

# LEGAL STATUS & TREATMENT OF PALESTINIANS IN JERUSALEM



## I. INTRODUCTION

February 2016

Right after the June 1967 War, during which Israel occupied the West Bank, including East Jerusalem, the Israeli government illegally annexed East Jerusalem, whereby the new municipal boundary was “purposely drawn... to include the maximum territory possible, with the minimum possible Palestinian population”<sup>1</sup>, and applied its law, jurisdiction and administration there.

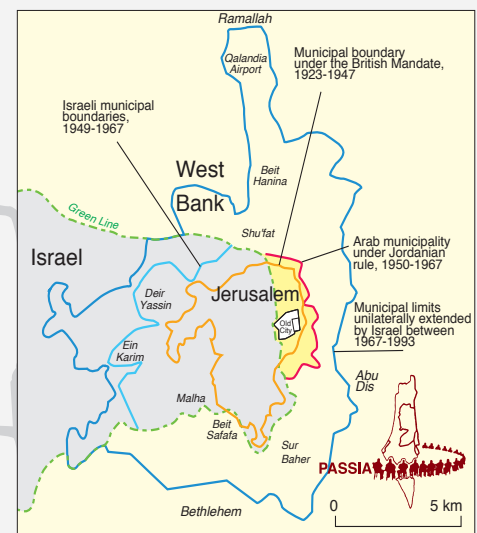
Israel’s efforts at changing the facts on the ground to strengthen its control over the city and reduce the number of Palestinians went beyond altering the boundaries and had far-reaching effects on the legal status and rights of the city’s Palestinian population. To achieve this end, different legislation and legal procedures were applied to confiscate Palestinian property, restrict Palestinian construction, and set hurdles for residency and family unification. At the same time, investment in infrastructure and development was kept at a very low level.

This bulletin focuses on the legal aspects pertaining to the Palestinian residents of occupied Jerusalem, demonstrating how the principle of equality before the law - a well-established principle in civil legal systems - is absent in the city (and the occupied Palestinian territories at large), where Israel systematically implements the law in a discriminatory way against its own residents.

As one Israeli journalist put it:

“There is no self-deception from which the city doesn’t suffer. The capital is a capital only in its own eyes; the united city is one of the most divided in the universe. The alleged equality is a joke and justice is trampled on. Free access to the holy sites is for Jews only (and yes, for elderly Muslims). And the right of return is reserved for Jews. A Palestinian resident of Jerusalem is now in far greater danger of being lynched than a Jew in Paris. But here there’s nobody to raise hell. Unlike the Parisian Jew, the Palestinian can be expelled from Jerusalem. He can also be arrested with terrifying ease.”<sup>2</sup>

Jerusalem Municipal Boundaries



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<sup>1</sup> Krystall, Nathan, “Urgent Issues of Palestinian Residency in Jerusalem: a Study,” Jerusalem: Alternative Information Center, 1994, p.7.

<sup>2</sup> Levy, Gideon, “Jerusalem, the Capital of Apartheid, Awaits the Uprising,” *Haaretz*, 23 October 2014.

## II. THE LEGAL STATUS OF EAST JERUSALEM AND PALESTINIANS IN EAST JERUSALEM SINCE 1967

### ■ The Legal Status of East Jerusalem under International Law

The controversy surrounding the status of Jerusalem has been the subject of numerous regulations and articles of international law, which unmistakably prohibit the annexation of territory by force and consider East Jerusalem occupied territory and thus applicable to The Hague Regulations of 1907 and the Fourth Geneva Convention of 1949.

According to Articles 43 and 55 of The Hague Regulations the occupying power must respect the existing laws of the occupied territory and while its authorities may administer the land, they cannot claim sovereignty over it.<sup>3</sup> With respect to belligerent occupation, the Fourth Geneva Convention lays out two basic propositions:

- (1) occupation is a *de facto* and temporary situation; and
- (2) the occupying power is prohibited from claiming sovereignty over any of the occupied territory under its control.<sup>4</sup>

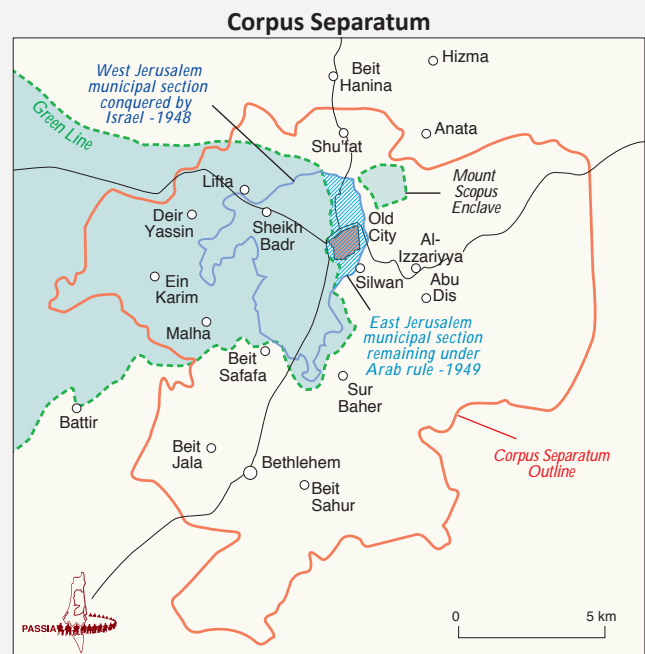
Thus, the United Nations Security Council passed Resolution 478 in 1980 in response to Israel's 1980 Basic Law for Jerusalem, which formally annexed the occupied East Jerusalem territory, determining "that all legislative and administrative measures and actions taken by Israel, the occupying power, which have altered or purport to alter the character and status of the Holy City of Jerusalem [...] are null and void and must be rescinded forthwith".<sup>5</sup>

In addition to violating fundamental obligations of international law, Israel's practices and policies on the ground – aimed to consolidate its control of East Jerusalem – also defy a number of provisions of international humanitarian law.<sup>6</sup>

Israel, however, claims its "right" over unified Jerusalem based on its 3,000 years of history in the city and the argument that it had never been under Palestinian sovereignty, and therefore does not consider East Jerusalem as occupied territory. The majority of the international community again considers the entire city as still under international control according to United Nations General Assembly (UNGA) Resolution 181 of 1947 (Partition Plan)<sup>7</sup>, which maintained Jerusalem as *corpus separatum* under the mandate of the United Nations.<sup>8</sup> This status was reaffirmed by UNGA Resolution 303 in 1949, when Israel gained full membership at the UN.<sup>9</sup>

### ■ The Legal Status of East Jerusalem under Israeli Law

On 29 November 1947, the United Nations General Assembly passed a resolution calling for the partition of Palestine and the establishment of two states - one Jewish, one Arab - in Palestine. When the British relinquished the mandate over Palestine and the 'People's Council' (a body representing the local Jewish community) proclaimed the establishment of the State of Israel on 14 May 1948, the Israeli legal system initially was established.



<sup>3</sup> Tabar, Natalie, "The Jerusalem Trap - The Looming Threat Posed by Israel's Annexationist Policies in Occupied East Jerusalem," Ramallah: Al-Haq, p. 35. The international community thus rejects Israel's claim to both West and East Jerusalem as its "eternal undivided capital" and has consistently denounced Israeli attempts to change the status of the city.

<sup>4</sup> Jean Pictet (ed.), The Geneva Conventions of 12 August 1949, Commentary – Fourth Geneva Convention Relative to the Protection of Civilian Persons in the Time of War, ICRC, 2005, p. 275.

<sup>5</sup> The Society of St. Ives, *Palestinian Families under Threat: 10 Years Ban of Family Unification in Jerusalem*, 2013, p. 21.

<sup>6</sup> Tabar, Natalie, "The Jerusalem Trap, *op. cit.*", p. 35.

<sup>7</sup> "Fact Sheet: Positions on the Legal Status of Jerusalem", Konrad Adenauer Stiftung, available at: [http://www.kas.de/wf/doc/kas\\_7186-1442-2-30.pdf?120718151647](http://www.kas.de/wf/doc/kas_7186-1442-2-30.pdf?120718151647).

<sup>8</sup> Consular presence in Jerusalem is at times still referred to as "Consular Corps of the Corpus Separatum" and the consuls do not present letters of credentials to the President of Israel nor to the Foreign Ministry. Benziman, Uzi. "Israeli Policy in East Jerusalem after Unification", in Joel Kraemer, ed. *Jerusalem: Problems and Prospects*. New York: Praeger, 1980.

<sup>9</sup> "Palestinian Families Under Threat...", *op.cit.*, 21.

The first enacted law was the Law of Administrative Ordinance (1948), which stated that the existing law would remain in force subject to further legislation. The First Knesset (parliament) enacted one of the most important laws of Israel - the Law of Return (1950), which expresses the claimed “historical” connection between the Jews and the land of Palestine, guaranteeing to every Jew the automatic right to immigrate to the new State of Israel and become a citizen.

Israel’s law applies within the borders established by the 1949 Armistice Agreements entered between Israel and its neighbors (Egypt, Jordan, Lebanon and Syria) after the 1948 War. In addition, Israel has extended its jurisdiction to all of the Palestinian territory it occupied during the course of the 1967 June War, including the Gaza Strip, the West Bank and East Jerusalem.

It is noteworthy that the Israeli legal system belongs neither to the family of common law nor to that of civil law but is a mixed jurisdiction. Since Israel has no formal constitution, laws which are enacted by the Knesset (particularly the Basic Laws of Israel) provide the framework for Israeli law, enriched by political and judicial precedent. The law also reflects political and historical influences and elements from the reigns of the Ottomans, the British Mandate authorities and successive Israeli governments.<sup>10</sup>

### Applying Israeli Law, Jurisdiction and Administration to East Jerusalem

In order to strengthen its hold over occupied East Jerusalem and provide a legal cover for this action, the government submitted to the Knesset on 26 June 1967 three bills concerning Jerusalem<sup>11</sup> and added the 1948 ‘Law and Administration Ordinance (Amendment No. 11)’ to the 1967 Law and Administration Order (in the Law for the Amendment of the Law and Administration Order (no. 11), 1967). This addition applied the “law, jurisdiction and administration of the State” to any area which was formerly part of Mandatory Palestine, including East Jerusalem. Furthermore, the ‘Protection of Holy Places Law’ was enacted, which provided that “the Holy Places shall be protected from desecration and any other violation and from anything likely to violate the freedom of access of the members of different religions to the places sacred to them or their feelings with regard to those places.” The law was meant to water down international criticism of the annexation and to reduce friction between the different communities in Jerusalem.<sup>12</sup> Finally, on 29 June 1967, the military commander of Jerusalem ordered the dissolution of the Arab municipality,<sup>13</sup> and the ‘Municipalities Ordinance’ was to authorize the Minister of Interior to extend municipal boundaries as designated by government, followed by Israel’s proclamation under that the annexed territory was included within the boundaries of the Jerusalem Municipality.<sup>14</sup>

### ■ **The Legal Status of Palestinians in East Jerusalem under Israeli Law**

Palestinians in East Jerusalem were henceforth governed by domestic Israeli law and not subject to the military regime prevailing in the remaining occupied territories (the West Bank and the Gaza Strip). However, Israel’s three-tiered system of laws accorded different civil status, rights and legal protections to Jewish Israeli citizens, Palestinian citizens of Israel, and Palestinian residents of East Jerusalem, by:

- 1) defining East Jerusalem as a part of “Jerusalem, united and complete”, the capital of Israel (Basic Law: Jerusalem, Capital of Israel, 1980), and “the seat of the President of the State, the Knesset, the Government, and the Supreme Court” (Sec. 2) as well as prohibiting transfer of authority to any “foreign body;”<sup>15</sup>
- 2) defining Israel (including occupied East Jerusalem) as the “state of the Jewish people” (e.g., Basic Law: the Knesset (1958), Amendment 9 of 1985; Basic Law: Human Dignity and Liberty of 1992), thus giving clear superiority to Jews;
- 3) granting superior civil status (“Jewish nationality”) and rights to Jewish citizens (e.g., Law of Return of 1950; Nationality Law of 1952), and second-class citizenship (without the rights and privileges of “Jewish nationality”) to Palestinians.<sup>16</sup>

<sup>10</sup> Levush, Ruth, “Features - A Guide to the Israeli Legal System”, available at: <http://www.llrx.com/features/israel.htm>.

