

האגודה לזכויות האזרח בישראל
جمعية حقوق المواطن في إسرائيل
The Association for Civil Rights in Israel



Unsafe Space

**The Israeli Authorities' Failure to Protect Human Rights
amid Settlements in East Jerusalem**

September 2010

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About the Association for Civil Rights in Israel (ACRI)

For more than thirty years, ACRI has struggled and fought for human rights, freedom of expression, equality, and the right to decent living conditions in Israel. It has fought for the right to equal health care and to education, for the protection of human rights in the Occupied Territories, the preservation of privacy, and much more. It has fought, so that we can enjoy the ability to speak, think, and live in a society that values and respects human rights; a society that defends our rights and, in so doing, protects us. As an independent organization without political affiliation, our resources are drawn from private foundations in Israel and from around the world, from ACRI membership, and from volunteer activities. ACRI's independence and professionalism are founded on a longstanding policy of refusing to request or accept financial assistance from any partisan or governmental source in Israel.

We firmly believe that together with our partners we can engender and deepen Israeli society's commitment to human rights, so that we can all enjoy the fruits of living in a more just society. We invite you to read our report – and to join us in the struggle for human rights: for the rights of one and all. For more details, see the ACRI website (www.acri.org.il/eng), write us at mail@acri.org.il, or call 03-560-8185.

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Introduction

Anyone who has toured East Jerusalem's Palestinian neighborhoods over the past few years, especially those neighborhoods closest to the Old City, cannot help but notice the increasing number of guarded compounds, surrounded by fences with armed sentries protecting them. These compounds, situated in the midst of densely populated Palestinian neighborhoods, house today some 2,000 Jewish residents and dozens of public institutions that serve their needs. Jewish settlement in these neighborhoods did not develop in a spontaneous manner, but is rather the intended outcome of a number of well-organized political NGOs whose common stated goal is to “Judaize” East Jerusalem.

The new neighbors’ presence carries dire implications for the fabric of neighborhood life. There is much friction between the settlers and local residents, friction that has ended more than once in violent confrontations, arrests and legal proceedings, most of them initiated against Palestinians. Angry encounters have become almost routine, sometimes escalating into violent clashes with weapons and live ammunition.

From the testimonies of Palestinian residents, a troubling portrait emerges of life in the neighborhood. These residents complain of physical and verbal violence directed against them by settlers and their security guards; the intimidation of their children; various forms of harassment (including the videotaping of residents within their private homes); the barricading and closing-off of streets and public areas; and more.

Jewish settlers also complain of acts of violence perpetrated by Palestinians, such as stone throwing, vandalism, racial slurs, and more. But perhaps the most troubling phenomenon that arises from the state of mutual complaints is the biased behavior of the Israeli authorities, who practice selective law enforcement and fail to provide even the most minimal protection to Palestinian locals.

Considering the difficult circumstances in these neighborhoods, Israel's authorities should be working hard to vigorously protect the human rights of **all** residents, including the right to bodily integrity, personal security, freedom of movement, and privacy. Unfortunately, the testimonies of the local residents point to the opposite. Law enforcement authorities have become complicit in violating Palestinian rights; in many cases, they do not enforce the law or do so only in a

discriminatory manner. At times, their proxies – the security guards employed by the state to protect Jewish residents and the police forces stationed in these areas – employ physical and verbal violence and abuse Palestinian residents. When residents decide to file official complaints they are treated too often with disregard and indifference. Sometimes the complaints are not even investigated into.

Another area of contention that has angered Palestinians concerns the preferential treatment afforded to the needs and interests of Jewish settlers in the neighborhood, at the expense of the basic needs of Palestinian residents. This discriminatory behavior on the part of the authorities is pervasive in planning and zoning, construction and development, and in the control of the area's scarce resources.

Much has been written about the political effects caused by the entry of Jewish NGOs and settlers into Palestinian neighborhoods. According to international law, all Israeli settlement beyond the pre-1967 borders is illegal and forbidden, whereas according to Israeli law, the annexation of East Jerusalem has brought the area under full Israeli jurisdiction. This report does not seek to analyze the political and legal ramifications of the situation in East Jerusalem, but rather to point out the violations of human rights resulting from that situation.

The state of human rights in East Jerusalem is decidedly poor, especially as it relates to home demolitions, lack of infrastructure, the severe shortage of schools, and inferior health and social services. These have been well documented (see also ACRI's report "*Human Rights in East Jerusalem: Facts and Figures*.¹) The current report shifts the focus to examine the direct impact of Jewish settlement in Palestinian neighborhoods on the human rights of the original local residents. Detailed within are the failings of the Israeli authorities – including the police, the Housing Ministry, and the Jerusalem Municipality – that have contributed to the violation of these basic human rights, and to the disruption of their way of life. As such, it represents the first report of its kind.

This report seeks to bring to light the stories of the Palestinian residents, to reveal the experience of life in the neighborhood as others attempt to “Judaize” it. We have chosen to focus specifically on the complaints of the Palestinian residents because of the extent of the phenomenon and its

¹ “Human Rights in East Jerusalem: Facts and Figures”, by Att. Tali Nir, Anne Sucio, Ronit Sela, Att. Nisreen Alyan, Att. Oded Feller, and Mahmoud Qara'en (ACRI, May 2010) <http://www.acri.org.il/pdf/eastjer2010.pdf>.

impact on their day-to-day lives, and also to allow this community, whose voice is seldom heard in the Israeli public discourse, to sound its complaint. It should be emphasized that the evidence and testimonies presented in the report² are merely examples of recurring phenomena, and that the report does not purport to offer a comprehensive survey of all East Jerusalem neighborhoods or of all the cases of human rights abuses. Rather it presents these examples to highlight the primary manifestations of human rights violations for which the Israeli authorities are accountable.

The report concludes with policy recommendations for the Israeli authorities. We believe that their implementation would enable residents to live their lives free of violence, abuse and harassment of various kinds.

To present a broader portrait of the subject, we have included a number of appendices at the end of the report, including a survey of the growth of Jewish settlement in Jerusalem's Palestinian neighborhoods, a table and a map detailing the Jewish compounds in these neighborhoods, and three complete testimonies of Palestinian residents, which vividly portray the reality of life alongside the new neighbors.

It is our hope that greater public awareness of the situation will help place the matter firmly upon the public agenda and will persuade the Israeli authorities to take the appropriate measures to correct their current failings. Ultimately, it is our wish to minimize the violation of human rights of all residents of East Jerusalem.

A. Violence and Police Consent

In the Palestinian neighborhoods that have seen an increased Jewish presence over recent years, tensions run high and the threshold for violence is low. "*Innocent things, chance encounters, for example when you bump into one another in the corridor, these always lead to shouting, the slightest things lead to confrontation.*" says Raisah Musa al-Karaki, a resident of the Old City's Muslim Quarter³. Indeed,

² The testimonies presented in this report were collected during the period between January and July 2010 by ACRI staff members, unless otherwise specified.

³ Raisa Mussa al-Karaki lives in the al-Sa'adiya neighborhood, close to Herod's Gate, in the Muslim Quarter of the Old City. Her testimony was taken on April 12, 2010 by Att. Nisreen Alyan of ACRI.

both Palestinians and Israeli settlers can attest to the fact that the strain of living together brings about undesirable results: Racial epithets, curses and obscenities, neighbors throwing garbage in each other's doorways and courtyards, pushing and shoving, quarrels, threats, and even physical violence and the use of firearms.

In a place that is so politically charged, where Palestinians and Jewish settlers – two populations with clear and contrary ideologies – live together in close and crowded proximity, it would be expected of the police to take every possible measure to prevent clashes between the two sides. Instead, **Palestinian residents complain that in many of the cases of verbal abuse and physical violence directed against them, the police refrain from enforcing the law and take no action against those settlers suspected of violence.**

The role of the Israeli police force, as established by law, is to prevent crime, to apprehend criminals and bring them to prosecution, to maintain public order, and to ensure the security of life and property of all⁴. In light of this defined role, the conduct of the police in East Jerusalem is especially disturbing.

According to Palestinian residents, more often than not, in cases when they call the police no action is taken against the offenders. The inevitable result is an increase in the incidents of violence. Raisah Musa al-Karaki, who shares a corridor with the settlers who live next door, recounts: *"A week and a half ago, at half past midnight, I heard the sound of five or six men shouting at corridor, and I went out to see what was happening. Some of the settlers were coming back to their apartments and some were leaving. I went to the front door to shut it. Suddenly, one of them came back and pushed the door with great force, while my hand was still on the door. My hand was cut badly and I was covered in blood [...] We have suffered so much abuse and filed so many complaints, I went to the police some 20 times, and not once did it help. The last time, [the police] made me sign a pledge not to come in contact with [the settlers] or even talk to them. Whenever I go to file a complaint with the police, I am the suspect. They always yell at me and bang on the table, and they always make me cry out of bitterness."*⁵

Similar complaints have been lodged in other neighborhoods. Saleh Dhiab, who lives near the tomb of Shimon ha-Tzadik (Simon the Just) in the Sheikh Jarrah neighborhood, reports multiple incidents where he has been injured by Jewish worshipers praying at the gravesite. His calls for

⁴ Article 4 of the *Police Procedural Code*

⁵ See note 3 above

police assistance have gone largely unanswered. In one of these incidents, in the summer of 2009, a rock thrown into the yard of his house struck his elderly father in the back, wounding him. In that case, the police did answer the call and arrived at the scene but refused to register the complaint: *"My father was hit by a stone thrown from the tomb site, which could have killed him. I immediately ran towards the site to see who threw the stone, and saw many Jewish visitors in the passage to the tomb. I called the police, in the meantime I started photographing them with my cell phone camera. I asked them about what they had done but no one answered until I got really upset and started shouting. Then, they all jumped me and stole my cell phone. One of them even raised his gun at me and said he'd shoot me if I didn't get out of his sight. Finally, a police car arrived, a bit late, and I told them everything that happened to my father, how he was struck by a stone thrown by the settlers, how they stole my cell phone to get rid of the photos I took, and I pointed out the man who had aimed his weapon at me. The answer of the police was that I was lying about the gun and the theft of my cell phone, because all the Jews were religious and they wouldn't touch or use such things on the Jewish Sabbath."*⁶

In other cases where Palestinians have lodged complaints of serious physical injuries, the police response has been ineffective. Even when investigations have been opened, they have been neither thorough nor exhaustive, and in most cases they have been closed for "lack of public interest" or "lack of evidence". One such severe case occurred last year in Wadi Hilweh, Silwan, on 11 September 2009. Ahmad Qarae'en, a local resident, was seriously wounded when he was shot in the legs by an IDF soldier on leave, who had come to the Shiloah pool to immerse himself and to visit the City of David. The point blank fire left Qarae'en, who was unarmed, crippled for life. Despite the fact that the incident was recorded by security cameras installed in the City of David and despite the abundance of witnesses, the police decided to close the investigation because of "lack of evidence." Since then, Qarae'en has lodged an appeal with the State Attorney-General seeking the reopening of the case. (A full description of the incident can be found in Qarae'en's testimony, included in Appendix II.)

Palestinians have also complained about police unwillingness to investigate instances where their property has been vandalized. Nabil al-Kurd, who shares a courtyard with settlers since they took up residence in the Sheikh Jarrah neighborhood in the summer of 2009, charges that in April someone vandalized the children's playground and stole parts of the recreational equipment. His complaint to the police, that the vandalism was caused by the settlers

⁶ Saleh Dhiab's testimony was taken on April 18, 2010 by Mahmoud Qarae'en of ACRI.

and their visitors, was closed about a month after it was lodged⁷.

Similarly, local Palestinian residents charge that police officers refuse to investigate complaints when their vehicles have been vandalized. According to their testimony, on May 28 of this year as well as on June 3, 4, 11 and 19, windshields of vehicles were smashed and tires were slashed in the Sheikh Jarrah neighborhood. On June 4, when Superintendent Avi Cohen, the commander of the Shalem Police Station arrived at the scene, local resident Saleh Dhiab approached him and pointed out the damage that had been done. He claimed that one of the settlers who was sitting on his front porch had vandalized the vehicles. Cohen chose to ignore the charge and left the neighborhood⁸.

It should be noted that these are only some examples of recurring Palestinian claims, pointing to the systematic failure of the police to properly handle Palestinian complaints. Additional evidence to this effect will be presented later in the report.

B. Always a Suspect

In many cases where Palestinian residents have sought to press charges against the settlers or their security guards, not only have their claims gone uninvestigated, but the tables have been turned and they themselves have become the suspects. Rather than seeking evidence to corroborate Palestinian complaints, the police often choose to open criminal files against the accusers and to question them as suspects.

For example, take the case of Jad Hamad, a resident of Sheikh Jarrah: *"Every time we call the police, a patrol car arrives late if it comes at all, and all they do is question us instead of the settlers; or they ask us to come down to the station to lodge our complaint, but we can't go to the station because they will often arrest us there for any number of reasons – we're the ones who are always suspect."*⁹

Residents also report that in many cases, their complaints to the police are deflected with various excuses, designed to prevent them from officially registering their complaints.

When residents have come down to the police station, they have heard amongst other

⁷ Nabil al-Kurd's complaint to the police of theft and intentional destruction of property was filed on April 23, 2010.

⁸ Salah Dhiab's testimony on this matter was taken on June 22, 2010 by Mahmoud Qarae'en of ACRI.

⁹ Jad Hamad's testimony was taken on April 21, 2010 by Mahmoud Qarae'en of ACRI.

explanations: “the investigator is busy,” “there are no investigators today, come back tomorrow,” “the complaint does not make sense,” etc. According to local Palestinians, the police use these excuses to enable the settlers and their security guards to press their charges first. The Palestinians can then be investigated under caution as suspects, even as they arrive at the station to lodge their own complaints regarding the same events.

