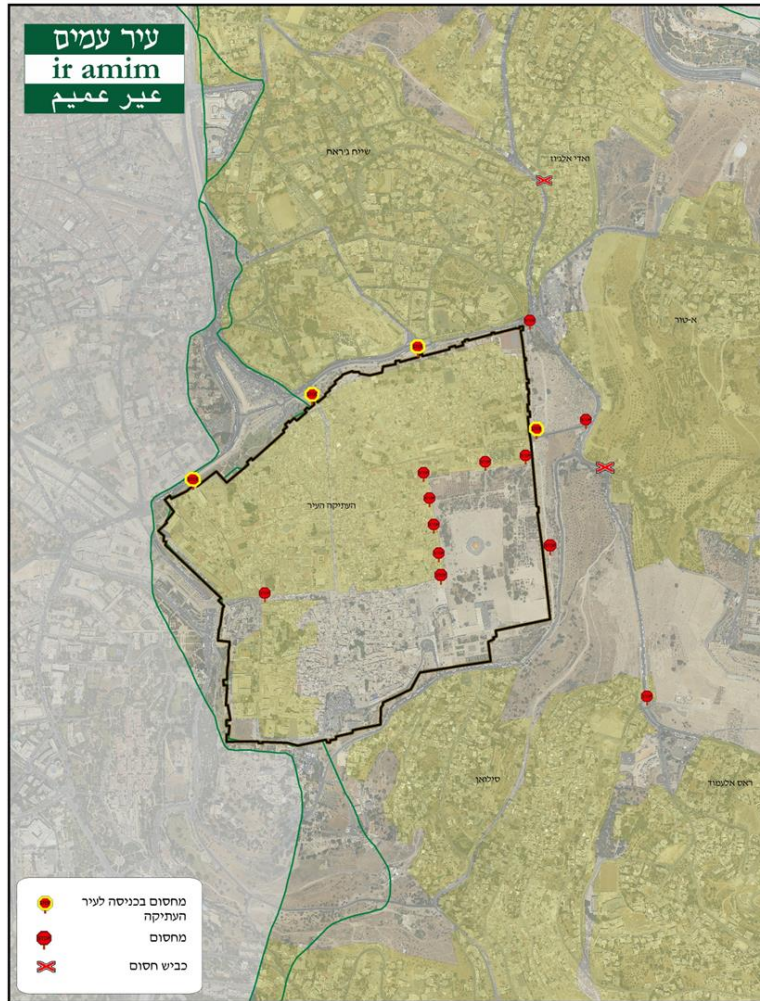
From the outbreak of the war, the police imposed severe collective restrictions on entry to the Temple Mount/Haram al-Sharif for nearly the entire Muslim public within Israel, including residents of East Jerusalem. Entry restrictions were also imposed on Waqf employees in the compound. Such a prolonged closure is unprecedented. Funerals within the compound, along with those headed towards them, were restricted and attacked by security forces on more than one occasion. On some days, especially Fridays, the police prohibited Palestinian entry to those who do not live or work in the

Old City, and solely permitted residents of the Old City over the age of 55 to enter the Mount for prayer. Upon being prevented from entering, residents of East Jerusalem began conducting Friday prayers near police checkpoints around the Old City in places such as Wadi Joz, and Ras al-Amud. These prayers were also restricted by security forces, sometimes violently. Restrictions lasting for months on end are unprecedented. On previous occasions when Israel imposed restrictions on Muslims entering the Mount, this did not last for more than a few days at a time.

While the Mount was closed to Muslims, the entry of Jews and, especially, of Temple Movement activists remained unrestricted. In preparation for Hanukkah, the police even approved a nationalist march toward the Old City, carried out with the support of some government ministers and coalition members. Approximately 100 right-wing and Temple Movement activists marched under police protection, calling to “restore full Jewish control in Jerusalem and the Temple Mount”, and to “oust the Waqf.” Only after participants of the march violated the terms of the permit they had received by trying to break through barricades, did the police decide to prevent the march from entering the Old City through Damascus Gate and to confiscate signs, including some that called for bulldozing the Al-Aqsa Mosque.

According to the Waqf’s data, the number of Friday worshipers on the Mount decreased from 35,000-50,000 in normal times to a mere 5,000 adults on average.

Even in the unique situation generated by the outbreak of the war, severe restrictions on Muslim entry versus the lack of restrictions on Jewish visitors is a grave violation of the status quo to which the State of Israel is obliged. The status quo deems the Mount a Muslim place of worship while non-Muslims are solely permitted to visit, time and place permitting. Closing the mosque for such a long period of time with collective and sweeping restrictions not only neglects to serve security needs, but also raises the level of tension in the city.



Map of entry restrictions to the Old City on Fridays

#### **4. Restrictions on Entry to the Old City**

Since the outbreak of the war, Israel imposed restrictions on Palestinian entry into the Old City. The restrictions were initially sweeping and are now random, contingent on the whims of police officers and soldiers stationed at the entry checkpoints. Until early November, a sweeping ban was imposed preventing those who do not live or work in the Old City from entering. Throughout November and December, restrictions were eased, yet sometimes resurfaced at one gate where soldiers and police were stationed, but not at another. Prior to the war, the entrance to the Old City was only closed to Palestinians in the wake of exceptional events, and for a few hours to a day or two at most.

Additionally, residents have been prohibited from sitting in the Damascus Gate Plaza. Furthermore, security forces have attacked youth in the area on multiple occasions, conducting degrading body searches.



The economic situation of markets in the Old City, which were already struggling before the war, has significantly deteriorated. A total of 34% of shops closed completely due to the war, while 57% have been significantly harmed, including 462 tourist shops in the Old City and its surroundings.

## **5. Education**

During the weeks that followed the outbreak of the war, several reports were received—including some from directors of the Jerusalem Municipality Education Authority—describing the use of severe violence against Palestinian students, principals, and teaching staff on the way to schools and at the entrances to educational institutions in East Jerusalem. Students and teachers encountered violence by security forces on their way to and from school and home, whether through profanities, physical injuries, or even offensive body searches. Multiple videos documenting such conduct have been circulated online. Dozens of students were detained, most of whom were released shortly after. Moreover, the checkpoints and roadblocks erected throughout the city made the return to studies quite difficult, and, sometimes, educators' commutes were prolonged to three hours or more. Furthermore, despite many reports received by social workers in the education system which described security forces harm to children as young as first graders on their way to and from school, nearly no emotional support has been offered to students. At the same time, significant pressure has been placed on the education system to report on statements made, even if lacking in any kind of incitement.

Alongside considerable local efforts—including those of the Jerusalem Municipality Education Authority—to resume routine studies even amid a very complex reality, the Knesset Education Committee continued its deliberations on the curriculum in East Jerusalem. The discussions, which had begun before the war, continued into this period, fanned with extreme right-wing incitement. For example, Member of Knesset (MK) Amit Halevi (of the Likud party), who served as chair of the Education Subcommittee, referred to residents of East Jerusalem as “murderers who roam the streets.” He also referred to the Palestinian curriculum—which is approved by the Jerusalem Municipality and Ministry of Education, and even passed censorship (see more in the education section in this report below)—as a “terrorist education program”; and demanded that the Ministry of Justice consider remand detention until the conclusion of legal proceedings, even for those under the age of 12; and that the concept of nationalist Zionism be taught in in East Jerusalem. On the other hand, there was no discussion of the need to protect students and educational staff in East Jerusalem, nor of the need to restrain police conduct toward them, despite the aforementioned difficult conditions that were also brought before the committee. According to representatives

of the Jerusalem Municipality's Education Authority, their proactive requests to senior officials also went unanswered.

## **6. In the Face of Fear: Connections**

Ir Amim was a leading partner in an initiative led by Israeli and Palestinian Jerusalem activists who sounded a moderate voice even in the initial weeks of the war. Within the framework of this initiative, two public gatherings were held at Jaffa Gate to mourn the thousands of lives lost and to call for an end to the war.

Ir Amim and the organization '0202 – A View from East Jerusalem', initiated two events, exploring perspectives and mindsets in East Jerusalem. The events were intended for Israeli activists from Jerusalem civil society who were personally invited by Ir Amim. At each event, an East Jerusalem speaker lectured the group. One event addressed the attack and massacre by Hamas on October 7 as well as the Gaza ground incursion that Israel initiated in its wake. The second event addressed suppression of freedom of expression in East Jerusalem.

Ir Amim engaged in multiple interventions with Israeli residents who sought aid in coping with anxiety regarding the potential outbreak of Palestinian violence in the city. Ir Amim staff brought these residents together with those of East Jerusalem and facilitated meetings that focused on providing answers to concrete issues, building trust, and initiating relations.

In parallel, Ir Amim focused on issues such as the arming of citizens in the city; the effects of the war on employment; and on freedom of expression in academic institutions in Jerusalem.

## **7. Civilian Armament**

Following the Hamas attack, a wave of civilian armament and mobilization of 'alert squads' commenced throughout the country. This wave, which did not spare Jerusalem, was driven by a combination of genuine fear and a sense of insecurity, along with incitement from right-wing figures led by National Security Minister Ben-Gvir. He viewed the crisis as an opportunity to promote the perception of the entire Arab public as a security threat, and to advance his plans—which existed prior to the war—to establish armed forces of Jewish citizens.

According to the Ministry of National Security, in less than two months since October 7, over 256,000 applications for weapons licenses were received across the country.<sup>1</sup>

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<sup>1</sup> Ministry of National Security notice, [256,000 applications for licenses to carry private firearms](#), November 29, 2023

This stands in contrast to the 36,000 applications throughout the first nine months of 2023. The same notice from the ministry also noted that during that period 44,000 conditional approvals and 26,000 new licenses were granted, compared to the 29,000 applications that were faulty or rejected. Throughout the entire year 2022, less than 13,000 firearms licenses were issued. The Ministry of National Security also decided upon various lenient criteria for obtaining a firearms license: new localities were added to the list of places that could grant eligibility to possess weapons, the required duration of military service was shortened, and more.<sup>2</sup>

The abuse of the security crisis and public panic on the part of Ben-Gvir's office is evident in several irregularities in the granting of firearms licenses. For example, the Ministry appointed unauthorized associates from Ben-Gvir's office and young women in national service as "temporary licensing officials" who could approve weapon licenses, and they allegedly approved applications that did not meet the necessary criteria.<sup>3</sup>

At the end of October, the establishment of 10 neighborhood alert squads in Jerusalem was declared, along with the intention to establish 18 additional squads. These alert squads are established by the Ministry of National Security in cooperation with the local authorities and are operated by the police. Members of the squads receive weapons from the police to keep in their homes. While the official role of the squad is to operate in certain emergencies, and not to patrol the streets of the city routinely, there is nothing preventing members of the squad—whether individually or as a group—from patrolling with their weapons if they wish to do so.

