
Report of September, 2018

Banned Expulsion, Displacement, & Arbitrary Persecution in Jerusalem

during September 2018



Euro-Mediterranean Human Rights Monitor

October 2018



euromedmonitor.org

Contents

Introduction	5
1. Arbitrary detention and arrest, home raids in Jerusalem	7
1.1 Detention of female child Jenan al-Razem, Mrs. Naema al-Taweel and her husband	7
1.2 Detention without charges: Case of minor Hamza Mu'tasem Qattina	9
1.3 Thursday, Sep. 20th: Mass arrests on background of Jewish holidays	10
1.4 Policy of home raids for arrest	13
1.5 Searching home of minor Yacoub al-Dabbagh, banning him from Al-Aqsa Mosque	15
2. Banning from Al-Aqsa Mosque	16
2.1 Bans on entry to Al-Aqsa Mosque under the Blacklist	16
2.2 Summoning Ayda al-Sidawi, removing her from Al-Aqsa Mosque	18
2.3 Removal by means of military orders: Re-banning Mr. Majid al-Ju'ba from Jerusalem City and the West Bank	19
3. Cases of assault by beating	21
3.1 Case of Mr. Gheith Gheith: Arbitrary arrest and beating	21
3.2 Case of Mr. Tha'er Abu-Sbeih: Arbitrary arrest and beating	22
3.3 Use of lethal force by Israel's security forces in Jerusalem: A Legal Perspective	23
4. Israeli settlers' violations	25
4.1 Settlers' assault on Mr. Adham Asfour	25
4.2 Settlers' assault on three young Palestinians	26
4.3 Settlers' assault on Palestinians and shops in Musrara Neighborhood in Jerusalem	26
4.4 Settlers' entry to Al-Aqsa Mosque under heavy protection from Israeli forces	28
5. Cases of home demolitions and denying building permits	29
5.1 Demolishing home of al-Farrah's family in Beit Hanina Neighborhood	29
5.2 Israel's High Court decision to demolish Khan al-Ahmar Village	32

5.3 A Legal Reading of the Court's decision	33
5.4 Demolishing Abu Khayara's family home in al-Walaja Village	35
6. Applying the Racist Nation-State Law	38
6.1 General definition of Nation-State Law	38
6.2 First precedent in applying Nation-State Law	41
7. Denying textbook distribution in Schools in Jerusalem	43
7.1 Educational curriculum in Jerusalem Schools – A Historical Background	43
7.2 Israel's attempts to impose the Israeli curriculum	43
7.3 Denying textbook distribution in schools of Silwan and Ras al-Amud Neighborhoods	44
Recommendations	46

Introduction

In recent months, there have been serious and unprecedented escalations in Israel's violations of Palestinians' rights in Jerusalem, especially since President Trump's decision to relocate the US Embassy to Jerusalem. This is especially alarming, given the sacred nature of the Holy City for the followers of the world's three monotheistic religions. Of the three dominating religions, Muslims have been the most to suffer and endure harsh and abusive treatment by the Israeli authorities.

As is the case every year, September has witnessed numerous cases of arbitrary arrests and detentions, raids and searches of Palestinian homes, orders of expulsion from Al-Aqsa Mosque, harassment of worshipers, and the storming in large number of Israeli settlers to Al-Aqsa Mosque yards under the protection of the Israeli forces. Violations also extended to indiscriminate beatings and trumped-up charges against Palestinians in the Holy City, with insistent attempts to impose the Israeli curriculum in Palestinian schools located in the city, as well as to create an environment that fits the Nation-State Law as an essential part of the court system.

These violations against Palestinians in Jerusalem demonstrate a consistent policy adopted by the Israeli authorities over the past years. However, these violations persist and increase when Israeli soldiers are deployed around and inside Al-Aqsa Mosque to secure celebrations of Jewish holidays. These holiday celebrations are frequently accompanied by provocations and abuse of Palestinians in areas of worship in Jerusalem, especially in Al-Aqsa Mosque and the Old City.

Under the pretext of Palestinians' lack of building permits, home demolitions in Jerusalem continue unabated, with the Municipality of the City arbitrarily and continuously denying

Palestinians the necessary permits to build for years. The recent evacuation and bulldozing of Khan al-Ahmar village, a move condemned by the United Nations, is a live example of the extent of Israel's racism against the City's Palestinians. They no longer enjoy religious freedom, are subjected to arbitrary detention, degrading treatment and beatings and are not even safe in their own homes. These aspects highlight the lack of any future prospects for enjoying a life of dignity.

This report aims to shed light on the most prominent images of the violations committed by the Israeli authorities against Palestinians in Jerusalem over the past month. In so doing, the report documents Israel's encroachment on their rights in an extensive manner, with examples of cases objectively brought to light. The report further echoes calls on the international community to act in a manner that will overcome the current state of affairs in the Holy City as well as to protect and secure Palestinian civilians' religious freedoms.

1.Arbitrary detention and arrests, home raids in Jerusalem

The Israeli authorities have been carrying out arrests against Palestinians in Jerusalem almost on a daily basis. The predominant characteristic of these arrests seems to be sheer arbitrariness, lacking due process and standards of a fair trial. In addition, these arrests are often accompanied by raids of the detained person's home with search warrants rarely shown, actions that run contrary to the procedural rules of criminal laws.

The following are a number of cases of arbitrary detention and arrests during September:

1.1 Detention of female child Jenan al-Razem, Mrs. Naema al-Taweel and her husband

Jenan al-Razem, 15, went with her mother and her relatives to pray at Al-Aqsa Mosque on September 9, 2018. Upon her leaving via *Lion's Gate* with her mother, she was detained by the Israeli police.

"My sister, my daughter and I went to pray and have our breakfast at Al-Aqsa Mosque. We chose one of the terraces in the eastern area, near the Golden Gate, sat there and had our breakfast," said Jihad al-Razem, Jenan's mother. "While we sat there, the police came and started taking photos of us. About an hour later, we went out together through Lion's Gate when a group of policemen came toward us and arrested my daughter, Jenan, who is only 15 years old. They refused to let me accompany her. They also arrested my sister Naema al-Taweel. When her husband asked for the purpose of her arrest they beat him and arrested him as well," Mrs. Al-Razem added.

Jenan, her aunt Naema and her aunt's husband were taken to al-Qishla police station in Jaffa Gate. Mr. Mohammed al-Taweel was beaten by police officers. Ironically, he was charged with beating policemen. However, after reviewing tapes from the cameras there, he was proven innocent and was released after confirmation that he committed no crime.

Jenan and Mrs. Naema were charged with disturbing public order be-

cause of their presence at the Golden Gate during settler incursions into Al-Aqsa Mosque. Neither the Israeli soldiers, nor eyewitnesses saw any disturbances, but the mere presence of this family in that area was enough to take action against them.

Naema, her husband and Jenan were released only after a decision banning them from entry to Al-Aqsa Mosque for 15 days.

Legal commentary on the incident:

The Israeli forces adopted an arbitrary policy against Palestinians present in Al-Aqsa Mosque during the entry of settler groups. That is, their mere presence in the Mosque's yards at that time was enough for the police to detain them. For being present at the area of the Golden Gate, they were charged with the vague "disturbing the public order" charge.