Nasser Abu Nab, a resident of Baten al-Hawa (a sub-neighborhood of Silwan), claims that that is exactly what happened to him and his family on February 9 of this year when they went to press charges against the security guards at the "Honey House", a settler compound in Baten al-Hawa. Security guard violence had led to the injury of his mother, brother and Abu Nab himself: *“After I was released from the hospital, my brother and I drove to the Shalem Police Station to file a complaint against the security guards. When we entered the station, we were asked at reception to wait until the investigator became available, but after half an hour they told us that the investigator had finished his shift and told us to come back the next day to register the complaint. By coincidence, we then saw the security guards in the investigation room, and we understood that they had arrived before us to file their own complaint. The next day I went with my brother to the station, and we were informed that a complaint had already been filed against us, and thus we were interrogated as suspects. The investigator focused on questions such as, who started the scuffle? Who had more people at the scene - the local residents or the security guards? At the end of the questioning, we were served with summonses to go to the Russian Compound to be photographed and to give fingerprints.”*¹⁰

Most Palestinian complaints of police misconduct in East Jerusalem are directed toward the Shalem and David police stations. These stations are charged with law enforcement in the Old City and its surrounding Arab neighborhoods, i.e., in areas with the greatest number of Jewish presence in the heart of Palestinian neighborhoods.

The case of Tamr Qarae'en, a resident of Wadi Hilweh in Silwan, is exemplary of police conduct in the Shalem Police Station. Qarae'en recalls how on March 31, 2009, a confrontation occurred between the children of the settlers and the local Palestinian children in the neighborhood. When he attempted to extract his nephew from the scuffle, dozens of security guards began beating him and his family. He says that his attempt to file an official complaint at the police station was met with threats, and he eventually became a suspect in the incident: *“The guards beat us all, even my father, mother and brother were beaten. At a certain point, the security guards stopped hitting us and disappeared*

¹⁰ Nasser Abu Nab's testimony was taken on February 10, 2010 by Mahmoud Qarae'en of ACRI.

from the area. At that precise moment the police arrived. Local residents began to gather in the area. The police tried to disperse the crowd, promised to investigate the matter, and advised us to file a complaint, because we were the victims. I was taken to the hospital by ambulance, which arrived about an hour after the event. The following day, my father, mother, brother and I went to the Shalem Station to press charges. I went in first, because I had to take an examination at the university. I went to the investigator and said that I wanted to file a complaint about the incident that had happened the previous day, at which the investigator took my cell phone, turned it off and said he was questioning me on suspicion of assault. I told him that if this is a criminal investigation, I wanted a lawyer, and he responded that there was no problem – if I did have a lawyer I should call and tell him he has 5 minutes to get here. I told him there was no way I could arrange for an attorney to come to the station within 5 minutes, and he said 'if so, no deal', and then he began questioning me.

“After questioning he released me on bail, but after three hours the same investigator called me and told me to return to the station or he would arrest my brother who was currently there. I arrived at the station and was questioned again. During this questioning, they showed me segments of a video that the settlers' security guards had filmed. In the film I was seen defending myself against the guards. I asked the investigator to also show me the segment that preceded this moment in the film. He threatened me, shouting at me not to interfere in his work, and that I shouldn't antagonize him. I ended up being arrested for 24 hours and was released with a restraining order, restricting me from my house for 30 days. A week later, I was summoned back to the police station and placed in a lineup. My complaint, that I had been assaulted, was never addressed. At the first questioning the investigator told me that the guard who attacked my nephew and me had been restricted from entering the neighborhood for 15 days, but neighbors saw him there the day after the incident.”¹¹

Jamalat Mughrabi, one of the Palestinian residents evicted from their homes in Sheikh Jarrah, contends that on April 20 of this year, a settler attacked her 17-year-old son, and when the son arrived at the Shalem Police Station he became the suspect, and the evidence presented to corroborate his version of the events was never investigated: *“All my photographs, the three witnesses I brought, and all the evidence in favor of my son amounted to nothing. On the contrary, the investigator ignored it all and extended the remand of my son for another 24 hours. The investigator also said that he regretted that nothing could be done for my son and that he believed our story, but those were his instructions from above. When we asked about what happened to the settler who created this mess, he said that the problems in our neighborhood are endless and that he has no cause to arrest him. [...] I don't know when we'll ever be able to go back and live*

¹¹ Tamr Qarae'en's testimony was taken on February 12, 2010 by Mahmoud Qarae'en of ACRI.

in peace, like before. We need to go down to the Shalem Station no less than twice a week in order to have our children released from custody. My son, Aded al-Fatab, was attacked several times by the settlers, as was his little brother.”¹²

What emerges from these testimonies is the biased handling of criminal investigations employing blatantly illegal tactics, such as intimidation of relatives with the threat of arrest, and disregard of available evidence. Such practices lead Palestinian residents to believe that police investigations are biased from the start and that they are not conducted with the intention of ascertaining the truth of the matter.

Residents also state that as a result of their deep lack of faith in the Israeli police, they often refrain from going to the police stating and filing a complaint, even when they have been severely assaulted. Shadiya Kamel Rabi’ah, a resident of the Muslim Quarter, reports that in the winter of 2008 her son refused to file a complaint with the police after he was severely beaten by *yeshivah* students, since he didn't believe his complaint would be addressed: *“When my son comes home by way of the Western Wall (the shortest path home) he has to pass by a synagogue. One time, the students at the synagogue attacked him and he was beaten so badly that he had to stay at home for a month. He didn't submit a complaint because he was afraid that as a result the police would start harassing him, as they do to the other boys in the neighborhood.”¹³*

According to residents, the common perception in the neighborhood is that the police act for the sole benefit and protection of the settlers and in coordination with them. Ahmed Qarae'en of Wadi Hilweh claims that the police are not objective and that their behavior proves their bias in favor of the settlers. *“Israel police officers have a regular presence at the entrance to our neighborhood and they place barricades at the entrance to our street. The police are constantly hanging out together with the security guards, joking with one another like friends. When a traffic police officer arrives, the first thing he does is go to the security guard station and make himself a cup of coffee, then he drinks it together with the security guards. After that he begins his work of inspecting vehicles - but only the Arab ones.”¹⁴*

C. Detention of Minors in Nighttime

¹² Jamal Mughrabi's testimony was taken on April 21, 2010 and May 19, 2010 by Mahmoud Qarae'en of ACRI.

¹³ Shadiya Kamel Rabi'ah's testimony was taken in April 2010 by Att. Nisreen Alyan of ACRI.

¹⁴ Ahmad Qarae'en's testimony was taken on June 1, 2010 by Att. Nisreen Alyan of ACRI.

The Palestinian population in East Jerusalem is characterized by a particularly high number of children. According to the Jerusalem Municipality, 43.5% of the residents of East Jerusalem were minors under the age of 18 at the end of 2009. According to the Jerusalem Institute, at the end of 2008 the median age of the Arab population in Jerusalem was 19.3 years.

Because of the lack of playgrounds and public parks in East Jerusalem, many of the children use roads and alleyways as their play areas, regularly running up and down the streets. One consequence is that security guards in the settler compounds are in a constant state of alert. The guards accuse the children of frequent stone-throwing, while the children claim that security guards harass them and make false accusations. The endless tension between security guards and neighborhood children and their parents has explosive potential, so much so that violent and dangerous confrontations often arise.

According to Palestinian residents, the police approach to investigating children suspected of stone-throwing is extremely problematic, employing methods which violate Israeli law and proper police procedure. According to the law, juveniles between the ages of 12 (age of criminal responsibility) and 18 who are suspected of criminal offenses can only be questioned in the presence of their parents or another relative, and only by specially trained child investigators. In general, child questioning is not allowed at night. The police are instructed to conduct such questioning in a manner that will be least harmful for the child, and for that reason arrests should not be used when there are other means to advance the investigation¹⁵. The use of violence is prohibited during any investigation.

From the testimonies of minors arrested over the past year, a disturbing picture arises of children being removed from their beds in the middle of the night and carted off to the police station in handcuffs, all this without their parents' accompaniment. The children report violent and frightening interrogations, conducted by regular police officers and not by special child and youth investigators. For example, in December 2009 the police arrived at the home of M.G., a 14-year old resident of Silwan, at three o'clock in the morning with orders to arrest him. His parents' pleaded with them not to take him and promised to bring the child in for questioning the following morning, but to no avail. He was taken handcuffed for questioning at the Russian Compound. M.G. stated that during the interrogation, physical

¹⁵ *Youth Law (Adjudication, Punishment and Methods of Treatment)*, 5731-1971, Chap. 3

violence was used against him: *"There was an investigator named Moshe, that's how he introduced himself. He asked me: 'Why are you here?' I told him that I didn't know and that he should ask Captain Rami who arrested me. He told me that he knew why I was there, because I had thrown stones at the settlers' house, located in the neighborhood where I live. He was talking about the house of Awad Abdel al-Fatab al-Rajaby, which was taken over by settlers. When I denied the accusation, Moshe proceeded to punch me in the stomach and back, and slapped my face. I asked several times to go to the bathroom, but Moshe refused. During my interrogation, I felt intense cold and intense fear of the investigator Moshe.*"¹⁶

This pattern of behavior was also evident in the interrogation of A.S., a 12 and a half-year old minor from Silwan. On January 10 of this year, A.S. reports that he was removed from his bed at three o'clock in the morning and, along with another friend, was forcibly brought in for questioning at the Russian Compound: *"They put me in a room that was about 5 square meters. I sat on my knees facing the wall. Every time I moved, a man in civilian clothes hit me with his hand on my neck. I was alone in the room. At around five in the morning I asked to go to the bathroom, but the man refused and told me to remain facing the wall. When I refused, he hit me and pushed me forward; my nose slammed into the wall and began bleeding. I asked for a tissue to wipe my nose, but he refused. The man asked me to prostrate myself on the floor and ask his forgiveness, but I refused and told him that I do not bow to anyone but Allah. All the while, I felt intense pain in my feet and legs. I felt intense fear and I started shaking. The man in the civilian clothes put a cheese sandwich in the toaster and then threw a piece of cheese at my face, but he missed me entirely. He was bald, and every once in a while he put pressure on my shoulders causing me pain.*"¹⁷

Despite interventions with the Israel Police and the Police Internal Affairs division regarding these child interrogations¹⁸, this pattern has continued in recent months and residents say that the number of child arrests is only growing. Recently, the police have begun carrying out arrests with large combined forces of police and border police, who set up barricades at the entrance to the neighborhood and then surround the residential complex where the arrest is to be made. According to residents, the forces then break in through the front door and carry out extensive searches throughout the house, causing disarray and extensive damage. Such was the case in the arrest of A.N., a 13-year old from Silwan arrested on June 6 of this

¹⁶ The testimony of the minor M.G. was taken on January 21, 2010 by B'tselem. His full details are known to ACRI.

¹⁷ The testimony of the minor A.S. was taken on January 21, 2010 by B'tselem. His full details are known to ACRI.

¹⁸ B'tselem intervened before the Commander of the Jerusalem Police District, Capt. Aharon Franco, on February 25, 2010, demanding an investigation of these events and the immediate cessation of investigation of minors using the methods described. The Police Internal Affairs Division is handling the case.

year¹⁹, and of S.R., a 17-year-old from Silwan who was arrested on June 30²⁰.

Additional arrests are made out on the streets, and sometimes even while children are studying at school. Take for example, the case of A.M., a 14-year old boy from Silwan who was arrested on June 2 while walking with his mother down the street near their home. A.M. reports that the police officers descended upon him suddenly, covered his face with a blindfold, and forcibly pulled him from his mother's arms for questioning²¹. In another case from the end of 2009, L.A., a 14-year old minor from Silwan was twice arrested while at school (in two separate events), despite the stipulations of Israeli law that allow for school arrests under extremely limited circumstances²².

An even more disturbing phenomenon is the police interrogation of children under the age of 12, the age of criminal responsibility according to Israeli law. For example, in recent months, 10-year old M.A was brought in for questioning several times including on March 10 and June 6 of this year. He was questioned and released to his home after several hours²³.

Besides the fact that police conduct in these cases is unacceptable and violates Israeli law, we see no attempt on the part of the police to deal with the complex reality that brings children to throw stones in the first place. The decision to deal with children using an iron fist does nothing to dispel existing tensions or to address the fundamental problems of the neighborhood; rather it only leads to the escalation of hostilities. In a society that seeks to protect the rights of children, this is a patently unacceptable way for the police to carry out their duties.

D. Security Guards: Quick on the Trigger

The security of Jewish settlers in Palestinian neighborhoods of East Jerusalem is currently the responsibility of Israel's Ministry of Construction and Housing. The ministry contracts out security work to private companies, the largest of which is 'Civilian Intelligence' (Hebrew:

¹⁹ The testimony of the father of the minor A.N. was taken on June 3, 2010 by Mahmoud Qarae'en of ACRI.

²⁰ The testimony of the uncle of the minor S.R. was taken on July 11, 2010 by Mahmoud Qarae'en of ACRI.

²¹ Website of the Wadi Hilweh Information Center – Silwan, report from June 2, 2010: <http://silwanic.net/?p=3437>.

²² The testimony of the minor L.A. was taken on January 21, 2010 by B'tselem. His full details are known to ACRI.

²³ The testimony of the father of the minor M.A. was taken on June 6, 2010 by Mahmoud Qarae'en of ACRI.

‘Modi’in Ezrahi’), which employs hundreds of armed guards in Palestinian neighborhoods²⁴. In 2010, the cost of these security services came to a total of NIS 54,540,000, funded entirely by Israeli taxpayers²⁵.

The results are palpable and evident. Each settler receives comprehensive and broad personal protection: Armed security guards are positioned at every Jewish compound; hundreds of security cameras operate throughout the neighborhoods²⁶; settlers are provided 24-hour close bodyguard accompaniment, whether by foot or by vehicle; and in some locations they are provided transport in heavily armored cars.