Of the 10 squads established in Jerusalem, at least three of them are in the ideological settlements located in the heart of Palestinian neighborhoods: Nof Zion (in Jabal Mukhabar), Ir David (in Silwan) and Kidmat Tzion (in Ras al-Amud), even though these settlements have already been provided with publicly-funded private security guards. Only a handful of Jewish families live in the settlement of Kidmat Tzion, and the information published indicates that the alert squad was established there in violation of criteria requiring a minimum of 10 people.<sup>4</sup>

In many Israeli neighborhoods in Jerusalem, "neighborhood watches" were also established. These guards are operated by community administrations, in cooperation with the Israel Association of Community Centers, and with limited coordination with

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<sup>2</sup> Hadar Kaneh, "[4.5 hours of your time and a few hundred shekels: that's how you can get a gun license in Israel](#)," The Marker, November 22, 2023

<sup>3</sup> Josh Breiner, "[The Ministry of National Security appointed legally unauthorized people to approve weapon licenses](#)," Haaretz, November 28, 2023

<sup>4</sup> "[An alert squad to be established in Kidmat Tzion in East Jerusalem](#)," Arutz 7, November 14, 2023

the police. Neighborhood watch volunteers do not receive weapons from the police, so only those who already possess licensed weapons carry them. Volunteers patrol their neighborhood in rotation yet lack the authority to trail or question passersby.

Beyond these official initiatives under the supervision of police or community administrations, private neighborhood groups have also been mobilized to function of their own accord. These organizations lack any authority whatsoever, and their members only bear a weapon if they possess one that was privately issued and licensed. Due to their unofficial nature, information on the number of such initiatives and their scope of operations remains incomplete.

The difficult atmosphere in Jerusalem, combined with the actions of volatile politicians and right-wing organizations, heightened concerns that the many armed initiatives in the city could lead to multiple flare-ups against residents of East Jerusalem.

## **8. Employment**

The employment sector in East Jerusalem was immediately impacted by the war. In the last three months of 2023, a genuine crisis took place in the east of the city, which continues to date. The crisis stems, first and foremost, from employment loss on a large scale, which significantly harmed food security of East Jerusalem residents.

The phenomenon of job loss, reflected in layoffs and unpaid leave for many workers from East Jerusalem, was caused by several factors, some of which are unique to East Jerusalem and others that are shared by Arab society within the Green Line. Among the factors that are not unique to East Jerusalemites—and one of the most prominent phenomena early in the war—was a sense of persecution felt by many who were employed in mixed workplaces after co-workers sought to identify social media posts that could testify to their support for the enemy and lead to their dismissal. Indeed, early in the war, there was a “wave of dismissals” upon finding such posts, even in cases where the content did not constitute grounds for dismissal. Another grave phenomenon involved the firing of many Palestinian workers or releasing them for unpaid leave, following concerns expressed by their colleagues about working alongside Arabs, and even due to customers’ fear of receiving services provided by Arabs. Various Palestinian kindergarten aides and after-school employees in West Jerusalem found themselves sent home due to such rationales.

Among the unique factors for the dire situation in East Jerusalem and Greater Jerusalem was the closure of checkpoints and barricades erected which led to the effective shut-off of neighborhoods beyond the separation barrier, impacting the hundreds of thousands of residents living there. Many residents of these neighborhoods have to pass through these checkpoints to access their workplace and were prevented from doing so

for several days. Later, when some of the checkpoints were opened, the hours were restricted so much that many workers still had difficulty accessing work. Many employers did not take into consideration the circumstances that led to their employees' failure to show up and chose to interpret it as a resignation or informed them directly that they should not return in the future. Furthermore, throughout the war's initial months, residents of East Jerusalem encountered violence from both security forces and Jewish civilians alike, and were quite afraid of leaving their homes, let alone taking public transport to their places of work in West Jerusalem

According to [data of the Israeli Employment Service](#), while the country at large experienced an increase of approximately 150% in new applicants, and a similar increase of approximately 140% was recorded in all of Jerusalem, there was an increase of over 300% in new applicants from East Jerusalem in October compared to September (and an increase of roughly 340% from the 2023 average). The actual figure is effectively much higher, since many of those who lost their jobs could not approach the Israeli Employment Service at all, primarily due to another widespread phenomenon in the initial months of the war—namely, “silent dismissals”—whereby employers asked their Palestinian employees not to come to work “yet” or “in consideration of the situation,” without issuing a dismissal letter.

Employment loss on a large scale led to significant harm to food security among residents of East Jerusalem. Even before the war broke out, approximately 75% of East Jerusalem residents lived below the poverty line, many of whom found themselves lacking basic food and, in extreme cases, even reaching the point of starvation. Appeals to the authorities requesting aid went unanswered, and, since the start of the war, bureaucratic changes made it even harder than it already was for people to exercise their eligibility for food stamps. Accordingly, following the outbreak of the war, several civilian initiatives were established to distribute packages of food among East Jerusalem residents, yet even these were able to help only some of the residents since the need was and still is very great.

In cooperation with other organizations, Ir Amim appealed to the Mayor of Jerusalem. The letter, from the MAAN Workers Association, Atta'a –Assistance Center for the Rights of East Jerusalem Residents, Koah LaOvdim – Democratic Workers' Organization, and Ir Amim, presented the significant increase in the number of East Jerusalem residents joining the Israeli Employment Service, the factors that led to this, and the grave consequences for residents on the verge of starvation. The letter called on the mayor to order the return of workers who were fired or illegally placed on leave; to create a fair working environment in municipal authorities and institutions; to intervene in easing passage through checkpoints; to restore safe streets; and to bring an end to

attacks by the security forces. It also appealed for a resolution to the bureaucratic obstacles that had emerged regarding eligibility for food stamps, an issue detailed in another letter sent by Ir Amim in cooperation with MAAN and Atta'a. This appeal led after discussion to the correction and elimination of the obstacles that had been created. Despite this removal, few residents of East Jerusalem are entitled to food stamps, and residents' increasing demand for receipt of food packages, considering the severe harm to food security that many households had experienced, did not ease. Vital civilian mobilization to distribute food packages continued, also in connection with aid initiatives in West Jerusalem that emerged early in the war. Following the organizations' joint activity, led by Koah LaOvdim, Ir Amim also acted to address the issue of violence against Palestinian public transport drivers in the west of the city, meeting with relevant municipal officials and, later on, in joint meetings with police officials.

## **9. Freedom of Expression in Academic Institutions in Jerusalem**

Following the outbreak of the war, the start of the academic school year was postponed, and in most institutions did not commence until December 31<sup>st</sup>. The return to the academic school year came with grave concerns throughout Israel, due to encounters on campuses, perhaps for the first time since the outbreak of the war, between thousands of Israelis, many of them returning from military service, and thousands of Palestinian students.

The academic year also began after months in which many disciplinary procedures commenced in academic institutions throughout Israel vis-à-vis statements by Palestinian students. In December, [it was reported that](#) over 160 disciplinary proceedings had been initiated against Arab students in 34 academic institutions. In most of the proceedings in which a decision was reached, the students were acquitted. A total of 80% of the procedures were initiated in colleges, with the rest in universities.

Multiple complaints filed against students' statements since the events of October 7 raised the question on the scope of the authority of higher education institutions in Israel to take disciplinary measures against students for their statements, and how such authority should be exercised.<sup>5</sup> Is a higher education institution even entitled to exercise disciplinary authority against incitement, or is this solely a matter for the police? In any case, if the institution has such disciplinary authority, then it is clear that it must ensure equal and non-selective national enforcement. Beyond the question of its authority to

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<sup>5</sup> See, for example, Medina et al., [The Authority of Higher Education Institutions in Israel to Restrict Students' Freedom of Expression](#), ICON-S Blog

take significant targeted steps, it is also clear that a higher education institution must take various educational measures to help promote responsible tolerant discourse and create a suitable learning atmosphere despite controversial statements.

**At The Hebrew University of Jerusalem**, immediately after October 7, political cells began monitoring students. Right-wing organizations such as Im Tirtzu and HaBait HaYehudi even encouraged Jewish students to identify and forward them information on the matter. On October 18, the university announced the establishment of a committee of four senior faculty members who would examine cases of statements that support, encourage, praise, or sympathize with terror, violence, or killing people, or incite to racism. As written in the university's appeal, "Incitement to racism is liable to manifest itself in other ways that must not be ignored. Dreadful periods of bloodshed also offer an opportunity to test the moral strength of society and community. Thus, even when blood boils, we're obliged to respect differing opinions. As a community and as individuals, it is incumbent upon us to avoid expressions of discrimination, racism, hatred, incitement, and support for violence against minority groups. We must avoid generalizations, offensive treatment, and placing blame on members of the community, solely due to their belonging to one group or another." Inquiries conducted by Ir Amim, revealed that disciplinary proceedings were initiated against four students, one of whom was Jewish.

Along with further appeals by the university to its entire student body, including the need to address the preservation of a shared space and "diversity of opinions," a senior Palestinian faculty member was required to resign after she called for the signing of a letter stating that Israel is committing genocide in Gaza. Through several statements, the university administration announced that, although it denounced racism towards Arab society, it also condemned "...unacceptable remarks by a member of the university's academic faculty who admittedly did not support the massacre [October 7<sup>th</sup>] but 'merely' disregarded it, yet described Israel's actions in Gaza as genocide and even atonement for the very legitimacy of the existence of the State of Israel. To the best of our understanding, these remarks are indeed not a violation of the rules of freedom of speech or of Israeli law (although some are not far from it), yet, as an Israeli university that is proud of being the first major Zionist project in Israel, we cannot dismiss this from our agenda. As we wrote, we would be glad if that same faculty member chose to leave the university that is significantly funded by the state whose existential legitimacy she denies."