In essence, the Israeli law does not criminalize the presence of Palestinians in the Golden Gate area as long as they do not commit any act that is contrary to the law. Furthermore, there is no legal grounds for preventing Palestinians from going to the Gate or its surroundings, a fact that not only renders the detention or arrest of any person under this charge arbitrary, but also considers that action taken against these Palestinians a form of 'deprivation of liberty.'

On the other hand, Jenan's case stands as testimony to Israel's arbitrary measures that do not exclude even young girls, and thus fall under intimidation, an arbitrary act that cannot be justified.

The law also allows arrest and detention in exceptional cases, and only as a last resort, especially regarding minors. While it is hardly possible to find a similar case where the Israeli authorities have arrested an Israeli girl under such circumstances, which further highlights the fact that the arrest was racially motivated.

The law further gives minors the right to have one of their relatives stay with them during investigation and to consult them in all proceedings. Nevertheless, the Israeli authorities prevented Jenan's mother from accompanying her and being with her during the investigation, which is an illegal and inhumane action further adding to the severity of the arrest.

1.2 Detention without charges: Case of minor Hamza Mu'tasem Qattina

On Wednesday, 26th of September 2018, a group of Israeli soldiers arrested Hamza Mu'tasem Qattina, 15, at his home's door in the Old City's al-Wad Street in Jerusalem. He was then taken to the *Beit Eli-yahu* police station in the *Chain Gate* area, and then to al-Qishla police station in Jaffa Gate.

The child's testimony:

"I was standing before my house when a group of soldiers approached and told me that I am under arrest. Then they took me to the *Beit Eli-yahu* police station in the Chain Gate area. They prevented my cousin from coming with me. I was then transferred to al-Qishla police station in Jaffa Gate. I told the interrogator that I did not do anything illegal, and I asked him why I was arrested."

Hamza added: "The interrogator showed me a picture of someone and asked me if I knew that person. I told him that I do not know him. He then said "I know it is not you, but tell me who he is?" I told him that I do not know him and that I have no relationship to him whatsoever. Fifteen minutes later I was released. The interrogator did not charge me with anything, even though he detained me for about an hour."

Hamza, surrounded by Israeli soldiers while being taken to the police station



This form of detention is another example of the arbitrary detention of Palestinians in Jerusalem, especially as it occurs on a systematic, almost daily, basis. The Israeli authorities arrest Palestinians with clear disregard for age, sex or legal considerations.

The illegality of this detention is further compounded when minors are involved, particularly children. Exposing a child to this kind of experience at an early age is inhumane, especially when children are unaccompanied by family members, another measure that exacerbates children's fear and insecurity, as well as the subsequent psychological problems that follow.

**Convention on the Rights of the Child
Signed by Israel, and became effective in 1990**

Article 37

States Parties shall ensure:

(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and **shall be used only as a measure of last resort and for the shortest appropriate period of time.**

1.3 Thursday, Sep. 20th: Mass arrests on the background of Jewish holidays

On 20th of September 2018, the Israeli authorities carried out mass arrests campaign against Palestinians present at the Al-Aqsa Mosque. The *Waqf* employees *Raed Zghair* and *Haitham Halawani* were arrested during this campaign, in addition to youths *Hamza Zghair*, *Rami al-Fakhouri*, *Mahmoud Mwannes*, *Jihad Qaws* and *Mahmoud Abdel Latif*. The Israeli police charged them with disturbing the public order and attacking police officers.

Rami al-Fakhouri recounts his story:

“On 20 September 2018, my friends and I went to pray at the Al-Aqsa Mosque. We happened to walk inside the mosque while there was a Jewish holiday celebration. The settlers, who stormed the Al-Aqsa Mosque, began to provoke worshipers in more than one area inside the Mosque, particularly at *King Faisal Gate* and *Bab al-Huta*. The Israeli police and Special Forces brutally attacked all the Palestinians in the area, including the *Waqf* guards and women. That’s when the clashes started.”

According to eyewitness testimony, the Israeli forces arrested *Mahmoud Mwannes* and dragged him out of the Council Gate (or Bab al-Majlis). Then, they arrested and beat *Tha’er Abu Sbeih* and assaulted *Haitham Halawani*, a *Waqf* employee, in front of the Shari’a School at King Faisal Gate. They also beat *Zinat Abu Sbeih* the chief of the female guards, and arrested the Jerusalem Islamic *Waqf* employees *Raed Zghair*, *Rami al-Fakhouri* and *Hamza Zghair* at the al Debagha market after they left Al-Aqsa Mosque. All of them were taken to al-Qishla police station, in Jaffa Gate, and were transferred to the Magistrate’s Court without interrogation.

Al-Fakhouri added: “The *Waqf* employees *Raed Zghair* and *Haitham al-Halawani* as well as young men *Hamza Zghair*, *Tha’er Abu Sbeih*, *Mahmoud Mwannes*, *Gheith Gheith*, and myself were brought before the court where the police demanded our detention for three days pending investigation. However, our lawyer confirmed that the detention is illegal, so the court decided to extend our detention until 9:00 pm. Then we were released on condition of three days of house arrest as well as a ban from the Old City. They also made us pay a bail of 2,000 NIS (550\$), sign a personal warrant and get a third party warrant of 5,000 NIS (1380\$).”

Al-Fakhouri further added: “After three days, we were summoned to al-Qishla police station again and were threatened with removal from Al-Aqsa Mosque, by an intelligence officer. We were later banned from entry to the Mosque for an entire week. When the week was over, we were summoned again and I was handed the ban decision by Jerusalem’s police commander for six months.”

According to *Firas al-Dibs*, Waqf spokesman in Jerusalem, the Israeli police detained the guard *Hamza al-Nabali* on 21st September 2018 while on his way to work passing through Bab Huta, one of al-Aqsa gates. He was transferred to the al-Qishla station in Old Jerusalem for interrogation. Then he was informed that he was banned from Al-Aqsa Mosque for a week. The Israeli authorities escalated their repressive practices towards Waqf guards and employees by prosecuting, arresting, interrogating and removing them from Al-Aqsa Compound. Waqf officials believe this is an attempt to prevent them from addressing the extremist settlers' intrusions in the Mosque.

On the same day, the Israeli police summoned and questioned *Ms. Zinat Abu Sbeih*, chief of the female guards at the Al-Aqsa Mosque, who was beaten on the previous day. The Israeli police decided to ban her from the Al-Aqsa Mosque for two weeks, and to make her pay a bail of 2,000 NIS (550\$).



The photo shows a number of those arrested and banned from Al-Aqsa Mosque

1.4 Policy of home raids for arrest

The dozens of cases Euro-Med Monitor's team recorded during September made it clear that Israel is adopting a systematic policy of raiding and searching homes on a daily basis, often without showing either search or arrest warrants, or without providing a clear reason for these searches.