It is worth noting that settlers in Jerusalem's Palestinian neighborhoods have been contracting private security services since the early 1990s, when then Housing Minister, Ariel Sharon, bought a house in the Muslim Quarter, which today is used by *Yeshivat Ateret Cobanim*. In most cases afterwards, when settlers moved into other East Jerusalem buildings, they were accompanied either by private security forces or by the police²⁷. Only later was responsibility for settler security transferred to the Ministry of Construction and Housing, a practice which continues to this day.

The current Israeli approach to broad security has created bastions of guarded Jewish fortresses in the heart of Palestinian neighborhoods. However, for local Palestinian residents it has created an atmosphere of alienation and hostility. The tension inherent in such a situation escalates from time to time into conflicts between security guards and residents. **From the testimony of residents, the neighborhood perception is that security guards are abusive, both against children playing in alleyways and against adults. They employ verbal and physical violence, and even make use of loaded weapons. Moreover, according to residents the security guards are “quick on the trigger”, and perceive themselves as holding the ultimate power to serve as arbiters of daily life in the neighborhood.**

Unlike police officers, whose ability to use force is limited by the strict guidelines established by law and police procedure, private security guards are not subject to these laws nor are they

²⁴ *Report of the Public Committee to Examine the Security and Guarding of Compounds in East Jerusalem, 2006*, p. 8

²⁵ Ministry of Housing Budget, Paragraph 706414.

²⁶ The subject of surveillance cameras will be addressed in the next chapter

²⁷ Hillel Cohen, **Former Senior Police Official and Current Municipality Top Official Concocted the Acquisition of the "House of Contention" in East Jerusalem**, *Kol Ha-Ir*, September 20, 1996, p. 15; Itamar Eichner, **Prime Minister's Office Protests: Settlers did not Coordinate the Takeover in Silwan**, *Yedi'ot Abaronot*, March 21, 2007, p. 3.

obligated by the basic rules that guide the police in carrying out their duties. Security guards do not undergo the same training as police officers, nor are they under the supervision of a publicly administered body. **The result is that the security guards employed in East Jerusalem are not reined in by any clear working definitions, a situation which invites the abuse of power.**

The inherent problem in employing private security firms was studied by the *Public Committee to Examine the Security and Guarding of Compounds in East Jerusalem*, under the direction of Gen. (res.) Uri Or – a committee appointed by the Minister of Housing in 2006 to examine the subject. The committee's report recommended the scrapping of privately hired security companies and the transferring of security responsibility back to the police²⁸. Though the government adopted the committee's recommendations in January 2007, only three months later the decision was overturned and things reverted back to as the previous situation²⁹.

One of the most important issues examined by the Or Committee was whether the Housing Ministry was vested with the authority to provide security services and the protection of human life. The committee could find no legal source for endowing such responsibility with the private security guards. Because security activities include the protection of human life and the use of lethal weapons, areas that Housing Ministry is not responsible for under the law, the committee reasoned that such authority must be grounded in an explicit legal ruling³⁰. To the best of our knowledge, this authority has not yet been established. ACRI addressed an inquiry on this subject to the Minister of Internal Security and the Minister of Construction and Housing, but has not yet received a reply.

The fact that private security bodies are employed on the ground, utilizing force – including the use of firearms with live ammunition – without any proper oversight or monitoring by the state, opens the door to grave violations of the human rights of residents. From the testimony of residents it appears that the threshold of that doorway has

²⁸ See note 24 above, p. 30 there

²⁹ Government decisions regarding the transfer of responsibilities over security in East Jerusalem from the Ministry of Housing to the Israel Police:

Arrangement of Responsibilities over Security in East Jerusalem, Government Decision 498 from September 12, 2006, see link: <http://www.pmo.gov.il/PMO/Archive/Decisions/2006/09/des498.htm>

and *Arrangement of Responsibilities over Security in Compounds in East Jerusalem*, Government Decision 1073 from January 21, 2007, see link: <http://www.pmo.gov.il/PMOEng/Archive/Cabinet/2007/01/des1073.htm>

³⁰ See note 24 above, p. 26 there

been crossed, that the unsupervised actions of the security guards are indeed characterized by extremely disturbing trends.

Chief among these are the abuse and violence that local Arab residents are subjected to by the security guards. Nasser Abu Nab of Silwan who lives near the “Honey House” says that he has witnessed the guards' belligerence on numerous occasions. On February 9 of this year, he himself along with his family members suffered physical violence at the hands of the guards. According to his testimony, everything started when it took him a long time to park his car, which raised the ire of one of the security men: *“He stopped alongside me while in his car and began cursing me for no reason.[...] I ignored him and continued walking towards home, but then he spat at me and continued driving. As I entered my house, he let off a passenger at the Honey House, and then he drove off.”*³¹ According to Abu Nab, later that evening the same security man returned and assaulted his family members to a degree where they required medical attention.

It is the children playing in the neighborhood and running through its alleyways who come into contact with the security guards on a daily basis. Their cumulative experience has taught them to fear the security guards, their verbal and physical violence. In the wake of that experience, many children are reluctant to play in the streets and some parents have forbidden their children from playing outside the house, fearing encounters with security guards.

M.G., a 14-year old boy from Silwan, describes the strained relations between security guards and neighborhood children: *“Every time we play ball and the ball lands near the guards, they stop us from playing. They take the ball and throw it to the bottom of the wadi, and so we've lost the ball and can't get it back. The problem is that we, the children of Silwan, have nowhere else to play. I come home from school, eat lunch and prepare homework, and then I go to play in front of our house with the neighborhood kids, but the settlers don't like that and neither do their security guards. They always accuse the little kids in the neighborhood of throwing stones at the settlers' houses, but that's not true. They don't want to see us play. The police always believe their claims. [...] You find many children who are afraid to play in the compound, mainly because their families are always warning them against getting into trouble near the settlers' houses or near the front gate.”*³²

A similar complaint was reported by L.A., a 14-year old resident of the same neighborhood: *“On*

³¹ See note 10 above

³² The testimony of the minor A.G. was taken on January 21, 2010 by B'tselem. His full details are known to ACRI.

the Saturday before my last arrest, which was on January 10 of this year, I was playing ball with my cousins. The ball fell into the settlers' house. The guard brought the ball out of the settlers' house and played with us. Then the ball accidentally hit his hand and he was angry about it. He called the police and told them, while we were listening: 'There are children here throwing stones.' The next day I was arrested at home.³³”

Silwan resident Ahmad Qarae'en told of another case where the security guards of the City of David compound physically assaulted his son: *“I don't allow my children to go outside and play in the neighborhood often, because my house is close to the settlers' house and the City of David compound. My son has Arab friends who live in the compound, and whenever he wants to go see them, he has to pass inspection and identification by security guards at the entrance to the compound. Sometimes they don't allow him to enter. About a week ago, he felt afraid to go into the compound to his friend's house, so he waited for his friend just outside at the compound entrance. While waiting, he was leaning with his foot on one of the potted plants. The guard at the entrance approached him, grabbed him by the shirt with all his might, and shoved him aside. The boy came home crying, and when I asked him what had happened he didn't want to tell me, so as not to cause problems. Only after I pressed him did he tell me about the incident.³⁴”*

Residents further attest that in recent months, the security guards have become increasingly quick-on-the-trigger, with a growing number of incidents in which guards have used various weapons against Palestinian residents, even opening fire with live ammunition without appropriate warning, without adhering to the rules of engagement that the police and IDF are obliged to follow. For example, on Saturday May 29, in a confrontation between residents and security guards in Silwan, the guards sprayed fire extinguishers from the roof of the “Honey House” at the residents, including a woman in advanced pregnancy and a two-year old girl who choked from inhaling fumes. The next day, more clashes took place in which the border police were also present. In the course of the confrontation, security guards fired live ammunition at the Arab residents of the neighborhood, the police used tear gas and stun grenades. As a result, five people were injured by bullet shards, and another resident broke his hand³⁵.

Confrontations of this sort continued during June 2010: During a confrontation between security guards and residents on June 2, the guards opened with live fire at the residents. As a result, a

³³ See note 22 above

³⁴ See note 14 above

³⁵ The testimony of Zohir Rajaby, was taken on June 6, 2010 by Mahmoud Qarae'en of ACRI.

young man, who was an innocent bystander, took a direct bullet shot to his leg. During the violent and intense clashes that occurred on June 27, dozens of Palestinian residents were injured, as well as six police officers and four security guards. According to residents, the confrontations took place over the settlers' stated intentions to take over the "Abu Nab" House in Silwan³⁶, a move that received the backing of various members of Knesset³⁷. The verbal confrontations that began in the neighborhood escalated, culminating with Palestinians who threw stones and Molotov cocktail bottles on the one hand, and on the other guards firing live ammunition at the Palestinian residents. Border police arrived on the scene and fired tear gas and stun grenades, also inside the houses of the residents³⁸. Dozens of residents, including women and children, were injured by tear gas, and some were injured by bullets including a boy who lost an eye³⁹.

What stands out in these incidents is the security guards' use of live fire while the police adopted means that were less injurious and less dangerous. Testimonies suggest that in some cases the police arrived at the scene only at a relatively late stage of the incident⁴⁰.

The examples we have brought are illustrative of the problems that ensue when a private quasi-"militia" is deployed in residential neighborhoods, bringing armed forces that can operate without restraint and cause harm to innocent civilians. We believe the time has come to revisit the situation on the ground and to re-adopt the recommendations of the *Public Committee to Examine the Security and Guarding of Compounds in East Jerusalem*, discussed above.

³⁶ Ronen Medzini, **Beit Yehonatan Residents: We will Evict Arabs Ourselves**, *ynet*, June 23, 2010, link: <http://www.ynet.co.il/english/articles/0,7340,L-3909629,00.html>.

³⁷ Ronen Medzini, **MKs Offer to Evacuate Arabs from Silwan**, *ynet*, June 23, 2010, see link: <http://www.ynet.co.il/english/articles/0,7340,L-3909831,00.html>.

³⁸ Shmulik Grossman and Ronen Medzini, **Molotov Cocktails Thrown in Silwan: "Security Guards Taunted Youths"**, *ynet*, June 27, 2010, see link: <http://www.ynet.co.il/english/articles/0,7340,L-3911540,00.html>.

³⁹ Ohad Hemo, **More Confrontations in Silwan: 50 Injured**, Channel 2 Evening News from June 28, 2010, see link: <http://www.mako.co.il/news-channel2/Channel-2-Newscast/Article-7c0cbd59eaf7921004.htm>.

⁴⁰ For documentation of the security guard's use of live fire, see link: http://www.youtube.com/watch?v=JtI_4FInCdk.

E. "Big Brother" and the Intrusion of Privacy

One of the most prominent features that distinguishes a Jewish house from its neighboring Palestinian homes is the ubiquitous presence of surveillance cameras at the former, placed at all the entrances, courtyards, fences and borders of the property. These video cameras document all that happens there, both day and night. They are installed by private security companies and by other private bodies and individuals, which differentiate them from the surveillance cameras that the police have positioned throughout the Old City.

Palestinian residents claim that many of the hundreds of cameras positioned in their neighborhoods are pointing directly at their residences, and that this causes serious infringement on their right to privacy. This creates the feeling among residents that an extensive surveillance system controls their lives, both as individuals and as a community. Residents report that the overabundance of cameras makes them feel like fish in an aquarium, that anyone can watch them at any time, tracking their movements and activities, both trivial and intimate.

Raisa al-Karaki, a resident of the Muslim Quarter who shares a corridor with Jewish settlers, explains why she opposed the installation of these cameras at her door: *“About two months after the settlers took up residence, they tried to install a fixed surveillance camera in the corridor over the entrance to their house, but my husband and I objected strenuously. We spend time sitting in that corridor. It is our only refuge, our retreat, and we sit there to drink our daily coffee, so how could I feel comfortable there knowing that I was being filmed 24 hours a day.”*⁴¹

The right to privacy is considered one of the most important of basic rights, intended to preserve personal space so that the individual can manage his personal life without exposing himself to others and without the intrusion of others. This space is primarily a physical one, and within one's private home the right to privacy takes on added force, as former Supreme Court Chief Justice Aharon Barak has written: "It is the right of the individual to manage his lifestyle in the way he sees fit within the confines of his own home, without external intrusions. A man's home is his castle, and within his own walls he is entitled to be left alone, to develop the autonomy of his own individual will. [...] The right to privacy, therefore, is intended

⁴¹ See note 3 above

to ensure that a person will not become a prisoner in his own home, that he will not be forced to expose himself within his domicile to intrusions he does not desire. Thus, the right to privacy represents the beginnings of liberty. [...] The right to privacy draws a taut line between the individual and the general public, between self and society. It serves to protect the space in which the individual is left to his own, to develop his self, without the interference of others.⁴² Accordingly, the law prohibits the photographing of a person within his own private domain without his permission, an act that is considered both a felony and cause for civil damages⁴³.

Although in principle, residents could submit complaints to the police about the invasion of their privacy, they refrain from doing so because of their distrust of law enforcement officials. When the police routinely mishandle Palestinian complaints of physical violence, as described in the first two chapters above, it is hard to expect that residents would lodge official complaints with the same police force regarding the invasion of their privacy. In this regard, this chapter deviates from the rest of the report, and we cannot report of any privacy complaints filed by locals that were subsequently ignored by the police. However, it is our hope that exposing this topic in this report might stimulate law enforcement officials to take action. If the police were to turn to local Palestinian residents and inquire about cameras that invade their privacy, we believe that the residents would oblige them with the relevant information.

In order to understand this topic and the extent of the human rights violation it entails, we need to look at the geographic and social structure of East Jerusalem neighborhoods, their residents' way of life, their customs and traditional culture, which combine together to create a complex and delicate reality. Most of the residents living in the East Jerusalem neighborhoods are Muslim Arab, a population that piously observes its traditions. The severe housing shortage in these neighborhoods leads to dense residential construction where adjacent houses often peer into one another. This necessitates serious and scrupulous heed of social and cultural norms which are well known to all the Palestinian residents in the neighborhoods.

