

EU HOMS REPORT ON JERUSALEM

2017

COVER NOTE

The Heads of Mission in Jerusalem and Ramallah herewith submit to the Political and Security Committee the Jerusalem Report for 2017 (Annex 1) and a set of recommendations for discussions to reinforce EU policy on East Jerusalem (Annex 2). Annex 3 contains additional facts and figures on Jerusalem.

Developments in 2017 accelerated yet again the erosion of the two-state solution in the absence of a meaningful peace process. The overall trends, observed and described by EU HOMS for a number of years, worsened. The isolation of Palestinians from ordinary political, economic and social life in the city went largely unabated. Advancement of a record number of settlement plans took place, including in areas identified by the EU and its Member States as key to the two-state solution. At the same time, demolitions of Palestinian owned houses continued and several Palestinian families were evicted from their homes, to the benefit of settlers. Tensions around the Haram al-Sharif/Temple Mount persisted. During the year, several draft Knesset bills were advanced, which, if adopted, would amount to unilateral changes to the status and boundaries of Jerusalem, in violation of international law. At the end of the year, the US announced its recognition of Jerusalem as Israel's capital. This is the first time that one of the final status issues has been subject to a policy change by a third party since the conclusion of the Oslo Accords.

The EU Foreign Affairs Council of 20 July 2015 reiterated the EU's longstanding position: "The preservation of the viability of the two-state solution is at the core of EU policy and will remain a priority." This includes the preservation of "the possibility of Jerusalem serving as the future capital of both states." On 18 January 2016 it reiterated the EU's commitment to achieving a two-state solution, based on parameters set out in the Council Conclusions of July 2014, warned that settlement activity in East Jerusalem seriously jeopardised the possibility of Jerusalem serving as the future capital of both States, and also called for upholding the status quo put in place in 1967 for the Haram al- Sharif / Temple Mount in line with previous understandings and with respect to Jordan's special role. On 6 December 2017, EU High Representative and Vice President of the European Commission Federica Mogherini expressed serious concern over the US decision to recognise Jerusalem as the capital of the State of Israel, and reaffirmed that the EU and its Member States would continue to respect the international consensus on Jerusalem embodied in, inter alia, UNSCR 478. On 14 December the European Council reiterated its firm commitment to the two-state solution and, in this context, the EU position on Jerusalem remains unchanged.

In light of the above and considering the EU's long-standing commitment to the two-state solution with an independent, democratic, contiguous and viable Palestinian state, comprising

Gaza and the West Bank including East Jerusalem, living side by side in peace and security with the State of Israel; and considering the urgent need to address the situation in conformity with the EU's established position including all relevant EU Council Conclusions, most recently those of 22 July and 17 November 2014, and in accordance with relevant UNSC resolutions (in particular UNSC Resolution 476 (1980), as well as in accordance with international law saying that the acquisition of territory by force or the threat of the use of force is inadmissible;

The EU HoMs have formulated a set of common messages to be used as part of the EU's political position on East Jerusalem, inter alia in future FAC Conclusions, and when calling on Israel to change its policy on Jerusalem. In addition, EU HoMs are submitting a set of recommendations to assist the EU in addressing the issues of concern set out in the report.

Common Messages:

- *With regard to the US administration's decision to recognise Jerusalem as the capital of Israel, we reconfirm the EU's firm commitment to the two-state solution and, in this context the EU's position on Jerusalem remains unchanged. We also reconfirm that the EU, for its part, will continue to respect the international consensus on Jerusalem, embodied in various resolutions of the UN Security Council, in particular UNSCR 478.*
- *Israel must stop its settlement policy in East Jerusalem (and the rest of the West Bank). Illegal under International Law, this policy not only erodes the two-state solution but also seriously calls into question Israel's commitment to a negotiated agreement with the Palestinians. The EU will not recognise any changes to the pre-1967 borders, including with regard to Jerusalem, other than those agreed by the parties. This position was most recently confirmed in UNSCR 2334.*
- *We are deeply concerned about possible Israeli legislation which, if adopted, would amount to unilateral changes to the status and boundaries of Jerusalem, in violation of international law.*
- *We firmly condemn attacks which have resulted in death and injuries of Israelis and Palestinians in Jerusalem and encourage both sides to urge restraint and call for calm.*
- *We are deeply concerned by any incidents involving apparent excessive use of force by Israeli forces in response to protests and security incidents and call on Israeli authorities to employ proportionate use of force in their response to violent incidents, and open investigations following each fatality.*
- *Israel should meet the political, security, economic, social and cultural needs and protect the associated rights of the Palestinian residents of East Jerusalem.*
- *Israel should allow a Palestinian representative leadership and institutions to operate in East Jerusalem.*
- *Israel must respect international law and fulfil its obligations as occupying power under IHL towards Palestinians living in East Jerusalem. We stress the importance of the integrity of the Haram al- Sharif / Temple Mount protected by the status quo valid between 1967 and 2000 and*

reaffirmed in the Wadi Araba Peace Agreement of 1994 between Israel and the Hashemite Kingdom of Jordan. Furthermore, call for the restoration of this status quo, with support of the international community if deemed appropriate.

- *We call for mutual respect of ties of all Abrahamic religions to Jerusalem and its holy sites. In this regard we underline the importance of respecting freedom of religion and belief and allowing access to the holy sites in line with the historic status quo.*
- *Israel should refrain from using archaeology and tourism development as a political tool to modify the historical narrative and to support, legitimise and expand settlements.*

ANNEX III – ADDITIONAL FACTS AND FIGURES

1. Casualties in Jerusalem, 2012 – November 2017

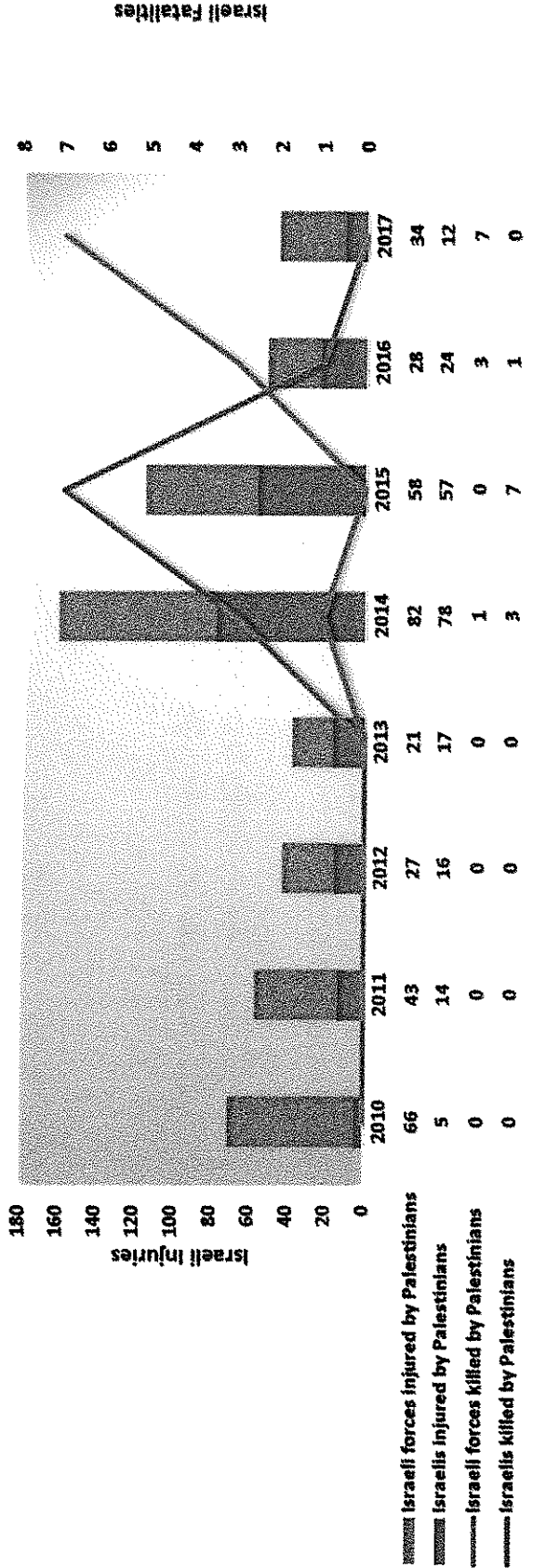
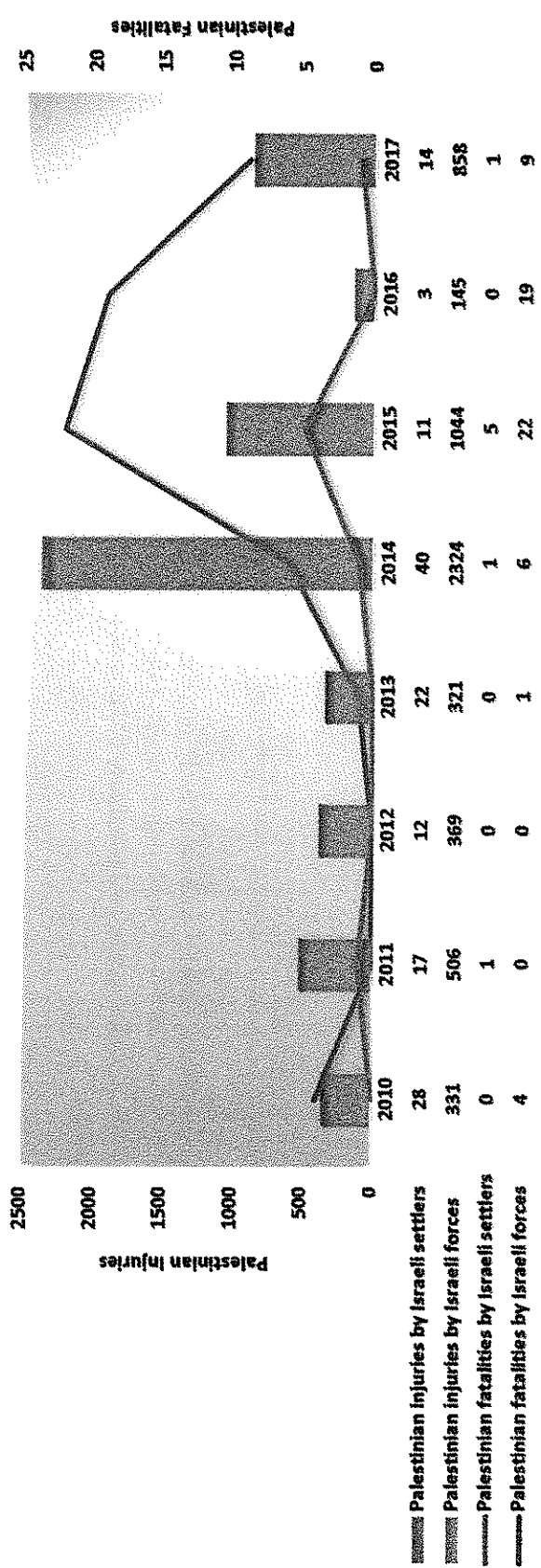
Israeli and Palestinian casualties in East and West Jerusalem, 2012 – November 2017:¹

		Fatalities	Injuries
2012	Palestinians	0	423 (312 adults, 111 children), incl. 395 by Israeli forces
	Israelis	0	46 (adults), incl. 27 Israeli forces
2013	Palestinians	1 (adult)	383(327 adults, 56 children), incl. 348 by Israeli forces
	Israelis	0	38 (36 adults, 2 children), incl. 21 Israeli forces
2014	Palestinians	9 (6 adults, 3 children), incl. 8 by ISF	2069 (1879 adults, 190 children), incl. 2016 by Israeli forces
	Israelis	10 (9 adults, 1 child), incl. 2 Israeli forces	168 (161 adults, 7 children), incl. 78 Israeli forces
2015	Palestinians	33 (26 adults, 7 children), incl. 28 by Israeli forces	1059 (931 adults, 128 children), incl. 1048 by Israeli forces
	Israelis	8 (all adults), incl. no Israeli forces	140 (131 adults, 9 children), incl. 59 Israeli forces
2016	Palestinians	19 (17 adults, 2 children), all by Israeli forces	152 (112 adults, 40 children) incl. , 145 by Israeli forces, 4 by Israelis in West Jerusalem, and 3 by Israeli settlers in East Jerusalem
	Israelis	4 (all adults), incl. 3 Israeli forces	73 (68 adults, 5 children), incl. 28 Israeli forces
2017	Palestinians	10 (8 adults, 2 children) Incl. 9 by Israeli forces and 1 by an Israeli settler	875 (810 adults, 65 children) Incl. 873 in East Jerusalem, 858 by Israeli forces, 14 by Israeli settlers, and 1 by Palestinian during an attack. Two (both children) were injured in West Jerusalem, 1 by forces and 1 by Israeli settlers
	Israelis	7 (all Israeli forces)	46 (44 adults, 2 children), incl. 34 Israeli forces – all in East Jerusalem
	Palestinian citizens of Israel	3 (perpetrators of 14 July attack on Haram)	-

*Including by Israeli settler security guards.

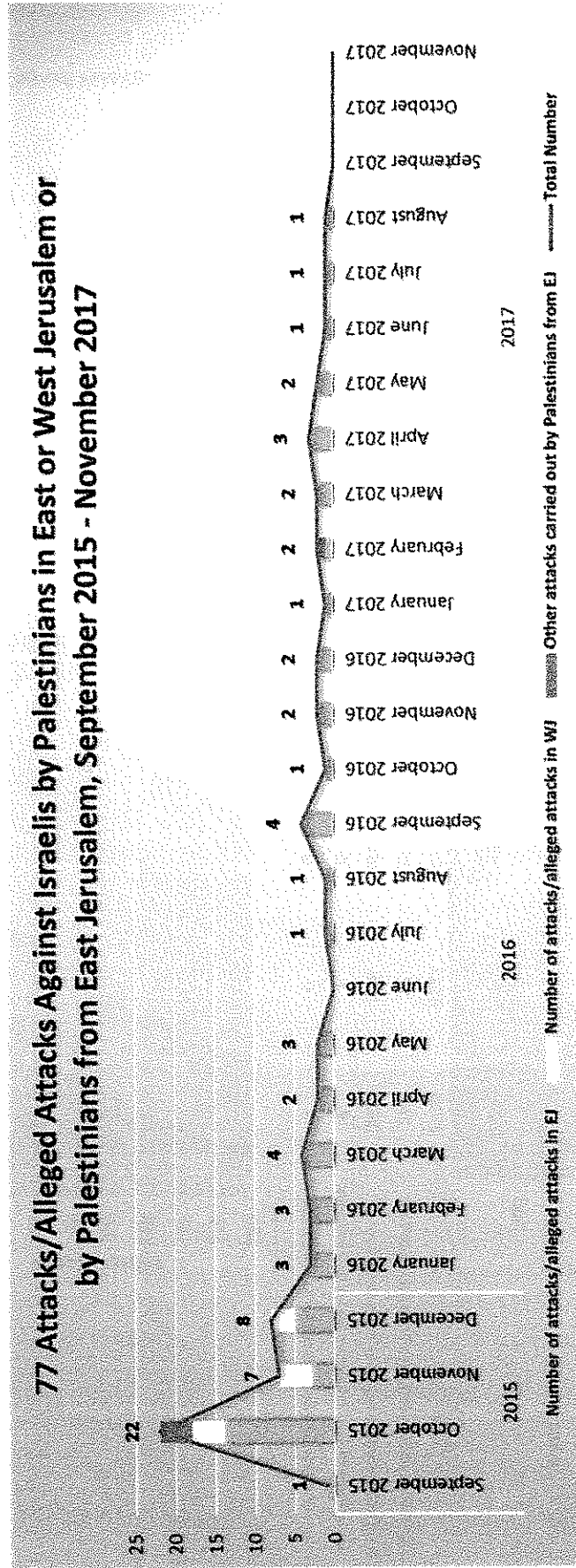
¹ In addition, one British female student was killed in an alleged attack in April 2017; the perpetrator was later diagnosed as being mentally ill.

Casualties in East Jerusalem alone:



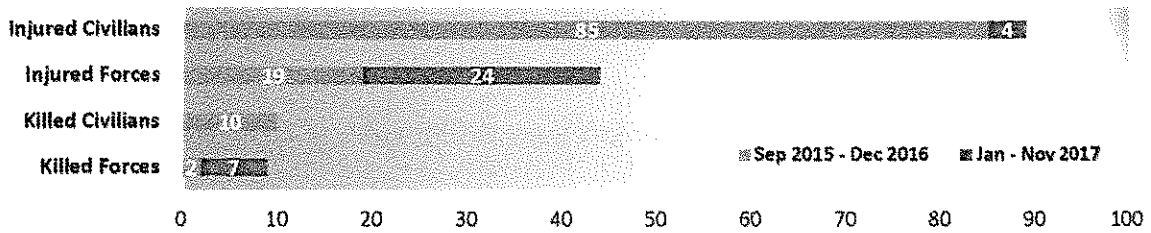
2. Attacks/Alleged Attacks on Israelis (including Israeli forces)

Between September 2015 and November 2017, 64 attacks/alleged attacks were carried out against Israelis in East Jerusalem, 11 in West Jerusalem, three were carried out in Israel proper by Palestinians from East Jerusalem, and two were carried out in Area C of Jerusalem governorate by Palestinians from East Jerusalem. The monthly breakdown of these attacks (77) is available in the chart below and includes 13 attacks that took place between January and November 2017:



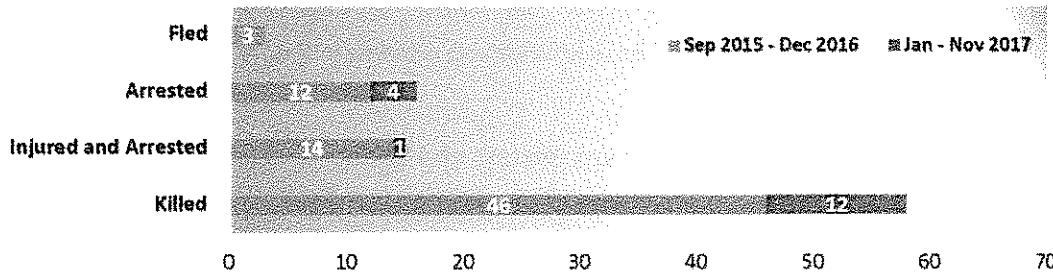
Between September 2015 and December 2016, 64 of the above attacks resulted in the killing of 12 Israelis (including two Israeli force members) and the injury of 104 Israelis (including 19 Israeli force members). Between January and November 2017, 13 attacks resulted in the killing of seven Israeli members of Israeli forces and one British student and the injury of 28 Israelis (including 24 Israeli force members). The breakdown of Israeli casualties is illustrated in the chart below:

**Israeli Casualties of Attacks/Alleged Attacks in East and West Jerusalem
or by Palestinians from East Jerusalem**



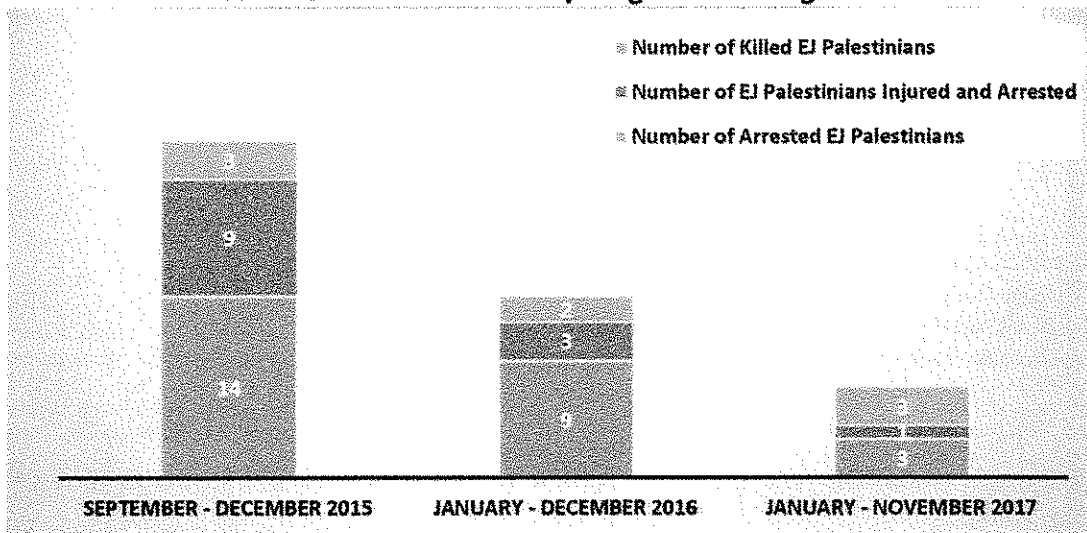
Ninety-two Palestinians were involved in the 77 attacks mentioned above since September 2015, of whom 17 were involved in the 13 attacks documented between January and November 2017:

**92 Palestinians Involved in Attacks/Alleged Attacks against Israelis
in East and West Jerusalem or by Palestinian from East Jerusalem**



Of the 92 Palestinians involved in attacks/alleged attacks against Israelis in East or West Jerusalem or were from East Jerusalem but carried out attacks in Israel proper or Area C of Jerusalem governorate, a total of 47 were Palestinians from East Jerusalem² of whom 26 were killed, 13 were injured and arrested, and eight were arrested.