On Monday morning, 3rd of September 2018, the Israeli forces launched a campaign of raiding houses in the Silwan Neighborhood. They arrested *Majdi 'Abisan*, *Ali Abu Diab*, *Odai Gheith* and *Muhammad Gheith*. In the evening of that day, the Israeli forces stormed a café in the al-Sahl area, northwest of Jerusalem, and arrested the two young men: *Mujahid Hammad Shamasneh*, 27, and *Lu'ai Mesbah Tanjeh*, 29. At the dawn of the following day, the Israeli forces raided and searched a number of houses in al-Dannadna neighborhood in the village of *Abu Dis*, east of Jerusalem. Then they raided a number of houses, searched and tampered with their belongings, and arrested *Ibrahim Nasser Dandan*, 21, and *Mohammed Saleh 'Ayyad*, 22. In similar campaigns in the *Kafr Aqab Neighborhood* north of the city, *Bassman Abu Rmaila* and *Saif Abu Rmaila* were arrested from the Qalandia refugee camp. On the same day, the Israeli forces arrested the liberated prisoner *Muhammad al-Dukak* and his father *Yehya* after they stormed their house in *al-Thawri Neighborhood* in Silwan. On Thursday, 6th of September 2018, the Israeli forces arrested the child *Ismail Anwar Abu Zeidah*, 14, after raiding and searching his house in Qalandia refugee camp north of Jerusalem.

On Saturday 15 September, the Israeli forces raided and searched a number of houses in *Shu'fat refugee camp* in northern Jerusalem. They arrested four people: *Adham Mahmoud al-Hindi*, 32, *Amr Khashan*, 29, *Ayman Abdullah Abu Miyala*, 31, and *Mahmoud al-Faqih*, 27. The following day, the Israeli forces arrested *Mohammed Azzam al-Natsheh*, 25, after breaking into his house in *Anata* village, east of Jerusalem. They also raided and searched a number of houses in Qalandia refugee camp and arrested *Ibrahim Sami Matar*, 32, *Mahmoud 'Issa al-Mullah*, and *Khalid Muhammad Antar*, 29.

For the third day in a row, the Israeli forces carried out new raids on Monday 17th of September 2018 in the village of *Issawiya*, where dozens of houses were raided and nine people were arrested, including three children: *Qusai Ahmad Dari*, 17, *Wissam Iyad Dari*, 17, and *Qassim Mounir Derbas*, 16. The following day, the Israeli forces raided Qalandia refugee camp and searched a number of houses before arresting *Karim Mohammed Abu Lutfiya*, 34, and *Shadi Yacoub*, 31, in addition to confiscating an amount of money worth 15,000 NIS (\$4,140) from *Mohammed Mahmoud Mtair's* house.

The Israeli forces on Sunday, 23 September, searched *Yasser Mohammed Darwish's* house, in the village of *Issawiya*, northeast of Jerusalem, and took *Darwish* with them. The following day, the Israeli forces stormed the Old City in Occupied Jerusalem and raided a number of houses. They arrested three people: *Rawhi Mahmoud Qalgasi*, 22, *Murad Mousa al-Ash'hab*, 26, *Mu'min Na'im al-Hashim*, 18, and a child, *Yacoub al-Dabbagh*.

On Tuesday, 25 September, the Israeli forces raided a house that belongs to the *Abu Ghannam* family and arrested *Mohammed Ali Abu Ghannam*, 16. On the same day, the Israeli forces carried out raids in the *Silwan Neighborhood*, where three persons were arrested, including a child. They were *Adnan Iyad al-Rajabi*, 16, *Mahdi Mohammed Jaber*, 20, and *'Alla Awwad*, 32. The following day, the Israeli forces stormed *Abu Dis* village, and raided a number of houses, arresting *Mohammed Nasser Mohsen*, 22. The Israeli forces also broke into *Qalandia refugee camp* on the same day and arrested *Muhammad Haitham al-Khatib*, 24.

1.5 Searching home of minor Yacoub al-Dabbagh, banning him from Al-Aqsa Mosque

On 18 September 2018, a group of Israeli soldiers came to the house of Mr. *Mohammed al-Dabbagh* in the *Bab al-Amud* area, in Jerusalem.

In his testimony, Mohammed al-Dabbagh, Yacoub's father, reported that a group of soldiers came to his house and told him that they wanted to search the house for a matter related to his 16-year-old son, *Yacoub*. "The soldiers began to search the house in a barbaric way and when I asked them why they were doing this, they did not answer. They left my house turned upside down."

A week later, the Israeli intelligence service summoned Yacoub, and handed him a decision issued by the police commander of Jerusalem informing of his ban from the Al-Aqsa Mosque for three months.

Yacoub's house after Israeli soldiers searched it



A copy of the 3-month ban order issued by the Jerusalem District Police Commander (to the right), and Yacoub al-Dabbagh, 16, to the left.



2. Banning from Al-Aqsa Mosque

Orders of banning from Al-Aqsa Mosque, already mentioned extensively in August's report, have even increased in September, especially towards Waqf employees.

The list below shows the names of the individuals included in the ban from the Al-Aqsa Mosque, and the period of the ban as documented by Euro-Med Monitor:

No.	Name	Banning Period
1	Mahmoud Abdel Latif	6 months
2	Jehad Qaws	6 months
3	Rawhi Kelgasi	6 months
4	Hamza Zhgair	3 months
5	Raed Zghair, (Waqf employee)	6 months
6	Husam Sidr, (Waqf employee)	3 months
7	Emad Abdeen, (Waqf employee)	10 days
8	Majid al-Ju'ba, (Waqf employee)	6 months, Re-Banned
9	Shadi Mtair	6 months
10	Jamil al-Abbasi	6 months
11	Mu'min al-Hsheim	3 months
12	Minor Yacoub al-Dabbagh	3 months
13	Rami al-Fakhouri	6 months
14	Hamza al-Nabali	One week
15	Minor Jenan al-Razem	15 days
16	Naema al-Taweel	15 days
17	Zinat abu-Sbeih	Two weeks
18	Ayda al-Sidawi	15 days
19	Gheith Gheith	Two weeks
20	Tha'er abu Sbeih	10 days
21	Shadi al-Natsheh	Unknown - Blacklist
22	Khairi Shima	Unknown - Blacklist
23	Mansour Abbas	Unknown - Blacklist
24	Mohammed Nofal	Unknown - Blacklist

The Israeli forces denied many Palestinians the right to pray at Al-Aqsa Mosque under the pretext of having their names on the blacklist. The blacklisting appears to be the decision of the police commander, however it is done without any formalities. It is usually difficult to get an exact estimate of these cases because they are not written much of the time, but rather take effect without any legal grounds.

On 25 September 2018, the Israeli forces prevented *Shadi Natsheh* from entering Al-Aqsa Mosque without giving him any reason except that his name is included on the blacklist. The next day, they prevented the elderly *Khairi Shima Abu Bakr* from entering the Mosque for the same reason.

On September 30, the Israeli forces prevented *Mansour Abbas*, deputy head of the Islamic Movement Party in Israel and head of the *United Arab List*, and *Mohammed Nofal*, the project director of *Al-Aqsa Association*, after a press conference the two organizations organized together.



2.2 Summoning Ayda al-Sidawi, removing her from Al-Aqsa Mosque

On 26th of September 2018, the Israeli forces summoned Ayda al-Sidawi for interrogation at al-Qishla police station in Jaffa Gate area.

