

This is Jerusalem:

Violence and Dispossession
in al-'Esawiyah

May 2020

ב'תסלם
B'TSELEM
بتسيلم

This is Jerusalem:

Violence and Dispossession in al-‘Esawiyah

May 2020

Research and writing: Eyal Hareuveni
Field research: 'Amer 'Aruri
Map: Fadi Ja'far
English Editing: Maya Johnston
Cover photo: Oren Ziv/Activestills, Nov. 11, 2019
Catalog: Einhar Design
ISBN 965-7613-42-9

B'Tselem thanks Hani 'Issawi, Darwish Darwish, Muhammad Abu Humus, Arch. Efrat Cohen-Bar from Bimkom, Dror Etkes from Kerem Navot, Att. Daniel Seidemann, and the Free Jerusalem activists for their assistance in preparing the report.

Table of Contents

Introduction	6
Chapter 1: The ongoing dispossession of al-'Esawiyah land	7
Chapter 2: A no-planning policy	9
Chapter 3: Israel Police campaign of abuse since April 2019	18
Conclusions	25

Introduction

The East Jerusalem neighborhood of al-‘Esawiyah has been making headlines over the past year, ever since the Israel Police started an ongoing campaign of abuse and collective punishment against its residents. As part of the operation, underway to varying degrees since April 2019, police forces enter the Palestinian neighborhood daily for no reason, clash with residents, carry out arrests (especially of minors), harass locals, conduct unnecessary searches of their belongings and issue traffic reports en masse on ridiculous grounds. This police campaign is just one aspect of the policy Israel has implemented in al-‘Esawiyah since annexing parts of it in 1967.

One of the poorest neighborhoods in Jerusalem, al-‘Esawiyah lies on the eastern slopes of the Mount Scopus ridge, hemmed in by an array of Israeli institutions, Jewish neighborhoods, military bases and roads built on al-‘Esawiyah land. To the east and north, al-‘Esawiyah is bordered by Route 1, which connects Jerusalem with the settlement of Ma‘ale Adumim; immediately adjoining it to the north, west and southwest are the Hadassah Mount Scopus Medical Center, the Hebrew University campus, the Jewish neighborhoods of French Hill and Tzameret Habira, and the Ofarit military base; and just south of the neighborhood, the Israeli authorities are planning to establish a national park.

The authorities do not have precise official figures on the population size and number of households in al-‘Esawiyah. A 2017 estimate put the population at 18,230.¹ According to community leaders, some 22,000 people currently live in the neighborhood, about 20% of whom moved in after the construction of the Separation Barrier in the Jerusalem area in the mid-‘00s.² Having lived for

some time outside the city’s municipal boundaries, these Palestinians moved back into Jerusalem for fear that Israel would revoke their permanent residency status. According to municipal data, there were 1,840 apartments in al-‘Esawiyah in 2015.³ Planners commissioned by the municipality and the local leadership place the current number at 3,700 to 4,000.⁴

The average population density in al-‘Esawiyah is 25 people per dunam (1 dunam = 1,000 sq. meters), almost three times the 8.9 people per dunam density in adjoining Jewish neighborhoods French Hill and Tzameret Habira, and 3.5 times the average population density in all of Jerusalem.⁵

This is a direct outcome of Israel’s policy in all of East Jerusalem, which al-‘Esawiyah exemplifies in a particularly blatant way. The guiding logic is that Palestinians in Jerusalem are unwanted immigrants to be driven out of house and home by making their lives unbearable. To that end, Israel has imposed draconian prohibitions on development in Palestinian neighborhoods, cut East Jerusalem off from the rest of the West Bank, and intentionally avoided proper investment in infrastructure and municipal services in these neighborhoods. The overarching goal of this policy is to secure a Jewish supremacy in Jerusalem.

The first chapter reviews Israel’s dispossession of al-‘Esawiyah land since 1967. The second chapter presents the planning authorities’ policy of intentionally barring residents from almost any form of legal development. The third chapter describes the police operation waged in the neighborhood over the last year, focusing on the detention of minors.

1. Jerusalem Institute for Policy Research, *2019 Jerusalem Statistical Yearbook*, 2019, p. 34 (Hebrew).

2. Meetings with Hani ‘Issawi, 24 Oct. 2019 and 15 Jan. 2020.

3. Ya‘ara Issar, *Arab Neighborhoods in East Jerusalem: Research, Infrastructure and Evaluation – ‘Esawiyah*, Jerusalem Institute for Policy Research, 2016, p. 15 (Hebrew).

4. Ibid., p. 23-24; see, also, “[Notice of Appeal regarding the decision to approve the ‘Mount Scopus National Park’ Plan](#)”, Bimkom; conversation with Arch. Amir Elisha from Ari Cohen Architecture and Urban Planning, 27 Nov. 2019.

5. The population density of al-‘Esawiyah was calculated based on an estimated population size of 22,000 and the size of the built-up area – 860 dunams – as calculated by Dror Etkes of Kerem Navot. The population density of French Hill and Tzameret Habira was calculated based on population size data for 2017, see *2019 Jerusalem Statistical Yearbook* (above, note 1). The population density of the entire city was calculated based on Table 2.24 in the yearbook, “Population and density per sqm in communities with 5,000 residents or more as of 31 Dec. 2018”.

Chapter 1: The ongoing dispossession of al-'Esawiyah land

Since occupying the West Bank in 1967, Israel has taken more than 90% of al-'Esawiyah land by various means, always to benefit the Jewish population. Expropriation, declaration of "state land" and military seizure have denied the Palestinian residents any possibility of benefiting from the land – a key reason for their poverty. In the limited space left available to the residents, Israel imposes draconian restrictions on construction that exacerbate the housing crisis in the neighborhood (see Ch. 2).

The most detailed records of al-'Esawiyah land were compiled by British Mandate authorities in 1945, as part of a survey of land ownership in Palestinian villages based on residential tax payments since the Ottoman period. According to the survey, al-'Esawiyah land spanned 10,417 dunams – from the Mount Scopus ridge to the area of Khan al-Ahmar in the east (see map). The built-up area of the village covered 47 dunams and another 235 dunams were registered as "Jewish-owned land": i.e., land purchased by Zionist institutions including the Mount Scopus campus of the Hebrew University and the Hadassah Mount Scopus Medical Center. Another 3,099 dunams were cultivated farmland on which residents grew various crops for private consumption, and 180 dunams of additional farmland were cultivated by Jews. The rest of al-'Esawiyah's land was not cultivated.⁶

A. Dispossession of al-'Esawiyah land within Jerusalem's municipal boundaries

In 1967, Israel annexed about 70,000 dunams of the West Bank and included them within the municipal boundaries of Jerusalem. Among them were 2,230 dunams that made up about one quarter of al-'Esawiyah land,⁷ including the entire built-up area of the neighborhood, then estimated at 500 dunams. Immediately after the annexation, Israel held a census that listed 1,613 residents in al-'Esawiyah.⁸

About six months later, in January 1968, Israel expropriated the first portion of annexed land in order to establish new Jewish neighborhoods – Ma'alot Dafna, Ramat Eshkol, Giv'at Hamivtar and French Hill – and connect Mount Scopus with central Jerusalem.⁹ The expropriation included some 600 dunams from al-'Esawiyah, which were used to build parts of French Hill and Tzameret Habira, expand the Hebrew University campus and the Hadassah Mount Scopus Medical Center, and establish the military base of Ofarit on the Mount Scopus ridge.¹⁰

In 1982, Israel again expropriated about a hundred dunams of al-'Esawiyah land in order to build Route 1, a national highway.¹¹ Since then, the Israeli authorities have treated the road as the eastern boundary of al-'Esawiyah and banned neighborhood residents from accessing their land on the other side (several hundred dunams of which are included within Jerusalem's municipal boundaries). Furthermore, by means of the Moriah municipal company, the Jerusalem

6. See photograph: *Village Statistics – 1945* as at 1.4.45, The Department of Land Settlement.

7. Bimkom, *Survey of Palestinian Neighborhoods in East Jerusalem – Planning Problems and Opportunities*, 2013, p. 28.

8. "Households, by quarter, subquarter, and statistical area, persons, by residence, age, sex, quarter, subquarter, and statistical area", Census of Population 1967 conducted by the Central Bureau of Statistics, 1968, Vol. 6, fig. 2.