EJ Palestinians Involved in Attacks/Alleged Attacks Against Israelis

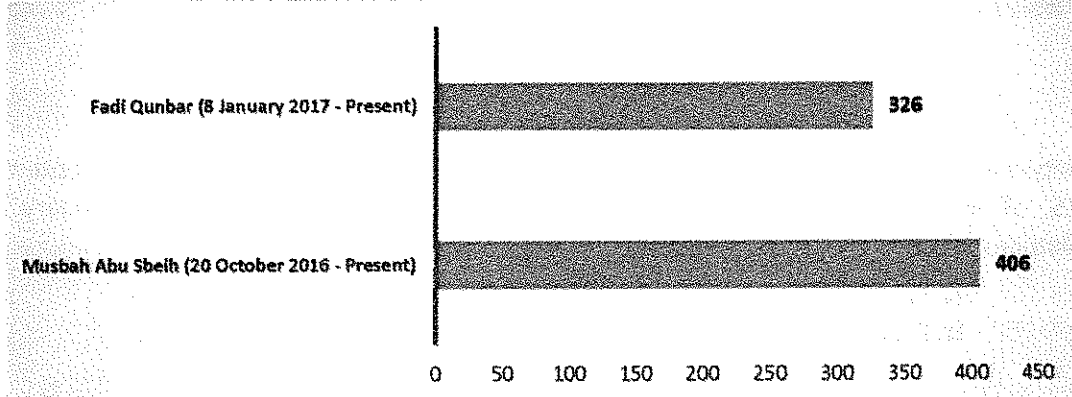


² This excludes one Palestinian from Ash Sheikh Saad town, which is partly located within municipal Jerusalem, who carried out an attack at Gush Etzion junction in Bethlehem governorate on 19 April 2017. His corpse was withheld for nine days. It also excludes three unknown Palestinians who fled after carrying out two attacks in East Jerusalem in 2016.

3. Withheld Corpses for Palestians from East Jerusalem, September 2015 – November 2017

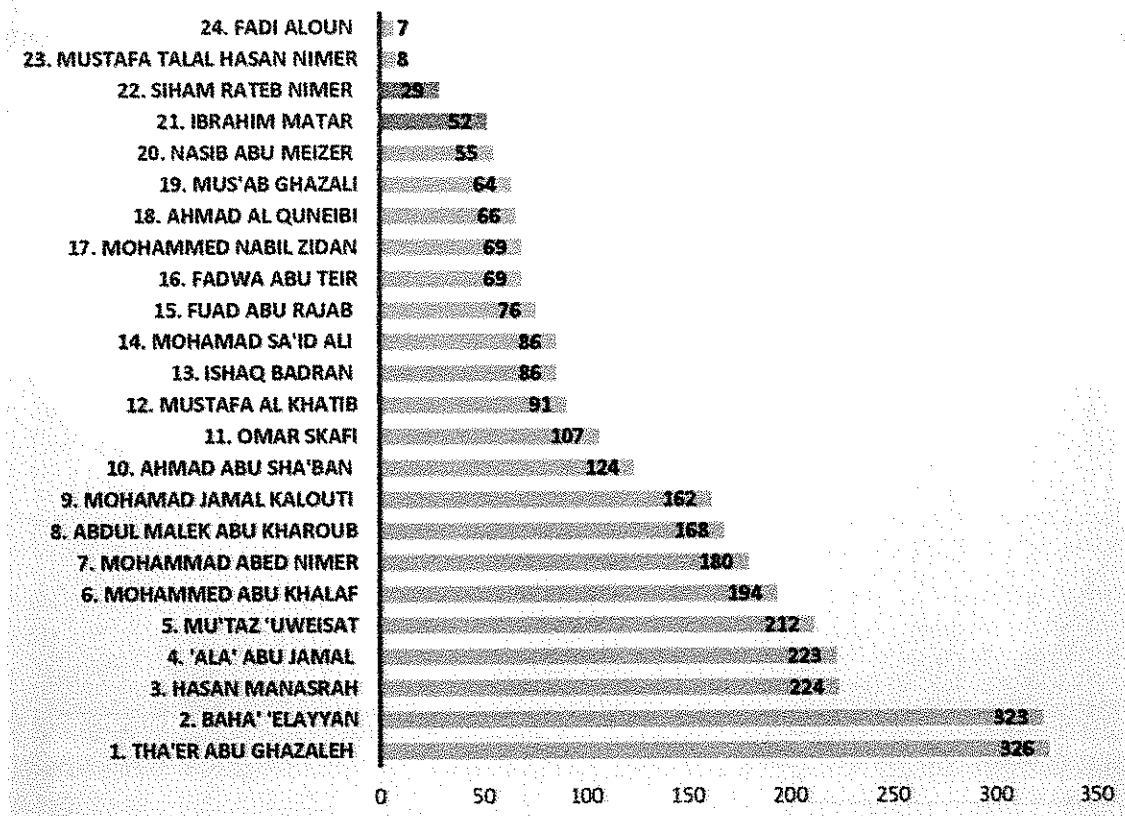
Of the 26 Palestinians from East Jerusalem killed in attacks/alleged attacks against Israelis between September 2015 and November 2017 (see chart above for a breakdown by year), 24 had their corpses withheld and returned and two still remain withheld by the Israeli authorities.

Corpses of Killed EJ Palestians that Still Remain Withheld by the Israeli Authorities



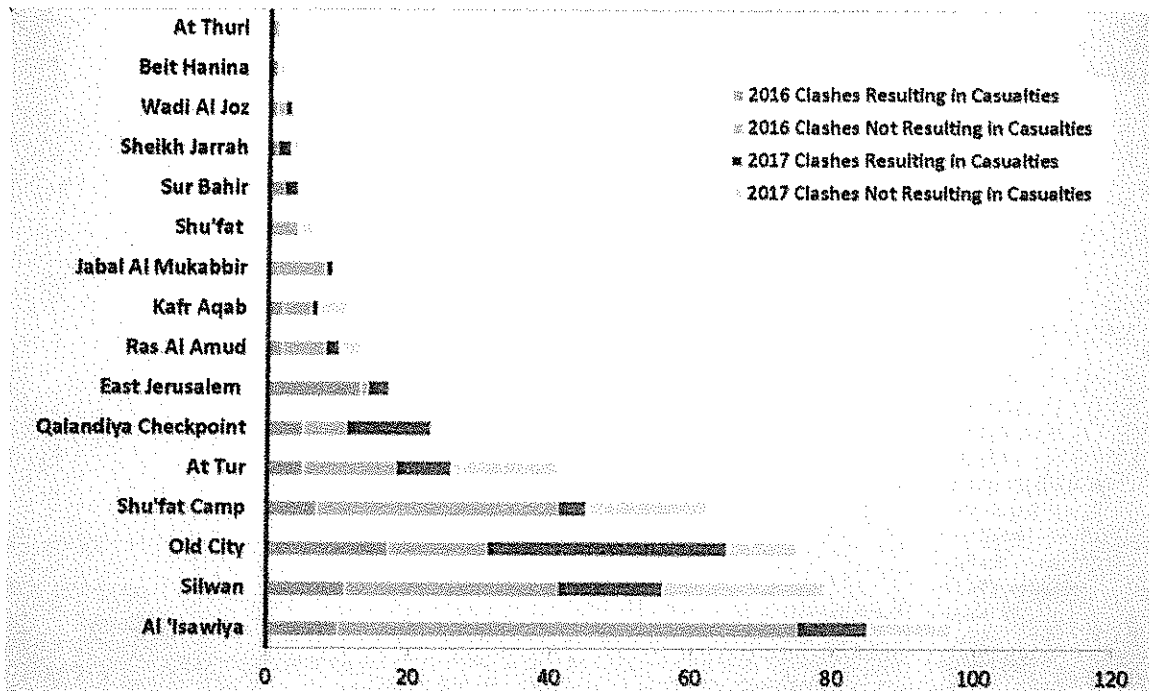
Note: Number of days corpses have been withheld was calculated up to 30 November 2017

Number of Days Corpses of EJ Alleged Perpetrators of Attacks on Israelis were Withheld by Name, September 2015 – November 2017



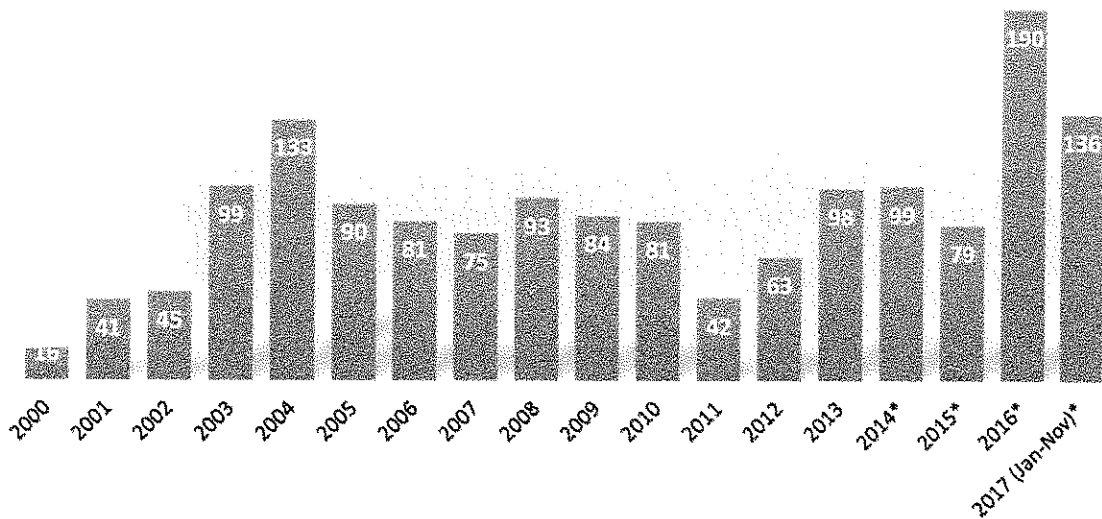
Note: The bars colored in red are for Palestinians killed in 2017.

4. Frequency of Clashes with Israeli Forces Resulting in Casualties and Clashes not Resulting in Casualties by Community in East Jerusalem, 2016 (Jan-Dec) vs. 2017 (Jan-Nov)



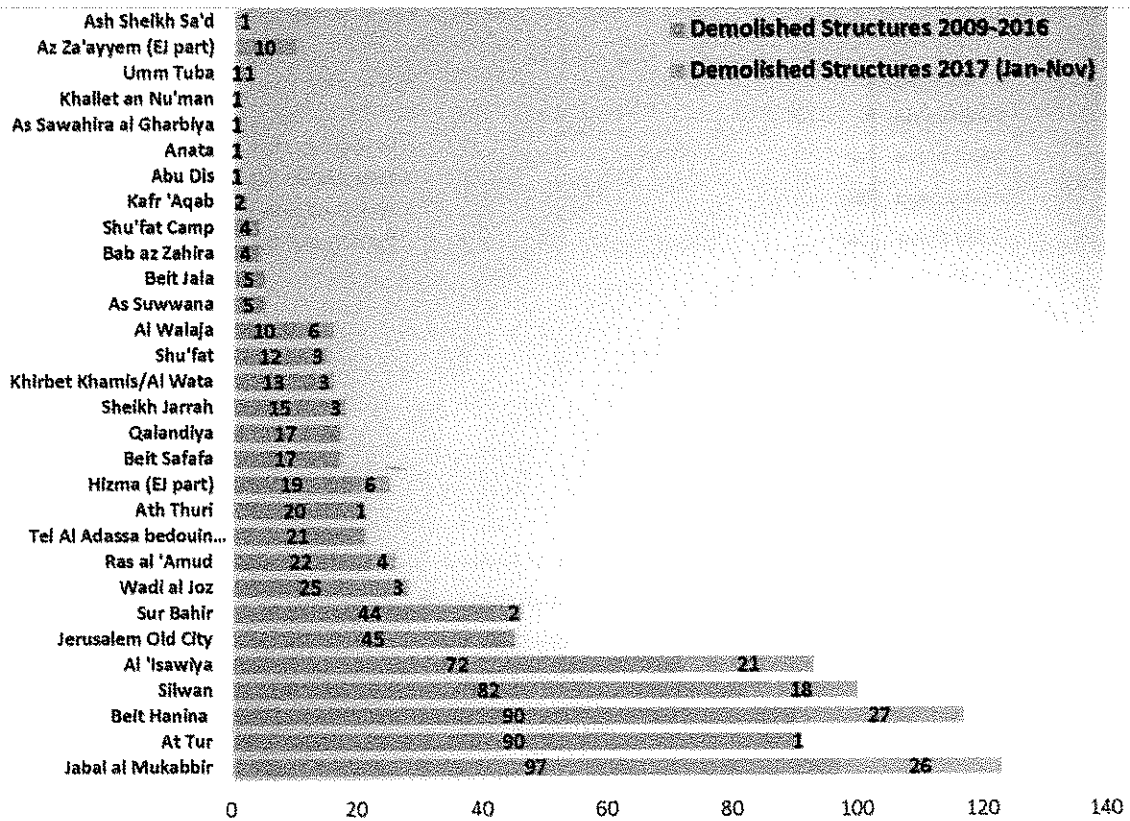
5. Demolitions in East Jerusalem, 2000 – November 2017

Demolished Structures in East Jerusalem, 2000 - November 2017

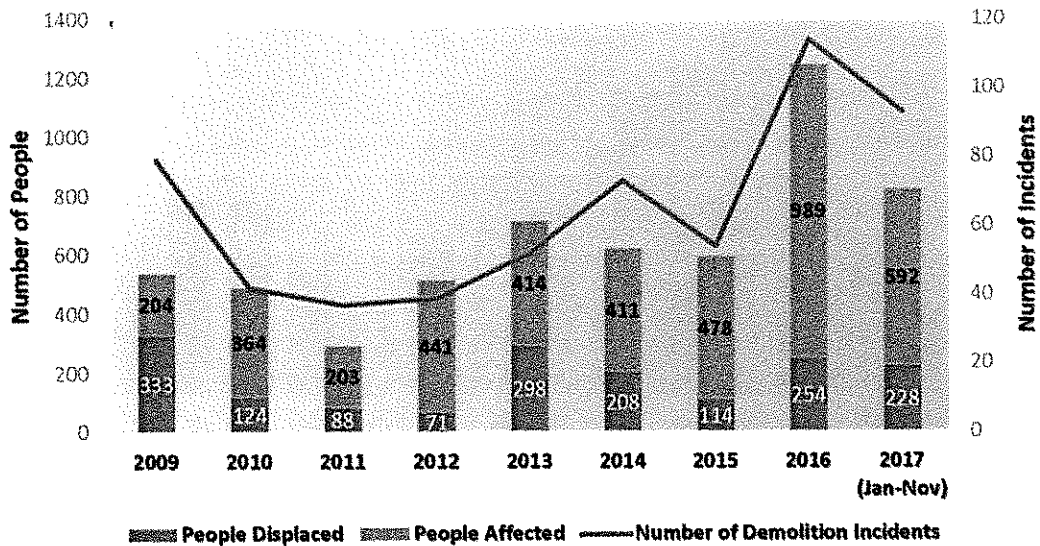


* 2014 - 2017 data include punitive demolitions as well as sealed or confiscated structures. Pre-2014 data exclude military operations and punitive demolitions. Data between 2000 and 2007 is from B'Tselem. The source of data for 2008 is B'Tselem and UNOCHA.

Demolished Structures in East Jerusalem by Community Name, 2009 – November 2017³

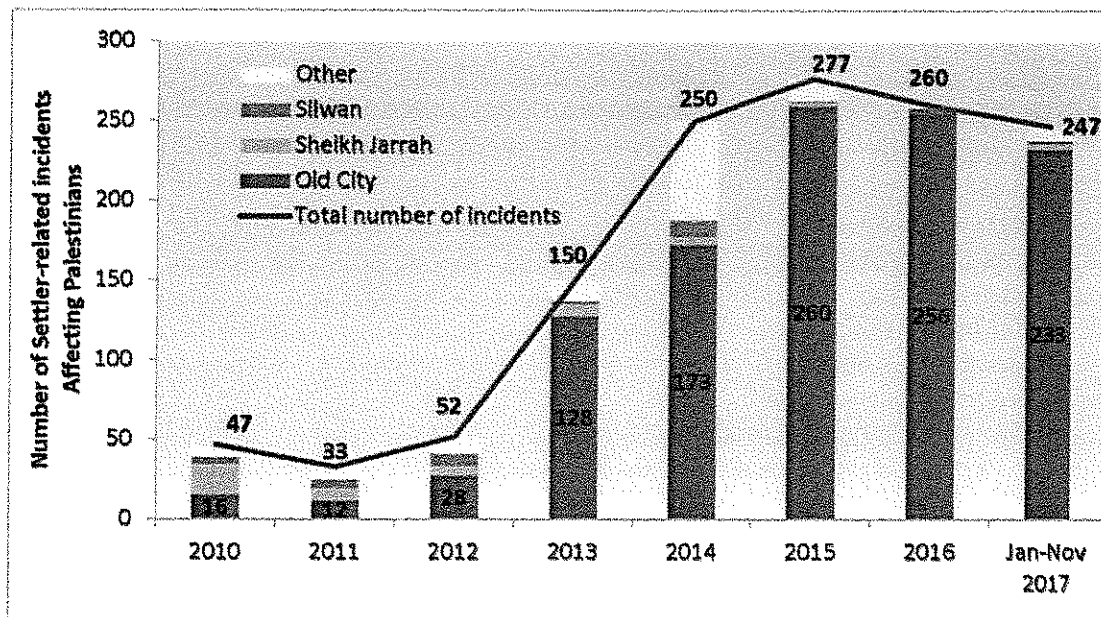


Trends in the Number of People Displaced or Otherwise Affected by Demolitions in East Jerusalem, 2009 – November 2017



³ The 736 structures shown in the graph do include seven structures that were sealed on punitive grounds as well as one self-sealed and three confiscated structures due to the lack of building permits.