“On 25 September, I went to pray at Al-Aqsa Mosque. I sat before the *al-Qibli Chapel* after midday prayer when a group of settlers passed by me. I was reading the Koran and praying. The next day I was summoned for interrogation because I was ‘disturbing the public order.’ They claimed I was reading the Koran loudly before settlers. After the interrogation, the officer banned me from Al-Aqsa Mosque for 15 days,” said Ayda al-Sidawi.

The Israeli forces also summoned Mr. Emad Abdeen, the Waqf employee who works at the Fire Department, and banned him from entry to Al-Aqsa Mosque for 10 days. According to Mr. Firas al-Dibs, the Waqf spokesman, the number of employees banned from the Al-Aqsa Mosque in September of 2018 amounted to 14.



2.3 Removal by means of military orders: Re-banning Mr. Majid al-Ju'ba from Jerusalem City and the West Bank

Majid Ragheb al-Ju'ba, 39, was born in Jerusalem, and lives in *Bab al-Huta* Neighborhood in the Old City of Jerusalem. He is married, has five children, and works as an employee at Waqf.

On 27 March 2018, the IDF commander of central region took a decision to ban Majid al-Ju'ba from Jerusalem for six months. On April 9th, 2018, this decision was followed by another by the IDF commander of West Bank to remove Majid from all the West Bank cities, except for the town of al-Eizariya, east of Jerusalem.

The implications of this decision effectively ban Mr. Majid al-Ju'ba from his hometown, sending him away from his family, in addition to denying him work, and forcing him to live in the town of al-Eizariya.

Al-Ju'ba petitioned the Israeli Supreme Court to overturn these decisions, because they were issued in accordance with the *British Emergency Regulations*, which allows the authorities extended powers against civilians. Banning Mr. al-Ju'ba from the city of Jerusalem, his place of residence, violating his right to work, and separating him from his family, especially with his family's inability to move with him, cannot be justified under the current circumstances. The Supreme Court turned down Mr. al-Juba's objection and relied on confidential information that are not disclosed in order to ensure his banning.

On September 27, 2018, the last day of his six-month banning, Majid al-Juba was surprised by a new decision by the of the IDF central region commander, renewing his removal from Jerusalem for another six months. Another decision was made by the IDF commander of the West Bank to remove him from all the West Bank cities, except the town of al-Eizariya.

These new decisions will make Mr. Majid al-Juba's suffering last for a full year away from his home and family.

In his testimony, al-Ju'ba said:

"I was born in the city of Jerusalem. I live there, with my family. I have five children, and I work as an employee at Waqf in Jerusalem.



The Israeli authorities stripped me of my right to live in dignity and restricted my freedom by denying me entry to al-Aqsa Mosque and the Old City. Then they removed me from my place of residence, sent me away from my family, and kept me away from the West Bank and Jerusalem. Today, I was handed a removal decision for another six months, which has furthered my suffering, especially since my children are studying at schools and I cannot support them.”

From the legal point of view, the decisions against Majid al-Ju’ba include several grave violations of human rights:

- 1) His basic rights were violated, through removing him from his place of residence, separating him from his family, and denying him work and social interaction, without providing a clear justification. These actions constitute a violation of human freedom and dignity, the right to live within a family, to work, and the right to freedom of movement and residence.
- 2) The duration of these orders (for six months and then extended for the same period of time) increases the intensity and severity of the impact on Mr. al-Ju’ba and his family, especially since these decisions are taking a semi-permanent state and are further arbitrary.
- 3) Denying Mr. al-Ju’ba the presence in Jerusalem and the entire West Bank, except the town of al-Eizariya, show the wide extent of this violation as well.
- 4) Taking these decisions based on the emergency regulations, which are arbitrary, gives the army extensive and illegal powers against civilians. Israel implements these rules since 1948 until today for long periods of time even though they are specific to times of emergency.

3. Cases of assault by beating

September 2018 witnessed many cases for the use of force against Palestinians in Jerusalem, either by the Israeli police or by settlers protected by the silence of the police.

In addition to the incidents mentioned above, the following are some of the documented cases of attacks against Palestinians by the Israeli police in Jerusalem. Cases of settler attacks will be presented in a separate section.

3.1 Case of Mr. Gheith Gheith: Arbitrary arrest and beating

On 18th of September 2018, Gheith Nasser Gheith (28 year old resident of the Old City) went to pray at Al-Aqsa Mosque. It was a Jewish holiday. During his walk in the yards of Al-Aqsa Mosque, he was beaten by Israeli Special Forces. When he left Al-Aqsa Mosque through the Council Gate, he was arrested by the Israeli police.

“During my presence in Al-Aqsa Mosque,” Mr. Gheith said in an interview on the incident, “clashes started between worshippers and settlers who broke into the Mosque accompanied by Israeli Special Forces. The settlers began to shout at Muslims and provoke them. The Israeli soldiers attacked the Palestinians in the area, whether they were Waqf guards or worshippers. One of them attacked me with force. He hit me on the hands and back with his weapon, which caused bruises to my body.”



He continued: “When I left from the Council Gate, I was arrested. A policeman at the police station [Beit Eliyahu] in the Chain Gate, began to write reports and fabricate the charges against me. He accused me of beating him, although I did not. I was the victim.”

“I was then transferred to the Magistrate’s Court to extend my detention on the grounds that there was a video documenting my assault on the policeman. The court extended my detention for three days in order to examine surveillance cameras and videos. Three days later,

the police confirmed that I had not done anything after examining the cameras covering the place where I was, and that I had never approached the soldiers at all, which indicates that the claim by the police was false. Accordingly, the court released me on condition of being banned from Al-Aqsa Mosque for two weeks, with a financial fine of 1,000 shekels and signing a warrant of 5,000 shekels, only because I was in al-Aqsa Mosque that day.”



The scratches and bruises on Gheith's body after the Israeli police beat him

3.2 Case of Mr. Tha'er Abu-Sbeih: Arbitrary arrest and beating

On the same day, 18th of September 2018, Tha'er Salman Abu-Sbeih, 27, went to pray at Al-Aqsa Mosque. During his walk in the yards of the Mosque, he was beaten by Israeli Special Forces. He was then arrested and taken from the yards of Al-Aqsa Mosque near the area of King Faisal Gate.

In an interview with Mr. Tha'er about that incident, he said:

“I am an employee of the Jerusalem District Electricity Company. On Tuesday 18th of September, I went to pray at Al-Aqsa Mosque after I finished my work, and while I was in the area of King Faisal Gate, I saw one of the Israeli soldiers yelling at the praying women. I said to him: ‘Why are you screaming at women?’ He replied: ‘Shut up and do not interfere’, I said then: ‘you shut up.’ As I finished my word, a group

of Israeli special forces immediately attacked me and beat me brutally, which caused me bruises all over my body and pain in the feet.” He added, “I was then transferred to the Magistrate’s Court to extend my detention on charges of assaulting the police, without even taking me to a doctor. Even though I had bruises all over my body, I was the accused rather than the victim.”