9. Yalkut Hapirsumim 1425, 11 Jan. 1968, p. 688 (Hebrew). Expropriation under the Expropriation Order (Expropriation for Public Purposes) 1943 (Amendment of 1946).

See expropriation data on B'Tselem website: https://www.btselem.org/jerusalem/land_expropriation_statistics.

10. Measurement of land expropriated in 1968 carried out by Sari Kornish of Bimkom.

11. Measurement of expropriated road area carried out by Sari Kornish of Bimkom. Plan no. 3116, "Outline for New Road (Mt. Scopus-Ma'ale Adumim Road), the Giv'at Shapira Neighborhood", published on Rashumot on 4 Nov. 1982 (Hebrew).

municipality is planning to expand a section of the road as part of a project to turn the French Hill junction into a multi-level interchange near the eastern entrance to al-'Esawiyah. This development will bar neighborhood residents from using another 90 dunams of their land near the road.¹²

In addition to the land Israel has already taken away from the neighborhood, there are plans to take over almost another 1,000 dunams. The Israel Parks and Nature Authority (IPNA), the Jerusalem municipality and the Jerusalem Development Authority are planning to establish the Mount Scopus Slopes National Park on about 450 dunams of al-'Esawiyah land. The municipality has also initiated the formation of a construction-waste and dirt landfill on about 450 dunams east of Route 1 (see Ch. 2 on the plans and their repercussions). Although the plans still await authorization by the planning institutions, al-'Esawiyah residents are already barred from using the earmarked land. The plan to build an extension to the Eastern Ring Road, which would connect to Route 1 with an interchange by the eastern entrance to al-'Esawiyah, if implemented, will rob the neighborhood of dozens more dunams.

B. Seizure of al-'Esawiyah land beyond the annexed area

Israel has also seized large swathes of al-'Esawiyah land that were not annexed to Jerusalem. In 1975, some 2,900 dunams were expropriated as part of

a massive expropriation of some 30,000 dunams of West Bank land to establish the settlement of Ma'ale Adumim and adjoining industrial park Mishor Adumim.¹³

From the early 1980s to the mid '00s, Israel gradually declared another 3,800 dunams of uncultivated land belonging to the neighborhood as "state land". This land had already been included in the municipal jurisdiction of Ma'ale Adumim and some of it lies within E1, an area north of the settlement's built-up section slated for expanding Ma'ale Adumim and connecting it with Jerusalem's municipal area.¹⁴

In 2002, another 45 dunams were seized from al-'Esawiyah to establish the Metzudat Adumim Border Police base.¹⁵ This takeover, followed by a declaration of the land as "state land", blocks neighborhood residents from accessing their few remaining acres of farmland.¹⁶

12. See 'Esawiyah interchange project on the Moriah company's GIS system (Hebrew).

13. Measurement of land expropriated in 1975 carried out by Dror Etkes of Kerem Navot. See Kerem Navot map of al-'Esawiyah land (tweeted on 7 Aug. 2019) and correspondence with Dror Etkes on 27 Nov. 2019. See, also, Bimkom and B'Tselem, *The Hidden Agenda: The Establishment and Expansion Plans of Ma'ale Adumim and their Human Rights Ramifications*, Dec. 2009, p. 9-11. The expropriation was carried out on 1 April 1975, based on Decision No. 385 of the Ministerial Committee for Allocation of Land, of 30 March 1975.

14. Measurement of land declared "state land" carried out by Dror Etkes of Kerem Navot. For more information on Area E1, see *The Hidden Agenda* (above, note 13), p. 32-36.

15. Seizure Order S/11/02 (Judea and Samaria) – 2002, and Seizure Order S/11/02 (Extension and Amendment of Boundaries no. 2).

16. *Arab Neighborhoods in East Jerusalem* (above, note 3), p. 11.

Chapter 2: A no-planning policy

In the nearly 53 years since the annexation of parts of al-'Esawiyah, the Israeli authorities have gone to considerable lengths to prevent any construction or development in the neighborhood. For instance, they have avoided drawing up an adequate outline plan for al-'Esawiyah and blocked an independent plan drawn up by the residents in collaboration with Israeli NGO Bimkom – Planners for Planning Rights. This makes it impossible for residents to get permits to build homes. The municipality uses this reality, of its own creation, as an excuse not to build public institutions – such as schools or commercial areas – and not develop and maintain roads or the neglected water supply, drainage and sewage systems in the neighborhood.¹⁷

Obviously, the absence of a proper outline plan has not made the real need for housing disappear. Left with no choice, many residents build homes without permits. This sentences them to a life of uncertainty, under constant threat of demolition or of fines amounting to hundreds of thousands of shekels (the exchange rate at the time of writing was 3.5 NIS per 1 USD).

A. No proper outline plans

In 1979, twelve years after the annexation, the Jerusalem municipality started drawing up the first outline plan for al-'Esawiyah. The plan, prepared without any input from residents and declared only in 1991, is still in force.

When it was being drawn up more than 40 years ago, the plan was already grossly unfit to meet the neighborhood's needs. It certainly does not reflect the growing needs since. The plan covered an area of 663 dunams, which make up less than 30% of annexed al-'Esawiyah land. It delimited the built-up area at the time, which consisted of 1,400 apartments, and left very little space for new building. In 90% of the area covered by the plan, buildings were limited to two stories, on the grounds that the military demanded restrictions to the height of structures and trees lying within a 500-meter radius from the antennas of the nearby base of Ofarit. Two built-up enclaves that lie within the area of the plan were left out of it. Although some 100 dunams were earmarked for public institutions, about half of these were slated for the expansion of the Hebrew University campus and buildings in the French Hill, on land that had already been expropriated. The rest of the land was earmarked for schools and preschools in the neighborhood, only some of which have actually been constructed since the plan came into force 30 years ago. The plan also proposed a network of roads within the neighborhood that entirely overlooked existing structures and routes.¹⁸

With the plan largely exhausting its own building potential even before it was approved, it became redundant. The plan offered no avenues for meaningful economic development in al-'Esawiyah, or future options for addressing population growth. This is no coincidence, but rather a deliberate policy: like other plans drawn up at the time for Palestinian

17. See the few urban projects planned in al-'Esawiyah on the Moriah company's GIS system (Hebrew). Two preschool complexes planned: <https://jerusalemuni.maps.arcgis.com/apps/webappviewer/index.html?id=0bd386a75b004f45a2ac940fe41437f7>. In January 2020, the first municipality-built playground in al-'Esawiyah was inaugurated. See Alon Levy, "Under Shadow of Tension in 'Esawiyah: New Playground of Neighborhood Children Inaugurated", *Mynet Jerusalem*, 16 Jan. 2020 (Hebrew).

18. Plan no. 2316, Outline Plan for al-'Esawiyah Neighborhood. See, also, *Survey of Palestinian Neighborhoods in East Jerusalem* (above, note 7), p. 28, and *Arab Neighborhoods in East Jerusalem* (above, note 3), p. 22 (Hebrew).

neighborhoods in East Jerusalem, the al-'Esawiyah outline plan was not meant to serve the Palestinian residents but to help preserve a Jewish supremacy in the city. This is part of Israel's "demographic balance" policy, defined back in 1975 by the director of the planning policy department at the Ministry of Interior, Israel Kimhi, as "a cornerstone of planning in Jerusalem".¹⁹

In 2004, the al-'Esawiyah leadership partnered with Bimkom to draw up a new outline plan (the Kaminker Project).²⁰ The ministry of the interior and the municipality supported the initiative, at least initially. The Jerusalem city engineer at the time, Uri Shitrit, who represented the municipality in negotiations with the residents of al-'Esawiyah, agreed to stay the execution of demolition orders in the neighborhood while the plan was being prepared, in exchange for residents promising not to build without permits.²¹ The plan proposed doubling the built-up area of al-'Esawiyah to 1,350 dunams (about 60% of the annexed land), which would have legalized existing structures and allowed new construction to address the population growth expected by 2020. The planners were still required

to meet the military's height restrictions, although dozens of structures in the neighborhood already exceeded it. In areas lying beyond this restriction, the planned buildings had up to eight stories. The plan also proposed a road network based on the existing routes in al-'Esawiyah (which did not meet the required standards) and a ring road encircling the neighborhood to ease traffic congestion. It also included the establishment of an employment center and a school on al-'Esawiyah land remaining east of Route 1.²²

In late 2010, the al-'Esawiyah leadership and Bimkom announced that due to a series of obstacles imposed by various bodies, including the municipality, they saw no point in continuing work on the plan – and it was shelved. The major impediment was a reduction in the size of the plan. Al-'Esawiyah's land reserves had already been greatly depleted due to Israel's policy, and almost all of them were already allocated for other uses. In a small land reserve adjoining the Jewish neighborhood of Tzameret Habira, the municipality prohibited construction altogether. The main land left for development lies south of al-'Esawiyah and naturally continues the neighborhood's built-up area.