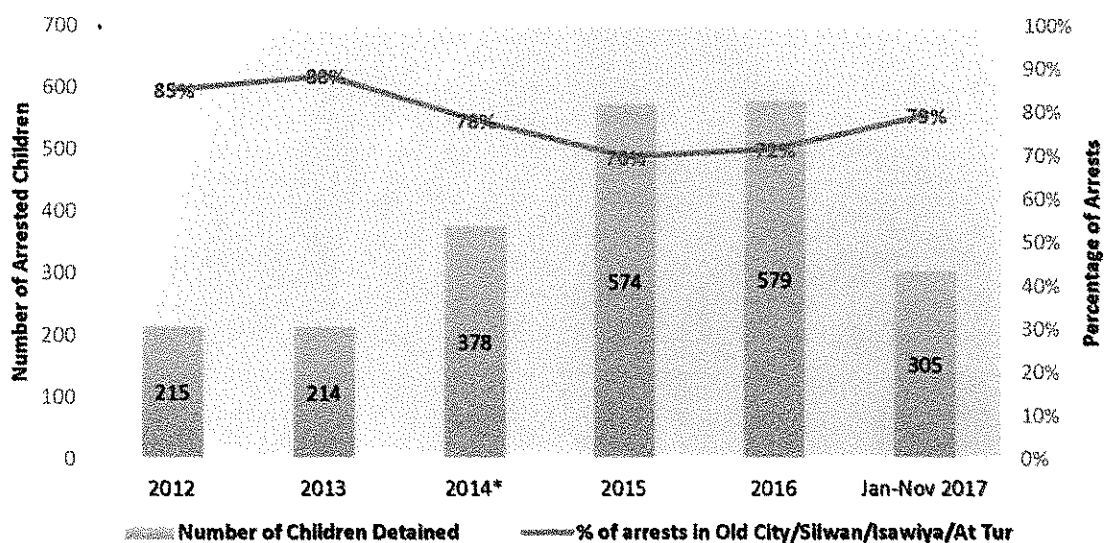
6. Settler-related Incidents Affecting Palestinians in East Jerusalem, 2010 – November 2017



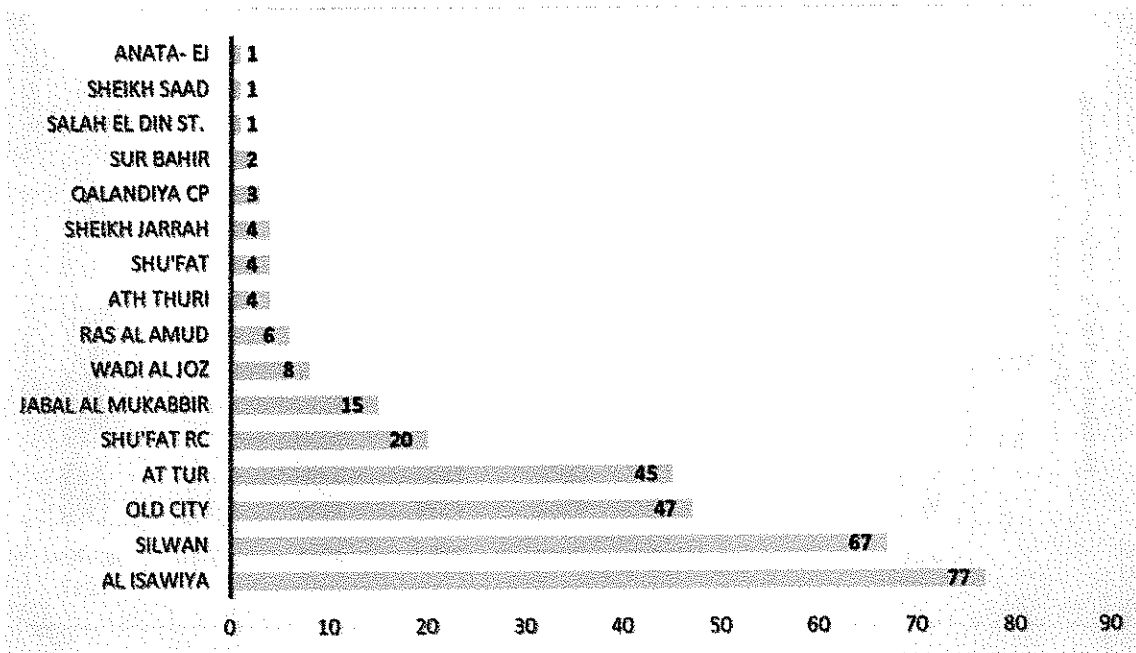
7. Child Detention in East Jerusalem

Between January and November 2017, UNOCHA documented the detention of 305 children by the Israeli authorities in East Jerusalem. Consistent with the trend over the preceding five years, the majority of arrests continue to take place in Silwan, Al 'Isawiya, the Old City of Jerusalem, and At Tur.

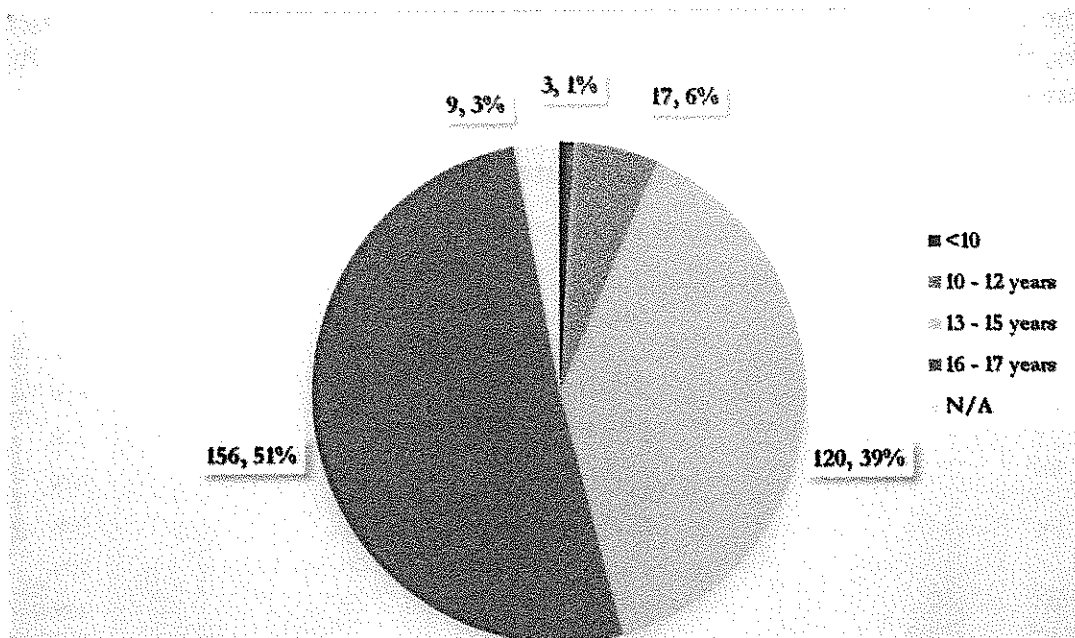
Detained Children in East Jerusalem, 2012 – November 2017



**Number of Children Detained in East Jerusalem by Locality,
January - November 2017**



**Number of Children Detained in East Jerusalem by Age Group,
January - December 2017**



ANNEX I: EU HOMS REPORT ON JERUSALEM

INTRODUCTION: JERUSALEM IN THE CONTEXT OF THE TWO-STATE SOLUTION

1. Jerusalem commands enormous significance both for Israelis and Palestinians and beyond. The issue of the future status of the city is also at the heart of the Middle East Peace Process. So long as this question is unresolved there cannot be a lasting peace agreement based on the two-state solution.
2. Since 2005 EU Heads of Mission (EU HoMs) in Jerusalem and Ramallah have provided regular reports on developments in Jerusalem. In the course of their reporting the EU HoMs have traced a number of trends which are having a profound negative impact on the city including the expansion of settlements, which gathered pace again during 2017, and increasing political, economic and social exclusion of Palestinians living there.
3. Overall, the negative trends described in previous reports continued, and polarisation, exclusion and marginalisation of Palestinians remained as stark as ever. In addition, there were a number of worrying developments directly affecting the status of Jerusalem, one of the final status issues (the others being borders, security and refugees).
4. This report describes developments since the beginning of 2017, documenting the further deepening and accelerating negative trends in the city. These are: developments regarding the status of Jerusalem, the political, economic and social exclusion of Palestinians in Jerusalem; the growth and impact of settlements and settler-related activity; the growing polarisation in the city, often leading to bouts of violence, and, above all, events related to the Haram al-Sharif / Temple Mount both because of its importance and the fact that it has served as a flashpoint for religious tensions.

Developments regarding the status of Jerusalem

5. Following the election of Donald Trump as US president, the year started with heightened anxiety over a possible move of the US embassy to Jerusalem. Moving the embassy had been one of his campaign promises. While President Trump did not act on this promise up until the end of the year, on 6 December he announced the US recognition of Jerusalem as the capital of Israel. In parallel, he announced his decision to start the preparations for the move of the embassy to Jerusalem. This marks a fundamental shift in US policy. The EU and most of the international community, denounced this decision and reiterated their opposition to any unilateral moves affecting the status of Jerusalem. The EU High Representative/Vice President Federica Mogherini reaffirmed the European Union's clear and united position, namely that the only realistic solution to the conflict between Israel and Palestine is based on two States, and with Jerusalem as the future capital of both states.
6. Several legislative initiatives in the Knesset were advanced in 2017, each of which would have far-reaching ramifications for the possibility of a two-state solution if adopted. These initiatives envisage amendments to existing legislation: one requiring a 2/3 majority in the Knesset for any territorial concessions in Jerusalem (i.e. in the case of a final status agreement on Jerusalem), another one excising from the city Palestinian neighbourhoods currently within the Municipal boundaries of Jerusalem (as unilaterally defined by Israel) but outside the Separation Barrier (i.e. Kufir Aqab, Shuafat RC, part of Anata), and the last incorporating, in some vaguely defined way, West Bank settlements to the north, south and east of the city (including Ma'ale Adumim, the Beitar Illit, Givat Ze'ev, Efrat and the Gush Etzion settlement bloc) into Municipal Jerusalem.

7. The latter two initiatives were incorporated into a single proposed law, which appeared on the agenda of the 29 October 2017 meeting of the Israeli Ministerial Committee for Legislative affairs, but was taken off at the last moment, following European and international pressure. This delay is assessed to be only temporary. If implemented, such gerrymandering of the border of Municipal Jerusalem would reduce the number of Palestinian residents of Jerusalem by around 120,000 and add up to 140,000 Israeli settlers, thereby reducing the share of the Palestinian population of Jerusalem to 20% (from currently 37%). The move to excise the areas beyond the Separation Barrier from the Jerusalem Municipality would however not mean that Israel would renounce control of these areas by handing over authority to the Palestinian Authority (PA). None of these areas would fall under the authority of the PA (a proposal by a Zionist Union Member of Knesset to do just that was categorically rejected in November 2017 by the Ministerial Committee for Legislation). Those living in these areas who today are legal residents of Israel (by virtue of being Jerusalem ID-holders) would remain so, but their marginalisation would only increase. The exact status these neighbourhoods would have remains unclear.

The Political framework and the resulting economic and social exclusion

8. At the root of the negative trends are the occupation since 1967 and a long-standing policy of political, economic and social marginalisation of Palestinians in Jerusalem, in violation of Israel's obligations under International Humanitarian Law. Highly restrictive policies regarding Palestinian construction in Jerusalem have continued in force; demolitions and evictions remained high in 2017; education for Palestinians is still inequitable; Palestinians continue to face difficulties in accessing health care; East Jerusalem's economy shows no signs of improving. Palestinian political organisation in East Jerusalem is suppressed by the Israeli authorities and Palestinian institutions are still prevented from playing a role. Pressure on the few remaining cultural institutions continued throughout 2017. Palestinian communities in Jerusalem are fragmented and are confronted with numerous economic and social difficulties including drug abuse, division and displacement of families, domestic violence, loss of cultural identity, and high levels of stress and depression.

Settlements and settler activities

9. In 2017, Israeli settlement activity in and around Jerusalem accelerated, further increasing tensions on the ground and seriously undermining the prospects for achieving a just and lasting peace based on the two-state solution. More than one third of all Israeli settlers in occupied Palestinian territory live in East Jerusalem. Settlement plans were advanced, the number of newly issued building permits has increased, and 'recovery' of property in East Jerusalem that had belonged to Jews prior to 1948 continued, threatening to create more settlement enclaves in Palestinian neighbourhoods. For the first time since 2009, a Palestinian family was evicted from their home in Sheikh Jarrah. Also in the Old City itself, as well as in Silwan, Palestinians were evicted from their homes in favour of settler organisations, increasing the Jewish presence in Palestinian neighbourhoods inside, and in the immediate vicinity of, the Old City. This was accompanied by continuing attempts, through the use of archaeology and tourism development by both Israeli government institutions as well as private settler organisations, to establish a narrative based on historic continuity of Jewish presence in the area at the expense of other religions and cultures.

Polarisation and violence

10. The isolation of Palestinians from ordinary political, economic and social life in the city continues and a volatile atmosphere prevails. Palestinian alienation and marginalisation, a loss of hope in the possibility of positive change, deep mutual mistrust and a sense of loss of security among

both communities remain as pervasive as ever. Though less frequent, there were a number of violent incidents in the course of 2017. In particular during July's crisis linked to events at the Haram al-Sharif/Temple Mount, and following the US decision to recognise Jerusalem as Israel's capital, confrontations between ISF and Palestinian protesters occurred.

Haram al-Sharif / Temple Mount

11. The escalations that took place between 14 and 27 July represent the most profound crisis at the Haram al-Sharif / Temple Mount in years, prompting serious reverberations in East Jerusalem and beyond. The events and developments highlighted, once again, the highly sensitive nature of the site. The unprecedented mobilisation of Palestinians from East Jerusalem stood out in scale and was characterised by unity, non-violence and a strong sense of solidarity amongst East Jerusalemites and beyond. Notably, the leadership and organizational capacities from the Palestinian side, when demonstrating against the new measures, were neither formal nor institutionalised, highlighting the lack of a formal Palestinian leadership in East Jerusalem. Contrary to the understandings reached in 2014 between Jordan and Israel which prohibited the entry of Knesset members and Government Ministers, Prime Minister Netanyahu announced a trial period for such visits, and two Members of Knesset visited the site in September. In addition, the numbers of Jewish visitors allowed onto the site during the Jewish holiday season continue to increase and statements from Israeli right-wing politicians raise concern and fuel fear among Palestinians that Israel is seeking to change the status quo at the Haram al-Sharif / Temple Mount. Palestinians remain sensitive to any risk of what they see as the potential "Hebronisation" of the Haram al- Sharif¹.
12. This year's report is accompanied by a set of common messages and recommendations designed to assist the EU and its Member States in addressing the issues of concern set out in the report.

I.1 RESIDENCY STATUS

13. Palestinian residents of East Jerusalem are issued a special Israeli Identity Card (ID), which confers a different status from other Palestinians. Apart from the right to reside in East Jerusalem, this ID confers upon its holder the right to travel and to drive beyond the separation barrier and throughout Israel without the need to obtain a permit. It entitles them to receive Israeli social security benefits to which they make compulsory contributions. They are subject to paying Israeli taxes. Holders of a Jerusalem ID are also allowed to make use of Israel's international airport. They are also allowed to vote in municipal elections but by and large boycott them as they consider that a vote would entail recognition of Israel's annexation of East Jerusalem. They are not allowed to vote in national Israeli elections.
14. Palestinian Jerusalemites, rather than enjoying citizenship status in their own city, have the status of "permanent resident". In fact, the situation of Jerusalem ID-holders is precarious as their ID may be revoked by the Israeli authorities if, when challenged, its holder fails to prove that Jerusalem continues to be his/her "centre of life"². According to the Ministry of Interior's

¹ Referring to the physical division of the Ibrahimi mosque in Hebron in place since 1994 and which has been viewed as a catalyst for wider settler activity in Hebron city.

² The concept of Centre of Life is generally used in European countries to determine the right of immigrants to obtain a residency permit. Since 1995 Israel has applied this concept to Palestinian residents of East Jerusalem. The concept is applied strictly, using three non-cumulative formal criteria: a person loses his residency status for (1) having stayed outside

figures supplied over the years, between 1967 and 2016, Israel revoked the status of 14,595 Palestinians from East Jerusalem. Israel continues its "quiet deportation" policy as it is shown by the last figures of 2016. As a matter of fact, the Ministry of Interior revoked during last year the residency status of 95 East Jerusalem Palestinians, including 41 women and 11 minors. Upon losing their residency these people become stateless unless they have citizenship from another country, since the PA, as a matter of principle, does not provide them with West Bank IDs in order not to be complicit in the revocation of their residency. It should be recalled that the Israeli policy of revoking residency rights of Palestinians in Jerusalem represents a violation of its obligations as an occupying power under International Law, namely the IV Geneva Convention. Often as an insurance policy against possible revocation of residency rights, over 1,000 East Jerusalemites per year apply for Israeli citizenship. While around half of the applications for citizenship were accepted between 2003 and 2013, these figures have dropped dramatically since 2014. Between this date and November 2016, of 4,252 East Jerusalemites who applied for citizenship, only 89 were approved and 168 were rejected. The rest of the applications are pending — formally, still being processed. In March the Israeli high court ordered the Interior Ministry to restore the residency rights of a Palestinian man born in East Jerusalem who was denied permission to live in the city after being away for many years. In a potentially precedent-setting verdict, the court ruled that residents of East Jerusalem "have a strong affinity" to the city, which must be taken into consideration with respect to residency rights. This ruling does not entail a sweeping reversal of Israel's policy of revoking residency rights on the basis of the "centre of life" concept, as all cases of Palestinians appealing their residency revocation will have to be judged on their individual merits.