<sup>11</sup> Halabi, Usama, “The Legal Status of Palestinians in Jerusalem,” *Palestine-Israel Journal of Politics, Economics and Culture*, Vol. 4, No.1, 1997.

<sup>12</sup> “The Legal Status of East Jerusalem,” Norwegian Refugee Council, December 2013, p. 8.

<sup>13</sup> Halabi, Usama, “The Legal Status of Palestinians in Jerusalem, *op.cit.*”

<sup>14</sup> “The Legal Status of East Jerusalem,” Norwegian Refugee Council, December 2013, p. 8.

<sup>15</sup> “Basic Law: Jerusalem, Capital of Israel,” [http://www.knesset.gov.il/laws/special/eng/basic10\\_eng.htm](http://www.knesset.gov.il/laws/special/eng/basic10_eng.htm).

<sup>16</sup> “De-Palestinization and Forcible Transfer of Palestinians, A Situation of Systematic Breaches of State Obligations Under ICCPR,” Joint NGO Report, 2014, p.11.

After the War of 1967, two censuses were conducted in the now occupied territory: the first by the Ministry of the Interior in June 1967, the second by the Municipality via the Central Bureau of Statistics in September. Only those who were physically present within the newly delineated municipal boundaries in either of them were counted, registered in the Israeli population registry, and were granted Israeli identity cards as Jerusalem residents,<sup>17</sup> while all others<sup>18</sup> regardless of the reason for their absence were excluded from that status and lost their right to legally live in the city. Palestinian Jerusalemites were not automatically given Israeli citizenship, but could apply for it (which only a small number did), while they were allowed to hold or keep Jordanian passports.<sup>19</sup> Thus, Israel *de facto* annexed East Jerusalem to Israeli territory without annexing its citizens, who instead received blue Israeli ID Cards from the Interior Ministry (rather than the orange ones issued by the military government for the Palestinians in the remaining West Bank and Gaza Strip). However, their actual legal status as “permanent residents” was only much later decided when the Israeli High Court ruled in the 1988 case of ‘Mubarak Awad vs. the Minister of Defense’ that the 1952 ‘Law of Entry into Israel’ applies to Palestinian Jerusalemites (although they had never “entered” the country in the first place...):<sup>20</sup>



Israeli-issued Identity Card

“In summary: the States jurisdiction and administration apply to East Jerusalem. Based on this applicability, the entry to Israel law also applies to East Jerusalem. Therefore, the stay of East Jerusalem residents, who have not been naturalized, is possible by a residency permit. Every person covered by the census conducted in 1967 is regarded as holding a permanent residency permit.”<sup>21</sup>

The 1952 ‘Law of Entry into Israel’ gives discretion to the Minister of Interior to accord various types of residency to persons who live in Israel but do not fulfill the requirements of the 1950 ‘Law of Return’ and the 1952 ‘Nationality Law.’<sup>22</sup> Eligible for “residency permits” that allow them to live in the city, Palestinians of Jerusalem are denied both Palestinian and Israeli citizenship.<sup>23</sup>

While their status as “residents” give them some rights, they have, in return, to bear almost all duties imposed by various Israeli laws: they became, for example, eligible for national insurance allowances (for children, the elderly, the disabled, etc.) and were given the right to vote in municipal, but not national, elections. On the other hand, they have to pay taxes to both the Israeli government and the Israeli Jerusalem municipality.

Also affected are Palestinian businesses and companies in the city, which are obliged to register with the Israeli Companies Registrar and/or obtain Israeli business licenses. Furthermore, the right to build (houses, institutions, etc.), even on privately owned land, is under the control of the discriminatory policy of the Israeli construction and planning authorities and was thus subject to Israeli approval.<sup>24</sup>

<sup>17</sup> According to the 1967 census, there were 44,369 people within the former Jordanian municipal boundaries, suggesting that some 20,000 Palestinian Arabs had fled from the city during the 1967 War.

<sup>18</sup> Approximately 30,000 Palestinians; see Badil, *Eviction, Restitution and Protection of Palestinian Rights in Jerusalem*, 1999.

<sup>19</sup> Israeli citizenship is subject to the 1952 Nationality Law, whose rules and provisions do not apply to the average Palestinian.

<sup>20</sup> HCJ 282/88 Mubarak Awad v. Prime Minister of Israel (1988) 42(2) PD 424. Ruling on that case, the High Court also determined that “residency” has a legal and a practical dimension: de facto residence in Israel does not entail the right to live here, unless the Minister of Interior expressly grants permission to do so. Second, such permission becomes void if a person does not actually put it into effect. Therefore, whoever shifts the center of his life outside Israel loses the right to come back and live in it. See Halabi, Usama, “Legal Status of the Population of East Jerusalem since 1967,” Civic Coalition-Jerusalem, available at [http://civiccoalition-jerusalem.org/system/files/documents/chap.\\_1-legal\\_status\\_of\\_the\\_population\\_of\\_ej.pdf](http://civiccoalition-jerusalem.org/system/files/documents/chap._1-legal_status_of_the_population_of_ej.pdf).

<sup>21</sup> *Ibid.*

<sup>22</sup> The Society of St. Ives, *Palestinian Families under Threat*, *op.cit.*, p.6.

<sup>23</sup> The PA has a clear policy not to issue ID cards to any Palestinian whose Jerusalem residency has been revoked as this would serve to provide Israeli authorities with additional means and excuses to continue its revocation practice.

<sup>24</sup> Halabi, Usama, “The Legal Status of Palestinians in Jerusalem,” *op. cit.*

In addition, any Palestinian Jerusalemite who wants to travel abroad (regardless of the purpose) and be able to return must obtain either a special travel document ('laissez-passer') to leave through Ben-Gurion Airport or an Israeli 'exit permit' to cross the Allenby Bridge into Jordan.

From the outset of the occupation, Israel treated Palestinians of Jerusalem as foreign immigrants in their own homeland, although they never immigrated from somewhere else. Thus they had no right in the city, from where their family originated and had lived since generations.



Israeli-issued  
Travel Document

### III. MAIN LEGAL ISSUES IN EAST JERUSALEM

Since East Jerusalem was annexed in 1967, Israel's primary objective has been to create a demographic and geographic reality that will thwart any future attempt to challenge its sovereignty over the city and to maintain a 'demographic balance' in Jerusalem, i.e., ensuring a 70% Jewish majority in the city - a target that was set in 1973 but is today confronted with a ratio of almost 60% Jews to 40% Palestinians.<sup>25</sup>

To achieve these goals, the Israeli government has taken several actions and measures, all in violation of international law, including: revoking residency and social benefits, applying discriminatory housing and building policies, neglecting infrastructure and services in Palestinian areas, and physically isolating East Jerusalem from its West Bank hinterland through the construction of the separation barrier and a restrictive checkpoint and permit regime.

#### ■ Residency and Family Unification

Until 1995, the status of the Palestinian residents was not affected as long as they renewed their exit permits at the Ministry of Interior regularly every three years, and they were even free to live outside the city's municipal boundaries in the West Bank, which many actually did due to family ties and because purchasing land or homes was easier and cheaper.

This policy changed in December 1995 with the Ministry of the Interior arguing that permanent residency, unlike citizenship, was a matter of daily reality and therefore, Palestinian residents had to prove that Jerusalem was their "center of life" by submitting "evidences" such as bills (for arnona tax, electricity, water and telephone), rental contracts/ownership certificates, proof of school enrollment and health insurance in the city, salary slips, etc. Failure to provide such documentation for the past consecutive seven years resulted in losing the right to live and work in the city (as well as in the rest of Israel) as well as denial of social benefits. The residency status of children was also revoked unless the second parent had a valid residency status.<sup>26</sup>

#### Revocation of Residency

Besides the inability to prove one's "center of life", residency rights of Palestinians in Jerusalem can also be revoked in accordance with the 1974 Entry to Israel Regulations, which stipulate that a residency permit ends, if:

- a condition made by the Interior Minister for maintaining the permit's effect is not met, or
- a change is made to the visa associated with the permit by an unauthorized person, or
- the permit holder stays outside Israel for seven or more years, or
- he/she applies for or receives a permanent residency permit by/becomes a national of another state, or
- he/she is suspected of posing a "national threat" to Israel.<sup>27</sup>

<sup>25</sup> "Residency Revocation," The Coalition for Jerusalem, <http://www.coalitionforjerusalem.org/about-residency-rights/residency-revocation>.

<sup>26</sup> B'Tselem, "Background on East Jerusalem," *op.cit.* A child born to parents where only one is a resident of Jerusalem does not receive an identity number. After birth, the parents receive only a form titled "Notification of Live Birth." To receive an identity number and Jerusalem residency, the parents must submit a "Request to Register a Birth" to Israeli authorities. See also the following section 'Family Unification and Child Registration'.

<sup>27</sup> "Residency Revocation," The Coalition for Jerusalem, *op.cit.*

The above not only provided the pretext for the revocation of at least 14,416 Jerusalem ID cards from Palestinians since 1967<sup>28</sup>, but also added to the already severe housing crisis in the city, as many Jerusalemites moved back fearing the loss of their ID Cards. In addition, thousands of Palestinian mixed-residency couples became subject to family unification procedures in order to legally reside together in East Jerusalem.<sup>29</sup>

## Family Unification

Until 2002, Israeli citizens or residents of East Jerusalem applying for family unification with their spouses from the West Bank or Gaza underwent a multi-year process, upon the successful completion of which the non-Israeli spouses obtained residency or citizenship. Following a suicide attack perpetrated by a Palestinian with Israeli citizenship, however, the Minister of Interior decided in March 2002 to both freeze pending and disallow any further applications. In May 2002, this new policy was officially confirmed in a government resolution, and on 31 July 2003, the Knesset finalized it with the passing of 'The Citizenship and Entry into Israel Law (Temporary Provision) 5763-2003'.<sup>30</sup> Although the law was passed as a temporary, one-year provision, it empowered the government to extend its validity, with the approval of the Knesset, which ever since 2003 has extended it, most recently on 15 June 2015. The reasoning behind this becomes clear from the opinion expressed by Supreme Court judge Justice Asher Grunis, who in 2012 rejected petitions against the Citizenship Law, by saying: "Human rights are not a prescription for national suicide."<sup>31</sup>

The law denies Palestinians from the Occupied Territories (excluding East Jerusalem) Israeli citizenship or residency, with the exception of children up to the age of 11 who have one parent legally residing in Israel (so as to avoid the separation of a minor from his or her resident/citizen parent). These Palestinians are only eligible to apply for temporary permits for work or medical care in Israel/Jerusalem, but are prohibited from living with their spouses in those places. Furthermore, the law prohibits transferring the registration of children, who were registered in the Palestinian population registry, to the Israeli population registry, and allows the Minister of Interior to grant residency status or entry permits to Palestinians from the Occupied Territories who collaborate with Israeli authorities and to their families.<sup>32</sup>



*Child holding a visiting permit*

Between 2000 and July 2013, 35% of all family unification applications (= 4,249 of a total of 12,284) were rejected, mainly due to security or 'center of life' reasons, and between 2004 and July 2013, 22.3% of all applications for registering children born in Jerusalem but out of mixed marriages (i.e., only one parent with Jerusalem ID) were rejected (= 3,933 of a total of 17,616), leaving them without a legal status and thus no rights to health insurance and education.<sup>33</sup>

## Child Registration

While children of Israeli citizens are entitled to citizenship by virtue of their parentage and are registered with the Ministry of Interior before they even leave the hospital, children of East Jerusalem resident have no such "birthright" and their parents must file an application for "child registration," the approval (or denial) of which it can take years.<sup>34</sup> Generally this applies to children where only one parent is an East Jerusalem resident, but even

<sup>28</sup> Interior Ministry data provided to HaMoked, available at: [http://www.hamoked.org/files/2015/1159360\\_eng.pdf](http://www.hamoked.org/files/2015/1159360_eng.pdf). In 2014, 107 ID cards were revoked.