19. Regarding the demographic balancing policy, see *Trapped by Planning: Israeli Policy, Planning, and Development in the Palestinian Neighborhoods of East Jerusalem*, Bimkom, 2015, p. 15-22.

20. Bimkom, *The Kaminker Project in the East Jerusalem neighborhood of Issawiya*.

21. Information conveyed to B'Tselem in conversation with Arch. Efrat Cohen-Bar of Bimkom, 10 Oct. 2019.

22. Detailed plan no. 11500 of al-'Esawiyah. For further information, see *Survey of Palestinian Neighborhoods in East Jerusalem* (above, note 7), p. 27, and *Arab Neighborhoods in East Jerusalem* (above, note 3), p. 23 (Hebrew).

Yet on that very land, whose inclusion in the plan had already been agreed with the planning authorities, the IPNA decided at that point to establish a national park called the Mount Scopus Slopes – a decision first made independently and later backed by the municipality and the Jerusalem Development Authority.²³ This national park is slated to span all the remaining area between the Palestinian neighborhoods of al-‘Esawiyah and a-Tur, blocking any future development of both neighborhoods and implementation of the outline plan.²⁴

National parks are usually declared on sites that have unusual historical value or unique flora and fauna. The proposed park on Mount Scopus very clearly lacks any such attributes. Indeed, then-Environmental Protection Minister Amir Peretz called the area “devoid of particularly sensitive natural elements of value or unique archaeological relics that justify making it a natural park.” Nevertheless, IPNA insisted on going ahead with the project on theological grounds, citing biblical descriptions from Deuteronomy, Psalms and the Song of Songs concerning “the wilderness” as seen from Mount Scopus. This neatly ignores the fact that the landscape is far from “wild”: looking out from Mount Scopus, what one actually sees is the

Palestinian town of a-Za‘ayem and a large stretch of land for which Israel has massive development plans, including thousands of apartments and hotels in Area E1.²⁵

The sole purpose of declaring a national park in this area appears, therefore, to be blocking development in the adjacent Palestinian neighborhoods. This makes particular sense given the similar function of other national parks established in East Jerusalem – driving wedges between Palestinian neighborhoods. B’Tselem dubbed these parks “Old Bogus” and Peace Now calls them “invisible settlements”.²⁶

In late 2012, the Jerusalem municipality and IPNA tried to circumvent planning procedures and push forward the establishment of the national park by making unusual use of a municipal bylaw on filling in pits and removing hazards. “Gardening orders” were issued under the bylaw, declaring a vast tract of land spanning some 1,200 dunams – an area much larger than ever allocated to the residents of al-‘Esawiyah – as a huge temporary garden.²⁷ The “garden” was supposed to include the military base of Ofarit and homes in al-‘Esawiyah and a-Tur.²⁸ An appeal Bimkom

23. *Survey of Palestinian Neighborhoods in East Jerusalem* (above, note 7), p. 27. See, also: Bimkom, *From Public to National: National Parks in East Jerusalem*, 2012, p. 24-25.

24. See “Notice of Appeal” (above, note 4). See, also: *Arab Neighborhoods in East Jerusalem* (above, note 3), p. 13 (Hebrew).

25. Nir Hasson, “Israel Freezes Plan to Build Jerusalem Park Encroaching on Palestinian Neighborhoods”, *Ha’aretz*, 3 Oct. 2013; “From Public to National” (above, note 23), p. 21-25; Art. 111-118 of the “Decision of the Appeals Subcommittee of the National Planning and Building Council Regarding the National Park”, **Darwish Darwish, Hani Issawi et al. v. Jerusalem District Planning and Building Committee**, 10 Sept. 2018 (Hebrew); presentation by the IPNA Jerusalem Division, “National Park – Mount Scopus Slopes”, submitted to the District Committee on Planning and Building on 5 April 2011 (Hebrew).

26. Nadav Shragai, “Right Initiating Series of Outposts around Jerusalem’s Old City”, *Ha’aretz*, 24 April 2002 (Hebrew). See, also: Hagit Ofra, “Invisible Settlements in Jerusalem”, Peace Now (first published in *Palestine Israel*, Vol. 17, No. 1, March 2011); B’Tselem, “National Parks in East Jerusalem”, Sep. 2014; Nir Hasson, “Recording Reveals East Jerusalem Park Is About Politics, Not Environment”, *Ha’aretz*, 30 Sept. 2013; Emek Shaveh, “From Territorial Contiguity to Historical Continuity: Asserting Israeli Control through National Parks in East Jerusalem”, March 2014; B’Tselem, “Mount Scopus Slopes National Park and the harm it causes al-‘Esawiyah and a-Tur”, July 2015.

27. The Local Authorities (Temporary Use of Vacant Lots) Law, 5747-1987, permits a local authority to expropriate privately-owned land in order to create public parks.

28. Gardening Use Order for Vacant Lot issued by Jerusalem mayor Nir Barkat on 11 Feb. 2013. For further information, see: Nir Hasson, “Plan to Sanction National Park Instead of Arab Structures Named ‘They Will Neither Know Nor Understand’”, *Ha’aretz*, 13 Nov. 2012 (Hebrew).

filed with the Municipal Court thwarted this plan.²⁹ Prime Minister Benjamin Netanyahu joined in the efforts to declare the park, and a year later ordered that the garden plan be “immediately advanced” as part of advancing construction plans in settlements.³⁰

Despite the authorities’ efforts, in September 2014, the Appeals Subcommittee of the National Planning and Building Council suspended the declaration of the park. The subcommittee, which heard objections filed by residents of al-‘Esawiyah and a-Tur along with Bimkom, accepted IPNA’s position that the “panoramic value” of the site merited declaring it a national park. Nonetheless, after finding that the garden plan lacked “any factual basis” or “concrete response to the development needs” of both neighborhoods”, the subcommittee held that IPNA must also take into account “all the necessary public needs and their full implications”.³¹

To date, the Jerusalem municipality and IPNA have not presented either the local or district planning committees with any document referring to the planning needs of the two Palestinian neighborhoods – nor have they cancelled the plan to declare the national park. As a result, the residents of al-‘Esawiyah still cannot use the earmarked land for their own needs.

The municipality made further requirements impeding the plan proposed by the community and Bimkom. For example, the plan estimated there would be 1,800

apartments in the neighborhood in 2006, and that by 2020, another 1,900 apartments would have to be built to meet the needs of almost 22,000 people. Yet the municipality insisted on lower estimates of population growth and capped the number of planned apartments at 1,700.³²

Another difficulty concerned construction for public use on the eastern side of Route 1. The municipality rejected the proposal on the grounds that the area was inaccessible. Yet in 2012, the fact that this was no more than a flimsy excuse was officially exposed when the municipality announced it was planning to build a 520-dunam landfill for construction waste (450 dunams of which belong to residents of al-‘Esawiyah) on the very same site, and would therefore dig a tunnel under Route 1. The landfill, which would have caused years of environmental hazards, was put on hold after a public campaign that included residents of the Jewish neighborhood of French Hill. In November 2016, the Appeals Subcommittee of the National Planning and Building Council ordered the municipality to seek alternative sites for the landfill³³ – but the Palestinian residents are still forbidden to use the land.

After the community’s initiative for a new outline plan was effectively blocked, then-city engineer Shlomo Eshkol announced in April 2011 that the Jerusalem municipality would present its own outline plan for al-‘Esawiyah within a year, and that “a budget has even been allocated to the matter”. Yet it took until

29. Bimkom, *Deliberately Planned: A Policy to Thwart Planning in the Palestinian Neighborhoods of Jerusalem*, Feb. 2017. “Outline Plan 101-0292870 Regarding Urban Nature in Jerusalem”, Objection by Residents of a-Tur, Khallet al-‘Ein, 30 Oct. 2018.

