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C2. THE ASSOCIATION FOR CIVIL RIGHTS IN ISRAEL (ACRI), "UNSAFE SPACE: THE ISRAELI AUTHORITIES' FAILURE TO PROTECT HUMAN RIGHTS AMID SETTLEMENTS IN EAST JERUSALEM," JERUSALEM, SEPTEMBER 2010 (EXCERPTS).

This 58-page report focuses on the direct impact of the Judaization of East Jerusalem on the residents of the Palestinian neighborhoods annexed to the city. Drawing on complaints and testimonies of these residents, the report does not claim to be comprehensive. The report is divided into 9 sections, plus appendices, highlighting selective law enforcement, the fate of Palestinian formal complaints, the absence of prosecution, the behavior/actions of security guards, the failure to prevent incitement and harassment, and so on. The excerpts below deal with surveillance and intrusions on privacy and the seizure of neighborhood lands and lots. Also reproduced below is appendix 1, which is an overview of the Jewish presence in the Palestinian neighborhoods (in this regard, see Nir Hasson in this issue's Settlement Monitor) as well as charts showing the Jewish presence (about 2,000 residents and dozens of

public institutions) amid Palestinian residents, broken down by neighborhoods. Footnotes have been omitted for space considerations. The entire report is available online at www.acri.org.il.

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E. "Big Brother" and the Intrusion of Privacy

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

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

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

The right to privacy is considered one of the most important of basic rights, intended to preserve personal space so that the individual can manage his personal life without exposing

himself to others and without the intrusion of others. This space is primarily a physical one, and within one's private home the right to privacy takes on added force, as former Supreme Court Chief Justice Aharon Barak has written: "It is the right of the individual to manage his lifestyle in the way he sees fit within the confines of his own home, without external intrusions. A man's home is his castle, and within his own walls he is entitled to be left alone, to develop the autonomy of his own individual will. . . . The right to privacy, therefore, is intended to ensure that a person will not become a prisoner in his own home, that he will not be forced to expose himself within his domicile to intrusions he does not desire. Thus, the right to privacy represents the beginnings of liberty. . . . The right to privacy draws a taut line between the individual and the general public, between self and society. It serves to protect the space in which the individual is left to his own, to develop his self, without the interference of others." Accordingly, the law prohibits the photographing of a person within his own private domain without his permission, an act that is considered both a felony and cause for civil damages.

Although in principle, residents could submit complaints to the police about the invasion of their privacy, they refrain from doing so because of their distrust of law enforcement officials. When the police routinely mishandle Palestinian complaints of physical violence, as described in the first two chapters above, it is hard to expect that residents would lodge official complaints with the same police force regarding the invasion of their privacy. In this regard, this chapter deviates from the rest of the report, and we cannot report any privacy complaints filed by locals that were subsequently ignored by the police.

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According to local residents, Palestinian women are the main victims of the overabundance of cameras and the inconsiderate regard for the Muslim Arab social code. East Jerusalem Palestinian society is traditional, with strict rules regarding the appearance and dress of women. While in public most Palestinian women wear head coverings and modest dress, in the privacy of their

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

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

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

our rooms to prevent them from seeing us when they come and go."

In addition to the cameras that are aimed into the private domains of local residences, there are hundreds of police surveillance cameras positioned throughout the Old City. These, too, infringe the privacy of residents and their right to autonomy and dignity, for a person's right to privacy does not dissipate the moment he leaves his house. The constant and persistent tracking of an individual, even in the public domain, represents a violation of his or her privacy. Such a person is no longer her own master—she is forced to think twice about her every action and to censor her own remarks.

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

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

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G. Seizure of Neighborhood Lands and Lots

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

One prime example of seizure of lands that were in use by the Palestinian residents is the transfer of the maintenance and running of national

parks and tourist sites to political NGOs whose unmistakable agenda is to “Judaize” East Jerusalem. Thus, for example, in the 1990s the Israel Land Administration gave over the license to guard and maintain the “City of David” site to the ELAD organization, one of whose explicitly stated aims is to increase the Jewish presence in Silwan. Following an appeal to the High Court of Justice, this license was cancelled and transferred to the Nature and Parks Authority. However, in recent years, the latter handed over to ELAD a large portion of the responsibility for running the site. For the residents this has meant a contraction of their public space. It also means that the site has become a Jewish national park, and its history and archeology have been subsumed to the Jewish narrative.