In October, the aChord Center and Hebrew University published guidelines in a document, "[Academia in the Eye of the Storm, Recommendations for Contending with Social Media Discourse](#)," in which a "traffic light model" was also introduced to

determine the bounds of acceptable discourse. In parallel, most university faculties established faculty teams to formulate a plan for resuming studies. This is how, among other things, the ‘Green Balcony’ project was established, a well-known course that addresses the development of modes of action in university spaces as an action for change. Furthermore, the university provided online lectures to the entire community on the topic of the war; invitations were sent for talks with lecturers in the field of trauma care, including opening a hotline for students’ emotional distress; and the Faculty of Social Work held meetings led by Jewish and Palestinian students.

**The Bezalel Academy of Arts and Design** has 2,500 students, of which 240 are Arab. Despite being a relatively small institution, Bezalel was the institution where the most disciplinary proceedings were opened at the start of the war -- against 14 Arab students. As the war progressed, Bezalel began to retreat from this approach, which seems to have been charted under heavy pressure exerted by the sole political cell present on campus prior to October 7, namely the Zvi Cell Movement – a Jewish student cell with the goal of strengthening Zionism at Bezalel. Following faculty members’ intervention, the Bezalel administration decided to freeze the proceedings and redelegate the disciplinary committee’s activities. Yet, the atmosphere of fear and persecution led to many Arab students at Bezalel stopping their studies. In parallel, activity commenced with the establishment of other student cells at Bezalel, such as of the Jewish and Palestinian citizens of Israel “Standing Together” movement. The Department of Visual Communication also initiated an exhibition in preparation for students’ return to campus, which sought to offer space for complex feelings amid the war.

**Hadassah Academic College - Jerusalem** has 4,600 students, 1,200 of whom are Arab students. According to the assessments we conducted, alongside the considerable ambiguity also experienced by college faculty regarding a disciplinary committee established at the college, Palestinian students were said to have received letters of suspension pending a summon to disciplinary committees. In the course of our inquiries, Palestinian students raised feelings of considerable fear, along with threats they had received for adding the Palestinian flag to profile pictures, etc. With our assistance, coordination was established between the college’s Arab student chapter and faculty members, among other forms of support.

There are approximately 5,000 students at the **David Yellin College of Education**, roughly 20% of whom are Arab, and many who are also from East Jerusalem. A lecturer at the college, Professor Nurit Peled-Elhanan, was compelled to leave the college after sharing a post on October 7, in which she wrote “Surprise! They also get fed up sometimes.” She was reprimanded by the management of David Yellin College, yet ultimately decided to leave the college following persecution for her remarks.



According to further inquiries we conducted, the college did not take disciplinary proceedings against students, and extensive engagement with questions regarding returning to campus led to a sensitive, shared and inclusive return.

## **ii. Settlement of Land Title in East Jerusalem: A Main Mechanism for Land Theft**

In May 2018, the Israeli government adopted its five-year plan, [Government Decision 3790 for Socioeconomic Investment in East Jerusalem](#), the official purpose of which was to “create a better future for residents in East Jerusalem” alongside increasing governance and strengthening sovereignty – seemingly complementary and contradictory trends in quite a few ways, as evidenced by its inclusion of the ‘Settlement of Land Title’ procedure (SOLT). This reflected a significant policy change leading to great concern among the residents since Israel had refrained from the SOLT procedure in East Jerusalem neighborhoods for over 50 years. The procedure, initiated by the state to definitively determine land rights, might at first glance seemingly benefit the residents, yet its implementation demonstrates that the procedure is actually used to dispossess them of their land and instead promote the state and settlers’ settlement interests.

In fact, at the close of the fifth year of the first five-year government decision, it can be unequivocally noted that SOLT as implemented by the authorities within the framework of GD 3790 has constituted the primary state mechanism to expropriate land in East Jerusalem. In the new five-year plan (GD 880) approved in August 2023 --and following considerable criticism, including that of Ir Amim regarding exploitation of the SOLT procedure – it is included only in a non-budgeted clause under the planning section. Nevertheless, it is known that the SOLT is vigorously promoted by Israel even if not within the framework of the new five-year plan.

According to government reports,<sup>6</sup> 389 blocs are in various stages of proceedings. According to Ir Amim’s monitoring, as of the end of 2023, procedures are underway in 209 blocs: 175 registration blocs wherein SOLT processes are currently taking place, and another 34 blocs where SOLT processes have been concluded. In approximately 170 additional blocs, a preliminary pre-SOLT procedure has commenced.

Among the 34 blocs where the SOLT procedure has been concluded, for the vast majority the procedure was used to promote state or settlement interests, and there is not a single registration bloc where it can be said that the procedure was completed for

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<sup>6</sup> [Summary of five-year Government Decision 3790](#), on p. 61

the benefit of Palestinian residents. Even among the blocs in which SOLT is currently taking place, very high percentages are intended to promote the interests of the state and settlers.

In 2023, a considerable increase in the advancement of SOLT commenced, both compared to the previous year, and in comparison to the entirety of the first five-year plan (2018-2023). The SOLT procedure commenced in 62 new blocs in 2023 (33 of which were published, and in 29 of which SOLT processes are taking place despite their promotion being absent from the State's official records – contrary to legal requirement). The promotion of SOLT in new and existing blocs was also very swift and dozens of procedures are nearly complete. SOLT procedure was completed in 19 registration blocs – a nearly twofold increase from the 15 blocs that were completed prior to 2023. In total, SOLT procedure was completed for 34 blocs as of late 2023.

Israel uses SOLT in various ways to advance the interests of the state or of Jewish settlement in East Jerusalem, with devastating consequences for Palestinian residents. As is evident, the Ministry of Finance's Custodian of Absentee Property and the Ministry of Justice's General Custodian, play a significant role in promoting these interests.

The Absentee Property Law is activated within the framework of the SOLT procedure. Considering the law's broad applicability and the large number of residents in East Jerusalem who may be considered absentees either directly or through familial affiliation, this may lead to the fact that large swaths of land and many properties where residents have lived for decades will be registered under the Custodian of Absentee Property. The Ministry of Justice's General Custodian also uses SOLT to register East Jerusalem lands under its name on the grounds that they were allegedly owned by Jews prior to 1948. This was carried out in the area of Umm Tuba this year where SOLT has been advanced, as well as in Givat HaShaked, where a construction plan was initiated in parallel.

The state advanced SOLT as part of its plans for new settlements, in Atarot, Givat HaShaked and Kidmat Tzion. In two of the three blocs in Atarot, the SOLT procedure was completed in 2023. Other blocs are used to expand existing settlements or to regulate areas within them, such as in Gilo, Ramot, and French Hill. In five blocs in French Hill and near Ramot, SOLT was completed in 2023. SOLT is also used to establish infrastructure, such as in the case of the "Eastern Ring Road" which may also harm the residents' property rights who live near the road. Furthermore, there are blocs designed to address the status of settler residential enclaves in the heart of Palestinian neighborhoods, such as in Wadi Hilweh in Silwan. In late 2022, we were aware of SOLT

processes for three registration blocs in the neighborhood, yet as of late 2023, there were already 15 blocs in various stages of the process. These 15 blocs span approximately half of the neighborhood's territory yet were carefully drawn to encompass roughly 95% of settlers' homes and Israeli tourist sites in Silwan that are currently engaged in SOLT processes. This serves as further evidence that the procedure is being manipulated to promote registration of Palestinian territory in the name of Jews or the state. Moreover, the procedure also includes many homes of Palestinian residents who would be at threat of eviction should such procedure be advanced on their land.

Further examples of SOLT exploitation throughout 2023 were evident in Nof Zahav, an extension of the Nof Zion settlement located within Jabal Mukabar; in a settlement located within the Palestinian area of the neighborhood of Musrara; and on the Mount of Olives, among other sites.

Under the guise of settlement of land title processes, Israel also generated more stringent criteria for Palestinians in the city to promote planning and obtain construction permits. Promotion of planning and building permits are now subject to a new form of the SOLT procedure, making the advancement of planning in East Jerusalem nearly impossible given the already existing severe planning discrimination.

### **iii. Communities at Risk of Eviction**

Four Palestinian communities in East Jerusalem face the risk of eviction from their homes. This is an overt policy of evicting or destroying entire compounds, in each of which dozens of Palestinian families live. This not only poses grave harm to each individual family, but also to the family and community life of four communities in East Jerusalem:

- In the East Jerusalem area of **al-Walaja**, where approximately 1,000 residents live, many are at risk of eviction. Since 2016, demolition orders have been issued for roughly half the homes in the neighborhood. Among them, about 36 have already been destroyed.
- In **Silwan** two large concentrations of families are at risk of eviction or of massive home demolition:
  - 97 families in **Batan al-Hawa**
  - 82 families in **al-Bustan**
- **In Sheikh Jarrah (Umm Haroun and Kerem al'Jaouni)** – in Umm Haroun 43 families are at risk of eviction. Following the Supreme Court ruling in March of this year, 34 families in the Kerem al'Jaouni area are currently protected from eviction.

## **1. Al-Walaja**

There are approximately 190 homes in the area of al-Walaja located in the southwestern part of East Jerusalem (the rest of the village is located outside the boundaries of the Jerusalem Municipality and therefore under the purview of the West Bank authorities). Since 2016, over 40 housing units had been demolished, and two more were demolished during 2023.

A total of 38 additional demolition orders were frozen by the Supreme Court after an appeal by residents of al-Walaja (Administrative Petition Appeal 18/2645). A threat to demolish six more inhabited homes by the Ministry of Finance's National Unit for Enforcing Planning and Construction Laws was postponed.

The State of Israel has never prepared an outline plan for the part of al-Walaja within Jerusalem. Thus, residents of al-Walaja are unable to receive building permits and have been compelled to build without permits since 1967. In 2006, residents initiated the preparation of an outline plan for their neighborhood (Plan 12062) yet encountered many hurdles in planning procedures, until the plan was rejected by the District Planning Committee in 2021. By the end of 2022, the Jerusalem District Court overruled the District Planning Committee's decision regarding the residents' petition, declaring that the residents could submit a new plan.