According to local residents, Palestinian women are the main victims of the overabundance of cameras and the inconsiderate regard for the Muslim-Arab social code. East Jerusalem Palestinian society is traditional, with strict rules regarding the appearance and

⁴² High Court of Justice case 2481/93 *Dayan v. Wilk*, verdict 48(2). 456, 470-471

⁴³ *Protection of Privacy Law 5741-1981*, Article 2(3) and Articles 4-5

dress of women. While in public most Palestinian women wear head coverings and modest dress, in the privacy of their homes they dress more freely. Thus, when the adjacent or facing house installs surveillance cameras that can record local residents' every move in their courtyard or in their private rooms, the violation of privacy and personal dignity is especially injurious, severely limiting their private space. As a result, women are forced to cover their heads within their homes, to dress and behave modestly at all times, and to conduct themselves with the knowledge that "Big Brother" is constantly watching them – an unwelcome partner to their personal pains, pleasures, and their day-to-day lives.

Inas Hajaj, a resident of Wadi Hilweh in Silwan who lives in close proximity of the settlers' house, describes how these surveillance cameras have limited her private space: *“These cameras are positioned opposite the main entrance to our house, pointing directly into our living room. The feeling of being watched 24-hours a day while at home upsets me terribly. I always have the feeling that someone is watching me inside my home. During hot summer days, when I want to open the front door to freshen up, to let in some fresh air, I can't sit comfortably in the living room. I need to dress fully and put on my head covering, as if I was going out of the house. Because of their cameras, I don't feel like I have privacy and I don't feel comfortable. Who knows if they are looking at you or not? What do they do with their pictures of me in my house? It really bothers me.”*⁴⁴

Local residents also claim that they suffer from cameras in the hands of settlers and security guards, who videotape them, close-up, in the middle of the street for no apparent reason. Raisa al-Karaki testifies that her settler neighbors have even entered into her house to film her: *“The settlers walk around all the time with video cameras in their hands, and they film us one by one. One day as I sat in my living room with the children, one of the settlers opened the curtains and entered into the room while filming us. This is a recurring behavior. We have no privacy at all, they can surprise us at any moment with their cameras. They also stare into our rooms as they pass by. It forces me to be fully dressed all the time, with a scarf covering my head, as if I'm in public. From all their intrusions with their cameras, I put blinds at the entrance to our rooms to prevent them from seeing us when they come and go.”*⁴⁵

In addition to the cameras that are aimed into the private domains of local residences, there are hundreds of police surveillance cameras positioned throughout the Old City. These, too, infringe the privacy of residents and their right to autonomy and dignity, for a

⁴⁴ Inas Hajaj's testimony was taken on March 16, 2010 by Att. Nisreen Alyan of ACRI.

⁴⁵ See note 3 above. For documentation of a photographer sent by security guard to film and intimidate Silwan residents, see link: <http://www.youtube.com/watch?v=ahdR8lKnOmQ>.

person's right to privacy does not dissipate the moment he leaves his house. The constant and persistent tracking of an individual, even in the public domain, represents a violation of his or her privacy. Such a person is no longer her own master – she is forced to think twice about her every action and to censor her own remarks.

Even worse, in the information age, surveillance cameras are continuously producing visual information that is stored in extensive databases. It should be understood that Palestinian residents lack the ability to exercise their legal rights to view this personal information that others have collected on them.

Surveillance cameras are by their very nature intrusive, violating privacy and threatening certain rights and key values. As such, their use must be limited and regulated by the authorities (Israeli authorities have yet to fully address these questions). This is true for all individuals in all communities, but they take on added significance in East Jerusalem where an especially weak population is struggling to realize its basic rights.

F. Failure to Prevent Incitement and Harassment

One new phenomenon introduced in Palestinian neighborhoods where Jewish settlers are present is the frequent celebration of holidays and festivals. At times, these culminate in verbal barrages of incitement and abusive curses directed against Palestinian residents. As with the other issues detailed in this report, the police refrain from handling Palestinian complaints of this sort.

One such egregious example occurred during this year's Purim holiday, when the settlers of Sheikh Jarrah chose to celebrate near their Arab neighbors with dance and songs praising the murderer Baruch Goldstein, who was responsible for the massacre of Muslim worshipers at the Cave of the Patriarchs on Purim 1994. The lyrics of the song included the following: "Dr. Goldstein there is no one else like you in the world, Dr. Goldstein we all love you... He aimed at the heads of the terrorists, and squeezed the trigger real hard, and he shot and shot and shot..."⁴⁶

⁴⁶ Ronen Medzini, **Sheikh Jarrah Jews Praise Baruch Goldstein on Purim**, *ynetnews*, March 4, 2010, link <http://www.ynetnews.com/articles/0,7340,L-3857671,00.html>

Words of incitement have been heard from settlers and their guests in other neighborhoods of the city, as well. Osama Hashima, a resident of the Muslim Quarter who lives close to the *yeshiva* there, describes the obscenities that he has encountered: *“Several months ago there was a ceremony dedicating the Shalom School, an event with strict security and a large detail of dozens of border police and Jerusalem police. The celebrants began to sing and drink, until they devolved to such poetry as 'Death to Arabs'. [...] On Saturdays, when outsiders who are not permanent residents of the houses come, they behave with brutality and rudeness; they pour water on us and spit on us and on the people walking on the street below. They make a lot of noise and curse, calling the girls 'whores', and to the boys 'your father's a fucker.’⁴⁷”*

In the Wadi Hilweh neighborhood of Silwan, similar chants were heard during the celebrations of Jerusalem Day on the evening of May 14 of this year. Some forty Jewish visitors came to the Aderet compound in the neighborhood, singing and dancing along the length of the street while calling out racial slurs. Ahmed Siam, the mukhtar of Wadi Hilweh, described the scene: *“Around eight o'clock in the evening as I sat with my friends, I suddenly heard shouting in the street. As I went out to see where it was coming from, I saw a group of settlers, approximately forty of them of all ages, blocking traffic and causing a traffic jam. They began dancing and singing in the middle of the street. After a few minutes they began to shout, curse and hurl racial epithets such as "death to Arabs" and sayings like "the nation of Israel lives" (Hebrew: “Am Yisrael Hai”) in a tone of defiance. The Arab residents could not believe their ears, and shouted at them. The typical response of the settlers was to call the police, who arrived with border police reinforcements, and charged the Arab residents with throwing stones.⁴⁸”*

In addition, residents complain that many of the settler events in the neighborhoods continue until the middle the night, disturbing the peace of the residents well past the hour when it is considered acceptable and permissible. Requests made to the police to enforce the regulations governing noise levels in neighborhoods had gone unanswered⁴⁹. For example, Muslim Quarter resident Osama Hashimah testifies to the constant intrusion of noise that robs him of his sleep on a daily basis: *“Every day, in the wee hours of the morning, a man stands on the roof of the 'Shuvu Banim' Yeshiva for three hours, singing and praying. Because it bothered us so much, we filed several complaints to the police. We even circulated a petition signed by all residents of the*

⁴⁷ Osama Hashima’s testimony was taken on March 16, 2010 by Att. Nisreen Alyan of ACRI.

⁴⁸ Ahmad Siam’s testimony was taken on May 21, 2010 by Mahmoud Qarae'en of ACRI.

⁴⁹ The *Prevention of Hazards Law 5721-1961*, and *Regulations for Prevention of Hazards (Noise Prevention) 5752-1992* establish, inter alia, that it is prohibited to make excessive noise between the hours of 2 p.m-4 p.m and between the hours of 11 p.m and 7 a.m the next morning.

neighborhood, but nothing helped. Two months ago, I intervened with the commander of the David Police Station about the matter. He referred me to the community police officer, who told me that the man was singing, not praying, and that it was permitted.⁵⁰”

Khaled Qarae'en, a resident of Wadi Hilweh in Silwan, also complains about the constant noise disruption coming from events held near his home, events that continue into the middle of the night: *“This space [a large tent located on what the settlers call ‘Plot 44’] is today used as a place for events and parties. During all the holidays, on Fridays, and when private parties are held in the tent, dozens of settlers gather there. They eat, drink, dance and play loud music until the wee hours of the night. As a result, we cannot sleep, cannot watch TV in peace, read a book or just relax at home for our pleasure. They are taking over the entire neighborhood with the noise they make.⁵¹”*

Another source of noise that disturbs local residents are the archaeological excavations being carried out in the Wadi Hilweh neighborhood of Silwan, which continue all hours of the day. From the testimony of residents, the excavation work, carried out by the Antiquities Authority and financed by the ELAD organization, continues into the wee hours of the night in violation of the Working Hours and Rest Law. Inas Hajaj, who lives across from the excavation site, says: *“We suffer a lot from the constant noise, from the excavation work directly opposite our house. They work 24 hours a day, even until the middle of the night. Only recently, they have started finishing up their work between 8:00PM and 9:00PM, but during the last Id al-Fitr holiday, they worked until 2:00AM. The site has a huge ventilator, which circulates fresh air inside the tunnel and it works 24 hours a day. It is so noisy, it sounds like it is coming from inside my house. These constant noises give us no rest, they echo in our heads, day and night. It's not just the work itself, but the way they carry it out: At the entrance to the site, they placed a metal container. When it is empty, they throw stones and rocks into it, and it makes loud and high-pitched noises that sound like stun-grenades exploding. This effect is magnified a hundred times in the evening and at night, when the neighborhood is calmer and quieter. The disposal of rock refuse is constant and it gives us no rest. It continues throughout all hours of the night, so there is constant noise in the neighborhood 24 hours a day, with no peace or quiet.⁵²”*

⁵⁰ See note 47 above

⁵¹ Khaled Qarae'en's testimony was taken on April 20, 2010 by Mahmoud Qarae'en of ACRI.

⁵² See note 44 above. For documentation of excavation work carried out at night, see link: <http://www.youtube.com/watch?v=FcFY9CoHVN8>.

Additionally, residents complain of noise disturbances caused by security guards and by the border police who have a regular presence in the area. So explains Nasser Abu Nab of Silwan: *“In the neighborhood, there is a contingent of security guards armed with weapons, 24 hours a day. Their vehicles interfere with our daily existence - jeeps that constantly cruise the neighborhood, back and forth, all day and all night causing a lot of noise. [Security forces] work 24 hours a day without stopping, they talk all night in loud voices. The house is always noisy at night, even into the wee hours, interfering with our sleep. And there is noise from their vehicles, which they park in empty parking spaces in front of our houses without turning off their engines. The noise from heavy jeep engines echoes throughout the neighborhood for hours on end.”*⁵³ A similar description also emerges from the testimony of Ahmed Qarae'en, resident of Wadi Hilweh in Silwan: *“The security guards of the City of David complex have their communication equipment on full volume. Sometimes they play music, sometimes they carry on conversations with rude words that the whole neighborhood can hear. The entrance to the visitors center is only 20 meters from my home, and I hear everything from my bedroom.”*⁵⁴

G. Seizure of Neighborhood Lands and Lots

The Jewish presence in Palestinian neighborhoods is supported by various government authorities, and this manifests itself, among other ways, through transfer of lands into settler hands or development of lands for settlers' needs while ignoring those of the local Palestinians. The examples below will reveal another facet of the authorities' policy in serving the needs of Jews visiting these neighborhoods and living in them, at the expense of the needs of the Palestinian population.

One prime example of seizure of lands that were in use by the Palestinian residents is the transfer of the maintenance and running of national parks and tourist sites to political NGOs whose unmistakable agenda is to “Judaize” East Jerusalem. Thus, for example, in the 1990s the Israel Land Administration gave over the license to guard and maintain the “City of David” site to the ELAD organization, one of whose explicitly-stated aims is to increase the Jewish presence in Silwan. Following an appeal to the High Court of Justice, this license was

⁵³ See note 10 above

⁵⁴ See note 14 above

cancelled and transferred to the Nature and Parks Authority.⁵⁵ However, in recent years, the latter handed over to ELAD a large portion of the responsibility for running the site.⁵⁶ For the residents this has meant a contraction of their public space. It also means that the site has become a Jewish national park, and its history and archeology have been subsumed to the Jewish narrative.

Additionally, over the years ELAD had been granted control over various areas in Silwan, and is conducting archaeological digs in conjunction with the Antiquities Authority. Some of these areas once served the residents for a variety of purposes, but today they are completely closed off to them. For example, five years ago the Givati parking lot – the main parking lot for residents and tourists since the 1970s – was closed off to them, and archaeological digs funded by the organization began.⁵⁷ The residents were left with insufficient parking spots. In another case, the archaeological digs expanded to include digs underneath residents' homes.⁵⁸

In other cases, the government authorities handed over open public areas to the settler NGOs for their exclusive use. This was the case regarding Plot 44 in Silwan. Covering approximately 850 square meters, for many years its olive and fruit trees were farmed by the Qarae'en family, and it also served as a playground for the neighborhood children. Around the year 2000, the Israel Land Administration, which owned the land, transferred control of the area to the Nature and Parks Authority.⁵⁹ The latter allowed ELAD to use this area, resulting in the area being fenced off and used for events for Jews only.

Khaled Qarae'en, whose family had possessed and farmed the land, says: *“My father used to cultivate and plant all sorts of things in the earth, until he became old and his body failed him in the mid-1990s. Since then, this plot of land was used by my children and the neighborhood children as their local playground, in light of the lack of such places in the neighborhood. This plot of land was the children's sole refuge. To my astonishment, several years ago workers arrived and commenced fencing up the area, affixing a sign that declared the area to be*

⁵⁵ High Court of Justice case 6954/98, Yoram Tzafrir v. Israel Land Administration.