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

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

Khaled Qarae’en, whose family had possessed and farmed the land, says: “My father used to cultivate and plant all sorts of things in the earth, until he became old and his body failed him in the mid-1990s. Since then, this plot of land was used by

my children and the neighborhood children as their local playground, in light of the lack of such places in the neighborhood. This plot of land was the children’s sole refuge. To my astonishment, several years ago workers arrived and commenced fencing up the area, affixing a sign that declared the area to be private property and that entry was barred. Upon inquiry we were told that the land had been declared ‘absentee owned property’ and expropriated.

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

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

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

Silwan residents, to be turned into parking lots.

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

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

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

The mukhtar of Silwan, Ahmed Siam, protests: "It is important to note that before the settlers arrived in our neighborhood, the situation was different. We, the residents of the neighborhood, know that the official authorities support the settlements, and if this is not done officially then it is done personally, via the representatives sent along to the neighborhood. One example is the transfer of properties, lots and houses to the hands of settlers. These have been expropriated as absentee-owned property, secretly and mysteriously, despite the fact that by law it must be publicized and the procedure must be

transparent to the public. Regarding the tourist sites, the Silwan (Shiloah) Pool, for example, is controlled by ELAD, and they have the right (or they granted themselves the right) to allow in visitors and bar entry to other people—including local residents—for various reasons."

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

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Appendix 1: Overview of the Increase in the Jewish Presence within Palestinian Neighborhoods of Jerusalem

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

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

The first action of this type was carried out by the Ateret Cohanim NGO, which established a yeshiva in the Muslim quarter in 1983. A few years later, in 1986, the ELAD NGO was founded, concentrating on settlement in the Silwan area.

Between 1986 and 1992, the NGOs took control over dozens of properties in the Old City and Silwan, in a process that was sharply criticized in the 1992 report of an official examination committee headed by then Director General of the Ministry of Justice, Haim Klugman. The Klugman

committee determined that some of the property rights were acquired via declaration by the Custodian of Absentees' Property, and some through acquisition by the Housing Ministry. Subsequently, the NGOs were granted the status of protected tenants in the buildings, without a tender and through a process that discriminated in their favor.

The committee determined that the Custodian of Absentees' Property declared the properties to be absentee owned buildings—without any investigation, solely upon the basis of affidavits signed by the NGOs' lawyers, and relying upon a sole attester who worked with the NGOs. The Committee criticized the fact that, in some cases, the properties were transferred to the NGOs in exchange for their commitment to renovate, yet ultimately it was the Housing Ministry that funded the renovations. Furthermore, the NGOs' directors were also the directors of Amidar projects (Amidar functioned as the Housing Ministry's representative), and sat in on the meetings of the Housing Ministry's acquisitions committee. It was also found that the rent money paid by the NGOs was significantly lower than the market rate.

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

Following the Klugman Report, published in September 1992, use of the Law of Absentee Properties was blocked as the primary means for acquiring buildings. The NGOs began purchasing properties with money, as well as through legal procedures

intended for the restoration of property that was owned by Jews prior to 1948. The houses acquired by the settlers from Palestinians include Beit Orot and Beit Ha-Hoshen in al-Tur, the Aderet compound in Silwan, Beit HaTzalam in the Old City, and many others.