Following considerable efforts by residents, with the support of Ir Amim, Bimkom, and the Friends of al-Walaja group from West Jerusalem, an outline plan was submitted to the District Planning and Construction Committee in July, on behalf of the section of the village located within Jerusalem. The district committee has already begun to pose challenges to the new plan and refuses to confirm that it meets the threshold conditions at this stage. The committee is preoccupied with a bureaucratic-political claim per which residents of al-Walaja do not meet the criteria of having a connection to the land, such that the planning and construction law restricts them from submitting a zoning plan. According to the district committee, residents of al-Walaja, who have retained historical ownership of their land for hundreds of years, have cultivated it for several generations, and lived on it since at least 1948, "possess no ties to the land." For more information on the stringent criteria required to prove ties to land, their connection to the land title settlement procedures, the result of ceasing most planning procedures, and Palestinian residents' and communities' requests for construction permits, see below the section on the new planning procedure.

In December, the state informed the Supreme Court (as part of a hearing on Appeal 18/2645) that it required an extension in order to arrive at a decision regarding the residents of al-Walaja's right to submit a plan. The judges made it clear that they were

interested in promoting the plan and asked the state questions to understand its stance. In the hearing, state representatives avoided directly answering these questions. The judges granted the state four months to provide an update on its decision until early April 2024. Throughout this period, the 38 demolition orders included in the petition would remain frozen. Other demolition orders, including the six noted above that are not included in the petition for bureaucratic purposes, were not frozen.

## **2. Silwan**

### **a. Batan al-Hawa**

#### **1. Lawsuit Against the Trust and Registrar of Charitable Trusts**

A total of 87 families are at risk of eviction from their homes in the neighborhood of Batan al-Hawa, based on the claim that the land on which their homes are built was owned by the Benvenisti Trust until 1948 and according to Section 5 of the Legal and Administrative Matters Law (which permits former Jewish owners to level claims for such lands). Since 2015, 14 families have been evicted from the neighborhood. Two applications have been submitted to the Supreme Court for permission to appeal the district court rulings that approved the families' eviction from the neighborhood (Civil Appeals Authority 23/200 of the Shehadeh family, five households and 35 people; Civil Appeals Authority 20/8858 of the Shweiki family *et al.*). As part of these procedures, the Court requested the Attorney General to submit its position regarding the families' claim that a statute of limitations applies to the Trust's claim of ownership. The Attorney General has requested several extensions for this submission. Thus, over the course of the year there were no changes to the legal status of either case. In the lower courts, eviction lawsuits and appeals for which rulings are yet to be issued remain in progress.

Already in 2020, following a lawsuit submitted by Ir Amim and the residents of Batan al-Hawa (Originating Motion 20-06-5792), the Ministry of Justice's Registrar of Charitable Trusts announced an in-depth review of the Benvenisti Trust, including the trustees' conduct in relation to the Trust's aims and writ. Ir Amim claimed that a severe conflict of interest exists between the trust's goals and the actions of its trustees who are members or associates of the settler organization, Ateret Cohanim. The results of the Registrar of Charitable Trusts' in-depth review have yet to be received. In light of the Registrar of Charitable Trusts' foot-dragging while Ateret Cohanim continues to promote evictions in the neighborhood, in September 2023, the residents of Batan al-Hawa, via Ir Amim lawyers, submitted another civil appeal against the Trust, its trustees and Ateret Cohanim -- which uses the Trust for its own purposes and for the eviction of Palestinian families from the neighborhood (Civil Case 23-09-42528).

## 2. Halting the Establishment of an Israeli Visitor Center in the Neighborhood

Immediately after the Knesset's dissolution, and upon the "Government of Change's" shift to functioning as a transitional government in late 2022, Ministers Gideon Sa'ar and Ze'ev Elkin (both from the New Hope party, and later of the National Unity party) ordered the renewal of funding for a Yemenite Jewish heritage visitor center in the Batan al-Hawa neighborhood of Silwan to the cost of 4.5 million NIS (3 million NIS of which came from the Ministry of Jerusalem and Heritage). The Trust requested to establish the visitors center in the homes of five Palestinian families that it evicted in 2015.

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

Ir Amim and residents of Batan al-Hawa were compelled to initiate legal proceedings for a second time (HCJ 22/7622) in a case that was converted into a civil claim (Civil Appeals Authority 23-07-41400), following a puzzling change in the Registrar of Charitable Trusts' position on the matter; Elkin and Sa'ar's use of funding intended for the center during an election campaign; and immense secrecy regarding the "settlement agreement" approved by the Ministry of Justice led by Sa'ar, who was revealed to have integrated another Ateret Cohanim subsidiary in the process. The state requested another extension in submitting its reply, until February 18, 2024, while committing to our demand not to non-transfer the government budget for the center's establishment any sooner than that.

### **b. Al-Bustan**

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

Al-Bustan is a small neighborhood in Silwan spanning 43 dunams. It is located in the lower part of Silwan between the neighborhoods of Wadi Hilweh and Batan al-Hawa, and is currently home to approximately 1,500 residents. A designated outline plan was never prepared for the neighborhood, and in the outline plan for the Old City Basin (AM/9, which was approved in the 1970s) it is marked as an open public space. Thus, it is not possible to obtain building permits within it, which means much construction has been carried out without permits, even if on private land.

The neighborhood's sensitive location stems in part from its location between the Ateret Cohanim settlement compound in the heart of Batan al-Hawa, on one side, and the site of the City of David and Elad settlement compounds in Wadi Hilweh, on the other.

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

One new housing unit was demolished in 2023 in al-Bustan. In December, city inspectors distributed notices in the neighborhood to homes for which demolition orders had been issued in the past. The notes conveyed to the residents that, should they decide not to demolish their homes themselves, new enforcement proceedings would be initiated against them, after which the municipality may execute the demolitions. In parallel, there are currently at least 20 housing units that the municipality may demolish at any given moment.

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In April, the Supreme Court accepted the Sumarin family's appeal against the eviction from their home in Wadi Hilweh, Silwan; the eviction order was originally issued by the Jewish National Fund (JNF) and the Elad settler organization (Civil Appeals Authority 20/4936).

### **3. Sheikh Jarrah – Umm Haroun**

In Sheikh Jarrah there are three compounds that are home to approximately 72 families facing threat of eviction. Two of the compounds are located on either side of the main street in Sheikh Jarrah, Nablus Road, with Umm Haroun to its west and Kerem al'Jaouni to the east. As previously noted, the eviction proceedings in Kerem al'Jaouni were halted in 2022, after the Supreme Court's ruling in the appeal presented by four families from the neighborhood against eviction from their homes.<sup>7</sup> The judges ruled

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<sup>7</sup> Civil Appeals Authority 20/2401 al'Jaouni et al. v. Nahalat Shimon Ltd.

by majority opinion that the families could not be evicted without a SOLT taking place in which their claims to ownership could be weighed against the claims of those wishing to evict them.

In the western side of the neighborhood of Umm Haroun, near the Green Line and West Jerusalem, there are a total of 43 families for whom legal proceedings that threaten their residence are ongoing. In February 2022, the Salem family received an eviction order from the Enforcement Authority to be carried out during the month of March. The order was based on a court ruling from the 1980s alleging that the family had lost their protected tenancy status and had to vacate their home in favor of the alleged Jewish owners. The Enforcement Authority issued the order at the request of Yonatan Yosef, a member of the Jerusalem City Council faction “Meuchadim” (led by Aryeh King, Deputy Mayor of Jerusalem), who claimed to have acquired the rights from the Jewish family. The Salem family appealed against the decision to the Magistrate’s Court on the grounds of the statute of limitations, claiming that the 1980s ruling did not authorize their eviction. The court annulled the eviction and ruled that the Enforcement Authority must readdress the claims of the Salem family. In March 2023, the municipality posted a notice on the family home, announcing its intention to execute a demolition order for an old building addition to the family home. Suspicion arose that the order was being issued under pressure from right-wing municipal officials as an additional way to advance the family’s eviction. The demolition was not carried out and the hearing on its execution was postponed.

In December 2023, we were deeply saddened to learn of the passing of the late Fatma Salem, the matriarch who led her family’s struggle.<sup>8</sup>

#### **iv. Home Demolitions**

Over the course of the year, 140 housing units were demolished in East Jerusalem. This is 60% more than the number of demolitions carried out in 2022 under the previous government, and, except for 2020 when 144 housing units were destroyed, it represents the year with the highest number of home demolitions. Furthermore, 84 other units (shops, warehouses, etc.) were demolished throughout the year.

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<sup>8</sup> Yudith Oppenheimer, Executive Director of Ir Amim, We’ll Continue the Struggle in Your Name and Honor, Fatma, and Won’t Stop Missing You, [Local Call](#), December 6, 2023



Month	Residential	Other	Total
January	12	22	34
February	13	9	22
March	5	5	10
April	1	0	1
May	30	12	42
June	12	6	18
July	6	4	10
August	5	4	9
September	7	0	7
October	14	4	18
November	15	9	24
December	20	9	29
<b>Total</b>	<b>140</b>	<b>84</b>	<b>224</b>

Neighborhood	Residential	Other	total
Bait Hanina	22	9	31
Silwan	25	16	41
Issawyah	4	3	7
Shaikh Jarah	1	1	2
Bait Safafa	2	1	3
Shuaaft	1	2	3
Jabal Al-mukaber	33	9	42
Al-Tur	1	5	6
Wadi Al-joz	4	3	7
Sur Bahir	10	4	14
Walja	2	1	3
Bir Onah	1	0	1
Shuaaft RC	14	4	18
Hizma	0	21	21
Qalandia	0	3	3
Al-Musrara	1	0	1
Old City	4	0	4
Ras Al-Amoud	15	2	17
<b>Total</b>	<b>140</b>	<b>84</b>	<b>224</b>

The extent of this rise in numbers can be attributed to Minister Ben-Gvir's order to increase the scope of home demolitions in East Jerusalem. In February, [Ir Amim and ACRI appealed to the Attorney General](#), requesting that she clarify that the minister, by acting in this manner, is abusing his authority, which is tainted by ulterior, discriminatory and inappropriate motives.

## **v. Planning Discrimination**

In East Jerusalem there is a consistent policy of severe discrimination in the field of planning and construction, due to demographic motives aimed at reducing the Palestinian population in Jerusalem to the greatest extent possible. Since 1967, Israel

has expropriated over 38% of territory in East Jerusalem, building within it tens of thousands of housing units for Israelis. The master plans that Israel approved for Palestinian neighborhoods in the 1980s and 1990s declared broad swaths of land as open space on which construction was prohibited. Since then, only targeted master plans have been approved in most Palestinian neighborhoods, and no new master plans have been approved despite being needed for these areas' residential development and adaptation to the population's needs. While 39% of Jerusalem residents are Palestinian, a mere 8.5% of the city's land is designated as residential areas, and, even in these, the percentage of approved building permits is extremely low.