<sup>29</sup> See, for example, Deger, Allison, "Jerusalem's 'Center of Life' Policy Imprisons Palestinians," 24 April 2012, <http://mondoweiss.net/2012/04/jerusalem-center-of-life-policy-imprisons-palestinians>; and Jefferis, Danielle C., "The 'Center of Life' Policy: Institutionalizing Statelessness in East Jerusalem," *Institute for Palestine Studies*, 2010.

<sup>30</sup> *Arab East Jerusalem – A Reader*, Jerusalem: PASSIA, 2014. For a detailed analysis of the Law's various versions/amendments, see The Society of St. Yves, *Childhood Interrupted: Child Registration in Jerusalem*, Jerusalem, November 2014.

<sup>31</sup> El-Ad, Hagai, "Citizenship Law prefers discrimination over human rights," *+972 Mag*, 24 January 2012, available at: <http://972mag.com/citizenship-law-compels-us-to-protect-human-rights-from-rule-of-law/33723/>.

<sup>32</sup> B'Tselem, "Background on East Jerusalem," *op.cit.*

<sup>33</sup> The Society of St. Yves, *Palestinian Families under Threat: 10 Years Ban of Family Unification in Jerusalem*, 2013.

<sup>34</sup> The Society of St. Yves, *Childhood Interrupted*, *op.cit.*, p. 9.

if both parents are Jerusalemites they are not automatically spared from the arbitrary child registration process - which does not follow clear criteria and often makes legal counsel necessary - in order for them to demand their most basic legal rights.<sup>35</sup>

## ■ **Planning, Building and House Demolitions**

Almost half a century of government-sponsored segregationist and discriminatory urban planning has resulted in a situation where Jewish settlers constitute at least 40% of the entire population in occupied East Jerusalem.<sup>36</sup>

According to international law, Israel is obliged to act according to the law that was in force at the time of the occupation of East Jerusalem, i.e., the Jordanian Law of Cities, Villages and Buildings No. 79 of 1966. However, after the annexation of East Jerusalem in 1967, vast areas of land were expropriated to make way for Jewish settlements and the planning policy in East Jerusalem became a political consideration. The existing Jordanian outline plans were invalidated, but not replaced by the Jerusalem municipality, which created a planning void that assisted Israel's plans to obstruct any development and building for the city's Palestinian inhabitants and is still valid as of today.<sup>37</sup> Israel imposed its own 1965 Israeli Building and Planning Law, which requires for any construction in East Jerusalem a permit issued by the Israeli municipality, and which allows the demolition of (part of) a house if it has been or is being built without a permit or deviating from a permit's conditions. While the law does not appear to be overtly discriminatory, it is so when it comes to its enforcement, which is one of Israel's key strategies for diminishing their presence in the city.<sup>38</sup>

Israel has expropriated approximately 24,500 dunums of mostly privately owned Palestinian land - over one third of the territory illegally annexed to Jerusalem - mainly under the Absentees' Property Law and for alleged "public" purposes,<sup>39</sup> i.e., to establish settlements which today house some 195,000 to 200,000 settlers.<sup>40</sup> Only some 13% of East Jerusalem land (about 9,180 dunums) is zoned for Palestinian construction, and this is primarily already built-up areas. In addition, large areas of land were declared as "green areas" - where building is forbidden - and far more territory was zoned for Jewish (settlement) construction than for Palestinian purposes.<sup>41</sup>

Furthermore, Israeli authorities have also rejected at least two Palestinian planning proposals on the grounds that they were inconsistent with provisions of the Jerusalem Master Plan 2030<sup>42</sup>, which has not even been formally approved and is thus not yet legally valid. The plan's discriminatory nature is evident in one of its stated objectives, which is to maintain the 70:30 Jewish-Arab ratio within the city, although Palestinians make up already some 40% of the population.<sup>43</sup>

As a result of the above, the housing density in Palestinian neighborhoods is an average of two persons to a room, which is more than twice that of Jewish neighborhoods, where it is 0.9 persons,<sup>44</sup> and has forced many Palestinians to build homes without first obtaining a permit.

### Housing and Construction Permit Policy for Palestinians in East Jerusalem

As Israel's policy in East Jerusalem is politically motivated, aimed at maintaining a Jewish majority in the city, it is very difficult (and expensive) for Palestinians to obtain building permits. According to figures by the Israeli Interior Ministry and the Jerusalem municipality at least 20,000 buildings in East Jerusalem (=39% of the total)

<sup>35</sup> *Ibid.*

<sup>36</sup> Jerusalem Institute of Israel Studies, *Statistical Yearbook of Jerusalem 2015*.

<sup>37</sup> B'Tselem, "Background on East Jerusalem," *op.cit.*

<sup>38</sup> An increasing number of Palestinians are moving elsewhere in the West Bank, especially to neighborhoods like Kufir 'Aqab which lie beyond the separation barrier but within the municipal boundaries of Jerusalem and where housing is cheaper and building laws are less strictly enforced.

<sup>39</sup> Halabi, Usama, *Israel's Absentees' Property Law: Application of the Law in occupied East Jerusalem*, Civic Coalition-Jerusalem, 2013. On 15 April 2015, the Israeli Supreme Court - contradicting the positions of former Attorney Generals - affirmed the applicability of the Absentee Property Law to properties in East Jerusalem belonging to Palestinians living in the West Bank, thus giving the green light for further expropriations.

<sup>40</sup> *Arab East Jerusalem - A Reader*, Jerusalem: PASSIA, 2014.

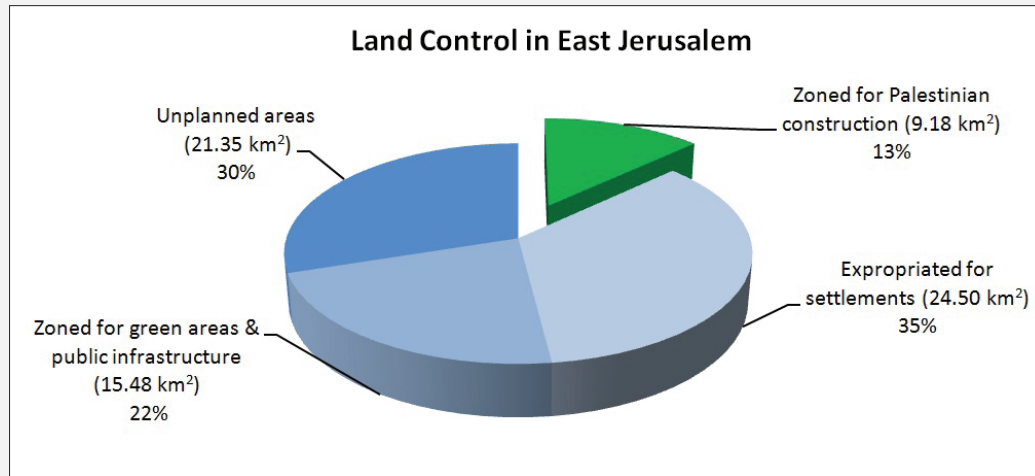
<sup>41</sup> B'Tselem, "Background on East Jerusalem," *op.cit.*

<sup>42</sup> It is telling that the Plan, which intends to define the scope of all development in the city until 2030, was drafted by a 31-member committee, of which only one member was Palestinian. See for details Human Rights Watch, *Separate and Unequal, Israel's Discriminatory Treatment of Palestinians in the Occupied Palestinian Territories*, New York, 2010.

<sup>43</sup> See footnote 21.

<sup>44</sup> Jerusalem Institute of Israel Studies, *Statistical Yearbook of Jerusalem, 2015*.

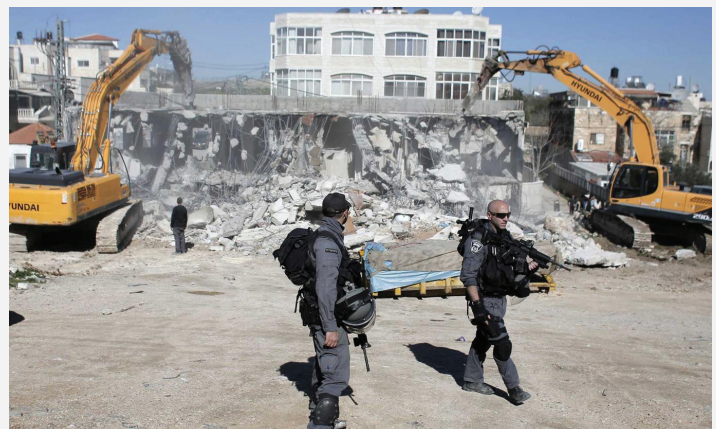
have been built without permits.<sup>45</sup> Among the main obstacles in obtaining building permits are the lack of approved planning schemes, Israel's declaration of large areas of East Jerusalem land as 'unfit for building' or as 'green' or 'open space' (where construction is forbidden), and the difficulty of proving land ownership<sup>46, 47</sup> In addition, building rights in Palestinian areas often do not exceed 50-70% of the plot area, compared to 75-120% in Israeli neighborhoods.<sup>48</sup>



Given infrastructure requirements that are largely unfeasible for such a dense area and the high costs involved in planning and permits<sup>49</sup>, Palestinians are all but compelled to build without the required authorizations in order to accommodate for the growing populace. It is estimated that over 90,000 Palestinians in Jerusalem are at risk of displacement as their homes were built "illegally".<sup>50</sup> East Jerusalem suffers from a shortage of an estimated 40,000 housing units for Palestinians.<sup>51</sup>

### House Demolitions

Unlicensed construction provides the municipality with a pretext to punish the builder two-fold: (1) with a monetary fine *plus* the requirement either to produce a permit or restore the *status quo ante*, and (2) house demolishing. Since 1967, way over 2,000 Palestinian homes have been destroyed in East Jerusalem alone. Most recently, 74 structures were demolished in 2015 as of mid-October (in 2014 and 2013 the total was 98 each, in 2012 64), displacing 104 people (compared to 208 in 2014, 298 in 2013 and 71 in 2012)<sup>52</sup>.



House demolition in East Jerusalem

Another reason for house demolitions is (collective) punishment, used by the Israeli authorities as a "deterrent", in which case the family home of a Palestinian accused of engaging in violent action against the occupation (or the house of a close family member) is destroyed - in contravention of international law.

<sup>45</sup> ACRI, *East Jerusalem 2015: Facts & Figures*, May 2015.

<sup>46</sup> This is because land is often owned by several inheritors and Israel froze the land registration processes for non-Jewish property owners after 1967 so that today, approx. half of the land in East Jerusalem is not registered in any form. In addition, Israel's demand (since 2001) that Palestinians register land with the Land Registry is a very complex and expensive for the owners (unlike in Israel proper, where this is done by the authorities!), and people fear to have land seized by the General Custodian or the Custodian of Absentee Property (on the pretext that one of the owners, their heirs or descendants do not live within the city).