Mr. Tha’er added: “The court extended my detention until 9 pm to examine the surveillance cameras. Then I was transferred to the hospital for treatment. After that I was released on condition that I remain for three days outside the Old City of Jerusalem, in addition to a fine of 2,000 shekels and a warrant of 5,000 shekels. Three days later, I was brought back to the court and ordered to be away from Al-Aqsa for an additional 10 days.”

3.3 Use of lethal force by Israel’s security forces in Jerusalem: A Legal Perspective

Following the security incidents in Jerusalem in the last two years, and the attacks by Palestinians using knives in the Israeli territory, the Israeli Internal Security Minister Gilad Erdan increased security measures against the Palestinians in Jerusalem and gave the Israeli police permission to carry out repressive measures, and humiliating searches of all Palestinians in the public areas of Jerusalem, under the pretext of maintaining security.

These actions have created an implicit understanding among soldiers that they enjoy legal immunity for their actions, even if they are arbitrary. Following violations by the Israeli soldiers and police officers clearly reveals an imbalance in the justice system in dealing with the Palestinians based on human rights values. We have documented, as stated above, many cases where the police claimed that the victims have assaulted them in order to justify their supposed ‘reaction.’ We found that, even in those cases where the person is innocent, the court punishes them and expels

them from Al-Aqsa Mosque. Most importantly, the court does not punish policemen for their false accusations and slander against the Palestinians.

These serious injuries left on Palestinians' bodies in Jerusalem are dangerous signs, not only of ensured impunity, but also of a kind of hatred on the part of the police against Palestinians in Jerusalem. In many cases, the attack was carried out for no reason and was intentionally directed to the head and eyes. It is, apparently, a deliberate form of violence.

The excessive use of force by the security forces is a crime in itself, whether under local or international law. The force authorized by local law during detention is only in the case of a person's objection to their detention, and must be limited for the purpose of arresting the person. However, what happens on the ground is nothing of this sort. Even if Palestinians, according to the police, resist their arrest in some cases, this does not justify the police's severe beating of detainees on sensitive areas such as the head or eyes, or using the back of weapons as happened with Mr. Gheith and others.

Code of Conduct for Law Enforcement Officials

Adopted by General Assembly (1979)

Article 2

In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.

Article 3

Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.

4. Israeli settlers' violations

The gravity of the violations committed by Israeli settlers against Palestinians is immense. They are often guarded by the Israeli security forces, and enjoy impunity most of the time as well,

When abusing Palestinians, settlers are usually not arrested, and if they happen to be detained, they do not last long in the custody of the police. In this sense, settlers can attack Palestinians knowing that they will not be punished or bear any legal responsibility.

4.1 Settlers' assault on Mr. Adham Asfour

On Wednesday, 26th of September, Adham Asfour, 30, was attacked by settlers while doing his work. Mr. Asfour lives in Jerusalem and works as a bus driver at an Israeli transportation company.

Mr. Adham recounts the details of this incident:

“On the 26th of September, I was driving a bus with 70 passengers, all of them were settlers. I was working on a line called Route 340, transporting passengers from the *Modi'in Illit* settlement to Jerusalem. During the travel, one of the passengers asked the settlers to get off the bus, I told him that according to the law, I am not allowed to stop the bus except at bus stations, and that he should wait until the next station. The settler refused and instead, contacted the police and the bus company. They told him the same thing, but he did not like that. He went to the back of the bus, then returned with two other settlers and beat me on the head while I was driving the bus on the highway at 100 kmph. I stopped the bus and called the police. The settlers fled but the police managed to arrest one of them. Adham adds: “I got bruised on the face and suffered visual impairment because of the blows to the head and eyes. I also had one tooth loose and a toothache as a result. My work was disrupted due to sick leave for twenty days”.

4.2 Settlers' assault on three young Palestinians

On the same day, a group of settlers (approximately 30) assaulted three young Palestinians at one of al-Qattamon Neighborhood parks in Jerusalem.

One of the assaulted named *Islam Ajwa* from *Sheikh Jarrah*, said that the settlers beat him and his friends with stones and electric sticks. "They were looking in the park for Arabs, so when they saw us, they attacked. The police arrived to the park but the settlers managed to escape. The Israeli press reported that one of the settlers dropped his phone during the incident, which made it easier for the police to arrest and to interrogate him for racist assaults against Arabs.



4.3 Settlers' assault on Palestinians and shops in Musrara Neighborhood in Jerusalem

On the night of 30 September, which coincided with the eve of one of the Jewish holidays, the Israeli police in Jerusalem closed the *Sultan Suleiman Street* (Bab al-Amoud) before vehicular traffic, setting up iron roadblocks in order to dedicate the street as a sidewalk for Jews who arrive in large numbers to the Old City and the Western Wall (al-Buraq Wall). They also increased the numbers of the police and military personnel deployed on all the roads leading to the Old City.

Mr. Alaa al-Haddad, a resident of Jerusalem and an eyewitness to the incident, said:

“At about 12:00 pm, a large group of settlers, over 100, attacked Jerusalemites and threw stones at Palestinian shops in *Musrara Neighborhood*, causing five injuries among residents, who were taken to Al- Makassed Hospital in Jerusalem. Settlers also caused material damage to shops and vehicles.” He added: “My brother *Mohammed* was with his wife and son there. He was beaten by the settlers in front of his family, then the police came and dropped sound bombs in order to disperse them, without arresting any of those who carried out the attack.”

According to several interviews conducted by Euro-Med’s team, eyewitnesses said that these attacks are repeated every year by settlers. Each time they come in large numbers to the Old City on Jewish holidays, while the Israeli authorities turn a blind eye, both by not arresting these settlers and bringing them to justice, and by not protecting Palestinians or taking measures to prevent these settlers from carrying out such attacks against the Palestinians.



4.4 Settlers' entry to Al-Aqsa Mosque under heavy protection from Israeli forces

During September, there was a significant increase in the number of settlers entering by large groups into the Al-Aqsa Mosque compound under the protection of the Israeli police. Such incursions often contribute to a high degree of tension between Palestinians and the police or settlers. The 'Temple organizations' have issued multiple appeals to settlers to participate extensively in the storming of Al-Aqsa Mosque in parallel with various Jewish holidays and events during September.

On the morning of September 6th, a group of settlers stormed Al-Aqsa Mosque through the Dung Gate (or the Moroccan Gate), accompanied by heavily guarded Israeli special forces. They then performed prayers and rituals in the Mosque. One of them appeared naked after he tore his shirt, a move Muslims in the Mosque considered 'provocative' and in violation of universal mosque dress codes.

Nearly 1,000 settlers have stormed the Al-Aqsa Mosque since the beginning of *Sukkot* Holiday, with heavy security by the Israeli police and special forces. The peak of these incursions occurred on the morning of Thursday, 27th of September, where settlers - estimated to number in hundreds - performed Talmudic rituals in public and under the protection of the Israeli police in the squares of Al-Aqsa Mosque.