The severe planning and housing distress in East Jerusalem was made evident in a 2019 study conducted by the Jerusalem Institute for Policy Research, designed to map how the residents of Jerusalem – Israelis and Palestinians alike – evaluate their quality of life in the city.<sup>9</sup> The research indicated that the most painful problem for residents of East Jerusalem was the lack of options available to them for building residential apartments.

A grave consequence of this planning discrimination can be observed in the reality that Israel has created in the eight East Jerusalem neighborhoods that lie within the boundaries of the Jerusalem Municipality but are physically cut-off from the city by the separation barrier. In the past years, tens of thousands of Palestinian residents have been compelled to move there after being unable to obtain building permits in neighborhoods on the Israeli side of the barrier. In these neighborhoods beyond the barrier, the state provides almost no services or infrastructure maintenance, and at the same time there is hardly any enforcement against unauthorized construction. As a result, in these neighborhoods, there is an enormous volume of construction done without any planning or oversight, and no suitable physical and community infrastructure. Today, over a third of Jerusalem's Palestinian residents (approximately 140,000 people) live in these territories that constitute a negligible percentage of the East Jerusalem area. The combination of extremely dense and substandard construction (of towers, for instance), a population that has more than doubled, and the lack of state services and infrastructure, has resulted in the utter neglect of what have become impoverished and overcrowded neighborhoods. The coronavirus crisis hit these neighborhoods particularly hard and constituted a stark example of state authorities' failure to attend to the basic needs of East Jerusalem residents.

Throughout 2023, planning authorities promoted 108 plans with a total scope of 41,454

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<sup>9</sup> Michal Korach ,Tami Gavrieli, "Indicators of the Quality of Life in Jerusalem – A Subjective Assessment," [The Jerusalem Institute for Policy Research](#), June 2019.

housing units for Israeli neighborhoods in the city (on both sides of the Green Line) – in stark contrast to the mere 11 plans with 6,314 housing units advanced for Palestinian neighborhoods. Against this backdrop of over 55 years of severe discrimination, this gap only grew wider in 2023, since despite residents of East Jerusalem constituting 39% of the city’s total number of residents, only 13% of the housing units promoted over the past year were designated for their needs.

The only significant plan approved in 2023 for a Palestinian neighborhood was the detailed plan for the neighborhood of Issawiya (TPS 790758). This plan was initiated by the municipality, the approval of which paves the way for the authorization of existing buildings that were constructed without permits, as well as for the addition of 4,000 new housing units. The municipal decision to initiate the plan, let alone its approval, is unusual. Master plans for Palestinian neighborhoods in the city have not been updated for at least 20 years (and most not since the 1990s). There are currently no similar municipal planning initiatives for other Palestinian neighborhoods. Planning initiated by East Jerusalem landowners does not typically receive municipal assistance and for the most part is usually blocked by planning committees.

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

In parallel to Israel’s use of the advancement of SOLT procedures (see above) in East Jerusalem as a means to dispossess Palestinians of their homes and property, the state, since 2022, also began implementation of new procedures for proving land ties as prerequisite to submitting master plans or requesting building permits. The procedure for submitting plans was formulated in the Deputy Attorney General’s Office for Civil Affairs and implemented by the District Committee. The Jerusalem Municipality, which processes applications for building permits, has formulated a similar procedure for this issue. Both procedures make it very difficult, to the point of realistic impossibility of issuing building permits to Palestinians in the city. The new procedures replace the ‘*mukhtar* protocol’ that had previously existed for decades.<sup>10</sup>

The new procedures require those who seek to submit a building plan or obtain a permit on unregulated land to provide the authorities with complex evidence to identify the land and rights-holders. Among other things, this means providing a Jordanian property tax statement (these may be found via the Civil Administration, but access to them is

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<sup>10</sup> The ‘*mukhtar* protocol’ meant that “Anyone wanting to build on their land must collect signatures of consent from mukhtars, local leaders or clan heads recognized by the city hall.” See: <https://www.haaretz.com/israel-news/2019-03-03/ty-article/.premium/jerusalem-rejects-procedure-allowing-palestinian-construction-in-east-jerusalem/0000017f-efb9-d223-a97f-effd71bb0000>

difficult and restricted or relevant Israeli property tax documentation (which is nearly impossible to obtain); and the chain of transferred property rights, including approval from the Custodian of Absentee Property and the General Custodian. The mere referral to the latter two state entities raises genuine concerns that the authorities would take advantage of the appeal to find cause to seize the property. This new procedure is disproportionate, unreasonable, and gravely exacerbates harm to a population that already suffers from planning discrimination in East Jerusalem.

## **2. A First for Residential Planning as Part of the New Five-Year Plan**

In the new five-year plan for East Jerusalem (880) approved during the summer of 2023, a precedent-setting section promotes detailed planning for residential areas in East Jerusalem. It should be noted that Ir Amim and Bimkom worked hard and effectively during the planning processes of the new five-year plan in advocating for this goal. The section budgets for 32 million NIS and even sets a numerical goal for the approval of 2,000 housing units throughout each of the five years.

We welcome this first-time recognition of the acute need for residential construction in East Jerusalem. However, the obstacles posed by the new procedure for permits (noted above) will make it difficult to realize this goal. Moreover, the goal set by the government is modest and less than half of what is required to reduce the severe existing gap. Achievement of that end would require the annual construction of some 5,000 housing units in East Jerusalem.

## **3. Israeli Construction Beyond the Green Line in Jerusalem**

Alongside the considerable burdens hindering Palestinian construction in the city throughout the year, 31 plans involving 18,333 housing units were promoted for Israeli neighborhoods/settlements beyond the Green Line in Jerusalem.

Here, too, the growing involvement of the General Custodian and Custodian of Absentee Property in active promotion of settlements is evident, sometimes carried out along with the SOLT procedures.

Among the Israeli plans promoted, were two for the establishment of new settlements within Palestinian neighborhoods; another two for new settlements at the expense of developing adjacent Palestinian neighborhoods; and a total of 11 further plans to expand existing neighborhoods/settlements. The remaining plans are within the built-up areas of existing neighborhoods/settlements (predominantly in the form of urban renewal) and do not expand the settlement's territory, but rather increase the number of residents. The plan for the new, huge Atarot settlement neighborhood between Beit Hanina and Kafr Akab was not promoted this year despite government statements

regarding its intention to do so.

#### **a. New Neighborhoods/Settlements**

- **Lower Aqueduct (TPS 808840)** – An Israel Land Administration (ILA) plan to establish a new neighborhood/settlement along the Green Line, half on the Israeli side and half on the other side, was approved at the end of the year, allowing for 1,483 housing units and spanning an area of 188 dunams, connecting Har Homa in the east to close to Givat Hamatos in the west. The connection between these two settlements will complete the severance of East Jerusalem from Bethlehem and the southern West Bank. The plan also entails the expropriation of private land owned by Palestinian residents of the adjacent neighborhood of Umm Tuba.
- **Givat HaShaked (TPS 969162)** – A plan for a new settlement that will include 695 housing units in an area of 39 dunams. The territory is adjacent to the neighborhood of Beit Safafa from the north, yet, rather than developing the existing Palestinian neighborhood that desperately needs construction opportunities, a plan for a separate settlement was prepared. The Givat HaShaked plan sets a further precedent in that, for the first time, the General Custodian initiated and effectively used land under its management to build a new neighborhood/settlement. This precedent is likely to foreshadow similar initiatives on land that the Custodian manages in East Jerusalem, such as Umm Haroun in Sheikh Jarrah, the area near Abu Dis known as Kidmat Zion, and more.

Over 6,000 housing units were promoted through further plans in various existing neighborhoods/settlements (Gilo, Armon HaNatziv, Pisgat Ze'ev, Neve Ya'akov, etc.). A significant number of them are slated for construction within the built-up area of the neighborhood. Tenders have been issued for 489 additional housing units in Gilo, the Gilo Slopes, Ramot, and East Talpiot.

#### **b. Settlements Within Palestinian Neighborhoods**

- **Kidmat Tzion (TPS 120709)** – A plan for a 79 dunam area adjacent to the separation barrier between Ras al-Amud and Abu Dis. Currently, there are two buildings in which some five settler families live. The plan seeks to build 384 housing units on site and was approved for deposit in October 2023 by the District Committee. The plan also entails surrounding the compound with a fence, erecting security booths, and paving a patrol route. This land was purchased by Jews in the early 20th century and the plan was submitted by Ateret Cohanim's Bahorim company. Only a small part of the area is listed as being owned by Bahorim and KKL-JNF. The area owned by both entities is smaller than that required by planning and building law for the purpose of submitting a plan. Most of the territory is managed by the General

Custodian – also claiming to be a partner in the plan’s submission.

- **Umm Lisan Compound** (TPS 1049873) – A plan for the construction of 450 housing units in a territory spanning 12 dunams within Umm Lisan. The plan was submitted by the General Custodian and the Topodia company, which is owned by the same individuals who built and are expanding the settlement of Nof Zion (see the next section below). The land was purchased by Jews in the early 20th century, and is currently managed by the General Custodian. Apparently, the Topodia company acquired the rights from those to whom the Custodian had released part of the territory. In July, the local committee recommended that the plan be deposited. In parallel to the plan’s preparation, a SOLT procedure was also commenced in the area.
- **Nof Zahav** (TPS 976597) – A plan for the expansion of the settlement of Nof Zion in Jabal Mukabar, which includes the construction of 100 housing units and 275 hotel rooms in the 19 dunam area where the Oz Police Station is currently located. The plan’s territory overlooks the entrance to Jabal Mukabar. Expansion of the settlement in this area will connect the currently isolated complex of Nof Zion within Jabal Mukabar, to Armon HaNatziv, which is also built on Jabal Mukabar’s land near the road to its main entrance. It thus threatens to disrupt freedom of movement for the neighborhood’s tens of thousands of Palestinian residents. The plan was approved for deposit in August. The police station currently located in the lot is slated to move to a location nearby, yet, in the summer, the plan’s promoters proposed that the station remain adjacent to the settlement. This will require changes to the plan such that progress is likely to be delayed. In parallel to the plan’s preparation, a land title settlement process has commenced in the area.
- **“Wadi Joz – Business Complex”** (TPS 977694) – In June 2023, objections were rejected and the Jerusalem Municipality’s plan under the official title above, or its brand name of “Silicon Wadi,” was approved. The plan includes an area of 78 dunams on the western side of Wadi Joz, a large part of which is currently an industrial area with commerce and garages, including construction of 8-14 floors in a total area of 127,000 square meters. A mere 12.6% (16,048 square meters) is designated for housing, which will allow for the construction of just 166 housing units. The plan calls for the demolition of 37 existing structures, most of them garages, commercial buildings, and small businesses. The municipality claims that the businesses currently operating in the plan’s area may move to planned industrial complexes in Issawiya or Atarot, yet genuine concern exists that dozens of businesses will be eliminated and that the hundreds of employees will lose their livelihoods.