30. William Booth, “Israel frees more Palestinian prisoners, then announces new settlement construction”, *Washington Post*, 30 Oct. 2013.

31. Art. 141 and 142 of the Decision of the Appeals Subcommittee (above, note 25).

32. See above, notes 3 and 22.

33. Plan no. 13900 for a Construction Waste and Dirt Landfill at Nachal Og. See, also: Nir Hasson, “Victory for Residents of French Hill and ‘Esawiyah: Establishment of Landfill in Area Postponed”, *Ha’aretz*, 28 Nov. 2016 (Hebrew); *Survey of Palestinian Neighborhoods in East Jerusalem* (above, note 7), p. 27.

2015 for the municipality to hire an architects' office to draw up a plan. To date, the outline plan is ready but has not yet been submitted to start the process of authorization by the planning committees.³⁴

To the best of B'Tselem's knowledge, the plan commissioned by the municipality – yet again drawn up without input from the residents – covers some 1,050 dunams. This is less than half of the al-'Esawiyah land annexed to Jerusalem. The proposed development is similar to what the community and Bimkom suggested in their plan: about 200 apartments a year, reaching some 6,000 apartments by 2040 (there are now roughly 3,700-4,000 apartments in the neighborhood). The plan also proposes an experimental version of a procedure known as "evacuation and reconstruction" that would incentivize extended families to demolish their existing homes and build higher density residential complexes.³⁵ In February 2020, Jerusalem mayor Moshe Leon announced that all home demolitions in al-'Esawiyah would be put on hold to allow the plan to go ahead.³⁶

B. Repercussions of the policy for residents

The al-'Esawiyah leadership estimates that over the last 30 years, more than 2,000 apartments have been built in the neighborhood without a permit.³⁷ Left with no other choice, as they are given no option of building legally, residents have had to choose between living in unbearably crowded conditions or building

without a permit. The latter condemns them to a life of uncertainty, under the constant threat that their homes will be demolished, a risk residents take knowing the municipality and planning institutions have no solution for the reality they have created and the massive illegal construction it produced.³⁸

According to the local leadership, in early 2020 there were 136 pending demolition orders for homes in the neighborhood, most of them suspended in Municipal Court proceedings initiated by the homeowners. These proceedings involve paying fines amounting to tens and even hundreds of thousands of dollars, as well as undertaking to have the structure legalized – a step that is clearly impossible so long as the neighborhood does not have a new outline plan.

According to statistics gathered by B'Tselem, from 2004 through late 2019, 135 structures were demolished in al-'Esawiyah, 74 of them homes (six of which were demolished by the owners, who had received a demolition order and wished to avoid paying the municipality for the cost of demolition).³⁹ As a result, 155 people – 55 of them minors – lost their homes.

Any attempt to make sense of why some homes are demolished and others are not is futile. A certain structure built without a permit can be demolished while many others nearby, also built illegally, remain untouched. Many structures have been demolished although they were built on private property, i.e., not on land meant for public structures or roads. All

34. Notes of decisions from District Committee Meeting no. 2011005, 5 April 2011, p. 17-19 (Hebrew); meeting with Arch. Efrat Cohen-Bar of Bimkom on 10 Oct. 2019; conversation with Arch. Amir Elisha of Ari Cohen Architecture and Urban Planning, 27 Nov. 2019.

35. Conversation with Arch. Amir Elisha, *ibid.* For further information about the [plan](#), see Ari Cohen website; *Arab Neighborhoods in East Jerusalem* (above, note 3), p. 25.

36. Nir Hasson, [Jerusalem Mayor Freezes House Demolitions in Restive Palestinian Neighborhood](#), *Ha'aretz*, 19 Feb. 2020.

37. Meeting with Hani 'Issawi, al-'Esawiyah leadership contact person with City Chief Engineer Department, 24 Oct. 2019 and 15 Jan. 2020.

38. According to municipality estimates, approximately 15,000 to 20,000 homes were built without a permit in East Jerusalem until 2004. See B'Tselem [item](#) on East Jerusalem, updated through 27 Jan. 2019.

39. See B'Tselem, ["Self-Destruction": Palestinians in East Jerusalem forced to demolish own homes](#), 28 April 2019.

this indicates that the demolitions are not a matter of law enforcement, nor do they reflect a planning strategy such as preserving open areas or preventing hazards. On the contrary: the demolitions are arbitrary and random, and they do not advance any planning goals. Their major purpose appears to be showing the residents of al-'Esawiyah that they are always in imminent danger of losing their homes, lest they become complacent.

A 46-year-old father of three from the Bustan neighborhood of al-'Esawiyah spoke with B'Tselem about the housing problem in the neighborhood:

My wife and I live in a 45-square-meter apartment on the first floor of a three-story building. My parents and my two brothers and their families live on the other floors. Years ago, the family building was demolished because it was built without a permit. My father decided to rebuild it and risk another demolition, because we had no other choice. Where can we go? I have a basic job at a supermarket and can't rent an apartment.

After the building was demolished, my wife and I lived for a month in a relative's apartment. It had one room, a bathroom and a kitchen. Then my father rebuilt the demolished apartment. Gradually, over a decade, my brothers and I added floors above. At the time, my father was fined for rebuilding the apartment without a permit. As far as I recall, he had to pay a fine of 90,000 shekels (~24,700 USD at the time) for an apartment with two rooms, a bathroom and a kitchen. After that, we were fined another 180,000 shekels for building the extra floors. My brothers and I paid the new fine in monthly installments of 500 shekels. The municipality demanded that we draw up a plan, but an engineer we hired privately told us our house wasn't included in the al-'Esawiyah outline plan so it wasn't worth our while paying 5,000 dollars for a plan the municipality wouldn't even bother to consider.

Living in these crowded conditions is very difficult. I have three children. My 18-year-old daughter is studying medical administration. She's in her first year. She has a separate bedroom, but it's tiny and it's hard for her to study there. All three kids used to sleep there, but once she grew up it became hers. My eldest son, who is 20, used to go up to the roof to study for his matriculation exams, but our tradition and customs do not allow a girl to do that. The boys now sleep in the living room, without any privacy and with no space for personal matters or to sit and study quietly.

Nevertheless, I count myself lucky, because my father managed to set me up with a place to live. I won't be able to do that for my sons, because there isn't any more available land in al-'Esawiyah. They'll have to rent apartments and I'm not even sure there will be enough on offer in the neighborhood. It's become unbelievably crowded since they built the [Separation] Fence. A lot of people moved here because it's cheaper than other neighborhoods, such as Beit Hanina, Shu'fat or Beit Safafa.⁴⁰

His wife, 41, added:

It's really hard to see the boys sleeping in the living room. In the morning it's a terrible mess, with blankets and pillows everywhere. That's no way to live in the 21st century. My daughter studied for her matriculation exams in our other room, because her bedroom is underground and doesn't have enough light.

I'm ashamed when relatives visit, especially on the high holidays. Our living room is small, and everyone crowds together on the couch. My uncles have to stand in line to say hello and wish me a happy holiday. Many of them have to stay out on the street because the house is too small. The kitchen is tiny, too. It's like a small prison cell, without enough cupboard space to store all our groceries and dishes.⁴¹

40. Testimony given to B'Tselem field researcher 'Amer 'Aruri on 12 Feb. 2020.

41. Testimony given to B'Tselem field researcher 'Amer 'Aruri on 12 Feb. 2020.

Fathi Abu Humus, 59, lives in a house that the Jerusalem municipality ordered demolished back in 2000. His testimony illustrates the consequences of the municipal policy and the impossible financial toll it takes on residents of al-'Esawiyah:

My wife and I currently live with my two daughters, 11 and 18. My older kids live in apartments of their own. Until 2000, we lived with my mother; may she rest in peace, in an 80-square-meter apartment. We were a family of six at the time. It became too crowded for my wife and me, and I felt that my mother wanted to live alone and not in the middle of the children's mess. I decided to build two apartments on a plot of land I had inherited from my father; one for us and the other for one of our boys, for when he grew up and got married. I asked the municipality for a permit but they only approved one 50 sqm apartment, even though the plot is 400 sqm. I decided to build two apartments anyway, each of them 80 sqm, and said to myself that when I was done building and the house was a done deal, I'd file a new application for a permit.

