

Jerusalem

Policies of Arbitrary Home Demolitions, Arrest and Removal of Palestinians from Al-Aqsa Mosque

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Contents

Introduction	5
Section One: Arbitrary Detention and Arrest	7
1. Arbitrary Detention against Residents of Jerusalem	7
2. Staff of Al-Aqsa Reconstruction Committee	13
3. Policy of Home Raids	15
Section Two: Expulsion of Palestinians from Al-Aqsa Mosque	18
1. Military Orders	18
2. Orders by Interrogation Officers in Police Stations	19
3. Judicial Decisions	20
4. Decisions by the Police Commander	21
5. The Blacklist	25
Section Three: Targeting the Golden Gate - Al-Aqsa Mosque	29
1. What is the Golden Gate Area?	29
2. Arresting Women at Bab al-Rahma	30
3. The Legal Context	32
3.1 Summons for Interrogation and Demolition Orders	33
Section Four: Cases of Demolition	35
Recommendation	37

Introduction

The decision by US President Trump to relocate the US Embassy to Jerusalem has had its impact on the way Palestinians in the Holy City are treated, prompting the Israeli authorities to take additional arbitrary measures against Palestinians of Jerusalem.

A clear escalation can be seen in the violations committed against Palestinian residents of Jerusalem, including arbitrary detention and arrest. During these arrests, Palestinians are beaten, fined, subjected to lengthy interrogation, home raids and searches. Following their release, Palestinians are not allowed to express their national identity.

In addition to these measures, the Israeli authorities continue to demolish Palestinian homes, in a relentless, systematic policy, under the pretext of lacking a license, while hardly approving any requests submitted for building permits. They also criminalize Jerusalemites speaking against this policy.

A new policy has also emerged recently; the arbitrary and random expulsion and banning of Jerusalemites from Al-Aqsa Mosque, as part of what Palestinians call the blacklist. This list includes Palestinians of all ages, including minors (under the age of 18). It also includes Arabs of Israeli nationality. Banning Palestinians is mostly indefinite, and those speaking against it are incriminated.

The Israeli authorities continue to abashedly remove Palestinians from Al-Aqsa Mosque on a daily basis, even though there is no legal basis for this practice, especially that it also constitutes a blatant violation of the right to movement and freedom of worship.

In this report, the Euro-Mediterranean Human Rights Monitor documents cases of expulsion arrest and detention of Palestinians (including women and minors) from Al-Aqsa Mosque in August 2018, the abuse of the law by the Israeli authorities, and criminalizing persons based on suspicion of committing illegal acts or without even doing so.

The report examines the degrading and cruel treatment by the said authorities during arrest, including by beating and inhumane interrogations. During and after arrests of Palestinians, the Israeli authorities order searches of their homes without a judicial warrant and impose large fines.

This report also seeks to demonstrate the continued and escalating threat against Palestinians in Jerusalem, to put these Israeli violations in a legal context, and to urge the international community, particularly the United Nations, to pressure the Israeli authorities to respect the law and abide by the Geneva Conventions, to respect the status of Jerusalem, and to end its violations against the Palestinians, especially at Al-Aqsa Mosque.

Section One:

Arrest and Arbitrary Detention

Arbitrary detention against residents of Jerusalem

1. Siblings Thaer and Abdulfattah al-Fakhouri:

The Israeli forces detained Thaer al-Fakhouri, 29, from the Old City at 5 am on August 16, 2018, only two days before his wedding. The soldiers searched his house and detained him and his brother Abdulfattah Al Fakhouri, 32, and took them to al-Qashla (or Mahane Yehuda) Police Station for interrogation.



(Photo of the wedding invitation of Thaer al-Fakhouri, which was to be held on 18th Aug. 2018)

The Israeli police interrogated al-Fakhouri brothers on charges of the intention of starting the wedding Zaffeh from the al-Aqsa Mosque on Friday, August 17, 2018. The Israeli police claimed that it was a “plot to commit a crime”.

The Israeli Police claimed that the Zaffeh, starting from Al-Aqsa Mosque, will include national, provocative or illegal slogans, and that the flags of Palestine and illegal organizations will be raised during the event.

As a precautionary measure, the police attempted to ban the groom from ever attending the Mosque and the Old City in order to prevent him from holding this Zaffeh and the wedding altogether.

In an exclusive interview, Thaer al-Fakhouri denied the charges against him and categorically stated that what he was going to do was only a groom's Zaffeh, without any intention of raising national slogans or mottos, just like any other celebration in Jerusalem. People in Jerusalem used to have Zaffeh that moves from the al-Aqsa Mosque after prayers for decades, according to al-Fakhouri.

Similarly, the party and the wedding lunch that al Fakhouri was planning are a customary ceremony known to Palestinians for decades, and it happens every week in the Old City of Jerusalem. In this sense, al-Fakhouri refused to accept the Israeli conditions to move his wedding outside of his home in Jerusalem. The police then summoned his father to pressure him to accept the offer and suspended the release of his sons on the condition of changing the place of the wedding. However, the groom's father also rejected these conditions, stating that: "everyone has the right to throw his wedding party at his own place and among his relatives, not at another place away from home".