<sup>47</sup> Ir Amim, *Displaced in Their Own City*, June 2015.

<sup>48</sup> Margalit, M. *Demolishing Peace: House Demolitions in East Jerusalem*. Jerusalem: IPCC, 2014.

<sup>49</sup> For details on building permits in East Jerusalem, see: "Applying for a Building Permit in East Jerusalem: Information, Counseling and Legal Assistance," Norwegian Refugee Council.

<sup>50</sup> OCHA, *Humanitarian Atlas 2015*, October 2015.

<sup>51</sup> ILO, *The Situation of Workers of the Occupied Arab Territories*, 2013.

<sup>52</sup> OCHA, *Protection of Civilians, Weekly Report*, December 15-28, 2015, previous reports.



Demolition orders are also delivered to serve the needs of Israeli construction (i.e., make way for infrastructure, the separation barrier, settlement expansion, the establishment of parks or archaeological sites) or the army (establishing firing ranges or setting up army bases) in clear violation of Article 53 of the Fourth Geneva Convention, which stipulates that:

“Any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations.”

The above practices are in stark contrast to the city’s Jewish areas, for which outline plans exist, and to settler enclaves, where authorities turn a blind eye on unlicensed housing.

Israeli authorities also enforce the building laws on Palestinians (80%) much more stringently than on Jews (20%), in whose areas the number of violations is much higher. From 1996-2001, for example, 82% of building violations in Jerusalem were in Jewish neighborhoods as compared to 18% in Palestinian areas.<sup>53</sup> The following table illustrates further evidence:

<b>2004-2008</b>	<b>East</b>	<b>West</b>	<b>Total</b>
Building violations detected	5,898	21,419	27,317
Administrative & Judicial Demolition orders issued	5,004	5,817	10,821
Demolition carried out	419	151	560
% of orders the Mayor has refused to authorize	12%	29%	

Source: <http://capi.org.il/wp/wp-content/uploads/2014/08/Demolishing-Peace.pdf>

While the above numbers speak for themselves, they do not include self-demolitions nor do they reveal that most of the demolitions in East Jerusalem target entire buildings, while those in the West are mostly extensions added on existing buildings.<sup>54</sup>

## IV. ARRESTS AND DETENTIONS IN EAST JERUSALEM

With its neighborhoods in neglect and checkpoints, movement restrictions and other daily provocations omnipresent, East Jerusalem has become a scene of regular clashes between Israeli security forces, whose excessive use of force has been widely documented<sup>55</sup>, and Palestinians, who are subjected to brutal home incursions, attacks by Israeli settlers and extremists and abusive police’s behavior not interested in indicting Jewish perpetrators, and to selective law enforcement, including arbitrary arrests and detentions, closing off of neighborhoods, and large-scale enforcement operations, such as increased traffic tickets, car inspections, fines for failing inspections or bills, etc.. After years of bad experience, Palestinians feel completely unprotected in their city as they do not consider Israeli police “as a body meant to serve and protect them” but as “a hostile, alien force whose power is chiefly used against them, ignoring their basic needs and security and instead favoring the interests of Jerusalem’s Jewish population.”<sup>56</sup>



*Palestinians denied access to Al-Aqsa Mosque forced to pray in the streets of Jerusalem*

<sup>53</sup> Etkes, Dror & Lara Friedman, “Settlements in Focus: Settlers vs. Palestinians: Double Standards and Illegal Construction”, Peace Now, March 2006.

<sup>54</sup> Margalit, Meir, *Demolishing Peace – House Demolitions in East Jerusalem 2000-2010*, Jerusalem: IPCC, 2014; available at <http://capi.org.il/wp/wp-content/uploads/2014/08/Demolishing-Peace.pdf>.

<sup>55</sup> See, for example, testimonies and case studies at [www.acri.org](http://www.acri.org), [www.btselem.org](http://www.btselem.org), or <http://silwanic.net>.

<sup>56</sup> For that reason Palestinians rarely call upon the Jerusalem police except under exceptional circumstances. Not only do they lack confidence in the police but they also fear that the police will try to get from them information about other incidents or residents. ACRI, “Ahead of Jerusalem Day: Police Treatment of Palestinians in East Jerusalem,” May 31, 2011, <http://www.acri.org.il/en/2011/05/31/ahead-of-jerusalem-day-acri-documents-police-treatment-of-palestinians-in-east-jerusalem/>.

Unlike the West Bank where Israeli military law is administered, East Jerusalem falls under Israeli civilian law, thus Palestinian prisoners from Jerusalem are viewed as prisoners under the authority of the State of Israel, rather than political prisoners of the Israeli-Palestinian conflict, which denies them their status as “protected persons” under international humanitarian law.<sup>57</sup> Instead, Israel registers East Jerusalemites as *security prisoners* in accordance with the definition of “Security Prisoner” in the Israel Prison Service’s ‘Commission Ordinance No. 04.05.00 - Definition of a Security Prisoner’. Classification is an internal administrative decision not based on legislation. The definition of a security prisoner derives from the nature and character of the offense and depends on whether it was committed against a security background or based on nationalistic motives, and removes a number of essential procedural safeguards that are provided to criminal suspects. In accordance with ‘Commission Ordinance Number 03.02.00 - Rules Relating to Security Prisoners’, which states that security prisoners should be held in separate prisons and/or in separate wings of mixed prisons, this classification determines in which prison the detainee will be held and which “rights” he has.<sup>58</sup>

Yet, while Palestinians from East Jerusalem are subjected to civil law, military court jurisdiction can be extended to them if their alleged offense was committed in or has ties to the West Bank, which is easy for Prosecution to “prove” as regular practice has shown. Detaining and interrogating East Jerusalemites under military orders makes them security prisoners and permits periods of detention with little or no effective judicial oversight: they can be held without being brought before a judge for up to eight days (instead of the “usual” maximum of four days), without access to legal counsel for up to 90 days (“usually” no more than 21 days), and without charge for up to 188 days (“usually” up to 64 days).<sup>59</sup>

Palestinian Jerusalemites are tried in the Israeli civil system, which allows prosecutors to ask for harsher penalties based on the argument that ‘security’ offences are less common in the Israeli civil system than in the military system that is in place in the West Bank and Gaza. As security prisoners within the Israeli civil system, Palestinians are also subjected to physical and psychological abuse and ill-treatment.<sup>60</sup> Palestinian security prisoners are denied the privileges of Israeli criminal prisoners who are typically entitled to earn money inside the prison, receive family visits without a glass divider, have as many books or other items they want in their cell, and if long-term prisoners, are allowed to take occasional visits outside the prison.<sup>61</sup>

## ■ Juvenile Justice

The “territorial” distinction is particularly severe when it comes to the treatment of minors and the gross misapplication of the Israeli Youth Law, which, theoretically, applies equally to Palestinian and Israeli children. However, an Israeli child accused of stone-throwing, for instance, will receive a substantially different treatment, being afforded the wide protections and rights that are granted to minors under Israeli law, which greatly emphasizes the protection of minors. The Youth Law (Adjudication, Punishment and Methods of Treatment) (Amendment 14) of 2008, was designed to ensure that treatment of minor suspects reflects the provisions of the



Arrest of a Palestinian boy

International Convention on the Rights of the Child as well as Israel’s ‘Basic Law: Human Dignity and Liberty’, and “protect the rights of the minor, whether suspected or accused of committing a crime, taking into account his yet developing capacities and the overriding principle of protecting the welfare of the child,” while underlying the premise that “juvenile’s delinquency may be reformed by means of appropriate treatment and punishment...”<sup>62</sup>

<sup>57</sup> Which is also the reason why they have been almost entirely excluded from negotiated prisoner releases in the past. See for details Addameer, “East Jerusalem Prisoners,” <http://www.addameer.org/content/east-jerusalem-prisoners>.

<sup>58</sup> No Legal Frontiers, “Prisons in Israel”, available at <http://nolegalfrontiers.org/general-information/military-prisons?lang=en>.

<sup>59</sup> “Forgotten City, Forgotten People: Jerusalemite Political Prisoners, the Oslo Process and a Struggle for Freedom,” Addameer Background Paper, June 2011.

<sup>60</sup> See [addameer.org](http://addameer.org) and [dci-palestine.org](http://dci-palestine.org) for details and case studies.

<sup>61</sup> “Forgotten City, Forgotten People,” *op.cit.*

<sup>62</sup> Alyan, Nisreen, “Violations of the ‘Youth Law (Adjudication, Punishment and Methods of Treatment) – 2008’ by the Israeli Police in East Jerusalem,” The Association for Civil Rights in Israel, March 2011; see also Kassis, Rifat O., “Equal laws, discriminatory practice: the plight of Jerusalem children”, *Maannews*, 29 Oct. 2013.

According to the Israeli Juvenile Law, arrests should be a last resort, children below the age of 12 years are not criminally responsible, questioning requires advance notice as well as the presence of a legal guardian or adult family member, there should be minimal use of restraints. If arrested,

- any minor under the age of 14 should only be interrogated between 7 a.m. and 8 p.m. and be presented to court within 12 hours;
- any minor between the ages of 14 and 18 should only be interrogated between 7 a.m. and 10 p.m. and be presented to court within 24 hours;
- any minor suspect should be called for interrogation with the presence of any of his parents;
- interrogators of minors should immediately inform the social worker when deciding to arrest him/her;
- minors should not be handcuffed if the arrest is controllable;
- it is illegal to keep minors younger than 12 years in custody or to interrogate them as they are not criminally culpable;<sup>63</sup> and
- the presence of a special child interrogator is essential and the interrogation should be recorded.

However, in practice, when it comes to Palestinian minors, the police in Jerusalem make use of the exceptions established by the Youth Law, leaving East Jerusalem children, including those under 12 years of age, legally unprotected – in grave violation of the UN Convention on the Rights of the Child, signed by Israel in 1991.<sup>64</sup> Arrests are often used to intimidate the youth, extract information from them, and to scare them to deter them from becoming politically active: for instance, they are arrested during night raids, many times on suspicion only, and often handcuffed. In 90% of the cases they are interrogated in the absence of a parent, in police cars and at interrogation centers, sometimes for several hours - day and night - with no food or water offered, deprived of sleep, and with violence and threats used in questioning. Many children are also arrested for offences they have allegedly committed weeks earlier, and often they are forced to sign documents in Hebrew, a language they do not read or write.<sup>65</sup>

It is noteworthy that of the 1,900 Palestinians from East Jerusalem that Israeli forces detained in 2015, around two-thirds were minors.<sup>66</sup> In October, three Palestinian boys were placed in administrative detention (i.e., imprisonment without trial), marking the first time that this is used against minors holding Israeli citizenship or residency.<sup>67</sup> To cope with the increasing number of child detainees, the Israel Prison Services opened a new juvenile section at the Giv'on prison near Ramleh, the conditions of which have been described as “inadequate and fail[ing] minimum standards for a prison.”<sup>68</sup>

Furthermore, in contradiction to the accepted norms of criminal law, Israeli authorities geographically restrict local residents in East Jerusalem as a pressure and intimidation tactic, more recently by military restraining orders, which go back to the “state of emergency regulations” enacted in 1945. These allow security forces to use “secret evidence” to restrict a person’s movement or even banning him/her from his home and/or hometown for a certain period.<sup>69</sup>

The recent escalation against Palestinian minors in Jerusalem is also reflected in new legislation; In July 2015, the Knesset passed an amendment to the Penal Code that raised the maximum sentence for stone throwing to 20 years, and on 3 November, a series of further amendments were made, including, *inter alia*, imposing a 10-year prison sentence “for throwing stones or other objects at moving vehicles with the possibility of endangering passengers or causing damage,” reducing judicial discretion, depriving children convicted of “nationalistic-motivated” offenses from social benefits during their imprisonment, and imposing fines on their families up to NIS 10,000.<sup>70</sup> Another controversial bill allows for the imprisonment of Palestinian children as young as 12 years and has already passed its first reading in the Knesset with a vote of 64 to 22.<sup>71</sup>

<sup>63</sup> Wadi Hilweh Info Center, Issues 2014 Report, 11 February 2015.