5. Cases of home demolitions and denial of building permits

The Israeli authorities follow a policy of arbitrary discrimination against Palestinians, particularly relating to their homes and residence. Israel seeks, through cumulative systematic measures, to expel them by means of violating their fundamental human rights. On the one hand, Palestinians are prevented from building in Jerusalem; they are hardly granted the necessary building permits. After years of waiting for a permit, Palestinians are forced to build without one. The Jerusalem Municipality then orders demolition of these houses. **The following are some of the cases during September 2018:**

5.1 Demolishing home of al-Farrah's family in Beit Hanina Neighborhood

On Wednesday morning, 5th of September, the Jerusalem Municipality accompanied by a group of Israeli soldiers and special forces demolished the house of the al-Farrah family in Beit Hanina in Jerusalem.

Mr. Naim alFarrah, the owner of the house, said in his testimony:

“The demolished building is 120 square meters, comprising two houses built in 2002. The first house is the family house, where my wife, son and daughter lived, and the second is a room and a guest room that my son Mu'taz and his family live in. He was married only nine months ago. One day after the demolition, my son Mu'taz's wife had given birth to their son, which forced him to rent a house for him and his family, especially given that we are currently living in a store and a tent near the house. Such an environment is dangerous to newborns and kids in particular. The demolition of the house has affected and even scared the entire family, let alone a pregnant woman.

Mr. Naim added: “The Israeli police treated us without mercy. They even drugged our dog and took it. A few days later, my son paid 3,800 NIS (equivalent to about \$1,100) to bring it back.”

“We built this house in 2002. As neighbors, we worked as an association to build 35 houses in Beit Hanina. We opened a file for obtaining permits from the municipality and had lawyers and engineers to follow up on the procedures. Since then, we have been in conflict with the municipality and the courts. The municipality issued a demolition notice in 2002, 2003 and 2005. Al-Farah added: “They imposed fines of 70,000 NIS (about \$20,000), as well as other fees for lawyers amounting for tens of thousands of dollars. Since 2003, we have lived in horror, with the municipality and the army knocking on our door from time to time. They filmed the entire house and all around it.”

He continued to explain that the Jerusalem District Court issued a demolition order last June, which forced him and his family to vacate the house of all furniture, and to live in a tent near the house. “We did, but they did not come to demolish it. So we returned the furniture to the house, and on the 1st and 2nd of September, the municipality and the army attended their usual inspection. We thought it was a routine examination as usual, except that it wasn’t. On 5th of September, some 25 Israeli soldiers came with bulldozers to demolish the house without a warning, took some furniture out of the house, demolished it and arrested my children. They demolished the house while containing a large part of the furniture, including the closets, clothes, air conditioners, television and a baby bed we had prepared for the new baby. Some of my wife’s jewels and passport were gone with the demolition as well.”

Al-Farah now lives with his family in a tent and a store next to the house. The rubble of the house is still in place because the family cannot afford the expenses to remove it.





In legal terms, the actions of the Israeli forces and the municipality of Jerusalem constitute a flagrant violation of the rights of Palestinians, especially with regard to their right to live in dignity, free from racial discrimination. The Israeli municipality has not yet issued a general organizational plan for legal construction in East Jerusalem, and thus are denying Jerusalemites building permits even though inflation and the natural increase in the population necessitate the regulation of the provision of housing for future generations. However, the reality of the situation indicates that the Jerusalem Municipality deliberately refrains from issuing detailed building plans to regulate and meet the legal housing needs of Palestinians. The reason for that is obvious: to force the Palestinian population in Jerusalem to leave the City.

However, the Israeli courts reject this and decide that building without a permit is not permissible in all cases. Therefore, it supports the demolition orders, and merely writes a passing remark or recommendation to the municipality to issue planning schemes in East Jerusalem. In theory, demolition applies to both Palestinian and Jewish communities, but in practice, Palestinians are the only ones facing home demolitions.

It is also important to note how serious the Israeli actions are regarding the policy of sudden demolition without warning, because families do not even have time to gather their belongings and their property before their homes are demolished. This policy appears to be intentional and aims only to intimidate Palestinians and force them to leave by inflicting a huge amount of damage to the homeowners.

5.2 Israel's High Court decision to demolish Khan al-Ahmar Village

Khan Al-Ahmar village is located between *Ma'ale Adumim* and *Kfar Adumim* settlements in Jerusalem. The village is home to 180 Bedouin, including 92 children, who work on cattle and sheep grazing, and live in huts. The village also has one school.

On the 5th of September, the Israeli Supreme Court made a final decision rejecting the petitions filed against its previous decision to demolish the buildings in the village and to transfer the residential community of these Bedouins to another place in an area near the village of *Abu Dis*, and close to a landfill site.

The petition filed by the residents of the village came following a decision to demolish the village in 2009. Since then, the appeal procedures and the actions that the villagers have filed in order to cancel this decision were to no avail. A number of settlement associations made counter-claims to accelerate the implementation of the demolition decision and to close the school for the purpose of conveniencing a settlement, because the village represents a significant Palestinian separation between the settlement of *Ma'ale Adumim* and *Kfar Adumim* in Jerusalem.

On 24th of May 2018, the Supreme Court issued a decision to reject the claims of the villagers, and therefore not to cancel the demolition decision. However, the villagers then filed a new claim demanding cancellation, as the circumstances changed and they are now offering their own organizational plan to organize the legal construction in the village. However, on the 5th of September 2018 the Court decided to reject these petitions and to go on with the demolition order.

5.3 A Legal Reading of the Court's decision

The Supreme Court judges rejected the petitions and appeals made by Khan al-Ahmar village for purely procedural reasons. The court justified its decision not to cancel the demolition decision for two reasons. First, the lawsuits were intended to stop and delay the implementation of the decision. The other procedural reason is that the plaintiffs did not join all the defendants in the old case to this new lawsuit that was filed, which requires that the claims be returned in form.

Thus, the court considered its decision of 24 May 2018 final on the subject of demolition and refused to deal with any other lawsuits appealing to the decision or seeking to change the outcome.

Notes on this decision include the following:

- 1) The Supreme Court of Israel included in its ruling a set of precedents against Jews in cases involving demolition orders to their settlements or even Jewish religious buildings (a synagogue) that were built without a permit to show a kind of equality and non-discrimination when dealing with unauthorized construction.

Here, we note that the precedents referred to by the Court in its decision are primarily related to the demolition orders of illegal settlements in violation of international law. It was built on private land owned by Palestinian people in the West Bank, and so there is no comparison on such basis. There is no one who claims that Khan al-Ahmar lands belong to them, but the Israeli authorities claim that these lands are state-owned and that building there is not authorized by the law.

It should be noted that these demolition orders issued against Palestinians cannot be treated as legal orders in isolation from the political circumstances surrounding them. There is no dispute that the buildings in the village do not have the legal permits under Israeli law. The case here, which the Israeli courts and authorities ostensibly ignore, is that this land is occupied under international law, that these Bedouins in the village of Khan al-Ahmar have been living there for decades and that the settlements surrounding Khan al-Ahmar need to blend

together to expand the settlement community as a single unit. This is evident in the fact that settlement communities demand that the court approve the demolition and take action.

2) The Court considered the authoritative judicial decisions, the duty to implement those judicial decisions and the integrity of judicial proceedings all represent fundamental values to the judicial structure of the State and to the rule of law. The effect of these so-called last-minute appeals only disrupt such values. Therefore, the court considered the residents' plan to reorganize buildings in the village according to the law an evasion of adherence to the decision, which must be final.