#### **4. Settlements in Greater Jerusalem**

Although the current government has promoted a record number of building plans in West Bank settlements or outposts, no significant plans were promoted in Greater Jerusalem during 2023. Hearings scheduled on multiple occasions regarding plans to build settlements in the E1 area between Jerusalem and Ma'ale Adumim were ultimately canceled due to international pressure. Moreover, promotion of the plan for the new settlement of Har Gilo West on al-Walaja land was also stalled.

In the middle of the year, work commenced on relocating the checkpoint between Jerusalem and al-Walaja, two kilometers from its current location in the direction of al-Walaja. Moving the checkpoint will prevent West Bank residents, and particularly residents of al-Walaja who lack Israeli identity cards, access to the large groves that the separation barrier cuts off from the village and to the Ein Hanya spring at their center.

#### **5. Touristic Settlements**

##### **a. Silwan – Wadi Hilweh**

- **The Shiloah Pool (Pool of Siloam)** – In the last week of 2022, the Elad settler organization occupied territory next to the Shiloah Pool. The land that was owned by the Greek Orthodox Patriarchate had been leased for generations to a family from the neighborhood that used it to cultivate a fruit tree orchard. Elad claimed that the land was sold by the church in the same transaction in which it reportedly sold both the Imperial and Little Petra Hotels in the Old City near Jaffa Gate. In early 2023, excavations conducted by the Israel Antiquities Authority (IAA) and the Israel Nature and Parks Authority (INPA) took place in the area, funded by the Ministry of Tourism. These entities, along with Elad, had expected to discover additional sections of the pool, yet the excavations failed to reveal such findings.
- **Kedem Compound and the Cable Car** – The INPA did not meet the conditions for approval of the building permit it submitted for the construction of part of the Kedem Compound and the cable car station atop its roof (application 23/134). By the year's end, a new permit application was submitted (01.134/2021) and the Jerusalem Municipality published notices regarding the expropriation of areas in Wadi Rababa and Wadi Hilweh to be used to erect columns for the cable car route toward Elad's Kedem Compound. As of now, the expropriations are for open areas and should be demarcated once precise locations for the cable car columns are determined.

##### **b. Silwan – Batan al-Hawa**

- **Promotion of the Yemenite Heritage Center** (read more above regarding eviction from Batan al-Hawa).

### **c. Silwan – Wadi Rababa (Hinnom Valley)**

Wadi Rababa (Hinnom Valley) is the open expanse between the Palestinian neighborhoods of Silwan and Abu Tor, located on either side of the Green Line, connecting Silwan to West Jerusalem. Its location as a connecting link is of importance to Elad, which strives to take advantage of this placement to expand Israeli presence in Silwan and to connect its settlement complexes in the neighborhood without disrupting West Jerusalem. Over the past two years, development work on behalf of Elad and the authorities in the Wadi has greatly increased and its nature is rapidly changing.

Beyond extensive gardening work that has noticeably changed the familiar landscape and Palestinian nature of the Wadi and has prevented Palestinians from cultivating their minimal remaining land in the area, the authorities and Elad have promoted the following projects:

- **Suspension pedestrian bridge over Wadi Rababa/Hinnom Valley** – In the summer of 2023, construction of the bridge by the Moriah Jerusalem Development Corporation was completed, and its operation commenced as a project of the Jerusalem Development Authority (JDA). The bridge serves the activities run by Elad in the area, connecting their “Home in the Valley” activity complex at one end, to the Sambuski Jewish Cemetery, where Elad also carries out development activities.
- **Farm in the Valley** – In 2022, Elad began to manage an area declared absentee property by the Custodian of Absentee Property, which it had received from the INPA, as an activities site calling it the “Farm in the Valley.” In 2022, in collaboration with the Zappa Club, music performances took place at the venue. Ir Amim, along with the organizations Emek Shaveh and Mehazkim, led a public campaign against whitewashing this settlement activity. Elad subsequently filed a defamation lawsuit against the organizations and Israeli activists who shared posts from the campaign, in an attempt to silence the struggle. The defamation lawsuit is still being conducted (Civil Case 22/09-29155).

Elad also tried to open a school in the complex this year in cooperation with the Regavim program of the Ruach Ha’Golan organization. An investigation revealed that this was apparently conducted without any coordination with municipal education officials. The school has yet to begin operation.

### **d. The Armenian Quarter of the Old City**



In April 2023, youth from the Armenian community in the Old City launched a struggle against a deal in which territory of the Armenian Quarter was sold, the details of which began to be revealed following many inquiries. Through their investigation, it was revealed that, in July 2021, a sales agreement had allegedly been signed between the Armenian Patriarchate and an Australian-Israeli entrepreneur and his partners, through which a quarter of the territory currently under Armenian ownership would be transferred to the entrepreneur who seeks to build a hotel on the site. The deal sold this land for a meager fee considering the size, location, and importance of the area. Youth from the community discovered that the area under question not only includes part of a parking lot in the district, but also five homes, a garden, and the auditorium of the sole Armenian school in the country. An [investigative report](#) found that the initiators of the deal were seen with Mati Dan, head of Ateret Cohanim, raising concerns that this transaction also involved Ateret Cohanim and settlement motives, as has been the case in previous questionable sales. Within the framework of their struggle, youth from the Armenian community managed to convince the Patriarchate to join in resistance to the deal, both through legal means and by being on site, defending the area against entities sent to harm residents of the quarter and to establish facts on the ground. The Patriarchate deemed the deal invalid and legal proceedings were also launched against the deal by the local community. In late 2023, Ir Amim held solidarity tours of the site, as an indication of the connection and solidarity that Jerusalem needs now more than ever to protect the historical cultural assets and lifestyles of the ancient community, and from the dangerous combination of economic and political interests.

#### **e. Sheikh Jarrah**

In the summer, work commenced on the development of a public space in the heart of Sheikh Jarrah at the intersection between the compounds of Kerem al' Jaouni and Umm Haroun. The development is intended to enable gatherings, hold of national events, and conducting Jewish heritage tours around a small monument located on site in memory of soldiers from the Paratroopers Brigade who were killed in the area in 1967. Funding for the project comes from KKL-JNF and was officially initiated by veterans of the Paratroopers Association. It is effectively part of a project called "The Northern Road" promoted by the Jerusalem Development Authority (JDA) along with the Reshit Jerusalem (meaning "Jerusalem First") organization that works to Judaize the area north of the Old City. "The Northern Road" is a route that connects the settlement compounds north of Damascus Gate and Flowers Gate (such as Palestinian Musrara and Sheikh Jarrah) with Jewish sites in the same areas (such as the Tombs of the Kings on Saladin Street, and the Tomb of Shimon HaTzadik in Sheikh Jarrah). Under the cover of a tourist route, these parties aim to strengthen settlements in East Jerusalem's business

center and expand Israeli presence in the area through small complexes, such as the monument, which lead toward public spaces in the heart of Palestinian neighborhoods in the area.

#### **f. Mount Scopus Slopes National Park**

In August 2023, a new version of the plan for Mount Scopus Slopes National Park was deposited. The plan aims to turn an area of over 700 dunams between the neighborhoods of Issawiya and A-Tur into a national park managed by the Israel Nature and Parks Authority (INPA). This is the sole significant land reserve left for both neighborhoods; turning the area into a national park will prevent it from being used for beneficial urban development for residents of Palestinian neighborhoods, instead creating nature and heritage activity sites to attract Israelis to the area. The territory also borders the E1 area such that turning it into a national park will constitute part of the creation of Israeli contiguity from Jerusalem to Ma'ale Adumim.

The national park plan was approved by the District Planning Committee in 2014, yet, after an appeal by Ir Amim, Bimkom and local residents, the Appeals Committee canceled the approval, stating that Issawiya and A-Tur's development needs must be examined, and only then should a decision be made regarding the area becoming a national park. Last year, the district committee decided to adopt the master plan prepared for A-Tur and, earlier in the year, it approved an outline plan for the neighborhood of Issawiya. The A-Tur master plan is non-statutory such that it neither increases the neighborhood's land supply, nor does it oblige planning bodies to follow it when considering statutory plans. According to the District Planning Committee, the inquiries carried out in the framework of preparing both plans meet the conditions set by the Appeals Committee for approval of the national park plan. The plan was thus redeposited after removing from it approximately 20 dunams in the area of Khalat al-Ein (and a larger tract of land near Issawiya).

The new version of the plan also designates most of the area between Issawiya and A-Tur as part of the national park, including several homes in the neighborhood of Khalat al-Ein that are slated for demolition. Along with the demolition of these homes, approval of the plan would also prevent the promotion of detailed plans for the northern areas of Khalat al-Ein.

In November, Ir Amim filed an objection to the plan along with Bimkom and residents of the Khalat al-Ein neighborhood in A-Tur, large parts of which are meant to be used for the national park.

#### **vi. Temple Mount/Haram al-Sharif – Ongoing Erosion of the**

## Status Quo

Processes that have eroded the status quo on the Temple Mount/Haram a-Sharif continued to take place this year as well. [A virtual tour of the Temple Mount compound](#) produced by Ir Amim, in collaboration with Emek Shaveh and Peace Now, reveals the truth behind the Temple Movements’ “rights discourse.”