Al-Fakhouri brothers were tried before the court to enforce the decision set by the interrogation officer. Eight hours later, the Israeli police demanded that the al-Fakhouri brothers be banned from ever visiting the al-Aqsa Mosque for 15 days and from entering the Old City (including their homes) for 5 days, in addition to financial and written bails to implement these conditions.

While the defense lawyer at the court confirmed the illegality of the detention of the al-Fakhouri brothers, and the searching of their house without a judicial warrant, particularly that these practices were accompanied with intimidation of a whole family that was about to celebrate the wedding of their son. The court - after a lengthy session - released them on condition of paying a cash bail of 1000 NIS both, in addition to banning them from entering Al-Aqsa Mosque for two days, and to bring five senior members of the al-Fakhouri family to ensure that no violation will happen during the wedding.

Thaer commented on the incident in an exclusive testimony saying: “After arresting me, I was interrogated by the intelligence police of at Al-Qashla Police Station. They decided that I cannot have my Zaffeh in the Old City. They also decided to move all of the party equipment to al-Eizariya, but I rejected the decision and called for a court session. They brought my father to pressure me and told him about the decisions, but he also rejected the decisions and called for a court session as well. They decided to release me after paying a fine and prevented me from entering Al-Aqsa Mosque.”

The groom’s Zaffeh and the party were held in his neighborhood of Bab Hatta in Jerusalem, and nothing unusual happened during the ceremony. It is important to mention that the detention of Abdulfattah appeared to be an arbitrary detention to pressure his brother. Abdulfattah was also detained at the time of his wedding two years ago; he was forced to postpone his wedding for a week and had to bear a considerable financial loss.



Photos of the al-Fakhouri waiting for his trial (on the right), and after his release (on the left)

2. Nizam Abu-Rmouz and Hajj Khairi al-Sheimi:

On August 1, 2018 the Israeli police prevented Nizam Abu-Rmouz, 37, from Silwan in Jerusalem, and Hajj Khairi al-Sheimi, 57, from Makr village, Acre City, from praying at the al-Aqsa Mosque once they arrived at the Lion's Gate, claiming that they are blacklisted. They were forced to pray on the street leading to the Gate. The same happened with Abu-Rmouz on August 21, 2018, at the first day of Eid Al-Adha, as the police prevented him from entering the Mosque to perform Eid prayer, also under the same pretext.



(A photo of Abu-Rmouz and Hajj Khairi al-Sheimi during their prayers outside Lion's Gate after being prevented from entering to pray in the Al-Aqsa Mosque - 1st of Aug. 2018)

Abu-Rmouz tried later to enter Al-Aqsa Mosque, but this time he was attacked, beaten and then imprisoned by the Israeli police. He said: “I went to pray at Al-Aqsa Mosque on August 30, 2018. When I arrived at the Lion’s Gate at 11:00, one of the police officers stopped me and prevented me from entering the Mosque, claiming that I was blacklisted, and that I am not allowed to enter until 3:00 pm. A few minutes later, another policeman came from inside the Mosque and cursed me. “The police then stopped me and took me to the police station.”

Abu-Rmouz continued: “There were about eight soldiers inside the Station. They handcuffed me, then the soldier who had insulted me came and started beating me right in the face and head (more than 20 punches). I fainted, and the blood covered my face. I was taken in a police car to the al-Qashla checkpoint in Jaffa Gate. The interrogator refused to receive me because I was bleeding. They took me to Hadassah (Ein Kerem) Hospital for treatment. My hands and feet were kept chained in the hospital while also accompanied by two soldiers until 6:30 pm. Then, an officer came to the hospital and ordered the police to release me. I was given a summoning at that time for an interrogation the next day, then they all left.”

The next day, Abu-Rmouz went to the Israeli police station, and after waiting for more than four hours, he was interrogated on charges of assaulting the policeman. He denied the claims because he was the one who was beaten. He was then released after the end of the interrogation on the condition of being banned from entering the Old City of Jerusalem for 15 days.



Photos of the Nizam Abu-Rmouz in the hospital after the assault

The assault against Abu-Rmouz is a form of cruel and inhumane treatment, and it violates international law and human rights. There are also no laws and orders in the Israeli military that allow the police to attack anyone this way for any reason, since beating is not considered a legal punishment, but instead is a crime, regardless of its causes and motives. In addition, the beating in the head and eye show clearly that he was subjected to a deliberate and a direct attack.

2. Obada Najib - re-arrest after release

On Wednesday August 29, 2018 the Israeli police arrested Obada Samir Najib, 20, the moment he was released from Rimon Prison. The head of the committee of prisoners' families in Jerusalem Amjad Abu Assab said that the Israeli intelligence re-arrested prisoner Najib at the moment of his release after serving his sentence of seven months. His detention was extended for 24 hours, and then was presented to the Magistrate Court in Jerusalem to release him on specific conditions.