15. The policy of revocation of residency rights is linked to Israel's demographic policy, as stated in official planning documents such as the Jerusalem Master Plan 2000 ratified by the Jerusalem Municipality in 2007, which explicitly sought to "preserve a substantial Jewish majority in Jerusalem" through a variety of "intervention tools". The mentioned Master Plan consequently aims at preventing the Palestinian population in East Jerusalem from exceeding 40% of the Municipality's total population.
16. In addition to the precarious nature of Jerusalemite ID-holder status, such residents have more limited rights than those enjoyed by an Israeli citizen. One notable example concerns the situation where a spouse of a Jerusalem ID-holder is not a permanent resident. In such a situation permanent residency will not automatically pass on to Palestinian children. Furthermore, permanent residency is not automatically transferred through marriage.
17. In addition, the legal procedure for family reunification entails a long and expensive bureaucratic process, during which children of the couple and non-resident spouses are vulnerable as they can at any time be refused permission to live with their family in East-Jerusalem. The Citizenship and Entry Law has compelled many couples either to separate or, if they choose to live together in East Jerusalem illegally, in constant fear that the West Bank spouse might be deported. According to figures supplied by the State of Israel in June 2015, some 8,000 Palestinians are living in Jerusalem under the family unification process with temporary stay permits only. This number includes many children who have one parent who is a permanent Jerusalem resident

of Jerusalem municipal borders as unilaterally defined by Israel for a period of at least seven years; (2) having a permit for permanent residency in another country; (3) having citizenship of another country by way of naturalisation. Other criteria generally linked to the concept such as having a family, employment and general integration into society are not taken into account. Documentation such as landline phone bills, electricity bills, and proof of payment of municipal property tax bills are frequently requested by the Israeli Ministry of Interior upon renewal of identity cards or request for travel documents. Failure to produce those documents may ultimately result in the revocation of the Jerusalem ID.

and another who is a resident of the West Bank. The Law denies to such children the possibility of receiving residency status in Israel if they are over the age of 14 at the time of the parent's request registration. Thus, they must continue living into adulthood with just stay permits and without social security rights and some are left stateless.

18. Since 2012 until November 2016, a total of 2847 requests for family reunification had been filed in East Jerusalem: 1472 of them were filed by men and 1375 by women. 1732 of the requests were approved and 1115 refused. An amendment to the Israeli Criminal Code stated that a parent of a minor who has been convicted and imprisoned for a security offence will be denied all National Insurance payments for that child, including child allowance and subsistence payments such as maintenance and income support, during the child's imprisonment. Moreover the amendment establishes an arbitrary distinction between convicted minors: those convicted of security offences and those convicted of criminal offences.
19. Following Israeli Prime Minister Benjamin Netanyahu's message on 18 October 2015 citing residency revocation as one of the possible measures to be taken in the context of the escalation of violence, the Israeli Minister of Interior has revoked the residency status of East Jerusalem residents on numerous occasions, including residents accused of attacks against Israelis, and in some cases, even relatives of the former. Already in 2015 one Palestinian woman got her residency status revoked after her son carried out a stabbing attack and was killed. More recently, in 2017, Minister of Interior Aryeh Deri, revoked the residency status and stay permits of eleven relatives of the perpetrator of an attack against Israeli soldiers in Armon Hanatziv. However, in December, an administrative judge ordered a rehearing of the Interior Ministry's proceedings to strip them of their stay permits and resident status.

1.2 ACCESS AND MOVEMENT

20. A range of physical and administrative obstacles restrict Palestinians from accessing East Jerusalem. The separation barrier, its associated permit regime and checkpoints system continue to have a serious negative social, humanitarian and economic impact on East Jerusalem and its Palestinian hinterland. The barrier disconnects East Jerusalem from the rest of the West Bank and physically separates Palestinian communities within East Jerusalem. At the same time it incorporates Israeli settlements from beyond the 1967 Green Line into the city.
21. The barrier changes the de facto boundaries of the city. It cuts off densely populated Palestinian neighbourhoods (like Shu'afat refugee camp, Kufr Aqab, Anata) that consequently find themselves on the "West Bank" side of the barrier, but within the (unilaterally declared and internationally unrecognized) municipal boundary. The Palestinian residents of these communities, estimated at around 120,000, need to cross checkpoints to access work places, as well as health, education and other services to which they are entitled (and pay taxes for) as residents of Jerusalem.
22. The barrier also affects approximately 1,400 West Bank ID holders in some 17 localities outside of the Jerusalem municipal boundaries (as unilaterally defined by Israel after 1967) but situated on the "Jerusalem" side of the barrier. The residents in these communities are subject to a special "seam zone" permit regime with uncertain residency rights. They also experience difficulties in accessing basic services and are at risk of displacement.
23. The construction of the separation barrier around Al-Wallajeh is nearly complete as of late 2017, since only 500 meters remain "open". The separation barrier has thus left eight Palestinian neighbourhoods (with a population of 120,000), including Shuafat Refugee camp, on the other

side of the barrier. These neighbourhoods have only the most minimal basic municipal services such as waste collection, roadworks, education or proper infrastructure. They also face severe travel restrictions.

24. Palestinians who do not hold Israeli citizenship or a residency right in Jerusalem need a permit to enter the city. The permit is difficult to obtain and is subject to a number of conditions, e.g. time-limited, a ban on driving a car or staying overnight. For those Palestinians who are granted permits, access is restricted to three out of 16 barrier checkpoints: Gilo, Qalandiya, and Zaytoun. Since March 2015 Palestinian men above 55 and women above 50 no longer need a permit from the Israeli authorities to enter East Jerusalem any day of the year, except during closures. Since October 2015, Shua'fat checkpoint has no longer been accessible for West Bank ID holders with permits. The Dahiyat Al Barid Gate (which separates Dahiyat from Ar Ram), reopened in May 2016 after seven years of closure, has now extended operating hours.
25. Permits are suspended during security closures and often during Israeli national and Jewish holidays. On those occasions, the Israeli authorities usually declare a general closure of the West Bank (and the Gaza Strip) for 48 hours (or longer), preventing regular permit holders (including workers) to access East Jerusalem (and Israel), allowing only 'special permits' holders for instance for urgent humanitarian and lifesaving cases, for the purpose of "legal needs" (e.g. participation in court proceedings) and a few other exceptions (like Palestinian staff working for the international community, Waqf/religious workers,...), Commercial crossings are shut down. A closure was decided for Israeli holidays (Memorial Day and Independence Day) from 30 April to 2 May. Following an attack on 14 July in the Old City at the entrance of the Haram al-Sharif/Temple Mount, during which two Israeli police officers were killed³, a two-day closure of the Haram al-Sharif/Temple Mount compound was decided on 14 July, including for Friday prayers, the longest such closure since 1967. The Old City, including shops inside and in its vicinity, was also closed during these two days (completely for the first half day, the closure then remained for all except for residents of the Old City and tourists). Access to the Haram Al-Sharif/Temple Mount compound was re-authorized on July 16, following the installation of metal-detectors at some of the gates but only men above 50 and women were allowed. The Waqf protested the installation of these metal detectors and called on people not to enter the compound as long as these measures were in place. Following a wave of protest by Palestinians refusing to enter the compound, confrontations and clashes between Palestinians and Israeli security forces, the metal detectors were ultimately removed on 24 July and the rest of the physical restrictions on 27 July.
26. Access to Jerusalem (and Israel) was denied to West Bank ID holders around Rosh Hashana (19-23 September) and Yom Kippur (28-30 September). An exceptionally long closure (11 days, from 3 to 14 October) of the West Bank to Jerusalem and Israel was implemented during Sukkot holiday, following an attack on 26 September by a Palestinian man at a barrier gate near the Har Hadar settlement (Jerusalem governorate), during which two security guards and a policeman were killed, with a second policeman injured. In addition, following this attack, Palestinian workers were barred from entering Israeli settlement, which was an unusual measure (authorization to be delivered on an individual basis, with the exception requested by the Minister of Agriculture for 10,000 workers in this sector).
27. A closure of seven days (10-17 April) of the West Bank to Jerusalem and Israel was imposed during the week of Pesach, which coincided with Easter celebrations. Heavy security was deployed in and around the Old City, considerably impeding access. The deployment of such

³ Cf Polarisation and violence chapter

additional restrictions in and around the Old City during religious celebrations continues to be criticised by religious authorities.

28. Since 2008 the Israeli authorities have introduced the possibility for West Bank ID holders to access Al Aqsa Mosque in East Jerusalem without the regular permits during Ramadan (27 May-26 June 2017), on age and gender based criteria (which may slightly differ from one year to another). In 2017, Palestinian women, irrespective of age, were allowed to enter Jerusalem for Friday prayers during Ramadan. Access for men was limited to males under 13 and above 39 years of age. West Bank Palestinians outside the declared age limit have also been able to apply for Friday prayer permits during Ramadan. According to ICA (Israel Civil Administration) figures, 346,000 West Bank ID holders were allowed to enter Jerusalem for Ramadan on Fridays (including 56,500 for Laylat Al Qadr on 21 June), an increase by 15% compared to 2016 figures (296,000). In addition, Ramadan-related family visitation permits are also issued to allow West Bank ID holders to access Jerusalem during Ramadan and Eid Al Fitr; these permits are generally valid on all days except Fridays and Saturdays. However, such permits are often given only to individual members of a family, not to a family as a whole. This leads in practice to situations in which permits end up not being used. In 2017, these permits (200,000, without age limit) were suspended following an attack on 16 June by three Palestinians perpetrators near Damascus Gate, during which an Israeli police officer was killed. During Ramadan, flying check-points are also frequently deployed on Fridays on the access roads to and in Jerusalem.
29. As part of the 2014 ceasefire agreement, 200 people per week aged over 60 were allowed to receive permits to exit Gaza for the Friday's prayer at Al Aqsa mosque. A separate quota of 100 was also set aside for UNRWA employees. However, these permits have been largely suspended since December 2016. During Ramadan (late May and June 2017), Israel allowed some travel from Gaza to Jerusalem for Friday prayers. But no permits were delivered in July, August and October. Exit for Friday prayers was permitted on two consecutive days during Eid al-Adha (Sep 3-4) for UNRWA staff only.
30. A number of relaxation measures during Ramadan are usually taken for Gaza residents. In 2017, 100 permits for Friday's prayer were announced for Palestinians above 55 years (for an estimated total number of 17,000 applications) as well as 300 permits for "special groups" (employees of the Red Crescent, labour union members, and staff of international organisations who are married, and at least 50 years of age) by the ICA. Unlike previous years, no special quota for family visits during Ramadan was allocated to Gaza residents. 453 Palestinians from Gaza were ultimately able to access East Jerusalem for Friday's prayer during Ramadan and Laylat Al Qadr.
31. For Easter and Christmas, permits are also delivered to Christian Palestinians from Gaza to travel to Jerusalem. In December 2016, 314 exits of Christians from Gaza were recorded. In April 2017, 553 exits of Christians from Gaza were recorded for Easter celebrations.
32. Israeli military presence and related infrastructure at Damascus Gate has intensified this year, amounting to semi-permanent checkpoints. After the attack on a border police officer on 16 June at Damascus Gate, the Israeli Prime Minister announced a new plan to reinforce security measures in the area. As of late 2017, a checkpoint installed during the peak of tensions and violence in the autumn 2015, has remained in Ras Al Amud. Located on the main road, in close vicinity of a large school, its presence is severely affecting the daily school traffic (for an estimated 3,400 students).
33. Until early November, 247 access incidents involving UN/INGOs staff at the Jerusalem periphery checkpoints were recorded. These involve UN vehicle (including buses and shuttles) and

personnel searches and occur in violation of the Convention on UN Privileges and Immunities, to which Israel is a signatory. This constitutes a dramatic increase since last year (92 incidents). Over 70% of those incidents took place at checkpoints in the Bethlehem district (Gilo, Al Walaja and Tunnels), where UN shuttles were requested to undergo vehicle searches. Some improvements were noticed, after long negotiations with the Israeli authorities.

I.3 EDUCATION

34. The absence of an official, unifying Palestinian institutional presence in East Jerusalem severely hampers the provision of a comprehensive and quality school system for the city's Palestinian residents. Education is instead serviced by a number of providers, the largest of which is the Israeli Jerusalem Municipality, whose approach towards Palestinian education has been characterised by neglect and policies and practices which have undermined the Palestinian character of education in the city. A range of challenges are faced by Palestinian providers of education in the city, including a chronic shortage of classrooms, planning restrictions on school building, access and movement limitations on teachers and students, violence both inside and outside of school grounds, a shortage of trained teachers, a lack of coordination between the various education providers in East Jerusalem and alterations of the Palestinian Authority curriculum imposed by the Israeli authorities.
35. There are five categories of education provider in East Jerusalem: 1) the Jerusalem Municipality (Israeli), 2) commercial schools contracted by the Municipality under licence 3) private schools not contracted by the Municipality 4) the Jerusalem Islamic Awqaf (Jordanian) and 5) UNRWA. The Jerusalem Municipality schools and those contracted by the Municipality employ their own teachers, and use an Israeli-edited version of the Palestinian Authority curriculum. These contractor schools require a licence from the Jerusalem Municipality to operate, but the sector is regarded as being very loosely regulated, something which has an adverse effect on the quality of education being provided. The Palestinian Ministry of Education and Higher Education have made a concerted effort to bring East Jerusalem private schools (as opposed to those contracted by the Municipality) under their orbit, offering financial assistance to those schools which teach an unedited version of the PA curriculum. Awqaf schools are jointly administered through special arrangements with the Palestinian Ministry of Education and Higher Education, who provide finance for the teacher salaries. Finally UNRWA provide standard basic education through their schools.
36. Official Israeli statistics for the 2016-2017 school year show that there were 110,496 students in Arab education⁴ in East Jerusalem, although these statistics do not take into account UNRWA schools. According to these statistics, 39.4% of these students were studying in schools operated directly by the Jerusalem Municipality. For the second year running, the number of students attending schools run and operated by commercial bodies under a licence from the Israeli Ministry of Education exceeded the numbers in official Jerusalem Municipality education. Official Israeli statistics and those of the Palestinian Ministry of Education and Higher Education as to the exact numbers of students studying in each category vary and there are significant gaps in coordination between the two systems.
37. This lack of inter-institutional cohesion means that many students fall between the cracks of the different systems and are unaccounted for. Estimates thus vary as to the exact numbers of students who have dropped out of the education system. The East Jerusalem education directorate (Palestinian) estimate that 13% of students are unaccounted for anywhere within the education system. While it can be assumed that some students who are officially registered as

⁴ Term used by Israeli Ministry of Education.

East Jerusalem residents actually study in the West Bank, it is evident that a significant number of school-age Palestinians in East Jerusalem do not complete the statutory minimum (either Palestinian or Israeli) years of schooling⁵, even if dropout rates are difficult to ascertain with any degree of certainty. Israeli statistics show that 33% of students enrolled in Jerusalem Municipality or commercial schools contracted by the Municipality under licence in East Jerusalem do not complete twelve years of schooling in their schools, while the numbers of students sitting Palestinian matriculation exams each year suggests that the figure is approximately 50%. Dropout is especially common among boys and the higher grades of the secondary cycle (the dropout rates are negligible in grades 1-9).

38. Classroom shortages are a consistent problem in East Jerusalem and a large number of substandard and/or overcrowded facilities are in use. In 2011 the Israeli Supreme Court issued a decision which stipulated that the State should, by February 2016, provide the physical infrastructure necessary to allow all East Jerusalem students the option of attending Municipality schools. Since then, the classroom shortage has in fact more than doubled. 32 classrooms constructed by the Municipality were opened in September 2017, while 432 classrooms are at various stages of construction or planning, only a slight increase on the 2016 figure of 415. Since 2010, an average of 37 classrooms have been opened each year. Even before taking into account the current shortage, population growth statistics indicate that approximately 70 new classrooms are required per year. According to the Municipality's own figures, there is a total shortage of 1,938 classrooms in East Jerusalem.
39. One direct cause of the classroom shortage is Israeli planning policies, which have limited the area of land in East Jerusalem zoned for public buildings to 2.6% of the total land in the area. Awqaf schools cannot for the most part expand or adapt existing schools as needed, nor build/purchase new buildings, due to planning and zoning restrictions. Six Awqaf schools are subject to full or partial demolition orders, the same number as in 2016.
40. Given the growing isolation of East Jerusalem from the rest of the West Bank, students and teachers who hold West Bank IDs and who therefore need a permit to travel to their school (or those holding Jerusalem ID cards but living on the eastern side of the barrier) can face a number of difficulties including delays, harassment, and non-renewal or revocation of permits. Due to difficulties in obtaining access permits for teachers, there are shortages in teachers for core subjects such as English, Arabic, maths and science. Both permit issues and accreditation issues (related to Al Quds University, below) contribute to the shortage of maths and science teachers in particular.
41. Since March 2011 Municipality schools in East Jerusalem have been obliged to use the Israeli-edited version of the PA curriculum or risk losing their funding. Since private schools (non-contracted by the Municipality) tend to receive some funding from the Israeli authorities as well, some now use the Israeli-edited version of the PA curriculum as well, which omits material related to Palestinian identity, heritage and history as well as settlements and the occupation. The Palestinian Authority are currently in the process of rewriting and replacing their curriculum. In August 2017, around 200 of the new school books, which had not been edited by Israeli authorities, were seized by Israeli police while being delivered to Awqaf schools in the Old City. The Municipality also offers incentives to schools to introduce the Israeli curriculum in Arabic. The Jerusalem Municipality estimate that the number of pupils taking the Israeli curriculum in East Jerusalem has risen by a factor of 3.5 in the past four years, from 1,400 students to approximately 5,000. In May 2017 a further package of financial incentives was announced for East Jerusalem schools to adopt the Israeli curriculum. The plan for East Jerusalem foresees 105

⁵ Statutory minimum years of schooling is 12 years in Israel, 10 years in the PA.

classes over five years beginning the Israeli curriculum from the first grade, raising the proportion of first grade Palestinian East Jerusalem students studying the Israeli curriculum from 7% to 36%, according to Israeli Minister for Jerusalem Affairs Zeev Ekin. The plan also seeks to reduce dropout rates in East Jerusalem and increase the numbers of students taking the Israeli matriculation exams. Palestinian institutions are actively encouraging East Jerusalemites not to enrol in the Israeli curriculum and the numbers studying it remain relatively low. The Palestinian education directorate for East Jerusalem has observed that some students who enrolled in Israeli curriculum schools have in fact returned to the Palestinian curriculum.

42. In the fortnight leading up to the commencement of the 2017-2018 scholastic year, one school in the Jerusalem periphery was demolished, while solar panels were confiscated from a second. The targeting of schools is particularly significant, given that the presence of functioning schools is often used as a legal argument by communities fighting against attempts at forced relocation
43. Despite efforts over many years by Al Quds University (AQU), the most important third level institution for Palestinians in Jerusalem, the issue of the university's status has not been resolved. Until it is, degrees granted by AQU are not recognised in Israel, and cannot serve its students looking for work in the Israeli market. Graduates of the faculties of medicine and education are the principal victims of this situation, which in turn is directly related to the shortages of doctors and teachers in East Jerusalem. In 2014 the Israeli courts ruled in favour of 55 AQU medical graduates who petitioned the court, and entitled them to sit the certification exams to be able to practise in Israel. However, as is the case with a similar ruling in 2011, this is an interim resolution pending the outcome of the bigger issue of the status of the University. Therefore it will not set a precedent, and each year graduates will face the same situation. Education graduates continue to struggle to gain employment, or to be paid appropriately for their work.
44. Data on the number of school age children detained by ISF vary considerably, although OCHA estimate that there are approximately 700 cases of child arrest in East Jerusalem in an average year. There are twenty East Jerusalem schoolchildren under long-term house arrest in the current scholastic year who are receiving home tutoring under a PA-financed programme. Children studying in schools located within the Jerusalem Old City in particular encounter problems with the Israeli police and students frequently face school raids, schoolbag searches and arrests. In the 2016-17 school year, Israeli security forces raided the Dar Al Aytam school in the Old City on up to ten occasions. The effect of these raids, coupled with arrests and detentions of students, was the dropout of 58 pupils over the course of the scholastic year. During the opening days of the 2017-2018 scholastic year two students in the school were arrested and were released to house arrest, before resuming their normal studies two to three weeks later. Due to its proximity to the separation barrier, AQU's Abu Dis campus is the site of frequent clashes with the ISF. In recent years these clashes have become more frequent. According to the Palestinian Red Crescent, Israeli Security Forces injured six students during a raid being carried out outside the University in April 2017.