⁵⁶ The Ir Amim NGO appealed on July 11, 2010 to the High Court of Justice, demanding a termination of ELAD's authority over the site.

⁵⁷ High Court of Justice case 9253/08 Qarae'en vs. Antiquities Authority (not yet publicized, given on September 15, 2009).

⁵⁸ High Court of Justice case 1308/07 Siam vs. Antiquities Authority (not yet publicized, given on September 21, 2009).

⁵⁹ Contract for use and control between Israel Land Administration and Nature and Parks Authority, December 6, 2000.

private property and that entry was barred. Upon inquiry we were told that the land had been declared 'absentee-owned property' and expropriated.

"The closure of this area is upsetting and represents gross contempt and lack of consideration. It also does not match the facts known to me. To the best of my knowledge, if the authorities decide to expropriate a certain plot, it is generally for public use and the area is open to public. The land does not suddenly become for private use only, with entry barred to the local residents. And if, notwithstanding, a plot of land is closed off, then it ought to be closed to all the residents, not open to some and closed to others. Moreover, the manner in which the plot is closed off, and the constant security surrounding it and at the entrance are infuriating. The entire area is surrounded by an ugly tall fence, and security guards patrol all the time with weapons in the presence of my young grandchildren. This scares the children and represents a display of power by the neighborhood settler group⁶⁰."

Another example of the authorities' biased policies in these neighborhoods is the intention to seize the sole empty lots in Silwan and Sheikh Jarrah and to turn them into parking lots that will primarily serve tourists to the City of David in Silwan and to the grave of Shimon ha-Tzadik in Sheikh Jarrah.

Silwan is an extremely densely-built neighborhood, with almost no areas that are not developed. Since the neighborhood has no updated, detailed urban outline plan, it is almost impossible to build and develop the area. One consequence is a serious deficiency in public services such as schools, kindergartens, medical facilities, public parks, playgrounds, etc. The Jerusalem Municipality has been dragging its heels on putting together an outline plan for the area and for these services, and yet was able in 2007 to speedily produce temporary use authorizations permitting seizure of seven lots owned by Silwan residents, to be turned into parking lots.

This procedure was part of an overall plan, of broad scope, to improve the area's infrastructure and appearance, at a cost of 30 million shekels. This plan, initiated by the Jerusalem Municipality and the Transport Ministry, infuriated residents, since it omitted any solutions to their urgent needs, while including changes in neighborhood traffic and parking arrangements which would cause traffic jams and a tremendous shortage of parking spaces. The residents began legal action, which is still ongoing, against the land seizure and work plan.⁶¹

⁶⁰ See footnote 51 above

⁶¹ Criminal Appeal 2610/08 State of Israel vs. Nasim Siam & co; administrative appeal 8274/09 Jerusalem Municipality vs. Salim Siam (ACRI represented the residents).

In Sheikh Jarrah a similar land seizure is planned for parking purposes. In February of this year, the Jerusalem Municipality publicized its plan to build a parking lot in the neighborhood on land that is Arab-owned. The lot will probably serve mostly Jewish visitors coming to pray at the grave of Shimon ha-Tzadik. The landowner and tenants oppose this, and claim that there is no parking problem in the area and that the municipality is attempting to take control of every bit of Arab-owned land for the sake of the settlers in the neighborhood.⁶²

This conduct on the part of the authorities, headed by the Jerusalem Municipality, should be seen within the wider context of the severe shortage of urban outline plans, and the ongoing violation of Palestinians' rights regarding planning and construction. It adds insult to injury, and it is no wonder that it stirs up the anger of residents who believe the authorities are supporting and advancing the cause of the settlers at their expense.

The mukhtar of Silwan, Ahmed Siam, protests: *“It is important to note that before the settlers arrived in our neighborhood, the situation was different. We, the residents of the neighborhood, know that the official authorities support the settlements, and if this is not done officially then it is done personally, via the representatives sent along to the neighborhood. One example is the transfer of properties, lots and houses to the hands of settlers. These have been expropriated as absentee-owned property, secretly and mysteriously, despite the fact that by law it must be publicized and the procedure must be transparent to the public. Regarding the tourist sites, the Silwan (Shiloah) Pool, for example, is controlled by ELAD, and they have the right (or they granted themselves the right) to allow in visitors and bar entry to other people - including local residents - for various reasons.”*⁶³

Another example of the link between the settler NGOs and the authorities is ELAD's participation in preparing an urban outline plan for Silwan. This plan was requested by the municipality several years ago. The municipality's legal advisor ruled that ELAD's participation in the plan's funding and in the municipality's internal discussions on the subject represented grounds for suspicion of gross conflict of interest.⁶⁴

⁶² Rои Antebi, **Exposé: Another “parking lot of quarrels” in Jerusalem?** (Hebrew), Galei Zahal Online, February 17, 2010, link: <http://glz.co.il/NewsArticle.aspx?newsid=57283>.

⁶³ See footnote 46 above.

⁶⁴ Akiva Eldar, **Right Wing NGO involved in planning construction in Old City**, (Hebrew) Haaretz, June 25, 2009, www.haaretz.co.il/hasite/pages/ShArt.jhtml?itemNo=1095498&contrassID=1&subContrassID=7&sbSubContrassID=0.

H. Violation of Freedom of Movement

The right to freedom of movement is one of the most well-known and deeply ingrained rights within Israeli law. The body responsible for the safeguarding and implementation of this right is the Israeli police force. The police are in charge of guaranteeing freedom of movement for all residents, and they have the authority to limit it only in extreme cases where there is a real risk of grave injury to life or possessions.

Nonetheless, East Jerusalem's residents often find themselves confronted by police barricades blocking the roads, even when there is no real risk of grave injury. **Residents testify that roadblocks are put in place frequently when mass events take place in the Jewish settlements in Palestinian neighborhoods, including private events. Police prevent Palestinian passage while allowing settlers and their guests to go through.** Testimonies of such procedures emerge primarily from residents of two main streets in East Jerusalem, Wadi Hilwa in Silwan and Othman Bin Affan in Sheikh Jarrah.

Wadi Hilwa Street is Silwan's main traffic artery, allowing entrance to and exit from the neighborhood. Residents report that the street is blocked and they are refused entry when events take place in the City of David compound or in "Plot 44," which houses a Jewish events ground. This also occurs on Jewish holidays, when there are many Jewish visitors to the area. Residents' testimonies indicate that the police prevent passage primarily to Palestinians, ordering them to take circuitous side routes while allowing settlers, their guests and visitors to archaeological sites unimpeded access.

Ahmad Qarae'en, who lives opposite the City of David Visitor Center, says that this situation is not limited to a few days a year, but is fairly common: *"When they hold parties in the City of David, or on a Jewish festival, the police block the roads and do not allow the Palestinian locals to use them. Once my wife returned home and a policeman would not allow her entry. While she stood there, he permitted visitors to the City of David site to go as far as the Givati parking lot. Our house is close by, and when I approached the policeman to ask why he would not allow my wife in – only settlers and visitors – he told me that there was no entry and that was that. I became annoyed and began shouting, and an officer by the name of Monir Badr arrived from the Shalem station. He said to me, 'You – come to the station immediately, and we'll arrange an entry permit for you.'*

When I got into the police car the policeman told me I was under arrest, and I was held at the station for interrogation for over three hours until my release.”⁶⁵

In the Sheikh Jarrah neighborhood, Othman bin Affan Street was blocked in a similar fashion. On this street are houses from which Palestinian residents were evicted in 2009, while settlers moved in instead. This street is blocked to guests of the Palestinian locals, primarily on Jewish festivals and while various events take place in the neighborhood, even though the settlers’ guests and visitors to the Shimon Ha’Tzadik tomb are granted free entry. Jad Hamad, a resident of Sheikh Jarrah, says: *“My family and my wife’s family have stopped coming to visit us because of the situation with the settlers and because of the barricade at the entrance to the neighborhood, which prevents our guests from entering, while allowing the entry of settlers and Jewish worshipers.”⁶⁶*

From the standpoint of the Palestinian residents, this is a gross violation of their freedom of movement, since the blocking of traffic creates severe traffic jams, which delay them and force them to search for alternative, long and tortuous routes to their destination. Residents report that these circumstances are creating tremendous bitterness and frustration, primarily due to the fact that the police allow one population sector through while preventing access to another sector.

I. Conclusion and Recommendations

The testimonies brought throughout this report reveal how the authorities’ attitude towards the organized Jewish settlement in Jerusalem’s Palestinian neighborhoods— a settlement enterprise that works explicitly, with government backing, to alter the character of these East Jerusalem neighborhoods – severely violates the fundamental rights of the Palestinian residents and damages the fabric of their lives.

Selective and discriminatory enforcement of the law by the police, which turns the Palestinian residents into readily-available victims and permanent suspects; the arrest of minors in the middle of the night; the free reign granted to security guards, who use force broadly without even

⁶⁵ See footnote 14 above

⁶⁶ See footnote 9 above

minimal supervision; the unequivocal and unacceptable preferential treatment shown towards Jewish needs in the neighborhood when it comes to planning, building and developing, to the point of taking control of precious land resources; the sweeping violations of freedom of movement, and more – in all these, the authorities systematically favor the needs and interests of the Jewish settlers over the basic needs of the Palestinian residents, while making daily life in these neighborhoods intolerable.

In light of the reality in these neighborhoods, it is evident that the government authorities, including the police, the Jerusalem Municipality, the Housing Ministry and others, have thoroughly failed in their role to provide protection and services to all the city's residents, without discrimination. The results of this failure are catastrophic in all that pertains to the preservation of human rights, and it undermines the basis for the existence of a well-ordered society and government.

This deplorable conduct has brought about the total loss of faith on the part of Jerusalem's Palestinian community in the Israeli authorities, and in the possibility of partnering with them. As emerges from the testimonies, the common perception today within this community is that the police, the Jerusalem Municipality and other authorities are interested in strengthening the settlements by any means at their disposal, and feel no obligation to guard the rights of the local Palestinians.

In order to bring about fundamental change in the human rights situation in East Jerusalem, in particular in the neighborhoods discussed in this report, in a manner that will permit a daily routine free from violence, abuse and harassment of various kinds, the authorities must take responsibility and fundamentally alter their current policies:

- **The law enforcement authorities must undertake a thorough overhaul, and start applying the same set of laws to each and every resident.** Police procedures and regulations must be refreshed for those stationed in East Jerusalem, and any instance of overstepping authority or abuse of power must result in charges being pressed. Police must act determinedly against all lawbreakers and violent residents, without discrimination. The conduct revealed in this report, whereby Palestinians are immediately considered the default suspects, and complaints against settlers are dismissed without serious investigation, must cease forthwith.

- **All arrests and interrogations of minors must be done in accordance with the law, including in East Jerusalem.** Children must not be questioned at night, and parents must be present during interrogation. Police must also carefully consider whether the purpose of the arrest may be achieved in a manner that minimizes harm to the child.
- **The government must take on board the recommendations of the 2006 Public Committee to Examine the Security and Guarding of Compounds in East Jerusalem,** and terminate the settlers' practice of using private security companies, reverting the job instead to the police. No longer must the Housing Ministry's security guards function in these neighborhoods, to all intents and purposes, as the Jewish settlers' private police force, with no legal basis, causing a rise in the level of violence in the area.
- **The police must enforce the law and remove the security cameras in the neighborhoods, which invade the residents' privacy.** Furthermore, the law enforcement authorities must regulate and limit the violation of privacy in public areas, reducing filming by surveillance cameras located in public areas to the absolute minimum necessary.
- **The Jerusalem Municipality and the Israel Land Administration must re-order their priorities regarding allocation of public lands, in order to take into account the needs of the entire community.** No areas in these neighborhoods should be blocked off from the Palestinian locals, and no preferential treatment should be granted to the settlers' needs or those of visitors to the tourist areas. Furthermore, the few remaining open spaces must be allocated to address the sore lack in basic services for the residents, and to serve the agenda of creating a well-ordered civil society, i.e. creating schools, playgrounds, medical and family health centers, community centers, post offices etc.

A transformation of the existing approaches and a radical rearrangement of the priorities in place today are needed to give rise to a different reality, one in which tension and fear of abuse, violence and dispossession are not daily companions for the Palestinian residents. This revolution is crucial in order to safeguard a public sphere that protects all of its residents from violation of their rights to life, to a decent standard of living, fair trial, freedom of movement, privacy and possession; rights which are absent in increasingly large parts of East Jerusalem. The sooner this is done, the better.

Appendix 1: Overview of the increase in the Jewish presence within Palestinian neighborhoods of Jerusalem

Jewish settlement in the heart of East Jerusalem's Palestinian neighborhoods first began in the late 1980s, and has greatly accelerated within the past decade. Those spearheading it are primarily ideological NGOs, such as ELAD (*El Ir David* = To the City of David), Ateret Kohanim, the Settlers of Zion NGO and more; and, in the minority of cases, private entrepreneurs. Over the years, this enterprise has garnered public and international criticism, but has also enjoyed the support of the Israeli authorities.

The settlement started off primarily in the Muslim and Christian quarters of Jerusalem's Old City, expanding into the neighborhoods of Silwan, Mount of Olives, Sheikh Jarrah and additional Arab neighborhoods in southeastern Jerusalem, such as Jabel Mukaber and Abu Tor East.

The first action of this type was carried out by the Ateret Kohanim NGO, which established a yeshiva in the Muslim quarter in 1983.⁶⁷ A few years later, in 1986, the ELAD NGO was founded, concentrating on settlement in the Silwan area.