The Israeli police aims to block any ceremony or national activity when a Palestinian prisoner is released. It does so by re-arresting the prisoner in order to force him to avoid doing so. In Obada's case, the judge issued a decision to expel him from Al-Aqsa Mosque for one month.

It should be noted that such detentions are illegal because the prisoner is presumed innocent. However, the Israeli authorities deliberately carry out these detentions in Jerusalem in order to prevent the appearance of any national manifestations while families receive prisoners who are released after the end of their sentence.



A photo of Obada Najib during his trial before the court after his arrest

Staff of al-Aqsa Reconstruction Committee

On August 25, 2018, the Israeli police arrested four staff members of the Reconstruction Committee at Al-Aqsa Mosque. These include: Bassem Zoghbir, Issa al-Dabbagh, Jumaa Manasra, Mohammed Alqam, and Bassam al-Halaq, the manager of the Mosque's Reconstruction Committee. Al-Halaq was taken from al-Aqsa Mosque to the Eliyahu checkpoint in Silsila (or Chain) Gate and then released, while the rest of the staff were transferred to interrogation at al-Qashla police station in the Jaffa Gate area.

Zoghbir said in an exclusive testimony that he and his colleagues were doing their work at the al-Aqsa Mosque as part of the Reconstruction Committee. They were about to paint Qasim Pasha's path in front of Al-Silsila Gate of Al-Aqsa. They were surprised by the presence of a group of Israeli police who asked them to stop working without any explanation.

He added: "After that, we were arrested and taken to al-Qashla police station in Jaffa Gate. After waiting for more than six hours, we were told that we are banned from entering Al-Aqsa Mosque for 15 days. We also received summons for interrogation the next day. I asked them to allow me to return to Al-Aqsa Mosque to take my personal things, but they refused.

The next day they interrogated us on charges of harming and damaging archaeological sites and violating legal orders. We informed them that we are the official staff of the Reconstruction Committee of the al-Aqsa Mosque which follows the Jordanian Government, which has the authority over the Mosque according to agreements. The charges against us are void since we practice our work according to law. We were later released but still banned from entering Al-Aqsa Mosque."

It should be noted that this was followed by interventions from Awqaf Department and the Jordanian government. Thus, the decision to expel these employees from Al-Aqsa Mosque is cancelled and they returned to their work. Jerusalem residents believe that these detentions are part of a series of measures taken by the Israeli police to impose their sovereignty over Al-Aqsa Mosque in all areas, ignoring the role of the Jordanian trusteeship over the Mosque and its departments through the Islamic Awqaf Department as agreed between the Israeli and Jordanian authorities.



Photo of the staff of the Reconstruction Committee at the moment they were stopped from work and detained

Policy of home raids

The Israeli forces pursue a policy of raiding Palestinian homes in Jerusalem on a daily basis, either for the purpose of arrest or detention, and without arrest or search warrants in most cases.

Euro-Med's team documented a number of incidents where Palestinian homes were raided in a number of Palestinian towns in Jerusalem.

On the night of Friday, 3 August, a group of Israeli soldiers broke into a number of Palestinian houses in Beit Hanina, Shu'fat and Silwan, south of Jerusalem, and searched them. They then arrested Mu'min Na'im, Mahdi Yousef Abu Diab and Omar Khaled Ashti (both 19 years old).

At nearly 04:00 on the same day, Israeli forces raided a number of houses in the Old City of Jerusalem. They arrested Abdullah al-Julani, 18, Jibril Balala, also 18, and Mahmoud Daoud al-Tiryagi, 21, in addition to Rashid al-Rishq, 19. At about 22:00 local time, the Israeli forces arrested 14-year-old Baraa Munther Saya'ra after raiding his house in Shu'fat refugee camp, north of Jerusalem.

At almost 05:00 on Sunday, 5 August, the Israeli forces raided and searched a house belonging to Mohammed Hijazi and arrested his 13-year-old son. On the same day, the Israeli forces arrested Suzanne Ismail Ghannam, 39, from her house in Al-Tur Neighborhood east of the Old City, after they raided the house, searched and confiscated a computer and a mobile phone as well as a sum of money. Ghannam is currently being tried on charges of incitement via Facebook. Mrs. Ghannam is the mother of Mohammed Hassan Ghannam, who was killed by the forces at the neighborhood's entrance on 21 July last year.

The Israeli forces also stormed the home of the mother of journalist Nader Mohammed Bibars, 44, in Wadi Al-Joz Neighborhood in Jerusalem on Monday August 6, 2018. Nader was released in the evening while his mother was prevented from delivering his medication to him while he was in detention.

At the same time, the Israeli forces moved into Abu Dis Village, east of Jerusalem. They raided and searched a number of houses and arrested two persons, including an elderly man named Othman Mousa Badr, 73, after beating him, and Haytham Mohammed Rabie, 19.