3) The court devoted a long chapter in its decision to discuss the issue of housing alternatives that were offered to the villagers and the lands allocated to them near the landfill in the village of Abu Dis, as if it were only a matter of replacement, not that of demolition of an entire village. The court tried to beautify the demolition decision by denying the status of the eviction on the grounds that the demolition decision relates only to the buildings in the village, and that removing the villagers from them is temporary only for the hours of demolition. The mere fact that villagers would return to a place without any construction, and without authorization for building contradict the claims made by the court.

4) The United Nations has taken the legal position opposing the Court's ruling, in accordance with the norms of international humanitarian law. Many United Nations agencies warned against the destruction of the village and considered it a war crime. The United Nations Humanitarian Coordinator for the Occupied Palestinian Territories, Jimmy McGoldrick, issued a statement saying that Israel's obligations as an occupying power to protect the people of Khan al-Ahmar are clear, warning that Israel - through its demolition of the village - will not only cause severe humanitarian hardship, but will also commit one of the most serious violations of international humanitarian law.

It is worth mentioning that since the decision was issued, popular Palestinian activists have taken an outspoken stance against it. A solidarity tent has been established in the village, and weekly clashes are happening with the Israeli soldiers who attend the demolition procedures.



5.4 Demolishing Abu Khayara's family home in al-Walaja Village

On Monday, 3 September, 2018, the Israeli forces, accompanied by three bulldozers, demolished the house of the family of Khaled Abu Khayara, 33, in al-Walaja Village, south of Jerusalem, and demolished 4 other houses and a mobile one.

Violent confrontations took place between the villagers and the Israeli forces. Eight Palestinians were wounded with live bullets and rubber bullets, and dozens of youths were suffocated by tear gas.

"I could not take out all the furniture of the house, our belongings and our tools," said Khaled Abu Khayara. "We had only a few minutes to get out of the house, all we could take in a hurry were some clothes and necessary papers."



Other major demolitions that took place in Jerusalem during September 2018 include:

- On 4th of September, the Israeli forces demolished a sheep breeding facility belonging to Mohammed al-Saraye'a in Anata village, northeast of Jerusalem.
- On the same day, the Israeli forces demolished a house and a sheep shed in the Fhaydat Neighborhood in Anata Village, northeast of Jerusalem, without prior notice, and without giving the owner of the house enough time to take out the furniture or any other belongings.
- On 5th of September, the bulldozers of the Jerusalem Municipality demolished a house owned by the *Abu Sui* family in Sala' Neighborhood in Silwan, south of Al-Aqsa Mosque. Another house belonging to the same family in *Ras al-Amud* Neighborhood in central

Jerusalem was also demolished on the grounds of lacking a building permit.

- On 10th of September, the Jerusalem Municipality forced the family of *Ahmed Abu El-Tin* to demolish their house in al-Walaja Village, south of Jerusalem, after bulldozers demolished part of the house a week earlier.
- On 20th of September, the Municipality of Jerusalem forced Fadi al-Shawamra to demolish his own house of 180 square meters in *al-Ashqariya Neighborhood* in Beit Hanina, under the pretext of building without a permit. This was the second time his house was demolished. The first was in 2004, and then he rebuilt it in 2006.

6. Applying the Racist Nation-State Law

Since Israel's Nation-State Law was passed last July, it has been met with severe criticism on local, regional and international levels, because of its racist content. On the ground, it appears that the Israeli authorities are determined to implement this law, which raises serious concerns, especially for Palestinians in Jerusalem. The law states that the right to self-determination is to be enjoyed exclusively by Jews, without reference to Palestinian Muslims who were residents of Jerusalem even before the State of Israel was established.

6.1 General definition of Nation-State Law

The Israeli Knesset passed the Nation-State Law on July 19, 2018, which is a basic law (quasi-constitutional) that is superior to the ordinary laws, and affirms in its content that the State of Israel is the national state of the Jewish people.

The law renders Palestinian lands as well as the right to self-determination exclusive to the Jews. The 'State of Israel' and the 'Land of Israel' is considered as a national homeland for Jews only, and only Jews have the right of self-determination.

The law has caused tension in the Israeli community among minorities, since it is a racist law that makes the Jewish race superior to other races in the country, especially that it did not use the word 'equality' even once.

The following is the texts of Israel's Nation-State Law:

1 — Basic principles

- A. The land of Israel is the historical homeland of the Jewish people, in which the State of Israel was established.

- B. The State of Israel is the national home of the Jewish people, in which it fulfills its natural, cultural, religious and historical right to self-determination.
- C. The right to exercise national self-determination in the State of Israel is unique to the Jewish people.

2 — The symbols of the state

- A. The name of the state is “Israel.”
- B. The state flag is white with two blue stripes near the edges and a blue Star of David in the center.
- C. The state emblem is a seven-branched menorah with olive leaves on both sides and the word “Israel” beneath it.
- D. The state anthem is “Hatikvah.”
- E. Details regarding state symbols will be determined by the law.

3 — The capital of the state

Jerusalem, complete and united, is the capital of Israel.

4 — Language

- A. The state’s language is Hebrew.
- B. The Arabic language has a special status in the state; Regulating the use of Arabic in state institutions or by them will be set in law.
- C. This clause does not harm the status given to the Arabic language before this law came into effect.

5 — Ingathering of the exiles

The state will be open for Jewish immigration and the ingathering of exiles

6 — Connection to the Jewish people

- A. The state will strive to ensure the safety of the members of the Jewish people in trouble or in captivity due to the fact of their Jewishness or their citizenship.
- B. The state shall act within the Diaspora to strengthen the affinity between the state and members of the Jewish people.
- C. The state shall act to preserve the cultural, historical and religious heritage of the Jewish people among Jews in the Diaspora.

7 — Jewish settlement

- A. The state views the development of Jewish settlement as a national value and will act to encourage and promote its establishment and consolidation.

8 — Official calendar

The Hebrew calendar is the official calendar of the state and alongside it the Gregorian calendar will be used as an official calendar. Use of the Hebrew calendar and the Gregorian calendar will be determined by law.

9 — Independence Day and memorial days

- A. Independence Day is the official national holiday of the state.
- B. Memorial Day for the Fallen in Israel's Wars and Ho-

locaust and Heroism Remembrance Day are official memorial days of the State.

10 — Days of rest and sabbath

The Sabbath and the festivals of Israel are the established days of rest in the state; Non-Jews have a right to maintain days of rest on their Sabbaths and festivals; Details of this issue will be determined by law.

11 — Immutability

This Basic Law shall not be amended, unless by another Basic Law passed by a majority of Knesset members.

6.2 First precedent in applying Nation-State Law

On 17 September 2018, Justice Moshe Drori, Vice President of the Central Court of Jerusalem, issued a judicial ruling containing the first legal application of the Jewish Nation-State Law.

It dates back to 2007 when a Jewish family filed a claim against the Palestinian Authority and Hamas demanding compensation for the psychological damage suffered in one of the bombings in Tel Aviv in 1998.