Between 1986 and 1992, the NGOs took control over dozens of properties in the Old City and Silwan, in a process that was sharply criticized in the 1992 report of an official examination committee headed by then Director-General of the Ministry of Justice, Haim Klugman.⁶⁸ The Klugman committee determined that some of the property rights were acquired via declaration by the Custodian of Absentees' Property, and some through acquisition by the Housing Ministry. Subsequently, the NGOs were granted the status of protected tenants in the buildings, without a tender and through a process that discriminated in their favor.⁶⁹

The committee determined that the Custodian of Absentees' Property declared the properties to be absentee-owned buildings – without any investigation, solely upon the basis of affidavits signed by the NGOs' lawyers, and relying upon a sole attester who worked with the NGOs. The Committee criticized the fact that, in some cases, the properties were transferred to the NGOs in

⁶⁷ Yishai Friedman, **Returning the Crown to its Former Glory**, *Ma'ayanei ha-Yeshua*, 2009, (Hebrew), link <http://www.myim.co.il/main.php?mod=newsOpen&articleID=614>, and the website of the Ateret Yerushalim Yeshiva (more known as Ateret Cohanim Yeshiva), link www.ateret.org.il

⁶⁸ Report of the Committee for Examination of Buildings in East Jerusalem, September 10, 1992 (henceforth "Klugman Report").

⁶⁹ Klugman Report pp. 5, 10.

exchange for their commitment to renovate, yet ultimately it was the Housing Ministry that funded the renovations. Furthermore, the NGOs' directors were also the directors of Amidar projects (Amidar functioned as the Housing Ministry's representative), and sat in on the meetings of the Housing Ministry's acquisitions committee. It was also found that the rent money paid by the NGOs was significantly lower than the market rate.⁷⁰

The report lists approximately 28 properties in the Muslim and Christian quarters of the Old City transferred in this fashion to the Ateret Kohanim NGO, and approximately 23 properties in Silwan that were transferred to ELAD.⁷¹ These buildings then housed Jewish families and yeshivas for Torah study. A significant proportion of them were transformed into guarded compounds and centers for educational activity and studies, and their presence in these neighborhoods is palpable.

Following the Klugman Report, published in September 1992, use of the Law of Absentee Properties was blocked as the primary means for acquiring buildings. The NGOs began purchasing properties with money, as well as through legal procedures intended for the restoration of property that was owned by Jews prior to 1948. The houses acquired by the settlers from Palestinians include "Beit Orot"⁷² and "Beit Ha-Hoshen" in A-Tur,⁷³ the "Aderet" compound in Silwan,⁷⁴ "Beit Ha-Tzalam" in the Old City,⁷⁵ and many others.

The precise number of properties currently under settler ownership is unknown, since the purchase of properties with money is mostly done through Palestinian "straw men," who buy the property from the Palestinian sellers and then transfer it to the settlers. At times, after the deal has been completed, the NGO's Palestinian straw man resides in the property for a considerable period. Due to the political sensitivity surrounding these deals, both sides try to cover their

⁷⁰ Klugman Report p. 12.

⁷¹ Klugman Report p. 4.

⁷² The Beit Orot website <http://www.beitorot.org/content.asp?pageid=234>. In Urban Plan 4904a, the millionaire Irving Moskowitz is named as the owner of the Beit Orot compound on the Mount of Olives, link <http://www.mmi.gov.il/IturTabotData/takanonim/jerus/1050428.pdf>.

⁷³ Meron Rapoport, **Settler Group Takes Over Two Compounds in East Jerusalem**, Haaretz, April 3, 2006, link <http://www.haaretz.com/print-edition/news/settler-group-takes-over-two-compounds-in-e-jerusalem-1.184422>.

⁷⁴ Originating summons (Jerusalem District Court) 325/96 Monira Jamil Siam vs. Mohammed Bin Kalil Daud Siam & co.

⁷⁵ Hagit Rotenberg, **Every Day, Jerusalem's Liberation**, (Hebrew) B'Sheva, issue #94, Arutz 7, May 13, 2004, <http://www.inn.co.il/Besheva/Article.aspx/2781>.

footprints, leading to ample opportunity for deceit and fraud. Due to the unresolved question of ownership, many of these properties end up being subject to legal proceedings.⁷⁶

In cases where the NGOs initiated legal proceedings to regain a property that was Jewish-owned pre-1948, long-standing Palestinian residents were evicted upon the court's order. Many of these properties are located in the Old City, Silwan⁷⁷ and Sheikh Jarrah.⁷⁸

Another course of action for Jewish entry into Palestinian neighborhoods has been the purchase of land rights in or at the margins of Palestinian neighborhoods, and establishing Jewish neighborhoods there. Examples of this include the Ma'ale Zeitim neighborhood in Ras al-'Amud, and the Nof Zion neighborhood in Jabel Mukaber.⁷⁹ Additional neighborhoods are planned in Abu-Dis⁸⁰ and Ras al-'Amud⁸¹ (Kidmat Zion and Ma'ale David respectively).

Today, approximately 2,000 Jews live inside Palestinian neighborhoods of East Jerusalem, and further Jewish building initiatives are in the planning and permit stages, as may be ascertained from the following table:

⁷⁶ Some examples of these legal proceedings: Civil Case (Jerusalem) 9403/07 Rabbi Yitzhak Rabba'g vs. Mazen Dweick (regarding a house in Baten al-Hawa); 7441/05a Greek Orthodox Patriarch vs. Ben Yoseph (regarding properties in the Old City); Civil Case 4433/04 Lowell Investments vs. Qarae'en (regarding a house in Wadi Hilwa); originating summons 8234/09 Qarae'en vs. Lowell Investments (regarding a house in Jabel Mukaber).

⁷⁷ Nadav Shragai, **Cracks in the Glass House**, Haaretz, July 27, 1998.

⁷⁸ Civil Appeal 459/79, General Committee for the Knesset & co. vs. Al-Ayyubi & co., verdict 35(4) 188; Civil Case (Jerusalem) 3457/82, The Committee for the Sephardic Community in Jerusalem & co. vs. N. Hanoun & co. (not publicized); Civil Appeal (Jerusalem) 166/89 The Committee for Jerusalem's Sephardic Community & co. vs. N. Hanoun & co. (not publicized); Civil Case (Jerusalem) 18901/98 The Committee for Jerusalem's Sephardic Community vs. Ghawi; Nadav Shragai, **Arab Residents of Shimon Hatzadik Neighborhood will be Evicted from their Homes**, (Hebrew), Haaretz, link:

<http://www.haaretz.co.il/hasite/pages/ShArtPE.jhtml?itemNo=82252&contrassID=2&subContrassID=1&sbSubContrassID=0>.

⁷⁹ In Nof Zion, in the Jabel Mukaber neighborhood, 91 apartments have been built in Phase 1, of which 40 have been sold. Phases 2 and 3 – which include 196 additional apartments – are currently frozen (Urban Plan 4558, 4559).

⁸⁰ In 2000, a plan was submitted to build a Jewish neighborhood of 220 apartments in the area (Urban Plan 7659).

⁸¹ Yonatan Wander, **Maale Zeitim, Work on Site**, (Hebrew), B'Sheva issue #34, Arutz 7, March 13, 2003, link: <http://www.inn.co.il/Besheva/Article.aspx/1406>.

Summary Table: Jewish presence in Palestinian neighborhoods in East Jerusalem

Neighborhood	Name of settlement	Method of acquisition of ownership	No. of residents	Compounds planned/ in construction
Area: Old City				
Muslim & Christian quarters	Muslim & Christian quarters	Absentee Properties Law, pre-1948 Jewish-owned properties and acquisitions	Approx. 900 people (80 families and approx. 500 yeshiva students)	In Herod's Gate, also known as Flower Gate (Urban Plan 9870), 30 housing units – approved by local committee, has yet to pass a hearing at regional committee
Area: Silwan				
Wadi Hilwa	City of David	Acquisition through the Absentee Properties Law, ⁸² directly from residents ⁸³ and via legal proceedings for return of Jewish property; ⁸⁴ additionally, ELAD runs the City of David Visitor Center and funds archeological digs in the neighborhood	Approx. 350 people (70 families)	Wadi Hilwa/City of David compound (Urban Plans 13638, 13632, 13542, 12953), approx. 20 new housing units and public buildings – submitted in 2009 by ELAD
Al-Wasta neighborhood (Yemenite neighborhood)	Beit Yehonatan Beit Ha-Dvash	Built without permit for a foreign company, residents affiliated with Ateret Kohanim ⁸⁵ An apartment purchased for Ateret Kohanim ⁸⁶	Approx. 30 people	House of the Abu Nab family – a pre-1948 Jewish-owned property; court ordered return to owners; Palestinian family has yet to be evicted

⁸² Klugman Report *ibid*.

⁸³ Itamar Eichner, **Prime Minister's Office Protest: Settlers did not Coordinate the Takeover in Silwan** (Hebrew), Yediot Ahronot, March 21, 1997.

⁸⁴ Nadav Shragai, **Cracks in the Glass House**, Haaretz, August 18, 1998.

⁸⁵ Meron Rapoport, **The Battle over Settling Silwan Simmers**, Haaretz July 6, 2007, link <http://www.haaretz.com/print-edition/features/the-battle-over-settling-silwan-simmers-1.222924>

⁸⁶ Ronen Medzini, **Jewish Family in Silwan: Just like Israel in the Middle East**, (Hebrew), Ynet, April 4, 2010, link <http://www.ynet.co.il/articles/0,7340,L-3870933,00.html>.

Area: Mount of Olives				
A-Tur	Beit Orot	Purchased by millionaire Irving Moskowitz ⁸⁷	Approx. 10 families and 80 yeshiva students ⁸⁸	Building permit for 24 housing units in 4 new buildings approved for request by “Ha-Maayan Tourist Operators Ltd.” owned by ELAD ⁸⁹
	Beit Ha-Hoshen	2 three-story buildings purchased by a foreign company for ELAD’s use; Arab residents were evicted in April 2006 ⁹⁰	Approx. 20 people; observation post on the roof serves as a guiding site for soldiers and tourists	
Ras al-'Amud	Ma'ale Zeitim – Phase 1	Purchased by millionaire Irving Moskowitz after a legal struggle in which it was determined that land belonged to 19 th Century Jewish <i>kollels</i> (Torah study institutions) ⁹¹	Approx. 150 people	Ma'ale Zeitim Phase 2 – 60 housing units – almost complete. Police headquarters building, given over to the 'Hekdesh Committee' in exchange for transferring the police headquarters to area 1E; Urban Plan has been submitted for construction of 104 housing units, not yet granted. Recently, renovations have begun in existing building, apparently for preparation of housing units
Abu Dis	Kidmat Zion	Lands purchased by the Jewish “Residents’ Association” in the 1930s ⁹²	Approx. 15 people (6 families)	Kidmat Zion (Urban Plan 7659), 220 housing units – approved by local committee, not discussed by regional committee, apparently is frozen ⁹³

⁸⁷ See note 72 above.

⁸⁸ **More building added to Beit Orot Compound**, from the Beit Orot website, see link:

<http://www.beitorot.org/content.asp?pageid=234>.

⁸⁹ Building permit cases 558/08, 559/08, 560/08, 561/08, Jerusalem Municipality; Yair Ettinger, **Jerusalem building committee gives green light to Mount of Olives yeshiva expansion**, Haaretz, January 5-6, 2010, link <http://www.haaretz.com/print-edition/news/jerusalem-building-committee-gives-green-light-to-mount-of-olives-yeshiva-expansion-1.260876> (close equivalent to Hebrew article; link <http://www.haaretz.co.il/hasite/spages/1140092.html>).

⁹⁰ Meron Rapoport, **Settler group takes over two compounds in East Jerusalem**, Haaretz, April 3, 2006, link <http://www.haaretz.com/print-edition/news/settler-group-takes-over-two-compounds-in-e-jerusalem-1.184422>.

⁹¹ See note 81 above, **Ground work in Ma’ale Hazietim**

⁹² Shimon Cohen, **Settlement begins anew in ‘Kedmat Zion’ in East Jerusalem** (Hebrew), Arutz 7, May 3, 2004, link <http://www.inn.co.il/News/News.aspx/77622>.

⁹³ Akiva Eldar, **Jerusalem freezes plan for Jewish homes in Arab area**, Haaretz March 25, 2009, link <http://www.haaretz.com/print-edition/news/jerusalem-freezes-plan-for-jewish-homes-in-arab-area-1.272807>.

Mount of Olives	Cemetery compound	Two housing units occupied in the cemetery compound, by permission of the <i>Hevra Kadisha</i> (Burial Society) ⁹⁴	Approx. 10 people	
	Tourism on Mt. of Olives	The Jerusalem Development Authority and ELAD are renovating and developing the Jewish cemetery on Mt. of Olives; ELAD runs an information center on site		
Area: Sheikh Jarrah				
Sheikh Jarrah	Shimon ha-Tzadik compound	Legal proceedings established the rights of the 'Committee of the Sephardic Community'; Arab residents evicted from houses due to non-compliance with conditions of protected tenancy ⁹⁵	Approx. 35 people (8 families and approx. 20 yeshiva students)	Shimon ha-Tzadik compound (Urban Plan 12705), 200 housing units – submitted by “Nahalat Shimon Ltd.” and transferred in March 2010 to regional committee Shepard hotel compound (Urban Plan 2591), 20 housing units – building permit received and preparation for construction has begun Glakssman campus (Urban Plan 13242), where the “Or Sameyach” yeshivah will be built – program in initial phases Beit Amanah – request for permit submitted to build an office building including lecture and events hall
	Nahalat Shimon	Pre-1948 Jewish-owned apartment	1 family	
	Mufti's Vineyard	Transferred via Law of Absentee Properties to the Jerusalem Development Authority. Part of the area rented to Ateret Kohanim for agricultural use ⁹⁶		

⁹⁴ Nadav Shragai, **Resurrecting the dead on the Mount**, Haaretz April 3, 2003, link <http://www.haaretz.com/print-edition/features/resurrecting-the-dead-on-the-mountain-1.14094>.

⁹⁵ See note 78 above.