On the 8th of August 2018, the Israeli forces raided a number of houses belonging to al-Issawiya Village, northeast of Jerusalem. They arrested 3 children: Mohammed Abdel Hafiz Attiya, Amir Nasser Karkash, Khaled Na'aji, 17 years old, and Khaled's father, Ibrahim Na'aji, 39. They were taken to the Salah al-Din Street Police Station for interrogation. The Israeli forces also raided a house in al-Tur Neighborhood and arrested Ra'ed Hazem al-Sayyad, 13.

On Friday 10th of Aug. 2018, the Israeli forces arrested Malik Jawdat Abu Sneineh, 21, after breaking into his house in the Ras Al Amoud Neighborhood. On Tuesday 14th of Aug., Nidal Mustafa Makhtoub, 23, was arrested from his house in the village of al-Qubeiba. On the morning of Thursday, 16 August, the Israeli forces raided a number of houses in Ras al-Amud and Ayn al-Luza neighborhoods in Silwan. They arrested Mohammed Mamoun al-Razzim, 19, and Thaer Ahmed al-Fakhouri, 29, and Abdul Fattah Ahmed al-Fakhouri 32.

On the first day of Eid al-Adha, Tuesday, 21 August, the Israeli forces raided and searched the house of Hamouda Ibrahim Obaid, 23.

The Israeli forces stormed on Sunday, 26 August 2018, a number of houses in the village of al-Issawiya. They arrested four people: Adam Kayed Mahmoud (18 years old), Mahmoud Kayed Abu Al Homs (19 years old), Tarek Firas Mustafa (19 years old) and Mahmoud Abu Sneineh (20 years old).

Section Two:

Expulsion from Al-Aqsa Mosque

Israeli security forces issue orders to expel Palestinians from al-Aqsa Mosque in five ways, including:

Military decisions.

Decisions by the Interrogation officer at Police Stations,

Judicial decisions,

Decisions by the Police Commander

The blacklist; which cannot be understood in isolation from the historical context of the policy of expulsion from Al-Aqsa Mosque.

1. Military Orders

Until nearly 2013, removal orders from Al-Aqsa Mosque used to be issued by the Israeli army's central region commander, by the powers granted to him under emergency regulations. These orders were issued against Palestinians who played an influential role in Jerusalem. For example, expulsion orders were issued against Raed Salah and Kamal Khatib, leaders of the Islamic Movement in Israel, and against some other known figures in Jerusalem.

The period of expulsion stated in these military orders used to be set for six months and was usually extended immediately for the same period of time once it ends. Sometimes, it can reach up to four years or even more (as in Raed Salah's case). Occasionally, expulsion orders are issued for only three to four months.

The number of expelled persons as per these military orders does not exceed 30 in the most difficult circumstances. However, the Israeli security services reduced them in the present time and chose to issue the same orders via the police commander. The military commander does not use his authority to issue military expulsion orders, except in limited cases where expulsion orders include the entire city of Jerusalem.¹ The number of military orders changes depending on the circumstances surrounding the Holy City.

2. Decisions by the Interrogation Officer at the Police Station

The Israeli Criminal Procedure Code authorizes the officer in charge of the interrogation department at the police station to restrict an ex-detainee's freedom after interrogation. Some of the restrictions include the banning of entry to a said detainee for a period of time no longer than 15 days, subject to his or her approval. If the detainee rejects the conditional offer, he or she shall be tried before the court on the same or next day in order to consider his or her expulsion by a judicial decision.

The Israeli security services use this power with excess. They arrest any person they intend to remove from Al-Aqsa Mosque for interrogation under any possible accusation. Most of the charges made are too general and loose, such as the violation of public order. After detention, the detainee is pressured to agree to the banning decision for 15 days. Otherwise, his or her detention will be extended one more day to be referred to the court in order to force his ban.

1 . Among those currently expelled from Jerusalem under these military orders are Majid al-Ju'ba and Uday Sinokrot.

This bargaining occurs especially when the detainee is a woman or a minor.² Sometimes, the detainee is not aware that they are entitled to rejecting the removal and that they can demand to be brought before a court. It can be said that one can hardly find a detainee who was released without being banned from entering Al-Aqsa Mosque or Jerusalem, even if did not commit any violation against the law. The number of such decisions are incalculable; they are often issued by the interrogation department officer at al-Qashla police station in Jerusalem as it is the closest to Al-Aqsa Mosque and the Old City.

3. Judicial Decisions

If, as mentioned above, the detainee refuses to sign the expulsion order issued by the interrogation officer, or if the interrogation officer wants to remove him or her from Al-Aqsa Mosque or Jerusalem for more than 15 days, this detainee will be presented to a Magistrate's Court judge to set conditions for his or her release. The Code of Criminal Procedure gives the judge the power to impose certain conditions for the release of detainees, including preventing them from entering a certain place for the period deemed by the judge. Exploiting their power, the Israeli police apply for conditional release of its detainees, and the court demands that they be expelled from Jerusalem or Al-Aqsa Mosque.

Usually, the police ask the court to impose an expulsion period between one to six months. The court either rejects or approves the removal order for a period of two to six months at most. Occasionally, detainees are released without being expelled from the Mosque; it depends on the type of case they are involved in, the submitted material to the court, and the judge. The court can also take a decision based on confidential material.