In 2000, I received a demolition order from the municipality. My lawyer managed to get it deferred until 2005. Meanwhile, I filed another permit application and in 2003, we moved into the new house. In 2005, the Municipal Court gave me a 68,000 shekel fine [~18,400 USD at the time], which I paid in monthly installments of 800 shekels. My lawyer said I could file a new permit application two years after the fine was issued. Five months after I filed the application, it was denied. In 2008, when I was done paying the fine, the court gave me a new one, this time for 55,000 shekels [~16,000 USD at the time]. I paid it in monthly installments of 500 shekels. In April 2019, I received another fine, for 60,000 shekels [~16,600 USD], which I'm paying off in monthly installments of 500 shekels.

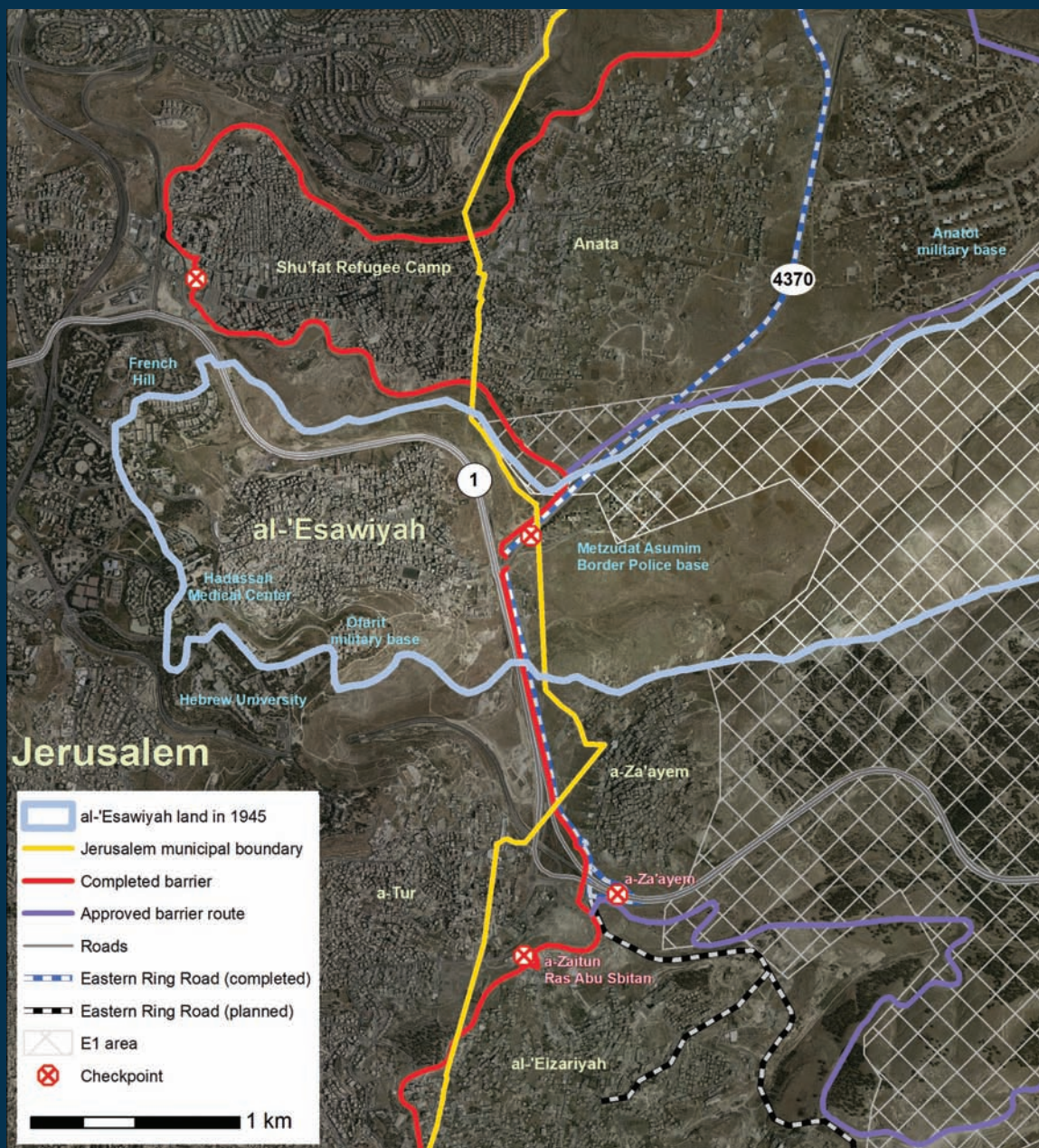
My lawyer told me we have a chance to file a new request for a permit because I'm paying all my fines. He suggested

I ask an engineer what procedures have to be carried out. The engineer wanted 25,000 shekels. So far, I've paid him 8,000. I know it's a futile attempt and there's no chance I'll get a permit. But I'm a man of faith and I live by the adage, "never lose faith in the mercy of God". If it is God's will, my dream will come true and I'll get a building permit.

I don't have the means to pay any more fines or the fees for the engineer and the lawyer, even though he's only charging me nominal fees. I'm a self-employed plumber and don't have a regular monthly income. I live off day labor on construction sites that need a plumber. I don't know if I'll be able to come up with the sums I need to pay the municipal fines in future. The municipality has taken all the money I had and left me destitute. I'm worried about the future of my 29 grandchildren. One day, they'll look for a place to live in al-'Esawiyah and won't find anywhere to build a home or rent an apartment. The neighborhood is already incredibly crowded – the buildings are right up against each other, the streets are narrow, and the infrastructure is old and unsuited to the growing number of people.⁴²

42. Testimony of Fathi Abu Humus given to B'Tselem field researcher 'Amer 'Aruri on 25 Jan. 2020.

ISRAELI TAKEOVER OF AL-'ESAWIYAH LAND





Chapter 3: Israel Police campaign of abuse since April 2019

Over the years, Israeli police officials have described al-'Esawiyah as "a very extremist village" that creates "a lot of problems" for the police.⁴³ These "problems" were also highlighted in a police docudrama titled "Jerusalem District", in which Superintendent Assaf Ovadia, an intelligence and investigations officer from the Kedem Division, described al-'Esawiyah as "a village unlike any other in Jerusalem. There's a fire burning, there's a furnace that doesn't go out".⁴⁴ To reinforce that image, Ovadia and Senior Staff Sergeant Maj. Erez Hazan, an intelligence coordinator from the Shalem station, unabashedly invented a false narrative and planted a firearm in a neighborhood home. The firearm was then supposedly "found" in a night raid on the home filmed for the show.⁴⁵ The head of investigations and intelligence for the Kedem Division, Chief Superintendent Eli Cohen, said on another occasion that al-'Esawiyah has "broad centers of support for terrorist organizations".⁴⁶

None of these officials have ever bothered to prove their claims about al-'Esawiyah. Nevertheless, this demonization laid the groundwork for a police operation launched last year that centers on abusing and punishing the neighborhood. While the police insists that these are "law enforcement actions" carried out "throughout Jerusalem",⁴⁷ the extent of abuse in al-'Esawiyah far exceeds police activity anywhere else in the city.

The police has repeatedly claimed that the operation began only after a "sharp increase" in "hundreds of violent incidents and severe disturbances of the peace aimed at Israeli civilians and police forces, including civilians travelling on the Ma'ale Adumim road, involving use of live fire and the throwing of Molotov cocktails, stones and firecrackers". It further alleges there is "undeniable nationalist activity involving violence and incitement" in al-'Esawiyah.⁴⁸ Yet ever since the operation began, the police has refused to back these claims with any data. In fact, reality proves the opposite: in the months before and after the operation began, no violent incidents were reported in or around al-'Esawiyah, other than responses to the incendiary actions of the police.

This conduct cannot be understood without taking into account the comprehensive changes in police policy in East Jerusalem in recent years. In June 2014, the government took a series of steps to "increase personal security" in East Jerusalem, "formulating an operational approach that enables an immediate response" in order to ensure "effective governance", which is "key to a unified Jerusalem". These measures included establishing the Kedem police division to oversee the neighborhoods of East Jerusalem and installing surveillance cameras in and around them.⁴⁹

43. See, for example, statements by former Jerusalem District Commander, Maj. Gen. Yossi Pariente, and Commander of the French Hill Point in the Kedem Division, Ofer Dror, in Knesset Internal Affairs and Environment Committee Session No. 397 Transcripts, 11 Aug. 2014.