⁹⁶ Press release from the spokesperson for the Israel Land Administration, October 10, 2007, http://www.mmi.gov.il/machadash/show_h.asp?key=775. Meron Rapoport, **Appeal: Israel Land Administration and Ateret Kohanim NGO Acted to Dispossess Palestinian Landowners in East Jerusalem** (Hebrew), Haaretz August 19, 2007, link <http://www.haaretz.co.il/hasite/spages/894977.html>.

Area: Southeast Jerusalem				
Jabel Mukaber	Nof Zion – Phase 1	Development by private entrepreneurs –Digal Investments	91 apts. built, approx. 40 sold; approx. 15 families (approx. 50 people)	Emunah (Urban Plan 6120), 63 housing units – under construction Nof Zion Phases 2,3 (Urban Plan 4558, 4559), 196 housing units, hotel
Abu Tor East	15 Ha-Mefaked Street	Unknown	Approx. 20 people	
	Jerusalem Forest	Transferred from JNF to ELAD, who set up visitors' center on site		

Appendix 2: Testimonies

Testimony of Raisah Musa al-Karaki

Raisah, 52, a mother of nine children, is a resident of the al-Sa'adia neighborhood (Herod's Gate) in the Muslim Quarter of the Old City. Her testimony was given on April 12, 2010.

“On February 4, 2009, settlers took up residence in the house next door and since then, our lives have become hell. Our day-in, day-out existence has become very difficult. We've had many confrontations and suffered much abuse. We've submitted mutual police complaints against each other. All the time we live in stress, fear and hysteria that something else is going to happen and then the next thing. The source of the problem is that we share a corridor with the settlers, which also divides between the two sides of my house. The corridor is about one meter wide and ten meters long, and it is under the open sky. My house is divided into two parts: On the left side of the corridor we have a kitchenette and one bedroom for all five of my younger children, and on the right side is mine and my husband's bedroom, the living room, the shower and bathroom. This room is located next to the settlers' house and the only entrance to their home is through this same corridor.

The settlers' house doesn't have a permanent family living in it. There are only men there who are always accompanied by security guards, and they are all armed. In the evenings when they arrive at the apartment, there is a lot of noise, shouting, singing and prayer, and this generally lasts about an hour. I knock on their door so they'll understand that they are making a lot of noise, then they come out, yelling at me and pushing or hitting me, and it develops into a confrontation. You can't talk to them at all. The situation is even worse on the weekends, on Friday and Saturday, when there is much noise. They always knock on our door to deliberately taunt us, they sing at full volume, they shout. From the moment the Jewish Sabbath begins until it ends, it is impossible neither to sleep nor sit and relax. But when I listen to the Koran in my house, they always come out and shout at me to turn off the radio.

The settlers don't want us to shut the front door to the building. Four times now they've broken the locks to the door. One time, I heard banging noises at 2:00 a.m, I went out to see what was happening and saw them trying to break the lock with a crowbar. I asked one of the settlers what

he was doing, and he shouted at me, telling me in Hebrew, 'quiet, quiet, shut up!' I filed complaints with the police but to no avail.

When I sit in front of my home in the narrow corridor, which is basically our only retreat, the only place where you can feel the sun and the wind in this Old City that is so crowded with old buildings... then the settlers arrive and trample over us. They tell me: 'go away and get your stuff out of here.' When I leave things outside, they kick them and scatter them about.

Innocent things, chance encounters, for example when you bump into one another in the corridor, these always lead to shouting, the slightest things lead to confrontation.

One morning I sat with my husband drinking coffee in the corridor. I sat on the floor, and one of the settlers left his home, walking over me as if I weren't there. I told him, 'Why are you walking over me like that?' and he answered something in Hebrew. From his tone, I realized that he thought I was sitting there on purpose [as a provocation.] When he finished talking, he poked me in the eye, and in response I spilled on him the coffee that was in my hand.

A week and a half ago, at half past midnight, I heard the sound of five or six men shouting in the corridor. I went out to see what was happening. Some of the settlers went back into their apartments and some left. I went to the main entrance to close the door. Suddenly, one of them came back and pushed the door with great force, while my hand was still on it. My hand suffered a cut and I was covered in blood.

We have suffered so much abuse and filed so many complaints, I went to the police some 20 times, and not once did it help. The last time, [the police] made me sign a pledge not to come in contact with [the settlers] or even talk to them. Whenever I go to file a complaint with the police, I am the suspect. They always yell at me and bang on the table, and they always make me cry out of bitterness.

The settler's house is built on two floors. At the end of the corridor is the front door to their house and above it is a window that overlooks the same corridor. Whenever we sit on the corridor, they drop sunflower seed husks on us, they spit water, and throw at us any object that comes to hand.

When the children and grandchildren are sitting on the stairs at the entrance to our house, there

are always confrontations with the settlers. Last week, Padi, my 12-year old boy, was walking in the corridor when at the same moment a settler passed by. He pinned my son's body against the wall slammed his head into the wall -- for no good reason, just to intimidate and harass our kids. One day I arrived at home and saw that my granddaughter was crying. I asked her what had happened and she told me that a settler from across the hall had passed her as she was sitting on the stairs and hit her for no reason.

I'm constantly worried and preoccupied with the thought that my children are sleeping in the other half of the house where I have no visual contact with them. The problems with the settlers make me extremely nervous. The slightest noise makes me jump up to check that my kids are OK.

My two youngest children are afraid to leave my bedroom and to go sleep in their own room, especially during evenings when the settlers are home. They constantly ask me to accompany them because they are afraid that the settlers will harass them. Sometimes when we sit in their bedroom, they refrain from going to the bathroom (which is in my room), in order to avoid the settlers in the corridor.

On Mother's Day of this year, March 21, my married children paid me a social call without the grandchildren. They don't want any confrontations with the settlers. It's been a long time since I've seen my grandkids. After a settler closed the front door on my little 3-year old grandson and refused to let him in, they decided not to visit me anymore with their children. Ever since, my daughter comes to me without her kids.

We had another incident, one time when the children and I were sitting in the stairwell. They came, passed over us and began beating my little boy to a pulp. I couldn't stand by, I got up to protect my child, and five of them jumped me and hit me on the head.

The settlers walk around all the time with video cameras in their hands, and they film us individually. One day as I sat in my living room with the children, one of the settlers opened the curtains and entered into the room while filming us. This sort of behavior is repeated itself several times. We have no privacy at all, they can surprise us at any moment with their cameras. They also stare into our rooms as they pass by. It forces me to be fully dressed all the time, as if I'm in public, with a veil covering my head. From all their intrusions with their cameras, I put

blinds at the entrance to our rooms to prevent them from seeing us when they come and go.

About two months after the settlers took up residence, they tried to install a fixed surveillance camera in the corridor over the entrance to their house, but my husband and I objected strenuously. We spend time sitting in that corridor. It is our only refuge, our retreat, and we sit there to drink our daily coffee, so how could I feel comfortable there knowing that I was being filmed 24 hours a day?

I've been telling my husband that I've had enough of this house, that it is very difficult for me to live this way. Since our new neighbors moved in, I am afraid to leave the house, I don't go to visit my daughters, and I try as much as possible to be at home, because God knows what they'll do. Our neighbor's house was broken into in the middle of the night. They broke the door and entered when the occupants weren't home."

Testimony of Ahmad Farouq Qarae'en

Qarae'en, age 39, a father of two children, lives in the Wadi Hilweh neighborhood of Silwan. Ahmed was shot in the legs on November 9, 2009 by an IDF soldier on leave. A description of his injury is included at the end of this testimony. His testimony was given on June 1, 2010.

"I live above the Givati parking lot, opposite the City of David. Uniformed police officers have a regular presence at the entrance to our neighborhood, and they place barricades at the entrance to our street. The police are constantly hanging out together with the security guards, joking with one another like friends. When a traffic cop arrives, he first goes to the security guard station, makes himself a cup of coffee, and drinks it together with the guards. After that he begins his work of examining vehicles - but only the Arab ones. I suffer from these vehicle inspections, conducted on the street in front of my house, because in many cases when I want to get home, my car gets stopped and inspected as well. It also causes traffic problems.

In addition, the entrance to the city of David is a gathering point for the settlers who live in our neighborhood, and security vehicles are constantly picking them up at the entrance and transporting them to their homes. When these vehicles start filling up with people, I have to wait until they finish, because they always stand in the middle of the road. This causes many traffic

jams and people begin honking their horns. Even when I'm sitting in my own house, I hear those horns honking day and night.

The constant noise in the neighborhood is drawn from different sources. The security guards of the City of David complex have their communication equipment on full volume. Sometimes they play music, sometimes they carry on conversations with rude words that the whole neighborhood can hear. The entrance to the Visitors Center is only 20 meters from my home, and I hear everything from my bedroom. Many groups of visitors come to the site, which also causes a lot of noise. The City of David has several spotlights. When they turn them on they're blinding, making it impossible for us to sit on the balcony. We are forced to remain indoors at night, and in the summer it is extremely stuffy. When there are especially large groups, some people relieve themselves at the entrance to our house because it is secluded and dark at night.

Sometimes the settlers hold parties, bar mitzvahs and weddings until midnight or 1:00 a.m. Sometimes visitor groups arrive for night tours, between 1:00 a.m and 2:00 a.m. They sing, dance and shout, disturbing our peace and quiet.

When they hold parties in the City of David, or on a Jewish festival, the police block the roads and do not allow the Palestinian locals to pass. Once my wife returned home and a policeman would not allow her entry. While she stood there, he permitted visitors to the City of David site to go as far as the Givati parking lot. Our house is close by, and when I approached the policeman to ask why he would not allow my wife in – only settlers and visitors – he told me that there was no entry and that was that. I became annoyed and began shouting, and an officer by the name of Monir Badr arrived from the Shalem station. He said to me, 'You – come to the station immediately, and we'll arrange an entry permit for you.' When I got into the police car the policeman told me I was under arrest, and I was held at the station for interrogation for over three hours until my release."

There are three Arab families who live within the City of David. Whenever I want to visit them, I have to pass a security inspection. The guards always ask me where I'm going and what I'm doing, and now I'm afraid to visit them there. I don't allow my children to go outside and play in the neighborhood often, because my house is close to the settlers' houses and to the City of David compound. My son has Arab friends who live in the compound, and whenever he wants to

go see them, he has to pass inspection and identification by security guards at the entrance. Sometimes they don't allow him entry. About a week ago, he felt afraid to go into the compound to his friend's house, so he waited for his friend just outside at the compound entrance. While waiting, he was leaning with his foot on one of the potted plants. The guard at the entrance approached him, grabbed him by the shirt with all his might, and shoved him aside. The boy came home crying, and when I asked him what had happened he didn't want to tell me, so as not to cause problems. Only after I pressed him did he tell me about the incident.

The settlers and their visitors park in front of the only entrance leading to our house. After I was wounded and confined to a wheelchair, I had to constantly ask someone to come pick me up so I could get into my house, because the path was blocked. Before my injury, I would go out and argue with them, but not anymore. Once, when I objected to a security car being parked outside and I began to photograph and document the incident, they slashed the tires of my car and my cousin's car. I went to file a complaint with the police, and they requisitioned documentation from the surveillance cameras in the City of David. They told me that the police know who did it, but they cannot give me any details. Time after time, I found my car smashed or dented from a crowbar attack.

My injury occurred on Friday, September 11, 2009. At 5:45 p.m I returned from prayers [on the Harm al-Sharif/Temple Mount] and I was very tired from the fast, as it was the middle of the month of Ramadan. I was lying on the sofa, when suddenly I heard shouts. I put on shoes and went down the street to see what had happened. A neighbor's son told me that a settler had hit another neighbor's children. The boy pointed him out to me, and said it was over now and that everything was OK. I turned to go home, and suddenly I heard the screams of my little boy, and when I turned back I saw my oldest son coming to protect him from the settler. It was then that the settler pointed his rifle at the chest of my eldest son.

I came straight at the settler and shouted "Why are you beating up kids?" He raised his M-16 and said: "I'll shoot you, too," and he started walking backwards. I kept asking him: "Why are you hitting them?" When he reached the sidewalk, he tripped and fell to the ground. His friend who was with him told him: "Get up and shoot him," and he got up and shot my right leg in the thigh. I fell and started shouting 'Ambulance, ambulance!' Suddenly I heard another shot and then I saw a little 15-year old boy named Amir Farouk screaming 'My leg, my leg!' The settler had

shot him too. He then returned to me as I was lying in the street and my oldest son Wadi'e was hovering over me, crying. He shot me again, this time in my left knee.

One of the guys called an ambulance, but since I was bleeding a lot and the ambulance hadn't arrived, the guys loaded me into one of their cars to drive me to the hospital. We had not yet left the neighborhood, when a border policeman stopped us near the Muslim cemetery. They removed the driver and handcuffed him and told him he was under arrest. All attempts to explain to him what had happened were to no avail. After a few long minutes, a border policeman opened the door of the vehicle and when he saw me bleeding, he did not react at all. He shut the door and stood next to us while talking with his superiors. After three minutes, a regular police unit arrived and released us. We had barely traveled another 10 meters when the border police stopped us again for another 3-4 minutes. This time, drivers who witnessed our first arrest and were stuck in traffic began shouting at the police that we were wounded, until they were convinced to let us pass.

They took me to the hospital on Mount Scopus, where I received about 7 units of blood. Before I even entered the emergency room, a police investigator arrived and asked the medical staff to stop my treatment so that he could question me. He collected my testimony, while the medical staff treated the second child who was wounded along with me. The hospital closed the entrance to the emergency room and didn't allow anyone to enter and visit me other than my wife. Police were stationed at the entrance to the hospital.