1.4 HEALTH

45. The six East Jerusalem hospitals (Augusta Victoria Hospital, Al Makassed Hospital, St Joseph Hospital, St John's Eye Hospital, Palestinian Red Crescent Maternity Hospital and Princess Basma Rehabilitation Centre) have had a historic role in the development of the Palestinian health care system and training of health professionals. They have been the main providers of tertiary referral care for Palestinians in the West Bank and Gaza Strip for health services for which the Palestinian Ministry of Health (MoH) is unable to provide, such as cancer care, cardiac and eye surgeries and other high-specialty services. MoH referrals of patients from West Bank or Gaza

represent about half of in-patient referrals to the East Jerusalem Hospitals. Even where secondary and tertiary services are in place in the West Bank, the quality and safety of treatment are better in the East Jerusalem Hospitals because of their long term experience and international accreditation programmes, such as the accreditation by Joint Commission International (JCI), which are not available in the rest of the West Bank. A Memorandum of Understanding (MoU) with MoH was signed by Augusta Victoria Hospital, St John's Eye Hospital, and Princess Basma Rehabilitation Centre, while the MoU with Al Makassed Hospital is almost ready for signature. The MoU covers contractual terms, sets the conditions for eligible referrals, and provides the means for monitoring the compliance of service providers.

46. The East Jerusalem hospitals face endemic cash flow problems which put in jeopardy their operations. In fact, the ability of the Palestinian Authority (PA) to pay for the treatment of referred patients is limited, severely affecting the financial situation of the East Jerusalem Hospitals and putting at risk their ability to purchase supplies and drugs and to provide services. Provisional data from MoH concerning the period January to September 2017 show that, out of the total 69,380 referrals performed, 27,496 (40%) were in East Jerusalem Hospitals. Disaggregation of referrals by hospital is available only for the first half of the year 2017, with Augusta Victoria Hospital receiving the highest number of referrals (8,081), followed by Al Makassed (6,634) and St John's Eye Hospital (1,696), in the period January to June 2017.
47. Israeli border police raided Al-Makassed hospital on 17 and 21 July, ostensibly in pursuit of injured patients, alarming staff and patients and in some cases preventing emergency medical care. On 21 July, the corpse of a patient (a demonstrator who had succumbed to his wounds) was evacuated and hauled over the back wall of the premises for immediate burial, out of fear that it would be seized by the police.
48. All Jerusalem ID holders have access to and pay for Israeli health insurance and they can receive treatment by Israeli-run structures. On the other hand, Palestinian patients from the rest of the West Bank and Gaza regularly have difficulties, upon referral by the PA, in accessing East Jerusalem (or Israeli run) specialised health care facilities not locally available, which prevents the realisation of their entitlements. West Bank ID holders require permits from Israeli authorities to access healthcare in East Jerusalem. They are required to cross pre-defined barrier checkpoints either on foot or, only in a limited number of cases, by car, public transportation or special hospital-provided shuttle. Permit requests can be denied on grounds of security or permits may not be obtained in time to receive scheduled treatment. While the same patient residing in West Bank may have different referrals for follow-up of the same episode, patients from Gaza, due to the difficulty to receive permits, tend to have a single referral with longer hospital stay (or stay in a rented hotel if the clinical situation allows) in order to complete the treatment. According to WHO, the time necessary to ensure Gaza patient referrals may vary from around 30-90 days for regular cases to around 7-10 days for urgent cases⁶. According to WHO reports on medical

⁶ According to the WHO "Right to health – 2016", the timeline for Gaza patient referrals is summarized as follows: (i) medical decision for referral (regular cases: 2-7 days, urgent cases: 1 day); (ii) RAD approval (1-7 days and 1 day, respectively): Referral Abroad Department (RAD) approves decision for referral; (iii) financial approval (1-7 days and 1 day, respectively): Service Purchase Department in Ramallah approves payment for referral; (iv) appointment date (14-42 days and 2-3 days, respectively): RAD requests an appointment from the receiving hospital and informs the patient; (v) permit application (2-5 hours): patient submits permit request to the Palestinian Health Liaison Office (HLO) in Gaza; (vi) permit process (7-30 days and 1 day, respectively): the Israeli Coordination and Liaison Administration to the Gaza Strip (CLA) processes permit application; (vii) crossing Erez check point (5-7 hours): patients pass through the de facto authority checkpoint, PA checkpoint registration post and Israeli (Erez) checkpoint to exit Gaza; (viii) receiving care: 90% of the patients attending healthcare require hospital admissions; (ix) travel back to Gaza (5-7 hours).

referrals from Gaza, in August 2017 45% of patients were delayed/denied security permits by Israeli authorities. In particular, of 1,883 patient applications for a permit to exit Gaza through Erez checkpoint for hospital appointments in August 2017, 55% were approved, 3% were denied, and 42% were delayed with no response by the time of the patient's hospital appointment. Among those delayed were 169 children and 76 people aged 60 years or older. More than half of patient companions had their permits delayed or denied. For certain categories of chronic patients Israel issues longer-term permits, which can be valid for up to a year (for dialysis patients) with a possibility of a renewal followed by a request by the hospital concerned. Of note is the fact that East Jerusalem hospitals received more than half of the total referrals from the Gaza Strip during the period January to September 2017, especially for complex and costly cases requiring high-specialty services.

49. Patients needing emergency treatment available only in East Jerusalem are affected by Israeli access restrictions. Entry of Palestinian-operated ambulances from the West Bank to East Jerusalem is severely restricted. At the same time, with the exception of a few main streets, Israeli ambulance staff enters Palestinian neighbourhoods in East Jerusalem only under police escort, thus delaying delivery of emergency care even when residents are in a critical condition.
50. The functioning of East Jerusalem hospitals depends on their ability to employ staff from the West Bank (and also Gaza). Depending on the hospital, 70-80% of East Jerusalem hospital staff require permits to access Jerusalem, which are issued for no longer than six months at a time for West Bank staff and usually for only three months for Gaza staff. While there is no longer a clear permit related quota for the number of West Bank ID-holding staff they can employ, the hospitals still receive verbal notifications that they are reaching their quota. When these notifications are being challenged, more permits have been obtained. Medical personnel have two types of permits, "Medical doctor on duty" and "Hospital Medical Staff". These permits should have equal privileges, but staff holding the latter permits are not, as a main rule, able to cross all checkpoints and are required to cross checkpoints on foot. The hospitals have tried to end this discrimination between doctors and other staff such as nurses but so far failed. Around 100 doctors have received a special permit to enter Jerusalem with their own cars.

1.5 ECONOMY

51. Palestinians constitute approximately 37% (316,000) of the population of the whole of the Jerusalem Municipality. Despite the equally imposed tax burden, the municipal budget spent on Palestinian neighbourhoods is disproportionately lower, approximately 10%. This translates into insufficient public services such as shortage of classrooms, limited emergency, postal, banking and waste collection services, absence of urban planning and public spaces, poor condition of road infrastructure and sewage system, denial of rights from the Israeli National Insurance and Israeli Employment Bureau income-security services.
52. Moreover, the separation barrier has isolated East Jerusalem from the rest of the West Bank, which used to be its economic hinterland. The severing of economic, commercial, religious, family and touristic ties has worsened the socioeconomic situation. Due to the physical isolation and the strict Israeli permit regime, the city has largely ceased to be the Palestinian economic, urban and commercial centre it used to be. The Israeli separation barrier's adverse impact in terms of lost trade and employment opportunities is estimated at around USD 200 million per year.
53. The barrier has also excluded de facto several Palestinian neighbourhoods – around 30% of the Palestinian residents – from the rest of Jerusalem. Even though inhabitants of these

neighbourhoods pay taxes to the municipal authorities (also in order to maintain their Jerusalem ID), basically no services are provided by the Israeli authorities. As the Palestinian Authority has no competency over these areas, they are left to themselves and undermined by underdevelopment. Moreover, a draft law is being discussed that would exclude these areas from Jerusalem, in order to lower the percentage of the Palestinian population in the city from around 40% to 30%⁷. It is feared that this draft law, if adopted, will lead to further impoverishment and marginalisation.

54. The Palestinian economic actors in East Jerusalem, which are mainly composed of small and micro enterprises, have been struggling with numerous challenges for years. The combined effect of no access to land and denial of building permits, Israeli administrative and fiscal requirements, legal limitations created by the precarious residency status of Palestinians in Jerusalem, Israeli trade regulations hindering the import of goods and services from the rest of the Palestinian territory, unavailability of Israeli laws in Arabic and high commodity prices have all further undermined the competitiveness of Palestinian entrepreneurs in East Jerusalem in both the Palestinian and Israeli markets. In addition, economic development in the city is hampered by the unstable political situation, which deters foreign and private investments and severely limits access to loans. The absence of any economic development policy and institutions (such as the headquarters of the Arab Chamber of Commerce of Jerusalem, which were closed in 2001) has also contributed to maintain a bad economic situation. Overall the contribution of East Jerusalem to the total Palestinian GDP has declined from 15% before the Oslo Accords to less than 7% today.
55. Moreover, in recent months, Israeli banks located in East Jerusalem have refused to provide banking services to Palestinian and international NGOs. The banks refused, reportedly invoking anti-terrorism legislation, to open any new bank account for them and some of these banks froze existing bank accounts. This represents one of the gravest threats to civil society in East Jerusalem. In December 2017, as a first, a branch of Bank of Palestine opened in Dahiet Al-Bareed in East Jerusalem.
56. A major consequence of this situation has been the structural shift from entrepreneurship to wage employment. The East Jerusalem labour market is increasingly focused on either the rest of the West Bank or the Israeli labour market, where Palestinian employees work under difficult conditions, at minimum wage and mostly in unskilled jobs. Unemployment remains very high, especially among young people (approx. 35%), uneducated (7-9 years of schooling) (approx. 22.4%) and women (approx. 19.9%). The Palestinian productivity is higher in East Jerusalem than in the rest of the West Bank and Gaza (respectively USD 23,000 per worker, against USD 15,000 and USD 11,800), but remains much weaker than in Israel (USD 86,000). Although the per capita GDP in East Jerusalem is higher than in the rest of the West Bank, East Jerusalem Palestinians must cope with higher prices and taxes.
57. The poverty rate in East Jerusalem has reached alarming dimensions. In recent years, poverty levels have become further exacerbated reaching 75% (compared to 64% in 2006) of the total East Jerusalem Palestinian population and 84% among children compared to approximately 45% of Israeli children living in Jerusalem. Due to low income, the local population has to cut back on its consumption, which dampens the economy's growth potential even more. This downgrade spiral leads to more poverty. As a consequence, some Palestinian residents have no choice but to leave Jerusalem and live in the West Bank, at the risk of losing their Jerusalem "residency status".

⁷ In the first chapter it is mentioned that the percentage would go down to 20%, in combination with the inclusion of the neighbouring settlements into a greater Jerusalem Municipality.

58. Tourism has traditionally played a key role in East Jerusalem. Religious pilgrims and other tourists come to visit the unique historical sites, and use the city as a base to explore the Holy Land. According to some studies, tourism and related activities account for more than one-third of the economic output. However, much of East Jerusalem's tourist infrastructure is severely underdeveloped and the Palestinian tourism sector only receives a very limited part of the revenues generated by foreign tourism. The only touristic infrastructure in East Jerusalem which is in a position to develop is that managed by settler organizations, such as El'ad in Silwan, which offer an exclusively Jewish narrative of the history of the city.
59. Labour-intensive construction industry could be a key part of the East Jerusalem economy in terms of creating jobs and contributing to growth. Accelerated housing construction in East Jerusalem would clearly improve labour market outcomes and quality of life for its residents. The housing market has been constrained by a lack of access to land, absence of planning, regulatory impediments, lack of access to financing, and a costly, complex, and time-consuming permit process. Due to a combination of commercial and political risks, Palestinian banks (absent from East Jerusalem) have not provided housing loans to Palestinian residents of East Jerusalem. The resulting mismatch between supply and demand has led to a shortage of housing units and proper commercial infrastructure in East Jerusalem.

1.6 TRANSPORT AND INFRASTRUCTURE

60. Infrastructure and transport projects serve to strengthen Israeli control over East Jerusalem. The light rail illustrates the Israeli policy of connecting Israeli settlements in East Jerusalem with the centre in West Jerusalem. Except for a few stops in Shu'afat and Beit Hanina, the light rail does not serve the Palestinian neighbourhoods. The Israeli Municipality of Jerusalem is planning to extend by about double the length of the existing light rail in the coming years, up to the settlement of Neve Yaakov, linking further settlements (i.e. Gilo, Ramot and Neve Ya'akov) to West Jerusalem. Moreover, the planning process for two additional lines is underway; one linking the settlement of Gilo to Mount Scopus and one linking the settlements of Ramot and Gilo, passing through West Jerusalem.
61. Other infrastructure links further exemplify the Israeli authorities' intention to consolidate the connection between major Israeli settlements and West Jerusalem and between settlements within East Jerusalem. Route 20, a mile-long bypass road aims at connecting the north-eastern settlements of Pisgat Zeev and Neve Yaakov with the north-south Begin Highway (Jerusalem's main traffic artery). Despite the opposition of the residents of the Palestinian neighbourhood of Beit Hanina (which it bisects), the road went into service in 2013. Route 21 is a north-south road designed to connect Ramat Shlomo settlement to the centre of Jerusalem in the framework of new housing plans in the northern settlements. A six-lane highway (Rozmerin interchange) connecting West Jerusalem with Gush Etzion settlements was opened in early September 2017. This road cuts through the centre of the Palestinian residential area of Beit Safafa, damaging the community and disconnecting it from Jerusalem.
62. The upcoming opening of the northern segment of the eastern ring road from Hizma to Az-Zayyem is also matter of strong concern. It is frequently referred to as "apartheid road" by Palestinians because of the wall separating the road in two: one reserved for Israeli-registered vehicles, the other for PA-registered vehicles. Initiated by late Israeli Prime Minister Ariel Sharon, this project is supposed to allow Palestinians to travel between Ramallah and Bethlehem more easily, but without access to Jerusalem; while the road will allow settlers living near Ramallah and Ma'ale Adumim to reach Jerusalem more quickly, facilitating the future expansion of these settlements. This infrastructural development further endangers the viability of the two-state

solution in two ways; it undermines the territorial contiguity of a future Palestinian state – leaving only a single road between the northern and southern parts of the West Bank - while also further isolating East Jerusalem from the rest of the West Bank. The works at the Az-Zayyem interchange in E1 were launched in the first quarter of 2017 and the opening of the road is expected in early 2018. On 26 June the Israeli authorities also approved a budget to finish the work on the interchange (see road marked 'Eastern Ring Road' between Anata and E1 in map in Annex III).

63. On 28 May, the Israeli government approved the development of a cable car system that would bring visitors from the "first train station" in West Jerusalem to the planned Kedem complex, to be managed by the El'ad settler organisation, at the entrance to Silwan, opposite the Old City's Mughrabi Gate (the one leading to the Western Wall) in East Jerusalem. It would have two other stops in West Jerusalem (Abu Tor and Mount Zion). The cable car is planned to transport up to 3,000 persons per hour. The government has already allocated 15 million NIS (EUR 3,8 million) for planning and issuing building permits. The Minister of Tourism has announced that construction will likely commence in early 2019, and that the cable car will be operational in 2020. The project is seen as highly controversial as it goes across the Green Line and will contribute to the consolidation of "touristic settlements" such as the "City of David", which is managed by the settler organisation El'ad. In addition, it could lead to a deterioration of the security situation, as it is located in a particularly sensitive place, with only approximately 130 meters between its Silwan terminal and the Haram al-Sharif/Temple Mount. The project also aims, in a second phase not yet approved, to extend further into East Jerusalem to Gethsemane, the Mount of Olives and into the heart of Silwan, as provided by the projects supported by the Israeli Municipality and the Ministry of Tourism. Since the Cabinet's decision, plans for the cable car are being fast-tracked by the Jerusalem Development Authority, the Tourism Ministry and the Jerusalem municipality. The Israeli Minister of Transport has also tasked his ministry with launching a feasibility study for a possible project of a high-speed train linking Tel Aviv to the Old City.

I.7 PALESTINIAN INSTITUTIONS

64. The institutional and leadership vacuum in East Jerusalem remains a key concern, as was again demonstrated during the crisis around the Haram al-Sharif/Temple Mount in July 2017. This vacuum is a result of the prolonged closure of Palestinian institutions, in particular that of the Orient House, closed since 2001 through temporary orders continuously renewed every six months. As PLO Headquarters in Jerusalem, the Orient House used to be the focal point of Palestinian presence in the city. It also served as the headquarters of the late Faisal Husseini, Palestinian Authority Minister for Jerusalem Affairs, until his death in May 2001. Three months later the Orient House was ordered closed. Similarly, the Arab Chamber of Commerce has remained closed throughout 2017.
65. Particularly since 2000, Israeli authorities have exercised a consistent crack-down on organised Palestinian political life in East-Jerusalem, while banning any connection to the Palestinian leadership. During violent episodes in East Jerusalem, the absence of Palestinian institutions in Jerusalem has made it particularly difficult for the Palestinian political leadership to exercise an effective restraining role. In addition the leadership vacuum has continued to seriously affect all spheres of life of Palestinians in East Jerusalem (political, economic, social and cultural) contributing to a growing fragmentation of society at all levels, isolation of local Palestinian communities and a weakening of collective sense of identity. In the absence of an institutional Palestinian leadership, civil society in Jerusalem has played a vital role, as have local community leaders in the different neighbourhoods. Organisations like parents' councils and school principals, and business representatives have served as important interlocutors with Israeli

forces in times of tension. During the Al-Aqsa crisis in July, an informal body with religious leaders at its core played a decisive role in managing the crisis, along with community organisers from different East Jerusalem neighbourhoods and from the Palestinian community in Israel. This renewed political mobilisation and agency of East Jerusalem has remained confined to issues related to Al-Aqsa. It has not translated into a movement tackling other issues such as home demolitions, building permits or children and youth arrests.

66. As some of the last Palestinian institutions in East Jerusalem, the six East Jerusalem hospitals have an importance, over and above their value as vital providers of medical services to Palestinians. Similarly, the importance of Al-Quds University goes beyond the purely academic realm. The same applies to the cultural institutions, which face political, fiscal and legal pressures from the Israeli authorities. On several occasions in 2017, cultural events in East-Jerusalem were prohibited by the Israeli authorities due to the alleged involvement of the PA.