<sup>64</sup> Alyan, Nisreen, “Violations of the ‘Youth Law (Adjudication, Punishment and Methods of Treatment) – 2008’ by the Israeli Police in East Jerusalem,” Jerusalem: ACRI, March 2011.

<sup>65</sup> *Ibid.*, and “April monthly report: A Martyr in Jerusalem and the arrest of 120 Jerusalemites and isolation of 35 citizens from Al-Aqsa Mosque,” Wadi Hilweh Information Center, 5 May 2015, available at: <http://silwanic.net/?p=58422>. DCI-Palestine, “For Palestinian Children of East Jerusalem, the Exception is the Rule,” July 29, 2015.

<sup>66</sup> Palestinian Prisoners’ Center for Studies, quoted in “Group: Majority of Jerusalem Palestinians detained in 2015 were minors,” *Ma’anNews*, January 10, 2016.

<sup>67</sup> Hasson, Nir, “For First Time, 3 East Jerusalem Minors Imprisoned Without Trial,” *Haaretz*, 22 October 2015.

<sup>68</sup> “‘Giv’on’... A new prison to harass detained children”, 9 Nov. 2015, available at: <http://silwanic.net/?p=64947>.

<sup>69</sup> See [silwanic.net](http://silwanic.net) or <http://samidoun.net> for case studies.

<sup>70</sup> “Israel targets Palestinian children in East Jerusalem with harsh policies,” DCI Palestine, 28 November 2015.

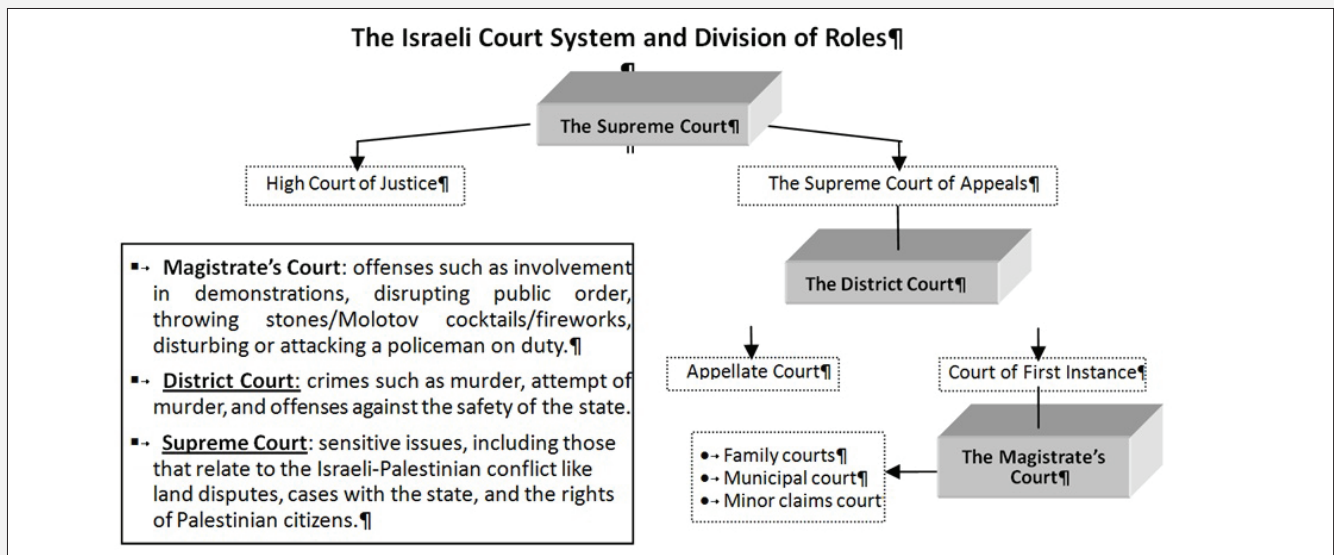
<sup>71</sup> *Ibid.*

Most recently, on 2 February 2016, the Knesset passed another controversial bill into law: the so-called “Stop and Frisk Law” basically grants police the authority to search anyone without a warrant in order to determine whether they carry a weapon.<sup>72</sup> Previously, sufficient reason to suspect a person and signs pointing to a possibly concealed weapon, such as a bulge in the target’s clothing concealing a weapon. In addition, the new law allows the chief of a police district to designate a location as suspected of terrorist activity thus permitting body searches for illegal weapons there.<sup>73</sup>



## ■ Courts

Palestinians in East Jerusalem are subjected to the Israeli court system on all legal issues. The general law courts (the ‘regular courts’) in Israel are comprised of three instances based on hierarchy: from the Magistrate Court, to the District Court and finally the Supreme Court, each of which is in charge of certain offenses, for which Palestinians of East Jerusalem are usually brought to courts.



## V. OTHER ISSUES OF DISCRIMINATION

Selective law enforcement<sup>74</sup> and discrimination affects every aspect of the daily lives of Palestinians in Jerusalem, including:

- **Taxation:** Israeli law does not differentiate between an Israeli citizen and a permanent resident when it comes to taxes. Income tax is due from any income generated in Israel, the Value Added Tax (VAT) is due from all dealers, craftsmen and service providers, and *arnona* (property tax) is levied on all houses and businesses (per m<sup>2</sup> and at rates A, B or C depending on location). Given that Palestinian incomes are typically much lower the taxes levied on them are a huge burden and, unlike Israelis, they get little in services in return.
- **Discriminatory law enforcement** regarding fines for traffic violations, parking offences, no TV license, etc.

<sup>72</sup> Lis, Jonathan, “Knesset Passes Controversial ‘Stop-and-frisk’ Law”, *Haaretz*, 2 February 2016.

<sup>73</sup> “‘Stop-and-frisk’ bill gets final approval,” *Ynetnews*, 2 February 2016.

<sup>74</sup> For more details on the discriminatory application of Israeli law see also the table in the annex of this bulletin.

- **Municipal spending/provision of services**: While all Jerusalemites pay taxes, no more than 10% of the municipal budget is allocated to the Palestinian residents of the city who account for at least 37% of the overall population. In sharp contrast to Jewish areas Palestinian areas depict poor roads, little or no street cleaning, and hardly any maintained public spaces.<sup>75</sup>
- **Education**: Israeli authorities have not only tried to impose Israeli-censored textbooks - with all references to Palestinian national history and Muslim or Christian identity erased - on the Palestinian schools in Jerusalem but also the Israeli curriculum altogether (i.e., studying for the Israeli *bagrut* rather than the *tawjihi*). Taking the *tawjihi* exam does not qualify the student to attend Israeli higher education institutions. In addition, as permanent residents, Palestinians in East Jerusalem are granted the same social entitlements as Israeli citizens, including the right to public free education. However, only about half the Palestinian children in Jerusalem currently attend public schools, while the others pay for private or unofficial education, attend Waqf schools, or do not attend school at all.<sup>76</sup>
- **Institutions**: While Israel has established several public institutions (courts, Justice Ministry, Police headquarters, etc.) in East Jerusalem - in breach of international law – Palestinians have had a number of their institutions closed down (e.g., Chamber of Commerce, Higher Council of Tourism Land Research Center, Social Services Department, etc.) and live, since the closure of the Orient House on 2001, in a political vacuum with no representation (any PLO activity is forbidden). Activities organized by Palestinian civil society organizations are frequently banned and public meetings suspended by the Israeli police.
- **Tourism**: Numerous Israeli touristic projects in East Jerusalem intend to Judaize that part of the city<sup>77</sup> while access to holy places remains restricted not only to Palestinians from the West Bank but increasingly also to those living in the city.
- Arabic is an official language in Israel, many official **governmental forms** are only available in Hebrew, making most official institutions and their publications inaccessible for Arabic-only speakers.
- According to the **Social Security** Law Israelis moving to settlements in the West Bank are entitled to the same rights and benefits as any other Israeli citizen, while East Jerusalem residents who move to the West Bank lose those rights.<sup>78</sup>

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## VI. CONCLUSION

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The treatment of Palestinian residents of East Jerusalem as immigrants, whose status is constantly under the threat of revocation and who are systematically deprived of fundamental human rights, the ongoing restrictions on their movement as well as on their planning and building rights, the denial of family unification and child registration, their constant exposure to (arbitrary) attacks and arrests, are all part of Israel's strategy to silently force Palestinians to leave the city.

If the State of Israel continues to insist that East Jerusalem must be part of Israel, it must apply to this part of the city and its Palestinian residents the normative human rights protection granted by Israeli law and oblige the Jerusalem Municipality to apply equal rights and treatment to the entire city, and stop to be the probably only municipality in the world that treats a large part of its population as enemies.

<sup>75</sup> In the east, for instance, there are only five benefit offices compared to the west's 22; seven health centres for mothers and babies compared to the west's 26; 33 sports facilities compared to 531, and 45 public parks compared to 1,000. There are 30,000 residents per playground in the east, compared to 1,000 residents in the west. See PASSIA Diary 2016.

<sup>76</sup> Over 40,000 Palestinian students, who are entitled to free public education, are forced to pay for private tuition at non-public schools due to the lack of suitable facilities and shortage of classrooms. See Arab East Jerusalem- A Reader, *op cit.* for details.

<sup>77</sup> E.g., the "City of David" with its visitors' center, archaeological excavations aimed at emphasizing the Jewish heritage.

<sup>78</sup> Article 40 of the 1995 Social Security Law even denies East Jerusalemite mothers giving birth in Israeli hospitals coverage of the hospital expenses as well as birth allowances and benefits if they happen to live with their husbands in Gaza or the West Bank, even if their husbands work in Israel. See Halabi, Usama, "Legal Status of the Population of East Jerusalem," *op.cit.* for details.