44. Nir Hasson, "[By Planting Gun for Reality TV, Israel Police Reveal Truth About East Jerusalem](#)", *Ha'aretz*, 7 Aug. 2019.

45. Nir Hasson, "[Israeli Police Plant Gun in Palestinian's Home for TV Docudrama](#)", *Ha'aretz*, 6 Aug. 2019; see also video clip of the "firearm seizure" (Hebrew).

46. Ohad Hemo, "['Esawiyah – A War Movie: Footage of Night Clashes in Village](#)", *Channel 12 News*, 5 Sept. 2019 (Hebrew).

47. Nir Hasson, "[340 Arrests and Only Five Indictments: Summer-long Police Sweep Strikes Fear in Isawiyah](#)", *Ha'aretz*, 28 Aug. 2019.

48. Letter from Superintendent Att. Einat Nehemia, public complaints officer for the Jerusalem District, to Att. Oshrat Maimon of Ir Amim, 14 July 2019. [Letter](#) from Superintendent Att. Lines Hamad, legal advisor for the Jerusalem District, to Att. Tal Hassin of the Association for Civil Rights in Israel, 6 Jan. 2020 (Hebrew). See, also: Nir Hasson, "[Moshe Leon Baselessly Blaming Hitorerut Movement for Protest by 'Esawiyah Residents](#)", *Ha'aretz*, 1 Dec. 2019 (Hebrew).

49. "[Plan to Increase Personal Safety and Promote Socioeconomic Development in Jerusalem for Benefit of All Residents](#)", Government Resolution No. 1775, 29 June 2014 (Hebrew). See further information on the [Kedem Division](#), whose responsibilities include "helping the residents of Arab neighborhoods increase their trust in the Israel Police" (Hebrew).

In 2016, the government decided to recruit thousands of new police officers as part of a multiyear plan to “reinforce security in Jerusalem”. This was, among other things, a response to a demand made by then-mayor Nir Barkat to “dramatically reinforce Special Patrol Unit forces”.⁵⁰ In 2017 and 2018, the number of positions in the Jerusalem District was again increased, from 2,511 to 2,860 officers.⁵¹ The Ministry of Public Security workplan for 2018 set recruiting another 315 police officers as a target for that year.⁵²

Meanwhile, former Jerusalem District Commander Yoram Halevi launched an experimental model in East Jerusalem to reduce friction between the enhanced forces and Palestinian residents. The plan, called “From Green to Blue”, aimed to reduce the presence of Border Police (who wear green uniforms) – “thrill-seeking combatants who often create unnecessary friction and stir things up”, as Maj. Gen. Halevi put it – and replace them with older Arabic-speaking officers from the “blue” police. As part of the plan, five new community policing centers were opened in East Jerusalem neighborhoods.⁵³ One of the centers was supposed to serve al-‘Esawiyah (although it was established in the adjacent Jewish neighborhood of French Hill). Residents of al-‘Esawiyah gradually began contacting the center, mostly regarding offenses such as drugs, domestic violence and the like.

The former head of the Jerusalem Special Patrol Unit, Maj. Gen. Doron Yadid, was appointed Jerusalem District commander in February 2019 and did not think much of this experiment in al-‘Esawiyah. After holding a series of “assessments”, the work of the community policing center was scaled back to virtually nothing, just as the new police operation was launched in al-‘Esawiyah.⁵⁴

A. How the operation works

Since the police launched its new operation in al-‘Esawiyah in April 2019, B’Tselem has collected dozens of testimonies and hundreds of videos from neighborhood residents, which, along with dozens of observations by Israeli and international activists, paint a clear picture of the operation. The most striking feature emerging from the material is that Special Patrol Unit and Border Police forces regularly enter the neighborhood for no reason, without any prior occurrence that could justify police presence, much less the presence of aggressive paramilitary forces on such a large scale.

Special Patrol Unit and Border Police officers, armed from head to toe, enter the neighborhood with vans, jeeps and drones and intentionally create arbitrary instances of violent “friction” that disrupt

50. Notice by Acting Cabinet Secretary at End of Government Meeting, 10 April 2016 (Hebrew).

51. See Ministry of Public Security Budget Proposal for 2017, 2018, 2019, p. 46 (Hebrew).

52. Ministry of Public Security 2018 Workplan, p. 97 (Hebrew). As approval of the national budget has been delayed, the fulfillment of this goal cannot be monitored.

53. “The East Jerusalem Forum – Police Activity in East Jerusalem”, Jerusalem Institute for Policy Research, 14 Feb. 2019. See, also: Nofar Romy, “From Knife Intifada to Ultra-Orthodox Protests: Jerusalem District Chief Sums Up Term in Office”, *Mynet Jerusalem*, 10 Feb. 2019 (Hebrew); Nir Hasson, “Security Revolution in East Jerusalem: Israel Opens Community Police Station in Tense Palestinian Neighborhood”, *Ha’aretz*, 15 Jan. 2020.

54. “‘Esawiyah – A War Movie” (above, note 45).

routine and make daily life extremely difficult in the neighborhood. Among other things, they randomly close off main streets, creating long traffic jams; use loudspeakers on patrol cars and police vehicles late at night; provoke residents by aiming weapons at them; conduct degrading inspections and search cars and bags (including children's schoolbags); verbally goad residents; order shops to shut down for no apparent reason, without showing a warrant; use dogs to search shops; raid homes and search them without a warrant; and falsely arrest minors (sometimes in the middle of the night), in severe violation of their rights. Initially, regular police officers also patrolled the neighborhood, took up positions at exit points and ticketed drivers, business owners and passers-by for negligible infractions.

From the afternoon until late evening, as residents return from work or studies outside the neighborhood, Special Patrol Unit and Border Police teams patrol the streets. Late at night, they return for a last round of arrests. Since the school year began in September 2019, Special Patrol Unit and Border Police troops have also operated in the neighborhood in the morning, including around schools. The activity, including arresting people within their homes, continues despite the coronavirus outbreak in February 2020. This directly violates the government directives to practice social distancing and avoid group gatherings, and increases the risk of infection in al-'Esawiyah.⁵⁵

Just as the police predicted, residents respond to these violent, provocative actions with "disturbances

of the peace", which the police use to retroactively justify the entire operation. These reactions to the police presence include throwing stones, hurling Molotov cocktails and setting off firecrackers. The Special Patrol Unit and Border Police officers fire tear-gas canisters, stun grenades and black sponge rounds at residents and beat them. According to the community leadership, from the beginning of the operation through January 2020, some 300 neighborhood residents were injured as a result of the violent police activity.

Violence by Special Patrol Unit and Border Police officers has become a routine affair in al-'Esawiyah. Anything a resident says, or any time residents gather around police officers, can be met with a violent, disproportionate response – whether the troops push residents, headbutt them while wearing helmets, hit them with rifle butts, knock them to the ground or fire stun grenades, tear-gas canisters and sponge rounds.⁵⁶

On 27 June 2019, a few weeks after the operation began, a police officer killed 21-year-old Muhammad 'Abeid after he threw firecrackers at police officers.⁵⁷ Since then, the narrow alleys and streets of the 'Abeid quarter in southern al-'Esawiyah have become a focal point of police activity and clashes with neighborhood youths. Troops fire stun grenades and tear-gas canisters there in the evening and late at night – when families are at home and children are asleep – even if the streets are empty. The police also try to control the commemoration of 'Abeid's death by systematically

55. See B'Tselem, "[Abuse of Palestinians overrides Covid-19 fears](#)", 19 March 2020. See, also, [letter](#) from Att. Tal Hassin of the Association for Civil Rights in Israel to Attorney General Dr. Avichai Mandelblit concerning the arrest and detention of Palestinian minors in al-'Esawiyah during the corona pandemic", 25 March 2020 (Hebrew).

56. See B'Tselem, "[Arrests, violence and raids on homes: The summer of 2019 in al-'Esawiyah, East Jerusalem](#)", 6 Oct. 2019. See, also: Nir Hasson, "[Palestinian Said Cop Fractured Her Skull with Rifle Stock. Police Tried to Convince Her It Was a Stone](#)", *Ha'aretz*, 23 Dec. 2019.