II. SETTLEMENT EXPANSION AND POLICY

II.1 SETTLEMENT ACTIVITIES IN AND AROUND JERUSALEM

67. Over the course of 2017 construction and approval of housing units continues in settlements all over and around East Jerusalem. Plans for more than 3,000 housing units in East Jerusalem have been advanced this year. This further increases the fragmentation of Palestine, by isolating East Jerusalem from the rest of the West Bank, and makes a negotiated and mutually agreed political solution ever more difficult to achieve.
68. Earlier EU Heads of Mission reports, as well as EU Foreign Affairs Council Conclusions, have continuously cautioned against the developments in East Jerusalem, in particular the systematic increase of settlement activity undermining the possibility of Jerusalem serving as the future capital of both states. These developments seriously jeopardize the territorial contiguity both of Palestinian neighbourhoods within East Jerusalem, and between East Jerusalem and the rest of West Bank. The EU has the long-standing position that settlements are illegal under international law and constitute an obstacle to the two-state solution and to peace. The EU will not recognize any changes to the pre-1967 borders including with regard to Jerusalem, other than those agreed to by the parties. During 2017 the EU and several of its Member States have continued to issue statements expressing their concern over and condemning the relaunch of the planning process.
69. Today, approximately 867,000 people live within the Jerusalem municipal boundaries (as unilaterally defined by Israel after 1967). An estimated 215,000 out of approximately 615,000 Israeli settlers currently live in East Jerusalem, alongside around 317,000 Palestinians. Currently there are 11 large settlements in East Jerusalem, and a growing number of smaller settlement enclaves or private settlements in Palestinian neighbourhoods of East Jerusalem.
70. In spite of international objections of illegality under international law, Israel continues its settlement activity. Security Council Resolution 2334 has confirmed that the establishment by Israel of settlements has no legal validity and constitutes a flagrant violation under international law. Over the course of 2017 old plans have been revised and unfrozen, old tenders have been re-published and wait for bids, and infrastructural preconditions have been met for settlement expansions. In addition, new plans have been promoted.
71. The 2016 EU Heads of Mission Jerusalem Report mentioned that building permits for Mordot Gillo West were granted in November 2016. In December the same year, the Local Planning and Building Committee approved plans for 770 units in Mordot Gillo South. These plans will allow the

Gilo settlement to expand further towards Beit Jala. On 22 January 2017, 566 housing units in the settlements of Pisgat Ze'ev, Ramot and Ramat Shlomo were granted construction approvals. In a statement on 24 January, the EU condemned these plans alongside Israel's continued policies of settlement expansion. International objections were met with further announcements on 26 January: Tenders for 130 housing units were issued in the Har Homa settlement, crucially located between East Jerusalem and the Bethlehem area.

72. There was a significant uptick in the advancement of previously "dormant" settlement plans in the second half of 2017. The first wave of advancements from July to September constituted the largest number of settlement approvals in such a period of time since August 2013. In July, Israeli authorities advanced a total of 2,633 settlement units at different stages in the planning process: 1,074 units in Ramot and Ramat Shlomo, 270 units in Gilo, 214 in Neve Yaacov and 15 in Har Homa, and 1,060 units in Pisgat Ze'ev, making the latter the single largest promotion within a settlement since 2012. As mentioned in the 2016 EU-HoMs Jerusalem Report, the Ramat Shlomo plan involves the expropriation of private Palestinian land for public use (infrastructure), thus expanding the settlement into the Palestinian neighbourhood of Beit Hanina.
73. Settlements highlighted in EU Foreign Affairs Council Conclusions such as Givat Hamatos and Har Homa are particularly sensitive, since they undermine the territorial contiguity of a future Palestinian state. Exploratory groundwork for future infrastructure works and construction began in Givat Hamatos on 15 October. Construction there would mark the first new planned settlement in East Jerusalem in over 20 years. Establishing the new settlement of Givat Hamatos would seriously harm the possibility of promoting East Jerusalem as the capital of a future Palestinian state, and it would separate East Jerusalem from the southern West Bank.

Settlement activities by settler organisations

74. In addition to the expansion of the large settlement neighbourhoods, settlement enclaves in Palestinian neighbourhoods in and around the Old City have progressed in 2017. Settlement enclaves contribute to separating Palestinian neighbourhoods from the adjacent Old City of Jerusalem to the North, East and South (the so-called "Holy Basin") and to creating tensions within those neighbourhoods. A number of legal means have facilitated the establishment of these settlements. In the past, most prominent of these has been the Absentee Property Law, while today it is increasingly - the "recovery" of property that belonged to Jews prior to 1948. Settler organisations focus increasingly on the latter mechanism to evict Palestinians and lay the ground for the creation of more settlement enclaves in Palestinian neighbourhoods. No such mechanism exists for Palestinians to reclaim property west of the Green Line owned by them or their ancestors prior to 1948. There are currently around 2,700 settlers living in different enclaves in and around the Old City of Jerusalem.
75. In recent years, there have been continued evictions of Palestinians from properties in the Silwan-Batn al Hawa neighbourhood of East Jerusalem, where the amount of housing units taken over by settlers has tripled and the number of settlers has increased to 100 over the last two years. Around 100 Palestinian households (one third of the total) in Silwan-Batn al Hawa are at risk of being evicted. In July 2017 Israeli authorities advanced construction plans for settler homes, a large Yeshiva with boarding facilities, and an office building in Sheikh Jarrah. The plans entail 13 settlement units and the demolition of five Palestinian homes (cf. Chapter II. 3). According to UN-OCHA reports, 180 households in East Jerusalem have eviction cases filed against them, mostly by settler organisations such as El'ad, Ateret Cohanim and Israel Land Fund. Most of these cases were initiated by these organisations based on pre-1948 ownership claims,

as well as claims that some of these residents are no longer 'protected tenants'⁸ (a status which is subject to a number of conditions and expires after the third generation). (See Chapter II.3). On 5 September, a Palestinian family was evicted from its home in Sheikh Jarrah on ownership claims by an Israeli settler organization. This was the first eviction in Sheikh Jarrah since 2009.

76. The establishment of settlement enclaves in Silwan remains a particularly sensitive and controversial matter. Located to the south of the Old City's ramparts, it is in the vicinity of the Haram al-Sharif/Temple Mount. Settlement activities and expansion within an existing Palestinian neighbourhood create particular tension, mainly through evictions of Palestinian families, demolitions, and increased presence of security forces. The expansion of the Batn al Hawa enclave increasingly links the Jewish Quarter of the Old City and Wadi Hilweh/'City of David' to Batn al Hawa and the approximately 125 settler units in Ras El Amud. There are currently approximately 450 settlers living under heavy protection in these the two targeted quarters of Silwan, Wadi Hilweh and Batan al Hawa, alongside almost 10,000 Palestinians. Between October 2014 and May 2016 settlers have taken over a total of some 44 new units in six buildings, which is a significant increase in their property holdings in Silwan. (See Chapter II.3). Similarly, the Israel Land Fund settler organisation has announced plans to promote 500 additional housing units in two settler compounds in the Palestinian neighbourhood of Sheikh Jarrah.
77. On 25 October, building permits for 176 housing units were granted in the settlement enclave of Nof Zion inside the Palestinian neighbourhood of Jabel al-Mukabber. These permits are conditioned on the settlers being able to prove ownership of the land. If built, the new units would almost triple the size of the enclave, making it the largest of its kind in East Jerusalem.
78. In July 2017, Israeli authorities published the approval given in 2016 to El'ad's plan for a four-storey 'visitors' centre' (Kedem compound) at the entrance to Silwan. A building permit may now be granted allowing construction to commence. If built it would serve as the entry point to the City of David National Park, daily management of which has already been contracted out to El'ad by the Israel Nature and Parks Authority. The Kedem compound would be a stop on the proposed cable car line. In April 2017 the Jerusalem municipality deposited a plan for another visitors' centre for the Jewish cemetery at the Mount of Olives for public review. The visitors' centre would require 1,300 square meters of land confiscation adjacent to the Ras al-Amud mosque.
79. In Sheikh Jarrah, another settlement enclave is the "Shepherd Hotel", which will be ready for occupancy after completion of infrastructure works. Additionally, construction work for an office building of the Amana Association has been completed after an administrative petition by the landowners was rejected by the District court in Jerusalem in March 2016. The Amana Association is a private entity operating towards establishing and expanding settlements.

Settlement activities in the Jerusalem periphery

80. No formal planning has been advanced so far regarding the E1 area (short for East 1). In December 2012, under orders from Prime Minister Netanyahu, Israeli authorities decided to publish the statutory plan for the first stage of E1 for public review. The plan was never published. However, if the E1 plan is implemented, it would effectively cut off East Jerusalem from the rest of the West Bank, which would be divided into separate northern and southern

⁸ Previously Jewish-owned property in the West Bank was administered (1948-1967) by the Jordanian Custodian, who rented it out, often to Palestinians who had lost their property in Israel. After 1967, these properties fell under the Israeli General Custodian. Their tenants received protected tenant status, subject to a number of conditions.

parts. This would severely compromise the contiguity of a future Palestinian state and Jerusalem's potential as the future capital of both states.

81. Developments in 2016-17 indicate that the Israeli authorities are taking active measures to prepare for settlement expansion in the area. In particular, Israeli authorities have stated their intention to transfer Bedouins currently residing in and adjacent to E1 from the area. The Israeli government has officially declared that they intend to evacuate the Bedouin village of Khan Al-Ahmar in the spring of 2018. A series of demolitions and confiscations of school structures took place in 2017 (Jabal al Baba and Abu Nuwar). The community of Jabal al-Baba has received a "delimitation order" to remove all property and structures from the area, amounting to a de facto eviction order. Construction has also begun to complete the northernmost section of the Eastern Ring Road. This will facilitate movement between Jerusalem and settlements in its periphery for Israeli registered vehicles. (cf. chapter I.6)
82. In the Jerusalem periphery, in the first quarter of 2017, 552 tenders were published for the settlement of Givat Ze'ev north of Jerusalem, 90 tenders were published for Ma'ale Adumim and 709 tenders were published for Beitar Illit south of Jerusalem. In addition, Israeli authorities have over the course of the year deposited several plans for public review and approved others for validation. Plans for 1,105 housing units in Ma'ale Adumim, 397 in Givat Ze'ev and 402 in Nokdim have been promoted. In the Etzion Bloc, plans have been advanced for 170 housing units in Beitar Illit, 30 in Alon Shvut, 68 in Elazar, 32 in Efrat and 382 in Kfar Etzion. These are all among the 19 settlements that would become sub-municipalities to Jerusalem under the so-called Greater Jerusalem Bill (cf Introduction), which, if adopted in its current form, would constitute de facto annexation.

II.2 NATIONAL PARKS AND ARCHAEOLOGY

83. The above-mentioned developments must be seen in a context of other non-residential settlement activities in the area which are part of a wider Israeli effort to strengthen the Jewish historical narrative of Jerusalem.
84. The process of creating a belt of so-called national parks in East Jerusalem around the so-called Holy Basin began almost 40 years ago. This prevents Palestinians from expanding and building on their own private land, without any form of compensation. By establishing a national park, the authority over the land in question is transferred from the Jerusalem Municipality to the Israeli Nature and Parks Authority, which has no obligations towards the resident population. In the last few decades the Nature and Parks Authority and the Israel Antiquities Authority (IAA) have advanced the development, preservation and excavation of the antiquities located on park lands. Through tourism and archaeology they have sought to establish a narrative based on historic continuity of Jewish presence in the area to the detriment of other religions and cultures. The Israeli government has continuously invested in the development of the parks, both directly and indirectly. Most of the financing has gone to the archaeological sites. East Jerusalem is the only place where Israeli national parks are declared on populated neighbourhoods such as Silwan or part of A-Sawane neighbourhood (Emek Tzurim park).
85. In November 2013, the plan for the Mount Scopus Slopes National Park was approved for deposit for public review. This new National Park would extend the geographical contiguity of parks from Abu Tor to the E1 area⁹. Moreover, it would prevent the Palestinian neighbourhoods of A-Tur

⁹ Cf. chapter I.6 "transport and infrastructure"

and Issawiyah from expanding in order to accommodate natural growth and would put tens of houses at risk of demolition. Israeli Environment Minister Amir Peretz at the time acknowledged that the area was of no particular environmental or archaeological value, thereby confirming concerns that the rationale behind the park was purely political. The implementation of this plan has been delayed due to objections filed by residents and civil society organisations. As a result, in September 2014, the National Planning Council, while affirming the need for the Park, required the Municipality and the National Parks Authority to carry out a community needs assessment. The Municipality in July 2015 issued notices stating that the area reserved for the national park had been put under a "vacant lot landscaping order." This strongly indicated a municipal bypass strategy to – at least for the time being - downgrade the plan for a National Park to an area of "public gardens and pathways" status, which could be implemented without approval from higher planning authorities. However, these "landscaping orders" were rejected in court in February 2017, following an appeal by residents. In an attempt to address the Planning Council's requirements, the Municipality has begun to promote a new neighbourhood outline plan for Isawiyah and a master plan for A-Tur. In both cases, the boundaries of the plans were set before needs assessments were conducted and included once again the boundaries of the planned national park.

86. The main archaeological project is the 'City of David', part of the Jerusalem Walls National Park, in the Palestinian neighbourhood of Silwan right outside the Old City walls, next to the Western Wall Plaza and Haram al- Sharif / Temple Mount. It receives around 350,000 visitors per year. The archaeological site is operated by the settlers' organisation El'ad, which is also promoting settlements in Silwan. At the City of David tourism site, El'ad is promoting an exclusively Jewish narrative, while detaching the place from its Palestinian surroundings. Since 2012, the Government of Israel's budget for these projects has increased, with El'ad as one of the main beneficiaries.
87. The investments and archaeological excavations, together with the presentation of a selection of antiquities as proof of the historical right of Israel to these sites, create a historical narrative insufficiently backed up by scientific evidence. Parts of the neighbourhood of Silwan are thus increasingly being referred to as "City of David". The recently dug tunnels which are managed by the IAA and considered an archaeological excavation connect Silwan with the Old City to create a physical contiguity and promote a selective historical narrative at the expense of others. In July 2015, the Israeli National Academy of Sciences published a report criticising the political use of archaeology and the far-reaching cooperation between the settler organisation El'ad and the Nature and Parks Authority. It found that it was inappropriate to give an organisation with a political character a senior position in financing the excavations, determining tourism routes, designing the site and exhibiting it to the public, while ignoring the Palestinian residents. In November 2016, Israel's State Comptroller issued a report criticising the State's close cooperation with El'ad, citing a lack of oversight and transparency.
88. The main project promoted by El'ad over the past years is the Kedem Compound, which was originally approved by the Regional Planning Committee in April 2014. The Kedem Compound is a large visitors' centre to be built on top of the excavations outside the Old City walls in Silwan. It received final approval in July 2017, following a lengthy appeals process. The Kedem Compound and the planned cable car will alter the skyline of the Old City and its walls, which have been recognised as a UNESCO World Heritage site in danger. Moreover, archaeologists fear the construction risks damage to the archaeological site over which the compound is to be built. Responding to the appeals against the plan, the Appeals Committee of the National Council for Planning and Construction in May 2015 had made substantial modifications inter alia by significantly reducing the scope of the plan and restricting the types of activities which can be conducted within the proposed visitor centre. However, the Justice Ministry ordered a re-hearing

by the National Council for Planning and Construction, after which the original plan was approved in March 2016.

89. The Israeli Cabinet on 28 May 2017, in its meeting in the Western Wall tunnels marking Jerusalem Day, approved the project to construct a cable car¹⁰ from West-Jerusalem to Dung Gate, with the station likely to be on top of the future Kedem Compound. The impact on the skyline of Jerusalem's Old City has raised concern and critics have described the project as turning the World Heritage site of Jerusalem into a commercial theme park while local Palestinian residents are absent from the narrative being promoted to the visitors. At the same Cabinet meeting, the IAA presented the "Shalem Plan" the purpose of which is to conduct extensive underground excavations from Silwan to the Western Wall Plaza. The plan includes excavating extensive areas under residential homes in Silwan and under the Western Wall and the Old City walls, to form one route that will combine paths above and below ground, linking the Old City to the Shiloam pool down in Silwan.
90. During 2016-2017 the IAA excavated under Wilson's Arch which is located in the Western Wall plaza. This excavation is an extension of the Western Wall tunnels and part of the plan to excavate all the underground of the Western Wall plaza.
91. In October 2015, the Jerusalem District Court accepted El'ad's appeal against a lower court's decision to disqualify an agreement signed between El'ad and the Jewish Quarter Development Company (a Government agency), which entrusted El'ad with the management of the Davidson Centre (an archaeological park at the foot of the Haram al-Sharif / Temple Mount, facing Silwan). The state then launched an appeal before the Israeli Supreme Court, where both sides in November 2017 arrived at a settlement in which the state dropped its objections to the site being run by El'ad, except for the egalitarian prayer space (constructed above the archaeological site but not yet in use). The Davidson Centre, Kedem Compound and City of David will thus end up as one big, contiguous archaeological park controlled by the settler organisations, facing Al-Aqsa (Qibli Mosque). This risks exacerbating tensions around the Haram al- Sharif/Temple Mount even more.
92. Over the past years, El'ad has sponsored a new tunnel excavation in Silwan. The excavation is conducted by the IAA and goes under the main street of Wadi-Hilweh and the residents' houses. The route of this tunnel is similar to the previous tunnel, which El'ad excavated in 2004-2009. The new tunnel is above the previous one and much wider. The tunnel is about eight to ten metres wide and 100 to 150 metres long. The tunnel is partly revealing a street from the Roman period (according to the excavators). The plan is to continue excavating the tunnel to the North up until the Givati parking lot excavation (the future Kedem Compound) and south to the Shilom pool. In October 2016 Prime Minister Netanyahu announced that the government will fund the Temple Mount Sifting project run by El'Ad. The project takes place in Emek Tzurim national park, sifting through debris that was removed from the Haram al-Sharif/Temple Mount in a 1999 archaeological dig by the Waqf that took place in Emek Tzurim national park and sponsored by El'ad.
93. Bab al-Rahme cemetery is located to the east of the Haram al-Sharif/Temple Mount, next to the Old City walls. This cemetery is the second most important Muslim cemetery in Jerusalem. The cemetery is part of the Jerusalem Walls National Park. The INPA has put up signs in parts of the cemetery stating that burials are forbidden. In the southernmost part of the cemetery, this ban is being enforced.