Justice Moshe Drori said the Jewish person deserves additional compensation, even without proof of damage, based on article 6 of the Nation-State Law, which requires the state to protect the safety of the Jewish people who face problems as Jews. The ruling stated that Hamas is to pay 5.4 million NIS as a compensation even though the Movement was not represented in the case. It was informed of the lawsuit and decision through a Palestinian prisoner, who was given the papers.

Mr. Drori considered that it is the duty of the state in such cases to impose punitive compensation, since the legal situation differed after the enactment of the Nation-State Law, and that when the State fails

to preserve the safety of the Jewish people, it should not object to any Jew obtaining the maximum compensation possible under Israeli law.

The judge also ruled that there is no legal impediment to the retroactive application of the Nation-State Law, including its application to an incident 20 years ago, as in the case mentioned above. This law is not only declarative, but also constitutional with practical provisions.

He added that the Knesset, as the constituent body, is supposed to issue a basic law that can be used in the courts, and it is the duty of judges as state authorities to implement the provisions of the Nation-State Law.

In this decision, it appears that the Israeli judiciary will continue to rely on the provisions of this law, which would impact Palestinians in Jerusalem, even though already treated as second class citizens and foreign residents by Israeli authorities, not as citizens, and where this law gives Jews a privilege over others only because they are Jews. It is also noteworthy that the decision of the Central Court is binding to the courts under it in the judicial organization in accordance with Israeli law. Meanwhile, eight appeals and petitions have so far been submitted to the Israeli Supreme Court to annul the law.

7. Denying textbook distribution in Schools in Jerusalem

As part of its attempts to end the Palestinian presence in all its forms in Jerusalem, the Israeli authorities imposed the Israeli curriculum on 'Arab schools,' instead of the Palestinian curriculum. The report gives a glance on the curriculum in Jerusalem and the newly adopted Israeli policies in schools since the beginning of the new academic year in September 2018.

7.1 Educational curriculum in Jerusalem Schools – A Historical Background

Since Jerusalem was under Jordanian rule before 1967, the adopted curriculum at schools was the Jordanian curriculum. Even after Israel occupied the West Bank in 1967, schools in Jerusalem kept following the Jordanian educational system regarding the curriculum. Teachers, administrative staff, and employees in education remained as part of the Jordanian government until the Jordanian disengagement from the West Bank in 1988.

In 1994, the Palestinian Authority became responsible for the field of education. The PA followed the Jordanian curriculum in Palestinian schools until it was gradually replaced by the Palestinian curriculum starting from 2002.

7.2 Israel's attempts to impose the Israeli curriculum

In 1980 Israel passed a law making its annexation of East Jerusalem explicit, after dissolving the Municipal Council of Jerusalem and deporting its members to Jordan in stark violation of the laws governing occupation and the laws of armed conflicts. These allow the occupying force to temporarily exercise effective power over the occupied territories, since any occupation is considered temporary in nature; i.e., the occupier does not gain sovereignty. Accordingly, the Occupying power cannot maintain changes in the legal and administrative situation of the occupied territories unless made for security reasons or to protect the rights of civilians in the occupied territories.

Jerusalem was entered under the administrative rule of the Israeli Municipality of Jerusalem, which has since affected the Palestinian citizens greatly due to the Israeli authorities' policy of discrimination against them.

One of the features of this discrimination is imposing the Israeli curriculum on Arab schools in Jerusalem, which was rejected by Palestinians because education is tightly connected to religion, history, and the national identity. As a result, the Israeli Municipality reconsidered this decision and decided to implement the Jordanian curriculum, instead.

Since then, there have been many serious attempts to impose the Israeli curriculum on Arab schools through providing financial support by the Israeli Municipality to schools that teach the Israeli curriculum as per the number of students, allowing them to study at Israeli universities, in addition to offering them some facilities and tax breaks.

7.3 Denying textbook distribution in schools in Silwan and Ras al-Amud Neighborhoods

Parents' committee in Silwan and Ras al Amud Neighborhoods, which is a committee that represents students' parents in all the towns of Jerusalem and is linked to local committees under the parents association in Jerusalem, usually is the body responsible for distributing copies of the Palestinian curriculum.

On 22 September 2018, the committee went to Silwan and Ras al Amud schools in order to distribute copies of the Palestinian curriculum, but the school principal prevented them from doing so.

Mr. Ma'mun al-Razem, a member of the committee, said:

“Each academic year as usual, the committee brings the books from the Ministry of Education in order to distribute them for free to the Silwan schools and Ras al Amud. However, the school principal has prevented us from doing so this year, claiming that the Israeli Municipality of Jerusalem decided to impose the Israeli curriculum in Jerusalem schools instead of the Palestinian curriculum.”

He added: “We, as the Parents’ Committee, reject the fact that our children have to learn the Israeli curriculum. Jerusalem schools have used the Palestinian curriculum and previously the Jordanian curriculum for dozens of years. The Israeli Municipality of Jerusalem is taking this act as a proactive step to impose the Israeli curriculum on Jerusalem’s schools. However, we refused such decision and distributed the Palestinian curriculum on students in the streets,” he further added.



Recommendations

The Euro-Mediterranean Human Rights Monitor calls on the Israeli authorities to:

1. Order security forces and police stop the arbitrary practices against Palestinians in Jerusalem, especially detention, arbitrary arrests, beatings, house demolitions and other discriminatory policies, and to have them revoke the decisions and measures taken to restrict freedom of worship in the Holy City.
2. Put an end to settlers' illegal practices towards the Palestinians, work to protect Palestinians like other residents, including by prosecuting those who attack them.
3. To force the Jerusalem Municipality to issue a clear construction plan for Jerusalem, allowing the Palestinians to build freely according to the requirements of engineering organization and not that of settlements.
4. Conduct the necessary investigations into incidents of abuse against Palestinians in Jerusalem, false accusations against them, and compensate those who have been subjected to arbitrary measures, and hold those responsible for such violations to account.

The Euro-Mediterranean Human Rights Monitor calls on the international community to:

1. Pressure the Israeli authorities to stop their violations in occupied Jerusalem, and to warn against the continued violations of religious freedom in the Holy City, including the policy of home demolitions.
2. Work through a meeting comprising all State Parties to the Geneva Conventions to ensure that the Israeli authorities respect the Convention, including by refraining from forced displacement, arbitrary detention, and by ensuring respect for religious freedom and cessation of attacks on the Al-Aqsa Mosque.
3. Invite the Special Rapporteur on freedom of religion or belief to closely monitor the situation in Jerusalem and to take action to bring to the attention of UN Member States and the Security Council to the religious violations practiced at the Al-Aqsa Mosque.
4. The Security Council must take immediate measures to protect the legal status of the Holy City and enforce previous decisions of the Council, especially under the growing settlement activities in the City, and restrictions on freedom of worship.



EURO-MEDITERRANEAN
Human Rights Monitor

المراقب لحقوق الإنسان المتوسطي - الأوروبي

Maison des Associations Rue
des Savoises 15 CH-1205
Genève

جنيف - سويسرا

✉ info@euro-mediterran.org

🌐 www.euro-mediterran.org