**Annex: Selected Israeli Laws and their Unequal/Discriminatory Application on Palestinian Jerusalemites**

Sphere	Law	Content/Implication	Jews	Palestinian Jerusalemites	
<b>Citizen-ship/ Identity</b>	<b>Law of Return, July 1950</b>	<ul style="list-style-type: none"> <li>Regulates Citizenship and Identity ("Palestinian" identity is not recognized in Israeli law or society: Palestinians are referred to as Arab Israelis)</li> </ul>	<ul style="list-style-type: none"> <li>are granted the right to immigrate and become immediately Israeli citizens</li> </ul>	Not applicable	
	<b>Nationality (or Citizenship) Law, April 1952</b>	<ul style="list-style-type: none"> <li>Defines the criteria under which a person can be granted citizenship of Israel.</li> </ul>	<ul style="list-style-type: none"> <li>are granted superior civil status ("Jewish nationality") and rights</li> </ul>	<ul style="list-style-type: none"> <li>can apply but hardly obtain Israeli citizenship: even if, it is "second-class citizenship" (without the rights and privileges of "Jewish nationality")</li> </ul>	
	<b>- Amendment No. 9 (Authority for Revoking Citizenship), 2008</b>	<ul style="list-style-type: none"> <li>Allows the citizenship of an Israeli citizen to be revoked on the grounds of "breach of trust or disloyalty to the state."</li> </ul>	<ul style="list-style-type: none"> <li>Not applied</li> </ul>	<ul style="list-style-type: none"> <li>Applied even to spouses and children of those who committed a "breach of trust"</li> </ul>	
	<b>Entry into Israel Law, September 1952</b>	<ul style="list-style-type: none"> <li>Regulates entry to and residency in Israel defining both as privilege and not a right</li> </ul>	<ul style="list-style-type: none"> <li>Not applicable</li> </ul>	<ul style="list-style-type: none"> <li>are treated like foreigners and permanent tourists in their own home town</li> </ul>	
	<b>Population Registry Law, 1965</b>	<ul style="list-style-type: none"> <li>Requires all residents of Israel to register their nationality [i.e., Jewish, Arab, Druze] and obtain an identity card carrying this information.</li> </ul>	<ul style="list-style-type: none"> <li>Enjoy all laws and rights</li> </ul>	<ul style="list-style-type: none"> <li>are discriminated by the prejudicial application of law in all spheres, from the rights to information and fair trial to detention and prison treatment</li> </ul>	
	<b>Entry into Israel Regulations, 1974</b>	<ul style="list-style-type: none"> <li>Assigns the status of "permanent residents" to East Jerusalem Palestinians</li> </ul>	<ul style="list-style-type: none"> <li>Retain their citizen status even if they settle in another country</li> </ul>	<ul style="list-style-type: none"> <li>negates Palestinian origin and identity,</li> <li>lose permanent residency status if they settle elsewhere</li> </ul>	
	<b>Identity Certificate Law, 1982</b>	<ul style="list-style-type: none"> <li>Obliges residents must carry identity cards at all times and present them to authorities</li> </ul>	<ul style="list-style-type: none"> <li>Are rarely asked to present their cards</li> </ul>	<ul style="list-style-type: none"> <li>are frequently asked to present their cards</li> </ul>	
	<b>Citizenship and Entry into Israel Law (temporary provision), 2003</b>	<ul style="list-style-type: none"> <li>Regulates "family unification" for non-citizen spouses and children of Arab Israeli citizens and Palestinians from Jerusalem</li> </ul>	<ul style="list-style-type: none"> <li>Not applicable</li> </ul>	<ul style="list-style-type: none"> <li>non-citizen spouses and children of Palestinian citizens and residents are prohibited from entering Israel [and living with their spouse/parent].</li> </ul>	
	<b>Land</b>	<b>Land (Acquisition for Public Purposes) Ordinance, 1943</b>	<ul style="list-style-type: none"> <li>Originally enacted by the British; used by Israel to authorize the confiscation of lands for state and "public" purposes.</li> </ul>	<ul style="list-style-type: none"> <li>Not applicable</li> </ul>	<ul style="list-style-type: none"> <li>has been used extensively, in conjunction with other laws to confiscate Palestinian-owned land.</li> </ul>
		<b>Amendment No. 10, 2010</b>	<ul style="list-style-type: none"> <li>Confirms state ownership of confiscated land, even if not used to serve the original confiscation purpose</li> </ul>	<ul style="list-style-type: none"> <li>Not applicable</li> </ul>	<ul style="list-style-type: none"> <li>prevents landowners from demanding the return of unused confiscated land</li> </ul>
<b>Absentee Property Law (No. 20), March 1950</b> (became, in principle, applicable in East Jerusalem in 1967)		<ul style="list-style-type: none"> <li>Allows confiscation of property from any Palestinian owner who was not physically present "at any time" from Nov. 29, 1947 until a declaration that the state of emergency declared in 1948 ended [which has not yet happened], in the country as "absentee property" under the control of the state (via the Custodian of Absentee Property).</li> </ul>	<ul style="list-style-type: none"> <li>Not applicable</li> </ul>	<ul style="list-style-type: none"> <li>defines as "absentee" anyone who was not present in Jerusalem at the time of the Israeli 1967 census and makes their property subject to confiscation by the Custodian of Absentee Property.</li> </ul>	
<b>Jewish Agency [Status] Law, 1952 and Jewish National Fund Law, 1953</b>		<ul style="list-style-type: none"> <li>Establishes the World Zionist Organization, the Jewish Agency and the Jewish National Fund as bodies with governmental status in fulfilling Zionist objectives - the immigration and settlement of Jews in Palestine.</li> </ul>	<ul style="list-style-type: none"> <li>Not applicable</li> </ul>	<ul style="list-style-type: none"> <li>restricts the sale, transfer or lease of land to non-Jews</li> <li>prohibit non-Jewish [i.e., Palestinian] citizens from acquiring land or leasing land, including land taken from them under various statutes</li> </ul>	
	<b>Land Acquisition (Validity of Acts &amp; Compensation) Law (No. 25), 1953</b>	<ul style="list-style-type: none"> <li>Confiscated the land; "validates" retroactively their use for military purposes and for Jewish settlements.</li> </ul>	<ul style="list-style-type: none"> <li>Not applicable</li> </ul>	<ul style="list-style-type: none"> <li>has confiscated the land of more than 400 Palestinian villages</li> </ul>	
	<b>Israel Land Administration Law, 1960</b>	<ul style="list-style-type: none"> <li>Establishes the Israel Land Administration (ILA), giving half of its council's seats to the government, and half to the Jewish National Fund.</li> </ul>	<ul style="list-style-type: none"> <li>Not applicable</li> </ul>	<ul style="list-style-type: none"> <li>The ILA cannot lease land to foreign nationals, which includes Palestinian residents of Jerusalem</li> </ul>	
	<b>- Amendment No. 7, 2009</b>	<ul style="list-style-type: none"> <li>Institutes land privatization, mainly of land owned by Palestinian refugees and internally displaced persons, and land on which settlements are built.</li> </ul>	<ul style="list-style-type: none"> <li>Not applicable</li> </ul>		