2. In August 2018, such a ban was imposed on Waqf employees in addition to all women and girls who were arrested from the Bab al-Rahma area in Al-Aqsa Mosque.

The number of cases involving a judiciary decision is also huge. The Israeli police often arrest and conduct mock interrogations with certain individuals to have them referred to the court and demand that they be banned for long periods.

It should be noted that the law gives the judge the power to force a ban as a precautionary measure to prevent the obstruction of interrogation or to minimize the risk expected to come from the detainee. However, the police and the courts use this authority as a punitive measure against Palestinians in many cases and relying solely on people's antecedents.

4. Decisions by the Police Commander

The banning by the interrogation officer is said to last only for 14 days and requires that the detainee be interrogated before deciding to ban him or her. It is also time- and effort-consuming. The same is true for the judicial decision, albeit in the latter, courts cannot be flooded with huge numbers of Palestinians on a daily basis to keep them away from Jerusalem or Al-Aqsa Mosque. Therefore, the Israeli security services resorted to an alternative way to continue this violation without the need to take the legal procedures or the time needed to consider a decision, this way is made possible by an immediate decision by the Police Commander.

At the present time, the orders of banning from Al-Aqsa Mosque are issued by the Jerusalem District Police commander as per the Police Law. These orders are usually random, collective and are issued for many reasons, including a person's antecedents or their daily presence at Al-Aqsa Mosque. These orders are issued against many people only because of their frequent presence at A-Aqsa Mosque, such as Waqf employees, some journalists

and even ordinary people, regardless of whether they have reliable antecedents or not.

Initially, the period of the ban issued by the police commander was limited to only a few days, especially during Jewish holidays, but it began to increase gradually. Now, that period ranges from one to six months and it can be extended. The number of those banned only by a decision from the Police Commander exceeds hundreds, especially during Jewish holidays. The cumulative number of these orders is not specific, but it is very likely that it has reached over a thousand.

The text above explained the difference between the ban by a Police Commander, an interrogation officer at the police station or by a judicial decision. The following table shows the most important differences between the ban orders issued by a police commander and military removal orders (which are considered the most common form of ban at Al-Aqsa Mosque).

	Military Order	Police Order
Authority:	the military commander of the IDF under emergency regulations.	the Police Commander of the Jerusalem District Police under the Police Law
Duration:	For a period of three to six months.	For varying periods ranging from one to six months
Extension	Extended as soon as it expires for periods up to years	Extended for similar periods without a maximum duration
Targets:	Figures inside Al-Aqsa Mosque and public figures	Mostly against figures or those with frequent presence inside the Mosque
Numbers:	Less than 30 orders	Hundreds
Banning period	Throughout the year	During Jewish holidays in particular, and throughout the year
Geographical scope of ban	The entire city of Jerusalem	Al-Aqsa Mosque, and sometimes the Old City
The competent court	The Supreme Court	Not specified in the law

Mechanism of Bans in Police Orders:

When the Israeli security forces intend to ban a number of Palestinians who usually attend to Al-Aqsa Mosque, they prepare a large number of summons. Then, the security forces make a tour inside the Old City of Jerusalem in particular, and in other areas of Jerusalem (Silwan) Ras al-Amud, etc.). They are usually directed to the homes of the persons in question. If the person was found inside the house, he or she is arrested and taken to the “al-Qashla” Police Station to be later banned. If they are not present in the house, his family is given a warrant.

Security officers usually use some means of intimidation when dealing with a person’s parents during these tours, usually indicating that if their son does not attend to the Station, he will be harmed. If the person does not attend, the police returns to his house another time, try to contact him and his family to pressure him.

When the person goes to the Police Station, Israeli intelligence officers interrogate him and tell him that the police are considering the possibility of his ban, asking for his answer. He is then given a ban order. Some people reported that the interrogation officer tried to blackmail them to work as informants in exchange for cancelling their ban order.

Legal Context of Police Orders:

Banning orders are issued in accordance with Article 4 (a) of the Police Act, which states:

“If a police officer sees a real danger which may cause serious effects on the security of people or property, he can: 1. Give reasonable and necessary instructions to persons present in a particular area or in the place of danger to save their lives and property and prevent damage, including denying access to this place and prohibiting people from leaving it.”

This article was added to the Police Act Amendment (No. 19) for 2005, specific to dangerous incidents amounting to disasters. This amendment was meant to give more power to the police in the event of large disasters which may cause great damage to people's lives or properties.

However, Israel's use of this article as a pretext to ban Jerusalemites from Al-Aqsa Mosque and Jerusalem represents a grave violation and a misuse of the scriptures of the Police Act, for the following reasons:

This article states that police officers have the power to prohibit persons from leaving the place of danger. Yet, the article does not grant police officers the power to deny persons in other places their right of movement, given the expulsion decisions of Israeli police in Jerusalem. The amended law is meant to extend police powers in the event of large disasters, not in normal circumstances.