Prior to the outbreak of the war, National Security Minister Ben-Gvir visited the Mount twice throughout the year, making statements upon his ascent about Israel owning the site. Friction between the police and the Waqf continued this year, too, when the police opted to further a policy of restricting Waqf authority, rather than acting in cooperative coordination with it in order to increase stability in the compound. The police denied the Waqf’s request to conduct renovations, raided the Bab al-Rahma building in the eastern part of Al-Aqsa Mosque, confiscating prayer equipment and arresting those present. The police also continued, as has been customary in recent years, to permit Jews to pray on the Mount, in total opposition to the status quo obligations.

Throughout Ramadan and Passover, clashes between Muslims and the police took place on the Mount due to a combination between Jewish calls to conduct an animal sacrifice on site, and police restrictions imposed upon Muslim presence. The police prevented Jewish activists from provocations such as nearing the Old City with sacrificial goats. Yet, in parallel, they decided to take action against youth from East Jerusalem who came to the Mount seeking to stay there overnight as an expression of religious devotion to the site and commitment to protect it from Jewish takeover. On the eve of Passover, the police raided the Mount and forcibly vacated several hundred Muslim youth. Following this incident, rockets were fired from Gaza and Lebanon, yet this immediate escalation subsided within several days.

Following an Ir Amim investigation in July 2023, [an exposé](#) was aired on Channel 12 addressing the import of five red heifers to Israel. They had been bred specifically for this purpose as part of a plan to enable sacrificial work (in accordance with the Temple Movements’ interpretation of Jewish law – *Halachah*), and to increase the entry of even more Jews before that into any part of The Temple Mount, including those currently restricted due to Jewish law. The exposé revealed, on the basis of Ir Amim’s investigation, the deep involvement of government ministries throughout this process.

As detailed at the beginning of this report, severe collective restrictions have been imposed on Muslim entry to the Mount for indefinite periods of time since the outbreak of the war, while Jewish entry has been permitted as usual. Such grave harm to the status quo has never occurred before, and considerable concern exists that the state of war is being used to set dangerous precedents.

According to the Temple Mount movements, roughly 45,000 to 50,000 Jewish visitors ascended the Mount during the year. Among the Temple Mount movements, the activity has been ongoing of an organization that calls itself the “Temple Mount Administration”, creating the misleading impression of a seemingly official state entity, which is not the case. This organization enjoys close cooperation with the police, who present it as an entity that helps maintain order regarding Jewish visits to the Mount. The organization is a partner of the “Third Temple” initiative, which explicitly states that its member organizations actively work toward the establishment of the Temple. Ir Amim’s appeal to the Registrar of Non-Profit Organizations regarding the misleading use of the name in violation of the Registrar’s regulations, has yet to be answered.

**vii. Five-Year Plan for the Reduction of Socio-economic Gaps in East Jerusalem – Conclusion of Decision 3790 and Commencement of New Decision 880**

The five-year plan for the “Reduction of Socio-economic Gaps and Economic Development in East Jerusalem,” Government Decision 3790, passed in May 2018, ended in May 2023. Following several months of uncertainty, a new five-year plan, Government Decision 880, was approved in August.

**1. Latter Part of the Five-Year Plan, 2018-2023, Government Decision 3790**

[The five-year plan for the reduction of socio-economic gaps and economic development in East Jerusalem](#), launched in May 2018 with adoption of Government Decision 3790, concluded during the past year. As part of the program, approximately 2.1 billion NIS were allocated over the course of five years to six different arenas: education and higher education; economy and employment; transportation; improving civil services; health; and land registration. This was the Israeli government’s first program in which a significant budget was allocated to reduce the huge gaps created by its neglect of East Jerusalem since its annexation in 1967. Yet, as we presented in detail [in the report summarizing the first three years of the decision’s implementation](#), and in the [position paper](#) we released in May 2023, after the end of the five year period and in anticipation of a new decision, reducing gaps was just part of the decision’s goals. From its inception, the plan was promoted as part of a process to apply Israeli sovereignty over East Jerusalem, and some of its aspects were used to violate the rights of East Jerusalem residents, whom it allegedly served.

From the point of view of the authorities involved in executing the decision, primarily

the municipality and the government ministries entrusted with implementing various of its sections, 2023 was the last opportunity to utilize the allocated budgets. In June 2023, the Ministry of Jerusalem and Heritage, responsible for GD 3790's implementation, published [a report summarizing the five-year plan](#). The report testified that budget utilization over the course of the five-year plan was not optimal and that a considerable proportion of the funds was not used. According to the report's data, plans were carried out for 1.581 million NIS, which constitute approximately 75% of the decision's total budget – that is, as of May 2023, roughly 25% of the decision's budget had not been used at all. However, the report states that this figure does not include full budget utilization for 2023, though, even after additional budgets were used by the end of the year, the program still concluded with considerable funds unused.

In our various meetings throughout the first half of the year with the professional entities involved in implementation of GD3790, we directed their attention to the remaining budget that could still be put to use and suggested means through this could be done. For example: in meetings with transport officials, we suggested improving access roads to schools, which had unfortunately been neglected by the implementing agencies; we directed infrastructure officials towards the need for addressing drainage and sewer infrastructure in the Jerusalem neighborhoods beyond the separation barrier (work which had indeed commenced in 2023); and, as part of our work within the forum to reduce health disparities in East Jerusalem, we discussed possible uses of the remaining budget with health officials. Yet, the five-year plan concluded without the full budget having been used in most fields (in some cases, the remaining funds were transferred to the following five-year plan).

## **2. Five-Year Plan, 2024-2028, Government Decision 880 (August 2023)**

In February 2022, Ze'ev Elkin, then Minister of Jerusalem Affairs and architect of the first five-year plan, first announced that the government aimed to promote a new five-year plan for East Jerusalem as an extension of the previous one, and that he hoped to double the budget to approximately 4 billion NIS. In March 2022, the new five-year plan was presented as an official document for the first time – [the annual status report reviewing the five-year plan's implementation](#). Work on the plan was scheduled to start in April 2022, and a Government Decision on the matter was slated for May 2023. In April 2022, government ministries did begin preliminary discussions on the plan; however, the Knesset's dissolution in June 2022 led to growing uncertainty following governmental changes, when Minister Meir Porush of the United Torah Judaism party was appointed Minister of Jerusalem, and Bezalel Smotrich of the Religious Zionist Party was designated Minister of Finance. In December 2022, concerns that the incoming five-year plan would not come to fruition were eased once the coalition

agreement between Likud and United Torah Judaism stated that the plan would be approved for another five years, and that its budget would not be lower than the previous one (yet would not be doubled, as had previously been declared).

Right at the beginning of 2023, the leading entities drafting the decision – namely, the Ministry of Jerusalem and Heritage, the Jerusalem Municipality, East Jerusalem Development Ltd., and the Jerusalem Institute for Policy Research – along with the government ministries involved in various sections of the plan, ramped up efforts to discuss recommendations and establish agreements for the new 2024-2028 five-year plan. At this time, as part of our monitoring project conducted since the start of the first five-year plan, we met with dozens of officials involved in drafting all relevant areas to the decision in order to promote the interests of the residents of East Jerusalem, including those of neighborhoods beyond the barrier, so as to reach decisions that would help to reduce gaps and potential harm to residents.

Just before Jerusalem Day, the planned date for the decision's publication, a draft was circulated among various government ministries. Yet, at the last minute, Finance Minister Smotrich decided not to approve the budget for pre-academic preparatory programs for residents of East Jerusalem, contrary to all professional positions. Professionals had worked tirelessly to propose a decision that would benefit residents and contribute to improving their socio-economic status, and many had done so while resisting enormous political pressure that sought to harm residents' rights. Following many discussions among all concerned parties, in which the Minister of Finance refused to budge on his stance regarding the section on higher education, a decision was made to omit the section and pass the remaining content. On August 20, 2023, [the second five-year plan for the reduction of socio-economic gaps in East Jerusalem was adopted.](#)

The budget for the new government decision (GD 880) amounts to approximately 3.2 billion NIS, 1.5 times that of the previous decision. Unlike the first five-year plan, in which only tens of millions came from the municipality's coffers, in GD 880, 700 million NIS will come from the municipal budget. According to some of the parties involved in drafting GD 880, these were funds that were already anyway intended for residents and were just added to the decision in order to "inflate" the budget. In practice, the more significant part of budget, which comes from government ministries and from the additional budget designated by the Ministry of Finance, amounts only to about 2.5 billion NIS.

As for the decision's content, it includes some sections and clauses intended to aid residents, along with others that are liable to harm them.

As noted above (under 'Planning Discrimination'), the GD 880's greatest achievement

– and in contrast to the previous 5-year plan – is the inclusion of a planning section that includes residential planning – increasing the number of approved housing units annually by at least 2,000 apartments, on average, and a total of 10,000 units throughout the five-year plan.

Another important clause incorporated into the current decision and also absent from the previous plan is the “local initiatives” clause, which encourages promotion of projects through local civil society organizations that operate in East Jerusalem.

Following removal of the section on higher education, a clause titled “Highly Productive Employment” was incorporated into the plan, offering a gateway to budget for ‘pre-further education and employment programs’ (*mechinos*) and their ongoing operation.

However, at the initiative of the Ministry of National Security, the plan also includes, for the first time, a section on personal security with a budget of 120 million NIS. Under phrases such as “increasing a sense of personal security,” the section grants the state further tools for oversight in monitoring residents of East Jerusalem.

Settlement of Land Title (SOLT), which was the most harmful section to residents in the previous five-year plan, was included as a modest clause and not as an entire section, after professional officials internalized the harsh criticism levied against it by Ir Amim and Bimkom. While the clause was not granted a budget, it would have been better if it had not appeared at all.

In the section on education, a new clause was added devoted to reducing dropout rates and providing individual care – a significant development after having under-budgeted for important fields such as these in the previous plan. The budget for informal education was also increased, including programs for students in neighborhoods beyond the separation barrier. Yet, once again, the section’s main goal is to increase the number of students learning the Israeli curriculum. Thus, the plan’s budget is used to leverage transition to the Israeli curriculum, taking advantage of the challenging state of East Jerusalem’s education system. (More on this issue in the section on Education below.)

In the employment section, budgetary investment towards “Hebrew for Employment” is commendable, but the worthy goal at the heart of the previous plan’s employment chapter, to increase the employment rate among women of working age, no longer appears.