After two days I underwent surgery, and as I came out of the operating room, still under the influence of anesthesia, two police officers arrived and demanded to question me. My two brothers who were in the room with me tried to explain that I had just come out of surgery and was still in intensive care, but they threatened to arrest my brothers if they didn't leave the room. The officers accused me that I jumped the soldier and tried to wrestle away his weapon. Until that point, I didn't know he was a soldier, I thought he was a settler, because he was in civilian clothes and looked just like the rest of the settlers in our neighborhood, and those who come to visit them. The investigators took DNA evidence from me and stated that they also wanted to question my two children.

The summons for the questioning of my two children arrived at my hospital ward after about a

week. On the fourth day after the shooting, they questioned my youngest boy for about 3 hours. His mother, who was present at the questioning, told me that the questions seemed designed to make the child feel that it was his fault for what happened to his father, that if he hadn't gone out to play in the street, then his father wouldn't have fought with the settler and wouldn't have been shot. They asked him repeatedly why I went out into the street, what happened to your father, and so on. During the investigation of my oldest son, they shouted at him in Hebrew all the time and he did not understand a thing. Two investigators questioned him at the same time, while another typed into the computer.

I was hospitalized for 20 days. A month later I received a call from the Russian Compound from "Room 4" (the Investigations Unit which deals with cases from East Jerusalem.) They told me to come down for further questioning. I told them that I can't walk, but if they wanted they could come to my house and question me there. My attorney, Michael Sfard, wrote them a letter that I cannot come in for questioning, and since then they never called me again. Recently I learned that the prosecutor closed the case against the man who shot me. He was arrested for a total of 24 hours and then he went home as if nothing happened."

Testimony of Jamal Mughrabi

Age 33, mother of four children, one of the residents evicted from the Sheikh Jarrah neighborhood. Her testimony was given on April 21 and May 19, 2010.

"I don't know when we'll ever be able to go back and live in peace, like before. We need to go down to the Shalem Station no less than twice a week in order to have our children released. My son, Abd al-Fatah, has been attacked several times by settlers, as has his little brother.

On April 20, 2010 my son, Abd al-Fatah, was fixing his cousin's bicycle on the street near our house when he heard children screaming. He quickly leaped to see what was happening and saw settlers approaching the children's playground. Once he arrived there, the settlers began photographing him, and in one of their pictures you can see that he has a screwdriver in his back pocket. Next, they called the police and claimed that my son had threatened them with the screwdriver. At 4:30 p.m, I was informed that my son had been arrested. I organized myself and immediately made my way to the Shalem Police Station. When I arrived at 5:00 p.m, I tried to enter the station but the border police refused to admit me, claiming that my son's father was

inside with him. I believe that they deliberately tried to prevent me from entering the station because they knew that I had a disk with pictures proving my son's innocence. After some time, and a lot of shouting and screaming, I succeeded in entering, and there they informed me that my son had been charged with assaulting one of the settlers in our neighborhood with a screwdriver.

I knew I had to get everyone in the neighborhood who was there during the confrontation as witnesses. Finally, I was able to get three people who had witnessed the whole thing, and one of them, Mison al-Jawi, filed a complaint against the same settler who had threatened her as well. All my photographs, the three witnesses I brought, and all the evidence in favor of my son amounted to nothing. On the contrary, the investigator ignored it all and extended my son's remand for another 24 hours. The investigator also said that he regretted that nothing could be done for my son and that he believed our story, but those were his instructions from above. When we asked about what happened to the settler who created this mess, the investigator said that the problems in our neighborhood are endless and that he has no cause to arrest him.

On Wednesday, May 12, 2010, there was a gathering of all the settlers who live on our street, for they had learned that we had invited all the Israeli activists, the ones opposed to our eviction from the neighborhood, to dinner. All the local neighborhood residents divided into groups, some of them prepared food, others prepared place settings, and others seated. During this time, some 10-12 settlers came out of the al-Kord family house in the direction of the second house under their control. One of the settlers was holding a video camera and he filmed me and all the girls there in a very provocative manner: he pointed his camera at me and approached to within a foot. I shouted at him and asked him why he was filming me? He gave no reply and continued to shoot until finally I moved his camera aside. In response, he punched me in the face. As a natural reaction I defended myself, pushing him backwards, but he wouldn't stop hitting me all over my body. The other residents tried to get to me to separate us, while the settler's friends tried to prevent them from reaching me. The police were in the neighborhood in preparation for *Yom Yerushalayim* and the two entrances to the village were already closed, but the police didn't intervene at all and it took them a long time until they came within thirty meters of us. When they did arrive, they called an ambulance for me and directed me at first to al-Maqassed hospital, but later to al-Mutali hospital when they suspected I had a broken nose.

After I was released from the hospital, I decided to go to the police station and file a complaint against the settler who attacked me, even though we always try to stay away from the Shalem Station because every time we lodge a complaint there, we are the ones who end up as suspects. It was 11 p.m. when I went to the station. I came to the investigation room and asked to file a complaint, and the investigator asked me for my name and against whom I was lodging this complaint. This conversation occurred outside the investigation room. I answered all his questions, and then my greatest fear was realized – I became the suspect. The investigator told me that he'd been looking for me and that I was suspected of several things. After two hours of questioning, he told me that I was being detained. He told me that, in general, we Arabs were problematic, causing them all kinds of inconveniences, and that he was going to extend my remand as long as he could.

They led me into the investigations room in order to question me, and there I informed them that I had a video camera documenting everything that happened. The investigator took the disc from me and rose to go to the adjacent room to view the footage, but before he left he asked me to leave the investigations room because he did not trust the Arabs, as he had stated earlier. Later he brought in a laptop computer, as I had requested, so I could show him everything in the film. I increased the display size and showed him everything in clear detail. The investigator denied that you could see the settler hitting anyone. I asked him to rewind the film a little bit back to see it again, but he refused and said he had a computer glitch, and that tomorrow he would show the video in court.

I explained to the investigator that I had a medical condition and that I was required to continue medical treatment. I brought him all the documents from the hospital, but he did not take any interest and he refused to call me an ambulance because, according to him, it would cost 1,000 shekels. He took all the hospital documents I brought and threw them in trash. Later, he directed me to the Russian Compound. There, they carried out all the usual security checks and referred me to the physician of the police station. They did the usual tests: blood pressure, temperature, etc., and then they put me in a holding cell. I was held in a separate room, and every two hours they would come and search my cell. The searches were carried out by a policeman who came into my room while I slept, which forced me to keep my head-covering on even during my sleep, and made me ready to wake up at any moment, because I'm not comfortable being seen while sleeping.

I came to court the next day at 4:30 p.m., where they presented the video I had brought. I requested to show the video in its entirety so that the judge would see the whole thing and not miss the parts that the police weren't interested in showing. The prosecutor refused to show the whole video, with the excuse that there was a computer malfunction. My attorney asked about the hospital documents that were thrown in the trash, and the prosecutor (the same investigator) answered that all the documents were written in English and that he did not know how to speak or read English. I became increasingly angered by the prosecutor's cheek, and I tried to explain the bigger picture to the judge, that the reason they didn't show the whole video and the reason they threw away the medical documents was to cook up the case against me. In the end, I received a three-month restraining order from the neighborhood with a 5,000 shekel personal bond and a 700 shekel fine.

What really hurts, deep in my heart, is that it's always the Arab residents who are blamed in every situation. I went to file a complaint with a broken nose and a body full of cuts and scratches, and the police arrested me! With the settlers, it's the opposite: they harass us and beat us, and nothing is done to them, which only leads them to abuse us more. I finally understood the extremist behavior of the police when they didn't charge a single one of the settlers with anything. They are just guests in our neighborhood and not the owners, while I, an owner, was restrained from entering my house and my village.

By the way, on Fridays when the protests are held at the entrance to the neighborhood, the police block the street to everyone entering, except for neighborhood residents. This is the case for Arab protesters and the Jews who come to support them, but the settlers and religious Jews who come to pray at the gravesite or to visit the settlers are granted free passage to come and go, even without presenting their ID cards.

The daily life of every resident of our neighborhood, especially the Arab residents, has changed. Our children, who see the settlers and how they treat us, who see the clashes between us and witness the riots, are mimicking what they see. This is reflected in their behavior, in their manner of speech, and they have become more violent. They fight with other children in their neighborhood and while in school. I personally feel that I have become more violent, I have no patience, and I can not pull myself together when I see them coming and going from my house, which they've taken over with the support of the police – the house that I and my husband built,

where we dedicated our lives to fulfilling our dream of building a proper home.”

Appendix 3: Official Responses

Response of the Jerusalem Police to ACRI's Report "Unsafe Space"

July 29, 2010

To:

Att. Keren Tzafrir

The Association for Civil Rights in Israel

The report in question, 23 pages long, was submitted to the police for response, to which you allotted 7 days for formulation of that response.

Review of the report reveals many accusations leveled at the police regarding specific incidents that occurred over a long period of time and involving a number of different police units.

On the basis of the incidents presented, and the supposed mishandling of these incidents by the police, the report draws sweeping conclusions against the entire police force.

A serious and meaningful response to these incidents requires locating and studying individual investigation files, identifying the specific events in police journals along with corresponding police reports, and in some cases locating the individual police officers involved in the event for their response to the allegations.

It is our assumption that the request for police response to the report's accusations ahead of its publication was intentional, made out of an obligation on your part to include such a response with the report. We must assume that underlying your request is the sincere intention to allow the police to prepare an appropriate and serious response to the events described and to the severe accusations leveled in this report. In light of these points, we request that you allow us additional time to investigate the incidents described in the report and to examine your allegations in a serious and thorough manner.

We must note, however, that already at first glance, the report seems to present only a partial picture of the situation and at times is tendentious. To cite one example, the report takes a very forgiving stance regarding serious incidents of violence that occurred in Silwan, which miraculously did not end in loss of life, incidents including the use of live ammunition by a band of terrorists operating in Silwan against Jewish residents of the neighborhood and the security guards protecting them. On other occasions, the report describes incidents of serious mass rioting during which Molotov cocktails, stones, metal rods and other objects were hurled toward security forces, as reasonable responses to the perceived instigation.

A first reading of the report reveals that serious accusations of biased and inappropriate police misconduct in the handling of criminal investigations were based entirely on the testimony of suspects investigated in those incidents. This of course raises the possibility that the accusations were presented in a misleading manner.

It is understood that the police are only requested to respond to those accusations regarding its own performance, and its own actions in the specific incidents described in the report.

In compliance with your request, we will strive to complete our response as soon as is possible. We thank you for your patience and for delaying the publication of the report until after you have received our full response.

Sincerely,

Atty. Roman Liebovits,
Police Legal Counsel
Jerusalem District

Response of the Ministry of Construction and Housing to ACRI's Report "Unsafe Space"

Att. Keren Tzafrir

Association for Civil Rights in Israel

Further to the previous letters sent to our office, please find the response of the Ministry of Housing and Construction to the report you are publishing "*Unsafe Space*", based on the information we have received from our Security Department responsible for that subject within our ministry.

1. Opening statement: As a rule, the situation on the ground is completely different from the one described in your report.
2. Recently, the situation in the area in question has deteriorated significantly, and security guards have witnessed extreme acts of hostility. Security cars have been stoned, hailed with cinder blocks and Molotov cocktails. Security stations have been attacked, and the security station at the Honey House was set on fire. The street is easily provoked and it employs severe physical violence to the point of real and immediate danger to human life.
3. Regarding the chief allegations of the report, we forcefully deny that security guards harass residents or behave provocatively toward them. On the contrary, security guards avoid, and are directed to avoid contact with local residents as much as possible.
4. The security unit in East Jerusalem is charged with protecting the security of East Jerusalem residents by Israeli Government Decision No. 498 dated 21 January, 2007 on this matter.
5. Throughout the years the security unit has been functioning, the Ministry of Construction and Housing has been professionally guided by the Israeli police, and performs its activities in the security zone in accordance with the operational instructions of the police.
6. The security unit has no responsibility for maintaining public order and/or law enforcement in East Jerusalem. Therefore, it should be clarified that the unit does not initiate actions of any sort.

From the definition of its mission, the unit only responds to incidents in which security targets or security guards themselves come under attack, or to incidents in which they are called by a resident for help, or when they find themselves in a situation that represents a danger to human life.

7. At the beginning of each shift in the security zone, a briefing is held to review and clarify procedures for actions opposite civilians, including a review of incidents and proper responses, safety precautions, and rules of engagement with live fire.

8. The activities of the unit are carried out under strict supervision. The guards do not use force against residents of East Jerusalem except in extreme situations and when there is lethal threat. The purpose of the unit is to allow for, as much as possible, a daily routine for residents and routine arrangements for tourism in East Jerusalem. On occasion, especially when in proximity to incidents with political dimensions, the sector becomes extremely tense which manifests in serious acts of violence against Jewish residents, tourists, and the security guards themselves. The security guards are trained to avoid friction and refrain from inflaming passions. The purpose of the guards is to keep the population away from violent incidents in order to protect their safety; it is not to restore order or to enforce the law.

9. Security guards are employed by the firm Civilian Intelligence (Hebrew, 'Modi'in Ezrachi'), which was awarded the contract in a public tender, as required. All employees undergo a security check as required by the police.

10. No security guards may use force against any person, except under the provisions of law, as detailed in the Jurisdictional Law for Preserving Public Security 5765-2005, under which the security guards received their authority.

11. Handling of all the events in question are transferred directly to the Israeli police, which bears full responsibility, and security guards then leave the scene of the incident. Guards who were present and participated in violent incidents are questioned at police stations in an orderly fashion. The vast majority of events are recorded by the video cameras of the security system. Tapes of the incidents are transferred directly to the Israeli police and to Israeli intelligence.

12. Regarding the video cameras used for security purposes, it should be noted that Arab

residents have positioned a large number of their own cameras in the neighborhood, and that residents make use of these videos for publicity on websites such as <http://silwanic.net>.

Sincerely,

Ariel Rozenberg

Spokesperson

Ministry of Construction and Housing