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

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

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

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

NEIGHBORHOOD	NAME OF SETTLEMENT	METHOD OF ACQUISITION OF OWNERSHIP	NO. OF RESIDENTS	COMPOUNDS PLANNED/ IN CONSTRUCTION
Area: Old City				
Muslim & Christian quarters	Muslim & Christian quarters	Absentee Properties Law, pre-1948 Jewish owned properties and acquisitions	Approx. 900 people (80 families and approx. 500 yeshiva students)	In Herod's Gate, also known as Flower Gate (Urban Plan 9870), 30 housing units—approved by local committee, has yet to pass a hearing at regional committee
Area: Silwan				
Wadi Hilwa	City of David	Acquisition through the Absentee Properties Law, directly from residents and via legal proceedings for return of Jewish property; additionally, ELAD runs the City of David Visitor Center and funds archeological digs in the neighborhood	Approx. 350 people (70 families)	Wadi Hilwa/City of David compound (Urban Plans 13638, 13632, 13542, 12953), approx. 20 new housing units and public buildings—submitted in 2009 by ELAD
al-Wasta neighborhood (Yemenite neighborhood)	Beit Yonatan Beit HaDvash	Built without permit for a foreign company, residents affiliated with Ateret Cohanim An apartment purchased for Ateret Cohanim	Approx. 30 people	House of the Abu Nab family—a pre-1948 Jewish owned property; court ordered return to owners; Palestinian family has yet to be evicted
Area: Mount of Olives				
al-Tur	Beit Orot Beit HaHoshen	Purchased by millionaire Irving Moskowitz 2 three-storey buildings purchased by a foreign company for ELAD's use; Arab residents were evicted in April 2006	Approx. 10 families and 80 yeshiva students Approx. 20 people; observation post on the roof serves as a guiding site for soldiers and tourists	Building permit for 24 housing units in 4 new buildings approved for request by "HaMaayan Tourist Operators Ltd." owned by ELAD
Ras al-Amud	Ma'ale Zeitim—Phase 1	Purchased by millionaire Irving Moskowitz after a legal struggle in which it was determined that land belonged to 19th Century Jewish kollels (Torah study institutions)	Approx. 150 people	Ma'ale Zeitim Phase 2—60 housing units—almost complete. Police headquarters building, given over to the "Hekdesh Committee" in exchange for transferring the police headquarters to area 1E; Urban Plan has been submitted for construction of 104 housing units, not yet granted. Recently, renovations have begun in existing building, apparently for preparation of housing units.

Abu Dis	Kidmat Zion	Lands purchased by the Jewish "Residents' Association" in the 1930s	Approx. 15 people (6 families)	Kidmat Zion (Urban Plan 7659), 220 housing units—approved by local committee, not discussed by regional committee, apparently is frozen
Mount of Olives	Cemetery compound	Two housing units occupied in the cemetery compound, by permission of the Hevra Kadisha (Burial Society)	Approx. 10 people	
	Tourism on Mt. of Olives	The Jerusalem Development Authority and ELAD are renovating and developing the Jewish cemetery on Mt. of Olives; ELAD runs an information center on site		

Area: Shaykh Jarrah

Shaykh Jarrah	Shimon HaTzadik compound	Legal proceedings established the rights of the "Committee of the Sephardic Community"; Arab residents evicted from houses due to noncompliance with conditions of protected tenancy	Approx. 35 people (8 families and approx. 20 yeshiva students)	Shimon HaTzadik compound (Urban Plan 12705), 200 housing units—submitted by "Nahalat Shimon Ltd." and transferred in March 2010 to regional committee; Sheppard hotel compound (Urban Plan 2591), 20 housing units—building permit received and preparation for construction has begun; Glassman campus (Urban Plan 13242), where the "Or Sameyach" yeshivah will be built—program in initial phases Beit Amanah—request for permit submitted to build an office building including lecture and events hall
	Nahalat Shimon Mufti's Vineyard	Pre-1948 Jewish-owned apartment Transferred via Law of Absentee Properties to the Jerusalem Development Authority. Part of the area rented to Ateret Cohanim for agricultural use	1 family	

Area: Southeast Jerusalem

Jabal Mukaber	Nof Zion—Phase 1	Development by private entrepreneurs—Digal Investments	91 apts. built, approx. 40 sold; approx. 15 families (approx. 50 people)	Emunah (Urban Plan 6120), 63 housing units—under construction Nof Zion Phases 2,3 (Urban Plan 4558, 4559), 196 housing units, hotel
Abu Tor East	15 HaMefaked Street Jerusalem Forest	Unknown Transferred from [Jewish National Fund] to ELAD, who set up visitors' center on site	Approx. 20 people	