57. See B'Tselem, "[Israel Police fatally shoot Muhammad 'Abeid, 21, in al-'Esawiyah, East Jerusalem, without any justification; police harassment of local residents continues](#)", 23 July 2019.

removing or erasing posters and signs hung up in his memory. They have also removed and confiscated Palestinian flags hung up in streets near his house and by the al-Arba'in mosque, the main mosque in the neighborhood.

At the same time, extreme measures are taken against specific residents of al-'Esawiyah. These include orders forbidding nine young men from leaving their homes at night. Some of the youths reported that during their interrogation, they were threatened with revocation of their residency status or pressured to collaborate with the police.⁵⁸ Unusually, the orders were signed by the GOC Home Front Command, relying on the 1945 Defense (Emergency) Regulations.

The police acts vengefully against anyone voicing public opposition to the operation, especially community leaders. For example, the police took measures against members of the local parent association who tried to stop the operation or at least keep troops away from schools at the beginning and end of the school day. Attempts by the Jerusalem municipality to reach an understanding about keeping the forces away from the schools were repeatedly undermined by the police.⁵⁹ After the parent association led a school strike in late August and in late October, two members were arrested twice – and quickly released by order of the Magistrates' Court.

Another striking example is the harassment of a member of the local action committee, Muhammad

Abu Humus, who was arrested on two separate occasions. He was first arrested for allegedly encouraging a driver to run down police officers – despite video footage proving otherwise.⁶⁰ At a later date, the police claimed, based on the official accounts of Special Patrol Unit officers, that Abu Humus, who has a disability and uses crutches, had assaulted five police officers and handcuffed one of them. Again, this was disproved by video footage showing the officers in question arresting Abu Humus with such brutality that he required hospital care prior to interrogation. District Court Judge Mordechai Kaduri refused to remand Abu Humus to custody and ordered the investigation file be transferred to the Department for the Investigation of Police.⁶¹

B. Arrests of minors and systematic violation of the Youth Law

A significant portion of police activity in al-'Esawiyah is devoted to arresting minors from the neighborhood. The police refused to provide B'Tselem with data on the number of arrests and the percentage of indictments among them, cynically citing concern that "this may label the population and incur harm to public wellbeing and safety as a result of the relevant population's response to the labelling."⁶² As described above, the police itself has for many years been "labelling" al-'Esawiyah as a terrorist hotbed. Hiding behind this argument serves merely to cover up illegal conduct around the arrest of minors.

58. High Court petitions HCJ 1200/20, **Nadim Muhammad Ahmad Zahrah v. GOC Home Front Command et al.**, HCJ 1204/20, **Nidal 'Omar Ibrahim Ghanem v. GOC Home Front Command et al.**, HCJ 1198/20, **Adam Kaeid Mahmoud Mahmoud v. GOC Home Front Command et al.**, 13 Feb. 2020.

59. Nir Hasson, "[Israel Police Arrest East Jerusalem Strike Organizer](#)", *Ha'aretz*, 5 Nov. 2019; Nir Hasson, "[Instead of Quelling Violence in East Jerusalem, Israel Police Just Inflamed It](#)", *Ha'aretz*, 11 Nov. 2019; Nir Hasson, "[Israel Police Violate Deal With Palestinians, Approach Schools at Flashpoint East Jerusalem Neighborhood](#)", *Ha'aretz*, 8 Nov. 2019.

60. Day Arrest 53157-08-19, **State of Israel v. Abu Humus**, 25 Aug. 2019.

61. Day Arrest Appeal 35548-11-19, **State of Israel v. Abu Humus** (detainee), 17 Nov. 2019.

62. Response by Superintendent Att. Hana Kobty, national public complaints officer and assistant supervisor for freedom of information in the Israel Police, to *Walla! News* reporter Maya Horodniceanu, 13 Feb. 2019.

The community leadership and Att. Muhammad Mahmoud, who represents most of the detainees, estimate that from the beginning of the operation through April 2020, the police arrested more than 850 residents of al-'Esawiyah: most of them minors and the rest youths in their twenties. They estimate that by the end of 2019, about 80 had been indicted for obstructing a police officer in performing his duties, rioting or stone-throwing. According to Att. Mahmoud, almost all minors are released on bail of several hundred shekels after a brief interrogation and placed in house arrest or restrained from entering the neighborhood for several days.

In October 2017, B'Tselem and HaMoked: Centre for the Defence of the Individual published a report on the detention of Palestinian teenagers in East Jerusalem. The report revealed illegal conduct by all the Israeli authorities involved, including broad, systemic, well-documented abuse of the basic human rights of hundreds of teenagers every year for decades – while hiding behind formalistic arguments and flimsy legal excuses.⁶³ The same is true today.

According to Israel's Youth Law, minors may be arrested only in rare exceptions, and only when there is no other, less injurious, way of achieving the objective. If an arrest has been made, steps must be taken to ensure the detention lasts for as little time as possible. They may not be interrogated at night, other than in the exceptional cases stipulated by law. To ensure the minors can defend themselves, and to counter the highly uneven balance of power between them and their interrogators, the rights of the detained minors must be protected throughout the interrogation. This includes the right to remain silent, the right to legal counsel and the right to parental presence in the interrogation room.⁶⁴

The police consistently ignore these provisions. With rare exceptions, the minors are arrested as the first option rather than as a last recourse. In most cases, the police show up at their home in the dead of night and wake the entire building, including children. The teens are taken to a police station in the middle of the night and even if the interrogation only starts at 7:00 in the morning, by then they are tired and scared after a sleepless night.

The interrogators apply the law pro forma only, while in practice, the minors are robbed of the protections to which they are entitled. In almost all cases, they are alone with the interrogator – without their parents, and without a genuine opportunity to consult with a lawyer or fully understand the situation – and are exposed to shouting, threats and violence.

Moreover, according to Att. Mahmoud, the police sometimes carry out “preliminary questioning” outside the interrogation room before the “official” interrogation begins. These officers, who are from the Minority Division and are not trained youth interrogators, write a memorandum with their own account of what took place during the “questioning”. Unlike the binding procedure in regular interrogations, the “questioned” minors are not given the chance to confirm or refute the police account.⁶⁵

These arrests are not secret or the private initiative of a particular officer. They are almost always made after a juvenile court judge issues an arrest warrant, with authorization from the top command of the Jerusalem District police. This enables the authorities to lend a semblance of legality to their policy. To keep up this formalistic façade and legitimize the actions described above, the authorities employ a purely

63. HaMoked: Centre for the Defence of the Individual and B'Tselem, *Unprotected: The Detention of Palestinian Teenagers in East Jerusalem*, Oct. 2017.

64. Amendment No. 14, Youth Law (Trial, Punishment and Modes of Treatment), 5731-1971. “National Headquarters Order No. 14 Jan. 2005 Concerning the Interrogation of Minors”, 8 Oct. 2013.

65. Meeting with Att. Muhammad Mahmoud at the event “Minors in al-'Esawiyah: the Stories behind the Arrests”, Hapundak, Jerusalem, 18 Dec. 2019.

technical interpretation of the protections afforded to minors by law and make extensive use of the permitted exceptions.

Several Palestinian teenagers provided B'Tselem with accounts of police violence following their arrest, once they were already in the police car. S.H., 17, said in his testimony:

One of the Special Patrol Unit officers swore at me in Hebrew and called me "son of a bitch" while I was sitting in the car. Another officer, who was wearing a protective glove on his hand, punched me a few times in the back. It hurt a lot. A third officer aimed his rifle at my head until the barrel was actually touching me. I was terrified and thought they were going to kill me.⁶⁶

A.A., 15, recounted:

They sat me in the Mitsubishi and tied my hands in front with zip ties. There were three police officers in the car, one driving, one sitting next to him, and one sitting next to me. The driver said: "Say you're a little kid, that you don't understand and that you threw stones by mistake, and we'll let you go right now." I said to him: "I didn't throw any stones." Then the officer sitting next to me punched me in the left eye. I was scared they'd keep hitting me inside the car. My eye hurt badly, and I couldn't open it for a few minutes.⁶⁷

D.A., 12, who was arrested in October 2019 by Border Police on his way to a grocery store, related:

They took me to a room on the first floor [at the Shalem station]. There were three police officers in the room with me. Then two of them left. The one who stayed got a firecracker and asked me to hold it, but I refused. I felt

that he was doing it to frame me and justify my arrest. Then they took me from the room to an elevator, and we went up to the third floor. At that point, the Border Police officer stepped on my foot with the heel of his boot. It hurt badly and made me pull my foot out of my shoe. They took me into a room with a man who was wearing black clothes and a police badge. He asked: "Why did you throw stones?" I answered: "I didn't throw stones". Then he shouted at me: "You're lying". The interrogation lasted less than ten minutes. Then they took me out of the room and the interrogator said to me: "Listen, if I ever see you back in this room, I'll break your legs." Then they took me back to the room I was in before.⁶⁸

D.A. was released two hours later with no restrictive conditions.