# LEGAL STATUS & TREATMENT of Palestinians in Jerusalem

<p><b>Basic Law: Israel Lands, 1960</b></p>	<ul style="list-style-type: none"> <li>States that all the lands owned by the state of Israel will remain in state ownership, and cannot be transferred in any manner.</li> </ul>	<p>Use of land through leasing rights from the ILA for a period of 49 or 98 years possible.</p> <ul style="list-style-type: none"> <li>Local Town Planning Schemes (TPS) are available and allow construction and expansion of Jewish areas and settlements</li> <li>Neighborhoods have adequate public infrastructure</li> </ul>	<ul style="list-style-type: none"> <li>ILA cannot lease land to foreign nationals, which includes Palestinian residents of Jerusalem</li> <li>severely limits construction as there are no TPS available for Arab localities in the city</li> <li>reduces the amount of land available for construction</li> <li>neighborhoods have no adequate public infrastructure and the requirements are nearly impossible to be met in many East Jerusalem areas.</li> <li>integrates the eastern part of Jerusalem to the municipal and administrative spheres.</li> <li>The area included in the appendix is the 70 km<sup>2</sup> annexed to the existing municipal area of West Jerusalem.</li> <li>extended the municipality's control to the newly occupied area</li> <li>not any Muslim, Christian, or Druze sites were declared holy places.</li> <li>declared land as belonging to an "absentee," reverting it to the Custodian of Absentee Property (i.e. the state).</li> <li>hinders Palestinians from registering land ownership</li> <li>used almost exclusively to expropriate Palestinian land</li> <li>provides that a person is an "absentee" vis-à-vis his/her property under the Absentees' Property Law if s/he was not present on the day of annexation (27 June 1967)</li> <li>permits individual claims for restitution of pre-1948 property in East Jerusalem but not in West Jerusalem (where most abandoned Palestinian property is located).</li> <li>severely underestimates the construction needs for the Palestinians and ignores that they make up already almost 40% of the population</li> <li>plans are mainly in the peripheral neighborhoods</li> <li>proposes no new industrial, commercial, service or development areas</li> <li>poor planning for public buildings</li> <li>treats the eastern part of Jerusalem as an empty space, without a population, and entirely available for use by settlers.</li> <li>ignores that East Jerusalem is occupied territory according to international law</li> </ul>
<p><b>National Planning and Building Law, 1965</b></p>	<ul style="list-style-type: none"> <li>Creates a system of discriminatory urban planning policies, e.g., by prohibiting building in areas that lack public infrastructure (roads, water/sanitation services, schools, hospitals, etc.).</li> <li>Art. 157a prohibits national utility companies from connecting a building to national electricity, water, and phone networks if it lacks a building permit.</li> </ul>	<p>Includes plans for tens of thousands of new housing units in Jewish areas.</p> <ul style="list-style-type: none"> <li>Accelerates Israeli development in central Jerusalem</li> </ul>	<ul style="list-style-type: none"> <li>severely limits construction as there are no TPS available for Arab localities in the city</li> <li>reduces the amount of land available for construction</li> <li>neighborhoods have no adequate public infrastructure and the requirements are nearly impossible to be met in many East Jerusalem areas.</li> <li>integrates the eastern part of Jerusalem to the municipal and administrative spheres.</li> <li>The area included in the appendix is the 70 km<sup>2</sup> annexed to the existing municipal area of West Jerusalem.</li> <li>extended the municipality's control to the newly occupied area</li> <li>not any Muslim, Christian, or Druze sites were declared holy places.</li> <li>declared land as belonging to an "absentee," reverting it to the Custodian of Absentee Property (i.e. the state).</li> <li>hinders Palestinians from registering land ownership</li> <li>used almost exclusively to expropriate Palestinian land</li> <li>provides that a person is an "absentee" vis-à-vis his/her property under the Absentees' Property Law if s/he was not present on the day of annexation (27 June 1967)</li> <li>permits individual claims for restitution of pre-1948 property in East Jerusalem but not in West Jerusalem (where most abandoned Palestinian property is located).</li> <li>severely underestimates the construction needs for the Palestinians and ignores that they make up already almost 40% of the population</li> <li>plans are mainly in the peripheral neighborhoods</li> <li>proposes no new industrial, commercial, service or development areas</li> <li>poor planning for public buildings</li> <li>treats the eastern part of Jerusalem as an empty space, without a population, and entirely available for use by settlers.</li> <li>ignores that East Jerusalem is occupied territory according to international law</li> </ul>
<p><b>Law and Administration Ordinance (Amendment No. 11) Law, 1967</b></p>	<ul style="list-style-type: none"> <li>Stipulates that "the law, jurisdiction and administration of the State shall extend to any area of Eretz Israel designated by the Government by order."</li> </ul>	<p>Not applicable</p>	<ul style="list-style-type: none"> <li>integrates the eastern part of Jerusalem to the municipal and administrative spheres.</li> <li>The area included in the appendix is the 70 km<sup>2</sup> annexed to the existing municipal area of West Jerusalem.</li> <li>extended the municipality's control to the newly occupied area</li> <li>not any Muslim, Christian, or Druze sites were declared holy places.</li> <li>declared land as belonging to an "absentee," reverting it to the Custodian of Absentee Property (i.e. the state).</li> <li>hinders Palestinians from registering land ownership</li> <li>used almost exclusively to expropriate Palestinian land</li> <li>provides that a person is an "absentee" vis-à-vis his/her property under the Absentees' Property Law if s/he was not present on the day of annexation (27 June 1967)</li> <li>permits individual claims for restitution of pre-1948 property in East Jerusalem but not in West Jerusalem (where most abandoned Palestinian property is located).</li> <li>severely underestimates the construction needs for the Palestinians and ignores that they make up already almost 40% of the population</li> <li>plans are mainly in the peripheral neighborhoods</li> <li>proposes no new industrial, commercial, service or development areas</li> <li>poor planning for public buildings</li> <li>treats the eastern part of Jerusalem as an empty space, without a population, and entirely available for use by settlers.</li> <li>ignores that East Jerusalem is occupied territory according to international law</li> </ul>
<p><b>Law and Administration Order (No. 1), 1967</b></p>	<ul style="list-style-type: none"> <li>Legal framework for Israeli actions in East Jerusalem; states that "the territory of the Land of Israel described in the appendix [to this Order] is hereby proclaimed territory in which the law, jurisdiction, and administration of the State apply."</li> </ul>	<p>Not applicable</p>	<ul style="list-style-type: none"> <li>integrates the eastern part of Jerusalem to the municipal and administrative spheres.</li> <li>The area included in the appendix is the 70 km<sup>2</sup> annexed to the existing municipal area of West Jerusalem.</li> <li>extended the municipality's control to the newly occupied area</li> <li>not any Muslim, Christian, or Druze sites were declared holy places.</li> <li>declared land as belonging to an "absentee," reverting it to the Custodian of Absentee Property (i.e. the state).</li> <li>hinders Palestinians from registering land ownership</li> <li>used almost exclusively to expropriate Palestinian land</li> <li>provides that a person is an "absentee" vis-à-vis his/her property under the Absentees' Property Law if s/he was not present on the day of annexation (27 June 1967)</li> <li>permits individual claims for restitution of pre-1948 property in East Jerusalem but not in West Jerusalem (where most abandoned Palestinian property is located).</li> <li>severely underestimates the construction needs for the Palestinians and ignores that they make up already almost 40% of the population</li> <li>plans are mainly in the peripheral neighborhoods</li> <li>proposes no new industrial, commercial, service or development areas</li> <li>poor planning for public buildings</li> <li>treats the eastern part of Jerusalem as an empty space, without a population, and entirely available for use by settlers.</li> <li>ignores that East Jerusalem is occupied territory according to international law</li> </ul>
<p><b>Municipalities Ordinance, (Amendment No. 6), 1967</b></p>	<ul style="list-style-type: none"> <li>Authorizes the Minister of the Interior "to extend, by proclamation the borders of city X by including the area set forth in an Order pursuant to paragraph 11B of the Law and Administration Ordinance."</li> </ul>	<p>Not applicable</p>	<ul style="list-style-type: none"> <li>integrates the eastern part of Jerusalem to the municipal and administrative spheres.</li> <li>The area included in the appendix is the 70 km<sup>2</sup> annexed to the existing municipal area of West Jerusalem.</li> <li>extended the municipality's control to the newly occupied area</li> <li>not any Muslim, Christian, or Druze sites were declared holy places.</li> <li>declared land as belonging to an "absentee," reverting it to the Custodian of Absentee Property (i.e. the state).</li> <li>hinders Palestinians from registering land ownership</li> <li>used almost exclusively to expropriate Palestinian land</li> <li>provides that a person is an "absentee" vis-à-vis his/her property under the Absentees' Property Law if s/he was not present on the day of annexation (27 June 1967)</li> <li>permits individual claims for restitution of pre-1948 property in East Jerusalem but not in West Jerusalem (where most abandoned Palestinian property is located).</li> <li>severely underestimates the construction needs for the Palestinians and ignores that they make up already almost 40% of the population</li> <li>plans are mainly in the peripheral neighborhoods</li> <li>proposes no new industrial, commercial, service or development areas</li> <li>poor planning for public buildings</li> <li>treats the eastern part of Jerusalem as an empty space, without a population, and entirely available for use by settlers.</li> <li>ignores that East Jerusalem is occupied territory according to international law</li> </ul>
<p><b>Protection of Holy Sites Law, 1967</b></p>	<ul style="list-style-type: none"> <li>Empowers the Ministry of Religious Affairs to designate the names of the holy sites in Israel.</li> </ul>	<p>To date, 135 Jewish sites were declared as holy sites</p>	<ul style="list-style-type: none"> <li>integrates the eastern part of Jerusalem to the municipal and administrative spheres.</li> <li>The area included in the appendix is the 70 km<sup>2</sup> annexed to the existing municipal area of West Jerusalem.</li> <li>extended the municipality's control to the newly occupied area</li> <li>not any Muslim, Christian, or Druze sites were declared holy places.</li> <li>declared land as belonging to an "absentee," reverting it to the Custodian of Absentee Property (i.e. the state).</li> <li>hinders Palestinians from registering land ownership</li> <li>used almost exclusively to expropriate Palestinian land</li> <li>provides that a person is an "absentee" vis-à-vis his/her property under the Absentees' Property Law if s/he was not present on the day of annexation (27 June 1967)</li> <li>permits individual claims for restitution of pre-1948 property in East Jerusalem but not in West Jerusalem (where most abandoned Palestinian property is located).</li> <li>severely underestimates the construction needs for the Palestinians and ignores that they make up already almost 40% of the population</li> <li>plans are mainly in the peripheral neighborhoods</li> <li>proposes no new industrial, commercial, service or development areas</li> <li>poor planning for public buildings</li> <li>treats the eastern part of Jerusalem as an empty space, without a population, and entirely available for use by settlers.</li> <li>ignores that East Jerusalem is occupied territory according to international law</li> </ul>
<p><b>Military Order No. 150 (1968)</b></p>	<ul style="list-style-type: none"> <li>Allows the Custodian of Absentee Property to expropriate land belonging to Palestinians who were not recorded in the official East Jerusalem census Israel conducted following the 1967 war</li> </ul>	<p>Not applicable</p>	<ul style="list-style-type: none"> <li>integrates the eastern part of Jerusalem to the municipal and administrative spheres.</li> <li>The area included in the appendix is the 70 km<sup>2</sup> annexed to the existing municipal area of West Jerusalem.</li> <li>extended the municipality's control to the newly occupied area</li> <li>not any Muslim, Christian, or Druze sites were declared holy places.</li> <li>declared land as belonging to an "absentee," reverting it to the Custodian of Absentee Property (i.e. the state).</li> <li>hinders Palestinians from registering land ownership</li> <li>used almost exclusively to expropriate Palestinian land</li> <li>provides that a person is an "absentee" vis-à-vis his/her property under the Absentees' Property Law if s/he was not present on the day of annexation (27 June 1967)</li> <li>permits individual claims for restitution of pre-1948 property in East Jerusalem but not in West Jerusalem (where most abandoned Palestinian property is located).</li> <li>severely underestimates the construction needs for the Palestinians and ignores that they make up already almost 40% of the population</li> <li>plans are mainly in the peripheral neighborhoods</li> <li>proposes no new industrial, commercial, service or development areas</li> <li>poor planning for public buildings</li> <li>treats the eastern part of Jerusalem as an empty space, without a population, and entirely available for use by settlers.</li> <li>ignores that East Jerusalem is occupied territory according to international law</li> </ul>
<p><b>Military Order 291 (1968)</b></p>	<ul style="list-style-type: none"> <li>Terminates the land (and water) registration process begun under Jordanian rule</li> </ul>	<p>Not applicable</p>	<ul style="list-style-type: none"> <li>integrates the eastern part of Jerusalem to the municipal and administrative spheres.</li> <li>The area included in the appendix is the 70 km<sup>2</sup> annexed to the existing municipal area of West Jerusalem.</li> <li>extended the municipality's control to the newly occupied area</li> <li>not any Muslim, Christian, or Druze sites were declared holy places.</li> <li>declared land as belonging to an "absentee," reverting it to the Custodian of Absentee Property (i.e. the state).</li> <li>hinders Palestinians from registering land ownership</li> <li>used almost exclusively to expropriate Palestinian land</li> <li>provides that a person is an "absentee" vis-à-vis his/her property under the Absentees' Property Law if s/he was not present on the day of annexation (27 June 1967)</li> <li>permits individual claims for restitution of pre-1948 property in East Jerusalem but not in West Jerusalem (where most abandoned Palestinian property is located).</li> <li>severely underestimates the construction needs for the Palestinians and ignores that they make up already almost 40% of the population</li> <li>plans are mainly in the peripheral neighborhoods</li> <li>proposes no new industrial, commercial, service or development areas</li> <li>poor planning for public buildings</li> <li>treats the eastern part of Jerusalem as an empty space, without a population, and entirely available for use by settlers.</li> <li>ignores that East Jerusalem is occupied territory according to international law</li> </ul>
<p><b>Military Order 321 (1968)</b></p>	<ul style="list-style-type: none"> <li>Entitles authorities to expropriate any land required for "public use"</li> </ul>	<p>"Public" means for Jews only</p>	<ul style="list-style-type: none"> <li>integrates the eastern part of Jerusalem to the municipal and administrative spheres.</li> <li>The area included in the appendix is the 70 km<sup>2</sup> annexed to the existing municipal area of West Jerusalem.</li> <li>extended the municipality's control to the newly occupied area</li> <li>not any Muslim, Christian, or Druze sites were declared holy places.</li> <li>declared land as belonging to an "absentee," reverting it to the Custodian of Absentee Property (i.e. the state).</li> <li>hinders Palestinians from registering land ownership</li> <li>used almost exclusively to expropriate Palestinian land</li> <li>provides that a person is an "absentee" vis-à-vis his/her property under the Absentees' Property Law if s/he was not present on the day of annexation (27 June 1967)</li> <li>permits individual claims for restitution of pre-1948 property in East Jerusalem but not in West Jerusalem (where most abandoned Palestinian property is located).</li> <li>severely underestimates the construction needs for the Palestinians and ignores that they make up already almost 40% of the population</li> <li>plans are mainly in the peripheral neighborhoods</li> <li>proposes no new industrial, commercial, service or development areas</li> <li>poor planning for public buildings</li> <li>treats the eastern part of Jerusalem as an empty space, without a population, and entirely available for use by settlers.</li> <li>ignores that East Jerusalem is occupied territory according to international law</li> </ul>
<p><b>The Legal and Administrative Matters (Regulation) Law (Consolidated Version), 1970</b></p>	<ul style="list-style-type: none"> <li>Laid out the rules for how Israeli law is to be implemented in East Jerusalem (transition from Jordanian to Israeli law)</li> </ul>	<p>Not applicable</p>	<ul style="list-style-type: none"> <li>integrates the eastern part of Jerusalem to the municipal and administrative spheres.</li> <li>The area included in the appendix is the 70 km<sup>2</sup> annexed to the existing municipal area of West Jerusalem.</li> <li>extended the municipality's control to the newly occupied area</li> <li>not any Muslim, Christian, or Druze sites were declared holy places.</li> <li>declared land as belonging to an "absentee," reverting it to the Custodian of Absentee Property (i.e. the state).</li> <li>hinders Palestinians from registering land ownership</li> <li>used almost exclusively to expropriate Palestinian land</li> <li>provides that a person is an "absentee" vis-à-vis his/her property under the Absentees' Property Law if s/he was not present on the day of annexation (27 June 1967)</li> <li>permits individual claims for restitution of pre-1948 property in East Jerusalem but not in West Jerusalem (where most abandoned Palestinian property is located).</li> <li>severely underestimates the construction needs for the Palestinians and ignores that they make up already almost 40% of the population</li> <li>plans are mainly in the peripheral neighborhoods</li> <li>proposes no new industrial, commercial, service or development areas</li> <li>poor planning for public buildings</li> <li>treats the eastern part of Jerusalem as an empty space, without a population, and entirely available for use by settlers.</li> <li>ignores that East Jerusalem is occupied territory according to international law</li> </ul>
<p><b>The Jerusalem Master (Outline) Plan 2000, 2004 (updated in 2009)</b></p>	<ul style="list-style-type: none"> <li>Serves as a mandatory map for land use and a blueprint for municipal planning purposes up to 2030 (initially 2020); maintains the goal a 30:70 population ratio</li> <li>Treats the city as one urban unit under Israeli sovereignty</li> </ul>	<p>Includes plans for tens of thousands of new housing units in Jewish areas.</p> <ul style="list-style-type: none"> <li>Accelerates Israeli development in central Jerusalem</li> </ul>	<ul style="list-style-type: none"> <li>integrates the eastern part of Jerusalem to the municipal and administrative spheres.</li> <li>The area included in the appendix is the 70 km<sup>2</sup> annexed to the existing municipal area of West Jerusalem.</li> <li>extended the municipality's control to the newly occupied area</li> <li>not any Muslim, Christian, or Druze sites were declared holy places.</li> <li>declared land as belonging to an "absentee," reverting it to the Custodian of Absentee Property (i.e. the state).</li> <li>hinders Palestinians from registering land ownership</li> <li>used almost exclusively to expropriate Palestinian land</li> <li>provides that a person is an "absentee" vis-à-vis his/her property under the Absentees' Property Law if s/he was not present on the day of annexation (27 June 1967)</li> <li>permits individual claims for restitution of pre-1948 property in East Jerusalem but not in West Jerusalem (where most abandoned Palestinian property is located).</li> <li>severely underestimates the construction needs for the Palestinians and ignores that they make up already almost 40% of the population</li> <li>plans are mainly in the peripheral neighborhoods</li> <li>proposes no new industrial, commercial, service or development areas</li> <li>poor planning for public buildings</li> <li>treats the eastern part of Jerusalem as an empty space, without a population, and entirely available for use by settlers.</li> <li>ignores that East Jerusalem is occupied territory according to international law</li> </ul>
<p><b>Israeli Regional Urban Plan No. 30, 2010</b></p>	<ul style="list-style-type: none"> <li>Making Jerusalem a Jewish national priority area and promote it as the "united Jewish capital" for the Jewish majority, as "the heart of the Jewish people" and the cultural and spiritual center for Jews in Israel and around the world.</li> <li>Defines East Jerusalem as a part of "Jerusalem, united and complete", which is the capital of Israel</li> </ul>	<p>Encourages young Jews to settle in Jerusalem by offering tax benefits and affordable housing</p>	<ul style="list-style-type: none"> <li>integrates the eastern part of Jerusalem to the municipal and administrative spheres.</li> <li>The area included in the appendix is the 70 km<sup>2</sup> annexed to the existing municipal area of West Jerusalem.</li> <li>extended the municipality's control to the newly occupied area</li> <li>not any Muslim, Christian, or Druze sites were declared holy places.</li> <li>declared land as belonging to an "absentee," reverting it to the Custodian of Absentee Property (i.e. the state).</li> <li>hinders Palestinians from registering land ownership</li> <li>used almost exclusively to expropriate Palestinian land</li> <li>provides that a person is an "absentee" vis-à-vis his/her property under the Absentees' Property Law if s/he was not present on the day of annexation (27 June 1967)</li> <li>permits individual claims for restitution of pre-1948 property in East Jerusalem but not in West Jerusalem (where most abandoned Palestinian property is located).</li> <li>severely underestimates the construction needs for the Palestinians and ignores that they make up already almost 40% of the population</li> <li>plans are mainly in the peripheral neighborhoods</li> <li>proposes no new industrial, commercial, service or development areas</li> <li>poor planning for public buildings</li> <li>treats the eastern part of Jerusalem as an empty space, without a population, and entirely available for use by settlers.</li> <li>ignores that East Jerusalem is occupied territory according to international law</li> </ul>
<p><b>Basic Law: Jerusalem, Capital of Israel, 1980</b></p>	<ul style="list-style-type: none"> <li>Defines East Jerusalem as a part of "Jerusalem, united and complete", which is the capital of Israel</li> </ul>	<p>Encourages young Jews to settle in Jerusalem by offering tax benefits and affordable housing</p>	<ul style="list-style-type: none"> <li>integrates the eastern part of Jerusalem to the municipal and administrative spheres.</li> <li>The area included in the appendix is the 70 km<sup>2</sup> annexed to the existing municipal area of West Jerusalem.</li> <li>extended the municipality's control to the newly occupied area</li> <li>not any Muslim, Christian, or Druze sites were declared holy places.</li> <li>declared land as belonging to an "absentee," reverting it to the Custodian of Absentee Property (i.e. the state).</li> <li>hinders Palestinians from registering land ownership</li> <li>used almost exclusively to expropriate Palestinian land</li> <li>provides that a person is an "absentee" vis-à-vis his/her property under the Absentees' Property Law if s/he was not present on the day of annexation (27 June 1967)</li> <li>permits individual claims for restitution of pre-1948 property in East Jerusalem but not in West Jerusalem (where most abandoned Palestinian property is located).</li> <li>severely underestimates the construction needs for the Palestinians and ignores that they make up already almost 40% of the population</li> <li>plans are mainly in the peripheral neighborhoods</li> <li>proposes no new industrial, commercial, service or development areas</li> <li>poor planning for public buildings</li> <li>treats the eastern part of Jerusalem as an empty space, without a population, and entirely available for use by settlers.</li> <li>ignores that East Jerusalem is occupied territory according to international law</li> </ul>
<p><b>Political</b></p>	<ul style="list-style-type: none"> <li>Defines East Jerusalem as a part of "Jerusalem, united and complete", which is the capital of Israel</li> </ul>	<p>Encourages young Jews to settle in Jerusalem by offering tax benefits and affordable housing</p>	<ul style="list-style-type: none"> <li>integrates the eastern part of Jerusalem to the municipal and administrative spheres.</li> <li>The area included in the appendix is the 70 km<sup>2</sup> annexed to the existing municipal area of West Jerusalem.</li> <li>extended the municipality's control to the newly occupied area</li> <li>not any Muslim, Christian, or Druze sites were declared holy places.</li> <li>declared land as belonging to an "absentee," reverting it to the Custodian of Absentee Property (i.e. the state).</li> <li>hinders Palestinians from registering land ownership</li> <li>used almost exclusively to expropriate Palestinian land</li> <li>provides that a person is an "absentee" vis-à-vis his/her property under the Absentees' Property Law if s/he was not present on the day of annexation (27 June 1967)</li> <li>permits individual claims for restitution of pre-1948 property in East Jerusalem but not in West Jerusalem (where most abandoned Palestinian property is located).</li> <li>severely underestimates the construction needs for the Palestinians and ignores that they make up already almost 40% of the population</li> <li>plans are mainly in the peripheral neighborhoods</li> <li>proposes no new industrial, commercial, service or development areas</li> <li>poor planning for public buildings</li> <li>treats the eastern part of Jerusalem as an empty space, without a population, and entirely available for use by settlers.</li> <li>ignores that East Jerusalem is occupied territory according to international law</li> </ul>