In the section on health, the previous goal of running clinics in East Jerusalem directly via health maintenance organizations (HMOs), rather than through a franchising model,

was neglected, thus continuing to harm the quality of residents' health services. Nonetheless, health professionals managed to increase the budget from 30 million NIS in the previous plan to nearly 100 million NIS in the new plan.

Ultimately, after over 50 years of neglecting East Jerusalem, it is important to note that the first five-year plan 'won' a follow-up plan that was approved, and that budgets may now be used to reduce deep socio-economic gaps. However, as we did throughout the first five-year plan, we must monitor the plan's implementation and the actions of the authorities involved in order to ensure that residents' rights take precedence over cynical political interests of strengthening sovereignty and governance.

Following publication of GD 880, sub-teams were supposed to be established to implement the plan's various sections and, among other things, to formulate and approve the multi-year work plan within 90 days from the date of the decision's approval. The budget's distribution among each section was also meant to be determined within this tract of time. Yet, in the middle of said period, the war broke out and tides were turned. Since October 7, implementation of some of the plan's sections has been frozen; some sub-committees have not convened; and, in light of the situation, budgets for the first year of some sections have been partially cut. Even in sections in which plans have already begun to be implemented, such as that of education (implementation of which began at the start of the 2023-2024 academic year—i.e. September 2023), there are more open questions than resolved decisions.

The current situation poses challenges to GD 880, and professionals involved in its the formulation and implementation remain concerned that the plan will be among the main victims of the current war. However, precisely in this tense period, it is vital to uphold the new plan's advancement in order to reduce gaps, while ensuring that its implementation is for the benefit of the residents and not used against them.

## **viii. Education**

### **1. Curriculum**

Since the new government's took office, right-wing elements in the Knesset have led multiple discussions on the content of the Palestinian curriculum in East Jerusalem, in attempts to undermine its preservation in East Jerusalem since 1967. The government is acting against the curriculum, either through legislative proposals in its Ministerial Committee, in discussions held by the Knesset's Education Committee, or by dispersing meetings of the East Jerusalem Parents' Association, by order of the National Security Minister.

For decades, even after 1967, schools in East Jerusalem taught the Jordanian



curriculum, and, in the roughly 30 years since the Oslo Accords, the Palestinian Authority's curriculum has been taught instead. Use of the Palestinian Authority's plan in East Jerusalem is not only supported by the political agreement that was signed, but also by international law and the right to education, as recognized by several international treaties that Israel has signed and ratified. The right of East Jerusalem children to be educated in accordance with their culture and national affiliation is not only consistent with the basic right to education recognized by Israeli law, but also with the right to equality in education, freedom, and preservation of their identity.

The final exams of the Palestinian curriculum are known as the Tawjihi. Contrary to popular opinion, they are no less esteemed than the Israeli matriculation exams, and the Tawjihi certificate is accepted for academic studies by the best universities in the world.

Legislative proposals and discussions of the Knesset's Education Committee seek to link the Palestinian curriculum in East Jerusalem with incitement to terror – and even more so since October 7. Bills have been presented and promoted accordingly by representatives of the religious Zionist Jewish Power party, and of the Likud. A sub-committee established by the Knesset's Education Committee held its first discussion on the curriculum in East Jerusalem on July 9. In parallel, the bill P/25/3147 to deny budget to educational institutions teaching the Palestinian curriculum passed a preliminary reading in the Knesset, after it was approved by the government's Ministerial Committee for Legislative Affairs.

Those promoting the bill, along with members of the sub-committee of the Knesset's Education Committee, argue that their activities are based on the necessity of preventing incitement among students in East Jerusalem. Yet, incitement is already prohibited in textbooks that teach the Palestinian curriculum in Jerusalem. The Jerusalem Municipality and the Ministry of Education have already censored the textbooks used in the Palestinian curriculum, so there is no reason why inciteful material would still be present, had it even existed.

There is no question that incitement should not be present in educational materials, neither in the Israeli nor the Palestinian curriculum. However, many of the examples given by Israeli entities as instances of incitement in Palestinian textbooks actually refer to statements that simply constitute a different national identity story, a Palestinian national narrative, and arguments against the occupation. Naturally, gaps exist between the Israeli and Palestinian perspectives vis-à-vis national narratives. However, these disparities do not amount to incitement in and of themselves, and Israel is obliged, in accordance with treaties to which it is a signatory, to protect East Jerusalem residents'

rights to educate their children in accordance with their cultural and identity-based heritage.

## **2. Classroom Shortage**

As detailed in Ir Amim's education report, throughout the 2022-2023 school year, 105,084 students were enrolled in (recognized and official) Arab education in Jerusalem, representing more than 36% of all students enrolled in official and recognized institutions in the city. The Jerusalem Municipality itself confirms that it lacks details on the educational frameworks of 26,619 children, who constitute over 20% of the 131,685 children entitled to education in Jerusalem.

At the close of 2023, the shortage of classrooms in East Jerusalem stood at 2,986. In June 2018, Ir Amim submitted [a request to join the petition submitted by the Parents' Association regarding the classroom shortage in Jerusalem, as an \*amicus curiae\* \('Friend of the Court'\)](#) (HCJ 6183/16).<sup>11</sup> In its ruling on January 4, 2023, the court stated that, upon hearing the claims, including those of Ir Amim, within four months, the state and municipality must formulate an incremental outline for planning and constructing the missing classrooms for East Jerusalem's formal education system:

“...it was agreed, following our comments, that the respondents will complete the preparation of an incremental outline plan for the construction of the classrooms lacking in East Jerusalem's official education system, taking into consideration, among other things, the budgetary aspect required to implement the outline.

We grant this agreement the validity of a judgment. If the government respondents do not come to an agreement on the outline with the Jerusalem Municipality within four months, it will be determined by government officials within two additional months. Needless to say, the parties' claims regarding the outline to be determined are reserved for them. It should be noted that the different approach to East Jerusalem stems from the data presented by the respondents, who acknowledge the significant gaps between East Jerusalem and other local authorities, while according to government respondents' data, there is no real gap between demand for classrooms in West Jerusalem's official education system, and the dozens of other local authorities throughout the country. We are not required to address the issue of unofficial education, which is beyond the scope of the conditional order issued during the proceeding.”

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<sup>11</sup> HCJ 16/6183 Parents' Organization for the School System in Jerusalem et al. v. the Ministry of Education et al.

Since the ruling, the state has submitted several extension requests and is currently required to present its outline by April 2024.

[According to the municipality's reply to a Freedom of Information Request](#), 1,710 boys (4% of those studying in grades 1-11) and 1,145 girls (3% of those studying in grades 1-11) in the East Jerusalem education system dropped out of school during the school year, and another 328 children appear in the municipal reply as “unaccounted for by the system.” In total, 3,183 children dropped out over the course of the past school year. If we roughly divide these numbers into classrooms, it is equivalent to some 117 classes dropping out.

As previously mentioned, on August 20, 2023, the Israeli government approved the decision (880) [for another five-year plan to reduce socio-economic gaps in East Jerusalem](#). This took place three months after the government's first five-year plan (3790) concluded and following Finance Minister Smotrich's veto on the new plan's budget allocation towards higher education. The new plan also does not specify how the acute classroom shortage in East Jerusalem will be addressed.

Approximately 81% of the funds allocated to formal education in the first five-year plan was earmarked for a small minority of children, those enrolled in the Israeli curriculum—who initially constituted a mere 6% of the total number of children entitled to education in East Jerusalem. According to information obtained through a Freedom of Information Request submitted to the Jerusalem Municipality, by the end of the GD 3790 in the school year 2022-2023 a total of 16,808 children and teenagers studied the Israeli curriculum: 14,366 in official education frameworks, and 2,442 in recognized but unofficial schools. These students constitute 16% of the total number enrolled in recognized and official education frameworks, and less than 12.8% of the total number of children entitled to education in East Jerusalem. While those behind the government decision may claim success, in the eyes of the Palestinian public in East Jerusalem, it has caused them substantial harm. The budget was used to encourage Palestinian students to transfer to the Israeli curriculum, not for educational purposes, but rather due to motives related to sovereignty, all while harming collective Palestinian identity and violating international and Israeli law. Furthermore, the vast majority of students in East Jerusalem remain in the Palestinian program, and, therefore, the decision's sweeping preference for the Israeli program severely the quality and level of education these students receive. The education section in the new five-year plan to which 800 million NIS has been allocated is the second largest section (in terms of budget) in the plan. This amount constitutes a quarter of the decision's total budget of 3.2 billion NIS and is nearly twice that of the previous plan's education section, which amounted to 445 million NIS. The current section includes five goals, and the division of the section's

total budget among them is yet to be determined. The allocation is expected to be determined in the coming months in a coordinated decision between the Ministries of Jerusalem, Education, and Finance, along with the Jerusalem Municipality.

In the current five-year plan, the education section's central goal remains to increase the number of students in the Israeli program. Once again, recognized and unofficial schools that teach the Tawjihi – the vast majority of recognized unofficial schools – are neither included in the program nor do they benefit from its budgets despite them serving the vast majority of East Jerusalem students.

In the new five-year plan, a goal was added regarding the reduction of dropouts and individual care in East Jerusalem. The field of individual care was already included in the previous plan, but was allocated an insufficient budget. Programs to tackle dropout rates were primarily budgeted for within the welfare chapter rather than the education chapter and did not directly address dropping out. We can only hope that, now that it has been set as a goal in and of itself, it will receive a significant share of the education section's general budget and its scope will increase significantly compared to the previous five-year plan. However, even in this field, the program is solely intended for official schools, recognized unofficial schools under the Jerusalem Municipality's auspices, and recognized unofficial schools that teach the Israeli curriculum. This implies that roughly half of the Palestinian students in East Jerusalem are excluded from the new five-year plan and its large budgets (i.e., those who study in recognized schools that do not teach the Israeli curriculum).

Forcing a transition to the Israeli curriculum through a total budgetary bias is also an expression of 'power'. While subversively sophisticated and different from the overt discriminatory measures declared by the current government (detailed in this report), it is, like them, a measure that prioritizes issues of sovereignty and control over more worthy educational considerations. Budgetary bias has no place in repairing decades of neglecting East Jerusalem's education system. Furthermore, it serves as fertile ground for the current policy that seeks to harm any and every legitimate sign of national identity of the Palestinian public in East Jerusalem.