As pointed in the Police Act, people should be banned for a short time, amounting to a few hours, not months, as long as the grave situation is settled down. Also, because such decisions take place for only a few hours, the law does not discuss the possibility to appeal such decisions nor does it identify the judicial bodies where the decision can be challenged.

Israel's banning orders are criticized for several reasons:

- They are issued without a legal authority.
- The number of these orders is huge.
- These orders are random and are issued without conditions or restrictions.
- Duration of expulsion have increased day by day, starting from a month and reaching up to 6 months.
- Initially, orders were issued during Jewish holidays, but they are now issued throughout the year in addition to renewing these orders.

- These orders violate the right to freedom of movement without restrictions and freedom of worship.
- Police intensifies its expulsion policy, given that these decisions are not yet challenged.
- Palestinians who refuse to comply with these orders may be subjected to penalties prescribed by law. An indictment was filed against the Jerusalemite Mahmoud Shawish for violating the police's expulsion order. Yet, the indictment was cancelled after an objection was raised in the court against this order.

Practically, several Jerusalemites and lawyers said they fear appealing to the Israeli courts for the various reasons:

- 1 – Lack of trust in the Israeli judiciary since its history in such cases proves its bias and support for Israeli security apparatus's orders.
- 2 - Avoiding placing Al-Aqsa Mosque on the table of judiciary, which is the official position of Islamic Waqf, especially that Israeli courts seek to impose a new reality and more restrictions on Al-Aqsa Mosque resulting in more damage than the damage caused by expulsion.
3. Palestinians who are being deported can't afford lawyer's fees.

5. The Blacklist

On November 11, 2015, Israeli Defense Minister took a decision to ban the Islamic Movement led by Raed Salah in Israel and to close over 20 civil and community organizations, especially the ones mobilizing and organizing worshippers to pray at Al-Aqsa Mosque, such as Bayareq Institution, which sends buses full of worshipers to pray at Al-Aqsa Mosque.

On September 9, 2015, Israeli Defense Minister has made a military order to ban the Mourabitoun and Mourabitat Movement. This order was preceded by closing Amarat (construction of) al-Aqsa Institution several times, which was active, in recent years at the Mosque. According to activists and worshipers in Jerusalem, these decisions aim at increasing fear and keeping Palestinians away from Al-Aqsa Mosque through intrusions, attacks and restrictions on religious freedoms in the holy city.

Israeli authorities have repeatedly denied any restrictions imposed on worshippers at Al-Aqsa Mosque. However, Jerusalemites especially the Mourabitoun and Mourabitat (people present at Al-Aqsa for the purpose of worship) are subjected to all types of attacks, including arrest, interrogation, trial, expulsion orders issued by the judiciary, the body in charge of interrogation or the police chief. Citizens, journalists and guards of Al-Aqsa Mosque affiliated with the Islamic Endowments Department are also subjected to Israel's harassment.

The security services keep an eye on each person and increase the number and duration of expulsion for different reasons.

Israel's security apparatus has announced a list of names known as the "Blacklist", which is an unprecedented step taken due to the large burden caused by the big number of Palestinians denied entry into Al-Aqsa Mosque and probably to target and ban more Palestinians.

The blacklist which has the names of a group of Palestinians, including men, women and girls is shared with police officers at the gates of Al-Aqsa Mosque to prevent anyone in the list from entering the Mosque, with the pretext that this order is made by the police chief and police officers have no power to do otherwise.

Because of this blacklist, dozens of Palestinians are denied entry into Al-Aqsa Mosque. **Features of these orders can be summarized as follows:**

The ban includes men, women and even young girls.

The ban is applied in all days at all times, especially during settlers' incursions into the Mosque (from 7:30 to 15:00) and during al Fajr prayer and Muslim festivals.³

There is no end time to removal and ending the removal depends on the Israeli police officer at the Mosque.

Such orders are not issued on the basis of any legal or judicial basis.

Expulsion orders are verbal, not written and the persons banned in the list are not notified in advance.

There is no judicial body where objections to such decisions can be raised.

From a legal point of view, these expulsion orders are illegal and are blatant violations of fundamental rights and freedoms of movement, religion and the exercise of rituals for citizens of Jerusalem. In addition, it is not possible to find a competent authority where such decisions can be challenged since these decisions are illegal after all.

The Israeli Police frequently denied any blacklist. Meanwhile, lawyers mentioned that the Police did sometimes arrest certain individuals included in this blacklist and interrogated them. They were then arrested and tried before the court, with the Israeli police demanding from the prosecution to ban them from entering Al-Aqsa Mosque. These Jerusalemites already had an entry ban into Al-Aqsa Mosque, because they are in the blacklist, but the Israeli police denied that in the court.

³ - As part of this list, Jerusalemites Nazzam Abu-Rmouz and Khairi al-Sheimi were prevented from praying in the al-Aqsa Mosque in August 2018.

In other words, these decisions are not legal, so violating these orders and entering Al-Aqsa Mosque does not result in indictment from the prosecution, since the orders themselves are illegal.