¹⁰ See Chapter I.6 "Transport and Infrastructure"

II. 3 PLANNING, DEMOLITIONS, EVICTIONS AND DISPLACEMENT

94. The planning and zoning regime of the Jerusalem Municipality remains a source of concern for the EU. It serves to prevent Palestinian urban development by means of placing restrictions and barriers on building activities and ignoring the needs stemming from the natural population growth, thereby creating a severe basic infrastructure and housing shortage for Palestinian residents. It creates a situation where many Palestinians build without obtaining the due permits from the Municipality. Moreover, the Israeli policy has led to basic infrastructure shortage for Palestinian residents as well as development constraints (lack of schools, kindergartens, youth facilities, public places, educational frameworks, hospitals and health, social and development centres).
95. Over a six year period (2010-2016, according to the latest available figures), only 9% of all building permits in Jerusalem went to Palestinian neighbourhoods. According to the Israeli State Comptroller's Annual Report 2016, one of the main reasons for this disproportionate figure is the absence of an orderly registration of land ownership in this part of the city. Land registration is hampered by the fact that plots are often owned by extended family members, some of whom may be refugees (which could lead to confiscation under the Absentee Property Law).
96. According to the current municipal planning scheme, between 13% and 14.5% of the land is dedicated for Palestinian development and this might rise to 18%. 47% to 52% is zoned as "green space" on which construction is not permitted. Nevertheless, settlements such as Har Homa and Armon HaNatziv have been expanded on land that was originally designated as green area.
97. Furthermore, approximately 35% of the land has been designated by the Municipality for settlement use and settlement expansion at the expense of the Palestinian space. The remaining land designated for Palestinian housing has already been built-up to a large extent. Moreover, the permitted construction density in these areas is significantly limited. Mention should also be made that the terms and standards of obtaining a permit are hard to apply, making the application process difficult and expensive, as the cost of issuing a permit to build a house of 120 m² is more than EUR 80.000. More than 22.000 Palestinian houses are threatened with administrative, judicial and military demolition orders, under the pretext of building without permit. This places more than 144,000 Palestinians at risk of displacement.
98. The Jerusalem Municipality has submitted three master plans for Palestinian neighbourhoods (Sawahre, Dir El Amud, and Dir El Muntar), of which only the Sawahre plan has so far been approved by the Committee of Urban Planning. Five master plans are currently under preparation to be soon submitted (Aqabe, Wadi Qadum, affecting 4 neighbourhoods, A-Tur, Ras el Amud, and parts of Beit Hanina and Shuafat, all of these prepared with funds of the EU). In order for actual construction to be permitted, detailed statutory plans need to be submitted and approved.
99. Demolitions by the occupying power in occupied territory, unless out of military necessity, are illegal under International Law (Art 53, IV Geneva Convention). During the last ten years, the Israeli authorities demolished more than 900 residential and non-residential buildings. These demolitions in East Jerusalem are implemented by a number of Israeli authorities, including the Jerusalem Municipality, the Israeli Ministry of Interior and the Israeli Nature and Parks authority. Around 25 demolition orders issued in 2016 were implemented by the owners of the affected houses themselves, after receiving the demolition orders issued by the Israeli authorities, as a means to avoid paying large fines and the cost of demolition if carried out by the Israeli authorities. The affected areas include Beit Hanina, Sheikh Jarrah, Wadi el Joz and Ras Al' Amud.

The number of demolitions in 2016 in East-Jerusalem, i.e. 190 structures displacing 254 persons, was more than double the 2015 figures (79 structures, displacing 114 people). In 2017, between January and end November, 136 structures were demolished and 228 persons were displaced in East Jerusalem. In October, the Jerusalem district court rejected the appeal by the residents against the demolition orders for five apartment blocks (comprising 138 flats) in Kufr Aqab. If implemented, these would be the first demolitions in Kufr Aqab since 2001. The demolition of homes and other property due to a lack of Israeli building permits is one of the primary causes for the displacement of Palestinians in East Jerusalem.

100. For the fourth consecutive year, several punitive demolitions were carried out by Israeli authorities in East Jerusalem. These demolitions are a source of deep concern because no evidence has been presented to suggest that they were carried out on the grounds of military necessity. In addition, collective punishment measures, regardless of the administrative cover that these may have, are also prohibited under IHL¹¹.

101. The practice of punitive demolitions had been largely abandoned in 2005, when security services had concluded that it was ineffective as a deterrent, until July 2014 when it was resumed. Since then and until 30 October 2017, 40 homes have been demolished, of which six in East Jerusalem. Moreover, eight homes have been sealed, of which five in East Jerusalem. Two homes in East Jerusalem have a punitive demolition order pending. Demolitions are carried out without consideration for other residents living in the same structure and neighbours who may suffer collateral damage.

102. East Jerusalemites are also at risk of displacement due to forced evictions. These are mainly a consequence of settlers' intention to expand into neighbouring areas. At least 180 households, comprising 818 persons including 372 children currently have eviction cases filed against them. These eviction cases launched by Israeli settlers represent a major factor of unrest among Palestinian residents in their own neighbourhoods. In 2016, 31 persons including 15 children were evicted from their homes in the Old City, in three separate incidents, two of which involved forceful intervention by the Israeli police. On 5 September 2017, the Shamasneh family was evicted from their home in Sheikh Jarrah (the first eviction in Sheikh Jarrah since 2009). Other cases in the area are pending, some in order to make way for settlement construction. EU Heads of Mission – as well as individual Member States - issued statements before and after the Shamasneh eviction, expressing the EU's strong opposition to Israel's settlement policy and actions taken in this context, such as evictions. The case of the Sub Laban family at risk of being evicted from their home in the Old City gained a lot of international media and diplomatic attention, but is by no means unique. Settlers acquired the house from the Israeli General Custodian, and the family's status as "protected tenants" was challenged in court. Ultimately, the court ruled that the parents could continue to live in their house for ten years, but the other members of the family had to move out.

¹¹ The Fourth Geneva Convention provides that any destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or cooperative organisations, is prohibited, except where such destruction is rendered absolutely necessary by military operations". In addition, collective punishments are also prohibited under the Fourth Geneva Convention, which provides that "No protected person may be punished for an offence he or she has not personally committed"

III. POLARISATION AND VIOLENCE

103. Across the West Bank, Jerusalem and Israel, the high levels of violence witnessed from October 2015 until summer 2016 were comparatively lower in 2017, despite Israeli events marking the 50th anniversary of occupation and the tensions around Haram Ash-Sharif/Temple Mount in July following the installation of metal detectors at the entrances of the site.

104. Since the beginning of the year until [the end of November], eight Palestinians, 10 Israelis (including the three Palestinian-Israeli assailants of the 14 July attack) and one Jordanian national were killed in Jerusalem. The key incidents were:

- On 8 January, a Palestinian citizen of Israel drove his truck into a group of Israeli soldiers at Armon Hanatziv, in an Israeli settlement in East Talpiot (which was so called no man's land in 1967), killing four. The driver was shot dead.
- On 13 March, a Palestinian was shot dead by Israeli officers near the Old City's Lions' Gate after allegedly attempting to stab two soldiers.
- On 29 March a 49-year old woman was shot dead after attempting to stab a police officer near Damascus gate with a pair of scissors. She turned out to be the mother of a 27-year old Palestinian who was shot and killed in September 2016 during a police raid in Shuafat refugee camp. Police had initially claimed he was an attacker, but later admitted that he and his cousin had merely tried to evade a police check while driving. The cousin was later charged with manslaughter, with prosecutors saying his erratic driving made officers open fire.
- On 2 May, a man, initially described as Palestinian but later clarified as being Israeli from Pisgat Zeev, was shot dead at Hizma checkpoint after reportedly approaching police with a knife in his hand.
- On 16 June, two Palestinian men fired at Israeli police officers in the Old City, injuring four. A third attacker stabbed a policewoman, who later died in hospital. All three were killed by the Israeli security forces.
- On 20 June, a Palestinian man was shot dead after reportedly trying to stab Israeli soldiers near Qalandiyah.
- On 14 July, two Israeli police officers were killed and the three attackers – Palestinian citizens of Israel - killed in the following shootout near the Lions' Gate on the Haram al-Sharif/Temple Mount compound.
- On 21 July, three Palestinians were killed during confrontations in East Jerusalem amid large-scale clashes across the occupied Palestinian territory in the context of the events in relation to the Haram al-Sharif/Temple Mount compound. One Palestinian was a minor and another was reportedly shot by an Israeli settler. The Palestinian Red Crescent reported that 450 Palestinians suffered injuries in clashes with Israeli security forces across Jerusalem and the West Bank.
- On 22 July, the IDF shot dead a Palestinian during clashes in al-Eizariya. The Palestinian Red Crescent stated that 57 Palestinians were injured, mainly by rubber coated steel bullets and sound bombs, in Jerusalem.

- On 27 July, clashes between Palestinians and the Israeli security forces on the Haram al-Sharif/Temple Mount compound caused 115 Palestinian injuries.
- On 26 September, a Palestinian opened fire at Israeli security guards at the entrance gate of Har Adar. Three security guards were killed and a fourth injured. The gunman was shot dead by remaining guards.

105. This violence can be broadly categorised as follows:

(1). Attacks perpetrated by sole actors: On the Palestinian side, most notable is the unpredictability of the attacks, primarily involving young Palestinian men and women, and acting without the apparent direction of political factions or militant groups. Generally, they use improvised weapons, for instance using cars, knives and/or scissors for the attack. This makes it harder for political leaders from both sides to address the violence. This is further exacerbated by the lack of Palestinian institutional presence in East Jerusalem.

(2). Clashes in Palestinian neighbourhoods, mostly between youth and Israeli security forces and sometimes settlers: These clashes occur on an almost daily basis, especially in disadvantaged areas and/or where the settler pressure is high, such as in Issawiya, Silwan, Jabel Mukaber and Ras al-Amud.

(3). Hate crimes: These are mainly crimes by Palestinians against Israelis, or by Israelis (mainly settlers) against Palestinians, with inflammatory rhetoric and false accusations by both sides fanning tensions. For instance, on 11 October, during Sukkot, several hundred Jewish youth marched through the Muslim quarter of the Old City towards Damascus Gate, banging on doors, throwing stones, damaging property and attacking a Palestinian shop owner who was then hospitalised.

(4). Violence focused in and around Haram Al-Sharif/Temple Mount: In 2017 the violence specifically focused on Haram al-Sharif/Temple Mount decreased overall. Nevertheless, clashes remain regular, involving notably the Jewish national-religious extremists visiting the site. Also, some attacks occurred near Haram al-Sharif/Temple Mount, such as the one on the 14 July. However, it has to be noted that the Palestinian mobilisation following the installation of metal detectors at the entrances of the site was broadly peaceful. Also, these events saw the prominence of non-political groups, such as the Islamic authorities who called on worshippers to pray on streets adjacent to the compound.

106. In this context, the Israeli security forces adopted a series of measures, including the deployment of additional police forces throughout the city; additional security guards on public transport; widespread arrests of Palestinians including community leaders, political activists and minors; revoking the residency rights of Palestinian perpetrators holding Jerusalem ID; a ban on some Islamic organisations such as the Murabitun/Murabitat and the Islamic Front's Northern Branch; closing shops in areas where attacks have taken place; and granting the Israeli police authority "to impose closure on, or to surround" Palestinian residential areas in East Jerusalem using flying checkpoints and concrete blocks.

107. As further elaborated in Chapter II.3, Israeli authorities have also reinstated the practice of punitive demolitions of the family houses of Palestinians accused of perpetrating attacks. Approved by the Israeli Supreme Court, this policy has generated Palestinian accusations of "double-standards" as such a measure has never been used against Israelis accused of killing

Palestinians. In July 2017, the Israeli Supreme Court ruled that the families of three Israelis who were convicted of kidnapping and murdering Muhammad Abu Khdeir, a 16-year-old Palestinian who was burned alive in 2014, will not have their homes demolished, stating that too much time had passed since the crime and "because home demolitions are a preventative tool and not a punishing tool". The policy of punitive demolitions has also been condemned by the UN and Human Rights NGOs as being, along with measures such as partial closure of Palestinian neighbourhoods, part of a broader "collective punishment" policy targeting Palestinian residents of East Jerusalem. In this context, the EU has repeatedly expressed particular concern about measures, which could amount to collective punishment, such as punitive home demolitions.

108. The excessive use of force by Israeli security forces, including the use of live ammunition¹² as a crowd control tool during demonstrations is a matter of serious concern. Also, some Palestinian perpetrators of individual attacks have apparently been shot and killed in situations where they were no longer posing a threat. This has led Palestinian and Israeli human rights NGOs to voice concerns about potential 'extrajudicial killings' and call for systematic investigations into alleged impunity amongst Israeli forces.
109. While at a reduced level compared to the last reporting period, violence in Jerusalem remains persistent. The periodic clashes and attacks which result in the deaths and injuries of Palestinians and Israelis are accompanied by arrests and collective punishments. Tensions and polarisation are persistently high in Jerusalem and the situation has the potential to deteriorate quickly and unpredictably because of the permanence of endemic factors. These include Palestinian concerns about Israeli changes to the Status Quo at the Haram Al-Sharif/Temple Mount, the deep frustration amongst Palestinians over the effects of the occupation, the lack of hope that a negotiated solution can bring it to an end, and the absence of Palestinian institutional presence in East Jerusalem.

Minors in detention

110. Despite Israel ratifying the Convention on the Rights of the Child in 1991, the Israeli authorities' disregard and failure to comply with their international obligations has been extensively documented. There are specific concerns around the treatment of Palestinian minors during arrest, interrogation and detention in East Jerusalem. While, following the illegal annexation of East Jerusalem, according to Israeli legislation the Israeli Youth law should be applied, in reality the practice is similar to the military law system applied in the rest of the West Bank. While there have been some improvements over the last few years - for example the establishment of separate juvenile courts, an increase in the age of majority from 16 to 18, and a decrease in the use of solitary confinement – strong concerns persist.
111. Under Israeli law, minors may be arrested only in rare exceptions, and only when there is no other, less injurious, way of achieving the objective. In East Jerusalem, the provisions and safeguards in the Israeli Youth Law are routinely disregarded by police officers, prison guards and judges and exceptions foreseen in the law for extra-ordinary cases become the rule. This results in the widespread practice of night arrests (only in rare cases the minors are summoned to present themselves at the police station), the use of physical restraints (handcuffs notably), violation of rights (lack of information on the rights to remain silent, lack of access to adequate counsel, interrogations in the absence of a parent or other relative), verbal and physical abuse,

¹² In September 2015, the Israeli Government approved the use of .22 live ammunition as a crowd control tool, despite its lethal potential. Previously, its use had been confined to the West Bank.

and inadequate conditions of detention. In addition, human rights organisations have raised numerous cases of detained minors signing involuntary confessions, sometimes false and written in a language they do not understand, which are used as basis of indictment against them.

IV. HARAM AL-SHARIF/TEMPLE MOUNT

112. The Haram al-Sharif / Temple Mount is one of the most significant religious sites in the Old City of Jerusalem and a holy site for both Muslims and Jews. Given its religious importance, and the fact that many Palestinians consider it a national symbol, any threat, or perceived threat, to its integrity and to the *status quo* risks immediate tension and/ or conflict with the Israelis. Such tension negatively influences the security situation in Jerusalem and in the rest of the West Bank. It also has the potential to further destabilise the region and provoke widespread global reactions, as well as to enhance the religious dimension of the conflict.

113. The site is managed according to a *status quo*, dating back to the middle of the 19th century¹³. With the Israeli occupation of East-Jerusalem – including the Old City – in 1967 the question of the *status quo* with regard to the Haram al-Sharif/Temple Mount has become a central, and disputed, element of the Israeli-Palestinian conflict. The *status quo* sets out the rights of access, administration and worship at the site, granting access to all and prayer only for Muslims. Until 1967, the Jordanian Waqf controlled access, oversaw correct behaviour on the site itself and administered all aspects relating to the management of the site.

The transformation of the 1967 Status Quo

Since the Israeli annexation of East-Jerusalem, including the Old City, in 1967, Israel has effectively administered security control over the Haram al-Sharif/Temple Mount. However, regarding all other issues, Israel has broadly maintained the *status quo*, granting access to all visitors but the right to pray only to Muslims, and upholding the role of Jordan as its custodian and administrator (a role the Hashemite dynasty has held since 1924). This role was formally enshrined in Article 9 of the Wadi Araba Peace Agreement (1994) between Israel and Jordan, which restates that "*Israel respects the present special role of the Hashemite Kingdom of Jordan in Muslim holy shrines in Jerusalem*". Moreover, on 31 March 2013, King Abdallah II of Jordan and President Abbas signed an agreement reaffirming the role of the King of Jordan as Custodian of the Islamic holy sites in Jerusalem and his responsibility for safeguarding and preserving them.

¹³ The *status quo*, formally mentioned for the first time in 1852, was set out in a decree issued by Ottoman Sultan Abdul Majid that froze all claims of possession by religious communities in the Holy Places of Christendom, forbidding any construction or alterations. The decree granted the various religious communities shared rights in the holy places, demarcating which areas came under whose control and establishing time schedules for officiating in areas shared by more than one religious group. The Treaty of Berlin (1878), in its article 62, proclaimed the 1852 decree to be inviolable and declared it the "*status quo* of the holy places", extending it to other, non-Christian holy sites. The successive governments of Palestine, the British Mandate, Jordan and the Israeli military occupation maintained, to differing degrees, the regulations set by the *status quo* arrangement of 1852. Under the British Mandate (1920-1947), Jewish access to the Western Wall (the British authorities considered it as part of the Haram al-Sharif / Temple Mount yet with the acknowledgement of the right of Jews to pray there) was allowed, but with some restrictions, whereas Muslim access to Haram al-Sharif / Temple Mount was free. In the Jordanian Era (1948-1967), although the Armistice Agreement between Jordan and Israel provided for arrangements to be made with regard to "free access to the holy places", Jewish access to the Western Wall became possible only via a cumbersome coordination system.

Even if the essence of the *status quo*, granting access to all and prayer only for Muslims, remained unchanged, its implementation underwent several alterations from 1967 until today, especially concerning the respective prerogatives of Israel and Jordan over the site. In the period from 1967 to 2000, before the beginning of the Second Intifada, access to the site for non-Muslims was coordinated between the Jordanian Islamic Authorities (Waqf) and Israel, whereas only the former administered the esplanade including maintenance and restoration works and regulated the prayer regime. The visit of then Israeli Prime Minister Ariel Sharon in September 2000 triggered the Second Intifada. Between 2000 and 2003, during the peak of the Second Intifada, Israel and Jordan prohibited access for non-Muslims. After Israeli PM Ariel Sharon's re-election in 2003, access to the site for non-Muslims has been unilaterally restored and controlled solely by Israel. While the Waqf continues to receive notification of visits, it lost the power to veto access it had pre-2000. By contrast, administration of the site has remained with the Waqf, but subject to an Israeli veto. The unilateral decision of Israeli authorities in 2003 to re-instate access for non-Muslims but under Israeli control only has substantially altered the *status quo*, and reduced the role of the Waqf, including by shifting Israeli police presence from outside the compound into it.

114. Besides disagreements between Israel and Jordan/Waqf, the PA also claims a role as a future government over the site following a two-state solution. Against this background, the Haram al-Sharif/ Temple Mount represents an easily explosive mix of national (including sovereignty and security) and religious (freedom of and access to religion) interests.
115. After a year of relative calm at the Haram al-Sharif/ Temple Mount, 2017 proved to be the opposite. The month of Ramadan (26 May until 24 June) — was marked by growing tensions on the Holy Esplanade. This tension was exacerbated by a 16 June attack at the Damascus Gate, in which an Israeli police officer was killed. The three Palestinian assailants, all under the age of 20, were killed. Two days later, on 18 June, there were intense confrontations between Palestinians and Israeli police, hundreds of whom were deployed in and around the esplanade, including on the roof of the al Aqsa Mosque.
116. The escalations that took place between 14 and 27 July represent the most profound crisis at the Haram al-Sharif / Temple Mount in years, prompting serious reverberations in East Jerusalem and beyond. On 14 July two Israeli policemen were shot dead just outside the Haram al-Sharif / Temple Mount plaza by three Palestinian citizens of Israel inside the Haram al-Sharif / Temple Mount. The three assailants, all members of the same family, were killed by Israeli security forces. Subsequently the Israeli police closed off the site for two days including Friday prayers (for the first time since 1969), stating investigation purposes, and installed surveillance cameras, crush barriers and metal detectors. In addition, Israeli security forces searched the compound and detained a number of Waqf officials and employees.
117. President Abbas immediately condemned the attack. While he initially did not respond publicly to the measures imposed by the Israeli authorities following the attack, Palestinians protested the security measures by refusing to go through the metal detectors and instead held peaceful mass prayers outside the compound and in the Palestinian areas around the Old City. Following mounting public pressure the PA, the Waqf and Jordan took a stronger stance against these unilateral Israeli security measures, on grounds that they constituted a change in the *status quo*. Israeli Prime Minister Netanyahu rejected this criticism, claiming that the new security measures were for the benefit of all and did not change the *status quo*. The week-long mass prayers and protests occasionally turned violent and four Palestinians were killed (including one

by a settler) and more than 600 Palestinians were injured during clashes with Israeli security forces on 21 July. In a retaliation attack that same day, a Palestinian stabbed three Israeli citizens to death in the Israeli settlement of Halamish in the West Bank.