T.A., 17, described how he was arrested by Special Patrol Unit officers in October 2019, just as he got off a bus by the al-'Arba'in mosque:

Some guys were running along the street, behind me and up ahead, but I didn't pay them much attention. Then several jeeps drove up and two Special Patrol Unit officers got out. One of them threw me roughly on the ground. He pushed me face down and started pressing on my chest so hard with his knee that I felt my ribs were about to crack. I said in Arabic, "my back, my chest", so that he'd let go.

At that point, I heard my father's voice. He was talking to the police officer in Hebrew, which I don't understand. Then my father said to me: "Don't worry, you'll come home." He happened to be passing by when he saw them arrest me. The Special Patrol Unit guy lifted me up and put me in the jeep. We drove to the entrance to al-'Esawiyah and then they transferred me to a police jeep.

⁶⁶. Testimony of S.H. given to B'Tselem field researcher 'Amer 'Aruri on 5 Jan. 2020.

⁶⁷. Testimony of A.A. given to B'Tselem field researcher 'Amer 'Aruri on 28 Nov. 2019.

⁶⁸. Testimony of D.A. given to B'Tselem field researcher 'Amer 'Aruri on 27 Oct. 2019.

They took me to the third floor of the [Shalem] police station. I was there for about three hours. I was hungry, but I didn't ask for food and the police officers didn't offer me any. Then they took me to a room where there was a man in civilian clothes. He told me he had photos of me throwing stones and asked for the names of the kids who were running down the street when I was arrested. I said: "I didn't throw stones and I don't know who those kids were." He shouted at me and said I was lying. He shouted at me several times and accused me of lying. I wasn't scared, but I was upset that he called me a liar. I really hadn't done anything and hadn't thrown stones. The interrogator didn't show me any photos of me throwing stones, which proves that I was arrested randomly without having done anything wrong.

They interrogated me for about an hour. The interrogator wanted me to admit that I'd thrown stones. He kept shouting. When it was over, he demanded that I sign a document in Hebrew. He said it was my testimony. I was exhausted by all the shouting and had a terrible headache, partly because I hadn't had any lunch. That's why I signed the document. I wanted it to be over. The interrogator refused to translate it even though I asked.

Then they took me back to the room I'd been in earlier. They left me there for another two hours or so, and then my dad arrived and signed my bail. He undertook that I'd stay under house arrest for five days. I got home hungry and exhausted. I had supper and went straight to bed. I have two months of exams beginning today. The first is a physics exam. I'll miss four exams because of my house arrest, which will only be over on Friday.⁶⁹

M.A., 17, recounted being arrested by Special Patrol Unit officers in December:

On Sunday evening, at 6:30 P.M., I was at my uncle's house next door. Everything was calm. Suddenly, I saw Special Patrol Unit forces enter the neighborhood and

raid our house. My uncles and I went over immediately, because my mother was at work and the girls were home alone. The commander of the force said they were looking for firecrackers. They searched the house and turned it upside down. It took them about half an hour. Then the police officer said he was going to arrest me and my 12-year-old brother.

They put us in two separate cars. They threw me forcefully down on the floor of a Savannah. I lay on my back and three Special Patrol Unit officers slapped me for about two minutes. Then the car took off, while I was still on the floor. The officers trod on my chest and stomach and it hurt a lot. The car stopped at the entrance to al-'Esawiyah, by the French Hill gas station, and they transferred me to another car. As they were transferring me, the driver tripped me up and I fell down, and then he stepped on my head for about a minute.

We sat at the [Shalem] police station for about three hours. My brother tried to sleep, but every time he fell asleep a Special Patrol Unit officer kicked him in the leg and woke him up. At some point, he started crying from sheer exhaustion. He usually goes to sleep at about 9:00 P.M. After that, he didn't fall asleep again.

They interrogated my brother first. About an hour later, he came back and then they took me. The interrogator shouted at me and demanded that I tell him who was throwing firecrackers. I said: "I have no idea what you're talking about." I was only interrogated for about 20 minutes. Then they made me sign six pages in Hebrew. After the interrogation was over, we waited for about an hour and then a police officer showed up and said: "Release". My mother and married sister were waiting for us outside.⁷⁰

69. Testimony of T.A. given to B'Tselem field researcher 'Amer 'Aruri on 28 Oct. 2019.

70. Testimony of M.A. given to B'Tselem field researcher 'Amer 'Aruri on 3 Dec. 2019.

Conclusions

Of all the Palestinian neighborhoods in East Jerusalem that Israel has eaten away at since occupying the West Bank, nowhere have the authorities benefited more from the landgrab than in al-'Esawiyah. The neighborhood's total area is now 90% smaller than in 1967. Many in Israel have benefited from the dispossession: the government, the Jerusalem municipality, the military, the police, the Israel Nature and Parks Authority, the Hebrew University, the Hadassah Mount Scopus Medical Center, the residents of Jewish neighborhoods French Hill and Tzameret Habira, and the settlement of Ma'ale Adumim with its adjoining industrial park. The systematic landgrab is the key reason for the extreme crowding and poverty in al-'Esawiyah.

Yet Israel has robbed this neighborhood of more than land. For decades, the Jerusalem municipality has purposely refrained from drawing up an adequate outline plan for al-'Esawiyah, leaving residents with no possibilities for development and without public services. Given no choice, the residents have had to build more than 2,000 units without a permit. The municipality has found a way to profit off this situation by imposing fines for illegal building, adding millions of shekels to its coffers over the years.

To make matters worse, Israel has been carrying out a police operation over the last year with the sole purpose of disrupting life in the neighborhood. Large police forces enter al-'Esawiyah every day for no apparent reason, wander the streets and provoke residents. They also raid homes in the dead of night and arrest minors on false grounds.

This report addresses three key features of life in al-'Esawiyah that represent, to varying degrees, Israel's policy towards all Palestinian neighborhoods in East Jerusalem: dispossession, an almost blanket prohibition on development, and daily police violence.

These are compounded by other aspects of Israel's policy regarding the Palestinian residents of the city: cutting East Jerusalem off from the rest of the West Bank; imposing draconian limitations on family unification procedures; blatantly discriminating against Palestinians in municipal budgeting, including funding for development, welfare and education; banning any kind of political, cultural or social activity that celebrates Palestinian nationality; and more.

The ongoing, violent police operation in al-'Esawiyah throws into relief what Israel has already made clear regarding the Palestinian neighborhoods of East Jerusalem: as occupier, it sees the people who live there as no more than subjects who can be treated as it wishes. Israel's policy regarding these neighborhoods is driven by its goal to take over as much land as possible and expand its control as far as it can – utterly ignoring the harsh consequences for residents, which include extreme poverty, unbearably crowded living conditions and planning chaos.

Since annexing East Jerusalem, Israel has viewed the Palestinians who live there as an unwanted addition. The policy it implements in these neighborhoods – which is particularly blatant in al-'Esawiyah – is aimed at incessantly pressuring the residents. In the short term, this is meant to oppress Palestinians in the city, control them and keep them poor, underprivileged and in a state of constant anxiety. Given Israel's declared intention to ensure a Jewish supremacy in Jerusalem, the long-term goal of this cruel policy appears to be to drive Palestinians to breaking point, so that they “choose” to desert their homes and leave the city.

This conduct clearly demonstrates the demographic considerations that guide Israel's actions: preferring Jewish citizens over unwanted Palestinian residents. Accordingly, the Israeli authorities incessantly harass the entire Palestinian population of Jerusalem,

including the blatant example reviewed in this report: the 22,000 people who live in al-'Esawiyah. This abuse, which is the result of an ongoing policy led by all Israeli governments since 1967, lays bare Israel's priorities in the only part of the West Bank it

has – as yet – taken the trouble to formally annex: no equality, no rights, and not even reasonable municipal services. Instead, state authorities use their power in the annexed territory to cement the superiority of one group over another.