Section Three:

Targeting the Golden Gate (or Bab al-Rahma) Area - Al-Aqsa Mosque

What is the Golden Gate Area? A general definition

The Golden Gate Area is part of Al-Aqsa Mosque, located in the eastern side, east of the Dome of the Rock, and adjacent to the eastern wall. It contains a wide range of Al-Aqsa features, including terraces, courtyards, and niches such as: The Golden Gate (or Bab Al-Rahma), which is one of the sealed gates of Al-Aqsa Mosque. This area is followed by the cemetery of Bab Al-Rahma behind the city wall, which contains some of the Prophet Muhammad companions' tombs. This area also contains two hills of dirt and construction waste, resulting from the restoration of the Marwani chapel in 2000. The Israeli police prevented removing them from Al-Aqsa Mosque at that time.

On the 27th of last Ramadan (June 12), a group of worshipers cleaned this area from the mosque and its yards. They arranged some stones in the form of seats and tables for Muslim families to have their breakfast meals. However, the Israeli police destroyed these squares and returned them to how they were.

Since then, any Palestinian in the Bab Al-Rahma area has could be subject to arrest by the Israeli police, especially when settlers enter Al-Aqsa Mosque.

Arresting Women at Bab al-Rahma

On 15th of Aug. 2018, the Israeli police arrested seven women and two minor girls during their departure from Al-Aqsa Mosque after they were at Bab Al-Rahma. Then, they were taken and interrogated at al-Qashla Station. None of the minor girls' parents were present during the interrogation, which is against the law. The Israeli police charged them with carrying out acts against the public order.

One of the arrested women commented: "We came from Umm al-Fahm city to pray at Al-Aqsa Mosque on August 15, 2018. When we arrived at the old city, we went to pray at the Mosque. Then, we went to a terrace in the eastern area to sit and have breakfast together, then pray. The Israeli police started filming us, although we did not talk or cause harm to anyone."



(A photo of the arrested women at Council Gate - Al Aqsa Mosque)

The Israeli police considered these women's presence at the Bab al-Rahma area - in itself - a violation of the public order. These women did not sit on the street nor did they obstruct the police work. They did not even do anything to settlers or others who were in the area.

The Israeli police appears to abuse the law and criminalize acts that are inherently legitimate and resort to use of cruel treatment, including arbitrary interrogating and detaining of women and minor girls without any proper legal justification.

After more than six hours of detention, the Israeli police released these detainees on condition that they be banned from entering Al-Aqsa Mosque for 15 days. All of this was based on a suspicion that does not require detention according to the provisions of the law. It could have been more than enough to give them summons for investigation, and only if necessary, without resorting to these freedom-restrictive measures. The deprivation of liberty is the last choice to make under human rights obligation; it must be under the limitations of the law as well.

Journalist Juman Abu Arafa

The next day August 16th, 2018, journalist Juman Abu Arafa went with her daughter Yafa, her mother, and her younger sisters to have breakfast at Bab al-Rahma area at Al-Aqsa Mosque. They chose to sit on one of the lateral terraces far from the road. The police did not like this and began filming the family. Then, a police officer approached her and asked her to leave the place. She refused to leave the place because she did not do anything wrong, nor did she violate the law or interfere in anyone's business. She already started having breakfast with her family. Because she refused to comply, the policeman threatened to arrest her and her family. Abu Arafa, had, then, to leave the place, when a large force came to the place; she was afraid for her little girl, and she was 9-month pregnant as well.

Abu Arafa said in a statement about the incident: "My mother, my sisters, my daughter, and I planned to have breakfast at Al-Aqsa Mosque, but I ended up being threatened of arrest and my daughter was terrorized. She was afraid and started to cry. We were filmed by Israeli police during having our meal. Two police officers came and threatened us with arrest if we

do not leave the place, claiming that it is forbidden to sit there, and that we were blocking the settlers' way even though we were sitting in a place distant from of the road.

Abu Arafa explained that she didn't want to leave, but she was appalled by the fear her daughter had when a group of armed men spoke Hebrew around her. After she left the mosque and while she was pushing her child with a baby carriage, the police were waiting outside Al-Aqsa Mosque to arrest her. However, the intervention of the Waqf guards and the director of the mosque prevented them from doing so.

Other arrests in the Golden Gate area

Based on the same suspicion (the mere presence in the Bab al-Rahma area), which the Israeli police seek to criminalize as a violation of public order, on 12 August, the Israeli police arrested the 18-year-old Jerusalemite girl, Bara'a Ghazzawi, interrogated her at the Qashla Station and then banned her from entering Al-Aqsa Mosque for 15 days.



A photo of the girl Bara'a Ghazzawi during her arrest from the Lion's Gate on 12th of Aug. 2018

Similarly, on August 26, 2018, the police arrested 16-year-old Shefa Abu Ghalia from Jerusalem. After interrogating her (without the presence of any of her relatives as dictated by the law). She was banned from entering the Old City for 15 days.