# LEGAL STATUS & TREATMENT of Palestinians in Jerusalem



	<ul style="list-style-type: none"> <li>Provides a legal and constitutional defense for the application of Israeli law in East Jerusalem and limits the ability to change the city's "area" and jurisdiction</li> <li>Empowers the Minister of Defense to authorize a detention if he has reasonable cause to believe that "reasons of state security or public security" require it.</li> <li>Authorizes the use of administrative detention</li> <li>Entrenches Israel's claim to sovereignty over Jerusalem, establishing the Jerusalem Development Authority (JDA) responsible for any development, resource allocation, and promotion of national bodies in the city</li> <li>Forbids Palestinian activity "unless with the agreement of the Israeli government, to prevent the Palestinian Authority or PLO diplomatic or governmental activity or anything similar within the borders of the state of Israel that was not consistent with respect for the sovereignty of the State of Israel."</li> <li>Removes procedural safeguards from detainees suspected of security offenses that are provided to criminal suspects</li> <li>Regulates detention procedures for those suspected of security offenses <ul style="list-style-type: none"> <li>detention before being brought before judge:</li> <li>detention without being indicted</li> <li>detention with denied access to a lawyer</li> <li>detention extension</li> </ul> </li> <li>Allows the interrogations of "security suspects" not to be audio-visually recorded.</li> <li>Allows the Israel Prison Service (IPS) to prohibit "security" prisoners from meeting their lawyers on suspicion that such meetings may lead to the transfer of information relating to a terror organization</li> <li>May restrict the number of lawyers able to visit security prisoners for a period of three months (extendable)</li> <li>Allows district courts to extend the prohibition period for up to 6 months at a time, without examination of any evidence</li> <li>authorizes police to search anyone without a warrant if they had reasonable suspicion (probable cause) that the person was carrying a weapon illegally (on their person or in their car), or was planning to commit a crime with a weapon</li> <li>Conditions right to obtaining medical treatment on being a "Israeli resident 'in the territory", defined as "one who works or lives in the West Bank and Gaza and is an Israeli citizen or has the right to enter to Israel according to the Law of Return</li> <li>Limits the rights and benefits granted by the Law to "Israeli resident 'in the territory", defined as "one who works or lives in the West Bank and Gaza and is an Israeli citizen or has the right to enter to Israel according to the Law of Return</li> </ul>	<ul style="list-style-type: none"> <li>Rarely used (recently applied to suspects in the Duma terrorist arson which left three members of the Dawabsheh family dead)</li> <li>Can be members in the council of the JDA</li> </ul>	<ul style="list-style-type: none"> <li>- targets Palestinian protests and make mass arrests to stifle political decent</li> <li>- used extensively to detain Palestinians without trial and without permitting contact with lawyers</li> <li>Cannot be members in the council of the JDA (membership in is restricted to Israeli nationals)</li> </ul>
<p><b>- Amendment, 2000</b></p> <p><b>Emergency Powers (Detention) Law, 1979</b></p> <p><b>Jerusalem Development Authority Law No. 65, 1988</b></p> <p><b>Implementation of the Agreement on Gaza and Jericho (Restrictions of Activity), 1994</b></p> <p><b>Criminal Procedure Law - Interrogating Suspects, 2002</b></p> <p><b>- Detainee Suspected of Security Offence (Temporary Order), 2006, 2010</b></p> <p><b>-Amendment No. 6 (2012)</b></p> <p><b>Israeli Prisons Ordinance - Amendment No. 40 (Meetings with Lawyers), 2011</b></p> <p><b>- Amendment No. 43, 2012</b></p> <p><b>Authorities for Preserving Public Safety Law (Amendment No. 5 &amp; Temporary Provision), 2016</b></p> <p><b>Official Health Insurance Law , 1994</b></p> <p><b>Social Security (Combined Text) Law, 1995, Article 378</b></p>	<p>Not applicable</p> <p>Rarely applicable (Jews are principally treated as criminal suspects)</p> <p><u>Non-security suspect:</u></p> <ul style="list-style-type: none"> <li>- for up to 48 hours</li> <li>- for up to 30 days</li> <li>- for up to 48 hours</li> <li>- for up to 15 days at a time</li> </ul>	<ul style="list-style-type: none"> <li>- severely limits Palestinian activity in the city and prevents many events from being held</li> <li>- complicates relations between Palestinian residents and the PA and leaves the former in a leadership vacuum</li> <li>- targets and discriminates against "security prisoners", who are overwhelmingly Palestinians</li> </ul> <p><u>Security suspect:</u></p> <ul style="list-style-type: none"> <li>- for up to 96 hours (extendable by court order)</li> <li>- for up to 35 days</li> <li>- for up to 21 days</li> <li>- for up to 20 days at a time</li> </ul>	<ul style="list-style-type: none"> <li>- prevents security prisoners from effectively accessing the courts and obtaining redress</li> <li>- clearly targets Palestinians</li> <li>- conditions medical health services on valid residency status in Jerusalem (i.e., revoked ID Card means losing the right to medical treatment)</li> <li>- deprives East Jerusalemites of social security rights and benefits if they move to the West Bank or Gaza, including East Jerusalemite mothers giving birth in Israeli hospitals, if they live in the West Bank or Gaza</li> </ul>
<b>Judicial</b>			
<b>Social</b>			