118. The unprecedented mobilisation of Palestinians from East Jerusalem stood out in scale and was characterised by unity, non-violence and a strong sense of solidarity amongst East Jerusalemites and beyond. Notably, the leadership and organizational capacities from the Palestinian side, when demonstrating against the new security measures, were neither formal nor institutionalized. East Jerusalemites united under the banner of the Haram al-Sharif/ Temple Mount, and religious Muslim leaders in East Jerusalem by default became the figureheads of the protests. Following the protests, President Abbas suspended security coordination with Israel.
119. Prime Minister Netanyahu accepted to remove the new security measures around Haram al-Sharif /Temple Mount on 25 July, restoring the situation as it was before 14 July. Following this, the Islamic Waqf, along with the Grand Mufti of Jerusalem, announced on 27 July that Muslims could return to worship at the Haram al-Sharif / Temple Mount compound. Thousands of Muslims entered the Haram al-Sharif /Temple Mount, although age restrictions did initially apply and Israeli security forces allowed no men below the age of 50 to enter for prayers. Almost immediately after worshippers returned to the site, clashes broke out between worshippers and Israeli security forces. 113 worshippers and one Israeli police officer were injured.
120. An important factor contributing to the high tensions around Haram al-Sharif /Temple Mount are the growing calls for more Israeli control from Israeli right-wing politicians, as well as national-religious groups such as the Temple Mount Movement. Multiple Israeli ministers, like in 2016, openly called for changes to the *status quo*, in particular permission for Jewish prayer on the site. Despite understandings reached in 2014 between Jordan and Israel which prohibited the entry of Knesset members and Government Ministers, Prime Minister Netanyahu announced a trial period for such visits. In this context, on 29 September two Members of Knesset, Yehudah Glick and Shuli Moalem, visited the Haram al-Sharif /Temple Mount causing immediate reactions from Waqf and Fatah. Moreover, an opinion poll conducted for the Jerusalem Institute for Strategic Studies found that 68% of Israeli Jews endorse Jewish prayer on the site, and 73% think Israel should maintain sovereignty over it. In 2017, there was a significant increase in numbers and size of religious Jewish groups entering the Haram al-Sharif / Temple Mount compound, facilitated and escorted by the police. Between Rosh Hashanah 2016 (September) and Rosh Hashanah 2017 (September) around 22,000 national-religious Jews visited, which constitutes a 60% increase and historical high. In May, Israeli Prime Minister Netanyahu convened a special cabinet meeting in the Western Wall tunnels, to mark the 50th anniversary of the 'unification', of Jerusalem (annexation of East Jerusalem).
121. The broader political tensions around Haram al-Sharif /Temple Mount were clearly reflected in May 2017 in the responses to the UNESCO resolution on Jerusalem.

V. RELIGION

122. Jerusalem is a city of paramount importance to the three monotheistic religions and the location of many of their most sacred sites. Relations between different religious groups have been tense, fuelled by historical grievances, as well as by cultural and political differences, besides the religious ones. Christian and Muslim religious leaders argue that the Israeli authorities are consolidating the implementation of policies aimed at fundamentally altering the character and status of Jerusalem by stressing the Jewish character and history of the city at the expense of the Christian and Muslim narratives. Conversely, Israeli leaders point out a lack of

Palestinian recognition of Judaism's historical ties to Jerusalem and in particular the Temple Mount.

123. In the Jerusalem area, out of a total population of close to one million, Jews make up approximately two thirds and Muslims one third, while Christians constitute less than 2%. The Jewish and the Christian communities in the Holy City are manifold, while almost all Muslims are Sunni. Religiously motivated hate crimes against holy sites of the three Abrahamic religions have decreased during 2017, compared to the previous year, but still occur, despite the protection of religious practices and holy sites enshrined in Israeli law. In July 2017 an incident of vandalism was documented against the synagogue of Nachlaot. Anecdotal evidence suggests that provocations against religious communities and their representatives continue. Religiously motivated crimes in Jerusalem represent only a minor portion of such incidents in Israel and Palestine.
124. The three principal Christian communities (Greek-Orthodox, Latin and Armenian) who bear the exclusive responsibility for the maintenance of the Holy Sepulchre according to the 19th century status quo completed the renovation and restoration of the Edicule. This ambitious and technically complicated project, the first of its kind in two centuries, was completed within a year. The celebration of its completion gathered officials from all around the world and received wide coverage and acclaim from the international media.
125. In July 2017, the Heads of the Churches in Jerusalem issued a public statement of concern regarding breaches of the status quo that governs the holy sites and ensures the rights and privileges of the Churches. In August 2017, they issued another statement condemning further encroachment of the status quo namely the judgement of the Israeli District Court in the "Jaffa Gate" case in favour of the settler group Ateret Cohanim, as well as the proposed Knesset bill which, if adopted, will restrict the rights of the Churches over their own property. They added that the above-mentioned actions constitute a systematic attempt to undermine the integrity of the Holy City of Jerusalem and the Holy Land and to weaken the Christian presence. Furthermore, they expressed their support for the actions, including a High Court appeal, against the judgement in the "Jaffa Gate" case and their opposition to any proposed law that would restrict the rights of the Churches over their properties.
126. Rights of access, freedom of worship and freedom of pilgrimage to the Holy City remain a matter of great concern to both Muslims and Christians. The separation barrier, apart from splitting congregations, seriously impedes the work of religious organisations that provide education, healthcare, other humanitarian relief and social services to Palestinians in and around East Jerusalem. Construction work on a section of the separation barrier which had started in August 2015 in the Cremisan Valley, south of Jerusalem, has been suspended before its completion: it has cut off 58 Palestinian families from their land, but has so far fallen short of blocking the road that connects the community to the local monastery and convent. Severe lack of freedom of movement and worship continues to affect Palestinian Muslims and Christians from the West Bank, as they cannot reach Jerusalem without Israeli-issued permits. These permits are of limited duration and are granted selectively (e.g. not all members of one family obtain the permit). The issuance of travel permits for worshippers from the Gaza Strip to Friday prayers at Al Aqsa Mosque was discontinued by Israeli authorities from December 2016 until June 2017 when it was reinstated for limited numbers.
127. According to a report by the Status Quo Committee on the Ceremony of the Holy Fire, a major event in Jerusalem, this year the Israeli Police provided cooperation and positive assistance but due to incomplete arrangements, the Police took control of the south door to the

katholicon of the Church of the Holy Sepulchre and arbitrarily restricted access. Due to police restrictions many worshippers were hindered in attending the ceremony.

128. Palestinian Christian emigration continues to play an important part in the steady erosion of the historical presence of Christians in the Holy Land including Jerusalem. This trend is a process going back in time: during the British mandate Christians made up eight percent of the Palestinians; in 1948, this figure decreased to four percent; at present, it is less than two percent. Reasons for increased emigration are: worsening Palestinian economic trends; the limited ability of Christian communities in Jerusalem to expand due to confiscation of church properties and building restrictions; taxation problems and difficulties in obtaining residency permits for Christian clergy; and Israeli-imposed family-reunification restrictions imposed on Jerusalem residents (which have a proportionally bigger impact on the Christian community, given its small numbers). What is more, lower birth rates among Palestinian Christians have contributed to the decline in their numbers. The progressive erosion of the Christian presence in the Holy City has resulted in the weakening of its Christian character. Recent years have seen an augmentation of the, hitherto more or less dormant, religious element of the Palestinian – Israeli conflict, its epicentre being the city of Jerusalem. Along with many others, local religious leaders have been stressing that as religion increasingly becomes part of this conflict, interfaith dialogue could and should play a role in its resolution. Yet, politicians concerned and mediators have so far been unwilling to involve religious leaders, partly because some of them have seemingly maximalist aspirations. In July, however, a conference with the title “The Role of Religious Leaders in Peace-building in the Middle East” organised by the United Nations Alliance of Civilisations took place at the United Nations Headquarters in New York. Representatives of the United Nations, Islam, Judaism and Christianity participated in the conference.

Annex II: RECOMMENDATIONS

The EU Foreign Affairs Council of 20.07.2015 reiterated the EU's longstanding position: "The preservation of the viability of the two-state solution is at the core of EU policy and will remain a priority." This includes the preservation of "the possibility of Jerusalem serving as the future capital of both states." In its January 2016 conclusions, the EU Foreign Affairs Council expressed the EU's commitment "to ensure that - in line with international law - all agreements between the State of Israel and the EU must unequivocally and explicitly indicate their inapplicability to the territories occupied by Israel in 1967". EU Heads of Mission submit these recommendations for consideration in the appropriate fora which formulate EU policy.

To that end, EU and MS should aim to:

1. Reiterate and specify as far as possible, in view of current developments, the EU's principled political position on Jerusalem in future FAC Conclusions;
2. Reiterate and ensure through their bilateral and multilateral contacts that any future international or regional initiatives towards solving the Israeli-Palestinian conflict must include the objective of resolving the status of Jerusalem as the future capital of both States.
3. Ensure that the issue of East Jerusalem and the core challenges outlined in this report are addressed in a comprehensive manner in its dialogue with Israel, with the aim of safeguarding and strengthening the Palestinian presence in, and character of, East Jerusalem;
4. Fully implement the *Guidance on Consular and Diplomatic Best Practice in line with relevant UNSC resolutions and the EU's long-standing position on Jerusalem*.
5. Continue to respect international consensus on Jerusalem embodied in inter alia UNSCR 478 and ensure that the location of their diplomatic missions remains in line with its provisions on location until the final status of Jerusalem is resolved.
6. EU and MS to unequivocally oppose plans, including legislative initiatives, to implement unilateral changes to the status and boundaries of Jerusalem which would prejudice a final status agreement;

Palestinian presence in Jerusalem in the context of the two-state solution

7. Take steps to support the restoration of Palestinian institutions and political organisation in East Jerusalem.
 - *EU and Member States to engage with Israeli authorities on the need for restoring Palestinian institutions in East Jerusalem, in particular the reopening of the Orient House and the Arab Chamber of Commerce;*

- *EU to continue to support the viability of the EJ hospitals and the EJ Hospital Network. This could include financial support to the PA via the dedicated mechanism, technical support, political support to ensure access of Palestinian medical staff and also to Palestinian hospitals, public diplomacy and awareness-building;*
 - *EU to support Palestinian civil society organisations in East Jerusalem through project and institutional funding, also stimulating their networking potential.*
8. Engage to safeguard the diversity and plurality of Jerusalem including through safeguarding Palestinian identity and heritage in Jerusalem.
- *EU to support the development and implementation of a Palestinian tourism strategy in East Jerusalem (notably through the EU tourism cluster), including by advancing voluntary guidelines for EU tour operators and support the access rights of Palestinian tour guides and operators in Jerusalem;*
 - *EU and Member States, to address with the Israeli and Palestinian authorities and within UNESCO the diverse cultural identity and shared heritage of Jerusalem and support the World Heritage status of Jerusalem and the development of the Old City;*
 - *EU and Member States to raise in relevant international fora and in bilateral engagement concerns over touristic and archaeological projects in occupied East-Jerusalem which take place in violation of international law and threaten to disrupt local communities.*
 - *EU to continue to support cultural institutions, cultural and heritage-oriented community-based initiatives in order to reinforce and safeguard Palestinian identity and heritage in Jerusalem.*

Protection of the Palestinian population and countering threats to the two-state solution

9. Strengthen rule of law and combat impunity in line with international Humanitarian Law.
- *EU and Member States to continue to call for a halt to demolitions and for the establishment of a planning and zoning policy responsive to Palestinian residents' needs;*
 - *EU and Member States to monitor cases when Palestinians are arrested or intimidated by the Israeli authorities for cultural, social or non-violent political activities in Jerusalem and engage with the Israeli authorities on certain individual cases and wider systematic concerns; fund dedicated initiatives in line with EU*

Guidelines on Human Rights defenders and EU Human Rights Guidelines on Freedom of Expression;

- *EU and Member States to systematically monitor, and raise with the Israeli authorities when appropriate, cases of arrest and detention of children, in consultation with civil society and UN-mandated partners; In addition to dialogue with Israeli authorities, concrete actions might take the form of legal support, awareness raising and public diplomacy on (conditions of) arrest and detention of children;*
 - *On the basis of IHL, EU and Member States to support efforts to counter the practice of Israeli authorities on revocation of residency rights of Palestinians living in Jerusalem and call on Israel to stop the practice of punitive home demolitions;*
 - *EU and Member States to consider possible measures as regards immigration regulations in EU Member States vis-à-vis known violent settlers and those calling for acts of violence;*
 - *In accordance with the principle of reciprocity, EU Member States to consider a response to Israeli discriminatory visa practices restricting freedom of movement of EU citizens, including access to Jerusalem and EU consular services located there.*
10. The EU and Member States to further develop their policies to counter settlement activities and to distinguish in their relevant dealings between the territory of the state of Israel and the territories occupied since 1967, in line with their long standing position regarding the illegality of Israeli settlements, most recently reaffirmed in UNSCR 2334.
- *EU and Member States to continue to call for a halt to settlement expansion and respond in an appropriate and timely manner whenever steps are taken in this regard, with particular urgency in areas identified by the EU and Member States as key to the viability of the two-state solution, e.g. Givat Hamatos, E1, Palestinian neighbourhoods in and around the Old City;*
 - *Member States to ensure the full and effective implementation of the Interpretative Notice on indication of origin of goods from the territories occupied by Israel since June 1967;*
 - *EU and Member States to consider the development of further actions on distinguishing between the territory of the state of Israel and the territories occupied since 1967 in other relevant fields, including through sectoral policy guidelines.*
 - *EU to review all available options to establish a more effective mechanism, including by reviewing of the 2004 technical arrangement between Israel and the EU, to ensure that settlement products do not benefit from preferential treatment under the EU-Israel Association Agreement;*

- *EU to inform the UNSG on the measures taken to date by it and its Member States in order to distinguish in relevant dealings between the territory of the state of Israel and the territories occupied since 1967, in order for the information to be included in the UNSG's report to the Security Council*
- *EU to call on others to distinguish in relevant dealings between the territory of the state of Israel and the territories occupied since 1967;*
- *Prioritise the development of a comprehensive communication strategy to enhance understanding of the EU's policy of distinguishing in relevant dealings between the territory of the State of Israel and the territories occupied since 1967, including the EU's opposition to boycotting Israel;*
- *Strengthen efforts to raise awareness amongst EU citizens and businesses on the risks related to economic and financial activities in the settlements, including financial transactions, investments, purchases, procurements and services, including in the sector of tourism.*

Palestinian economic and social cohesion – combatting exclusion and seclusion

11. Promote economic and social development in Palestinian neighbourhoods in East-Jerusalem.

- *EU to continue to promote private sector development in Jerusalem and the capacity of the Arab Chamber of Commerce in Jerusalem, and to promote alternative sources of financing for private sector operators and to support the fostering of an environment conducive to business and enterprise.*
- *EU to increase support to improvement of housing conditions. Related concrete actions might include restoration/renovation projects as well as actions in support to property and housing rights.*

12. Support an integrated economic and social space in East-Jerusalem, the rest of the West Bank and Gaza.

- *EU and Member States to continue to advocate for the adoption of Palestinian-developed urban plans already submitted to the authorities (including community plans funded by the EU and Member States) and for fair and equitable planning rights for Palestinian neighbourhoods;*
- *EU and Member States to continue to advocate for a quality and accessible Palestinian schooling system including by upholding the right of Palestinians to author, manage and use their own curriculum in East Jerusalem schools and improving infrastructure including municipal schools;*

- *EU to develop a special focus on communities affected by the Separation Barrier and to advocate for their access to social and economic services. EU-funded activities aiming at overcoming the isolation of these communities should include support to family reunification rights and access to employment.*

Measures for local implementation

In line with the above, EU Heads of Mission in Jerusalem and Ramallah remain committed to implement, and promote, long-standing EU policy and positions with regard to Jerusalem. These positions have been set out in conclusions of the EU's Foreign Affairs Council meetings, most recently in January 2016. The focus of all EU policy and actions, including on the local level, remains to protect the possibility of Jerusalem serving as the future capital of both States.

EU Heads of Mission in Jerusalem and Ramallah will continue to take actions to:

Support the restoration of Palestinian institutions and promote political participation and organisation in East Jerusalem, and engage to safeguard Palestinian identity and heritage:

- *engage with the Governor of Jerusalem and/or the relevant Palestinian officials, institutions and community representatives inter alia through meetings with Heads of Mission and during official visits in East Jerusalem;*
 - *support the re-opening of the Orient House and the Arab Chamber of Commerce, through statements and events in East Jerusalem that highlight the closure;*
 - *closely follow developments and possible infringements of the status quo valid on the site between 1967 and 2000. Develop a close dialogue with relevant actors including the Waqf regarding the Haram al- Sharif / Temple Mount to be supported by public diplomacy as deemed appropriate.*
 - *reach out to, and support, local leadership and faith-based communities against radicalisation exploring concrete opportunities to fund relevant interventions.*
 - *continue to develop relations with religious institutions and faith-based communities and to promote inter-faith dialogue regarding Jerusalem and its privileged position as a holy site for the three Abrahamic religions;*
 - *continue to support the empowerment of civil society and youth community structures/leadership structures in East Jerusalem through financial assistance and regular meeting with and attendance at events involving such actors;*
- Strengthen rule of law and combat impunity in line with International Humanitarian Law:
- *strengthen financial and political support for legal actions on public interest cases and legal assistance to Palestinian residents facing confiscations, demolition and*

eviction orders; and systematically make public statements on demolitions and evictions, including on cases of punitive demolitions.

- *to identify and grant recognition to Human Rights Defenders (in line with EU Guidelines on HRD) in East Jerusalem and to take positive steps towards strengthening protection for them, developing an enabling environment for their activities and seeking accountability for threats and attacks against them.*
 - *to highlight discriminatory practices regarding tenancy and ownership of land in Jerusalem with likely adverse impact on final status negotiations; to provide assistance including through legal aid to those who are affected by such practices including the Absentee Property Law of 1950 and the Law and Administration Procedures Law of 1970.*
 - *monitor cases on case by case basis when Palestinians are arrested or intimidated by the Israeli authorities for cultural, social or non-violent political activities in Jerusalem;*
 - *systematically monitor cases of arrest and detention of children, in consultation with civil society and UN-mandated partners; concrete actions might take the form of legal support, awareness raising and public diplomacy on (conditions of) arrest and detention of children;*
- Undertake public diplomacy actions in support of EU positions and policy on Jerusalem.
- *Systematic media outreach, using the common messages formulated in the Jerusalem report;*
 - *Ensure visibility and media coverage of public diplomacy actions, including of visits, and events;*
- Implement the Guidance on Consular and Diplomatic Best Practice
- *seek to use high-level visits to operationalise EU policy; in that regard bring visitors to key sites of concern, and ensure that logistics follow EU policy, e.g. through choice of hotels, change of transport between East and West;*