This approach clearly demonstrates the extent to which the Israeli police have been using arbitrary arrest and detention as a policy against young girls without any legal justification, but for clearly repressive political purposes.

Shefa Abu Ghalia said: “I stayed one day in prison. I felt exhausted and tired. My head and limbs hurt even though I was not handcuffed. I feel for those who spend months and years enduring this suffering.”

Summons for interrogation and other banning orders

Mrs. Khadija Khweis Abu Ghalia (Shefa’s mother) was summoned for interrogation on August 15, 2018, at the al-Qashla Police Station in Bab al-Khalil (Jaffa Gate). The Israeli police claimed that Abu Ghalia photographed a girl during her arrest from Bab al-Rahma area and arranged the stones there to be used as a bed and breakfast table.

But Abu Ghalia confirmed that she did nothing illegal in Bab al-Rahma area and did not destroy any archeological landmarks but sat in the place for breakfast like any other place in the Mosque. She also stated that she is being harassed for being an activist in Jerusalem and at Al-Aqsa Mosque.

Abu Ghaliya said: “The police released me after interrogation regarding these false accusations and promised to ban me from entering Al-Aqsa Mosque. On August 21, 2018, the police summoned me for interrogation at the al-Qashla Station. I was detained for 5 hours without any reason. Then, I was informed of a decision to stay away from al-Aqsa for five days (throughout the Eid al-Adha period). I was summoned again on 26 Aug 2018 and was informed of another decision that I cannot enter Al-Aqsa Mosque for six months.

Ms. Hanadi Halawani also received a similar decision. She stated: “After the period of my exclusion from entering Al-Aqsa Mosque, which lasted for 9 consecutive months, I entered the Mosque to pray on August 15, 2018. The following day, I was summoned for interrogation and was detained for more than 5 hours. I was then informed of a decision to stay away from Al-Aqsa Mosque for 5 days, and so I was prevented from performing the Eid prayer with my family at the Mosque. I was later informed that I am not allowed to enter the Mosque for another 6 months.

Section Four: Demolition Cases

Bulldozers of the Israeli municipality of Jerusalem began on Wednesday 15th of August 2018 demolishing residential buildings in the town of Al-Is-sawiya in the middle of Jerusalem, in addition to Jabel Mukaber Neighborhood, southeast of the City, on the pretext of building without a permit.

The bulldozers demolished another residential building consisting of two apartments with an area of about 219 square meters in the Al-Issawiya Street, which was still under construction, under the pretext of building without a permit as well. The building was intended for a family of six members.

It is noteworthy that the municipality of Jerusalem has deliberately refrained so far from issuing a detailed planning scheme in the Arab neighborhoods of East Jerusalem, through which they are supposed to issue building permits. This has created a shortage of residential buildings, forcing the population to build without permits.



The most prominent demolitions in Jerusalem during the period documented in this report (August 2018) include:

- On 5 August 2018, the Israeli forces forced Bassam Obeidat to demolish his own house in the town of Jabel Mukaber, on the pretext of lacking a building license, which the municipality refuses to issue.
- On 7th of August 2018, the Jerusalem Municipality demolished a residential building - two months after its construction - with an area of about 100 square meters in the town of Shuafat in Jerusalem City.
- On 7 August 2018, the municipality demolished a house and a store-house in the town of Jabel Mukaber in Jerusalem.
- On Wednesday morning, 15 August, the Israeli bulldozers demolished a house belonging to Nader Nasser Abu Riala, under the pretext of building without a permit. The same forces also demolished another facility on Al-Wad Street in Jabel Mukaber, after a military cordon was placed in the vicinity of the demolition site in the two areas.
- On August 29, 2018, the Jerusalem Municipality demolished a shop in the city of Silwan under the pretext of building without a permit, and clashes broke out after that with the residents of the neighborhood.



Recommendations

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

1. Stop all arbitrary measures and policies against Palestinians in the city of Jerusalem, in particular with regards to bans from entering Al-Aqsa Mosque, daily home demolitions, arbitrary detention and freedom of worship in the Holy City. The Israeli authorities are urged to ensure that all necessary measures are taken to prevent further violations.
2. Stop the actions carried out during and after the arrest of Palestinians in Jerusalem, including search of their homes without a judicial warrant, imposing large fines and re-arrest after release.
3. Conduct the necessary investigations into incidents of abuse against Palestinians in Jerusalem, especially those related to beating, insult and arrests without clear charges.

Euro-Med Monitor also calls on the international community to:

1. Pressure the Israeli authorities to stop their violations in Occupied Jerusalem and to ensure compliance with the international legal status of the Holy City.
2. To ensure Israel's commitment to allowing religious freedom in the Holy City for all religions, to stop the encroachments on Al-Aqsa Mosque and its worshipers and to prevent the policy of arbitrary bans and demolition of homes.

3. The Security Council must take immediate measures to protect the legal status of the Holy City and enforce previous decisions by the Council, including against all settlement activities in the city and with regards to the arbitrary restrictions on the freedom of worship.

